

City of Gainesville

*City Hall
200 East University Avenue
Gainesville, Florida 32601*



Meeting Agenda

April 09, 2007

1:00 PM

City Hall Auditorium

City Commission

*Mayor Pegeen Hanrahan (At Large)
Mayor-Commissioner Pro Tem Craig Lowe (District 4)
Commissioner Rick Bryant (At Large)
Commissioner Jeanna Mastrodicasa (At Large)
Commissioner Scherwin Henry (District 1)
Commissioner Ed Braddy (District 2)
Commissioner Jack Donovan (District 3)*

Persons with disabilities who require assistance to participate in this meeting are requested to notify the Office of Equal Opportunity at 334-5051 or call the TDD phone

CALL TO ORDER

AGENDA STATEMENT

"Citizens are encouraged to participate in City of Gainesville meetings. In general, speakers will be limited to 3 (three) minutes per agenda item. Additional time may be granted by the Mayor or by the City Commission as directed. The City of Gainesville encourages civility in public discourse and requests that speakers limit their comments to specific motions and direct their comments to the Chair. Citizens are encouraged to provide comments in writing to the Clerk of the Commission before meetings and/or during meetings for inclusion into the public record. Citizens may also provide input to individual commissioners via office visits, phone calls, letters and e-Mail, that will become public record. (In some instances, i.e., Quasi-Judicial Hearings, these particular contacts may be prohibited. Persons with disabilities who require assistance to participate in this meeting are requested to notify the Office of Equal Opportunity at 334-5051 or call the TDD phone line at 334-2069 at least two business days in advance.)"

ROLL CALL

INVOCATION

CONSENT AGENDA

CITY MANAGER, CONSENT AGENDA ITEMS

031290.

First Extension of Evergreen Cemetery Grounds Maintenance Agreement (B)

This item involves a request for the First Extension to the contract with Oasis Landscape Services, Inc. for the grounds maintenance of Evergreen Cemetery.

Explanation: The City's current three-year contract with Oasis Landscape Services, Inc. for grounds maintenance at Evergreen Cemetery expires June 1, 2007. The contract provides for two one-year extensions based on their satisfactory performance. Oasis Landscape Services, Inc. is experienced with our standards and has scored above average in the performance of duties specified by the contract. Oasis understands the sensitive nature of the work and has the recommendation of the Evergreen Cemetery Association of Gainesville, Inc. Based upon the above, Staff is recommending the City extend the current contract for the first one-year period at the original contract price of \$58,686.38.

Fiscal Note: Funds in the amount of \$58,686.38 are available in the Department of Parks, Recreation and Cultural Affairs, Parks Division Contractual Services.

RECOMMENDATION

The City Commission: 1) approve the first extension to the contract with Oasis Landscape Services, Inc. for

grounds maintenance at Evergreen Cemetery; 2) authorize the City Manager or his designee to execute the contract, subject to the approval of the City Attorney as to form and legality; and 3) approve the issuance of purchase orders for the first extension of the contract for the period a) June 2, 2007 through September 30, 2007 in an amount not to exceed \$19,562.13; and b) October 1, 2007 through June 2, 2008 in an amount not to exceed \$39,124.25.

Alternative Recommendation A: The City Commission deny the request.

Legislative History

5/24/04 City Commission Approved as Recommended (6 - 0 - 1 Absent)
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040633.

Hogtown Creek Greenway Boardwalk and Trail Construction (B)

This item authorizes a payment of \$46,825.77 to Sutron Corporation for additional costs relating to the construction of the Hogtown Creek Greenway Boardwalk and Trail located between NW 8th Avenue and NW 16th Avenue through the Loblolly Woods.

Explanation: The City Commission awarded the bid for construction of a multi -purpose trail of the Hogtown Creek Greenway - Phase 1B section located at the 2700 block between NW 8th and NW 16th Avenue to Sutron Corporation on February 27, 2006, and authorized the City Manager or designee to execute all contract documents and issue a purchase order in an amount not to exceed \$392,500. Furthermore, the City received a Florida Recreation Development Assistance Program (FRDAP) grant for \$200,000 as a match for construction of the project.

In order to proceed with this development the City contracted with Causseaux & Ellington to project manage the construction. During the construction of this project, Sutron notified the City and Causseaux & Ellington that upon completion they would submit a change order for additional construction costs as outlined in the agreement between the City and Sutron.

This additional cost is a result of the following project adjustments: an increase in the overall length of the boardwalk by 37 feet; adjustments to the boardwalk due to four unplanned bends necessary to avoid the removal of several large trees; the removal of additional tree stumps; and the relocation and adjustment of 300 feet of handrail and 6 handrail loops for the 16th Avenue entry ramp. The total change order for this work is \$46,825.77. Although additional charges were anticipated, City Commission approval is required since the total additional cost exceeds 10% of the original contract amount.

Fiscal Note: Additional funds in the amount of \$46,825.77 are available in the CIRB Capitol Improvement Account for General Nature Park Improvements.

RECOMMENDATION

Recommended Motion: The City Commission authorize the City Manager, or designee, to execute a modification to the existing purchase order and contract for the construction of the Hogtown Creek Greenway - Phase 1B multi-purpose boardwalk and trail issued to Sutron Corporation for additional work, increasing the amount of the purchase order from \$392,500.00 to \$439,325.77.

Alternative Recommendation A: The City Commission deny the contract amendment request. However, the contractor has performed in good faith as per direction of staff and the engineer and is entitled to just compensation. Failure to provide that compensation may expose the City to further costs.

Legislative History

11/8/04 City Commission Approved as Recommended (6 - 0 - 1 Absent)

2/27/06 City Commission Approved as Recommended (5 - 0 - 2 Absent)

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061073.**Support by the City of Gainesville of House Bill 3 (HB3) and Senate Bill 198 (SB198) (B)**

This is a request for letters of support for House Bill 3 (HB3) and the Senate Bill 198 (SB198) from the City of Gainesville, particularly as they relate to allowing the investment of up to twenty-percent (20%) of Police and Fire Pension Fund assets in foreign securities and extending the terms of office to four (4) years for all members of the Consolidated Board of Trustees.

Explanation: These Bills will allow the Consolidated Board of Trustees to increase the percentage of assets the Police and Fire Pension Fund may invest in foreign securities from a maximum of ten-percent (10%) to a maximum of twenty-percent (20%). These Bills will also extend the terms of office for all members of the Consolidated Board of Trustees from two (2) years to four (4) years. At the February 23, 2007 meeting of the Consolidated Board of Trustees, the Consolidated Board requested that City Staff draft letters to our State Representatives from the Consolidated Board of Trustees Chairman as well as from the Mayor of the City of Gainesville in support of House Bill 3 (HB3) and Senate Bill 198 (SB198).

Fiscal Note: No fiscal impact.

RECOMMENDATION

The City Commission approve the signing of letters of support for House Bill 3 (HB3) and Senate Bill 198 (SB198) to Senator Steve Oelrich, Representative

*Charles S. "Chuck" Chestnut, IV, Representative
Debbie Boyd, and Representative Larry Cretul by the
Mayor of the City of Gainesville.*

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061110.

U.S. Department of Justice Bulletproof Vest Partnership (NB)

Explanation: The U.S. Department of Justice, Bureau of Justice Assistance, invited the City of Gainesville to apply for \$39,470.60 in grant funding through the Bulletproof Vest Partnership Program. The program reimburses law enforcement agencies for up to fifty percent (50%) of the total costs of providing bulletproof vests to police officers. The amount the City of Gainesville was eligible to apply for was established by the U.S. Department of Justice. The City submitted an application to the U.S. Department of Justice for the designated amount of grant funding.

The U.S. Department of Justice approved the application on October 19, 2006. This will allow the City of Gainesville to purchase up to \$78,941.20 in bulletproof vests and be reimbursed for fifty percent (50%) of the cost, up to a maximum of \$39,470.60.

Fiscal Note: The City of Gainesville will be able to purchase up to \$78,941.20 in bulletproof vests and be reimbursed for fifty percent (50%) of the cost, up to a maximum of \$39,470.60. The \$ 39,470.60 in grant funds awarded by the U.S. Department of Justice does not require any local matching funds. The fifty percent (50%) of funding from the Gainesville Police Department will come from the General Fund, Uniform and Equipment Account.

RECOMMENDATION

*The City Commission authorize the City Manager to:
1) accept the \$39,470.60 in grant funds, and 2) execute
any other necessary documents, pending review by the
City Attorney as to form and legality.*

061111.

State of Florida - Joint Hazard Mitigation Grant Program (NB)

This item requests City Commission authorize acceptance of a grant in the amount of \$302,363 through the State of Florida - Joint Hazard Mitigation Grant Program.

Explanation: The City of Gainesville participates in the Alachua County Local Mitigation Strategy (LMS), and has numerous hazard mitigation projects listed within it. On July 12, 2004 (references: File Number 040145 and Resolution #040145), the City Commission identified the FEMA Pre Disaster Mitigation Grant and FEMA Hazard Mitigation Grant Programs as suitable funding sources for hazard mitigation projects, and instructed staff to pursue available funding opportunities for implementing the proposals listed.

States are among the eligible applicants for these funds and local jurisdictions must apply to the State requesting to be a sub-grantee of the State. In compliance with City Commission direction, the Gainesville Police Department prepared and submitted a grant application for the State of Florida - Joint Hazard Mitigation Grant Program.

The Gainesville Police Department received notification from the State of Florida, Mitigation Department, stating the project application was approved and funds have been obligated for the project. This project is for the wind retrofit of the Gainesville Police Department Headquarters with hurricane proof shutters.

Fiscal Note: The \$302,363 in grant funds awarded by the State of Florida - Joint Hazard Mitigation Grant Program requires a twenty five percent (25%) local match of the overall project costs. The required local matching funds would be \$75,591. Funds for this expenditure are available in the Federal Law Enforcement Contraband Forfeiture Trust Fund and are allowable per Federal 21 U.S.C & 881, found in the U.S. Department of Justice "A Guide to Equitable Sharing of Federally Forfeited Property for State and Local Enforcement Agencies."

RECOMMENDATION

Recommended Motion: The City Commission authorize the City Manager to: 1) appropriate \$75,591 from the Federal Law Enforcement Contraband Trust Fund for the local match, 2) accept the \$302,363 in grant funds, 3) execute any other necessary documents, pending review by the City Attorney as to form and legality; and 4) approve the required payments process for expending grant funds as needed.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

061131.

Disposal of Surplus Electric Distribution Equipment (B)

Staff recommends approval to enter into a contract with Solomon Corporation to dispose of miscellaneous surplus oil filled electric distribution equipment.

Explanation: The Energy Delivery apparatus repair group is responsible for the testing and evaluation of electric distribution equipment that is removed from service. Such equipment includes transformers, sectionalizers, reclosers, capacitors, regulators and oil switches. These units are evaluated for energy efficiency, physical and electrical condition, and useful remaining life. The equipment that passes the utility's standards are returned to inventory for future use. Units that fail to meet those standards are declared decommissioned and sold to a licensed contractor. The utility is paid a salvage value for these units based on the size of the equipment and the insulating oil contained within the units. The contractor may perform some additional testing of the equipment on the utility's behalf to ensure that the insulating oil is free from regulated contaminants.

Charges for such testing and special disposal costs may offset some of the salvage value due to the utility. The units purchased by the contractor may be reconditioned and sold or disposed of as scrap at their discretion. The contractor will provide the utility with the proper legal documentation for all decommissioned units.

A Request for Quotation (RFQ) was sent to five prospective bidders for this service, with five responding. The quotes were evaluated based on the actual number of units removed from service in 2006 and the projected salvage value to be realized by the utility. A copy of the Bid Tabulation is attached for your information.

Fiscal Note: This contract will allow for recovery of funds for units designated as surplus for FY 2007 through FY2009. GRU anticipates a return of approximately \$95,000 each year of the contract.

RECOMMENDATION

The City Commission: 1) declare electric distribution equipment removed from service and classified as decommissioned as surplus; and 2) authorize the General Manager, or her designee, to negotiate and execute a contract for the disposal of electric distribution equipment for a three year period, subject to approval by the City Attorney as to form and legality.

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061132.

Partial Release of Easement in the 3500 Block SW 47th Avenue (B)

Staff recommends the release of easement at 3500 SW 47th Avenue

Explanation: In 2001 an easement was granted to the City of Gainesville for the construction, operation and maintenance of public utilities over a future roadway east of Rocky Point Labs, located in the 3500 block of SW 47th Avenue, on Tax Parcel No. 07240-000-000.

The roadway was never constructed, and recently, the property owner has proposed construction of a building that would encroach upon a portion of the existing easement. In order to prevent a cloud on the title created by the building encroachment, the owner has requested that the City release the area of the easement located under the proposed building.

Staff has reviewed this request and confirmed that there are no electric, water, sewer, or gas utilities located within the area to be released. Therefore, staff has no objection to the City releasing this portion of the easement.

RECOMMENDATION

The City Commission: 1) Approve the release of an easement located in the 3500 Block of SW 47th Avenue; and 2) Authorize the Mayor to execute the Release of Easement document subject to approval by the City Attorney as to form and legality.

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CITY ATTORNEY, CONSENT AGENDA ITEMS

061127.

Ralph Dunne vs. Board of Adjustment, City of Gainesville; Alachua County Circuit Court; Case No.: 01-05-CA-3978 (B)

Explanation: On October 3, 2005, Ralph Dunne filed a Petition for Writ of Certiorari pursuant to Fla. R. App. P. 9.100 seeking Circuit Court review of the Order of the City of Gainesville Board of Adjustment on Petition no. 10APP-05BA (Banana Planet). An Amended Petition for Writ of Certiorari was filed on February 8, 2006. Subsequently, on February 22, 2007, the Circuit Court entered an Order to Show Cause requiring the City of Gainesville Board of Adjustment to file a responsive pleading showing why the decision of the Board should not be quashed.

As background, the Board of Adjustment, at its August 4, 2005 meeting, voted on Petition No. 10APP-05BA (Banana Planet) to overturn the administrative decision of the City's Department of Community Development, issued by the Chief of Current Planning, that the subject property had lost its legal nonconforming use status. Subsequently, the City Commission, on August 8, 2005, directed City Staff to seek a rehearing of the Board's decision. On September 1, 2005, the City's request for rehearing was denied by the Board, and this action ensued.

RECOMMENDATION

The City Commission authorize the City Attorney to respond on behalf of the City of Gainesville Board of Adjustment to the Order to Show Cause in Ralph Dunne vs. Board of Adjustment, City of Gainesville; Alachua County Circuit Court Case No.: 01-05-CA-3978.

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061129.

SCHEDULING OF 2008 CITY COMMISSION ELECTION BY CLERK OF THE COMMISSION (B)

Explanation: Per 9-2(b) of the Code of Ordinances, the Clerk of the Commission is to recommend a date for the next regular election to the Commission at or before the first regular City Commission meeting in May of each year.

There is a bill filed in the House and Senate proposing that the date of the Florida presidential preference primary be moved to one week after the New Hampshire primary. If the New Hampshire primary remains on its current schedule, then the date of Florida's presidential primary would be January 29, 2008. If New Hampshire's primary is moved up (New Hampshire's Secretary of State has the ability to move its primary up so that it is seven days before any other state's primary), then Florida's presidential primary would also be moved

up. The bill has passed the House. The Senate companion bill is before the Senate Ethics and Elections Committee.

By mid-May it will be known whether the bill passes and in what form. The proposed amendment to the Code would allow the Commission later this year to consider all factors in establishing the election date for City Commission in 2008.

RECOMMENDATION

Authorize the City Attorney to draft an ordinance amending sections 9-2(b) and (c) of the Municipal Code of Ordinances to allow the City Commission to consider at a later date the scheduling of the City Commission election to be held in 2008.

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CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

061116.

Swearing-In Ceremony (NB)

RECOMMENDATION

The City Commission schedule the Swearing In ceremony and election of Mayor Pro Tem for May 3, 2007 at 12:00 Noon at the Thomas Center.

061117.

City Commission Minutes (B)

RECOMMENDATION

The City Commission approve the minutes of March 26, 2007, as circulated.

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061144.

Resignation of Citizens' Advisory Committee for Community Development Member Heather Saulsbury (B)

RECOMMENDATION

The City Commission accept the resignation of Heather Saulsbury from the Citizens' Advisory Committee for Community Development effective immediately.

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EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

END OF CONSENT AGENDA**ADOPTION OF THE REGULAR AGENDA****CHARTER OFFICER UPDATES****CLERK OF THE COMMISSION****061133.****Creeks Week - April 20-27, 2007 (B)****RECOMMENDATION**

City of Gainesville Public Works Director Teresa Scott to accept the proclamation.

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061134.**Earth Day - Sunday, April 22, 2007 (B)****RECOMMENDATION**

City of Gainesville Arborist Meg Niederhofer to accept the proclamation.

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061135.**National Community Development Week - April 9-15, 2007 (B)****RECOMMENDATION**

Block Grant Manager James Hencin to accept the proclamation.

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061136.**National Public Safety Telecommunications Week - April 8-14, 2007 (B)****RECOMMENDATION**

Alachua County Combined Communications Center Technical Services Division Manager Linda Jones to accept the proclamation.

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061137.**Library Appreciation Month - April 2007 (B)****RECOMMENDATION**

Alachua County Library District Director Sol M. Hirsch, Support Services Director Jeanne Williams to accept the proclamation.

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061138.

National Fair Housing Month - April 2007 (B)

RECOMMENDATION

City of Gainesville Equal Opportunity Director Jimmie Williams to accept the proclamation.

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CITY MANAGER

060927.

Legislative Update

The City Commission will receive a report from staff regarding legislative affairs.

Fiscal Note: None

RECOMMENDATION

The City Commission receive the legislative update and take action as appropriate.

Legislative History

| | | |
|---------|-----------------|---|
| 2/12/07 | City Commission | Heard |
| 2/26/07 | City Commission | Approved as shown above (See Motion) (6 - 0 - 1 Absent) |
| 3/12/07 | City Commission | Approved as shown above (See Motion) (5 - 0 - 2 Absent) |
| 3/26/07 | City Commission | Approved as Recommended (5 - 0 - 2 Absent) |

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061100.

Conceptual Plan for Paynes Prairie Sheetflow Restoration (B)

This item is a Conceptual Project Plan that will provide necessary water quality improvements under the Total Maximum Daily Load (TMDL) regulatory program.

Explanation: Alachua Sink is a natural lake located within Paynes Prairie Preserve State Park (Prairie) just south of Gainesville. Sweetwater Branch receives stormwater from the Gainesville urban area and effluent from the Main Street Water Reclamation Facility (MSWRF). Sweetwater Branch currently discharges to Alachua Sink via a man-made channel that has existed since the 1930s.

Alachua Sink has been listed as impaired under the State of Florida Impaired Waters Rule, and as a result the Florida Department of Environmental Protection (FDEP) has developed a Total Maximum Daily Load (TMDL) for Alachua Sink which will require reductions in total nitrogen discharges to

Alachua Sink from all sources. The MSWRF and stormwater runoff from the Gainesville area account for 23% and 6%, respectively, of the total nitrogen load to Alachua Sink. The remainder of the nitrogen load comes from other upstream sources including Newnans Lake.

The City of Gainesville Public Works Department (PW) identified a Constructed Wetland Project on the Prairie in their Sweetwater Branch Watershed Management Plan and Restoration Planning process. The original 50 acre project, including funding, is part of the adopted Capital Improvement Program. GRU staff advised the City Commission as part of the FY2007/2008 budget presentations that GRU's cost for complying with the TMDL would range from \$10 to \$40 million. However, funds were not committed in the GRU FY2007/2008 capital budget due to the uncertainty in the total cost.

Representatives from PW, GRU, Prairie, St Johns River Water Management District (SJRWMD) and FDOT have developed a proposed plan that would meet the TMDL requirements for City of Gainesville (both PW and GRU) and FDOT and would provide significant additional benefits to the Prairie, and the community. The proposed project is described in the Conceptual Plan for Sweetwater Branch/Paynes Prairie Sheetflow Restoration report dated March 2007.

PW and GRU staff have worked in conjunction with Prairie and SJRWMD staff to perform numerous scientific studies in order to develop the proposed plan. The presentation to the City Commission will include presentations from PW and GRU staffs and the consultant who performed the studies which formed the basis of the proposed plan, Wetland Solutions, Inc. Prairie and SJRWMD staffs will also present. Staff presentations will include discussions of costs for the proposed project, as well as costs and benefits of other potential alternatives for meeting the Alachua Sink TMDL.

Fiscal Note: The total cost of the project is estimated at approximately \$21 million (not including the costs for public access facilities). Efforts have been made and will continue to be made to leverage funding from outside sources, including grant funding and funding partners, in order to minimize the City's costs. Grant awards have been secured for the Sweetwater Branch Enhancement Wetland, with \$850,000 obtained through the St Johns River Water Management District Orange Creek Basin Legislative Initiative. The Florida Department of Transportation has committed \$300,000 to the Enhancement Wetland and \$366,125 to the sheetflow structure. An additional request for \$1 million is included in this year's Orange Creek Basin Initiative. An additional \$2 million has been requested by GRU for Improvements to Meet Total Maximum Daily Load Limits, through Gainesville's 2007 State Legislative Agenda.

Grant programs have been identified that could provide additional matching funds. These programs include the Florida Fish and Wildlife Conservation Commission Aquatic Habitat Restoration/Enhancement program, the SJRWMD Stormwater Cost Share Grant Program, the FDEP TMDL Water Quality Restoration Grant Program, and the FDEP/USEPA Section 319 Grant Program. Grant applications could be prepared once land rights have been established. This project is eligible for funding under the State Revolving Fund Program and this source of funding may need to be considered for this project.

GRU and PW have come to agreement on the approach for proportioning the City's project costs and responsibilities between GRU and PW, and for allocating contributions from outside funding sources. PW and GRU propose to develop and execute a Memorandum of Understanding between PW and GRU on this issue. Based on preliminary cost estimates, the approximate anticipated cost allocation is as follows:

| | GRU | PW |
|---------|-----|-----|
| Capital | 73% | 27% |
| O&M | 80% | 20% |

These cost proportions may change as more detailed cost estimates are and funding from other funding sources become more defined.

RECOMMENDATION

Recommended Motion: The City Commission: 1) receive a copy of the Conceptual Plan for Paynes Prairie Sheetflow Restoration Project; 2) hear a presentation on the Conceptual Plan; 3) authorize staff to develop a Memorandum of Understanding between the City, SJRWMD, and the State of Florida Department of Environmental Protection Division of Recreation and Parks for the exchange of land and authorize the City Manager and General Manager for Utilities to execute same, subject to approval by the City Attorney as to form and legality; 4) authorize staff to begin the consultant selection process to obtain professional design services; 5) direct staff to seek grant opportunities for this project and authorize the City Manager/General Manager for Utilities to execute all selected grant opportunities and related documents for tendered grants; and 6) authorize the City Manager and General Manager for Utilities to develop and execute a Memorandum of Understanding between PW and GRU concerning the proportional shares and responsibilities, and the allocation of future grant funding.

Alternative Recommendation A: The City Commission refer the proposed Conceptual Plan for Paynes Prairie Sheetflow Restoration to the Recreation, Cultural Affairs and Public Works Committee for review and direction.

Alternative Recommendation B: The City Commission refer the proposed Conceptual Plan for Paynes Prairie Sheetflow Restoration back to the Public Works Department and GRU for review.

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061107.**Roadway Median Solicitations and Panhandling (NB)**

Staff will update the City Commission on issues related to solicitation of funds and panhandling from City medians and right of ways.

Explanation: Gainesville Police Department staff will make a presentation on solicitation of funds and panhandling from City medians and right of ways. Commission comment of February 26, 2007 expressed concern regarding this behavior and referenced the numerous solicitors and panhandlers which have seemed to increase greatly within the last few months. The presentation will focus on efforts to combat this trend in the past, recent history leading to escalation of this behavior, current legal restrictions prohibiting GPD enforcement, and options for resolution.

Fiscal Note: None

RECOMMENDATION

The City Commission hear a presentation from Gainesville Police Department staff on solicitation of funds and panhandling from City medians and right of ways and options to resolve. The City Commission request the City Attorney to amend the ordinance to ban solicitation of funds and panhandling in the median.

Alternative Recommendation A: None

Alternative Recommendation B: None

061109.**Presentation by Alachua County Commissioner Rodney Long on Entrepreneurial Charter School Initiative (B)**

This item, to be presented by Alachua County Commissioner Rodney Long, is a follow-up to the City Commission's review of the Interlocal Agreement regarding the Academy of Business Ownership on January 22, 2007.

Explanation: On January 22, 2007, the City Commission reviewed an Interlocal Agreement designed to institutionalize the relationship between Alachua County, the City of Gainesville and the Alachua School Board regarding implementation of the Academy of Business Ownership. The City's proposed responsibilities under the Interlocal Agreement are to provide partial funding of mentoring services associated with the Academy of Business Ownership program and partial funding for a future business loan fund for graduates of the Entrepreneurial Charter School.

Following review of the matter by the City Commission, three general questions remained (see communication of said questions to Alachua County staff in back-up) unclear and the Commission asked that these questions be clarified prior to moving forward on the Interlocal Agreement. These questions are:

- Whether future Entrepreneurial Economic Development Trust Fund dollars will be made available only to City residents;
- What the specific mechanism is by which the Entrepreneurial Economic Development Trust Fund will be administered to future applicants;
- What the nexus is between the Academy of Business Ownership and the Entrepreneurial Charter School in administration of the Entrepreneurial Economic Development Trust Fund dollars and the future management relationship between the Alachua County School Board, Alachua County, the City of Gainesville and the Entrepreneurial Charter School Board

The City Commission did approve the transfer of \$11,075 to Alachua County to secure mentoring services for the students presently enrolled in the Academy of Business Ownership. As of this writing, an invoice for these funds has not been received by staff.

Subsequent to the January 22, 2007 meeting, Commissioner Long has produced a written response to City Commission questions as well as those emanating from Alachua County and the Alachua County School Board. Commissioner Long has asked that he be given an opportunity to address the City Commission on his response and to share the current status of the program.

Fiscal Note: The City's contribution of \$11,075 from the City Commission to Alachua County for mentoring services has not been invoiced to date. These funds had been previously transferred from the Commission contingency into the Economic Development Fund. Funds associated with the proposed Entrepreneurial Economic Development Trust Fund will continue to be collected and retained in the Economic Development Fund and future disbursements await approval of an Interlocal Agreement.

RECOMMENDATION

The City Commission: 1) hear a presentation by Commissioner Long on the status of the Entrepreneurial Charter School; and 2) direct staff accordingly with respect to the Interlocal Agreement.

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GENERAL MANAGER FOR UTILITIES

061130.

Tracking and Investigating Microbial Sources in Gainesville's Urban Creeks (B)

All three major creeks systems in Gainesville (Hogtown, Tumblin, and Sweetwater Branch) have been listed by the Florida Department of Environmental Protection (FDEP) as impaired by elevated levels of fecal coliform. Over the past two years, staff has been working with consultants to apply the latest genetic methods to determine the sources of fecal pollution in these creek systems. The results of the study will provide the foundation for meeting the Total Maximum Daily Load (TMDL) requirements established by FDEP for Gainesville's creeks.

Explanation: In 2004, the City Commission approved a project to apply the latest scientific methods to track the sources of fecal coliform (indicator organisms for fecal pollution) in Gainesville's urban creeks. FDEP has established TMDL's that require 51%, 74%, 70%, reductions in fecal coliforms for Hogtown, Tumblin, and Sweetwater Branch, respectively. The primary limitation of the conventional testing method used to detect fecal coliforms is that it does not distinguish which potential source the fecal coliform originated from. The potential sources include direct human impact, leaky public and private wastewater systems, failing septic tanks, domestic animals, wild animals, and re-growth in conducive environments. The purpose of this three phased study was to apply advanced scientific methods to determine the relative contribution of these sources and narrow in on areas of human impact. The report concludes that more than half of the fecal coliforms detected in local creeks are of non-human origin. The study will be used in the TMDL process as a foundation for local stakeholders (Alachua County Department of Health, Alachua County Environmental Protection Department, City of Gainesville Public Works Department, Florida Department of Environmental Protection, and GRU) in developing action plans to address the elevated levels of fecal pollution in the urban creeks. GRU is currently incorporating the results of the study into its wastewater collection system integrity programs.

Fiscal Note: The study was completed under the budgets for fiscal years 2005 through 2007.

RECOMMENDATION

The City Commission hear a presentation from staff that summarizes the results of the study titled "Tracking and Investigating Microbial Sources in Gainesville's Urban Creeks".

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CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

PUBLIC SAFETY COMMITTEE

REGIONAL UTILITIES COMMITTEE

060659.

Urban Core Redevelopment Area Wastewater Master Plan - Funding Alternatives Referral Item #060659 (B)

Explanation: Much of the urban core area in Gainesville, including most of the area encompassed by the City's four Community Redevelopment Districts, is served

by the gravity sewer system connected to the Main Street Water Reclamation Facility. The gravity collection system serving the urban core provides reliable service and has adequate capacity for current wastewater customers, and for redevelopment projects which are currently proposed. However, future redevelopment in the urban core area may result in the need for major trunk main capacity upgrades in the gravity collection system. The City's wastewater extension policy requires that new developments pay the cost of capacity improvements needed to serve them. It was recognized that in some cases costs for major wastewater collection improvements could become an impediment to redevelopment in the redevelopment districts if funding mechanisms are not developed to assist in the costs for future capacity upgrades.

Staff has developed an urban core area wastewater collection master plan. The objectives of this plan are to: 1) Determine existing collection system capacities; 2) Determine available capacity for future growth/redevelopment; 3) Identify collection system capacity improvements, estimated costs and estimated timing; 4) Develop funding mechanisms to assist in paying for capacity improvements; and 5) Implement policies for funding these improvements.

The master plan is limited to trunk mains (pipes 12 inches and larger in diameter); costs for smaller "collector" upgrades and extensions will continue to be addressed under current policies.

On December 18, 2006 staff presented to the Community Redevelopment Agency (CRA) Board the results of the evaluations of system capacities, required improvements and estimated costs for improvements (Items 1-3 above), and presented a preliminary evaluation of potential funding alternatives. The CRA referred this item to the Regional Utility Committee (RUC) in order to develop specific recommendations for mechanisms and policies to assist in funding future capacity improvements (per Items 4 and 5 above).

GRU and General Government staffs coordinated to develop and evaluate funding alternatives. Staff presented these alternatives along with funding recommendations to RUC on March 13, 2007. RUC has accepted staff's recommendations with minor modifications.

Fiscal Note: The estimated cost for future gravity trunk main wastewater collection system capacity upgrades over the next 5 to 10 years is approximately \$2 to \$4 million. The timing of construction and incurring of costs for these upgrades will be determined based on capacity needs of future redevelopment projects. No improvements are required based on the development projects that are proposed at this time. Staff will make budget recommendations for improvements as timelines for capacity needs become better defined.

RECOMMENDATION

City Commission hear a brief presentation from staff on the urban core wastewater collection system master plan and direct that, for projects in the urban core area only, GRU amend its existing sewer extension policy which requires developers to pay 100% of the cost of sewer improvements to provide capacity for new development. Amendments to GRU's extension

policy are as follows: 1) General ratepayer funds will be used to make sewer improvements at locations in which capacity is constrained due to sewer slope; 2) The City Attorney be directed to prepare, and the City Clerk to advertise an ordinance to implement leveled connection charges to fund a portion of the cost of projects to increase trunk sewer capacity to accommodate new development in the urban core area; 3) The balance of the cost for capacity improvement projects in the urban core area will continue to be the responsibility of the developer without further use of utility funds; and 4) This item be removed from the referral list.

Legislative History

| | | | |
|----------|--------------------------------|--|--------------------------------|
| 10/23/06 | City Commission | Referred (6 - 0 - 1 Absent) | Community Redevelopment Agency |
| 12/18/06 | Community Redevelopment Agency | Approved, as shown above (Main Motion) (7 - 0) | |
| 12/18/06 | Community Redevelopment Agency | Referred | Regional Utilities Committee |
| 1/29/07 | Community Redevelopment Agency | Referred | General Manager for Utilities |
| 1/29/07 | Community Redevelopment Agency | Referred | City Manager |
| 3/13/07 | Regional Utilities Committee | Approved as Recommended, as Modified | |
| | 060659_20061218cra.pdf | | |
| | 060659_20070313.pdf | | |
| | 060659_200704091300.pdf | | |

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

COMMISSION COMMENTS (if time available)

RECESS

RECONVENE

PLEDGE OF ALLEGIANCE (5:30pm)

PROCLAMATIONS/SPECIAL RECOGNITIONS**061139.****Child Abuse Prevention Month - April 2007 (B)****RECOMMENDATION**

*Alachua County Child Abuse Prevention Task Force
Chair Annie McPherson and Member Sherry Kitchens
to accept the proclamation.*

061139_200704091300.pdf

061140.**Jazz Appreciation Month - April 2007 (B)****RECOMMENDATION**

*Gainesville Friends of Jazz and Blues President Scott
Koons to accept the proclamation.*

061140_200704091300.pdf

061141.**Volunteer Appreciation Month - April 2007 (B)****RECOMMENDATION**

*Friends of Nature Parks Chair Penny Webber to
accept the proclamation.*

061141_200704091300.pdf

061142.**Days of Remembrance of the the Victims of the Holocaust - April 15-22,
2007 (B)****RECOMMENDATION**

*Jewish Council of North Central Florida President
Abe Goldman to accept the proclamation.*

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061143.**National Architecture Week - April 9-14, 2007 (B)****RECOMMENDATION**

*AIA Gainesville President William E. Warinner to
accept the proclamation.*

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CITIZEN COMMENT (6:00pm) - Please sign on sign-up sheet

PUBLIC HEARINGS

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

060108**LAND DEVELOPMENT CODE CHANGE - AIRPORT FACILITY DISTRICT (B)****Ordinance No. 0-06-76, Petition No. 56TCH-06PB**

An ordinance of the City of Gainesville, Florida, amending the "Airport facility district (AF)" regulations and requirements; amending section 30-76 of the Land Development Code by adopting a list of uses permitted by right and related development requirements; adopting limitations and conditions on development on the Airport; providing revised requirements for rezonings and the airport facility zoning map; providing requirements for a Development of Regional Impact; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: STAFF REPORT

This petition proposes various amendments to the provisions of the Airport Facility (AF) zoning district (Section 30-76 of the Land Development Code). This section currently does not list what uses are permitted in the district and instead refers to an airport layout zoning map that has not been established. The changes proposed by this petition and the airport facility zoning map proposed in related Petition 55ZON-06 PB, will provide a codified standard for review by the City staff of future development plans at the airport. The text changes that are proposed in this petition (and the separately proposed airport facility zoning map) were developed by the applicant with input from the Planning Division, which consulted with the City Attorney's office during the drafting of the proposed ordinance(s).

The amendments to Section 30-76 include a table that describes the type of development, infrastructure or facility that can occur within identified sub-areas (Airport Development Area, Airport Infrastructure Area, and Non-Development Area as shown on the proposed airport facility zoning map) of the AF zoning district. The sub-area entitled Airport Development Area lists the amount of existing and proposed development, and specifies the Standard Industrial Code (SIC) classification for each listed use. The SIC list proposed at the time of the July 24, 2006 public hearing was in a separate table of permitted uses applicable to the entire AF district. Since that public hearing, the SIC list has been refined and has been limited to the distinct use categories within the Airport Development Area. Other post-July 24th revisions to the proposed Airport Development Area include: a decrease of 5,000 square feet (from 20,000 square feet of development) for the proposed Air Traffic Control Tower; addition of 10,000 square feet of miscellaneous development (e.g., membership sports & recreation clubs); increase in proposed fuel storage from 250,000 to 350,000 gallons; increase in proposed aviation-related development from 300,000 to 325,000 square feet; and, specification of the previously proposed 500,000 square feet of Revenue Support into 100,000 square feet of office development, 100,000 square feet of retail, service and wholesale development, 50 acres of limited industrial development (motor freight transportation and warehousing), and 100 hotel rooms. The current code requirement for principal or accessory buildings and their approximate square

footages to be shown on an adopted zoning map, is proposed for deletion and replacement with the provisions described above.

Other proposed revisions to the AF zoning district requirements include establishing required minimum building setbacks, deleting the requirement to show taxiways and aprons on the zoning map (due to the occasional need to reconfigure them, which would require rezoning as now codified), dropping redundant provisions pertaining to parking and landscaping exemptions, updating the objectives subsection of Section 30-76, and revising the development plan approval subsection to specify that wireless communications facilities, in accord with Article VI, are subject to review and approval by the Development Review Board or by the City Plan Board. Wireless communications facilities that are to be used exclusively for aeronautical purposes to serve the Airport are subject to development plan approval by the Airport Authority.

The proposed changes, if approved, will establish fundamental parameters for what has been an insufficiently defined zoning district, and will result in more substantiated review of airport development projects by City staff.

The Plan Board heard the petition and recommended that it be approved.

Public notice was published in the Gainesville Sun on May 31, 2006. Letters were mailed to surrounding property owners on May 30, 2006. The Plan Board held a public hearing June 15, 2006. The City Commission held a public hearing on July 24, 2006 and directed the City Attorney to prepare an ordinance.

CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of July 24, 2006, directed the City Attorney's Office to prepare and the Clerk of the Commission to advertise the proposed ordinance. If the ordinance is adopted on first reading, it will be heard on April 23, 2007 on Second Reading.

RECOMMENDATION The City Commission adopt the proposed ordinance.

Legislative History

7/24/06 City Commission Approved (Petition) (7 - 0)

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061128.

REZONING - ADOPTION OF AIRPORT FACILITY MAP (B)

Ordinance No. 0-06-77, Petition No. 55ZON-06PB

An ordinance of the City of Gainesville, Florida, relating to the Gainesville Regional Airport; adopting a new Airport Facility Zoning Map that delineates and establishes the various development and non-development areas of the airport, as shown on the map; providing directions to the City

Manager; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: STAFF REPORT

This petition, if approved, will meet a previously unmet land development code requirement for a zoning map pertaining to the Airport Facilities (AF) zoning district. The 1,346-acre AF district comprises the majority of the land that is occupied by the Gainesville Regional Airport, and is used for commercial and general aviation, airport-related support services (including car rentals), other aviation-related businesses, and open space.

Except for a relatively small portion of the AF zoning district that is located on the west side of Waldo Road directly across from the airport, this zoning district is located north of Northeast 39th Avenue and east of Waldo Road, south of the Airport Industrial Park, and west of Gum Root Swamp.

The majority of the subject property is within the Tertiary and Secondary Zones of the Murphree Wellfield Protection Area. The subject property is within Zone A of the Transportation Currency Exception Area. Transportation and all other applicable concurrency requirements will have to be met at the time of development plan approvals for the subject property.

The Land Development Code currently requires an airport layout zoning map that shows buildings and their approximate square footages. The proposed Airport Facility Zoning Map instead identifies sub-areas in which the type of allowable development, infrastructure or facility that can occur in each sub-area is described in the section of the Land Development Code that pertains to the Airport Facility zoning district. The proposed Airport Facility Zoning Map plus the text changes in related Petition 56TCH-06 PB will, if approved, provide a codified standard for review by City staff of future development plans at the airport. The map and the related text changes to the Land Development Code were developed by the applicant with input from the Planning Division, which consulted with the City Attorney's office during the drafting of the proposed ordinance(s).

The Plan Board heard the petition and recommended that it be approved.

Public notice was published in the Gainesville Sun on May 30, 2006. Letters were mailed to surrounding property owners on May 31, 2006. The Plan Board held a public hearing on June 15, 2006. The City Commission held a public hearing on July 24, 2006 and directed the City Attorney to prepare an ordinance.

CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of July 24, 2006, directed the City Attorney's Office to prepare and the Clerk of the Commission to advertise the proposed ordinance. If the ordinance is adopted on first reading, it will be heard on April 23, 2007 on Second Reading.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

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050256.

AMENDMENT TO DEVELOPMENT REVIEW PROCESS AND STANDARDS FOR SUBDIVISION APPROVAL (B)

Ordinance No. 0-06-63; Petition 122TCH-05 PB

An ordinance of the City of Gainesville, Florida, amending the Land Development Code relating to approval of design plats and modifying the requirements and procedures for subdivision approval; amending sections 30-180 through 30-185 and sections 30-187(b), 30-189, and 30-192(b), of Division 2, Subdivisions and Street Vacation, of Article VII, Development Review Process by amending the procedure for the approval of a final plat; amending design standards and the criteria relating to a street vacation; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

Recently, the Plan Board reviewed a petition that amended the development review process. In order to be consistent with those proposed changes, staff is recommending that the subdivision of land process be amended to comply with the recommended provisions. The current process requires that all design plats of more than five lots to be reviewed by the Development Review Board. The proposed amendment would have allowed staff to approve design plats of 5-19 lots, instead of the Development Review Board. The City Commission would retain final approval authority of all plats, except for minor subdivisions.

During the review of this petition, the Plan Board considered how much flexibility the developers should be allowed to change a design plat after it has been approved. The local Builder's Association has proposed that the design plat should be flexible enough to allow the layout of the subdivision to change, as long as the number of lots proposed in the design plat does not increase. The Plan Board did not recommend any changes to the flexibility of a design plat after it was approved.

The Plan Board heard the petition and voted 5-0 to recommend approval of the petition. This petition was put on hold to allow staff to develop infill policies for development in single-family neighborhoods. Staff developed language that would allow new parcels to be created that are at least 75 percent of the average width of the existing abutting lots. Smaller lots would be considered incompatible.

Public notice was published in the Gainesville Sun on August 30, 2005. The Plan Board held a public hearing September 15, 2005.

The City Commission approved Petition 122TCH-05 PB on May 22, 2006, to include the staff amendment for infill lots, remove the provision to allow staff to approve design plats of 5-19 lots, and staff was asked to continue to develop waiver language to the infill lot policy, which has been done and included in the

RECOMMENDATION

The City Commission: 1) adopt the Resolution; and 2) authorize the City Manager to execute the Hazard Mitigation Grant Program Agreements and any other documents associated with completing these Hazard Mitigation Grant Program projects, subject to approval by the City Attorney as to form and legality.

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PLAN BOARD PETITIONS**060736.**

Amend Future Land Use Map from Alachua County RM to City of Gainesville MUM for Biltmore Corporation of Gainesville (B)

Petition 179LUC-06 PB, Biltmore Corporation of Gainesville. Amend the City of Gainesville 2000-2010 Future Land Use Map for annexed lands from Alachua County RM (Residential Medium Density) to City of Gainesville MUM (Mixed-Use Medium Intensity). Located at 4400 Southwest 20th Avenue. Related to Petition 180ZON-06PB.

Explanation: This petition is related to zoning petition 180ZON-06 PB. The purpose of this petition is to apply a City of Gainesville land use category to land that was annexed into the City in 2006. Land use districts are recommended that either approximate those of the existing Alachua County districts or that are felt to be the most appropriate for the property based upon location, surrounding development and other factors. The County land use designation remains in effect until the proposed amendment has been adopted.

The annexed area includes two parcels that total approximately 40.5 acres. The Alamar Gardens Mobile Home Park currently occupies the site with 224 mobile home lots. The property is on the north side of Southwest 20th Avenue, north and west of Southwest 43rd Street. The Alachua County land use designation for the property is Residential Medium Density (greater than 4 to less than or equal to 8 dwelling units per acre) with a County zoning designation of RM (Manufactured/mobile home park). The requested large-scale land use amendment is from Residential Medium Density to the City of Gainesville land use designation of MU-M (Mixed-Use Medium-Intensity, 12-30 units per acre).

This petition will likely have an impact on the provision of affordable housing. Redevelopment that may occur based upon this land use and subsequent zoning change will eliminate the existing mobile home park. Provisions exist within Florida Statutes Chapter 723 concerning notice requirements to mobile home owners about zoning changes. Before a local government can approve a rezoning or any other official action that would result in the removal or relocation of mobile home owners, it must be shown that adequate mobile home parks or other suitable facilities are available for the relocation of the mobile home owners. At the time of submittal of this petition in October 2006, the petitioners indicated that of the 224 lots in Alamar Gardens, 84 were occupied by renters, 52 were occupied by mobile home owners, 51 mobile homes were

vacant, and 37 lots were vacant.

The petitioners presented to the Plan Board a mobile home relocation program. They indicate that they have been in negotiations with several mobile home parks to arrange for the relocation of mobile homes from Alamar Gardens. Moving costs to a local mobile home park or a local private lot will be paid by Alamar Gardens. Selected parks will pay for the costs of skirting and connection fees and possibly provide rental incentive packages featuring free or reduced rent. For those tenants with mobile homes that cannot be moved, Alamar Gardens will sell them a mobile home at approximately 50% of the Blue Book value not to exceed \$7,000. The purchase will be financed for three years with zero interest and no down payment. The mobile home owner will deliver the title of the old, unmovable mobile home to Alamar Gardens, who will move or recycle the unit at their expense. Ongoing negotiations are intended to obtain minimum 2-year leases with guaranteed rental rates and 12 months free rent. Alamar Gardens will extend current leases ending May 31, 2007 to August 31, 2007 with no rent increase.

The Plan Board and some members of the public expressed concern about whether there were sufficient mobile home park spaces available in the local area to accommodate all of the people who wanted to move their homes to another park, in light of the situation at Buck Bay and Candlelight Estates. The petitioners believe that they have shown that adequate facilities do currently exist to accommodate the Alamar Gardens mobile home owners and that they have far exceeded the Florida Statute requirements for relocating these tenants. Negotiations continue with the mobile home owners to make appropriate arrangements.

The subject property is located outside the Gainesville Transportation Concurrency Exception Area (TCEA). Any new development therefore must meet the adopted roadway level of service standards. The adopted level of service standard for this segment of Southwest 20th Avenue from Southwest 62nd Boulevard to Southwest 34th Street is "D." However, the segment is currently over capacity, meaning that trips are not currently available along this road segment. The development will receive concurrency trip credits for the 224 existing lots. Transportation mitigation will be required before any additional development trips beyond the credits can be approved along this segment. Land use changes are not required to meet concurrency requirements, and do not vest for concurrency, which will be determined at the time of any future development plan approval.

The City Plan Board heard the petition and recommends approval.

Public notice was published in the Gainesville Sun on January 2, 2007. Letters were mailed to surrounding property owners on January 3, 2007. The Plan Board held a public hearing January 18, 2007.

Fiscal Note: None

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition 179LUC-06 PB. Plan

Board vote 6-0.

The City Plan Board sends further recommendations and advisory to the City Commission concerning petitions 179LUC-06PB and 180ZON-06PB as such:

The Plan Board expresses its extreme concern about affordable housing in Gainesville, with the Board's intention to look at the issue.

The Board strongly recommends that the City Commission ensures the petitioner meets their goals and objective in regards to the relocation of the mobile home park owners as stated in the public record of their submission on December 14, 2006.

The Board registers their concern that this large-scale development will truly meet its objectives of multi-use development.

Approved. Carried 5 - 1 (Nay: A. Tecler).

Staff to Plan Board - Approve

Alternative Recommendation A: Approve land use change from Alachua County RM to City of Gainesville RL (Residential Low Density, up to 12 units per acre).

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060737.

Rezone Property from Alachua County RM to City of Gainesville MU-2 for Biltmore Corporation of Gainesville (B)

Petition 180ZON-06 PB, Biltmore Corporation of Gainesville. Rezone property from Alachua County RM (Manufactured/Mobile Home Park) to City of Gainesville MU-2 (12-30 units/acre mixed-use medium intensity). Located at 4400 Southwest 20th Avenue. Related to Petition 179LUC-06PB.

Explanation: This petition is related to land use petition 179LUC-06 PB. The purpose of this petition is to apply City of Gainesville zoning to land that was annexed into the City in 2006. When properties are annexed, zoning districts are recommended that either approximate those of the existing Alachua County districts or that

are felt to be the most appropriate for the property based upon location, surrounding development and other factors. The County zoning designation remains in effect until the proposed amendment has been adopted.

The annexed area includes two parcels that total approximately 40.5 acres. The Alamar Gardens Mobile Home Park currently occupies the site, with 224 mobile home lots. The property is on the north side of Southwest 20th Avenue, north and west of Southwest 43rd Street. The Alachua County land use designation for the property is Residential Medium Density (4 to 8 dwelling units per acre) with a County zoning designation of RM (Manufactured/Mobile Home Park). The requested zoning change is from Manufactured/Mobile Home Park to the City of Gainesville zoning designation of MU-2 (12-30 units/acre mixed-use medium intensity).

This petition will likely have an impact on the provision of affordable housing. Redevelopment that may occur based upon this land use and subsequent zoning change will eliminate the existing mobile home park. Provisions exist within Florida Statutes Chapter 723 concerning notice requirements to mobile home owners about zoning changes. Before a local government can approve a rezoning or any other official action that would result in the removal or relocation of mobile home owners, it must be shown that adequate mobile home parks or other suitable facilities are available for the relocation of the mobile home owners. At the time of submittal of this petition in October 2006, the petitioners indicated that of the 224 lots in Alamar Gardens, 84 were occupied by renters, 52 were occupied by mobile home owners, 51 mobile homes were vacant and 37 lots were vacant.

The petitioners presented to the Plan Board a mobile home relocation program. They indicate that they have been in negotiations with several mobile home parks to arrange for the relocation of mobile homes from Alamar Gardens. Moving costs to a local mobile home park or a local private lot will be paid by Alamar Gardens. Selected parks will pay for the costs of skirting and connection fees and possibly provide rental incentive packages featuring free or reduced rent. For those tenants with mobile homes that cannot be moved, Alamar Gardens will sell them a mobile home at approximately 50% of the Blue Book value not to exceed \$7,000. The purchase will be financed for three years with zero interest and no down payment. The mobile home owner will deliver the title of the old, unmovable mobile home to Alamar Gardens, who will move or recycle the unit at their expense. Ongoing negotiations are intended to obtain minimum two-year leases with guaranteed rental rates and 12 months free rent. Alamar Gardens will extend current leases ending May 31, 2007 to August 31, 2007 with no rent increase.

The Plan Board and some members of the public expressed concern about whether there were sufficient mobile home park spaces available in the local area to accommodate all of the people who wanted to move their homes to another park, in light of the situation at Buck Bay and Candlelight Estates. The petitioners believe that they have shown that adequate facilities do currently exist to accommodate the Alamar Gardens mobile home owners and that they have far exceeded the Florida Statute requirements for relocating these tenants.

Negotiations continue with the mobile home owners to make appropriate arrangements.

The City Plan Board heard the petition and recommends approval.

Public notice was published in the Gainesville Sun on January 2, 2007. Letters were mailed to surrounding property owners on January 3, 2007. The Plan Board held a public hearing January 18, 2007.

Fiscal Note: None

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition 180ZON-06 PB. Plan Board vote 6-0.

The City Plan Board sends further recommendations and advisory to the City Commission concerning Petitions 179LUC-06PB and 180ZON-06PB as such:

The Plan Board expresses its extreme concern about affordable housing in Gainesville, with the Board's intention to look at the issue.

The Board strongly recommends that the City Commission ensures the petitioner meets their goals and objectives in regards to the relocation of the mobile home park owners as stated in the public record of their submission on December 14, 2006.

The Board registers their concern that this large-scale development will truly meet its objectives of multi-use development.

Staff to Plan Board - Approve

Alternative Recommendation A: Approve rezoning from Alachua County RM to City of Gainesville MH (12 units/acre mobile home residential district).

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DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

060864.

Drug Activity & Noise in the SE 5th Avenue Neighborhood (NB)

RECOMMENDATION

The City Commission refer the issue of drug activity and late night noise in the SE 5th Avenue Neighborhood and also the issue of teenage boys carrying automatic weapons in the Sugar Hill Neighborhood to the Public Safety Committee.

Legislative History

| | | | |
|---------|-------------------------|-----------------------------|-------------------------|
| 1/8/07 | City Commission | Referred (6 - 0 - 1 Absent) | Public Safety Committee |
| 3/29/07 | Public Safety Committee | Approved as Recommended | |

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UNFINISHED BUSINESS**COMMISSION COMMENT****CITIZEN COMMENT (If time available)****ADJOURNMENT (no later than 11:00PM - Mayor to schedule date and time to continue meeting)**