

City of Gainesville

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



Meeting Agenda - Final

August 15, 2013

1:00 PM

MODIFIED AGENDA

City Hall Auditorium

City Commission

*Mayor Ed Braddy (At Large)
Commissioner Lauren Poe (At Large)
Commissioner Thomas Hawkins (At Large)
Commissioner Yvonne Hinson-Rawls (District 1)
Commissioner Todd Chase (District 2)
Commissioner Susan Bottcher (District 3)
Mayor-Commissioner Pro Tem Randy Wells (District 4)*

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.

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. Signs or Props are not permitted in the meeting room. 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."

ROLL CALL**INVOCATION****CONSENT AGENDA****CITY MANAGER, CONSENT AGENDA ITEMS**

[130152.](#)

Federal Law Enforcement Contraband Forfeiture Trust Fund (LECFTF) Funding for the Gainesville - Alachua County Drug Task Force (DTF), GPD Special Investigation Division for Verizon Wireless for FY14 (B)

This is a request for City Commission approval for the appropriation of funds for cellular phones service for the Special Investigations Division.

Explanation: On November 1, 2007 the Gainesville Police Department Special Investigations Division (GPD SID) combined with Alachua County Sheriff's Office Narcotics and Organized Crime Unit (ASO NOCU), along with the University of Florida Police Department (UPD) to form the Gainesville-Alachua County Drug Task Force (DTF). The DTF is often involved in large scale operations with other federal, state and local organizations. Nextel has done away with the program that the DTF and DEA were using. The Nextel Phone equipment and service is no longer available for DTF purposes. As a result other agencies had to move to a different service. The service that ASO is using is Verizon Wireless. Since this is now the standard it is important that the Special Investigations Division keep with the same service as the rest of the task force. It is important when in some cases this would be the only means of communications between task force members and other federal and

state organizations.

Fiscal Note: Funds for this expenditure in the amount of \$4,500 are available in the Federal Law Enforcement Contraband Forfeiture Trust Fund (LECFTF) and are allowable per the U.S. Department of Justice "A Guide to Equitable Sharing of Federally Forfeited Property for State and Local Enforcement Agencies". The unreserved fund balance as of May 28, 2013 is \$1,837,556.

RECOMMENDATION

The City Commission approve the appropriation of \$4,500 from the Federal Law Enforcement Contraband Forfeiture Trust Fund (LECFTF) to pay for the cellular services and any equipment needed to Verizon Wireless.

Alternative Recommendation

The City Commission not approve the appropriation and the cellular phones to be turned off.

[130152_SIDCellPhoneSoleSource_20130815](#)

[130153.](#)

State Law Enforcement Contraband Forfeiture Trust Fund Funding for BOLD Program (NB)

This is a request for City Commission approval for the appropriation of funds for the BOLD Program.

Explanation: The BOLD Program recently received a grant in the amount of \$10,000.00 from the local Byrne Grant to begin on October 1, 2013. The money is intended for staffing through a contract with the Black on Black Crime Task Force Inc. The Gainesville Police Department is requesting an additional \$10,000.00 from the State Law Enforcement Contraband Forfeiture Trust Fund to assist with funding this position.

The BOLD Program was created by Gainesville Police Department in the fall of 2011 as a crime prevention effort designed to work with at-risk young adults ranging in age of 18 to 26 years old who have made poor choices that have negatively impacted their lives. Experience and research have shown that reducing recidivism is one of the most promising methods to help ensure public safety. This program is designed to address the needs of offenders who have been, or are, at risk of being involved in criminal activity and are currently experiencing negative consequences such as homelessness and/or unemployment. Many of the targeted group have not finished high school and have other risk factors that may contribute to them re-offending. Some are currently on probation.

The BOLD counselors serve as advisors/mentors that attempt to get the participants to establish productive goals that will lead to successful outcomes. BOLD also serves as a liaison to assist participants in

obtaining needed resources and services ranging from housing, food, clothing, employment, to education, etc. The program's staff performs case management services to a variety of offenders in collaboration with existing resources that transition participants from being community liabilities and drains on community services to being positive influences in the community.

Fiscal Note: Funds for this expenditure in the amount of \$10,000 are available in the State Law Enforcement Contraband Forfeiture Trust Fund and are allowable under State of Florida Statue 932.7055. The unreserved fund balance is \$39,726 as of June 30, 2013.

RECOMMENDATION

The City Commission approve the appropriation of \$10,000 from the State Law Enforcement Contraband Forfeiture Trust Fund to pay for the personnel costs.

[130161.](#)

Bid Award - Bus Stop Improvements (B)

This item is a request for the City Commission to authorize the bid award to Hicks Seal Coating and Striping, LLC, for the Bus Stop Improvements Project for the construction, replacement and installation of sidewalks, pads and signage associated with bus stop improvements per the project plans, in the amount of \$70,760.

Explanation: On June 3, 2013, the City's Purchasing Division solicited bids for the Bus Stop Improvements project for the construction, replacement and installation of sidewalks, pads, signage and other items as shown and described in the construction plans at specific locations within the City of Gainesville. One (1) firm responded with a bid. Hicks Seal Coating and Striping, LLC, has been deemed to be a responsible and responsive bidder in the amount of \$70,760. It is in the best interest of the City to award to the sole bidder because the bid was only 1.4% more than the engineer's estimate and there is an impending period of performance deadline to utilize grant funding that could be missed if bids were to be solicited again.

Fiscal Note: Funding for the Bus Stop Improvement project in the amount of \$70,760 is allocated and identified in the following sources: TCEA and Joint Participation Agreements No. AQ757 and No. AQE90.

RECOMMENDATION

The City Commission: 1) award the bid to Hicks Seal Coating and Striping, LLC, for the Bus Stop Improvements Project; and 2) authorize the City Manager to execute the contract and any necessary documents, subject to approval by the City Attorney as to form and legality; and 3) issue a purchase order in an amount not to exceed \$70,760.

[130161 BidTab 20130815.pdf](#)

[130164.](#)**Approval and Authorization to Execute a Lease Agreement (B)**

This item is a request to Approve and Authorize the Execution of a Lease Agreement with JVC Media of Florida, LLC.

Explanation: On October 22, 2012, the City of Gainesville entered into an Exclusive Right of Lease Agreement with Bosshardt Realty Services, Inc., Eric Ligman. On June 14, 2013, Mr. Ligman produced a prospective tenant for the southern suite at the Downtown Parking Garage, known as 60 Southwest 2nd Street. The prospective tenant is JVC Media of Florida, LLC, a radio broadcasting company. The proposed lease is for an initial term of seven (7) years, is at the market rental rate of \$12.50 per sq. ft., and includes three (3%) percent increases in rental rates every other year starting the second year. The provisions of the Lease Agreement also provide for two consecutive five (5) 1-year lease extensions. JVC is asking for the first nine months of rent to be waived in exchange for approximately \$109,000 of renovation costs. The total rent over the initial term of the Lease is approximately \$230,112 plus sales tax and utilities.

The Community Redevelopment Agency also produced a prospective tenant, Mojo Coworking. Mojo Coworking offers space to start-up small businesses associated with technology, design, service, art, and education, supporting downtown redevelopment, to meet and work in a networked environment. The proposed lease options with Mojo were for a five (5) year lease with the option to terminate after the second year with a six (6) month notice; or a two (2) year lease with the option of three (3) 1-year lease extensions. The proposal included a rental rate of \$12.50 per sq. ft., and included a three (3%) percent increase every two years. Mojo requested a four (4) month rent-free build out window, two reserved parking spaces in the Parking Garage with the option to purchase additional spaces at \$20 per month, assorted Landlord provided revisions to the suite, and possibly some redevelopment assistance from the CRA. The total rent over the term of the Lease could range from approximately \$58,781 to \$168,851, due to the options for the lease to range between two and five years.

Per City Resolution #100630, adopting the Real Estate Property Policies, Commission approval is required for leases or licenses that exceed five (5) years in term or \$50,000 in annual rent or other payment. Staff believes it would be in the best interest of the City to approve the lease with JVC Media of Florida, LLC.

Fiscal Note: The total revenue anticipated over the seven (7) year term of the lease is approximately \$230,112.

RECOMMENDATION

The City Commission: 1) approve the Lease Agreement with JVC Media of Florida, LLC for the space available at 60 Southwest 2nd Street, and 2) authorize the City Manager to execute the Lease Agreement with JVC Media of Florida, LLC,

subject to approval by the City Attorney as to form and legality.

[130164 Lease Agreement 20130815.pdf](#)

[130165.](#)

Urban Village Special Lighting Design Area (B)

This is a request for the City Commission to authorize the City Manager to establish a special lighting design area for the Urban Village.

Explanation: Policy 4.3.7 of the City's Comprehensive Plan Future Land Use Element established the Urban Village. The long-term vision for the area includes "promoting infill development and redevelopment that supports a safe, comfortable, and attractive pedestrian environment" and "promoting an attractive streetscape with appropriate street trees to provide shading and landscape interest and street furniture with a unified design appearance for the area."

Public Works staff is currently reviewing roadway plans in conjunction with the proposed "Village Point" development in the Urban Village area. The developer has requested the utilization of non-standard lighting fixtures on roadways throughout the site. In accordance with the City of Gainesville Standard Practice for Public Lighting, to accommodate the installation of non-standard fixtures, the site has to be designated as a Special Lighting Design Area. Staff has determined the area meets the criteria for a Special Lighting Design Area.

Section 5.0 of the City of Gainesville Standard Practice for Public Lighting states the City Commission may designate Special Lighting Design Area(s) (Special Area). A Special Area warrants lighting practices that deviate from the standards with respect to design, type of structure, and type of fixture or level of illumination.

- Bicycle and pedestrian friendly lighting should be installed utilizing structures and fixtures of traditional or unique design.

- Fixtures should be of low mounting height and may be used in conjunction with more traditional streetlights.

- Special attention should be given to lighting pedestrian areas attractively.

- Structures and fixtures should be dark colored.

- Lighting conductors should be placed underground as funds permit.

LED lighting is proposed as the predominant fixture type within this Special Lighting Design Area. Since GRU does not offer LED fixtures for installation and maintenance, the fixtures would be metered, owned, and

maintained by the City of Gainesville. Staff recommends that a special assessment be implemented to fund on-going maintenance and operating expenses.

Fiscal Note: Village Point is proposing the installation of 82 pedestrian level light fixtures. The estimated annual operating cost is \$90,600. A special assessment would be implemented to fund annual operating expenses as well as future capital replacement costs.

RECOMMENDATION

The City Commission: 1) authorize the City Manager to establish a Special Lighting Design Area for the Urban Village; and 2) authorize the City Manager to initiate the process to establish a special assessment to fund the annual operating expenses and future capital replacement costs for lighting in the Urban Village.

Alternate Recommendation: The City Commission not approve the creation of a Special Lighting Design Area.

[130165A Standard Practice 20130815.pdf](#)

[130165B Location Map 20130815.pdf](#)

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

[130187.](#)

Amendment to Azteca Software License (NB)

Staff recommends amending the software license, maintenance and service agreement with Azteca Systems, Inc. for Cityworks. The software promotes effective and efficient use of Geographical Information Systems (GIS) data across all service delivery operating areas within GRU and will provide similar benefits to General Government.

Explanation: Cityworks is a GIS based work management system uniquely designed to utilize the City's geographical data without costly duplication, risky synchronization, or complex integration of that data. GRU has successfully used this software since 1998 and depends on it for distributing GIS information across multiple service areas including Water/Waste Water, Gas/Electric Distribution, and GRUCOM. Cityworks allows GRU to accurately manage its infrastructure while minimizing the total cost of owning, operating, and maintaining acceptable service levels. Cityworks provides GRU the ability to account for the cost of providing reliable services to our customers. The software also enables GRU to extend the life of its utility infrastructure by accurately representing operations expenditures while applying preventative maintenance practices. This contributes to GRU's KPI goals to improve service delivery to its customers while maintaining fiscal responsibility.

General Government desires to realize the same capabilities and benefits.

Currently GRU has a limited number of Cityworks user licenses and General Government has none. General Government has budgeted funds for a work management system to be implemented in Public Works, Solid Waste, and Storm Water Departments as part of its FY13 Capital Improvement Plan. The upgrade to unlimited Cityworks site licensing is the most cost effective solution to accommodate General Government's needs. Additional benefits derived from accessing the same information through one program are as follows:

1. Cross departmental coordination between all General Government and GRU departments for service requests work orders, inspections, permits, and code enforcement.
2. Access to software application focused on Permits, Licensing, and Land (PLL). This includes building, event, and compliance permits, business licensing, planning and zoning reviews.
3. The site license premium upgrade includes all products, add-ons and application programming interfaces that Azteca develops or will develop for the Cityworks suite of software applications.

Using the same GIS-centric management system reduces staff training needs and enhances continuity in City operations. The annual costs for updates and support will be split equally between General Government and GRU.

Fiscal Note: GRU has previously purchased all of the Citywork user licenses. The incremental cost to acquire the unlimited licensing upgrade to benefit the City as a whole will be paid for by General Government for that cost is less than GRU's total Cityworks investment to date. Funds for this software upgrade are available in General Governments FY 2013 Capital Improvement Plan budget.

RECOMMENDATION

The City Commission: 1) authorize the General Manager, or his designee, to amend the existing software license agreement with Azteca Systems, Inc. to upgrade the existing software license to "site license premium" subject to approval of the City Attorney as to form and legality; and 2) issue a purchase order to Azteca Systems, Inc. in the amount of \$209,000 for the upgraded software license and \$76,000 for annual updates and support.

CITY ATTORNEY, CONSENT AGENDA ITEMS

[130171.](#)

AMENDMENTS TO THE CITY'S ELECTION CODE (NB)

Explanation: In this past session, the Florida Legislature changed the dates and frequency for filing campaign finance reports. These changes apply to municipal elections to the extent that the timing of the municipal election

permits compliance with the timelines in the statute. The City's Code currently provides that reports shall be filed on the 32nd, 18th and 4th days immediately preceding the election and on the 4th day immediately preceding a run-off election. The new law, effective November 1, 2013 provides that once a campaign treasurer is appointed, reports must be filed monthly thereafter. Reports are also due on the 25th, 11th and 4th days preceding an election. The new law also eliminates "committees of continuous existence". The City Attorney seeks authorization to make these changes to the City's Election Code.

RECOMMENDATION

The City Commission authorize the City Attorney to draft and the Clerk to advertise an ordinance changing sections of the City's Election Code relating to campaign finance reports.

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

[130189](#)

City Commission Minutes (B)

RECOMMENDATION

The City Commission approve the minutes of June 20, July 16, 18, 22, 23, 25 and 29.

[130189_CCOMMinutes_20130815.pdf](#)

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

**RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE,
CONSENT**

PERSONNEL & ORGANIZATIONAL STRUCTURE COMM, CONSENT

PUBLIC SAFETY COMMITTEE, CONSENT

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE, CONSENT

EQUAL OPPORTUNITY COMMITTEE, CONSENT

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION**CITY MANAGER**[120804.](#)**Gainesville Fire Rescue Station 1 Replacement Project (B)**

This item involves a request that the City Commission authorize the City Manager to execute purchase agreements for two parcels of land and a lease agreement for one of the parcels to allow for construction of the Gainesville Fire Rescue Station 1 Replacement Project.

Explanation: Gainesville Fire Rescue Station 1, at 427 S. Main Street, was constructed in 1961 and has had few renovations in the past. The quality and durability of the building have deteriorated during those 52 years. Additionally, construction standards have been upgraded to ensure survivability from natural disasters since its construction. The useful life of a new facility constructed with current standards could exceed 50 years. The new Fire Station 1 should also be built with the capability of addressing the increasing service needs of Innovation Square as new development occurs with current plans calling for 5.5 million square feet. In the FY13-17 Capital Improvement Plan (CIP), the City Commission authorized the expenditure of funds in FY13 for the design and land acquisition to construct a replacement for Fire Station 1.

Staff contacted the owners of the parcels adjacent to the current Fire Station 1 in an attempt to expand the station. The adjacent parcels currently house functioning businesses which were recently renovated. The owners of the adjacent parcels quoted three to four million dollars to acquire the parcels and relocate the businesses. This option would require the current station to be demolished and the need to establish a temporary station at additional cost or create a gap in fire coverage resulting in an overload on other fire stations.

Staff has negotiated with the owners of tax parcel 13038-000-000, David Mathia, and tax parcel 13040-000-000, Peter Theoktisto, to acquire both parcels. The two parcels are located south of the existing Fire Station 1 and offer fifty percent more buildable space. The option of constructing a new station on the two parcels offers the ability to keep the new station close to the existing station which is desirable for fire rescue responses and also allows the current station to remain operational during construction. Each parcel is appraised at \$485,000.

Mr. Theoktisto has a functioning business located on his parcel. In order to acquire a parcel he has identified to relocate his business, he is requiring \$525,000, which is 8.25% over the appraised value.

The parcel owned by Mr. Mathia has two leases. One lease expires July of 2013. The other lease expires December of 2016. In negotiations

with the later tenant, staff offered to honor the lease until December 31, 2014 and forgive the rental payment in exchange for the decrease in term of the lease. Staff has negotiated paying \$525,000 8.25% over the appraised value. Staff believes it is in the best interests of the City to acquire the two parcels.

The purchase agreements provide for a due diligence period allowing the City to complete an environmental assessment of the properties and a Concept Plan for development of the site prior to closing on the properties which is expected by October 17, 2013. The Concept Plan will seek to demonstrate the capacity of the properties, through an urban level of design, to meet GFR's needs as well as the needs of adjacent businesses which have focused on the availability of parking. Early work on the Concept Plan demonstrates that a significant number of on-street public parking spaces can be created as part of the construction project.

Staff met with impacted and adjacent businesses on a few occasions including the most recent on June 17 to provide them with the latest information on plans for the Fire Station 1 replacement. The notes from the meetings have been provided to participants and as backup to this agenda item. The meetings provided staff with the opportunity to hear suggestions and concerns that we can try to address through the fire station design process or in other ways. GFR has been an important part of this neighborhood for over 50 years and will continue to be a good neighbor. Staff views this project as a community building opportunity and will work closely with stakeholders during the design and construction phases of the project to solicit and incorporate input for the betterment of the project and the neighborhood. GFR is accustomed to working in this manner as was done with the neighbors of Fire Station 8. Staff will seek an urban design for the new fire station that is fitting for this location and the City's goals for downtown and Depot Park.

Fiscal Note: The purchase price of the two parcels is estimated at \$1,050,000. Additional costs may include, but are not be limited to, approximately \$7,000 for documentary tax stamps and recording fees; environmental audit and soil bearing test fees estimated at \$75,000; and a boundary survey fee of approximately \$15,000, for an estimated total of \$97,000. The combined total purchase price and additional costs are estimated to be approximately \$1,147,000 for FY13. As noted above, the FY13-17 CIP includes \$1,000,000 in appropriations in FY13 for the Fire Station 1 project. The Fire Station 8 budget is \$4,925,000, and the total costs of the project are approximately \$4,100,000. To cover the FY13 difference, city staff requests that \$200,000 in funding from the City's Capital Budget for the Fire Station 8 project be made available to cover costs associated with acquisition of the properties and to initiate design of the new fire station. An additional \$6,000,000 has been allocated in FY15 for the Fire Station 1 project.

RECOMMENDATION

The City Commission: 1) authorize the City Manager to execute the purchase agreements with David Mathia and Peter Theoktisto for the purchase of tax parcels 13038-000-000 and

13040-000-000 and all associated closing costs, subject to approval by the City Attorney as to form and legality; 2) authorize the City Manager to execute a lease agreement with Chris Fillie, subject to approval by the City Attorney as to form and legality; and 3) authorize the use of an additional \$200,000 in funding from the City's Capital Budget for costs associated with acquisition of the properties and to initiate design of the new fire station.

Legislative History

2/21/13 City Commission Withdrawn

[120804A_Memo_20130221.pdf](#)

[120804B_Theoktisto_Contract_20130221.pdf](#)

[120804C_Mathia_Contract_20130221.pdf](#)

[120804D_Feb_5_Meeting_Notes_20130221.pdf](#)

[120804E_MOD_Fire_Station_1_PPT_20130221.pdf](#)

[120804A_Presentation_20130815.pdf](#)

[120804B_Mathia_Contract_20130815.pdf](#)

[120804C_Theoktisto_Contract_20130815.pdf](#)

[120804D_Fillie_Lease_20130815.pdf](#)

[120804E_Affidavit_Rosslow-GAC_20130815.pdf](#)

[120804F_FS1_Meeting_Notes_20130815.pdf](#)

[120804G_Estoppel_Certificate_20130815.pdf](#)

[120804B_MOD_Mathia_Contract_20130815.pdf](#)

[120804C_MOD_Theoktisto_Contract_20130815.pdf](#)

GENERAL MANAGER FOR UTILITIES

[130190](#)

Minimum Flows and Levels and Consumptive Use Permitting (B)

Staff recommends City Commission receive a presentation from the Executive Director of the Suwannee River Water Management District (SRWMD) on the Minimum Flows and Levels (MFLs) for the Lower Santa Fe and Ichetucknee Rivers and Priority Springs. In addition, GRU staff will provide a brief update on the status of the Consumptive Use Permitting (CUP) renewal.

Explanation: MFLs are established to protect water resources from significant harm resulting from permitted water withdrawals. MFLs are developed using available meteorological, hydrological, and ecological data. The MFL is

the minimum amount of flow or the minimum water level that ensures the health of the water body for which it is established. MFLs are important in the assessment of water resources and can impact decisions to grant or deny a consumptive use permit, or declare a water shortage. The SRWMD has developed a draft MFL for the Lower Santa Fe River. The MFL for the Lower Santa Fe River could impact decisions regarding local water supply and GRUs consumptive use permit. The District is currently conducting a public review/comment period and peer review process. GRU is engaged in this review process and may provide comments on the proposed MFL.

GRU has been working with the SRWMD and St. John's River Water Management District (SJRWMD) in developing a consumptive use permit application for GRU. GRU presented the general basis for the permit application to the City Commission on October 4th, 2012. GRU Staff and the water management districts have met numerous times to ensure that the proper information and demonstrations are included in GRU's CUP application. The application demonstrates a reasonable-beneficial water use that does not interfere with existing legal users and is consistent with the public interest. These elements are considered the three primary elements that must be demonstrated to receive a permit. GRU will submit the consumptive use permit application within the next 45 days.

Fiscal Note: No fiscal impact.

RECOMMENDATION

The City Commission: Receive two presentations regarding the Minimum Flows and Levels and GRUs' Consumptive Use Permit.

[130190_ppt_20130815](#)

[130190_pptsrwmd_20130815](#)

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE

PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE

PUBLIC SAFETY COMMITTEE

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE

GAINESVILLE/ALACHUA COUNTY CULTURAL AFFAIRS BOARD[130056.](#)**Gainesville-Alachua County Cultural Affairs Board Work Plan and Annual Report update for FY 2013-14 (B)**

This item requests that the City Commission hear a presentation of the Gainesville-Alachua County Cultural Affairs Board regarding their Annual Report and Work Plan update for 2013-2014.

Explanation: The Gainesville-Alachua County Cultural Affairs Board wishes to present an Annual Report and Work Plan update for 2013-14 to the Gainesville City Commission.

Fiscal Note: No fiscal impact.

RECOMMENDATION

The City Commission hear a brief presentation by Gainesville-Alachua County Cultural Affairs Board Chair Carol Velasques Richardson, regarding the FY 13/14 Annual Report and Work Plan update.

[130056A_CAB FY13-14 WP Update_20130815.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**[130186.](#)**National Honeybee Awareness Day - August 17, 2013 (B)****RECOMMENDATION**

American Honey Princess Emily Campbell to accept the proclamation.

[130186_Honeybee_20130815.pdf](#)

CITIZEN COMMENT (6:00pm)**PUBLIC HEARINGS****RESOLUTIONS- ROLL CALL REQUIRED**[130159.](#)**Qualified Target Industry (QTI) Refund Resolution -
ONESIXTYOVERNINETY, INC. (B)**

This item seeks City Commission approval for a QTI contribution for the prospective location of a regional headquarters within the City of Gainesville for ONESIXTYOVERNINETY, INC, a branding and public relations agency.

Explanation: ONESIXTYOVERNINETY, INC., a branding and public relations agency, is currently considering the establishment of a regional headquarters within the City of Gainesville that would create 35 branding/advertising jobs. If the firm chooses to select Gainesville/Alachua County for this particular project site location will take place within the City's Enterprise Zone.

The QTI incentive is a state tool available to Florida communities to encourage job growth in targeted, high value added businesses. Pre-approved applicants creating jobs in Florida receive refunds on the various State taxes they pay including corporate, sales, ad-valorem, insurance premium and other taxes. The QTI incentive is performance based and the firm will only receive funds based upon jobs created and meeting other criteria as required by Florida statute.

Eligible QTI applicants must pay an average annual wage that is at least 115% of the State Metropolitan Statistical Area's average annual wage rate. In order to apply, the applicant works with Enterprise Florida prior to making a decision to locate (or expand). The local community normally provides a Resolution to indicate that the commitments of local financial support exist, namely up to 20% of the total tax refund.

In this particular case, ONESIXTYOVERNINETY, INC. is indicating that it will create up to 35 net new jobs at an average wage of approximately \$90,000 at a location in southeast Gainesville. This firm has pledged a capital investment of approximately \$500,000 over three years regarding the new location in addition to the proposed job creation.

Due to the incentive calculated per job (\$6,000 for location in Enterprise Zone and \$2,000 for creation of wages at 200% of the average Alachua County wage), the total incentive would be \$280,000. Of this, the City would be asked to provide a 10% match (\$28,000) over a period of four years with an equal 10% match (\$28,000) coming from Alachua County

for a total local match of \$56,000.

The Gainesville Area Chamber of Commerce and its economic development arm, the Council for Economic Outreach (CEO) have been working with ONESIXTYOVERNINETY, INC and recommends approval of this request.

Fiscal Note: If this item is approved, the City Commission agrees to budget and appropriate up to \$28,000 over four years in the event that tax refunds are approved by the state.

RECOMMENDATION

The City Commission: 1) adopt the Resolution; 2) authorize the Mayor to execute and the Clerk to attest to the QTI Resolution regarding ONESIXTYOVERNINETY, INC.; and 3) direct the City Manager to forward the executed QTI Resolution to Enterprise Florida.

Alternative Recommendation

The City Commission deny the Qualified Target Industry Refund Resolution.

[130159A_City Resolution 20130815.pdf](#)

[130159B_Project Overview 20130815.pdf](#)

[130159C_Tax Refund Attachment 20130815.pdf](#)

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

[110658.](#)

TEXT CHANGE - BOARD ATTENDANCE REQUIREMENTS (B)

Ordinance No. 110658

An ordinance amending the Code of Ordinances of the City of Gainesville, Florida, relating to attendance requirements for members of quasi-judicial, administrative, and advisory boards; by amending Section 2-247. - *Removal from office*; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: The City Commission on February 2, 2012, referred this issue to the Audit, Finance and Legislative Committee after it considered the appeals of several advisory board members who did not meet minimum attendance requirements. The City Commission on December 20, 2012, received input from the Audit, Finance and Legislative Committee regarding board attendance requirements and authorized the drafting of this ordinance. This ordinance amends Section 2-247. - *Removal from office* to provide for a modest number of excused absences per year for the purposes of removal from office, to clarify what constitutes "attendance," and to eliminate the current process for advisory board members to appeal their removal from office for failure to meet board

attendance requirements.

CITY ATTORNEY MEMORANDUM

This ordinance requires two readings.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

2/2/12	City Commission	Approved as shown above and Referred to the Audit, Finance and Legislative Committee
11/26/12	Audit, Finance and Legislative Committee	Recommended for Approval, as amended
12/20/12	City Commission	Approved as Recommended

[110658 MOD Attendance Sheets 20120202.pdf](#)

[110658 MOD Code Excerpt 20120202.pdf](#)

[110658 Recommended Ordinance Revisions - AFLC 11-26-12.pdf](#)

[110658 Appeal Form 20120202.pdf](#)

[110658A BoardAttendanceReqmts 20130815.pdf](#)

[110658B draft ordinance 20130815.pdf](#)

[120139.](#)

TEXT AMENDMENT - SPECIAL EVENT PARKING (B)

Ordinance No. 120139, Petition No. PB-11-92TCH

An ordinance of the City of Gainesville, Florida, amending the City Code of Ordinances and the Land Development Code related to special event parking; by amending Section 30-23(c) to create a definition for the University of Florida context area; by amending Section 30-56(c) to allow special event temporary off-street parking in the University of Florida context area; by amending Appendix A - Schedule of Fees, Rates and Charges of the Code of Ordinances to add a permit fee for special event parking; amending Section 2-339 by adding violation of special event parking permit requirements to the list of ordinances enforceable as a civil citation; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Modification

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

This ordinance addresses several concerns raised by citizens and Code Enforcement staff over the years related to game day parking. Those concerns include: illegal curb jumping; illegal alcohol distribution; trash and debris left in the yards; illegal signs; no parking plans; yards being

eroded due to parking; open fires; charging to park and directing people to park on city streets; overnight parking of RV's in residential areas; tailgating activity; and a desire for better enforcement. On July 28, 2011, the Plan Board heard the petition and recommended the City Commission approve the petition with suggested revisions. As staff was working to bring the petition to the City Commission, the Commission at its meeting on August 18, 2011, referred the issue to the Community Development Committee.

The Community Development Committee discussed the issue at its meetings on November 22, 2011, March 27, 2012 and June 11, 2012. During the three meetings, the Committee heard from stakeholders on both sides of the issue. After hearing the concerns of stakeholders and staff, the Committee voted to pare down the list of conditions to the minimum necessary to address key neighborhood concerns, while still allowing for this limited activity on the days designated by the City Manager.

The key elements of the Committee's recommendation are: require a special event permit instead of a business license with no change in the amount of the fee; require the property owner's authorization for the parking activity; require a parking plan indicating that the parking area is located on private property; and provide a civil citation fee of \$250.

Public notice was published in the Gainesville Sun on July 12, 2011. On July 28, 2011, the City Plan Board held a public hearing and, by a vote of 4-0, recommended approval of the petition with modifications. On August 2, 2012, the City Commission held a public hearing, and by a vote of 7-0, approved the petition with further modifications.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

7/19/12	City Commission	Continued (Petition)
8/2/12	City Commission	Approved (Petition) as Modified

[120139A_CDC Recommendation_20120719.pdf](#)

[120139B_CPB Recommendations_20120719.pdf](#)

[120139C_CPB staff report_20120719.pdf](#)

[120139A_CDC Recommendation_20120802.pdf](#)

[120139B_CPB Recommendations_20120802.pdf](#)

[120139C_CPB staff report_20120802.pdf](#)

[120139_draft ordinance_20130815.pdf](#)

[120139_MOD draft ordinance_20130815.pdf](#)

[130119.](#)**VOLUNTARY ANNEXATION - URBAN SERVICES REPORT OF CITY-OWNED PARCEL LOCATED NORTH OF MORNINGSIDE NATURE CENTER AND EAST OF NORTHEAST WALDO ROAD (B)**

Ordinance No. 130119

An ordinance of the City of Gainesville, Florida, adopting an Urban Services Report that sets forth plans to provide urban services upon the voluntary annexation of City-owned Tax Parcel No. 10860-000-000, which is generally located south of NE 39th Avenue, west of Morningside Nature Center, north of E University Avenue, and east of NE Waldo Road, as petitioned for by the property owner pursuant to Chapter 90-496, as amended, Special Act, Laws of Florida, known as the Alachua County Boundary Adjustment Act; providing directions to the City Manager, the City Attorney and the Clerk of the Commission; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: The City of Gainesville submitted a petition for the voluntary annexation of a City-owned parcel generally located north of Morningside Nature Center and east of NE Waldo Road. The Alachua County Boundary Adjustment Act requires the adoption of an Urban Services Report ordinance setting forth plans to provide urban services to the annexation area prior to the adoption of an annexation ordinance. Consequently, this ordinance adopts the Urban Services Report for the subject property.

The City Commission on August 1, 2013, authorized the City Attorney to draft and the Clerk of the Commission to advertise this ordinance.

CITY ATTORNEY MEMORANDUM

This ordinance requires two readings.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

[130119_Morningside Petition_20130801.pdf](#)

[130119A_draft ordinance_20130815.pdf](#)

[130119_annexationpetition_20130801.pdf](#)

[130120.](#)**VOLUNTARY ANNEXATION - URBAN SERVICES REPORT OF CITY-OWNED PARCEL SOUTH OF FRED CONE PARK (B)**

Ordinance No. 130120

An ordinance of the City of Gainesville, Florida, adopting an Urban Services Report that sets forth plans to provide urban services upon the voluntary annexation of City-owned Tax Parcel No. 16146-000-000, which is generally located south of E University Avenue and Fred Cone Park, west of Tax Parcel No. 16143-000-000, north of SE Hawthorne Road, and east of SE 24th Street and the Alachua County Sheriff's office, as petitioned for by the property owner pursuant to Chapter 90-496, as amended, Special Act, Laws of Florida, known as the Alachua County Boundary Adjustment Act; providing directions to the City Manager, the City Attorney and the Clerk of the Commission; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: The City of Gainesville submitted a petition for the voluntary annexation of a City-owned parcel generally located south of E University Avenue and Fred Cone Park, west of Tax Parcel No. 16143-000-000, north of SE Hawthorne Road, and east of SE 24th Street and the Alachua County Sheriff's office. The Alachua County Boundary Adjustment Act requires the adoption of an Urban Services Report ordinance setting forth plans to provide urban services to the annexation area prior to the adoption of an annexation ordinance. Consequently, this ordinance adopts the Urban Services Report for the subject property.

The City Commission on August 1, 2013, authorized the City Attorney to draft and the Clerk of the Commission to advertise this ordinance.

CITY ATTORNEY MEMORANDUM

This ordinance requires two readings.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

[130120_Fred Cone Petition_20130801.pdf](#)

[130120A_draft ordinance_20130815.pdf](#)

[130120_annexationpetition_20130801.pdf](#)

[130121.](#)

VOLUNTARY ANNEXATION - URBAN SERVICES REPORT OF CITY OWNED PARCELS NORTHEAST OF GRU DEERHAVEN GENERATING STATION (B)

Ordinance No. 130121

An ordinance of the City of Gainesville, Florida, adopting an Urban Services Report that sets forth plans to provide urban services upon the voluntary annexation of City-owned Tax Parcel Nos. 05871-002-000 and 05871-003-000, which are generally located south of NW 142nd Avenue

and northeast of the Gainesville Regional Utilities Deerhaven Generating Station along State Road 121, as petitioned for by the property owner pursuant to Chapter 90-496, as amended, Special Act, Laws of Florida, known as the Alachua County Boundary Adjustment Act; providing directions to the City Manager, the City Attorney and the Clerk of the Commission; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: The City of Gainesville submitted a petition for the voluntary annexation of two City-owned parcels generally located south of NW 142nd Avenue and northeast of the Gainesville Regional Utilities Deerhaven Generating Station along State Road 121. The Alachua County Boundary Adjustment Act requires the adoption of an Urban Services Report ordinance setting forth plans to provide urban services to the annexation area prior to the adoption of an annexation ordinance. Consequently, this ordinance adopts the Urban Services Report for the subject properties.

The City Commission on August 1, 2013, authorized the City Attorney to draft and the Clerk of the Commission to advertise this ordinance.

CITY ATTORNEY MEMORANDUM

This ordinance requires two readings.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

[130121A_Deerhaven Petition_20130801.pdf](#)

[130121B_Deerhaven Petition_20130801.pdf](#)

[130121A_draft ordinance_20130815.pdf](#)

[130121BPetition_20130801.pdf](#)

[130121A_Petition_20130801.pdf](#)

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

[120370.](#)

EVALUATION AND APPRAISAL COMPREHENSIVE PLAN AMENDMENTS (B)

Ordinance No. 120370

An ordinance of the City of Gainesville, Florida, amending the City's Comprehensive Plan pursuant to the periodic evaluation and appraisal process set forth in Section 163.3191, Florida Statutes, to comply with changes to Florida Statutes, address changes in local conditions, correct internal inconsistencies, and provide clarification to objectives and

policies; by amending the Future Land Use Element and the Future Land Use Map Series; by amending the Transportation Mobility Element and the Transportation Mobility Map Series; by deleting the Concurrency Management Element; by amending the Housing Element; by amending the Conservation, Open Space & Groundwater Recharge Element; by amending the Capital Improvements Element; by amending the Intergovernmental Coordination Element; by amending the Public Schools Facilities Element; by providing directions to the City Manager; providing a repealing clause; providing a severability clause; and providing an effective date.

Explanation: **PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT**

Update since first reading: On April 18, 2013, the City Commission approved this ordinance on first reading by a vote of 6-0. City staff then transmitted this ordinance to the state reviewing agencies in accordance with the statutory state coordinated review process for comprehensive plan amendments. During the 30-day comment period, the City received 3 letters of "no comment" and 3 "comment" letters from the reviewing agencies. The "comment" letters from Florida Department of Economic Opportunity, Florida Department of Transportation and Florida Department of Education did not include any objections to the Comprehensive Plan amendments included in this ordinance, but included only minor technical comments for the City's consideration. After review, City staff has incorporated some of the technical suggestions into this ordinance. Letters received from the reviewing agencies are included in the backup to this ordinance and the minor revisions made to this ordinance are indicated by a double underline or double strike-through. For ease of reference, these revisions may be found on pages 64 and 75 of the Future Land Use Element, pages 1, 15, and 31 of the Transportation Mobility Element, page 3 of the Housing Element, and page 3 of the Capital Improvements Element.

Section 163.3191, Florida Statutes, requires that at least every seven years, local governments shall determine whether the need exists to amend its comprehensive plan to reflect changes in state requirements since the last time the comprehensive plan was updated. This process is known as the evaluation and appraisal of the Comprehensive Plan. The City in April 2012 notified the Florida Department of Economic Opportunity (DEO) in its capacity as the state land planning agency that the City of Gainesville Comprehensive Plan will be amended to address changes to Florida Statutes, address changes in local conditions, correct internal inconsistencies, and provide clarification to objectives and policies as necessary for the 2013-2023 planning period. DEO then notified the City that the proposed amendments should be transmitted to DEO by May 1, 2013.

The proposed amendments to the City's Comprehensive Plan include, among other changes, rescinding transportation concurrency and the Transportation Concurrency Exception Area in the City of Gainesville.

This ordinance amends the Future Land Use Element and the Future Land Use Map Series; amends the Transportation Mobility Element and the Transportation Mobility Map Series; deletes the Concurrency Management Element; amends the Housing Element; amends the Conservation, Open Space & Groundwater Recharge Element; amends the Capital Improvements Element; amends the Intergovernmental Coordination Element; and amends the Public Schools Facilities Element.

The following nine petitions are associated with this ordinance, listed by Petition No. and Legistar No.: PB 12-112 CPA (120639); PB 12-134 CPA (120638); PB 12-132 CPA (120648); PB 12-133 CPA (120646); PB 12-98 CPA (120428); PB 12-61 CPA (120227); PB 12-114 CPA (120523); PB 12-99 CPA (120429); and PB 12-131 CPA (120652). In review of these nine petitions, the City Plan Board held multiple public hearings that were each noticed as required by law and recommended approval of the proposed amendments to the City's Comprehensive Plan. In addition, the City Commission held multiple public hearings that were each noticed as required by law and reviewed the proposed amendments to the City's Comprehensive Plan and authorized the drafting of this ordinance.

CITY ATTORNEY MEMORANDUM

Subsection 163.3184(4), Florida Statutes, sets forth the procedure for amending the Comprehensive Plan pursuant to the state coordinated review process (which includes EAR-based amendments). The first hearing is the transmittal stage and must be advertised at least 7 days prior to the hearing. The second hearing is the adoption stage and must be advertised at least 5 days prior to the hearing.

Within 10 working days after the first hearing, the City must transmit the proposed amendment to the reviewing agencies and to any other local government or state agency that has filed a written request for same. Within 60 days after receipt of the complete proposed amendment, the state land planning agency may issue a report giving its objections, recommendations, and comments. The City must review any objections, recommendations, or comments received during the second hearing. If adopted on second reading, the City must forward the amendment within 10 working days to the state land planning agency and any party that submitted timely comments.

This ordinance shall become effective immediately upon adoption; however, these plan amendments, if not timely challenged, shall go into effect pursuant to the state land planning agency's Notice of Intent (NOI) that these plan amendments are in compliance with Chapter 163, Florida Statutes. If timely challenged, these plan amendments shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining these adopted plan amendments to be in compliance with Chapter 163, Florida Statutes. No development orders, development permits, or land

uses dependent on these plan amendments may be issued or commenced before these plan amendments have become effective.

RECOMMENDATION

The City Commission (1) receive letters of "no comment" from North Central Florida Regional Planning Council, St. Johns River Water Management District, and Florida Department of Environmental Protection; (2) receive "comment" letters from Florida Department of Economic Opportunity, Florida Department of Transportation and Florida Department of Education; (3) receive letter from City to Florida Department of Economic Opportunity in response to comments received; and, (4) adopt the proposed ordinance.

Legislative History

4/18/13 City Commission Adopted on First Reading (Ordinance)

[120370B_data_and_analysis_20130418.pdf](#)

[120370C_staff_reports_&_exhibit_20130418.pdf](#)

[120370A_draft_ordinance_20130418.pdf](#)

[120370D-MOD_staff_ppt_20130418.pdf](#)

[120370A_draft_ordinance_20130815.pdf](#)

[120370B_comment_letters_from_state_reviewing_agencies_&_response_20130815.pdf](#)

PLAN BOARD PETITIONS

[130157.](#)

Sign Code Update (B)

Petition PB-13-57 TCH. City Plan Board. Amend the Land Development Code Article IX, Division I to update, clarify and re-organize the Sign regulations, related to petition PB-10-93TCH.

Explanation: This petition was originally heard by the Plan Board over a year ago as petition PB-10-93TCH. Due to the time lapse, staff decided to withdraw the original petition and bring back a new petition addressing all of the Board's original recommendations and some additional modifications. The Plan Board has had several meetings on the sign code dating back to June of 2011. On September 29, 2011 the Plan Board held a special meeting and voted to approve the sign regulations with some modifications that were included in the proposed draft presented to the Plan Board on June 27, 2013. Between September 2011 and June 27, 2013, staff continued to meet with stakeholders regarding the sign code, based on those meetings staff developed signage requirements for multi-story buildings greater than two stories, and added language to assist the renting/leasing of multi-family units. The Plan Board reviewed the added language and voted to approve the revised petition.

Improvements to the sign code include the following changes:

Permanent signs and structures

Approved keeping the I-75 corridor sign

Modified the allowable sign area based on frontage (staff modified the allowance table to make sure that no one would lose sign area based on the proposed change)

Reduce the frontage requirement from 600 lin. ft. to 500 lin. ft. for a second frontage sign

Provided an allowance for signage on secondary street frontages

Removed the provision requiring Florida Nursery Grade 1 landscape plant.

Building-mounted signs

Approved a consistent measuring system based on the width of the building or leased area

Provided additional signage for businesses on multiple street frontages

Clarified when window signage would be counted towards building-mounted signage

Added an allowance for 12 sq. ft. of window signage to be exempt

Increased the amount of signage allowed for most non-residential businesses

Added flexible signage regulations for multi-story building over 2-stories

Add a signage allowance specifically Parking Garages

Temporary signs

Clarified what are short term versus long term temporary signs

Extended the time frame for long term temporary signs from 60 days to 120 days

Increased the number of Contractor and Real Estate signs allowed on a property

Nonconforming and abandoned signs

Defined the term development activity as it relates to abandoned signs and extended the time period for abandoned signs from 120 days to 12 months.

Amend the time period for removing an abandoned sign from 10 days to 30 days

Defined what reasonable repair and maintenance mean as it relates to nonconforming signs

Other than the overall re-organization, adding definitions and clarifying the language in the code, the changes highlighted in this item represents the major changes to the sign code. The Plan Board reviewed the petition and voted to approve the petition with minor modifications that have been included in the draft petition language. Plan Board vote 5-0.

Fiscal Note: None

RECOMMENDATION

City Plan Board to the City Commission - Approve the petition as modified.

Staff to the City Plan Board - Approve the petition.

[130157A_CPB recommendations_Draft sign code_20130815.pdf](#)

[130157B_staff report_20130815.pdf](#)

[130157C_CPB Special Meeting Agenda 092911_20130815.pdf](#)

[130157D_Draft Sign Code_20130815.pdf](#)

[130157E_Multi Story Building Signage_20130815.pdf](#)

[130157F_Single Story Signage_20130815.pdf](#)

[130157G_CPB minutes_20130815.pdf](#)

[130157H_staff ppt_20130815.pdf](#)

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

UNFINISHED BUSINESS

COMMISSION COMMENT

CITIZEN COMMENT (If time available)

ADJOURNMENT (no later than 11:00PM - Mayor to schedule date and time to continue meeting)