

City of Gainesville

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



Meeting Agenda

September 06, 2012

1:00 PM

City Hall Auditorium

City Commission

Mayor Craig Lowe (At Large)

Mayor-Commissioner Pro-Tem 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)

Commissioner 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 - 1:03 PM

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

Prophet George Young

CONSENT AGENDA

CITY MANAGER, CONSENT AGENDA ITEMS

090307.

Tourist Product Development Interlocal Agreement with Alachua County (B)

This is a request to enter into an agreement with Alachua County to administer the Tourist Product Development Grant Program.

Explanation: For the past fourteen years the City's Department of Parks, Recreation and Cultural Affairs has administered County-funded programs for the expenditure of tourist tax funds to arts and eco-heritage non-profit agencies. For the past eleven years, the City has also created new programs under a tourism tax funded agreement. The most recent Interlocal Agreement was approved on September 3, 2009 for a period of three years, from October 13, 2009 through September 30, 2012.

Staff has been working with the Alachua County Visitors and Convention Bureau to establish terms for a new Interlocal Agreement. Under the terms of the FY 2012-2015 Interlocal Agreement, the City will enter into contracts with agencies awarded grants by the Tourist Development Council, review requests for reimbursement, and disburse funds for authorized expenditures on a monthly basis. In addition, the City will create marketing and/or tourist programs with the New Programs/Marketing portion of the funding as outlined in Exhibit A of the Interlocal Agreement. The City has the option to extend this agreement for

up to two additional, one-year terms, pending satisfactory performance, negotiation of fees and appropriation of funds.

Fiscal Note: The City will be paid 10% of the annual Tourist Tax allocation for its administrative costs. In addition, 10% of the annual allocation will be used for New Programs/Marketing.

RECOMMENDATION

The City Commission: 1) approve the Interlocal Agreement; and 2) authorize the City Manager or designee to execute the Interlocal Agreement on behalf of the City, subject to approval by the City Attorney as to form and legality.

Legislative History

9/3/09 City Commission Approved as Recommended (7 - 0)

090307_INTERLOCAL AGREEMENT_20090903.PDF

090307_TPD 2012-2015_20120906.pdf

110129.

City of Gainesville Website and Equipment Update (B)

This item is a request for the City Commission to review and approve the website Redesign Upgrade Team Selection Committee ranking of qualified vendors and to direct the City Manager to negotiate and execute a contract with the number one ranked vendor for the Website Redesign Upgrade Project.

Explanation: During the City Commission Strategic Planning Retreat held on June 9, 2011, members of the City Commission indicated interest in enabling the city website to update and implement emerging technology and practice to offer improved online services to the public. The City Commission approved funding in the amount of \$84,089 for the website redesign update as part of the FY2012 budget.

In a series of meetings from October 2011 through December 2011, the City Manager and General Government Communications Manager met individually with City Commissioners to better understand Commissioner expectations for improvements to the website. In January 2012, Communication staff began to finalize online research reviews and data collection from peer municipal websites to obtain samples of desired online features. In mid-February 2012, the City Manager appointed and issued a charter to the General Government Website Redesign Upgrade Team which is comprised of representatives from a broad cross-section of City departments. The Team conducted additional research to assist development of a formal Request For Proposal (RFP) for the City Of Gainesville Florida Official Website Design Update.

Early in the RFP development process the Team determined that the city website requires a comprehensive upgrade that is best accomplished in two distinct phases. Phase I will address immediate organizational goals and include technical assistance in updating and upgrading existing web content management systems, site aesthetics and core functionality. These improvements

are intended to better serve citizens, staff, and leadership while creating a solid foundation for expansion of services. Phase II would potentially extend improvements to the site architecture and functionality, leverage assets for site expansion, and incorporate new initiatives for longer-term improvements. The RFP for Phase I was issued on June 12, 2012 and contained an option to engage the successful proposal vendor in prospective work in Phase II. The RFP also reserves the right to award some, all or none, of Phase I and Phase II as may be in the best interest of the City.

The Team also appointed an RFP selection Committee to evaluate and provide a rank order of received proposals. Two proposals were received by the July 19, 2012 deadline for receipt of submitted proposals. Both proposals were evaluated by the Selection Committee and each vendor was invited to make oral presentations. The following rank order of the submitted bids reflects the selection committee's consideration of each proposal as described in the City's Professional Services Evaluation Handbook, including Technical Qualifications Evaluation, Written Proposal Evaluation, Presentation Evaluation and Other factors as appropriate. The Selection Committee ranked the proposal submitted by Ingen Systems, Inc. as the number one vendor proposal for phase I at a cost of \$113,550.

Fiscal Note: Funds in the amount of \$84,089 are available in the FY2012 General Fund budget. Funds to complete the remainder of phase I and phase II are available in the Capital Projects Fund for Information Technology Projects related to E-Gov initiatives.

RECOMMENDATION

The City Commission: 1) approve the Website Redesign Upgrade Team Selection Committee ranking list and award for phase I to Ingen Systems, Inc. at a cost of \$113, 550; 2) authorize and direct the City Manager to negotiate and execute a professional services contract with Ingen Systems for phase I of the upgrade, subject to approval of the City Attorney as to form and legality; and 3) upon satisfactory completion of phase I and subject to the availability of funding, authorize the option of the City Manager to negotiate and execute a professional services contract with Ingen Systems for phase II of the upgrade at a project cost not to exceed \$186,500, subject to approval of the City Attorney as to form and legality; or to conduct a Request For Proposal process for phase II of the upgrade.

Legislative History

6/16/11 City Commission Referred (7 - 0) City Manager

110129_Bid Tab_20120906.pdf

120231.

Cade Museum Memorandum of Understanding (MOU) (B)

This is a request for City Commission approval for a Memorandum of Understanding between the City of Gainesville and Cade Museum.

Explanation: The Cade Museum Foundation, Inc. is a non-profit organization working to establish a museum with the mission to inspire creative thinking, future inventors and early entrepreneurs. The museum is named after Dr. James Robert Cade, the University of Florida physician and inventor who led the team that created Gatorade. Before his passing in 2007, Dr. Cade expressed his strong desire to locate the museum at Depot Park at South Main Street and Depot Avenue.

The museum organizers began designing concepts for the museum in 2008. About this same time, the Gainesville CRA began updating the 2002 Depot Park Master Plan. The updating revised the park program and Master Plan to reflect new dynamics in the Power District as well as incorporate the Cade Museum building on the west side of the park near South Main Street. The CRA Board and the City Commission approved the revised Depot Park Master Plan in the spring of 2010.

The museum organizers are planning to construct the museum over two phases; Phase 1 will be a 21,000 square foot building completed by late-2015 and Phase 2 will add 24,000 square feet for a total finished project of 45,000 square feet. The museum will be privately funded through a capital campaign led by the Cade Museum Foundation.

The City has expressed support for the Museum locating at Depot Park. Since that time, there has been substantial coordination with the Cade Museum Foundation to facilitate the project. Recently, discussions ensued to formalize the process, roles and expectations, culminating in the Museum issuing a formal request to the City for a Memorandum of Understanding (MOU).

The City and Museum negotiated an MOU outlining the general understandings leading to further negotiation and execution of a lease agreement for a two-acre parcel in Depot Park adjacent to South Main Street. The City Attorney's office has reviewed and refined the MOU that is recommended for approval.

Fiscal Note: The site under consideration for constructing the museum is part of a larger parcel the City of Gainesville purchased in 2001. It is anticipated that the City and the Cade Museum will negotiate a lease for the use of approximately 2 acres at minimal cost to the Museum. The Cade Museum developed a preliminary construction budget of \$9,000,000 for Phase 1. This budget is considerably fluid as the design has yet to commence.

RECOMMENDATION

The City Commission: 1) approve the Memorandum of Understanding, and 2) authorize the City Manager to execute the Memorandum of Understanding, subject to the approval of the City Attorney as to form and legality.

120231A_City CRA ltr to Cade FEB 2009_20120906.pdf
120231B_Master Plan Depot Park_20120906.pdf
120231C_Request for MOU_20120906.pdf
120231D_MOU - Cade Museum_20120906.pdf

120239.**Extension of Service Agreement for Full Grounds Keeping and Maintenance of Ironwood Golf Course Bid Award (B)**

This item is a request that the City Commission authorize a month-to-month extension of the current City contract for grounds keeping and maintenance of Ironwood Golf Course to ensure adequate time for reviewing all options regarding golf course operations.

Explanation: In 2007, the Purchasing Division sent out a Request for Proposals (RFP) for Parks, Recreation and Cultural Affairs Department (PRCA), and a panel reviewed the submitted proposals using the following criteria: cost, contractors experience in maintaining municipal golf courses, responsiveness to the RFP, qualifications, and the company's financial stability. Based on these items, OneSource Landscape and Golf Services, Inc. was ranked first. The term of the contract negotiated with OneSource Landscape and Golf Services, Inc. was for three years, with the option for two one-year extensions, subject to funding and written consent of both parties. PRCA elected to exercise its option to extend the agreement for two one-year extensions, bringing the contract completion date to September 30, 2012.

During the early summer of 2012, staff and the Purchasing Division initiated an RFP for a new service agreement for grounds keeping and maintenance at Ironwood. Subsequently, it was decided that is appropriate to review the City's options regarding overall operation of the golf course. In order to facilitate the requested review, meetings and/or discussions, the City Manager is requesting that the City Commission authorize execution of month-to-month extensions of the current service agreement, to ensure adequate time for reviewing all options regarding golf course operations.

Fiscal Note: Funds for extension of the current service agreement are available in the FY12-13 Golf Course budget. Each month of extension of the agreement will cost \$45,414.50.

RECOMMENDATION

The City Commission authorize the City Manager or designee to execute a month-to-month agreement extending the current grounds keeping and maintenance services with OneSource Landscape and Golf Services, Inc., subject to approval by the City Attorney as to form and legality.

120239_Month to Month Extension_20120906.pdf

120242.**State Homeland Security Grant Program Sub-recipient Agreement (NB)**

This item requests that the City Commission authorize the City Manager to enter into a contract with the State of Florida, Department of Financial Services, to support equipment maintenance and training for Gainesville Fire Rescue's Hazardous Materials and Technical Rescue Teams.

Explanation: Gainesville Fire Rescue's (GFR) Hazardous Materials Team has regional responsibilities for eleven counties and is classified as a State Type II Team providing a response capability with personnel and testing equipment for hazardous materials incidents within one hour. Through prior agreement, GFR was designated as one of 29 teams providing a statewide response network to hazardous materials emergencies. GFR also maintains training and equipment to staff an Urban Search and Rescue (USAR) team which is available for deployment at the state and federal levels. Funding for maintenance of equipment and responder training to support these capabilities is supplemented through a variety of homeland security and emergency services grants; one of these is the State Homeland Security Grant Program (SHSGP) offered through the Department of Financial Services. Reimbursement funding offered by the State of Florida for the 2011 program just recently approved includes up to \$22,841 for equipment capability retention of USAR and Hazmat equipment and up to \$15,543 for training in approved courses for hazmat and USAR operations. Equipment capability and training for this cycle of the grant program will be focused on hazardous materials detection.

Fiscal Note: The City will receive up to \$38,384. There is no match required.

RECOMMENDATION

The City Commission authorize the City Manager or designee to enter into a contract with the State of Florida, Department of Financial Services, subject to approval of the City Attorney as to form and legality.

120244.

Revision to Regional Transit System Advisory Board Bylaws (B)

This item is a request to approve changes to the Regional Transit System Advisory Board Bylaws.

Explanation: The Regional Transit System Advisory Board is proposing the following revisions to their Bylaws.

Article IV. Membership - Change item (4) to read, "University of Florida student" instead of "University of Florida student nominated from a list of at least three names submitted by the University of Florida Student Senate."

Article IV. Membership - Change item (10) to read, "Santa Fe College student" instead of "Santa Fe Community College student."

Article IX. Meetings - Change item C. to read, "At least fifty percent of current voting members present at a Board meeting shall constitute a quorum for the transaction of business. An affirmative vote of a majority of the voting members"

present and voting at any meeting of the Board shall be necessary in order to adopt any measure"instead of Five (5) voting members present at a Board meeting shall constitute a quorum for the transaction of business. An affirmative vote of a majority of the voting members present and voting at any meeting of the Board shall be necessary in order to adopt any measure. "

Article IX. Meetings - Addition of item H. to read, The Chairperson may cancel a scheduled meeting six (6) business days prior to the meeting if there are no agenda items."

Fiscal Note: No fiscal impact.

RECOMMENDATION

The City Commission approve the proposed revisions.

120244A_BYLAWS_20120906.pdf

120244B_BYLAWS_20120906.pdf

120273.

Agreement between the City of Gainesville and Keep Alachua County Beautiful for FY2013 (B)

This item is a request for the City Commission to approve the execution of an agreement with Keep Alachua County Beautiful in the amount of \$55,000.

Explanation: Keep Alachua County Beautiful (KACB) is the sponsor of The Great American Cleanup, "Trash Troopers," and other anti-litter/beautification activities. The Great American Cleanup is held the second or third Saturday in April of each year and recruits over 10,000 volunteers to pick up litter, remove graffiti, paint run-down buildings, clean up illegal dump sites, and otherwise beautify Gainesville, the other cities in Alachua County and the unincorporated area of Alachua County. Nearly 3 tons of litter and debris were removed from public right-of-ways and other areas just within the City of Gainesville during the 2012 events associated with the cleanup.

KACB was certified in 1995 as the local affiliate of Keep Florida Beautiful and Keep America Beautiful. The City of Gainesville has been a KACB member since the certification of this non-profit organization and has supported KACB with an annual contribution of either \$15,000 or \$20,000 for the past nine years. The City of Gainesville has also provided in-kind services ranging in value from approximately \$6,000 to \$7,000 each year in support of the Great American Cleanup activities.

The Agreement provides:

1) Contribution of up to \$6,769.62 in in-kind services.

2) Payment of \$15,000 to renew the City membership in Keep Alachua County Beautiful. In return, KACB will perform specified cleanup and beautification projects in coordination with the City Solid Waste and Parks Divisions. These projects include, but are not limited to: The Great American Cleanup, "graffiti removal, tree and shrub plantings, and public education programs for litter and

graffiti prevention.

3) Payment of \$10,000 for continued implementation of The Beautiful Block Program. The Beautiful Block Program is necessary to recruit block captains from targeted neighborhoods and to provide guidance and tools to empower neighborhoods to keep their own blocks clean and beautiful.

4) Payment of \$10,000 for the implementation of the Gainesville Clean and Green Program. The Gainesville Clean and Green Program consist of the beautification improvements of specific medians to be designated by the City Manager through the Solid Waste Division Manager and other minor beautification projects as developed.

5) Reimbursement up to \$20,000 for coordination of beautification services.

Fiscal Note: Funding in the amount of \$55,000 is available in the adopted Public Works Department, Solid Waste Division FY 2013 operating budget.

RECOMMENDATION

The City Commission authorize the City Manager to execute the contract with Keep Alachua County Beautiful for the period of October 1, 2012 through September 30, 2013, subject to approval by the City Attorney as to form and legality.

120273_Agreement_20120906.PDF

120274.

Roadway Transfer Agreement with Alachua County (B)

The City of Gainesville entered into a Maintenance Agreement with Alachua County for the Section of Main Street from Depot Avenue to University Avenue in 2004. The Roadway Transfer Agreement will transfer ownership of Main Street from South 16th Avenue to University Avenue to the City of Gainesville.

MODIFICATION: Remove item - (received request to remove 8/30/2012).

Explanation: The City of Gainesville and the Metropolitan Transportation Planning Organization (MTPO) began working on the concept of converting Main Street to a two-lane roadway with on-street parking as early as 1997. In subsequent years, a series of consultant studies, charrettes and presentations were conducted and motions were approved to direct the Florida Department of Transportation (FDOT), Alachua County and the City of Gainesville staffs to develop a plan for transferring ownership and maintenance of Main Street in order to facilitate the two-laning option.

The original jurisdictional arrangement agreed to in January 2001 provided that Alachua County would execute an agreement with FDOT to accept ownership of Main Street from State Road 331 north to University Avenue and the City of Gainesville would execute an agreement with Alachua County confirming that the City will maintain Main Street from Depot Avenue to University Avenue (0.53 miles).

Based on that arrangement the City of Gainesville executed a maintenance agreement with Alachua County to maintain Main Street from Depot Avenue to University Avenue in 2004. The City also entered into a maintenance agreement with FDOT for Main Street from University Avenue to N. 8th Avenue.

Due to the number of projects that the City is undertaking along Main Street, staff is recommending that the City pursue accepting ownership of Main Street from South 16th Avenue to University Avenue (1.15 miles). Since the cost for maintenance for the majority of this section of roadway currently falls on the City, the fiscal impact of accepting ownership is minimal.

Fiscal Note: Based on statewide averages for mill/resurface and sign/markings maintenance the additional annualized cost for accepting the additional 0.62 miles of roadway is estimated to be \$24,000/year. Staff anticipates the cost for mill/resurface will be covered by the gas tax revenue in the capital program and the estimated \$3,400 for signs/markings maintenance will be covered in the department's annual operating budget.

RECOMMENDATION

The City Commission authorize the City Manager to execute the Roadway Transfer Agreement with Alachua County for Main Street from South 16th Avenue to University Avenue subject to approval of the City Attorney as to form and legality.

120274_Agreement_20120906.pdf

120275.

Firehouse Subs Public Safety Foundation (NB)

This is a request for City Commission approval for the Gainesville Police Department to participate in the Firehouse Subs Public Safety Foundation grant process by the local and regional Firehouse Subs managers.

Explanation: The Gainesville Police Department has been invited to participate in the Firehouse Subs Public Safety Foundation grant process by the local and regional Firehouse Subs managers. Grant awards are made for up to \$20,000 for public safety related purchases. The Gainesville Police Department is submitting an application for portable AED units as well as for one K-9. The total amount requested from the foundation will be \$20,000. Applications submitted before September 15, 2012 will be notified of their funding status by October 1, 2012.

Fiscal Note: If the Gainesville Police Department is successful in the application processes purchases will be made directly by the Firehouse Subs Foundation. These purchases will be made in accordance with the vendors recommended by the agency and with the purchasing requirements established by the City of Gainesville. Items will be transferred to GPD once the purchasing process is complete.

RECOMMENDATION

The City Commission authorize the City Manager to accept and execute the grant award if received as well

as any other necessary documents, subject to approval by the City Attorney as to form and legality.

120276.**Agreement between School Board of Alachua County and the City of Gainesville for the School Resource Officer Program (B)**

This is a request for City Commission approval for the Gainesville Police Department to enter into an agreement with the School Board of Alachua County (SBAC) for the School Resource Officer Program.

Explanation: The Gainesville Police Department and the School Board of Alachua County desire to work in partnership to provide a School Resource Officer (SRO) program (a crime prevention program) to the public schools of Alachua County within Gainesville city limits. The School Board agrees to pay the City of Gainesville Police Department \$182,725.20 as its share of funding for seven School Resource Officers for the period of October 1, 2012 - September 30, 2013.

In addition the School Board agrees to provide up to \$6,000 for instructional materials, overtime expenses and training.

Fiscal Note: Total amount the City of Gainesville will receive through the agreement is \$182,725.20.

RECOMMENDATION

The City Commission: 1) approve the agreement for \$182,725.20 between the City of Gainesville, the Gainesville Police Department and the Alachua County School Board; 2) authorize the City Manager to accept and execute any other necessary documents, subject to approval by the City Attorney as to form and legality

120276_SchResOfcProgram_20120906.pdf

120283.**Construction Managers for Minor Construction Services (B)**

Explanation: In June 2012, the City of Gainesville Purchasing Department issued a Request for Qualifications (RFQ) to obtain construction management professional services for minor projects for the City and the CRA. A minor project is defined as a project that has a construction budget of less than \$2,000,000. Fourteen (14) firms responded to the RFQ and in July 2012, the selection committee met to evaluate and rank the written proposals. The top six (6) ranked firms were invited to present their qualifications to the selection committee on July 18, 2012. From these presentations, five (5) firms were selected for award. The firms are, in order of ranking, Oelrich Construction, Inc. (Newberry, FL), The Brentwood Company, Inc. (Archer, FL), Charles Perry Partners, Inc. (Gainesville, FL), Gray Construction Services, Inc. (Trenton, FL) and Foresight

Construction Group (Gainesville, FL). Firms will be chosen for projects according to their expertise, which is diversely represented among the firms.

Two separate contracts will be negotiated with each firm; one with the City and one with the CRA. For projects and improvements on City property or property for which the City has a license/permit to contract or maintain (City projects), the City will be the contract party. For projects and improvements on CRA property or property for which the CRA has a license/permit to contract or maintain (CRA projects), the CRA will be the contract party.

Fiscal Note: Projects in each Redevelopment Area are budgeted for on an annual basis and construction management fees are determined and negotiated on a per project basis.

RECOMMENDATION

The City Commission: 1) approve the final ranking of the top five (5) construction managers; and 2) authorize the City Manager to negotiate and execute contracts for construction management services with the top five (5) firms, subject to approval as to form and legality by the City Attorney.

120283_Bid Tab_20120906.pdf

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

120286.

General Engineering and Consultation Services (NB)

Staff recommends approval of the addition of Intertek APTECH and Power Grid Engineering LLC as qualified architectural, engineering and consultation firms and authorization to negotiate contracts with Intertek APTECH and Power Grid Engineering LLC in accordance with the Consultants Competitive Negotiations Act for required services.

Explanation: On September 4, 2008, the City Commission authorized GRU to initiate contract negotiations with qualified architectural, engineering and consultation firms as a result of a request of a Request for Statement of Qualifications (RFSQ) for those services. Professional Service Agreements (PSAs) were established with the firms; however, following the process, additional companies were identified whose services were likely to be required by GRU in the future due to their unique capabilities and experience. On March 5, 2009 and November 17, 2011, the City Commission authorized GRU to initiate contract negotiations with newly identified companies.

Staff recommends authorizing the General Manager, or his designee, to negotiate a PSA with these qualified firms for a term extending through September 30, 2013, consistent with the term of previously established PSA's, to provide the professional architectural, engineering and consultation services required by GRU. The PSA will contain standard terms and conditions and include a negotiated rate sheet. Labor rates may be adjusted annually with the concurrence of GRU. These firms will be added to the list of available firms

under the originally established contract and those which have been added thereafter.

The scope of services to be negotiated will include, but not be limited to, engineering, and consultation services as detailed in the RFSQ. These services will be utilized to supplement Utility wide in-house design and professional staff in support of specific City Commission budget approved Capital Improvement projects or other projects that may emerge.

As with all requirements for these professional services, GRU will award work to the firm on a project specific basis. GRU will award each project based upon an evaluation of a firm's understanding of the project scope, specific expertise or ability to complete the project, as well as the project completion time and cost as reflected by proposed level of effort. Staff will issue separate requests for professional services when it is deemed to be in GRU's best interest. For projects with a construction cost estimated to exceed one million dollars, a separate RFSQ will be issued requesting project specific submittals from the list of qualified professionals. The rank order will be submitted to the City Commission for approval.

Fiscal Note: Funding for the projects for which design or consultation services are required have been budgeted in the Capital Improvement Budgets of Utility departments requiring these services for FY 2012 and will be budgeted in future years as required.

RECOMMENDATION

The City Commission:

1) approve the addition of Intertek APTECH and Power Grid Engineering LLC for the provision of design or consultation services associated with Utility System facilities and City Commission approved Capital Improvement Projects or unexpected projects that may emerge from time to time;

2) authorize the General Manager, or his designee, to initiate contract negotiations with Intertek APTECH and Power Grid Engineering LLC in accordance with the Consultants Competitive Negotiations Act (CCNA);

3) authorize the General Manager, or his designee, upon successful negotiations, to execute professional services agreements (PSA) for a term extending through September 30, 2013, consistent with previously established PSA's, subject to approval of the City Attorney as to form and legality, in an amount not to exceed budgeted amounts for professional architectural, engineering or consultation services.

CITY ATTORNEY, CONSENT AGENDA ITEMS

120289.**MODEL BLOCK HOMES - PARTIAL RELEASE OF MORTGAGE (B)**

MODIFICATION - Additional back-up added 8/29/2012 @ 4:20 PM.

Explanation: On November 17, 2011 (Legistar #110484), the City Commission approved a loan to the CRA for purposes of constructing 3 new model block homes located at 403 NW 8th Street, 321 NW 7th Terrace, and 725 NW 4th Avenue. On January 10, 2012, the Mortgage securing the loan was recorded in the Official Records Book 4078, Page 2397, of the public records of Alachua County. The property located at 403 NW 8th Street was sold and the closing occurred in late August. A Partial Release of Mortgage was a requirement of the closing.

In order to facilitate the future closings of the remaining of the model block homes located at 321 NW 7th Terrace and 725 NW 4th Avenue at such time as they are sold, this item also requests authorization for the City Manager to execute the Partial Releases of Mortgage at such time as the closings on the sales occur. The Partial Releases of Mortgage will be held in escrow pending the receipt of payment to the City.

RECOMMENDATION

The City Commission (1) authorize the Mayor to execute and the Clerk of the Commission to attest the Partial Release of Mortgage for the CRA Model Block home located at 403 NW 8th Street, subject to approval by the City Attorney as to form and legality and (2) authorize the City Manager to execute Partial Releases of Mortgage for parcels located at 321 NW 7th Terrace and 725 NW 4th Avenue at such time as closings are scheduled for those homes, subject to approval by the City Attorney as to form and legality and further subject to the executed releases being held in escrow until the City receives payment from the CRA or the closing agent.

120289_partial release of mortgage_20120906.pdf

120289b_MOD_mortgage doc_20120906.pdf

120289_release of mortgage_20120906.pdf

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS**120278.****City Commission Minutes (B)****RECOMMENDATION**

The City Commission approve the minutes of July 24, 2012, August 2, 2012, and August 16, 2012, as circulated.

120278_july 24, 2012_minutes_20120906.pdf

120278a_aug 2, 2012_minutes_20120906.pdf

120278b_aug.16,2012 minutes_20120906.pdf

120282.**Appointment to the Gainesville Housing Authority Resident Member (NB)****RECOMMENDATION**

The City Commission confirm the Mayor's appointment for the following:

Jane Morris to the Gainesville Housing Authority for a term to expire 8/1/16.

120310.**City Attorney Employment Agreement (B)**

MODIFICATION - Fourth revised agreement added 9/5/2012 @ 6:10 PM.

RECOMMENDATION

The City Commission approve the employment agreement of Nicolle Shalley.

120310_MOD_4th_revised agreement_20120906.pdf

120310_employment agreement_20120906.pdf

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**COMMITTEE REPORTS, CONSENT AGENDA ITEMS****COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS****END OF CONSENT AGENDA****ADOPTION OF THE REGULAR AGENDA****CHARTER OFFICER UPDATES****CLERK OF THE COMMISSION****CITY MANAGER****120284.****Transportation Concurrency and the Evaluation and Appraisal Comprehensive Plan Amendment Process. (B)**

MODIFICATION - Revised recommendation and revised ppt slide (last slide) updated 9/04/2012 @ 1:35 PM.

Explanation: Updates to the Comprehensive Plan for the Evaluation and Appraisal amendments must be finalized and transmitted to the State Land Planning Agency by May 1, 2013. Failure to transmit the required element amendments

by the May 1, 2013 deadline will mean that the City can no longer amend its Comprehensive Plan. A key component of the update includes how the City will deal with transportation concurrency and the Transportation Concurrency Exception Area (TCEA).

There are major changes relating to transportation concurrency that the City must respond to concerning Chapter Law 2011-139. These are:

1. Transportation Concurrency Exception Areas have been stricken from Florida Statutes.
2. Transportation Concurrency has been made optional under the new law.

The City's Concurrency Management Element was first adopted in 1999 in response to the unintended consequences of a strict interpretation of transportation concurrency. Transportation concurrency required that, if a roadway had reached its capacity in terms of vehicle trips, no additional development orders could be issued because the new development would degrade the level of service on the road. Within the City, many of the roads (especially State roads) failed. This included portions of NW and SW 13th Street, University Avenue, and Newberry Road. The City was placed in a position of having to deny development orders. This happened as early as 1992 when the City began enforcing transportation concurrency. An early solution, known as a Transportation Concurrency Management Area (TCMA), that previously existed in State law was adopted by the City. Later, the provisions of TCMA's were changed in State law, and the City no longer met the requirements and the City repealed the TCMA.

By 1999, more roads, including Archer Road, NW 43rd Street, NW 34th Street, SW 62nd Boulevard, etc were failing. Studies indicated that the transportation congestion problems in the city were greatly influenced by commuter traffic from outside of city limits (including not only unincorporated Alachua County but also from surrounding counties because Gainesville is a central place for employment, education, health services, and shopping).

Provisions in State statutes allowed for the creation of Transportation Concurrency Exception Areas (TCEA). In December 1999, the City adopted the Concurrency Management Element and implemented Zones A and B of the TCEA. The TCEA was expanded to include Zone C in 2005. In 2009, based on State law, the entire city limits area was deemed to be a TCEA, and the latest version of the Concurrency Management Element was adopted.

At this juncture, given the changes in State law, there are several alternatives available to the City. Staff is requesting feedback from the City Commission concerning the options:

1. Amend the comprehensive plan to rescind transportation concurrency and not replace it with any transportation mitigation system. This would involve deleting the entire Concurrency Management Element and removing references about the TCEA from other elements including the Future Land Use Element, the Transportation Mobility Element, Capital Improvements Element, and

Intergovernmental Coordination Element.

2. *Amend the comprehensive plan to implement transportation concurrency citywide (or in certain areas of the city) under the new requirements of Chapter 2011-139. This would require proportionate share contributions (see FDOT document in the backup) and the elimination of the TCEA in part or whole.*
3. *Amend the comprehensive plan to rescind transportation concurrency and replace it with a citywide alternative transportation mobility program. This might take the form of a Transportation Mobility Program (TMP) with TMP Zones that would follow the lines of the existing TCEA Zones or the creation of new zone lines based on transportation studies using a vehicle miles travelled methodology. Policies would be similar to those in the current Concurrency Management Element (which allow developers to meet transportation mitigation requirements either with construction of transportation modifications or with a payment option). This would eliminate the Concurrency Management Element and fold the new Transportation Mobility Program policies into the Transportation Mobility Element.*
4. *Amend the comprehensive plan to rescind transportation concurrency and replace it with a citywide Mobility Fee or Impact Fee approach. This would eliminate the Concurrency Management Element and require a fee study to establish the fee schedule. New policies would be placed in the Transportation Mobility Element and fees would be adopted in the Land Development Code.*

When considering alternatives, it is important to note that while the State has given local governments the option of eliminating transportation concurrency, the requirement for adequate public facilities has not been removed from State law. The Transportation Mobility Element must still provide policies relating to:

1. *Existing and projected intermodal deficiencies and needs."*
2. *The projected transportation system levels of service and system needs based upon the future land use map and the projected integrated transportation system."*
3. *How the local government will correct existing facility deficiencies, meet the identified needs of the projected transportation system, and advance the purpose of this paragraph and the other elements of the comprehensive plan."*

The Future Land Use Element requires:

1. *Future land use map amendments shall be based upon the following analyses:*
 - a. *An analysis of the availability of facilities and services...."*

The City Plan Board discussed this issue at their May 24, 2012 meeting and provided staff with clear support for a multi-modal transportation approach and

no support for traditional transportation concurrency. The general direction received from the Plan Board was to pursue multi-modal transportation solutions; mobility zones similar to the existing TCEA Zones; and possibly mobility or impact fees.

At this point, Planning staff's recommended approach is Alternative 3, which is consistent with the Plan Board's direction to staff. This approach is preferred because:

1. Maintains continuity of the best aspects of the TCEA and the TCEA Zones.
2. Provides a source of funding for multi-modal transportation projects that helps the City meet the adequate public facilities requirements for transportation.
3. Eliminates the requirement to use proportionate share. The formula for proportionate share only uses roadways and not other modes of transportation.
4. Continues the City's support of a multi-modal transportation system.
5. Eliminates the problems of reinstating transportation concurrency and having to deny development orders.

Implementation of Alternative 3 would involve:

1. Rescinding transportation concurrency in the City's Comprehensive Plan.
2. Deletion of the Concurrency Management Element.
3. Including transportation mobility policies in the Transportation Mobility Element and creation of a Transportation Mobility Program.
4. Studies (using staff and a consultant) to establish new zones (as necessary) and to run the transportation models to determine vehicle miles travelled for the various zones.
5. Establishment of related base fees (for payments in lieu of construction of mobility projects) for each zone.
6. Implementation of the new program in the Land Development Code with appropriate Code changes and deletion of transportation concurrency references in the Land Development Code.

Fiscal Note: On average, the TCEA mechanism provides approximately \$1,000,000 annually, not including various transportation projects constructed directly by the development community in lieu of making a payment and the intent will be to offset this revenue source with an alternative transportation mobility program.

RECOMMENDATION

Staff to City Commission: Direct staff, as part of the update of the Comprehensive Plan for the Evaluation and Appraisal Process, to pursue alternative number three, which includes rescinding transportation concurrency and replacing the TCEA with a transportation mobility program city-wide.

120284A_FL Statue-ComprehensivePlan_20120906.pdf
120284B_FL Statue-Concurrency_20120906 .pdf
120284C_PascoCountyResponse_20120906.pdf
120284D_FDOT ProportionateShare_20120906.pdf
120284E_MOD-Staff PPT_20120906.pdf

GENERAL MANAGER FOR UTILITIES

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

COMMISSION COMMENTS (if time available)

RECESS - 3:18 PM

RECONVENE - 5:57 PM

PLEDGE OF ALLEGIANCE (5:30pm)

PROCLAMATIONS/SPECIAL RECOGNITIONS

120293.

Constitution Week September 17-23, 2012 (B)

RECOMMENDATION

Gainesville Chapter of the National Society Daughters of the American Revolution to accept the proclamation.

120293_Constitution_20120906.pdf

120294.

The SE Rotary Mentor Center Boys & Girls Club Day - September 8, 2012 (B)

RECOMMENDATION

Boys & Girls Club of Alachua County President and Chief Professional Officer Keith Blanchard, Area Director Freddy Williams, Mentor Center Director Liz Martin, Lincoln Estates Neighborhood Watch Committee Members and Block Captains and Doris Edwards to accept the proclamation.

120294_Boys&Girls_20120906.pdf

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

PUBLIC HEARINGS

RESOLUTIONS- ROLL CALL REQUIRED

120226.

Acceptance of anticipated US Department of Transportation FAA - AIP Grant #3-12-0028-034-2012 in the amount of \$1,187,542. (B)

This item seeks City of Gainesville acceptance of an anticipated 2012 US Department of Transportation FAA - AIP Grant to the Gainesville Regional Airport in the amount of \$1,187,542 for 1) Rehabilitation and Improvement of Internal Service Road, 2) Rehabilitation of Apron High Mast Lighting and Related Work, 3) Taxiway E Rehabilitation - Design Only, 4) Preparation of Airport Wildlife Hazard Management Plan, 5) Acquisition / Replacement of ARFF Equipment Mutual Aid Radios, and 6) Acquisition of Emergency Command Communications Vehicle.

MODIFICATION: FAA Grant agreement added 9/6/2012 @ 2:00 PM per the City Attorney.

Explanation: The Gainesville-Alachua County Regional Airport Authority anticipates an offer from the FAA for AIP Grant 3-12-0028-034-2012 in the amount of up to \$1,187,542 at the Gainesville Regional Airport for 1) Rehabilitation and Improvement of Internal Service Road, 2) Rehabilitation of Apron High Mast Lighting and Related Work, 3) Taxiway E Rehabilitation - Design Only, 4) Preparation of Airport Wildlife Hazard Management Plan, 5) Acquisition / Replacement of ARFF Equipment Mutual Aid Radios, and 6) Acquisition of Emergency Command Communications Vehicle.

Because the City of Gainesville retains title to the land upon which Gainesville Regional Airport operates, the City of Gainesville, in addition to the Gainesville Alachua County Regional Airport Authority (GACRAA), must formally accept all federal grant offers. GACRAA did approve a Resolution (Resolution No. 12-030) accepting the anticipated grant at its regularly scheduled meeting on August 30, 2012.

Fiscal Note: This US Department of Transportation FAA - AIP anticipated Grant is in the amount of \$1,187,542 with proceeds for listed improvements to be received by the Gainesville Regional Airport. There is a GACRAA funding component representing cumulatively approximately 5% of the grant proceeds with no fiscal impact upon the City.

RECOMMENDATION

The City Commission: 1) hear a brief presentation regarding this request; and 2) adopt the proposed 2012 FAA - AIP Grant Resolution and authorize the Mayor and City Attorney to execute said Grant Agreement and

the City Clerk to certify said Grant Agreement.

120226A_Ltr to City Comm_20120906.pdf
120226B_Ltr to FAA_20120906 .pdf
120226C_FAA Application_20120906.pdf
120226D_Assurances_20120906.pdf
120226E_GACRAA Resolution_20120906.pdf
120226F_City Resolution_20120906.pdf
120226G_FAA Terms&Conditions_20120906.pdf
120226H_MOD_ FAA Grant Agreement_20120906.pdf
120226_resolution_20120906.pdf

120287.

Acceptance of anticipated US Department of Transportation FAA - AIP Grant #3-12-0028-035-2012 in the amount of \$333,000 (B)

This item seeks City of Gainesville acceptance of an anticipated 2012 US Department of Transportation FAA - AIP Grant to the Gainesville Regional Airport in the amount of \$333,000 for:

1) an Airport Master Plan Study Update and Related Planning Studies.

MODIFICATION - FAA Grant Agreement added 9/6/2012 @ 2:05 PM per the City Attorney.

Explanation: The Gainesville-Alachua County Regional Airport Authority anticipates an offer from the FAA for AIP Grant 3-12-0028-035-2012 in the amount of up to \$333,000 at the Gainesville Regional Airport for 1) and Airport Master Plan Study Update and Related Planning Studies.

Because the City of Gainesville retains title to the land upon which Gainesville Regional Airport operates, the City of Gainesville, in addition to the Gainesville Alachua County Regional Airport Authority (GACRAA), must formally accept all federal grant offers. GACRAA did approve a Resolution (Resolution No. 12-033) accepting the anticipated grant at its regularly scheduled meeting on August 30, 2012.

Fiscal Note: This US Department of Transportation FAA - AIP anticipated Grant is in the amount of \$333,000 with proceeds for listed improvements to be received by the Gainesville Regional Airport. There is a GACRAA funding component representing cumulatively approximately 10% of the grant proceeds with no fiscal impact upon the City.

RECOMMENDATION

The City Commission: 1) hear a brief presentation regarding this request; and 2) adopt the proposed 2012 FAA - AIP Grant Resolution and authorize the Mayor and City Attorney to execute said Grant Agreement and the City Clerk to certify said Grant Agreement.

120287A_Letter to City Commission_20120906.pdf
 120287B_GACRAA Resolution_20120906.pdf
 120287C_City Resolution_20120906.pdf
 120287D_FAA Grant Application_20120906.pdf
 120287E_Assurances_20120906.pdf
 120287F_FAA Terms&Conditions_20120906.pdf
 120287G-MOD_FAA Grant Agreement_20120906.pdf
 120287_resolution_20120906.pdf

120254.**Resolution for a Joint Participation Agreement - State Block Grant Funds for RTS Operating Assistance for FY 2012-2013 (B)**

This item is a request to adopt a Resolution authorizing the City Manager to execute a Joint Participation Agreement between the City of Gainesville and Florida Department of Transportation (FDOT) to accept the allocation for Gainesville of \$1,632,478 from the State Block Grant Funds for FY 2012-2013.

Explanation: FDOT allocates state block grant funds for public transit systems each year. The allocations are based on a three-part formula that includes population, ridership, and vehicle miles operated. For FY 2012-2013, the allocation for Gainesville is \$1,632,478 which represents an increase of \$131,882 from last year's allocation.

FDOT requires the governing board of each public transit system to adopt a resolution authorizing the acceptance of these funds.

Fiscal Note: The Joint Participation Agreement requires the City of Gainesville to match the funding. Funds in the amount of \$1,632,478 for this match are available in the FY 2012-2013 RTS operating budget.

RECOMMENDATION *The City Commission adopt the Resolution.*

120254_MOD-Resolution_20120906.pdf
 120254_resolution_20120906.pdf

ADOPTION READING-ROLL CALL REQUIRED**ORDINANCES, 1ST READING- ROLL CALL REQUIRED****110864.****LAND DEVELOPMENT CODE - STORMWATER MANAGEMENT (B)****Ordinance No. 110864; Petition No. PB-12-20 TCH**

An ordinance of the City of Gainesville, Florida, amending the Land Development Code; by amending Section 30-270 Stormwater management generally; erosion and sediment control; design and maintenance of facilities to make it consistent with the Stormwater Management Element of the City of Gainesville Comprehensive Plan regarding the use and design of stormwater management facilities; providing directions to the codifier;

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

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

This petition and ordinance amend Section 30-270 of the Land Development Code related to Stormwater management to make it consistent with the updated Stormwater Management Element of the Comprehensive Plan that was adopted on January 19, 2012, by Ordinance No. 110172.

Amendments include:

- 1. Remove references to the 25-year, critical duration storm and replace with the 100-year, critical duration storm, which is the adopted level of service;*
- 2. Allow for the use of off-site stormwater facilities to meet stormwater quality and/or quantity standards;*
- 3. Add a new construction design requirement to provide opportunities for joint use of retention and detention basins for habitat, open space, passive recreation, and trails;*
- 4. Add a new construction design requirement that the design of stormwater management facilities shall minimize the need for maintenance.*

Public notice was published in the Gainesville Sun on March 6, 2012. On March 22, 2012, the City Plan Board held a public hearing and, by a vote of 7-0, recommended approval of the petition.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings. Should this ordinance pass on first reading, second and final reading will be held on September 20, 2012.

RECOMMENDATION *The City Commission (1) approve petition PB-12-20 TCH and (2) adopt the proposed ordinance.*

110864_draft ordinance_20120906.pdf
 110864B_staff report_20120906.pdf
 110864C_Comp Plan GOPs_20120906.pdf
 110864D_Application_20120906.pdf
 110864E_CPB minutes_20120906.pdf
 110864E_CPB minutes_20120906.pdf
 110864F_staff ppt_20120906.pdf

110866.

HAWLEY 39TH AVENUE PLANNED DEVELOPMENT (B)

Ordinance No. 110866; Petition No. PB-12-08 PDA

An ordinance of the City of Gainesville, Florida, amending the Planned Development commonly known as "Hawley 39th Avenue Planned Development" located in the vicinity of 4405 NW 39th Avenue; by amending City of Gainesville Ordinance No. 050254 to provide for additional parking; by providing a severability clause; and providing an immediate effective date.

MODIFICATION - Additional back-up added 8/29/2012 @ 4:20 PM.

Explanation: This ordinance amends the Planned Development ordinance for a parcel located at 4405 NW 39th Avenue to allow additional parking. The PD for the parcel was approved by the City Commission on July 24, 2006, as Ordinance No. 050254.

The PD ordinance allows a variety of commercial, office and retail uses, including a restaurant. The PD was amended on August 21, 2008 to extend its expiration date. A development plan, Petition 38SPL-07DB, for a restaurant was approved in 2009; the project was constructed and commenced operation on August 23, 2011.

After the restaurant commenced operation, its success resulted in a noticeable deficiency in parking and the need for additional parking spaces. The applicant indicated that they attempted valet parking, leased parking, shared parking, joint parking and reconfiguration of the parking but the options were not successful. This amendment to the PD ordinance expands the vehicular use area to allow an increased number of parking spaces.

The proposed amendment will maintain the essential elements of the PD ordinance as it relates to conformance with the Comprehensive Plan and Land Development Code imposes additional conditions to:

- 1. Maintain compatibility with the adjacent residential development immediately west of the subject property.*
- 2. Maintain safe and efficient ingress/egress and the flow of traffic to the site by all developments with access rights.*
- 3. Ensure that the proposal remains consistent with Policy 1.6.1 of the Concurrency Management Element of the Comprehensive Plan.*
- 4. Provide a time limit on the construction of the additional parking spaces.*

Public notice was published in the Gainesville Sun on March 6, 2012. On March 22, 2012, the City Plan Board, by a vote of 7-0, recommended approval of the petition. On May 17, 2012, the City Commission approved the Petition, by a vote of 7-0.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings. Should this ordinance pass on first reading, second and final reading will be held on September 20, 2012.

RECOMMENDATION*The City Commission adopt the proposed ordinance.***Legislative History**

5/3/12 City Commission Continued (Petition) (7 - 0)
 5/17/12 City Commission Approved (Petition) with Conditions (7 - 0)

110866A_cpb recommended conditions_20120503.pdf
 110866B_staff report_20120503.pdf
 110866C__TRC comments_20120503.pdf
 110866D_required maps submitted with PD-20120503.pdf
 110866E_supplemental documents_20120503.pdf
 110866F_references from the LDC-20120503.pdf
 110866G_maps_20120503.pdf
 110866H_cpb minutes_20120503.pdf
 110866I_staff ppt_20120503.pdf
 110866A_cpb recommended conditions_20120517.pdf
 110866B_staff report_20120517.pdf
 110866C__TRC comments_20120517.pdf
 110866D_required maps submitted with PD-20120517.pdf
 110866E_supplemental documents_20120517.pdf
 110866F_references from the LDC-20120517.pdf
 110866G_maps_20120517.pdf
 110866H_cpb minutes_20120517.pdf
 110866I_staff ppt_20120517.pdf
 110866_MOD_draft_ord_20120906.pdf

110888.**DEVELOPMENT ORDER AND BUILDING PERMIT EXTENSIONS (B)****Ordinance No. 110888**

An ordinance of the City of Gainesville, Florida, establishing administrative procedures, requirements and limitations to carry out the development order and building permit extensions authorized by Section 252.363, Florida Statutes; providing a severability clause; and providing an immediate effective date.

Explanation: On July 1, 2011, Section 252.393, Florida Statutes, titled "Tolling and extension of permits and other authorizations" became law. This Statute states that the declaration of a state of emergency by the Governor tolls the period remaining to exercise the rights under certain permits and development orders for the duration of the emergency plus an additional 6 months.

On July 19, 2012, the City Commission directed the City Attorney to prepare an ordinance to establish administrative procedures to carry out the development order and building permit extensions authorized by Section 252.363, Florida Statutes, just as the City has done with other statutory created extensions.

Should the City Commission pass this ordinance on first reading, second and final reading will be held on September 20, 2012.

RECOMMENDATION*The City Commission adopt the proposed ordinance.*

Legislative History

7/19/12 City Commission Approved as Recommended (5 - 0 - 2 Absent)

110888A_Section 252.363 Florida Statutes_20120719.pdf

110888_draft ordinance_20120906.pdf

120001.**LAND DEVELOPMENT CODE - LEVELS OF SERVICE STANDARDS AND WATER AND WASTEWATER FACILITIES (B)****Ordinance No. 120001; Petition No. PB-12-37 TCH**

An ordinance of the City of Gainesville, Florida, amending the Land Development Code; by amending Section 30-35 Level of service standards and Section 30-271 Centralized water and wastewater facilities for consistency with the Potable Water & Wastewater, Recreation, Solid Waste, and Stormwater Management Elements of the City of Gainesville Comprehensive Plan; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

This petition and ordinance amend the Land Development Code of the City of Gainesville so that it is consistent with the following recently updated Elements of the City's Comprehensive Plan: Potable Water & Wastewater, Recreation, Solid Waste, and Stormwater Management. The updated Potable Water & Wastewater Element was adopted by Ordinance No. 110249 on January 5, 2012. The updated Solid Waste Element (Ordinance No. 110171) and the Stormwater Management Element (Ordinance No. 110172) were adopted on January 19, 2012. The updated Recreation Element was adopted by Ordinance No. 110608 on May 17, 2012.

The proposed text amendments to Chapter 30 pertain to various level of service requirements, and to requirements regarding the provision of centralized potable water systems, centralized wastewater systems, and water supply.

Public notice was published in the Gainesville Sun on April 10, 2012. On April 26, 2012, the City Plan Board held a public hearing and, by a vote of 5-0, recommended approval of the petition.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings. Should this ordinance pass on first reading, second and final reading will be held on Thursday, September 20, 2012.

RECOMMENDATION

The City Commission (1) approve Petition PB-12-37 TCH and (2) adopt the proposed ordinance.

120001A_draft ordinance_20120906.pdf
 120001B_staff report_20120906.pdf
 120001C_comp plan GOPs_20120906.pdf
 120001D_application_20120906.pdf
 120001E_cpb minutes_20120906.pdf
 120001F_staff ppt_20120906.pdf

120129.

DEVELOPMENT ORDER AND BUILDING PERMIT EXTENSIONS (B)

Ordinance No. 120129

An ordinance of the City of Gainesville, Florida, establishing administrative procedures, requirements and limitations to carry out the development order and building permit extensions authorized by House Bill 503, now known as Chapter 2012-205, Laws of Florida; providing a severability clause; and providing an immediate effective date.

Explanation: On May 4, 2012, the Governor signed House Bill 503 (now Chapter 2012-205, Laws of Florida) (HB 503) into law and it became effective on July 1, 2012. While HB 503 covers many diverse environmental issues, this ordinance is limited to the sections of HB 503 that provide for additional 2-year extensions to local permits, in addition to the extensions granted by 2009's Senate Bill 360 (SB 360), 2010's Senate Bill 1752 (SB 1752), and 2011's House Bill 7207 (HB 7207). Under HB 503, holders of permits with an expiration date of January 1, 2012 through January 1, 2014, have until December 31, 2012, to extend and renew their permit for a period of 2 years from its current date of expiration. Provided, however, that the total of extensions granted under SB 360, SB 1752, HB 7207 or this HB 503 do not exceed a total of four years.

On July 19, 2012, the City Commission directed the City Attorney to prepare an ordinance to establish administrative procedures to carry out the development order and building permit extensions authorized by HB 503, just as the City did previously with SB 360, SB 1752, and HB 7207.

Should the City Commission pass this ordinance on first reading, second and final reading will be held on September 20, 2012.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

7/19/12 City Commission Approved as Recommended (5 - 0 - 2 Absent)

120129A_Chapter 2012-205 Laws of Florida_20120719.pdf
 120129A_draft ordinance_20120906.pdf

120211.

WATER AND SEWERAGE AMENDMENTS (B)

Ordinance No. 120211

**AN ORDINANCE OF THE CITY OF GAINESVILLE, FLORIDA,
 AMENDING CHAPTER 27, DIVISION 3, SEWERAGE, OF THE**

GAINESVILLE CODE OF ORDINANCES; BY AMENDING SECTION 27-180, "PRETREATMENT PROGRAM - GENERALLY", RELATING TO OBJECTIVES AND IMPLEMENTATION; AMENDING SECTION 27-180.1 "SAME - PROHIBITED SUBSTANCES" RELATING TO STANDARDS AND REQUIREMENTS; AMENDING SECTION 27-180.3, "SAME - PERMITTING" RELATING TO REQUIREMENTS FOR INDUSTRIAL WASTES; AMENDING SECTION 27-180.4 "SAME - MONITORING, REPORTING AND NOTIFICATION", RELATING TO SEMI-ANNUAL COMPLIANCE REPORTS; AMENDING SECTION 27-180.5 "SAME - PRETREATMENT FACILITIES AND MONITORING EQUIPMENT" RELATING TO OPERATING PROCEDURES FOR HANDLING HARMFUL WASTE; AMENDING SECTION 27-180.6 "SAME - ACCIDENTAL DISCHARGE/SLUG PREVENTION" RELATING TO PROCEDURES FOR SLUG DISCHARGE; AMENDING SECTION 27-180.7 "SAME - ENFORCEMENT" RELATING TO COMPLIANCE AND INSPECTIONS; AMENDING SECTION 27-180.8 "SAME - REGULATION OF WASTEWATER RECEIVED FROM OTHER JURISDICTIONS" RELATING TO INTER-JURISDICTIONAL AGREEMENTS; PROVIDING A REPEALING CLAUSE; PROVIDING DIRECTIONS TO THE CODIFIER; PROVIDING A SEVERABILITY CLAUSE; AND, PROVIDING AN IMMEDIATE EFFECTIVE DATE IN ACCORDANCE WITH THE SCHEDULE PROVIDED HEREIN.

Explanation: The ordinance revision is required by the Florida Department of Environmental Protection (FDEP) due to changes in 40 CFR 403 made by EPA at the federal level and subsequent changes made in FAC 62-625 by FDEP. The changes in the rule at the federal level are called the Pretreatment Streamlining Rule.

The purpose of the Pretreatment Streamlining Rule is to provide flexibility for dealing with some industrial users that, although they are regulated under federal rules, do not have a significant impact on wastewater collection systems.

In addition to the Pretreatment Streamlining Rule changes, FDEP directed GRU to make some other changes in Section 27-180. Most of the changes add detailed language to ensure compatibility between the City Ordinance and the state rules found in FAC 62-625, but those changes should not significantly change how the GRU pretreatment program is administered.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

8/2/12 City Commission Approved as Recommended (7 - 0)

120211_factsheet_20120802.pdf

120211_fdepltr_20120802.pdf

120211_permitltr_20120802.pdf

120211_requirements_20120802.pdf

120211_PPT_20120802.pdf

120211_GRU 27-180 amendment_20120906.pdf

120261.**CHAPTER 27-96 AMENDMENTS RELATING TO WATER AND SEWERAGE (B)****Ordinance No. 120261**

AN ORDINANCE OF THE CITY OF GAINESVILLE, FLORIDA, AMENDING CHAPTER 27 OF THE GAINESVILLE CODE OF ORDINANCES RELATING TO WATER AND SEWERAGE; AMENDING SECTION 27-96 OF THE CODE OF ORDINANCES BY CREATING AND AMENDING CERTAIN DEFINITIONS AS MORE SPECIFICALLY SET FORTH IN THE ORDINANCE; PROVIDING A REPEALING CLAUSE; PROVIDING DIRECTIONS TO THE CODIFIER; PROVIDING A SEVERABILITY CLAUSE; AND, PROVIDING AN IMMEDIATE EFFECTIVE DATE IN ACCORDANCE WITH THE SCHEDULE PROVIDED HEREIN.

Explanation: The ordinance revision is required by the Florida Department of Environmental Protection (FDEP) due to changes in 40 CFR 403 made by EPA at the federal level and subsequent changes made in FAC 62-625 by FDEP. FDEP referred GRU to the latest version of the EPA Model Pretreatment Ordinance and to FAC 62-625 to make changes to Sec 27-96 (Definitions) and Sec 27-180.

Changes to Sec 27-96 (Definitions) are required to support revisions being made to Sec 27-180.

Drafts of both revised Sections 27-96 and 27-180 were submitted and approved by FDEP in April 2012.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

120261_GRU 27-96 amendment_20120906.pdf

120218.**GENERAL EMPLOYEE'S PENSION PLAN ORDINANCE AMENDMENTS (B)****Ordinance No. 120218**

An ordinance of the City of Gainesville, Florida, amending Chapter 2, Article VII, Division 5 (Employees Pension Plan) of the Code of Ordinances of the City of Gainesville; amending Section 2-521, Definitions; amending the definition of credited service related to sick leave and personal critical leave bank; amending the definition of earnings related to overtime pay and termination vacation pay; amending the definition of final average earnings related to the computation of such earnings; amending the definition of service credit rules to conform and clarify the Plan with regard to a member's death while performing qualified military service; amending Section 2-523, Membership and service, related to the computation of final average earnings for participants in the Gainesville Gas Group Pension Plan; amending Section 2-524, Contributions and funding, related to member

contributions, by changing the term gross pay to earnings; amending Section 2-526, Benefits, related to years of service and age required for normal retirement and early retirement, payment of accrued benefit with an actuarial present value of \$5,000.00 or less, the timing of termination benefits, and the amount of monthly pension benefit; amending Section 2-534, Deferred Retirement Option Program (DROP), related to eligibility, sick leave and personal critical leave bank, and interest rate; amending Section 2-535, Cost of living adjustment of benefits; non-eligibility during DROP participation, related to age and years of service; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: The City Commission, at its meeting of Thursday, August 16, 2012, authorized the preparation and advertisement of this Ordinance. The Ordinance amends the City's General Employees Pension Plan (Plan) in accord with the collective bargaining process between the City and the Communication Workers of America, Local No. 3170 (CWA). The changes negotiated with the CWA include modifications to the length and components of final average earnings, eligibility for normal and early retirement, adjustment to the multiplier and cost of living allowance, elimination of DROP for new members and a reduction of the DROP return for existing members, and other changes mandated by Florida Statutes, as more specifically described in the title and body of the Ordinance. These changes will apply to members of the Plan to varying degrees depending on whether the member is a new City employee, non-vested, vested, or retirement eligible. City employees who are members of the CWA and the Amalgamated Transit Union, Local No. 1579 (ATU), as well as City employees classified as a Manager, Administrative, or Professional (MAP), are members of the Plan and will be affected by the changes. The changes were ratified by the members of the CWA on August 14, 2012 and should be ratified by the City Commission at the same time as the Second Reading of this Ordinance for the Plan changes to take effect on October 1, 2012. The City's bargaining team has attempted to bargain changes to the Plan with the ATU on many occasions for over a year, but the ATU has refused to bargain such changes. Pursuant to Article 34.5 of the Collective Bargaining Agreement between the City and the ATU, the City may make changes in the Plan subject to the ATU's right to demand impact bargaining prior to the effective date of such changes. On August 15, 2012, a representative from the City's bargaining team provided the ATU with a copy of this Ordinance, a summary of the Plan changes, written notice that the City intends to implement changes to the Plan in accordance with Article 34.5, and a reasonable opportunity to bargain the impact of the changes before their implementation. These changes have also been discussed with MAP employees at several pension meetings over the past year.

CITY ATTORNEY MEMORANDUM

This ordinance requires two public hearings. If adopted on first reading, second and final reading of the ordinance is scheduled for Monday, September 10, 2012.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

8/16/12 City Commission Approved as Recommended (5 - 0 - 2 Absent)

120218B_General Pension Amendments_20120906.pdf
 120218C_General Pension Amendments_20120906.pdf
 120218A_General Pension Amendments_20120906.pdf
 120218_ordinance_20120910.pdf
 120218_MOD_Revised Presentation_20120906.pdf

ORDINANCES, 2ND READING- ROLL CALL REQUIRED**110814.****FUTURE LAND USE MAP CHANGE - VICINITY OF 2000 SW 43RD STREET (B)****Ordinance No. 110814; Petition No. PB-11-137 LUC**

An ordinance amending the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of approximately 24.7 acres of property located in the vicinity of 2000 SW 43rd Street, as more specifically described in this ordinance, from the Alachua County land use category of Recreation to the City of Gainesville land use categories of Recreation (REC), Conservation (CON), and Public Facilities (PF); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

On June 21, 2012, the City Commission approved this ordinance by a vote of 5-0. In accordance with the expedited state review process, city staff transmitted this ordinance as part of the Amendment No. 12-4ESR package to the state reviewing agencies. During the 30 day comment period, the city received 4 letters of "no comment" from the reviewing agencies. The letters from St. Johns River Water Management District and the Florida Department of Education include comments that are not related to this ordinance.

This ordinance amends the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of certain property, as more specifically described in the ordinance, from Alachua County Recreation to City of Gainesville Recreation (REC), Conservation (CON), and Public Facilities (PF). The approximately 24.7 acre property is located in the vicinity of 2000 SW 43rd Street, on the southwest corner of SW 43rd Street and SW 20th Avenue. The property includes Forest Park, a community park with active recreational facilities and an off-leash dog area. Also included is Alachua County Fire Rescue Station #19 and approximately 7.5 acres of land designated as Strategic Ecosystem by Alachua County.

This land use change is required to apply City land use designations on property annexed in 2009. This proposed land use amendment promotes the stable continuation of the existing uses. Specifically, the REC land use

designation was chosen for the active recreation portion of the site because it is compatible with the existing Alachua County Recreation designation as well as with the existing active recreation uses. In addition, the PF land use designation is most appropriate for the fire rescue station and the CON land use designation is appropriate for the areas deemed to have sensitive environmental features.

After public notice was published in the Gainesville Sun on February 7, 2012, the City Plan Board held a public hearing on February 23, 2012, and by a vote of 7-0, recommended approval of this petition. On April 19, 2012, the City Commission approved the petition by a vote of 7-0.

CITY ATTORNEY MEMORANDUM

Section 163.3184, Florida Statutes, sets forth the procedure for amending the Comprehensive Plan. The first hearing is the transmittal stage and must be advertised at least seven (7) days prior to the hearing. The second hearing is the adoption stage and must be advertised at least five (5) days prior to the hearing.

Within ten (10) working days after the first hearing, the City must transmit the amendment to the reviewing agencies and to any other local government or state agency that has filed a written request for same. These agencies have 30 days after receipt of the amendment to forward comments to the City. The City must consider any written comments received during the second hearing.

If adopted on second reading, the City will forward the amendment within ten (10) working days to the state land planning agency and any party that submitted written comments. If not timely challenged, the amendment shall become effective 31 days after the state land planning agency notifies the City that the amendment package is complete. If the amendment is challenged, the amendment will become effective on the date the state land planning agency or the Administration Commission (Governor and Cabinet) enters a final order determining this adopted amendment is in compliance with Chapter 163, Florida Statutes. No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before this amendment has become effective.

RECOMMENDATION

The City Commission (1) receive letters of the comment" from the Florida Department of Economic Opportunity, North Central Florida Regional Planning Council, Florida Department of Education, St. Johns River Water Management District; and (2) adopt the proposed ordinance.

Legislative History

4/19/12	City Commission	Approved (Petition) (7 - 0)
6/21/12	City Commission	Adopted (Ordinance) on Transmittal Hearing (5 - 0 - 2 Absent)

110814A_staff report_20120419.pdf
 110814B_Comp Plan GOPs_20120419.pdf
 110814C_Land Development Code_20120419.pdf
 110814D_Supplemental Documents_20120419.pdf
 110814E_Application_20120419.pdf
 110814F_cpb minutes.pdf
 110814G_staff ppt_20120419.pdf
 110814A_draft ordinance_20120621.pdf
 110814A_comment letters from state reviewing agencies_20120906.pdf
 110814_ordinance_20120906.pdf

110925.

COMPREHENSIVE PLAN AMENDMENT - CAPITAL IMPROVEMENTS ELEMENT (B)

Ordinance No. 110925; Petition No. PB-11-140 CPA

An ordinance amending the Capital Improvements Element of the City of Gainesville Comprehensive Plan; by amending Policies 1.1.1 and 1.1.12; by adding Policy 1.1.13; by amending Policies 1.2.1, 1.2.4, 1.2.6, and deleting Policy 1.2.5; by amending Policies 1.3.6 and 1.4.1; by deleting Objective 1.10 and its Policy 1.10.1; by updating Table 14: 5-Year Schedule of Capital Improvements (FY 10/11-14/15); by deleting Table 15. School Board of Alachua County 5-Year District Facilities Work Program (FY 10/11-14/15); providing directions to the city manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

On June 21, 2012, the City Commission approved this ordinance by a vote of 5-0. In accordance with the expedited state review process, city staff transmitted this ordinance as part of the Amendment No. 12-4ESR package to the state reviewing agencies. During the 30-day comment period, the city received 2 letters of 'no comment' and 2 'comment' letters. City staff responded to the comment letters.

In response to the comment letter received from the Florida Department of Education, the ordinance has been amended to better identify reference information related to Policy 1.1.13. In response to the St. John's River Water Management District's comment letter, the ordinance has also been amended to include water supply concurrency requirements in Policy 1.2.4.e. Other than these two amendments made in response to comments received from the state reviewing agencies, this ordinance remains the same as when approved on transmittal hearing on June 21, 2012.

This ordinance:

- 1. Updates the Capital Improvements Element of the City of Gainesville Comprehensive Plan;*
- 2. Updates the 5-Year Schedule of Capital Improvements; and,*
- 3. Adds a policy to incorporate the School Board of Alachua County 5-Year*

District Facilities Work Program by reference and delete Table 15: School Board of Alachua County 5-Year District Facilities Work Program.

Capital improvements are defined as: land, non-structural improvements to land, and structures (including the costs for design, permitting, construction, furnishings and equipment) with a unit cost of \$25,000 or more. The improvement shall have an expected life of at least 2 years. The Capital Improvements Element (CIE) contains information about projects and/or facilities that are needed to: correct existing deficiencies in levels of service (LOS); maintain existing LOS; or deal with projected LOS deficiencies that will occur during the 5-year planning period. For this update, the planning period is FYs 2011/2012 - 2015/2016.

Several policies in the Capital Improvements Element are being amended for internal consistency with the City's Comprehensive Plan and to reflect new state law. In addition, Planning staff finds that the proposed 5-Year Schedule is consistent with the various elements of the Comprehensive Plan.

Amendments to Policies 1.1.1, 1.2.4, and 1.2.6 are being made to reflect the new Water Supply level of service (LOS) recently adopted in the City's Potable Water & Wastewater Element (internal consistency). References to Rule 9J-5 Florida Administrative Code (FAC) are deleted in Policy 1.1.1 because Rule 9J-5 was eliminated by Chapter Law 2011-139 F.S.

Policy 1.1.12 is being amended because the term financial feasibility was eliminated by Chapter Law 2011-139 F.S. The new language in the policy better reflects new state law provisions. A new Policy 1.1.13 is being added (concerning adoption of the School Board capital improvements by reference).

Changes in Policy 1.2.4 reflect the new timing requirements for meeting concurrency for potable water, wastewater and recreation facilities. Policy 1.2.5 is deleted as the requirements are stated in Policy 1.2.4. Policy 1.3.6 was amended to reflect the City's concerns with overall transportation mobility and not just traffic circulation.

Objective 1.10 and Policy 1.10.1 are being deleted because they are duplicative of an existing objective and policy in the Conservation, Open Space and Groundwater Recharge Element (see Objective 1.2 and Policy 1.2.1 in that element).

Public notice was published in the Gainesville Sun on March 6, 2012. On March 22, 2012 the City Plan Board held a public hearing and, by a vote of 7-0, recommended the City Commission approve the petition with the updated Table 14: 5-Year Schedule of Capital Improvements.

CITY ATTORNEY MEMORANDUM

Section 163.3184, Florida Statutes, sets forth the procedure for amending the Comprehensive Plan. The first hearing is the transmittal stage and must be advertised at least seven (7) days prior to the hearing. The second hearing is

the adoption stage and must be advertised at least five (5) days prior to the hearing.

Within ten (10) working days after the first hearing, the City must transmit the amendment to the reviewing agencies and to any other local government or state agency that has filed a written request for same. These agencies have 30 days after receipt of the amendment to forward comments to the City. The City must consider any written comments received during the second hearing.

If adopted on second reading, the City will forward the amendment within ten (10) working days to the state land planning agency and any party that submitted written comments. If not timely challenged, the amendment shall become effective 31 days after the state land planning agency notifies the City that the amendment package is complete. If the amendment is challenged, the amendment will become effective on the date the state land planning agency or the Administration Commission (Governor and Cabinet) enters a final order determining this adopted amendment is in compliance with Chapter 163, Florida Statutes. No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before this amendment has become effective.

RECOMMENDATION

The City Commission (1) receive letters of "no comment" from the Florida Department of Economic Opportunity and the North Central Florida Regional Planning Council; (2) receive "comment" letters from St. Johns River Water Management District and Florida Department of Education and staff response letters; and (3) adopt the proposed ordinance, as amended.

Legislative History

6/21/12 City Commission Approved (Petition) and Adopted (Ordinance) on Transmittal Hearing (5 - 0 - 2 Absent)

110925B_staff report_20120621.pdf

110925C_capital improvement element_20120621.pdf

110925D_Table 14-5 Yr Schedule_20120621.pdf

110925E_map_20120621.pdf

110925F_comp plan text application_20120621.pdf

110925G_cpb minutes_20120621.pdf

110925H_staff ppt_20120621.pdf

110925A_draft ordinance_20120621.pdf

110925A_draft ordinance_20120906.pdf

110925B_comment letters from state reviewing agencies_20120906.pdf

110925_ordinance_20120906.pdf

110942.

SIDEWALK CAFES - TEXT CHANGE TO THE LAND DEVELOPMENT CODE (B)

Ordinance No. 110942; Petition No. PB-12-41 TCH

An ordinance of the City of Gainesville, Florida, amending the Land Development Code related to sidewalk cafes; by amending Section 30-23 to add a definition; by creating Section 30-121 to add sidewalk cafes as a

specialy regulated use; by amending Section 30-66(c) to allow sidewalk cafes within the Central City District; by deleting Section 30-66(e)(3) related to requirements for sidewalk cafes within the Central City District; by amending Appendix A. - Special Area Plans, Section 3. - Special Area Plan for College Park, Exhibit B, Urban Regulations For New Construction - Type 1, Building Use to allow sidewalk cafes; by amending Appendix A - Schedule of Fees, Rates and Charges of the Code of Ordinances to add an annual fee for sidewalk cafes; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

MODIFICATION - Additional back-up added 8/29/2012 @ 4:20 PM.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

This ordinance amends the land development code to allow sidewalk cafes in the College Park Special Area Plan area for Type I properties. The location of these properties is depicted on the College Park Master Plan.

The Land Development Code addresses outdoor seating areas in two ways: (1) as a sidewalk cafe, or (2) as an outdoor cafe. Sidewalk cafes are currently allowed only in the Central City District (CCD) zoning district. Sidewalk cafes are described as a dining area within the public right-of-way that is an accessory use to the principal permitted use. In contrast, outdoor cafes are allowed as an accessory use on private property (not within the public right-of-way) through-out the City in most commercial and mixed use zoning districts. On March 1, 2012, the City Commission directed staff to initiate a petition to allow outdoor seating accessory to a principal use within applicable zoning districts and subject to specific criteria.

Staff has reviewed the issue and, given that the College Park Type I Building properties are very pedestrian oriented, recommends allowing sidewalk cafes within the public right-of-way in this area. A staff committee with representatives from the City Manager's Office, Building, Code Enforcement, Risk Management, Public Works, Fire, Planning, FDOT and GRU has been reviewing how the City regulates and permits sidewalk cafes. Additionally the City has hired a land development code consultant that will also be updating the land development code for different areas though-out the City. There are also issues that must be worked out with the FDOT for any types of permitting on State right-of-way. These efforts are on-going and this petition and ordinance reflect the initial recommended revisions necessary to allow sidewalk cafes in a certain area within the College Park Special Area Plan to accommodate pending development that is interested in a sidewalk cafe. The recommendation also includes a \$60 sidewalk cafe permit fee.

Public notice was published in the Gainesville Sun on April 10, 2012. On April 26, 2012, the City Plan Board held a public hearing and, by a vote of 5-0, approved the petition.

The ordinance was amended by the City Commission at first reading to revise the definition of Sidewalk cafe in Section 1 of the ordinance.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings. Should this ordinance pass on first reading, second and final reading will be held on September 6, 2012.

RECOMMENDATION *The City Commission adopt the proposed ordinance, as amended at first reading.*

Legislative History

8/16/12 City Commission Adopted on First Reading, as amended (Ordinance) (6 - 0
- 1 Absent)

110942B_staff report_20120816.pdf
110942C_College Park Map_20120816.pdf
110942D_Proposed changes_20120816.pdf
110942E_revised language to Exhibit 2_20120816.pdf
110942F_CPB minutes_20120816.pdf
110942A_draft ordinance_20120816.pdf
110942_language_20100816.pdf
110942a_MOD_draft_ord_20120906.pdf
110942_ordinance_20120906.pdf

120146.**PROHIBITION - TEMPORARY OUTDOOR ALCOHOLIC BEVERAGE SPECIAL EVENT PERMITS (B)****Ordinance No. 120146; Petition No. PB-12-60 TCH**

An ordinance of the City of Gainesville, Florida, amending the Land Development Code; by amending Section 30-67 General provisions for business and mixed use districts to prohibit the issuance of special event permits and temporary game day permits to establishments that are subject to an underage prohibition order relating to underage drinking incidents; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: This ordinance amends the Land Development Code of the City of Gainesville to prohibit businesses that are in violation of the underage drinking laws from getting special event permits for outdoor alcoholic beverage sales for University of Florida Home Football Game Day events. This issue was discussed by the Public Safety Committee based on the request from the Police Department (Captain Ed Posey).

Public notice was published in the Gainesville Sun on June 12, 2012. On June 28, 2012, the City Plan Board held a public hearing and, by a vote of 5-0, recommended denial of the petition as submitted by City staff and in the alternative recommended allowing businesses that are in violation of the underage drinking laws to receive the described special event permits if the associated outdoor alcoholic beverage sales are limited at all times to people of legal drinking age. The City Commission held a public hearing on July 19, 2012, which was recessed until July 24, 2012, and approved the petition by a vote of 6-1.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings. Should this ordinance pass on first reading, second and final reading will be held on September 6, 2012.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

7/19/12 City Commission Approved (Petition) (6 - 1)
8/16/12 City Commission Adopted on First Reading (Ordinance) (5 - 1 - 1 Absent)

120146A_CPB 6-28-12 Minutes_20120719.pdf
120146B_Staff 6-28-12 Report_20120719.pdf
120146C_6-28-12 PPT citizen-Ryan Prodoshy_20120719.pdf
120146D_6-28-12 PPT citizen-Cary Meldon, Esq_20120719.pdf
120146A_draft ordinance_20120816.pdf
120146_ordinance_20120906.pdf

120051.**FIRE PREVENTION CODE AMENDMENT (B)****Ordinance No. 120051**

An ordinance of the City of Gainesville, Florida, amending Chapter 10 of the Code of Ordinances of the City of Gainesville, relating to fire prevention; amending Sec. 10-10. - Amendments to NFPA 1 Section 13.1.3 of the Florida Fire Prevention Code; Sec. 10-11. - Amendments to NFPA 1 Section 13.1.4 18.3.3 of the Florida Fire Prevention Code; Sec. 10-12. - Amendments to NFPA 1 Section 13.1.3 18.3.6 of the Florida Fire Prevention Code; Sec. 10-13. - Amendments to NFPA 1 Section 13.1.7 18.4.5 of the Florida Fire Prevention Code; Sec. 10-50. - Definitions; Sec. 10-51. - Requirements for assembly occupancy owners and crowd managers; Sec. 10-52. - Fire rescue connections; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: The Fire Chief, City of Gainesville, requests to amend the City Of Gainesville Ordinances to supplement the State of Florida's newly adopted Fire Prevention Code. The State of Florida engages in triennial adoption of the latest edition of the Fire Prevention Code which encompasses NFPA Fire Code 1 and NFPA Life Safety 101. Associated with this process is the opportunity for the City to memorialize any desired amendments. Historically, the City of Gainesville has maintained an elevated standard related to ensuring an adequate water supply for critical firefighting. Due to the sunseting of the City's current ordinances when the State of Florida adopted the new Fire Prevention Code, the City's Code requires revisions to ensure the inclusion of components which afford greater consideration for the installation of automatic fire sprinkler systems. Therefore, the need to reestablish any desired amendments which afford a greater level of fire and life safety protection is now present. Additional revisions will ensure that owners of assembly property maintain a crowd manager on-site during hours of operation and to engage in appropriate fire

safety practices. The revisions requested by the Fire Chief, to Chapter 10, Municipal Code of Ordinances, Fire Prevention, will accomplish this goal.

On July 19, 2012, the City Commission directed the City Attorney to prepare an ordinance to provide for local enhancements to the State of Florida's newly adopted Fire Prevention Code by amending Sections 10-10, 10-11, 10-12, 10-13, 10-51, and 10-52 of the City of Gainesville Code of Ordinances to provide.

Should the City Commission pass this ordinance on first reading, second and final reading will be held on September 6, 2012.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

7/19/12 City Commission Approved as Recommended (5 - 0 - 2 Absent)
8/16/12 City Commission Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

120051A_Fire Prevention Code_20120719.pdf
120051A_draft ordinance_20120816.pdf
120051_ordinance_20120906.pdf

PLAN BOARD PETITIONS

120227.

Update the Comprehensive Plan Conservation, Open Space & Groundwater Recharge Element, and associated maps in the Future Land Use Map Series (B)

Petition PB-12-61 CPA. Update the City of Gainesville Comprehensive Plan Conservation, Open Space & Groundwater Recharge Element, and associated maps in the Future Land Use Map Series.

Explanation: This element update is part of the required Evaluation and Appraisal of the City's Comprehensive Plan. It will be packaged later in ordinance form for transmittal in April 2013 with other element ordinances.

The update of the Conservation, Open Space & Groundwater Recharge is needed for compliance with statutory changes enacted in 2011 by House Bill 7207. Other proposed changes to the Conservation Element are for: consistency with other statutory changes enacted subsequent to the June 2002 adoption of the Conservation Element; increased clarity (including added specificity in some policies, and deletion of sub-policies that are not needed to meet the requirements of a given policy); and, reflecting updated data and current programs.

Updated maps in the Future Land Use Map Series (of the Future Land Use Element) that are associated with the Conservation Element are also needed. The updated maps reflect current city boundaries and updated and/or additional information (e.g., location of springs). They include a substantively revised Floridan aquifer recharge map that is consistent with the corresponding

adopted map in Alachua County's comprehensive plan. Proposed for deletion from the Future Land Use Map Series is the Soils Association Map, which is to be replaced by reference to the General Soil Map - Alachua County Florida, that is in the Soil Survey of Alachua County (1985, United States Department of Agriculture, Soil Conservation Service).

Public notice was published in the Gainesville Sun on June 12, 2012. The City Plan Board held a public hearing on June 28, 2012.

Fiscal Note: None.

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition PB-12-61 CPA. The Plan Board voted 5-0.

Staff to City Commission - The City Commission approve Petition PB-12-61 CPA.

Staff to City Plan Board - Staff recommends approval of Petition PB-12-61 CPA.

120227A_staff report_20120906.pdf
120227B_updated element_20120906.pdf
120227C_updated maps_20120906.pdf
120227D_addendum to data analysis_20120906.pdf
120227E_application_20120906.pdf
120227F_cpb minutes_20120906.pdf
120227G_staff ppt_20120906.pdf

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

UNFINISHED BUSINESS

COMMISSION COMMENT

CITIZEN COMMENT

ADJOURNMENT - 8:21 PM