

City of Gainesville

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



Meeting Agenda

November 03, 2011

1:00 PM

MODIFIED AGENDA

City Hall Auditorium

City Commission

Mayor Craig Lowe (At Large)

Mayor-Commissioner Pro Tem Thomas Hawkins (At Large)

Commissioner Scherwin Henry (District 1)

Commissioner Todd Chase (District 2)

Commissioner Susan Bottcher (District 3)

Commissioner Randy Wells (District 4)

Commissioner Jeanna Mastrodicasa (At Large)

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

CALL TO ORDER

AGENDA STATEMENT

"Citizens are encouraged to participate in City of Gainesville meetings. In general, speakers will be limited to 3 (three) minutes per agenda item. Additional time may be granted by the Mayor or by the City Commission as directed. The City of Gainesville encourages civility in public discourse and requests that speakers limit their comments to specific motions and direct their comments to the Chair. 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

110376.

Assistance to Firefighters Grant 2011 Application for Self-contained Breathing Apparatus Equipment Upgrades (NB)

This item requests that the Commission authorize the City Manager to execute a grant award, if awarded, for the 2011 Assistance to Firefighters Grant for purchase of equipment to upgrade the department's Self-contained Breathing Apparatus (SCBA) system.

Explanation: In September 2011, Gainesville Fire Rescue (GFR) submitted an application for grant funds under the Department of Homeland Security Federal Emergency Management Agency's Assistance to Firefighters Grant Program for 2011. The application seeks funding for equipment that will upgrade the current SCBA system with high pressure SCBA air bottles, facemasks with carbon dioxide nosecones, and accountability components for locating downed firefighters.

This grant will allow GFR to make better use of city capital improvement dollars and improve interoperability with all fire-rescue departments in Alachua County, if Alachua County Fire Rescue is successful with the same type of grant.

Fiscal Note: The total cost of the project is estimated at \$316,463; the Federal Share is 80% or \$253,171; and the Applicant Share is expected to be 20% or \$63,292. Matching funds have been identified in the GFR capital improvement budget.

RECOMMENDATION

The City Commission authorize the City Manager, if awarded the grant, to: 1) execute the grant award contract and other necessary documents, pending approval by the City Attorney as to form and legality; and 2) approve the required payment process for expending the grant funds and matching funds.

110399.**State LECFTF Funding To Purchase 25 Tasers With Holsters From Taser International X 26E Advanced Tasers For The Gainesville Police Department (B)**

This item requests that the City Commission appropriate and expend an amount not to exceed \$24,997.50 from the State Law Enforcement Contraband Forfeiture Fund for the purchase of 25 tasers from Taser International X 26E Advanced Tasers, associated holsters and four year extended customer care warranty for the Gainesville Police Department.

Explanation: The X 26E Advanced Tasers provides a safer, more effective tool for law enforcement officers facing situations that pose threats to their safety and the safety of others. The Tasers are reliable devices that utilize innovative technology to stop resistive suspects and provide effective alternatives to other types of force. The Gainesville Police Department already has some tasers in patrol and has assessed this to be an effective tool for law enforcement.

As of 2006, Florida State Statute 943.1717 mandates what use of force level a Taser must be placed and also mandates the Criminal Justice Standards and Training Committee (CJSTC) create specific training topics, hours and recertification requirements. The Gainesville Police Department will follow or exceed both the Florida State Statute and CJSTC requirements in both policy and training.

Fiscal Note: Funding is available from the State LECFTF for \$24,997.50. The balance of the account is \$102,333 Statement of Expenditures and Encumbrances Compared with Appropriations for the Nine Months Ended June 30, 2011.

RECOMMENDATION

The City Commission authorize the appropriation of an amount not to exceed \$24,997.50 from the State Law Enforcement Contraband Forfeiture Trust Fund and issuance of a purchase order to DGG Taser Inc for the purchase of 25 tasers.

110399_TaserSoleSource_20111103.pdf

110401.**Contract Agreement for Gainesville Police Department - Request for Purchase Order to SunGard OSSI's (B)**

This item requests the City Commission to authorize the issuance of a

Purchase Order to renew the contract with SunGard OSSI for annual maintenance fees and licenses.

Explanation: SunGard OSSI is the manufacturer of the Records Management System used throughout the Department. With the renewal of this contract, staff will maintain total integration of the current records management system data and also the integrity of the Master NameData Base.

Fiscal Note: Funds in the amount of \$185,000 are available from the general fund, account number 001 810 8148 5210 4220.

RECOMMENDATION

The City Commission authorize the City Manager to execute a purchase order to SunGard OSSI, a specified source, in an amount not to exceed \$143,150.70 for payment of this contract.

Alternative Recommendation A: The City Commission authorizes less than \$143,150.70 for the contract renewal with the understanding that this will drastically limit the Police Department's ability to manage its Records Management Database.

110401_SunGardSoleSource_20111103.pdf

110404.

Request for Bid Award - ARAMARK Uniform & Career Apparel, LLC (B)

This item is a request for the City Commission to authorize the Bid Award to ARAMARK Uniform & Career Apparel, LLC, for uniform rentals, laundering, and maintenance for the City of Gainesville Regional Transit System (RTS) Maintenance Division.

Explanation: Regional Transit provides uniforms to approximately 42 maintenance personnel to wear while performing their work duties. The uniforms are worn by RTS maintenance personnel for safety as well as identification. Because the uniforms become soiled with contaminants, home laundering is inadvisable. Therefore, RTS provides uniforms through a company that is responsible for picking up the soiled garments from RTS, laundering them properly in a commercial cleaning facility and returning them to RTS on a weekly basis. The company is also responsible for maintaining the garments for minor repairs and replacing them on an as needed basis.

An Invitation to Bid (ITB) was issued for these services. ARAMARK Uniform & Career Apparel, LLC was the only proposal that was received. RTS staff performed a price analysis on the proposal and determined that it was fair and reasonable based on the historic cost of these services during the five (5) year period of the previous contract.

Fiscal Note: The approximate annual cost of this contract is \$25,000. Funds for these services are available in the FY 2012 budget.

RECOMMENDATION

The City Commission: 1) authorize the Bid Award to ARAMARK Uniform & Career Apparel, LLC, for

Regional Transit System (RTS) Maintenance Division uniform rentals, laundering, and maintenance; and 2) authorize the City Manager to execute a five (5) year contract with ARAMARK Uniform & Career Apparel, LLC, and related documents, subject to approval by the City Attorney as to form and legality.

110404_BidTab_20111103.pdf

110405.

Fifth Extension to Contract for Professional Civil Engineering Services for FY 2012 (B)

This item is a request for an extension to the Contract for Professional Civil Engineering Services with Causseaux, Hewett and Walpole, Inc.

Explanation: The contract dated November 9, 2006, first extension dated December 14, 2007, second extension dated August 13, 2008 third extension dated May 10, 2010 and fourth extension dated October 1, 2010 with Causseaux, Hewett and Walpole, Inc. expire on September 30, 2011. The vendor has responded to the City's requests for services promptly and their services have been reliable and accurate. CHW has requested a 5% rate increase, which is the first increase, and this is deemed reasonable given the amount of time at the present rate.

The contract allows for five one-year extensions. This is the fifth request for an extension to the contract.

Fiscal Note: Funding sources will be identified as needed through the various City Departments fiscal year operating budgets and the City's Capital Improvement Plan capital project accounts.

RECOMMENDATION

The City Commission authorize the City Manager to execute the Fifth Extension to the contract with Causseaux, Hewett and Walpole, Inc., extending the term of the contract from October 1, 2011 to September 30, 2012.

110405_Agreement_20111103.pdf

110406.

Purchase of Federal Assets from Palm Beach County Transit (Palm Tran) to the Regional Transit System (RTS) (B)

This item is a request to authorize the City Manager to execute an Agreement between the City of Gainesville Regional Transit System (RTS) and Palm Beach County Transit (Palm Tran) to purchase Federal Assets.

Explanation: The Regional Transit System (RTS) fixed route fleet consists of one hundred five transit buses. Eighteen percent of this fleet exceeds their useful life expectancy. In order to maintain service levels and manage fleet costs, RTS is purchasing new buses as funds become available. Palm Tran has recently acquired new buses and desires to sell eleven Gillig low floor heavy-duty diesel powered

transit buses from their current fleet to RTS. These buses are one (1) 2000 Gillig low floor 40' bus, one (1) 2000 Gillig low floor 35' bus, and 9 (nine) 2001 Gillig low floor 35' buses that have reached their useful life expectancy. These assets are in good condition and can be placed back in service with minimal maintenance. The addition will allow RTS to retire buses that are 1997-year models and a burden to the system to keep in service.

The Federal Transit Administration (FTA) requires a fair market price analysis that was performed by Palm Tran staff. The fair market price averaged out to \$4,194 per bus or \$46,134 for all eleven buses. RTS Maintenance staff inspected the mechanical condition of the buses and believes that the price is acceptable. City Commission approval is required in order to accept these federal assets.

Fiscal Note: Funding for these buses is included in the RTS FY12 capital budget.

RECOMMENDATION

The City Commission authorize the City Manager to execute an agreement with Palm Beach County Transit (Palm Tran) to purchase the Federal Assets, subject to approval by the City Attorney as to form and legality.

110406_Agreement_20111103.pdf

110418.

Design and Construction of the RTS Bus Fleet Maintenance & Operations Facility (B)

This is a request for the City Commission to approve staff's recommended ranking of the Design/Build firms for the Design and Construction of the RTS Bus Fleet Maintenance & Operations Facility.

Explanation: The RTS Bus Fleet Maintenance & Operations Facility project is to be a major corporate transit facility to accommodate up to 230 buses and the associated Maintenance and Operations Buildings, whereby the design for the project must be functional, cost-effective, and an aesthetically pleasing facility by utilizing environmentally sustainable concepts to reduce and control operational costs and minimizing negative environmental impacts.

On June 30, 2011, the City began the first step in accomplishing RTS's 2014 - 2025 Goal, by issuing a Request for Qualifications (RFQ) to retain the services of a qualified Design/Build Firm to plan, design, and construct a multi-phased project. The project will be located on Parcel # 15702-005-002, which is located east of Veitch St. and just south of the existing RTS Facility, and contains approximately 19.76 +/- acres. A Pre-Qualification Conference was held July 20, 2011, and the City's Purchasing Division received eleven (11) responsive proposals from design/build partnerships for the design and construction of the project on August 31, 2011. An evaluation team consisting of City staff evaluated the qualifications and oral presentations of the firms, and recommends the following ranking of the firms:

1) CPPI/Charles Perry Partners, Inc.

- 2) Scherer/RS&H
- 2) CH2M Hill

- 4) Mills Gilbane/BRPH/HRD

- 5) Skanska/AECOM/AEI/CHW

If a contract cannot be negotiated with the first firm, the City will exercise a tie breaker pursuant to Financial Services Procedures #41-530, and then negotiation will continue down the list in the ranked order until a contract is negotiated and can be executed.

Fiscal Note: The City of Gainesville has identified funding for this project is available from grants through the Federal Transit Administration State of Good Repair Initiative.

RECOMMENDATION

The City Commission: 1) approve staff's recommended ranking of the Design/Build Firms; and 2) authorize the City Manager to negotiate and execute a contract and any related documents, subject to approval from the City Attorney as to form and legality, for the Design and Construction of the RTS Bus Fleet Maintenance & Operations Facility.

110418_Ranking Sheet_20111103.pdf

110450.

Land Acquisition Contracts for parcels (#6738, #6743-4, and #6743-5) adjacent to Green Acres Park (B)

This item involves a request for the City Commission to approve and authorize the City Manager to execute the purchase contract and closing documents in order to proceed with the acquisition of 3 parcels totaling 39.11 acres adjacent to the City-owned Green Acres Park.

Explanation: At their July 21, 2011 meeting, the City Commission approved the current Parks, Recreation and Cultural Affairs Department Priority Land Acquisitions list. The three parcels of interest are in the top priority property of the second tier priority parcels designated on the priority list. They constitute 39.11 acres of land immediately adjacent to the south boundary of the City-owned Green Acres Park. In September, 2011, appraisals were conducted and contracts were drafted for acquisitions of \$127,500 (#6738, 15 acres), \$179,000 (#6743-4, 22.36 acres), and \$25,000 (6743-5, 1.75 acres). PRCA staff would now like to move forward with closing on these contracts utilizing the WSPP funds available for the acquisition of conservation land. The City will conduct due diligence within one month of City Commission approval. If the due diligence is acceptable, closing on the properties can be completed by the end of December, 2011.

Staff is continuing to pursue acquisitions based on the approved priority listing, and anticipates additional contracts will be forthcoming.

Fiscal Note: The cost to the City to complete the land acquisition of parcels #6738, #6743-4, and #6743-5 will be \$331,500, plus due diligence and closing costs. The funding for these acquisitions will come from the WSPP land acquisition funds. Funding will remain for future acquisitions.

RECOMMENDATION

The City Commission approve and authorize the City Manager to execute all necessary closing documents, subject to approval by the City Attorney as to form and legality.

110450A_Acq Priority Table_20111103.pdf

110450B_HC Floodplain Properties Map_20111103.pdf

110452.**IRS Revenue Ruling 2011-1, Pension Plan Amendments Required by the IRS Related to the Exclusive Benefit Rule (NB)**

This item involves amendments to the City of Gainesville Consolidated Police Officers' and Firefighters' Pension Plan to comply with IRS Revenue Ruling 2011-1, which requires pension plans to have certain exclusive benefit rule language in their plans to continue to invest in group trusts and not affect the tax status of the group trusts they invest in.

Explanation: In order for the City's pension plans to continue to invest in group trusts and not affect the tax status of the group trusts they invest in, IRS Revenue Ruling 2011-1 requires governmental pension plans to expressly provide in their governing documents "that it is impossible for the corpus or income of the group trust retiree benefit plan to be used for, or diverted to, purposes other than the exclusive benefit of the plan participants and their beneficiaries." This language is sometimes referred to as the "exclusive benefit rule."

While the City of Gainesville Consolidated Police Officers' and Firefighters' Pension Plan (Consolidated Plan) currently contains similar language to the language referenced above in Section 2-605(a)(1) of the Gainesville Code of Ordinances ("The City Commission shall have the right, at any time, to amend any or all of the provisions of the plan; provided, however, that no such amendment shall authorize or permit any part of the trust fund to be diverted for purposes other than for the exclusive benefit of members and their beneficiaries"), the plan does not contain specific exclusive benefit rule language set forth above. To comply with Revenue Ruling 2011-1, the City is required to amend its pension plans to add the language required by the IRS and referenced above by December 31, 2011. Therefore, it is recommended that the City Commission authorize the City Attorney to draft, and the Clerk to advertise, an ordinance amending the Consolidated Plan to add the exclusive benefit rule language required by IRS Revenue Ruling 2011-1. This proposed language change has been bargained with the IAFF and agreed to through a Memorandum of Understanding between the IAFF and the City of Gainesville.

Fiscal Note: There is no fiscal impact related to the recommended ordinance language changes.

RECOMMENDATION

Recommended Motion: The City Commission

authorize the City Attorney to draft, and the Clerk to advertise, an ordinance amending the City of Gainesville's Consolidated Police Officers' and Firefighters' Plan to add the exclusive benefit rule language required by IRS Revenue Ruling 2011-1.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

CITY ATTORNEY, CONSENT AGENDA ITEMS

110416.

TONIA SUBER BATTLE VS. THE CITY OF GAINESVILLE; FCHR NO. 201102359 (NB)

Explanation: On October 11th, 2011, the City of Gainesville received a Notice of Filing a Complaint of Discrimination from the Florida Commission on Human Relations. Ms. Tonia Suber Battle alleges that she has been discriminated and retaliated against based on her race.

RECOMMENDATION

The City Commission authorize the City Attorney to represent the City in the case styled Tonia Suber Battle vs. the City of Gainesville; FCHR No.: 201102359.

110442.

JAMES R. YAKUBSIN VS. THE CITY OF GAINESVILLE; EEOC NO. 846-2011-75949 (NB)

Explanation: On October 18th, 2011, the City of Gainesville received a Notice of Charge of Discrimination from the U.S. Equal Employment Opportunity Commission. Mr. James R. Yakubsin alleges that he has been discriminated against based on his sex and race.

RECOMMENDATION

The City Commission authorize the City Attorney to represent the City in the case styled James R. Yakubsin vs. the City of Gainesville; EEOC No.: 846-2011-75949.

110443.

OKEIMA BROWN VS. THE CITY OF GAINESVILLE; EEOC NO. 846-2011-72998 (NB)

Explanation: On October 18th, 2011, the City of Gainesville received a Notice of Charge of Discrimination from the U.S. Equal Employment Opportunity Commission. Ms. Okeima Brown alleges that she has been discriminated and retaliated against based on her race.

RECOMMENDATION

The City Commission authorize the City Attorney to represent the City in the case styled Okeima Brown vs. the City of Gainesville; EEOC No.: 846-2011-72998.

110451.

**STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY
A/S/O FRANKLIN NOLAN VS. THE CITY OF GAINESVILLE,
FLORIDA; EIGHTH JUDICIAL CIRCUIT, COURT CASE NO. 2011-
CC-4174 (B)**

Explanation: On October 24, 2011, the City of Gainesville was served with a Summons and Complaint. The Plaintiff alleges that it is owed monies due to the payment of a PIP claim which resulted from an automobile accident occurring on June 18, 2010. Plaintiff claims that a vehicle driven by a City employee collided with their insured's vehicle resulting in property damage in the amount of \$7,036.95. Plaintiff is seeking money damages and costs.

RECOMMENDATION

The City Commission authorize the City Attorney to represent the City of Gainesville in the State Farm Mutual Automobile Insurance Company a/s/o Franklin Nolan vs. the City of Gainesville, Florida; Eighth Judicial Circuit, Court Case No. 2011-CC-4174.

110451_State Farm - Nolan Consent.pdf

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS**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****110407.****Vision, Funding and Governance Structure Study Report Presentation (B)**

This item is a request to receive a presentation of the Vision, Funding and Governance Structure Study report (RTS Premium Transit Service report) from RTS staff and project consultants Tindale-Oliver & Associates, Inc. (TOA).

Explanation: On November 19, 2009, approval was given by the City Commission for RTS staff to prepare a map of a city-wide network of premium transit routes and a description of premium transit that would address details such as level of service, vehicle type, required support and maintenance facilities. RTS was also given approval to report to the City Commission on possible future funding to enhance existing transit service and develop the new premium transit service, including a Bus Rapid Transit (BRT) system and streetcar service.

Initiative 5.5 to implement improved transit as described in the RTS Premium Service report was adopted and added to the City's Strategic Plan on August 5, 2010. An update to the Premium Transit Service plan was given to the Recreation, Cultural Affairs and Public Works Committee on December 13, 2010.

Subsequently, RTS staff initiated the Vision, Funding, and Governance Structure Study and formed a project review committee (PRC) to provide project oversight. RTS and TOA would like to present their findings and receive input and direction from the City Commission on the report. With City Commission approval, RTS is requesting additional funds from the Florida Department of Transportation (FDOT) for phase two of the study, which would include conducting public workshops and preparing an Action Plan to guide the implementation of premium transit services.

Fiscal Note: There is no fiscal impact to the City of Gainesville at this time.

RECOMMENDATION

The City Commission: 1) accept the Vision, Funding and Governance Structure study; 2) authorize RTS to continue seeking funds to complete phase two of the study; and 3) authorize RTS to present the Vision, Funding and Governance Structure Study Report to the Metropolitan Transportation Planning Organization (MTPO).

110407A_Report_20111103.pdf

110407B_Presentation_20111103.pdf

110407C_Study_2011.pdf

110483.

Agreement for Depot Park Remediation Project (B)

This item is a request to execute an Agreement between the City of Gainesville Public Works Department and Environmental Consulting and Technology, Inc. (ECT) to complete remediation services on the Depot Park site.

MODIFICATION - New Item added to the agenda Nov. 2, 2011.

Explanation: The Public Works Department desires to enter into an Agreement with ECT by bridging its existing contract with GRU in order to remediate the remaining soil contamination on the Depot Park site. The remaining soil contamination is related to past railroad activities rather than from the former manufactured gas plant (MGP) activities that GRU is responsible for remediating. Since this remaining soil contamination presents a direct-exposure risk to park visitors, it must be removed and/or covered with two (2) feet of clean material to prevent contact by park visitors and allow for the construction of the proposed park projects. The scope of the work includes the removal and disposal of two feet of soil in all areas not already remediated by GRU; the removal of the concrete slab on the Rinker site; and, the spreading of the stockpiled soil in the northern portion of the site to an elevation that is two feet below finished grade. The pond contractor will apply the final two feet of clean material. The estimated cost for this remediation effort is \$2,692,167.70. Phase 1 covers areas that are the responsibility of the Stormwater Utility that will be funded from the Depot Park Stormwater Utility Account. Phase 2 covers the remaining areas.

Fiscal Note: Funding of \$1,295,460.63 for Phase 1 is available in the Depot Park Stormwater Utility Account. Notice to proceed can be issued for Phase 1 once the agreement is executed. Phase 2 remediation will depend upon funding availability and the City, in its sole discretion, will decide if and when Phase 2 will be remediated, if performed at all under this Agreement. This decision will be made prior to substantial completion of Phase 1.

RECOMMENDATION

The City Commission: 1) approve the agreement with ECT; 2) authorize the City Manager to execute all necessary documents, subject to approval by the City Attorney as to form and legality, and 3) direct staff to return to the City Commission on November 17, 2011 with details of a bank-qualified loan to fund Phase 2 the Depot Park Remediation Project and the Gainesville Police Department project.

110483_MOD Agreement_20111103.pdf

GENERAL MANAGER FOR UTILITIES

110415.

Low Income Energy Efficiency Program (LEEP) Update

Staff will provide a brief summary of the LEEP program results since inception including customer feedback.

Explanation: Staff received a DEED (Demonstration of Energy Efficiency Design) grant in 2006 to investigate the energy intensity and relative condition of low income households in Gainesville. As a result of this study, a pilot program was implemented in March of 2007 to address the relatively high usage of energy in low income households and install efficiency measures to improve the performance of the house and lower the utility usage. Lessons learned from the pilot program allowed for a full scale program to be started in FY'07. Since then the program has helped make 700 homes more efficient and affordable for

their occupants. When the City of Gainesville received ARRA funding in 2008, a large portion was used to increase the number of low income homes that could receive assistance. Staff has seen significant savings in these homes and has received numerous letters of gratitude for the services provided.

Fiscal Note: The LEEP program is included in the FY2012 budget so no additional action is needed at this time.

RECOMMENDATION

The City Commission receive a brief presentation from staff on the current status of the LEEP program.

110415_MOD_GRU_LEEP Update_20111020.PDF

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

110449.

Commissioner Todd Chase (B)

MODIFICATION - Withdraw from the Agenda per Commissioner Chase on 10/27/2011.

RECOMMENDATION

The City Commission discuss the future policy implications of Referral 110210 and wording currently in the Regional Utilities Committee.

110449_chase_20111103.pdf

COMMISSION COMMENTS (if time available)

RECESS

RECONVENE

PLEDGE OF ALLEGIANCE (5:30pm)

Gator Detachment of the Marine Corp League Bob Gasche

PROCLAMATIONS/SPECIAL RECOGNITIONS**110446.****Liberty Fest Day - November 14, 2011 (B)**

RECOMMENDATION *Gator Detachment of the Marine Corp League Bob Gasche to accept the proclamation.*

110446_LibertyFest_20111101.pdf

110447.**Hunger Awareness Month - November 2011 (B)**

RECOMMENDATION *Alachua County Government County Commissioner Rodney J. Long and Alachua County Partners for a Productive Community Program Manager Marie Small to accept the proclamation.*

110447_HungerAwareness_20111101.pdf

110448.**William Ryan Day - November 2, 2011 (B)**

MODIFICATION - Remove from the agenda.

RECOMMENDATION *William Ryan to accept the proclamation.*

110448_WilliamRyan_20111101.pdf

CITIZEN COMMENT (6:00pm) - Please sign on sign-up sheet**PUBLIC HEARINGS****RESOLUTIONS- ROLL CALL REQUIRED****110411.****Hidden Lake Final Plat, Phase II (B)**

Petition CC-11-101 SUB. Causseaux, Hewett and Walpole Inc., agent for Land Estates, LLC. Final Plat review for Phase II, Hidden Lake Residential Planned Development to allow a subdivision consisting of 18 lots on 8.35 acres. Zoned PD (Planned Development). Located at NW 75th Place and NW 21st Way, Parcel No. 07814-002-001.

Explanation: This is a request to grant Final Plat approval for Hidden Lake Phase II which received Design Plat approval as Petition DB-09-88 SUB for 18 lots on 8.35 acres at a density of 2.2 units per acre.

The Hidden Lake Residential Planned Development is a residential subdivision

located in the 2700 Block of SR121. It was approved by Alachua County in January 1983 as a Planned Unit Development with a gross density of 3.22 units per acre. City records indicate that Phase I, which includes 60 lots and associated open space was developed prior to January 8, 1991 on 31 acres. The Planned Development was annexed into the City of Gainesville in 1992 (Ordinance 3769) with all 60 lots in Phase I fully developed. On August 10, 2006, the applicant filed an application for design plat on Phase II, Petition 61SUB-06 SUB which included 18 lots on 8.35 acres. That petition expired and a new application, Petition DB-09-88 SUB was submitted on November 10, 2009 which was approved by the City Commission on August 19, 2010.

The applicant has received Construction Drawing approval and submits this request for Final Plat approval for Phase II, of the Hidden Lake Residential Planned Development subdivision.

Fiscal Note: None.

RECOMMENDATION

Planning Staff to City Commission - the City Commission adopt the following resolution: A Resolution approving the final plat of "Hidden Lake Phase II", located in the vicinity of NW 75th Place at NW 21st Way, Gainesville, Florida; accepting a cash deposit to secure the construction of required improvements; providing directions to the Clerk of the Commission; providing conditions; and providing an immediate effective date.

110411A_Resolution_20111103.pdf

110411B_documents approved by DRB & CCOM_20111103.pdf

110411C_documents approved by Alachua CCOM_20111103.pdf

110411D_staff ppt_20111103.pdf

ADOPTION READING-ROLL CALL REQUIRED

100515.

REZONING - HISTORIC PRESERVATION CONSERVATION OVERLAY IMPOSED ON PROPERTY AT 1013 NW 7 AVENUE (B)

Legistar No. 100515; Petition No. PB-10-11-ZON

An ordinance of the City of Gainesville amending the Zoning Map Atlas by rezoning and imposing the historic preservation/conservation overlay district on a certain property commonly known as the A. Quinn Jones House, located at 1013 NW 7th Avenue, as more specifically described in this ordinance; 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 REPORT

The property that is the subject of this petition and ordinance is owned by the City of Gainesville and located at 1013 NW 7th Avenue, one lot east of NW 10th Street on the south side of NW 7th Avenue. The property is the site of the A.

Quinn Jones House.

The A. Quinn Jones Home was built prior to 1925 and is on the National Register of Historic Places. The home is a one-story modest building influenced by the Bungalow style that was popular during the first part of the twentieth century. The period of significance, from 1925-1957 is the period of time that Mr. Jones was principal of Lincoln High School and most of his educational work and his community activities were composed and generated from the office in his home.

Due to its association with events that are significant to local, state or national history, the City nominated its property for the Local Register of Historic Places. On February 2, 2010, the Historic Preservation Board, by a vote of 6-0, approved the nomination of the A. Quinn Jones Home to the Local Historic Register of Historic Places. In accordance with Sec. 30-112 of the Land Development Code, the nomination is then processed as a rezoning to impose the historic preservation/conservation zoning district as an overlay on the property.

Public notice of the rezoning petition was published in the Gainesville Sun on March 9, 2010. On March 25, 2010, the City Plan Board, by a vote of 7-0, approved the petition.

In accordance with Sec. 30-112(d) of the Land Development Code, upon approval of this Petition and Ordinance by the City Commission, the City Manager or designee shall issue an official certificate of historic significance and the Historic Preservation Board shall cause the Local Register designation to be recorded in the Public Records of Alachua County, Florida.

CITY ATTORNEY MEMORANDUM

Because this ordinance is a city-initiated rezoning of land involving less than 10 contiguous acres, this ordinance requires only one adoption hearing pursuant to Section 166.041(3)(c), Florida Statutes.

RECOMMENDATION

The City Commission (1) approve Petition PB-10-11-ZON; and (2) adopt the proposed ordinance.

100515B_staff report 3-25-10_20111103.pdf
100515C_February 2 HPB Agenda_20111103.PDF
100515D_Local Nomination A Quinn Jones Staff Report_20111103.pdf
100515E_NR Listing Letter from State DHR_20111103.pdf
100515F_Local Register - Historic Places A. Quinn Jones_20111103.pdf
100515G_cpb application_20111103.pdf
100515H_100325 cpb minutes_20111103.pdf
100515I_100202 HPB Minutes_20111103.pdf
100515J_staff ppt_20111103.pdf
100515A_draft ordinance_20111103.pdf
100515_petitionform_20111103.pdf

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

110370.**AMENDMENT TO THE CITY OF GAINESVILLE GENERAL EMPLOYEES PENSION PLAN AND THE CITY OF GAINESVILLE EMPLOYEES' DISABILITY PLAN (B)****Ordinance No. 110370**

An ordinance of the City of Gainesville, Florida, amending Chapter 2, Article VII of the Code of Ordinances of the City of Gainesville, relating to the City of Gainesville General Employees Pension Plan and the City of Gainesville Employees' Disability Plan; amending Sections 2-533 and 2-549 of each plan to expressly provide that the corpus and income of the plan are to be used for the exclusive benefit of the plan participants and their beneficiaries; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing a retroactive effective date. (NB)

Explanation: The City Commission at its meeting on October 20, 2011, authorized the City Attorney to prepare and the Clerk of the Commission to advertise an ordinance amending the General Employees' Pension Plan and Disability Pension Plan to add the exclusive benefit rule language required by IRS Revenue Ruling 2011-1.

In order for the City's pension plans to continue to invest in group trusts and not affect the tax status of the group trusts they invest in, IRS Revenue Ruling 2011-1 requires governmental pension plans to expressly provide in their governing documents "that it is impossible for the corpus or income of the group trust retiree benefit plan to be used for, or diverted to, purposes other than the exclusive benefit of the plan participants and their beneficiaries." This language is sometimes referred to as the "exclusive benefit rule."

While the City of Gainesville Employees' Pension Plan currently contains similar language to the language referenced above in Section 2-533(a)(1) of the Gainesville Code of Ordinances ("The City Commission shall have the right, at any time, to amend any or all of the provisions of the employees pension plan; provided, however, that no such amendment shall authorize or permit any part of the trust fund to be diverted for purposes other than for the exclusive benefit of members and their beneficiaries"), the plan does not contain specific exclusive benefit rule language set forth above. In addition, the City of Gainesville Employees' Disability Pension Plan does not contain the required language. To comply with Revenue Ruling 2011-1, the City is required to amend its pension plans to add the language required by the IRS and referenced above by December 31, 2011.

This ordinance requires two public hearings. If adopted on first reading, second and final reading of the ordinance is scheduled for Thursday, November 17, 2011.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

10/20/11 City Commission Approved as Recommended (7 - 0)

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110377.

RATE SCHEDULE FOR SOLAR ENERGY PURCHASE AGREEMENTS OF THE FEED-IN TARIFF (B)

Ordinance No. 110377

AN ORDINANCE OF THE CITY OF GAINESVILLE, FLORIDA, AMENDING APPENDIX A, SECTION UTILITIES (1) ELECTRICITY SUBSECTION i1(C)(vii). OF THE GAINESVILLE CODE OF ORDINANCES BY AMENDING THE RATE SCHEDULE FOR SOLAR ENERGY PURCHASE AGREEMENTS OF THE FEED-IN TARIFF; 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: On October 20, 2011, staff presented proposed rates for the Feed-In Tariff program for projects with SEPA contracts entered into during calendar year 2012.

The changes will be effective January 1, 2012.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

10/20/11 City Commission Approved as Recommended (7 - 0)

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ORDINANCES, 2ND READING- ROLL CALL REQUIRED

100696.

FUTURE LAND USE ELEMENT MAP CHANGE - ADOPTING THE URBAN VILLAGE AREA MAP (B)

Ordinance/Legistar No. 100696; Petition No. PB-10-141 LUC

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan Future Land Use Element Map Series to add a map designating the Urban Village; imposing the Urban Village designation and its policies on the properties depicted in the Map; providing directions to the City Manager and the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

On May 5, 2011, the City Commission approved this ordinance by a vote of 7-0 and transmitted this ordinance as part of the Amendment No. 11-1 package to the Department of Community Affairs.

In accordance with the new growth management statutory law (House Bill 7207, now Chapter Law 2011-139) effective June 2, 2011, the Department of Community Affairs issued a letter dated June 6, 2011 stating it identified no comments related to important state resources and facilities that will be adversely impacted if this ordinance is adopted. The Florida Department of Transportation issued a letter dated June 15, 2011, the letter contained no comments related to this ordinance that need to be addressed. The Florida Department of State issued a letter dated June 14, 2011, the letter contained no comments related to this ordinance that need to be addressed.

This ordinance amends the Future Land Use Element Map Series to add a map showing the boundaries of the Urban Village area and imposes the Urban Village designation, and its policies as may be adopted by separate ordinances and made a part of the Comprehensive Plan, on the properties depicted in the Map. The Urban Village is located in the vicinity of Southwest 20th Avenue and Southwest 24th Avenue, east of Interstate 75 and west of Southwest 34th Street.

This ordinance is related to Ordinance No. 100697 that sets special policies for development and redevelopment within the area; and Ordinance No. 100698 that designates land use categories for all parcels within the Urban Village.

After public notice was published in the Gainesville Sun on January 11, 2011, the City Plan Board held a public hearing on February 2, 2011 (continued from January 27, 2011) and, by a vote of 7-0, recommended the City Commission approve this petition. On March 3, 2011, the City Commission approved the petition by a vote of 7-0.

CITY ATTORNEY MEMORANDUM

Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The second hearing will be held at the adoption stage of the ordinance and must be held at least five (5) days after the day that the second advertisement is published.

In accordance with the new state growth management law (HB7207, now Chapter Law 2011-139) if the City fails to hold the second reading within 180 days of the receipt of agency comments, the amendment shall be deemed withdrawn.

This ordinance, if adopted on second reading will be transmitted to the state land planning agency and other agencies that provided comments to the City. The Plan amendment, if not timely challenged, shall be effective 31 days after the state land planning agency notifies the City that the plan amendment package is complete. If the Plan 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. No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before this plan amendment has become effective. Since the first

reading of this ordinance occurred prior to June 2, 2011, it is necessary to revise Section 7 of the ordinance (the effective date section) to conform to the new state law.

RECOMMENDATION

The City Commission (1) receive and consider the letters from the Florida Department of Community Affairs, the Florida Department of Transportation and the Florida Department of State; (2) adopt the ordinance as revised to add new language to be consistent with the Chapter Law 2011-139.

Legislative History

3/3/11 City Commission Approved (Petition) as amended by the Plan Board (7 - 0)
5/5/11 City Commission Adopted (Ordinance) on Transmittal Hearing (7 - 0)

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100696A_addendum_map_20110303.pdf
100696B_110227_cpb min_20110303.pdf
100696C_100697_100698_staff ppt_20110303.pdf
100696_draft ordinance_20110505.pdf
100696A_draft ordinance_20111103.pdf
100696B_letters from state agencies_20111103.pdf

100697.

AMENDING THE FUTURE LAND USE ELEMENT BY ADDING A POLICY FOR THE URBAN VILLAGE (B)

Ordinance/Legistar No. 100697; Petition No. PB-10-142 CPA

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan Future Land Use Element by adding a new Policy 4.3.7 to regulate the Urban Village as mapped in the Future Land Use Element Map Series; providing directions to the city manager and the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

MODIFICATION - Revised Recommendation and 3 additional pieces of back-up submitted 11/2/2011.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

On May 5, 2011, the City Commission approved this ordinance by a vote of 7-0 and transmitted this ordinance as part of the Amendment No. 11-1 package to the Department of Community Affairs.

In accordance with the new growth management statutory law (House Bill 7207, now Chapter Law 2011-139) effective June 2, 2011, the Department of Community Affairs issued a letter dated June 6, 2011 stating it identified no comments related to important state resources and facilities that will be adversely impacted if this ordinance is adopted. The Florida Department of Transportation issued a letter dated June 15, 2011, and the letter contained no comments related to this ordinance that need to be addressed. The Florida Department of State issued a letter dated June 14, 2011 and the letter contained

no comments related to this ordinance that needed to be addressed.

This ordinance amends the Future Land Use Element within the City's Comprehensive Plan to add a new policy to provide special regulations to support and implement the vision for redevelopment and infill development in the Urban Village. This ordinance is related to Ordinance No. 100696 that proposes adopting an Urban Village map into the Future Land Use Element Map Series; and Ordinance No. 100698 that designates City future land use categories on the properties within the Urban Village.

This new policy is being added in recognition of the long-term vision for this area and how it will develop and redevelop, especially in terms of transportation mobility. The original concept for this area, as recommended by vote of the Metropolitan Transportation Planning Organization (MTPO) in April 2008, was as a Multi-Modal Transportation District under former State law provisions. After annexation of the Urban Village area, it was included within the City's TCEA, as part of TCEA Zone M. Zone M was designated as a multi-modal zone. The proposed Urban Village policy regulations in this ordinance support that vision. The MTPO plan envisioned a build out/redevelopment of the area by 2050. In the current economic scenario, that may be an optimistic estimate. Staff suggests that the future development scenario for the Urban Village may extend as long as 50 - 60 years.

In order to ensure that redevelopment and infill development occur consistent with a unified urban strategy that promotes multi-modal opportunities, staff recommends that the proposed policy be included in the Future Land Use Element to guide future development activity.

Public notice was published in the Gainesville Sun on January 11, 2011. The City Plan Board held a public hearing on February 2, 2011 (continued from January 27, 2011) and, by a vote of 7-0, recommended the City Commission approve the petition, with amendments. On March 3, 2011, the City Commission approved the petition, by a vote of 7-0, with amendments.

CITY ATTORNEY MEMORANDUM

Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The second hearing will be held at the adoption stage of the ordinance and must be held at least five (5) days after the day that the second advertisement is published.

In accordance with the new state growth management law (HB7207, now Chapter Law 2011-139) if the City fails to hold the second reading within 180 days of the receipt of agency comments, the amendment shall be deemed withdrawn.

This ordinance, if adopted on second reading will be transmitted to the state land planning agency and other agencies that provided comments to the City. The Plan amendment, if not timely challenged, shall be effective 31 days after the state land planning agency notifies the City that the plan amendment

package is complete. If the Plan 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. No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before this plan amendment has become effective. Since the first reading of this ordinance occurred prior to June 2, 2011, it is necessary to revise Section 7 of the ordinance (the effective date section) to conform to the new state law.

RECOMMENDATION

The City Commission: (1) Receive and consider the letters from the Florida Department of Community Affairs, the Florida Department of Transportation and the Florida Department of State; (2) adopt the alternative ordinance as revised to add new language to be consistent with the Chapter Law 2011-139 and staff recommends approval of the alternative ordinance based upon the fact that it better states the intent of having a pedestrian-scaled, gridded street network in the Urban Village.

Legislative History

3/3/11 City Commission Approved (Petition) as amended by the Plan Board (7 - 0)

5/5/11 City Commission Adopted (Ordinance) on Transmittal Hearing (7 - 0)

100697_cpb_staff recomds_20110303.pdf

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100697B_letters from state agencies_20111103.pdf

100697C_MOD_memo_blackburn_20111103.pdf

100697D_MOD_memo_hawkins_20111103.pdf

100697E_MOD_Alt_Ord_20111103.pdf

100698.

LAND USE CHANGE - VICINITY OF SW 34TH STREET AND SW 20TH AVENUE (B)

Ordinance/Legistar No. 100698; Petition No. PB-10-137 LUC

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by changing the land use categories of certain property, as more specifically described in this ordinance, from the Alachua County land use categories of "Low Density Residential (1-4 DU/acre)", "Medium Density Residential (4-8 DU/acre)", "Medium High Density Residential (8-14 DU/acre)", "High Density Residential (14-24 DU/acre)", "Commercial" and "Institutional" to the City of Gainesville land use categories of "Urban Mixed-Use 2 (UMU-2: up to 100 units per acre)", "Conservation (CON)" and "Public Facilities (PF)"; consisting of approximately 396 acres located generally east of Interstate 75, west of

Southwest 34th Street and north and south of Southwest 20th Avenue; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

On May 5, 2011, the City Commission approved this ordinance by a vote of 7-0 and transmitted this ordinance as part of the Amendment No. 11-1 package to the Department of Community Affairs.

In accordance with the new growth management statutory law (House Bill 7207, now Chapter Law 2011-139) effective June 2, 2011, the Department of Community Affairs issued a letter dated June 6, 2011 stating it identified no comments related to important state resources and facilities that will be adversely impacted if this ordinance is adopted. The Florida Department of Transportation (FDOT) issued a letter dated June 15, 2011, the letter contains comments related to this ordinance that are addressed as follows: city Planning staff has discussed the long-term redevelopment nature of this land use amendment with FDOT so that they have a better understanding of the anticipated gradual increase in trips from this land use action. FDOT staff did not realize there was a companion Policy 4.3.7 text change to the Future Land Use Element (Ordinance 100697) that provides for some of the innovative transportation solutions they wanted to discuss with the City. In addition, City Planning staff has agreed to meet with FDOT to discuss, as they stated in their letter, "an innovative and holistic transportation solution for the region" as redevelopment in the area occurs. The Florida Department of State, Division of Historical Resources, issued a letter dated June 14, 2011, the letter contains comments related to this ordinance that are addressed as follows: the City's Historic Preservation Planner spoke with State Historical Resources staff and explained that this Land Use Changes will not cause or result in the disturbance of land or adverse impacts on historic or archeological resources.

In addition, in the period following first reading and transmittal, City staff met with County staff concerning the Urban Village area because of County staff knowledge of the area. Alachua County owns several parcels in the Urban Village. During meetings, City staff learned from County staff that two of the parcels owned by Alachua County were given incorrect future land use category designations of Public Facilities (PF) on first reading. The first parcel is located on the northwest corner of SW 34th Street and SW 24th Avenue. This property is an existing, unoccupied commercial dry cleaning establishment that was acquired by the County as part of the right-of-way for construction of SW 24th Avenue. The County wishes to market the remainder of this parcel as commercial property for redevelopment, which would not be possible with the PF land use category. As a result, it should be given the Urban Mixed Use 2 future land use category designation for consistency with the other properties in the Urban Village. The second parcel contains Forest Park and a County fire station at the southwest corner of SW 43rd Street and SW 20th Avenue. Forest Park is an active recreation facility and should be designated with a Recreation future land use category. The portion of the parcel that contains the fire station should be designated Public Facilities. Alachua County staff agrees that these

parcels should be removed from this ordinance and those two parcels will be processed as a separate petition in order to correct the inadvertent errors.

This ordinance is a large-scale land use amendment to change Future Land Use categories from Alachua County to City of Gainesville designations. It covers approximately 396 acres of southwest Gainesville in the area of SW 20th Avenue and SW 24th Avenue, west of SW 34th Street. Staff proposes the Urban Mixed-Use 2 land use category for a majority of this area in order to implement the Urban Village land use scenario approved by the Metropolitan Transportation Planning Organization (MTPO). The remaining area is proposed for the Conservation and Public Facilities land use categories, as appropriate. Proposed land use categories were selected to: reflect existing conditions, be compatible with surrounding uses, and implement the redevelopment vision for this area as Gainesville's Urban Village by increasing densities and allowing a broad mix of uses.

Related to this land use amendment, staff has prepared a new map of the Urban Village to be added to the Future Land Use Element map series (Ordinance No. 100696) and a comprehensive plan amendment (Ordinance No. 100697) that adds a new policy to the Future Land Use Element regulating development and redevelopment in the Urban Village.

After public notice was published in the Gainesville Sun on January 11, 2011, the City Plan Board held a public hearing on February 2, 2011 (continued from January 27, 2011) and, by a vote of 7-0, recommended the City Commission approve the petition. On March 3, 2011, the City Commission approved the petition by a vote of 7-0.

After the petition hearings, Planning staff discovered that a parcel located at 4010 SW 24th Avenue and owned by East Newport Baptist Church had been inadvertently proposed for Public Facilities land use. Planning staff had intended for this parcel to receive Urban Mixed-Use 2 land use. The petition error was corrected prior to the transmittal/first reading of this Ordinance and notice of same was mailed to the property owner, as well as property owners within 400 feet of the East Newport Baptist Church parcel.

CITY ATTORNEY MEMORANDUM

Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The second hearing will be held at the adoption stage of the ordinance and must be held at least five (5) days after the day that the second advertisement is published.

In accordance with the new state growth management law (HB7207, now Chapter Law 2011-139) if the City fails to hold the second reading within 180 days of the receipt of agency comments, the amendment shall be deemed withdrawn.

This ordinance, if adopted on second reading will be transmitted to the state land planning agency and other agencies that provided comments to the City. The Plan amendment, if not timely challenged, shall be effective 31 days after

the state land planning agency notifies the City that the plan amendment package is complete. If the Plan 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. No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before this plan amendment has become effective. Since the first reading of this ordinance occurred prior to June 2, 2011, it is necessary to revise Section 7 of the ordinance (the effective date section) to conform to the new state law.

RECOMMENDATION

The City Commission (1) receive and consider the letters from the Florida Department of Community Affairs, the Florida Department of Transportation and the Florida Department of State; (2) adopt the ordinance, as revised, to add new language to be consistent with the Chapter Law 2011-139 and to remove two parcels that were given the incorrect land use designation on first reading.

Legislative History

3/3/11 City Commission Approved (Petition) as amended by the Plan Board (7 - 0)
5/5/11 City Commission Adopted (Ordinance) on Transmittal Hearing (7 - 0)

100698_staff ppt_20110303.pdf
100698A_110127_cpb minutes_20110303.pdf
100698_staff ppt_20110303.pdf
100698_staff report_20110303.pdf
100698_draft ordinance_20110505.pdf
100698A_draft ordinance_20111103.pdf
100698B_letters from state agencies_20111103.pdf

110112.**LAND DEVELOPMENT CODE - ICE MANUFACTURING/VENDING MACHINES AS SPECIALLY REGULATED USE (B)****Ordinance No.110112; Petition No. PB-11-55 TCH**

An ordinance of the City of Gainesville, Florida; by creating and adding Section 30-120 to the Land Development Code by adding Ice Manufacturing/Vending Machines as a specially regulated use; as more specifically set forth in this ordinance; providing directions to the City Manager; providing directions to the codifier; providing a severability clause; and providing an immediate effective date.

Explanation: STAFF REPORT

This petition proposes an amendment to Article VI of the Land Development Code to add a new specially regulated use of Ice Manufacturing/Vending Machines. This would be codified as Sec. 30-120.

The petitioner, East Coast Ice, has provided a document with proposed language for the new Sec. 30-120. That document also contains various photos

of various buildings already in place in locations and schematics showing the ability to screen machinery.

Staff has reviewed the petitioner's draft language, and while there are some areas of agreement, staff finds that the petitioner's proposed requirements do not adequately protect the City's design and aesthetic principles as embodied in the Comprehensive Plan and Land Development Code. The section in the Staff Report labeled "Recommended Changes to Article VI. Requirements for Specially Regulated Uses" indicates staff's recommended requirements for this use as the preferred alternative to the draft proposed by the petitioner.

In addition, the petitioner's draft language included allowing the use by Special Use Permit in the MU-1 (8-30 units/acre mixed-Use Low Intensity); MU-2 (12-30 units/acre mixed use medium intensity); UMU-1 (up to 75 units/acre urban mixed-use district); UMU-2 (up to 100 units/acre urban mixed-use district); and CCD (up to 150 units/acre central city district) zoning districts.

Staff cannot support the addition of this proposed use even by Special Use Permit in any of the mixed use districts, which includes MU-1, MU-2, UMU-1, UMU-2, and CCD. The Ice Manufacturing/Vending Machines are not consistent with the urban and streetscape vision for these districts as embodied in the Comprehensive Plan and Land Development Code. Each of these districts allow residential, and the Ice Manufacturing/Vending Machines are not compatible with residential use.

This proposal for inclusion in the MU-1, MU-2, UMU-1, UMU-2, and CCD districts is inconsistent with several Comprehensive Plan goals, objectives, and policies. They include: Urban Design Element Objectives 1.2, and 1.8; and Future Land Use Element Policy 1.4.4.

In particular, Future Land Use Element Policy 1.4.4 speaks to the issue of uses in the mixed-use zoning districts. It states, "In mixed-use zoning districts, the City should prohibit or restrict land uses that discourage pedestrian activity and residential use, including car washes, motels (hotels are acceptable), storage facilities, auto dealerships, drive-throughs, warehouses, plasma centers, and street-level parking lots."

While the ice machine manufacturing/vending units are not specifically called out in this policy, it is clear that the mixed-use zoning districts should discourage uses that discourage pedestrian activity and residential use. Currently, the MU-1 and MU-2 zoning districts do not allow the use and building type proposed by Ice House America, and this is supported by the Comprehensive Plan.

Staff recognizes that when the City Commission heard an appeal (December 2, 2010) of the Board of Adjustment decision on the classification of this use, there was an additional motion approved at the time that stated, "Direct staff to look at development and architectural standards for businesses such as these in the MU-1 and MU-2 zoning districts."

During the interim period, staff has consistently moved forward on recommended changes to the MU-1 and MU-2 zoning districts. The Plan Board

heard and unanimously approved (6-0) Petition PB-11-28 TCH (which includes changes to the MU-1 and MU-2 zoning districts and establishes activity centers in the mixed use zoning districts) at the May 23, 2011 meeting. After a careful review of the proposed changes and the intent of the revised MU-1 and MU-2 zoning regulations, staff does not find the Ice Manufacturing/Vending Machines as a compatible use with those regulations for a more urban form in the MU-1 and MU-2 zoning districts.

The Ice Manufacturing/Vending Machine use is auto-oriented and does not support the pedestrian/bicycle vision for the mixed use districts. Both the City's Transportation Concurrency Exception Area (TCEA) and the mixed use zoning districts promote pedestrian access and a reduction in vehicle trips. As stated in the MU-1 district purpose clause, "The district is intended to reduce the length and number of vehicle trips by providing for basic needs within close proximity to residential area, by encouraging pedestrian access, and by the combining of trips." Access to these ice manufacturing/vending machines is clearly designed for automobiles, and pedestrian/bicycle trips are not encouraged by this use.

The Plan Board discussed the petition and voted to approve the petition 4-0 with modifications to the staff recommendation by deleting the one mile spacing requirement and the skirting requirement for the machines and adding a requirement that the utility connections on the machines be screened from public rights-of-way and from pedestrian rights-of-way.

Public notice was published in the Gainesville Sun on April 12, 2011. The Plan Board held a public hearing on April 28, 2011.

CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of July 7, 2011, approved the Petition that authorized the City Attorney to draft the proposed ordinance.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

7/7/11	City Commission	Approved as Recommended (Staff to City Commission) (7 - 0)
10/20/11	City Commission	Adopted on First Reading (Ordinance) (7 - 0)

110112A_staff ppt_20110707.pdf
 110112B_exhibit A-1_20110707.pdf
 110112C_exhibit B-1_20110707.pdf
 110112D_exhibits C-1 & C-2_20110707.pdf
 110112E_updated info from pet.pdf
 110112F_cpb minutes_20110707.pdf
 110112G_staff ppt_20110707.pdf
 110112H_petitioner ppt_20110707.pdf
 110112_draft ordinance_20111020.pdf

ICE MANUFACTURING/VENDING MACHINES (B)**Ordinance No.110289; Petition No. PB-11-104 TCH**

An ordinance of the City of Gainesville, Florida, amending the Land Development Code; by creating and adding the definition of Ice Manufacturing/Vending Machines to Section 30-23; adding Ice Manufacturing/Vending Machines as a specially regulated use by right to the list of permitted uses in the following districts: “BI: Business industrial district”, “W: Warehousing and wholesaling district”, “I-1: Limited industrial district”, “I-2: General industrial district”; adding Ice Manufacturing Vending Machines as a specially regulated use by special use permit in the following districts: “BUS: General business district”, “BA: Automotive-oriented business district”, and “BT: Tourist-oriented business district”; providing directions to the City Manager; providing directions to the codifier; providing a severability clause; and providing an immediate effective date.

Explanation: STAFF REPORT

This petition is related to Petition PB-11-55 TCH, which would amend the Land Development Code to add ice manufacturing/vending machines as a specially regulated use and limit the zoning districts in which the use is allowed either by right or by Special Use Permit. The City Plan Board recommended at their April 28, 2011 meeting that staff initiate a petition to change the BI, W, I-1, I-2, BUS, BA, and BT zoning districts to add the specially regulated use with reference to Article VI. The City Commission concurred with the Plan Board recommendation at their public hearing on July 7, 2011. This petition adds a definition for ice manufacturing/vending machines to Section 30-23, Definitions, of the Land Development Code. Ice manufacturing/vending machines will be added as a specially regulated use by right to the list of permitted uses in the BI, W, I-1, and I-2 zoning districts. They will be added as a specially regulated use by Special Use Permit to the list of permitted uses in the BUS, BA, and BT zoning districts.

Planning Division staff recommended approval of Petition PB-11-104 TCH.

The City Plan Board reviewed the petition and recommended approval. Plan Board vote 4-0.

Public notice was published in the Gainesville Sun on August 9, 2011. The Plan Board held a public hearing on August 25, 2011.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

10/20/11 City Commission Adopted on First Reading (Ordinance) (7 - 0)

110289-A_draft ordinance_20111020.pdf

110289B_staff report_20111020.pdf

110289C_exhibit 1_text amendment application_20111020.pdf

110289D_cpb minutes_20111020.pdf

110289E_staff ppt_20111020.pdf

110247.**TEXT AMENDMENT - AMEND THE CENTRAL CORRIDORS
AUTO-ORIENTED USE STANDARDS (B)****Ordinance No. 110247; Petition No. PB-11-90 TCH**

An ordinance of the City of Gainesville, Florida, amending Section 30-23 of the Land Development Code of the City of Gainesville by defining "service bay" and "service area entrance"; amending Appendix A, Section 5, Exhibit B. Central Corridors Special Area Plan of the Land Development Code, by revising the limitations on service bays for limited automotive services and deleting an obsolete graphics figure; 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 Ordinance will allow for an increase in the number of service bays for limited automotive services uses in the Central Corridors Special Area Plan.

The Central Corridors Special Area Plan currently restricts "limited automotive services" (such as tire service and oil change centers) to a maximum of three service bays. This limitation on the number of service bays is intended to limit the noise and visibility impacts from lifts and other equipment, and from ongoing service to motor vehicles. This standard was written to address a building design where the service bays would be facing directly onto a street or adjacent property, but does not consider alternative designs that would orient service bays so that they are not directly exposed to the exterior of buildings. This ordinance will allow for an increase in the number of service bays for limited automotive service uses in the Central Corridors Special Area Plan, but only when they are designed so that the bays do not face the exterior of the building. The new language distinguishes between two options for designing limited automotive service buildings: 1) with a maximum of three service bays facing the exterior of the building and accessed directly from the exterior of the building; and 2) with a maximum of two service area entrances providing indirect access to internally-oriented service bays.

The proposed text amendment is consistent with the overall intent of Central Corridors to "strike a balance between the needs of the car and pedestrian" and "improve the sense of place and community" while continuing to support a healthy economy. The amendment is also consistent with the specific intent of the Central Corridors auto-oriented use standards, which are designed to protect community character and minimize impacts on neighborhoods and pedestrians in the public realm.

This amendment is consistent with Policy I.1.2 of the Urban Design Element of the Comprehensive Plan, which states that "The City shall establish urban design standards which protect and promote quality of life, in order to encourage redevelopment and new development within city limits rather than in outlying areas by amending the Land Development Code to adopt additional design standards for any particular parts of the city." By providing additional

flexibility for limited automotive services in the Central Corridors overlay, this amendment will allow for certain auto-oriented uses, when they are appropriately designed, to continue to be located in the more central and urban areas of the City.

Public notice was published in the Gainesville Sun on July 12, 2011. On July 28, 2011, the City Plan Board heard the Petition and, by a vote of 4-0, approved the Petition.

CITY ATTORNEY MEMORANDUM

This ordinance requires two public hearings. If this ordinance is passed on first reading, second and final reading will be held on Thursday, November 3, 2011.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

10/20/11 City Commission Approved (Petition) and Adopted on First Reading
(Ordinance) (7 - 0)

110247A_draft ordinance_20111020.pdf
110247B_staff report_20111020.pdf
110247C_application & info_20111020.pdf
110247D_cpb minutes_20111020.pdf
110247E_staff ppt_20111020.pdf

PLAN BOARD PETITIONS

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

UNFINISHED BUSINESS

COMMISSION COMMENT

CITIZEN COMMENT (If time available)

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