

City of Gainesville

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



Meeting Agenda

May 03, 2012

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 line at 334-2069 at least two business days in advance.

CALL TO ORDER

AGENDA STATEMENT

Citizens are encouraged to participate in City of Gainesville meetings. In general, speakers will be limited to 3 (three) minutes per agenda item. Additional time may be granted by the Mayor or by the City Commission as directed. The City of Gainesville encourages civility in public discourse and requests that speakers limit their comments to specific motions and direct their comments to the Chair. Signs or Props are not permitted in the meeting room. Citizens are encouraged to provide comments in writing to the Clerk of the Commission before meetings and/or during meetings for inclusion into the public record. Citizens may also provide input to individual commissioners via office visits, phone calls, letters and e-Mail, that will become public record. In some instances, i.e., Quasi-Judicial Hearings, these particular contacts may be prohibited."

ROLL CALL

INVOCATION

Prophet George Young

CONSENT AGENDA

CITY MANAGER, CONSENT AGENDA ITEMS

100948.

Homeless Respite Pilot Program (B)

This item requests that the City Commission consider additional funding for the Homeless Respite Pilot Program.

Explanation: On March 28, 2011, the Implementation Committee heard a presentation from the Respite for the Homeless Sub-Committee and decided to develop a plan for a Homeless Respite Pilot Program (Pilot Program) to be presented to the City and County Commissions for consideration. The Plan required coordination between potential providers of shelter and other services (such as St. Francis House) and the funding agencies. The recommended time frame for the initial two-bed Pilot Program was 6 months. The estimated cost for the 6-month Pilot Program, which would be shared equally between the City and the County, was \$5,200 (or \$2,600 each).

On June 16, 2011 the City Commission heard a presentation from the Implementation Committee and approved a three part motion related to Respite Care for Homeless Persons in Gainesville and Alachua County. That motion approved the following: (1) allocating \$1,500 to fund the Homeless Respite Pilot Program for the remainder of Fiscal Year (FY) 2011; (2) authorizing the City Manager to execute the necessary agreements to create the Homeless

Respite Pilot Program with Alachua County; and (3) directing the City Manager to consider including \$5,200 for the Homeless Respite Program in the City's FY 2012 Budget. Subsequently, the City Commission approved including \$5,200 for the Homeless Respite Program in the City's FY 2012 Budget which was expected to fund an annual program.

In September 2011, the City and County executed an interlocal agreement regarding the Homeless Respite Program. The term of that agreement began on August 1, 2011, two months before the end of FY 2011. Based on Section 2, Funding, of the agreement, both the City and the County each committed \$1,500 for a total of \$3,000 for the Program for FY 2011. Soon thereafter, the County requested the City provide an additional \$1,100 (to match an additional \$1,100 from the County) to complete the 6-month Pilot Program. After that time period, an analysis and report could be completed to determine the results of the Pilot Program.

Fiscal Note: Funds in the amount of \$5,200 are available in the FY 2012 budget for the Homeless Respite Program. The request for \$1,100 to complete the 6-month Homeless Respite Pilot Program can be funded from the \$5,200 budgeted for an annual Homeless Respite Program. If the program is continued beyond the pilot period, there is adequate funding available in the FY 2012 budget to continue funding the City's share of the program through the rest of the fiscal year.

RECOMMENDATION

The City Commission approve the payment of \$1,100 from the FY 12 budget to fund completion of the Homeless Respite Pilot Program.

Legislative History

6/16/11 City Commission Approved as shown above (See Motion) (7 - 0)

100948A_Respite PPT_20110616.pdf

100948B_Comm Minutes_20110616.pdf

100948_Interlocal Agreement_20120503.pdf

110881.

Federal LECFTF Funding for the Gainesville Police Department Helicopter Repairs (B)

Explanation: This request is for authorization of an expenditure of up to \$100,000 from the Federal Law Enforcement Contraband Forfeiture Trust Fund account to facilitate the repairs to the Gainesville Police Department's helicopter.

On July 8, 1996 the City Commission approved the Inter-Agency Agreement for a Joint Aviation Unit between the Alachua County Sheriff's Office (ACSO) and the City of Gainesville's Police Department. In addition, to sharing overhead and normal operating expenses the GPD provides a pilot, observer, a helicopter and its associated costs.

On December 8, 2011 the Gainesville Police Department's helicopter suffered a forced landing on Windmeadows Blvd. because of a sudden loss of power. Consequently, the engine and other components were shipped out for inspection and repair. This was a result of the sudden stoppage of the main rotor. All of

the components must be inspected for damage. The parts must be replaced prior to further inspection of the engine due to the necessity of the accessory gearbox to run the engine. The repairs for the parts in the accessory gear box are estimated to be \$47,788.25. Although the insurance coverage on the helicopter parts is pro rated, there are other costs associated with the inspection and repair not covered by insurance. Additional repairs will be identified upon completion of the inspection. The maximum additional funds estimated to complete the repairs is \$100,000.

Fiscal Note: Funds in the amount of \$100,000 for this expenditure are available in the Federal Law Enforcement Contraband Forfeiture Trust Fund and is allowable per Federal 21 U.S.C. () 881, found in the U.S. Department of Justice A Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies." The unreserved balance in the account is 1,052,276.00.

RECOMMENDATION

The City Commission 1) approve the appropriation of up to \$100,000.00 from the Federal Law Enforcement Contraband Forfeiture Trust Fund to assist with costs of repairing the GPD helicopter; and 2) authorize the City Manager to enter into the agreement(s) and/or contract(s) necessary to complete the repairs and return the helicopter to flight status.

Alternative Recommendation A: The City Commission deny funding.

110881_EngineRepairIOC_20120503.pdf

110903.

Assistance to Firefighters Grant FY2011 Application for Community Risk Assessment Program (NB)

This item requests that the City Commission authorize the City Manager to execute a grant award, if awarded, for the FY2011 Assistance to Firefighters Grant to enable GFR to complete a Comprehensive Community Risk Assessment.

Explanation: The US Department of Homeland Security annual application period for the Assistance to Firefighters Grant Program FY2011 for Fire Prevention and Safety Grants is open through April 27, 2012. The purpose of the grant is to fund fire prevention and safety activities for high-risk target groups. Each applicant can submit a request for up to \$1 million. The funding match for Gainesville would be 20% of the grant award. Gainesville Fire Rescue (GFR) plans to submit an application for funding that would facilitate a comprehensive community risk assessment.

In order to prevent our citizens and firefighters from facing unnecessary risks, GFR must first know the level and magnitude of the community's vulnerability to risk. The geographical size and population of Gainesville has more than doubled in the last thirty-five years. The construction methods, construction materials, and the types of business occupancies have also significantly

changed. A community risk assessment will allow managers to analyze validated data for the purpose of constructing sound emergency planning, response goals and objectives, and educational activities. Maintenance of a valid community risk assessment also meets one of the components in the department's path toward achieving accreditation and will validate the Standards of Cover plan for the risk our community faces. To accomplish this task, GFR will secure temporary assistance to fulfill the objective of conducting site visits to every commercial, industrial, and institutional building in the City's jurisdiction. Additionally, the risk assessment program will extend into the residential community offering home fire safety inspections, fire sprinkler awareness, and smoke detector awareness and installation to residents and families facing economic challenges. Information gathered on buildings and risks will be entered into a GFR database which will also assist our fire inspection and investigation programs significantly. We will also collect data on fire and smoke alarm detection and notification for high-risk target groups, such as those with limited mobility or those with vision or hearing impairments. Fire prevention and safety activities will be targeted to address identified areas of concern.

Fiscal Note: The total cost of the project is estimated at \$96,480; the Federal Share is 80% or \$77,184; and the Applicant Share is expected to be 20% or \$19,296. Matching funds have been identified in the GFR operating 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 payments process for expending the grant funds and matching funds.

Alternate Recommendation:

The City Commission not authorize the City Manager to execute the grant award contract or provide the required match funding.

110910.

Revised Community Grant Program Guidelines (B)

This item requests that the City Commission consider updating the list of activities eligible for Community Grant Program funds.

Explanation: On July 5, 2010, the City Commission approved the Community Grant Program (CGP). The CGP was first implemented in (FY) 2010-2011. The purpose of the CGP is to provide small amounts of funding to non-profit organizations performing community services that: advance City goals, serve a public purpose, and improve the quality of life for Gainesville residents. Since FY 2010-2011, the City Commission has allocated \$125,000 per year for the CGP, with ten percent set aside for program administration. The maximum grant award is \$2,500 per eligible non-profit organization. The City Commission

developed and adopted guidelines describing eligible organizations, reimbursable activities, and program requirements and procedures. The Commission's plan was to keep the CGP application process simple for both the applicants and staff; and to fund as many eligible programs as possible within the approved program budget.

As required by the CGP Guidelines, the State Housing Initiative Program Affordable Housing Advisory Committee (AHAC) reviews the funding applications and makes funding recommendations each year. On July 14, 2011, as part of the AHAC's CGP FY 2011-2012 funding recommendation, the AHAC recommended and requested that the City Commission consider an addition to the list of activities that are eligible for CGP funding beginning in FY 2012-2013. The AHAC requested to add an activity for Veterinary Care for Pets of Homeless Individuals and Families. Previously, at public hearings on October 12, 2010 and May 25, 2011, the AHAC heard statements from the public indicating that studies show that homeless individuals and families are more likely to utilize social services after their pets have received needed care. At the July 14, 2011, meeting the City Commission instructed staff to develop, for Commission review, specific language that implements the AHAC's recommendation. Staff proposes that the reimbursement rate for Veterinary Care be \$20 per visit, slightly less than the City Commission approved \$25 per visit to a Doctor, Dentist, Nurse or Therapist.

Finally, based on the experience of the first two years, staff recognized a need to clarify and expand the types of Transportation Services that are eligible. The revised language specifically allows the purchase of full-fare Regional Transit System (RTS) Bus Passes, on a monthly basis (RTS charges \$35 for a one month pass). This clarification is in response to several applications, mostly from agencies that provide daily after school counseling, mentoring and/or tutoring programs for youths.

Staff is proposing to revise the CGP Guidelines to add and modify eligible program activities as requested by the AHAC to provide additional benefits to the community. The revised CGP Guidelines are outlined in Attachment 1.

Fiscal Note: There is no fiscal impact at this time.

RECOMMENDATION

The City Commission approve the revised Community Grant Program Guidelines.

110910_Revised CGP Guidelines_20120503.pdf

110911.

FY 2012 Internet Crimes Against Children Task Force Program Continuation (NB)

Explanation: The United States Department of Justice, Office of Juvenile Justice and Delinquency Prevention requests that the City of Gainesville apply for funding under the FY 2012 Internet Crimes Against Children Task Force Program Continuation. This funding will allow the continuation of the Gainesville Police Department's North Florida ICAC Task Force which provides equipment,

training, and investigative support to agencies investigating crimes involving the victimization of children through the use of technology. The Task Force serves 38 counties in the State of Florida and the US Virgin Islands.

Fiscal Note: The City is eligible to receive grant funding up to a maximum of \$357,751. No matching funds are required. The effective dates of the grant are July 1, 2012 through June 30, 2013.

RECOMMENDATION

The City Commission 1) authorize the City Manager to apply for these funds, and 2) execute any additional documents as may be required, subject to review and approval by the City Attorney.

110912.

Contract for Professional Planning and Engineering Services for BRT/Bus Alternatives Analysis with Parsons Brinckerhoff (B)

This item is a request to approve rankings for Request for Proposal (RFQ) #RTSX-120032-DS and execute a contract with Parsons Brinckerhoff to conduct a Bus Rapid Transit (BRT)/Bus Alternatives Analysis for the Regional Transit System (RTS).

Explanation: On January 30, 2012, the City's Purchasing Division solicited Request for Qualifications (RFQ) for Professional Planning and Engineering Services to conduct an Alternatives Analysis for BRT/Bus for the City of Gainesville Regional Transit System (RTS). The RFQ process was implemented in compliance with, and as required by, the Federal Transit Administration (FTA), Florida Statutes and City of Gainesville policies.

Four (4) proposals were submitted by the deadline. The submissions contained the technical proposal. An evaluation team consisting of City staff evaluated the proposals and is recommending the following ranking of the top three (3) firms:

1. Parsons Brinckerhoff
2. HNTB Corporation
3. Tindale-Oliver & Associates, Inc.

RTS desires to enter a contract with Parsons Brinckerhoff.

Fiscal Note: Funds in the amount of \$650,000 have been identified in local, state and federal funds and are available in the RTS budget.

RECOMMENDATION

The City Commission: 1) approve staff's recommended ranking of the top three (3) firms; and 2) authorize the City Manager to negotiate and execute a contract with the top ranked firm or next ranked firm if those negotiations are not successful, for Planning and Engineering Services to conduct a BRT/Bus Alternatives Analysis for the Regional Transit System

(RTS), subject to approval by the City Attorney as to form and legality.

110912A_BID_20120503.pdf

110912B_BidTab_20120503.pdf

110913.

Overtime Reimbursement For ICAC Through FBI CCTF (B)

Explanation: The Gainesville Police Department, Criminal Investigations Division, ICAC Unit, currently has three detectives assigned to the FBI's CyberCrime Task Force. The FBI currently offers cost reimbursement for state and local law enforcement agencies for the cost of overtime incurred by officers assigned full-time to the FBI managed task forces provided the overtime expenses were incurred as a result of task force related activities.

Currently, the North Florida ICAC Task Force and the Gainesville Police Department covers the cost of overtime for investigations both state and federal. Through this agreement, any overtime spent on specific federal investigations will be reimbursed by the FBI.

Fiscal Note: For Fiscal year 2011, the maximum limits for reimbursements under the Cost Reimbursement Agreement (CRA) are \$1,433.52 per month and \$17,202.25 per year for each officer assigned full-time to the task force. These limits are effective for overtime worked on or after October 1, 2011.

RECOMMENDATION

The City Commission authorize the City Manager to execute the Cost Reimbursement Agreement, subject to the approval of the City Attorney as to form and legality.

110913_FBICostReimbAgree_20120503.pdf

110920.

Request for a waiver to allow certain City employees with a potential conflict of interest under Florida's Code of Ethics for Public Officers and Employees, Florida Statute Section 112.311 et seq., to remain members of the Citizen Advisory Committee for Community Development (CACCD) (B)

This item requests the City Commission to approve a waiver pursuant to Florida Statute Section 112.313(12) to allow certain City employees who are current members of the CACCD and who have a potential conflict due to their employment with the City under Florida's Code of Ethics for Public Officers and Employees, Florida Statute Section 112.313, to remain members of the CACCD.

Explanation: The City of Gainesville (City) receives a direct allocation of Community Development Block Grant (CDBG) funding from the U.S. Department of Housing and Urban Development (HUD) to provide resources to address a wide range of unique community development needs within the community. As such, one of the main functions of the CACCD is to review applications and make funding recommendations for agencies who apply for CDBG funding through a

competitive process. Upon staff review of the agency applications submitted for FY13 CDBG funding, it was discovered that three CACCD advisory board members are City employees who have a direct association with one of the agencies who has applied for FY13 CDBG funding, the Reichert House, a 501(c)(3) organization directly affiliated with the City.

In particular, on December 21, 2009 and June 2, 2011, the City Commission appointed the following members to the CACCD: 1) James Albright, 2) Earther Wright, and 3) Robert Wright. Currently, Mr. Albright is a Community Programs Coordinator with the Gainesville Police Department (GPD) and the Reichert House is one of the programs he oversees; Ms. Wright is a temporary part-time professional employee with GPD who is assigned to the Reichert House and ensures compliance with the program's 21st Century Grant; and Mr. Wright is a former employee of the GPD, and currently works in the Solid Waste Division of the Public Works Department as a Solid Waste Collection Inspector. Due to their employment with the City and affiliation with the Reichert House, as well as the City's relationship with the Reichert House, it appears that these advisory board members may have a prohibited conflict under Florida's Code of Ethics for Public Officers and Employees. Specifically, the conflict arises under Florida Statute Section 112.313(3) and (7), which prohibits public employees and advisory board members from doing business with one's agency and conflicting employment and contractual relationships. Pursuant to Florida Statute Section 112.313(12), these prohibited conflicts may be waived by the City Commission upon full disclosure of the conflicting transaction or relationship to the City Commission prior to the waiver and an affirmative vote in favor of waiver by two-thirds vote of the City Commission. With such a waiver, these three advisory board members may continue to serve on the CACCD in compliance with Florida's ethics law. Without such a waiver, these three advisory board members may not serve on the advisory board due to their potential conflict and the City Commission would need to appoint three new members to the CACCD.

Fiscal Note: No Fiscal Impact

RECOMMENDATION

The City Commission: 1) consider the potential conflict which exists for CACCD members James Albright, Earther Wright, and Robert Wright due to their employment with the City and their affiliation with the Reichert House, as well as the City's relationship with the Reichert House; and 2) waive the conflict of members James Albright, Earther Wright, and Robert Wright under Florida Statute Section 112.313(3) and (7) to allow these members to remain on the Citizen Advisory Committee for Community Development until their current term expires.

110920_FL Statute_20120503.pdf

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

CITY ATTORNEY, CONSENT AGENDA ITEMS**110828.****GAINESVILLE CITIZENS CARE, INC. VS. CITY OF GAINESVILLE
d/b/a GAINESVILLE REGIONAL UTILITIES; EIGHTH JUDICIAL
CIRCUIT, CASE NO. 2012-CA-1346**

Explanation: On April 19, 2012, the City was served with a Summons and Complaint filed by Gainesville Citizens Care, Inc. in the Circuit Court. Gainesville Citizens Care, Inc. alleges that the negotiations by City Staff and approval by the City Commission of the Gainesville Renewable Energy Center LLC (GREC) Power Purchase Agreement were conducted in violation of the Sunshine Law. Gainesville Citizens Care seeks an order declaring the Power Purchase Agreement void ab initio and enjoining the City from expending funds to implement the Power Purchase Agreement.

RECOMMENDATION

The City Commission authorize the City Attorney, assisted by Special Counsel, to represent the City of Gainesville in the case styled Gainesville Citizens Care, Inc. vs. City of Gainesville d/b/a Gainesville Regional Utilities; Eighth Judicial Circuit, Case No. 2012-CA-1346.

110828_GainesvilleCitizensCare_20120503.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****110874.****Charter County and Regional Transportation System Surtax (B)**

Section 212.055, Florida Statutes allows charter counties to impose a discretionary sales surtax of up to 1 percent. On September 20, 2011 the Alachua County Board of County Commissioners authorized County staff to proceed with development of a 2012 ballot initiative for a 1-cent Charter County Transportation System Surtax for a period of at least ten years and to begin discussions with City of Gainesville and other small cities and to begin the community involvement process.

Explanation: In a Joint City and County Commission meeting held on March 29, 2012, the Alachua County Commission approved a motion to move forward with two ballot initiatives: 1) 15 year ¾ cent initiative for roads; and 2) 15 year ¼ cent initiative for transit.

City staff will provide an update on the status of the ballot initiatives. Because the transit initiative is specifically for transit projects to be implemented by the City of Gainesville; staff is recommending that the City of Gainesville take an active role in developing a ballot title/theme as well as ballot language.

Fiscal Note: The proposed ¼ cent surtax for transit is projected to raise \$112,500,000 over the 15 year time period or \$7,500,000 annually. The ¾ cent surtax for roads is projected to raise \$337,500,000 over the 15 year time period with \$82,500,000 coming to the City of Gainesville or \$5,500,000 annually. Amounts will vary depending on actual revenues.

RECOMMENDATION

The City Commission: 1) hear an update on the status of the ballot initiatives; 2) authorize the City Manager and City Attorney to confer with Alachua County on the ballot title/theme and ballot language for the ¼ cent initiative for transit; and 3) provide other direction as appropriate.

Legislative History

3/29/12 City Commission No Action Taken

110874A_City Sales Tax PPT_20120329.pdf
110874B_Overall Project Cost_20110329.pdf
110874C_Transit Route Cost_20110329.pdf
110874_PotentialTaxDistributionTable_20120503.pdf

GENERAL MANAGER FOR UTILITIES

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

EQUAL OPPORTUNITY COMMITTEE

100419.**Local and Minority Business Opportunities in City Projects (B)**

Explanation: The Gainesville Charter mandates that the Equal Opportunity Director make an annual report pertaining to local minority business and local small business enterprise procurement program.

RECOMMENDATION

The City Commission: 1) hear a presentation from the Office of Equal Opportunity staff regarding spending performance with Small and minority firms for FY 11; 2) hear presentations from GRU and General Government staffs regarding outreach activities designed to increase spending performance with small and minority business firms; and 3) take appropriate action.

Legislative History

10/7/10	City Commission	Referred (7 - 0)	Equal Opportunity Committee
11/2/10	Equal Opportunity Committee	Deferred	
12/6/10	Equal Opportunity Committee	Approved as shown above (See Motion) (3 - 0)	
3/23/11	Equal Opportunity Committee	Continued	
4/11/11	Equal Opportunity Committee	No Action Taken	
6/30/11	Equal Opportunity Committee	Approved as shown above (See Motion)	
11/8/11	Equal Opportunity Committee	Continued	
1/10/12	Equal Opportunity Committee	Continued	
4/19/12	City Commission	Withdrawn	

100419_presentation_20120503.pdf

PUBLIC SAFETY COMMITTEE**110683.****Alcohol Sales and Consumption Outdoors Downtown (NB)**

Explanation: At the March 28, 2012 Public Safety Committee Meeting an additional issue involving the consumption of alcohol Downtown was brought forward by GPD Captain Ed Posey. Currently, the Underage Drinking Ordinance does not have a restriction or any cutoffs for establishments selling alcohol to get permits to extend their external boundaries for special events, if that establishment is in violation of the ordinance for selling to minors. It was suggested that the denial of the extension permit be added as part of the punishment to ordinance.

The Committee voted to forward the recommendation to the full City

Commission and for them to hear a presentation from staff and instruct the City Attorney to draft a revision to the Underage Drinking Ordinance to restrict expanding boundaries for special events if the establishment is in violation of the ordinance.

Fiscal Note: None.

RECOMMENDATION

The City Commission 1) hear a presentation from staff; and 2) authorize the City Attorney to draft and the Clerk of the Commission to advertise a revision of the City's Underage Drinking Ordinance to restrict establishments that sell alcohol and are found to be violation of the ordinance from extending their external boundaries for special events, such as home football games.

Legislative History

2/2/12	City Commission	Referred (7 - 0)	Public Safety Committee
2/29/12	Public Safety Committee	Discussed	
3/15/12	City Commission	Withdrawn (5 - 0 - 2 Absent)	
3/28/12	Public Safety Committee	Discussed	

110683a_EugeneArticle_20120229.pdf

110683b_SchaerEmail_20120229.pdf

110683c_AlcoholOrdin_20120229.pdf

100187.

Prohibiting Smoking in the Downtown "Bo Diddley" Plaza (B)

This item involves an update to the Public Safety Committee regarding a referral from the Gainesville City Commission on July 1, 2010 to consider the matter of prohibiting smoking in the Downtown "Bo Diddley" Plaza.

MODIFICATION: ppt. added 5/1/2012.

Explanation: During their July 1, 2010 meeting, the Gainesville City Commission discussed the topic of prohibiting smoking in the Downtown Bo Diddley Plaza, and referred the matter to the Public Safety Committee for further discussion and review. There currently are no restrictions regarding smoking in city parks in the City's ordinances. Staff researched this matter and provided an update the Public Safety Committee on September 27, 2010 to include 1) feedback from peer cities on what they do to address this issue (ban or restriction to specific areas); 2) advisory board feedback on the topic; 3) signage at the Plaza; 4) review of the current City ordinance governing activities allowed/prohibited in City parks and whether to remove the Plaza from the listing identifying it as a City park; 5) consideration of cigarette butts and litter enforcement; and 6) designating specific areas for smoking at the Plaza during events. The Public Safety Committee again discussed this referral at their January 10, 2011 meeting and heard from a representative from the State Health Department regarding the Communities To Put Prevention To Work Program." The representative provided samples of signage and gave a list of Florida cities that

have smoking restriction ordinances.

On February 17, 2011 the Public Safety Committee provided a report to the City Commission. At that time the Commission approved moving forward with voluntary compliance using signage. The Commission also authorized the City Manager to pursue partnerships with the Health Department and Keep Alachua County Beautiful for an educational campaign and to have appropriate staff monitor the situation and observe what is taking place in other Florida cities so the issue could be revisited in one year.

At the Committee's March 28, 2012 meeting Dr. Stephen Pokorny, Director of Health Promotion for the Alachua County Health Department, gave a presentation on effects of a voluntary program to designate a few parks, including the downtown plaza as smoke-free zones and consider regulations to legally ban smoking.

Fiscal Note: There are costs associated with the manufacturing and installation of signs and the related educational campaign. The City will seek to partner with the Health Department and Keep Alachua County Beautiful.

RECOMMENDATION

The City Commission 1) hear a presentation from the Alachua County Health Department on the assessment of smoke free signage in Gainesville public parks; 2) consider the option for a smoke free parks ordinance; and 3) remove this item from the Committee's referral list.

Legislative History

7/1/10	City Commission	Referred (6 - 0 - 1 Absent)	Public Safety Committee
9/27/10	Public Safety Committee	Discussed	
1/10/11	Public Safety Committee	Discussed	
2/17/11	City Commission	Approved as Recommended (6 - 0 - 1 Absent)	
3/28/12	Public Safety Committee	Discussed	

100187a_GvlCodesChapter18_20100927.pdf
 100187b_Ord090657_20100927.pdf
 100187a_CityofCoralSpgs_20110110.pdf
 100187b_CityofParkland_20110110.pdf
 100187_CasselberryLtr_20110110.pdf
 100187_FLTobaccoFreeParks_2011011011.pdf
 100187_SampleSigns_20110110.pdf
 100187_Sample Signs_20110217.pdf
 110187_HealthDeptPres_20120328.pdf
 100187b_AttnGenOfcLetter_20120328.pdf
 110187_HealthDeptPPT_20120503.pdf
 110187b_AttnyGenOfcLetter_20120503.pdf
 100187-MOD_HealthDeptPPT_20120503.pdf

Explanation: This item was brought forward during Citizen Comment by Dr. Stephen Pokorny, Director of Health Promotion for the Alachua County Health Department, at the December 15, 2011, City Commission Meeting and was referred to the Public Safety Committee for discussion.

At its March 28, 2012, meeting the Public Safety Committee received a report from the City Attorney's Office on their research on the legality of the City regulating these products. The Committee also heard from Dr. Pokorny on the hazards of marketing and packaging these products to attract youth.

Fiscal Note: None.

RECOMMENDATION

The City Commission: 1) authorize the City Attorney's Office to finalize the draft resolution provided by the City Attorney with the following modifications to the statement Whereas the City Commission is concerned with the marketing strategy and designs to appeal to youth"and the statement Whereas the possession of one of these products by a minor is a Civil Infraction and the sale to a minor is Contributing To The Delinquency Of A Minor;"and 2) remove this item from the Committee's referral list.

Legislative History

12/15/11	City Commission	Referred (7 - 0)	Public Safety Committee
3/28/12	Public Safety Committee	Discussed	
	110592_ArticleOnRegulatingTobacco_20120328.pdf		
	110592b_CityAttnyPPT_20120328.pdf		
	110592_DraftResolution_20120419.pdf		
	110592_DraftResolution_20120503.pdf		

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

110926.

Eastside & Central City Development Committee (B)

This item involves a request to the City Commission to hear a presentation on the results of the Eastside and Central City Development Committee for exploring opportunities to advance development projects in East Gainesville and the Central City.

MODIFICATION: Report and Map added 5/1/2012.

Explanation: The Eastside and Central City Development Committee was established in 2011 based on Commissioner Scherwin Henry's interest in exploring opportunities to advance development projects in East Gainesville and the Central City as the market recovers and opportunities arise. The Committee met during the summer and into the fall receiving presentations and updates on existing plans including the following:

Existing Plans:

East Gainesville Development Action Plan

Plan East Gainesville

Southeast Gainesville Renaissance Initiative (SEGRI)

Waldo Road Corridor Study

Eastside Community Redevelopment Plan

Downtown Gainesville Redevelopment Plan

The Committee also heard from a variety of stakeholders including: the University of Florida, Alachua County, and private banking and development interests providing their plans and perspectives on the challenges and opportunities available.

The Committee then identified a number of key evaluation criteria to assist in providing perspective on the development readiness of key properties/areas of focus including the following: 1) economic development, 2) financing, 3) infrastructure, 4) transportation, 5) land use and 6) zoning.

Key Properties/Areas of Focus:

Airport Industrial Park

Old and New Fairgrounds

UF Eastside Campus Area

Wal-Mart Area

Kennedy Homes

GTEC & Shands Area

McGurn Parcel in the Central City

City staff has taken the Committee's guidance and the information developed for the presentations and prepared a standardized format for review of the properties. The goal of the Committee is to highlight the economic development potential and development readiness of these properties. It is the Committee's hope that this will lead to the identification of actions that can be taken to accelerate the development readiness of these properties.

Fiscal Note: There is no direct fiscal impact of this informational report. There will be costs involved in improving the development readiness of properties and additional economic impact as properties develop.

RECOMMENDATION

The City Commission hear a presentation and provide direction as appropriate.

110926_MOD Report & Map_20120503.pdf

110940.**Future Direction of the Gainesville Enterprise Technology Center (NB)**

During the past several months Commissioner Scherwin Henry has facilitated a discussion with various community members and stakeholders to explore future programming and operations of GTEC. Commissioner Henry will review the issues discussed and will provide recommendations for the City Commission's consideration.

MODIFICATION: New Item added 5/1/2012.

Explanation: Community members celebrated 10 years of success for Gainesville's Technology Enterprise Center in 2011. As the City's first business incubator, occupants of GTEC have been provided programmatic assistance and space to develop early stage technological enterprises into companies with robust payrolls and successful products. Examples of companies which were successfully incubated in GTEC include Sinmat, Axogen and WiPower.

Funding to construct the GTEC building was provided through a financial assistance award from the Federal Economic Development Administration (EDA). The grant requires GTEC to operate as an incubator for 20 years and will need to be repaid in full if the use changes before the end of the 20-year term.

Beginning with the opening of GTEC, the City has contracted with the Gainesville Area Chamber of Commerce to staff and operate the programs in the building. Funding for the Chamber of Commerce's management services included payment for the GTEC staff, operational expenses and a management fee to the Chamber. In early 2011 the Chamber of Commerce coordinated with the CRA to temporarily suspend the provision of the GTEC manager. The Chamber President and CEO, CRA Director and City Manager all agreed that GTEC was at a critical crossroads which required an assessment of the program and facility. The CRA contracted with the Georgia Institute of Technology's Enterprise Innovation Institute to conduct an assessment of GTEC. Recommendations provided by Georgia Tech included additional focus on selecting a facility manager with exceptional skills and abilities, enhanced programming and physical improvements to the facility. Since December 2011, the CRA has provided daily management of the facility.

The mission of GTEC has focused on incubating early stage technological businesses. In 2010, the University of Florida applied for and was awarded funding for a 45,000 square foot incubator to be located in close proximity to the University on S.W. 2nd Avenue. The Innovation Hub opened in 2011, and its mission also focuses on technology and bio-science business incubation. In recognition that over the past ten years the number of incubators and resources for business incubation has significantly changed, now is an appropriate time to reassess the mission, programming and management of GTEC.

Over the past several months Commissioner Henry has facilitated a discussion with several members of the community and stakeholders to identify a path

forward for GTEC for the future. Selected members of the community discussed the mission of GTEC relative to the needs of the community and the changes in the local incubation landscape since GTEC was opened in 2001. After several meetings, the attendees have proposed that the mission of GTEC be restated to focus on providing of a nurturing culture to incubate a broad range of creative and innovative startup businesses. Although technology startups will be welcomed in the GTEC incubator, other innovative businesses could also benefit from the services offered by a high quality incubator. A broader focus will allow GTEC to address needs in the community which are not met by other incubators and may be a better fit to foster new job growth at differing income levels.

A second major issue explored by attendees of the discussion groups focused on which community institution is best suited to lead and operate GTEC. Although the Chamber of Commerce has effectively provided the management and leadership of the incubator, the Chamber Executive Director was open and encouraging of a discussion to consider other management options to ensure the long term success of GTEC. Options for management of GTEC discussed included the Chamber of Commerce, the Community Redevelopment Agency, the University of Florida, Santa Fe College and the private sector. Through this process the discussion group received a presentation from the Director of Santa Fe College's CIED program and was excited by both the success of CIED in helping to incubate a broad range of business and the breadth of resources which Santa Fe College has assembled to help foster success of early stage businesses. A consensus developed among participants in the discussion group that Santa Fe College's approach to providing entrepreneurial assistance mirrors the perceived need to broaden GTEC's mission and would mesh well with the business needs of our community.

Fiscal Note: *The City is obligated to maintain the building and is responsible for operating costs not covered by tenant rent. GTEC operations are funded from rental revenues. Any gaps in operational funding have been supplemented over the years from the Economic Development Fund 114. Typically, the annual funding shortfall has ranged between \$12,000 - \$30,000.*

RECOMMENDATION

The Commission: 1)hear a presentation from Commissioner Scherwin Henry summarizing the ideas and impressions generated through the discussion group meetings and hear an overview of the Santa Fe College CIED program from Director Dug Jones; 2) direct the City Manager to negotiate with the EDA and Santa Fe College the conditions of a long term lease for operation of GTEC by Santa Fe College including expected outcomes, terms, compensation and community engagement; and 3) direct the City Manager to return to the City Commission for review and approval of a lease, subject to approval of the City Attorney as to form and legality.

COMMISSION COMMENTS (if time available)**RECESS****RECONVENE****PLEDGE OF ALLEGIANCE (5:30pm)****PROCLAMATIONS/SPECIAL RECOGNITIONS****110927.****Gainesville Police Department's Citizen's Academy Graduates (NB)**

The City Commission recognize the Gainesville Police Department's Citizen's Academy Graduates.

Explanation: The Citizen's Police Academy is a 10-week program designed to promote citizen interaction with Law Enforcement. The academy is designed to give an in-depth look at the day to day functions of the Gainesville Police Department and current issues surrounding Law Enforcement and the community. The classes are structured to be interactive, offering students an opportunity to ask officers questions in a mutual learning environment. Included in the curriculum were topics, which ranged from Laws of Arrest, Search and Seizures, Crime Prevention and Police ride alongs. Students also learned how the Gainesville Police Department (GPD) interacts with other community partners.

During the 10 weeks, officers from individual units of GPD made presentations to students describing their role in the operation of the Department. This provided students with an opportunity in an informal setting to ask questions and share information with the officers.

Fiscal Note: None.

RECOMMENDATION

The City Commission: 1) recognize accomplishments of the 2012 Gainesville Police Department's Citizen's Academy graduates, and 2) hear brief comments from the class speaker on what they learned.

110921.**National Water Safety Month - May 2012 (B)****RECOMMENDATION**

Community at large Citizen Andrew R. Mickle and Lana Black to accept the proclamation.

110921_WaterSafety_20120503.pdf

110922.**Law Week - May 1-8, 2012 (B)**

MODIFICATION: Revised language submitted 5/2/2012.

RECOMMENDATION

Mr. James H. (Mac) McCarty, Jr., President of the 8th Judicial Circuit Bar Association, Inc. and Mr. Marion J. Radson, President Elect of the Florida Municipal Attorneys Association, ex officio member of the Executive Council of the City, County and Local Government Law Section of the Florida Bar and State Chair of the International Municipal Attorneys Association to accept the proclamation.

110922_LawWeek_20120503.pdf

110923.**Internal Audit Awareness Month - May 2012 (B)****RECOMMENDATION**

Institute of Internal Auditors-North Central Florida Chapter Member Brent Godshalk to accept the proclamation.

110923_AuditWeek_20120503.pdf

110924.**National Nurses Week - May 6-12, 2012 (B)****RECOMMENDATION**

Greater Gainesville Black Nurses Association, Inc. President and Co-Founder Voncea Brusha, Past President and Co-Founder Vivian Filer, Vice President Veronica Logan and Treasurer Mae Griner to accept the proclamation.

110924_NursesWeek_20120503.pdf

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

PUBLIC HEARINGS

RESOLUTIONS- ROLL CALL REQUIRED

ADOPTION READING-ROLL CALL REQUIRED

110798.**LAND USE CHANGE - VICINITY OF 515 NW 13TH TERRACE (B)**

Ordinance No. 110798; Petition No. PB-12-10 LUC

An ordinance amending the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of property located in the vicinity of 515 NW 13th Terrace, as more specifically described in this ordinance, from Residential Medium-Density (RM) to Mixed-Use Low-Intensity (MUL); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

MODIFICATION: New recommendation to continue the petition hearing and adoption reading of the ordinance to a date certain of May 17, 2012.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

This petition and ordinance amends the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of property located in the vicinity of 515 NW 13th Terrace, as more specifically described in the ordinance, from Residential Medium-Density (8-30 units per acre) (RM) to Mixed-Use Low-Intensity (8-30 units per acre)(MUL).

The property is located within the College Park/University Heights Redevelopment District and within the College Park Special Area Plan overlay zoning district. The property currently contains two approximately 1,800 square-foot residential duplexes that were built in 1948 and 1964 and abuts three parcels with MUL land use, which comprise the remainder of the block bounded by NW 13th Street on the east, NW 13th Terrace on the west, NW 6th Avenue on the north, and NW 5th Avenue on the south.

The proposed land use category change will facilitate future redevelopment of the property by expanding the allowable uses of the property and because the entire block will now have the MUL land use category. This is consistent with the infill and redevelopment goals of the Future Land Use Element (Goal 2, Objective 2.1, and Policy 2.1.1). These policies include, but are not limited to, improving the condition of blighted areas, promoting a healthy economy, and discouraging urban sprawl.

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.

CITY ATTORNEY MEMORANDUM

This proposed amendment to the Comprehensive Plan is treated as a small scale development activity. Within 30 days following the City's adoption of this amendment, any affected person may file a petition with the State Division of Administrative Hearings to request a hearing to challenge the compliance of this amendment with Chapter 163, Florida Statutes.

If challenged within 30 days after adoption, this amendment shall not become effective until the state land planning agency or the Administration Commission issues a final order determining that the adopted amendment is in compliance with Chapter 163, Florida Statutes. If unchallenged, this amendment shall

become effective 31 days after adoption.

RECOMMENDATION

The City Commission: Continue the petition hearing and adoption reading of the ordinance to a date certain of May 17, 2012.

110798B_staff report_20120503.pdf
 110798C_Exhibit A-1_20120503.pdf
 110798D_Exhibits B-1- B-4_20120503.pdf
 110798E_Exhibit C-1_20120503.pdf
 110798F_CPB minutes_20120503.pdf
 110798G_staff ppt_20120503.pdf
 110798A_draftordinance_20120503.pdf

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

110799.

REZONING - VICINITY OF 515 NW 13TH TERRACE (B)

Ordinance No. 110799; Petition No. PB-12-11 ZON

An ordinance amending the Zoning Map Atlas of the City of Gainesville by rezoning property located in the vicinity of 515 NW 13th Terrace, as more specifically described in this ordinance, from multiple-family medium density residential district (RMF-8) to mixed use low intensity district (MU-1); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

MODIFICATION: New recommendation to continue the petition hearing and adoption reading of the ordinance to a date certain of May 17, 2012.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

This petition and ordinance amends the Zoning Map Atlas of the City of Gainesville by rezoning property located in the vicinity of 515 NW 13th Terrace, as more specifically described in the ordinance, from multiple-family medium density residential district (8-30 units per acre) (RMF-8) to mixed use low intensity district (8-30 units per acre) (MU-1).

The property is located within the College Park/University Heights Redevelopment District and within the College Park Special Area Plan overlay zoning district. The property, which currently contains two approximately 1,800 square-foot residential duplexes, abuts three MU-1 zoned parcels comprising the remainder of the block.

The proposed rezoning will facilitate future redevelopment of the property by expanding the allowable uses of the property and because the entire block will now be zoned MU-1. This is consistent with the City's Comprehensive Plan and the proposed Mixed-Use Low-Intensity (MUL) land use category. This zoning petition is also consistent with the redevelopment policies of Goal 2, Objective 2.1 and Policy 2.1.1 of the Future Land Use Element. These policies include, but are not limited to, improving the condition of blighted areas, promoting a

healthy economy, and discouraging urban sprawl.

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.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings. Should this ordinance pass on first reading, second and final reading will be held on Thursday, May 17, 2012. This ordinance shall become effective immediately upon final adoption; however, the rezoning shall not become effective until the amendment to the City of Gainesville Comprehensive Plan adopted by Ordinance No. 110798 becomes effective as provided therein.

RECOMMENDATION

The City Commission: Continue the petition hearing and first reading of the ordinance to a date certain of May 17, 2012.

110799B_staff report_20120503.pdf
 110799C_Future Land Use Element_20120503.pdf
 110799D_Maps_20120503.pdf
 110799E_Application packet_20120503.pdf
 110799F_CPB minutes_20120503.pdf
 110799G_staff ppt_20120503.pdf
 110799A_draftordinance_20120503.pdf

110800.

REZONING - AMENDMENT TO SPECIAL AREA PLAN; VICINITY OF 515 NW 13TH TERRACE (B)

Ordinance No. 110800; Petition No. PB-12-12 ZON

An ordinance amending the Special Area Plan for College Park in the City of Gainesville Land Development Code; by deleting and replacing the "Master Plan & Regulating Plan for New Construction" map to reflect an amended building type for property located in the vicinity of 515 NW 13th Terrace, as more specifically described in this ordinance, from Type III - House to Type I - Shopfront/Office/Apartment; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

MODIFICATION: New recommendation to continue the petition hearing and adoption reading of the ordinance to a date certain of May 17, 2012.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

This petition and ordinance amends the College Park Special Area Plan (SAP) Master Plan & Regulating Plan for New Construction map in the City of Gainesville Land Development Code by changing property located in the vicinity of 515 NW 13th Terrace, as more specifically described in the ordinance, from Type III - House to Type I - Shopfront/Office/Apartment.

Appendix A - Special Area Plans, Section 3 - Special Area Plan for College Park of the Land Development Code includes a map of the boundaries of the College Park SAP showing the four designated building types (Type I-Shopfront/Office/Apartment; Type II-Apartment/House; Type III-House; and Type IV-Civic) regulated by the associated special area plan. The property (which is located within the College Park/University Heights Redevelopment District) is currently designated Type III-House, which prohibits principal, non-residential uses.

This amendment to the College Park SAP will facilitate redevelopment of the site by expanding the allowable uses of the property from a single use (House) to a mix of uses (Shopfront/Office/Apartment). Additionally, the property is contiguous to three Type I designated lots to the east, southeast, and south, which comprise the remainder of the block. Designating the property a Type I building allows the opportunity for redevelopment of the entire block and provides greater design flexibility.

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.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings. Should this ordinance pass on first reading, second and final reading will be held on Thursday, May 17, 2012. This ordinance shall become effective immediately upon final adoption; however, the map amendment shall not become effective until the amendment to the City of Gainesville Comprehensive Plan adopted by Ordinance No. 110798 becomes effective as provided therein.

RECOMMENDATION

The City Commission: Continue the petition hearing and first reading of the ordinance to a date certain of May 17, 2012.

110800B_staff report_20120503.pdf
 110800C_Maps_20120503.pdf
 110800D_Applicant Package_20120503.pdf
 110800E_CPB minutes_20120503.pdf
 110800F_staff ppt_20120503.pdf
 110800A_draftordinance_20120503.pdf

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

110700.

PLUM CREEK TIME EXTENSION (B)

Ordinance No. 110700

An ordinance of the City of Gainesville, Florida, amending Ordinance No. 070447 (as was subsequently amended by Ordinance No. 100189) related to Plum Creek Planned Use District (PUD); by providing an extension of time to

adopt a Planned Development (PD) zoning ordinance; by deleting redundant Section 4 of both Ordinance No. 070447 and Ordinance No. 100189; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: This Ordinance extends the timeframe for which a Planned Development (PD) zoning ordinance must be adopted to implement the Plum Creek Planned Use Development (PUD) land use overlay.

The PUD land use overlay as adopted on January 27, 2009 in Ordinance No. 070447 was subsequently amended by the adoption of Ordinance No. 100189 on October 21, 2010. One of the amendments included a time extension for the adoption of the PD zoning ordinance until July 26, 2012.

On January 16, 2012, the Plum Creek Timber Company, Inc. (Applicant) requested a time extension for the deadline to adopt a PD zoning ordinance to implement the PUD land use overlay by an additional 48 months to July 26, 2016. On March 1, 2012, the City Commission considered the Applicant's request and authorized the City Attorney to draft an ordinance for consideration by the City Commission.

CITY ATTORNEY MEMORANDUM

This Ordinance requires two hearings. Should this Ordinance pass on first reading, second and final reading will be held on May 3, 2012.

RECOMMENDATION *The City Commission adopt the proposed Ordinance.*

Legislative History

3/1/12	City Commission	Approved as Recommended (6 - 0 - 1 Absent)
4/19/12	City Commission	Adopted on First Reading (Ordinance) (7 - 0)

110700A_Plum Creek letter_20120301.pdf

110700B_Adopted Ord 100189_20120301.pdf

110700A_draftordinance_20120419.pdf

110786.

TEXT AMENDMENT - LAND DEVELOPMENT CODE (B)

Ordinance No. 110786; Petition No. PB-11-150 TCH

An ordinance of the City of Gainesville, Florida, amending Section 30-66 Central city district (CCD) of the Land Development Code; by adding research and development in the physical, engineering and life sciences to the list of permitted uses by right; 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 amends Section 30-66 Central city district (CCD) of the Land

Development Code by adding Research and development in the physical, engineering and life sciences to the list of uses by right permitted in the Central city district (CCD) zoning district. This use is defined in Section 30-23 of the Land Development Code as "...establishments primarily engaged in conducting research and experimental development in the physical, engineering, or life sciences, such as agriculture, electronics, environmental, biology, botany, biotechnology, computers, chemistry, food, fisheries, forest, geology, health, mathematics, medicine, oceanography, pharmacy, physics, veterinary, and other allied subjects (NAICS 1997-541710)." This use is consistent with the stated purpose of the CCD zoning district to provide a means to improve the physical, economic, social and cultural character of downtown Gainesville."

The proposed addition of research and development in the physical, engineering and life sciences to the list of uses permitted by right in the CCD zoning district is consistent with Future Land Use Element Goal 2 regarding redevelopment and with Objective 2.2 and implementing policies regarding the Innovation Zone. This proposed use is consistent with the Mixed-Use High-Intensity (MUH) future land use category, which is the land use category that corresponds with CCD zoning. MUH allows a mixture of residential, office, business uses and light industrial uses."

Public notice was published in the Gainesville Sun on February 7, 2012. On February 23, 2012, the City Plan Board held a public hearing and, by a vote of 7-0, approved 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 May 3, 2012.

RECOMMENDATION *The City Commission adopt the proposed Ordinance.*

Legislative History

4/19/12 City Commission Approved (Petition) and Adopted on First Reading
(Ordinance) (7 - 0)

110786A_draftordinance_20120419.pdf
110786B_staff report_20120419.pdf
110786C_Exhibits A-1 - Exhibits A-3_20120419.pdf
110786D_Comprehensive Plan GOPs_20120419.pdf
110786E_Application_20120419.pdf
110786F_citizen letter_20120419.pdf
110786G_cpb minutes_20120419.pdf
110786H_staff ppt_20120419.pdf

110788.

TEXT AMENDMENT - SPECIAL AREA PLAN IN THE LAND DEVELOPMENT CODE (B)

**Ordinance No. 110788; Petition No. PB-11-156 TCH
An ordinance of the City of Gainesville, Florida, amending Appendix A.**

Special Area Plans Section 8. Special Area Plan Southeast Gainesville Renaissance Initiative Area of the Land Development Code; by deleting drive-throughs as a prohibited use; 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 amends the Southeast Gainesville Renaissance Initiative Area (SEGRI) special area plan by deleting drive-throughs as a prohibited use in this overlay zoning district. The prohibition on drive-through facilities was first established in the smaller (approximately 49 acres) 5-Points Special Area Plan overlay zoning district, which was repealed and replaced by the approximately 1,107-acre (1.7 square miles) SEGRI Special Area Plan overlay district upon adoption of Ordinance No. 090483 on April 7, 2011. Consideration of whether drive-through facilities should continue to be prohibited in the SEGRI overlay district was not formally examined when the SEGRI district was established.

The drive-through prohibition is a potential impediment to the promotion of non-residential development within the 1.7-square-mile SEGRI overlay district, and is inconsistent with the first objective of the SEGRI Special Area Plan to promote both residential and non-residential development.

If the drive-through prohibition is removed from the SEGRI Special Area Plan, any proposed drive-through facilities will be subject to the requirements of Policies 1.4.4 and 1.4.5 of the Concurrency Management Element, which include a Special Use Permit review.

Public notice was published in the Gainesville Sun on February 7, 2012. On February 23, 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 May 3, 2012.

RECOMMENDATION *The City Commission adopt the proposed Ordinance.*

Legislative History

4/19/12 City Commission Approved (Petition) and Adopted on First Reading (Ordinance) (7 - 0)

110788A_draftordinance_20120419.pdf
 110788B_staff report_20120419.pdf
 110788C_Maps_20120419.pdf
 110788D_Comp Plan GOPs_20120419.pdf
 110788E_Application_20120419.pdf
 110788F_cpb minutes_20120419.pdf
 110788G_staff ppt_20120419.pdf

PLAN BOARD PETITIONS**110873.****Personal Outdoor Storage Facilities Within Residential Zoning Districts (B)**

Petition PB-12-13 TCH: City Plan Board. Amend the Land Development Code to allow personal outdoor storage facilities as temporary outdoor storage within residential zoning districts.

Explanation: This petition is the result of a referral from the City Commission to the Community Development Community in response to neighborhood concerns about Portable On-Demand Storage (PODS) facilities. After several meetings and receiving information from staff and the general public on the subject matter, the Community Development Committee submitted a recommendation to the City Commission that regulations should be designed to address the placement of PODS in residential zoning districts. The City Commission held a public hearing on May 5, 2011 and voted 7 to 0 authorizing staff to initiate a petition to the City Plan Board to implement the recommendations of the Community Development Committee.

Generally the land development code treats uses such as PODS as a use that is considered customary and incidental to a residential use. City staff as well as others across the country have determined that PODS often are beneficial to a property owner but the goal was not to have them become a permanent feature of the landscape. The intent of the proposed regulations is to allow PODS but to regulate them so that they do not become permanent structures such as garages and sheds.

As part of this petition the Code Enforcement Department has indicated that along with PODS, the City needs to address roll-offs (large open air containers generally used for construction debris), and large steel conex containers. Staff has determined that all such facilities will be regulated in the same manner when used as storage. Roll-offs will continue to be allowed along with building permits during construction activity.

Based on the general characteristics of PODS and Roll-offs and the problems commonly associated with them, a set of standards are proposed to address their placement and duration of time they can remain on properties zoned residential.

The Plan Board heard a presentation from staff and expressed the need to provide for continued use of such facilities during emergency periods. After deliberation, the board voted 7 - 0 to approve the request with one condition. The board asked that staff include a standard to ensure that the 30 day limit would not restrict the ability for residential development to utilize a variety of storage options available after a natural disaster such as flooding, hurricane or other emergencies.

After the Plan Board meeting, staff drafted the following new standard to address the concern of the Plan Board.

In the case of natural emergencies or disasters such as hurricanes, windstorms, floods or other disaster period officially declared by the authorized agency, the time period for keeping PODS and Roll-offs at a site may be waived for a time period to be determined by the City Manager or designee. Such waiver may not be for an indefinite period and shall expire when the city manager determines that emergency conditions have ended.

Public notice was published in the Gainesville Sun on March 6, 2012. The Plan Board held a public hearing on March 22, 2012.

Fiscal Note: None

RECOMMENDATION *The City Commission approve this agenda item be continued to the May 17, 2012 City Commission meeting.*

110873A_staff report_20120503.pdf
110873B_CDC backup documents to CCOM_20120503.pdf
110873C_cpb minutes_20120503.pdf
110873D_staff ppt_20120503.pdf

110866.

Amendment to a Planned Development at 4405 N.W. 39th Avenue, OR 050254, Petition 111PDV-05 PB (B)

Petition PB-12-8 PDA: Ricardo Cavallino, agent for Los Volcanes. Planned Development Amendment to allow additional parking for an existing restaurant. Zoned: PD (Planned Development). Located at 4405 NW 39th Ave

Explanation: This petition is a request to amend the approved Planned Development 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 #050254. The requested amendment is to allow expansion of the vehicular use area for construction of additional patron parking.

The property is located approximately 240 feet west of the intersection of NW 39th Avenue and NW 43rd Street. The project site is approximately 1.26 acres and is the last undeveloped portion of a larger parcel developed in Alachua County and later annexed into the City of Gainesville. The property is surrounded on the north and west by residential and on the east and south by offices. Access to the office development on the south side is via a driveway from NW 39th Avenue which runs across the subject property.

After the property was annexed into the city, it was rezoned to PD which allowed 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 petition is an attempt to expand the vehicular use area to increase the number of parking spaces available to patrons.

The proposed amendment will maintain the essential elements of the PD as it relates to conformance with the Comprehensive Plan and the Land Development Code but it will affect some key elements of the project and conditions of the ordinance.

The Plan Board heard a presentation from staff and the applicant and asked several questions pertaining to the relationship of the proposed new parking area to the existing residential development to the west. The board expressed the need to provide adequate and effective buffers and screening to protect the residential development from the new parking areas. Considering such a recent opening, the board questioned the applicant about the need for such a large increase in the number of parking spaces. The applicant informed the board that the initial project was focused on offices which require fewer spaces and that the degree of patron visits were not anticipated. Representatives of a neighboring office development, sharing a common access with the restaurant, addressed the board about safety, emergency access and congestion. The board concluded that the issues raised would exist whether or not the vehicular use area was expanded and that the proposed amendment would improve the situation. The Plan Board continued deliberation and voted 7 - 0 to approve the request with staff conditions.

Public notice was published in the Gainesville Sun on March 6, 2012. The Plan Board held a public hearing on March 22, 2012.

Fiscal Note: None.

RECOMMENDATION

The City Commission approve this agenda item be continued to the May 17, 2012 City Commission meeting.

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

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

110928.

City Commissioner Ceremony - Jeanna Mastrodicasa (NB)

RECOMMENDATION

The City Commission hear comments from City Commissioners, the public and Commissioner Jeanna Mastrodicasa.

110929.

City Commissioner Ceremony - Scherwin Henry (NB)

RECOMMENDATION

The City Commission hear comments from City Commissioners, the public and Commissioner Scherwin Henry.

UNFINISHED BUSINESS

COMMISSION COMMENT

CITIZEN COMMENT (If time available)

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