

City of Gainesville

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



Meeting Agenda

March 01, 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

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

110215.

EMS County Grant Award Budget Increase (NB)

This item requests approval to increase the budget established for disbursement of grant funding from the Florida Department of Health EMS Grant Program distributed to the City of Gainesville through Alachua County.

Explanation: The Florida Department of Health, Bureau of Emergency Medical Services (BEMS), bi-annually awards funds from the State EMS Trust Fund to boards of county commissioners to improve and enhance pre-hospital emergency medical services in their counties. The amount allocated to each county is proportional to the amount of traffic fine surcharges collected in the county as a result of motor vehicle infractions.

On September 1, 2011, the Gainesville City Commission authorized the City Manager to accept the grant award and disburse funds up to \$14,702.70 for Gainesville Fire Rescue (GFR) to purchase equipment. The second payment of funds has become available and GFR is eligible to accept \$12,414.40 for the purchase of a thermal imager used to locate individuals within smoke-filled environments. The budget established for grant account 115-820-X651-5220-6040 needs to be increased by \$12,414.40.

Fiscal Note: Reimbursement funds will be received from Alachua County in the amount of \$12,414.40. There is no required match.

RECOMMENDATION

The City Commission authorize the City Manager to increase the grant budget by \$12,414.40.

Legislative History

9/1/11 City Commission Approved as Recommended (5 - 0 - 2 Absent)

110656.

Revision to the FY 2012 CIP for Parks, Recreation and Cultural Affairs Department (PRCA) Capital Improvement Allocation for Nature Park Improvements (NB)

This item involves a request to revise the FY2012 Capital Improvement Plan to permit funds to be utilized for all Park Improvements versus Nature Park improvements only.

Explanation: During Fiscal Year 2009, the Parks, Recreation and Cultural Affairs Department submitted its 5-Year Capital Improvement Project requests that included \$100,000 for new boardwalks and boardwalk repairs in the department's Nature Parks. Since the submission in 2009 and with the approval of the one-half cent sales tax, Wild Spaces Public Places (WSPP) funds, the scope of the original CIP request has changed. Several boardwalks have been constructed and repaired utilizing WSPP funds while the need for CIP funds in active parks continues to exist.

The Department has identified the need to utilize some of the 2012 CIP funds in its active parks and requests approval to expand the scope of the original CIP request to Park Improvements versus Nature Park Improvements, thus allowing the Department to utilize the limited CIP funds for needs in its active parks and in nature parks together versus nature parks only.

Fiscal Note: None at this time.

RECOMMENDATION

The City Commission direct the Budget Office to increase the scope of the PRCA's 2012 CIP allocation to be used for Park Improvements versus Nature Park Improvements."

110673.

Strategic Plan Quarterly Report - 1st Quarter of Fiscal Year 2012 (B)

This item provides a report on the progress of the City Commission's Strategic Goals and Initiatives for the 1st Quarter of Fiscal Year 2012.

Explanation: As part of the City of Gainesville Fiscal Year 2011 - 2012 Strategic Planning

process, the City Manager prepares a quarterly report on accomplishments related to the City Commission strategic goals and initiatives for each quarter of the Fiscal Year. This is the first quarter report for Fiscal Year 2012.

Fiscal Note: There is no fiscal impact.

RECOMMENDATION

The City Commission receive a quarterly report from the City Manager on the progress of the City Commission Strategic Goals and Initiatives for the 1st Quarter of Fiscal Year 2012.

110673_Report_20120301.pdf

110688.

Nineteenth Amendment to the Contract for Professional Consulting Services for the East Gainesville Sprout Project (B)

This item is a request for the City Commission to approve the proposed amendment for additional design and permitting for the Depot Park Phase II stormwater pond and pump station in the amount of \$93,001.66.

MODIFICATION - (Attachment A added - 2/27/2012)

Explanation: This amendment is necessary to provide additional design and permitting work by Environmental Consulting and Technology, Inc. (ECT) for the Depot Stormwater Park site. The scope of this work includes incorporating additional water quality enhancing features into the design, including forebays, fountains, a baffle box, aerators, and water re-circulating pump system between the ponds. Other design changes include aesthetic items for the pond retaining wall and a pervious asphalt multi-use trail. In addition, this scope includes obtaining permit approval for pond credit banking from St. Johns River Water Management District (SJRWMD), as well as development of maintenance procedures for the phase 1 and phase 2 ponds and preparation of non-Manufactured Gas Plant remediation soil assessments, feasibility studies, and modifications to the Remedial Action Plan required by Department of Environmental Protection (DEP).

Fiscal Note: Funding in the amount of \$93,001.66 is allocated and identified from the Stormwater Management Utility Fund (SMUF).

RECOMMENDATION

The City Commission: 1) authorize the City Manager to execute the Nineteenth Amendment to the contract for Professional Consulting Services for the East Gainesville Sprout Project, subject to approval by the City Attorney as to form and legality; 2) authorize the City Manager to issue a modified purchase order in an amount not to exceed \$3,564,285.66 which represents the total for professional services included to date.

110688_Amendment_20120301.PDF

110688B_Amendment19_20120301.pdf

110689.**Change Orders to the Construction Contract for the NE 25th Street SAFETEA-LU Roadway Improvements Project (B)**

This item involves a request to approve Change Orders for the construction contract, NE 25th Street SAFETEA-LU Roadway Improvements Project, in an effort to utilize the available LAP funding for the project.

Explanation: On June 16, 2011, the City Commission approved the staff recommendation to award a bid to DAB Constructors, Inc., for the NE 25th Street SAFETEA-LU Roadway Improvement project in accordance with approved plans and specifications. The bid price approved for this project was significantly below the available funding for the project. In an effort to utilize the available federal funds, the Florida Department of Transportation (FDOT) agreed to include additional work that adds value to the project. FDOT has agreed to include into the scope of work a pipe replacement and milling and resurfacing of a portion of NE 19th Drive that was not constructed with the first SAFETEA-LU project. This additional work includes milling and resurfacing of some of the side-streets that intersect the project limits to provide a uniform transition to NE 25th Street. The limit of the project is from University Avenue to NE 8th Avenue. The scope of work includes: 1) resurfacing the existing roadway; 2) adding bicycle facilities within the roadway; 3) adding a sidewalk to the west side of the project; and 4) adding drainage improvements along the corridor. This is the second SAFETEA-LU project funded through a LAP agreement with the FDOT. The limits of the first SAFETEA-LU project were: NE 19th Street/Terrace from NE 3rd Avenue to NE 8th Avenue and NE 19th Drive/NE 20th Street from NE 3rd Avenue to NE 8th Avenue.

In an effort to utilize the existing funds from the LAP Agreement, the Public Works Department is requesting approval to process future change orders up to the available LAP funding for this project. With this approval, the Public Works Department would continue to look for projects within the SAFETEA-LU area that could be done to utilize the available funding.

Fiscal Note: The construction of this project is funded through a LAP Agreement with FDOT in the amount of \$1,239,840. The remaining LAP Agreement balance is \$444,475.06.

RECOMMENDATION

The City Commission: 1) authorize the City Manager to execute Change Orders for the NE 25th Street SAFETEA-LU project up to the available LAP funding; and 2) modify the purchase order as necessary, not to exceed the remaining balance of \$444,475.06.

110689_Change Order_20120301.pdf

110700.**Plum Creek Time Extension (B)**

This is a request to extend the timeframe for which a PD (planned

development) zoning ordinance must be adopted to implement the Plum Creek PUD land use. The applicant is requesting that the timeframe be extended to July 26, 2016.

Explanation: On October 21, 2012 the City Commission adopted Ordinance 100189 that regulates land use for the Plum Creek PUD. Section 2 of this ordinance states, A PD (planned development) zoning ordinance consistent with the planned use district must be adopted by the City Commission on or before July 26, 2012. The obligation to timely apply for and obtain PD zoning shall be on the owner/developer. If the aforesaid zoning ordinance is not adopted on or before July 26, 2012, then the overlay planned use district shall automatically be null and void and of no further force and effect and the overlay land use category of Planned Use District shall ministerially be removed from the Future Land Use Map, and underlying land use shall be the City of Gainesville land use category of Agriculture." The timely filing of one additional extension application by the owner/developer to extend beyond July 26, 2011 deadline shall toll the expiration date until final City Commission action on the extension application."

The applicant timely filed for an extension on January 16, 2012. The applicant states that the economy has not had a speedy recovery in the State of Florida, not unlike the rest of the United States and at the present time, there remains an oversupply of dwelling units in the Gainesville housing market." The applicant would like the opportunity to appropriately and conscientiously evaluate future market demands and how to position the SR 121 property to best serve the future housing demand in the City of Gainesville long-term without rushing to permit a project unnecessarily at a premature time."

Staff reviewed the request and finds that it is a reasonable request based on the current economy conditions in the area.

Fiscal Note: None

RECOMMENDATION

Staff to the City Commission- The City Commission authorize the City Attorney to draft and the Clerk of the Commission to advertise an ordinance extending the date for obtaining PD rezoning for the Plum Creek PUD to July 26, 2016.

110700A_Plum Creek letter_20120301.pdf

110700B_Adopted Ord 100189_20120301.pdf

110704.

Partial Release of Lien Affecting 226 SW 5th Avenue, Tax Parcel #12986-000-000 (B)

This item requests that the City Commission release the above-referenced properties from the lien arising from Code Enforcement Board Cases: CEB 2010-142; CEB 2010-143; and CEB 2010-151.

Explanation: Occasionally property owners have Code Enforcement Board (CEB) liens filed on multiple properties as permitted by 162.09(3) Florida Statutes, which allows liens against the land on which the violation exists and upon any other real or

personal property owned by the violator"(see Attachment A). These liens can serve as a barrier to those who would rehabilitate properties affected by a CEB lien that is recorded against multiple properties. In such cases, the greater need of the community may be served by the release of such properties from existing liens when the equity of the city lien is protected by other such properties. The authority of the CEB is limited and only the City Commission may execute a release of lien entered pursuant to 162.09, Florida Statutes.

Brandon S. Reeb is requesting the City Commission release such a lien affecting 226 SW 5th Avenue, Tax Parcel #12986-000-000 (see Attachment B). The three properties with the original violations were as outlined below:

1) The Code Enforcement Board issued an order on December 20, 2010 (Case# CEB 2010-142) finding Bonnie Laslo guilty of violating Sections of Chapter 13 of the Gainesville Code of Ordinances at 818 NW 3rd Avenue, Tax Parcel #13748-000-000. Ms. Laslo was provided 10 days to bring the property into compliance and failed to do so. Therefore, as provided for by F.S. 162.09(3) a lien was filed against the land on which the violation exists and upon any real or personal property owned by the violator"(see Attachment A).

2) The Code Enforcement Board issued an order on December 20, 2010 (Case# CEB 2010-143) finding Bonnie Laslo guilty of violating Sections of Chapter 13 of the Gainesville Code of Ordinances at 810 NW 3rd Avenue, Tax Parcel #13748-001-000. Ms. Laslo was provided 10 days to bring the property into compliance and failed to do so. Therefore, as provided for by F.S. 162.09(3) a lien was filed against the land on which the violation exists and upon any real or personal property owned by the violator"(see Attachment A).

3) The Code Enforcement Board issued an order on January 20, 2011 (Case# CEB 2010-151) finding Bonnie Laslo guilty of violating Sections of Chapter 13 of the Gainesville Code of Ordinances at 3443 NW 1st Court, Tax Parcel #06494-005-000. Ms. Laslo was provided 10 days to bring the property into compliance and failed to do so. Therefore, as provided for by F.S. 162.09(3) a lien was filed against the land on which the violation exists and upon any real or personal property owned by the violator"(see Attachment A).

On November 4, 2011, Brandon S. Reeb purchased the parcels at 226 SW 5th Avenue at a tax sale. This property was previously owned by Bonnie Laslo and subject to the aforementioned liens. At this time no city ordinance violations exist at 226 SW 5th Avenue and the property is located within the CRA Downtown Redevelopment Area. Additionally, Brandon S. Reeb does not own any properties that are subject to any known city ordinance violations. The petitioners request is that the property purchased by them be released from the lien placed on their property by Case #CEB 2010-142; #CEB 2010-143; and CEB 2010-151 which continue to be in violation and therefore secures that fine. On January 31, 2012, the total fines imposed for all three cases was assessed at \$235,598.01 and is currently accruing at \$250 per day for two cases and \$100 per day for one case.

Fiscal Note: No additional costs other than staff time. This is a partial release only as to the foregoing described properties; as to all other property encumbered by the lien,

the order imposing fine continues to be in full force and effect.

RECOMMENDATION *The City Commission release 226 SW 5th Avenue, Tax Parcel 12986-000-000 from Code Enforcement Board liens related to CEB Case #CEB 2010-142; CEB 2010-143; and CEB 2010-151.*

110704A_FL Statute 162.09(3)_20120301.pdf

110704B_Reeb Request_20120301.pdf

110704C_Map_20120301.pdf

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

CITY ATTORNEY, CONSENT AGENDA ITEMS

110696.

ERIN FRIEDBERG VS. CITY OF GAINESVILLE, FLORIDA; EIGHTH JUDICIAL CIRCUIT, CASE NO. 2012-CA-360 (B)

Explanation: On February 6, 2012, the City Manager was served with a Summons and Complaint filed by Erin Friedberg in the Circuit Court. Ms. Friedberg requests the Court order the City to provide requested public records without payment to the City of the cost of reviewing the records to protect exempt and confidential material. The City agrees to provide the records upon payment of the cost associated with reviewing and producing the records.

RECOMMENDATION *The City Commission authorize the City Attorney to represent the City of Gainesville in the case styled Erin Friedberg vs. City of Gainesville, Florida; Eighth Judicial Circuit, Case No. 2012-CA-360.*

110696_Erin Friedberg Consent_20120301.pdf

110731.

LYNN MAURER VS. CITY OF GAINESVILLE AND UNIVERSITY OF FLORIDA BOARD OF TRUSTEES; EIGHTH JUDICIAL CIRCUIT, CASE NO. 2011-CA-6762 (B)

Explanation: On February 15, 2012, the City was served with a Summons and Complaint filed by Lynn Maurer in the Circuit Court. Ms. Maurer claims to have tripped and fell on an uneven sidewalk on Stadium Road on December 22, 2008. She claims to have suffered bodily injury including a permanent injury to the body as a whole, pain and suffering of both a physical and mental nature, disability, physical impairment, disfigurement, mental anguish, inconvenience, loss of capacity for the enjoyment of life, aggravation of an existing condition, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money and loss of ability to lead and enjoy a normal life. Ms. Maurer seeks money damages in excess of \$15,000.00.

RECOMMENDATION *The City Commission authorize the City Attorney to represent the City of Gainesville in the case styled*

Lynn Maurer vs. City of Gainesville and University of Florida Board of Trustees; Eighth Judicial Circuit, Case No. 2011-CA-6762.

110731_Lynn Maurer Consent_20120301.pdf

110733.

THERESA LOREE HENSON VS. THE CITY OF GAINESVILLE, FLORIDA, A MUNICIPAL CORPORATION; NORMAN BOTSFORD, IN HIS OFFICIAL CAPACITY AS FORMER CHIEF OF THE GAINESVILLE POLICE DEPARTMENT, AND BRETT ROBISON IN HIS INDIVIDUAL AND OFFICIAL CAPACITY; EIGHTH JUDICIAL CIRCUIT, COURT CASE NO. 12-CA-378 (B)

Explanation: On January 31, 2012, a Complaint was filed against the City and former Police Officer Brett Robison in the Circuit Court. The City has not yet been served. The Plaintiff alleges injuries suffered as a result of conduct by former Police Officer Brett Robison and a violation of civil and constitutional rights. She claims to have suffered damages, including pain and suffering, mental anguish, loss of capacity for the enjoyment of life and pecuniary loss including medical expenses. Ms. Henson seeks money damages in excess of \$15,000.00.

RECOMMENDATION

The City Commission authorize the City Attorney and/or Special Counsel if insurance coverage is available to represent the City of Gainesville in the case styled Theresa Loree Henson vs. the City of Gainesville, Florida, a Municipal corporation; Norman Botsford, in his official capacity as former Chief of the Gainesville Police Department, and Brett Robison in his individual and official capacity; Eighth Judicial Circuit, Court Case No. 12-CA-378.

110733_consent_20120301.pdf

110734.

SHANNON PAIGE ROLLINS VS. THE CITY OF GAINESVILLE, FLORIDA, A MUNICIPAL CORPORATION; NORMAN BOTSFORD, IN HIS OFFICIAL CAPACITY AS FORMER CHIEF OF THE GAINESVILLE POLICE DEPARTMENT, AND BRETT ROBISON IN HIS INDIVIDUAL AND OFFICIAL CAPACITY (B)

Explanation: On January 31, 2012, a Complaint was filed against the City and former Police Officer Brett Robison in the Circuit Court. The City has not yet been served. The Plaintiff alleges injuries suffered as a result of conduct by former Police Officer Brett Robison and a violation of civil and constitutional rights. She claims to have suffered damages, including pain and suffering, mental anguish, loss of capacity for the enjoyment of life and pecuniary loss including medical expenses. Ms. Rollins seeks money damages in excess of \$15,000.00.

RECOMMENDATION

The City Commission authorize the City Attorney and/or Special Counsel if insurance coverage is

available to represent the City of Gainesville in the case styled Shannon Paige Rollins vs. the City of Gainesville, Florida, a Municipal corporation; Norman Botsford, in his official capacity as former Chief of the Gainesville Police Department, and Brett Robison in his individual and official capacity; Eighth Judicial Circuit, Court Case No. 12-CA-377.

110734_consent_20120301.pdf

110667.

FINAL ADMINISTRATIVE ORDER IN THE MATTER OF DESIGN PLAT, FILED BY CAUSSEAUX HEWETT AND WALPOLE, INC., AGENT FOR CITY OF GAINESVILLE, AND ADC DEVELOPMENT AND INVESTMENT GROUP, LLC, REGARDING A THREE-LOT SUBDIVISION OF PROPERTY LOCATED AT 820 NW 53RD AVENUE, GAINESVILLE, FLORIDA; PETITION NO. DB-11-145 SUB (B) MODIFICATION - (New Item added 2/22/2012 per the City Attorney).

Explanation: The City Commission, at its meeting of February 16, 2012, announced its oral order regarding the petition for approval of the design plat filed by Causseaux Hewett and Walpole, Inc., agent for City of Gainesville, and ADC Development and Investment Group, LLC; Petition No. DB-11-145 SUB. At the conclusion of the hearing, the City Commission voted to approve the design plat, Petition DB-11-145 SUB. City Commission Rules require the decision to be embodied in a written order. A copy of the proposed order was submitted to the Petitioner, the Staff, and the affected party.

RECOMMENDATION

The City Commission authorize the Mayor and Clerk of the Commission to execute the Final Administrative Order.

Legislative History

2/16/12 City Commission Approved (Petition) with Staff Conditions (7 - 0)

110667A_DRB recommended conditions DRB minutes_20120216.pdf
110667B_City Attorney Packet to DRB_20120216.pdf
110667C_information submitted by Applicant_20120216.pdf
110667D_Exhibit List_Exhibits A-I_20120216.pdf
110667E_Exhibit A_111208 DRB Packet_20120216.pdf
110667F_Exhibit B_Affected party members and map_20120216.pdf
110667G_Exhibit C_members represented by Karl J. Sanders_20120216.pdf
110667H_Exhibit D_documents related to Petition 42ZON-06 PB_20120216.pdf
110667I_Exhibit E_documents submitted by Karl J Sanders_20120216.pdf
110667J_Exhibit F_affidavit of Nalbandian Properties_20120216.pdf
110667K_Exhibit G_Roles and Rules of DRB_20120216.pdf
110667L_Exhibit H_Karl J. Sanders Letter_20120216.pdf
110667M_Exhibit I_Sections of LDC_20120216.pdf
110667N_staff ppt_20120216.pdf
110667_MOD_atty_letter_20120216.pdf
110667_MOD_PPT_120216_Design Plat 8_10.pdf
110667_MOD_QJ FORM_20120216.pdf
110667_MOD_Mitigation Plan_20120216.pdf
110667_MOD_DRB Order & DRB 1-12-12 Minutes_20120216.pdf
110667_Exhibit N-1_Sanders_20120216.pdf
110667_Exhibit N-2_Sanders_20120216.pdf
110667_Exhibit N-3_Sanders_20120216.pdf
110667_MOD_DRAFT_final administrative order_20120301.pdf

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

110729.

Appointments to City Commission Advisory Boards and Committees (NB)

RECOMMENDATION

The City Commission appoint:

Carl Osberg and Richard Fabiani to the Fire Safety Board of Adjustment for a term to expire 11/1/15.

Kevin Sawnick to the Gainesville Energy Advisory Committee for a term to expire 9/30/15.

Benjamin Himschoot, student, to the Development Review Board for a term to expire 11/1/14.

Jason Straw, Timothy Hoskinson and Robert Gill to the Historic Preservation Board for a term to expire June 6/1/13. Michael Volk to the Historic Preservation Board for a term to expire 6/1/12.

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

COMMUNITY DEVELOPMENT COMMITTEE

110748. Community Development Committee (CDC) - Removal of Pending Referrals (NB)

MODIFICATION - (New Item added 2/27/2012).

Explanation: The Community Development Committee (CDC) has reviewed a number of pending referrals over the past year. Recently, the Chair and staff, upon reviewing the status of pending referrals determined that the following are either dated or are being addressed in another manner outside of the Committee's direct purview:

*040180 Principles of Sustainability
061025 Landlord License Fees for Non-Conforming Uses
090679 City of Gainesville Land Acquisition Process
080980 Design Charrette for Public Works Compound
199529 College Park/University Heights - Heritage Overlay Referral*

As a result, these pending referrals are recommended for removal from the Committee's pending referral list.

Fiscal Note: No impact at this time.

RECOMMENDATION

City Commission: 1) remove the identified pending referrals from the Community Development Committee's pending referral list.

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

110739. Catalyst Project - Tenant Selection (NB)

MODIFICATION - (New Item added 2/27/2012)

Explanation: In November 2011, the City received a letter of intent from Prioria Robotics expressing interest in the Catalyst Project warehouse site to house its operations. In response to this request, in December 2011, the Catalyst Project site was, per statutory requirement, advertised publicly to invite all interested parties to apply for the lease and/or purchase of an approximately 20,000 square foot building with loading docks and associated property for commercial, office, warehouse and/or light industrial uses in the Power District. The property is proposed to be renovated and funded by the borrowing of funds. Staff will identify details of the funding structure as the project progresses and will bring this information to the board at a later date. The closing date for candidates' application submittal was January 25, 2012. The City received one proposal, from Prioria Robotics. Evaluation of the candidate submittal was

based on the following factors/criteria: intended use for the site and its suitability for furthering Power District redevelopment goals and the candidate's legal and financial ability to enter into a long term lease or purchase agreement. Staff reviewed the proposal and based on these criteria recommends moving forward with negotiations with Prioria Robotics to occupy the project site.

Next steps are to enter into negotiations with Prioria Robotics to determine business terms, included but not limited in this will be lease amount, tenant responsibilities and tenant build out. Staff anticipates lease negotiations will be complete by the end of March. If negotiations with Prioria are not successful, it may result in delays to the project schedule or discontinuation of negotiations.

Lease terms will have to be satisfactory to the CRA, City, GRU, and Prioria Robotics. A number of key issues will need to be resolved during lease negotiations. These issues include but are not limited to: amount of rent, term of lease, option to purchase, contingency on zoning change, and the requested special use of Depot Park by Prioria Robotics. The CRA and/or the City will in all likelihood seek to borrow funds to renovate the building and site for the change in use. Additionally, GRU must obtain fair value for the property in accordance with its bond covenants. Redevelopment of this site will serve as a catalyst for additional development in the Power District. Prioria Robotics expects to make a strategic investment, over the next five years to grow its business by establishing long-term facilities in Gainesville's Power District to house its rapidly growing workforce. The opportunity, following planned renovations, to relocate to the Power District into an existing vacant warehouse space will enable Prioria to remain in Gainesville.

Fiscal Note: None at this time. Please note that the CRA has already budgeted funds for the design of Core and Shell renovations for this project.

RECOMMENDATION

Executive Director to the City Commission: 1) Approve ranking; and 2) authorize staff to negotiate a lease and other documents, subject to approval by the City Attorney as to form and legality.

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

CITY MANAGER

110643.**Community Development Review Committee (CDRC) - Development Review Process Recommendations (B)**

Explanation: The Community Development Review Committee (CDRC) was instituted by the City Commission in 2010 with a charge to provide input on the City's development review processes provided in the Land Development Code and Comprehensive Plan and created administratively in the Department of Planning and Development Services and Gainesville Regional Utilities. The City Commission does not solicit input from the CDRC on the City Commission's growth management vision or policy preference for or against certain development types."Members were appointed to the Committee in November, 2010.

Over the past year, the Committee met monthly to review the development review process with participation from various General Government and Gainesville Regional Utilities (GRU) staff as well as interested parties from the public.

The Committee has crafted a recommendation report and requests an opportunity to share the report's conclusions with the Commission.

Staff has devised an action plan responsive to the Committee's recommendations and will be implementing it within the remainder of 2012.

Fiscal Note: No impact at this time.

RECOMMENDATION

The City Commission: 1) hear a report from the Committee regarding its Development Review Process Recommendations; and 2) take action as deemed appropriate.

110643A_CDCR_20120202.pdf

110643A_CDCR_20120301.pdf

110643B_Gov Ombudsman_20120202.pdf

110643B_Gov Ombudsman_20120301.pdf

110643C_Memo_20120301.pdf

110695.**Presentation of the NW 22nd Street CIP Project (B)**

This item is a request to receive a presentation of the Construction Plans for the NW 22nd Street CIP Project from Public Works staff.

Explanation: The Public Works Department has a planned project titled NW 22nd Street & NW 5th Avenue Resurfacing that has been approved and funded through the CIP. The scope of work includes approximately 2,600 linear foot stretch between West University Avenue and NW 8th Avenue of NW 22nd Street and approximately 1,300 linear foot stretch of NW 5th Avenue between NW 22nd Street and NW 20th Street. The work in this area is to include milling and

resurfacing as well as a speed table at the intersection of NW 22nd Street and NW 5th Avenue. Sidewalks shall be brought up to ADA and Florida Greenbook standards. Curb & gutter will be reconstructed. Deficiencies in the stormwater system will also be addressed.

Fiscal Note: There is no fiscal impact at this time. The project is budgeted for a total of \$1,120,000 which will begin to be incurred once construction begins.

RECOMMENDATION *The City Commission 1) accept the construction plans; and 2) authorize Public Works to complete the competitive bidding process to obtain a contractor for the construction.*

110695_Power Point_20120301.pdf

110666.

Charter Officers' Annual Performance Evaluations for the Past Fiscal Year Ending September 30, 2011 (NB)

Explanation: The City Commission evaluates the performance of the Charter Officers on an annual basis. This review covers the last fiscal year, ending September 30, 2011. Each Charter Officer provided a report to the City Commission on the accomplishments of his areas of responsibility and other supporting documentation.

No updated compensation information is provided at this time because Charter Officer compensation will be reviewed as part of the City-wide pay study to be performed by Human Resources this year.

Fiscal Note: There is no fiscal impact.

RECOMMENDATION *The City Commission review the performance of each Charter Officer and establish appropriate performance scores and pay adjustments for FY12.*

110728.

2013 Federal Legislative Agenda (B)

Explanation: On December 19 and 20, 2011, each City Commissioner and staff held meetings with the City's Legislative Consultant, Marilyn Berry Thompson, and Government Relations Team, to develop an annual federal agenda. The use of annual federal agendas has proven to be effective on several fronts. The agenda serves as the starting point by which the city is able to measure specific outcomes and achievements at the end of each year. The agenda also helps the City and Members of the Florida Congressional Delegation, as well as the Governmental Relations Team, to focus their energies on a very clear and specific set of Federal grant and legislative priorities and initiatives.

Based on the meetings, staff and the Team recommended several items and initiatives for the annual Federal Agenda. Projects and initiatives include:

Innovation Square and the iDistrict; Power District; Depot Park; SEGRI; Waldo Corridor; Armory Park; RTS Administration, Operations and Maintenance Facility Expansion; Replacement Buses; Bus Rapid Transit; Streetcar Service; Youth Services and Education; Law Enforcement Technology; Paynes Prairie Sheetflow Restoration; Biomass; Numeric Nutrient Criteria; and Koppers Health Study. Also included is a list of targeted federal grants and federal funding authorizations that are priority programs for the city and may be used to fund the items in the agenda. Staff and the Government Relations Team will work with the Congressional Delegation to identify resources available to successfully meet the goals set forth in the legislative agenda.

Fiscal Note: No fiscal impact at this time.

RECOMMENDATION *The City Commission: approve the recommended federal agenda.*

110728_federal agenda_20120301.pdf

110749. Proposed Outdoor Seating associated with Stadium Club Project (NB)

MODIFICATION - (New Item added 2/27/2012).

Explanation: Recently, an inquiry was made to staff by an agent for the Stadium Club project regarding the ability for outdoor seating to be provided associated with the retail use of the building. Due to the configuration of the building on the subject site, the seating would need to occur within the Public Right of Way.

The Land Development Code addresses outdoor seating in two ways. Within the City's downtown core, sidewalk cafes are permissible as an accessory use within the CCD zoning designation (Sec. 30-66(e)(3)) and subject to specific permit conditions/requirements. Outdoor cafes are by definition, located outdoors on private property and not within the public right of way.

Although Public Works does have an ability to permit the temporary use of right of way for construction related activities and during special events and by vendors, these temporary uses do not appear to be applicable to the outdoor seating requested by Stadium Club.

A possible solution is to amend the LDC to allow sidewalk cafes in the UMU-1 zoning district or in the College Park Special Area Plan. Staff would need to analyze whether such use is compatible with the purpose, intent and regulations of the District or SAP. In addition, while such use can be conditioned, it would have to be made available uniformly to all property owners who meet the conditions. Given that, staff would need to analyze the effect of allowing such use of the public right-of-way in the District or SAP, taking into account the physical conditions of the right-of-way in that area and the functions and level of service that the right-of-way is expected to provide in that area.

In order to address what seems to be a reasonable request from Stadium Club, staff is requesting that the Commission direct a Petition be drafted in order to

accomplish the objective of allowing outdoor seating as an accessory use within applicable zoning districts.

Fiscal Note: No impact at this time.

RECOMMENDATION

City Commission: 1) direct staff to initiate a petition allowing outdoor seating accessory to a principal use within applicable zoning districts and subject to specific criteria.

GENERAL MANAGER FOR UTILITIES

CITY ATTORNEY

100620.

REVIEW OF CITY COMMISSION ELECTION DISTRICTS (NB)

Explanation: Section 2.02 of the Charter Laws of the City of Gainesville apportions the City into election districts for the purpose of electing district commissioners to the City Commission. The Charter also requires the City Commission to adjust the boundary lines of the districts whenever, in its judgment, the districts are not ratably or equally proportioned in accordance with the Florida Constitution and the Constitution of the United States, but not less frequently than within the second year following each decennial census. The City Commission last redistricted the City in 2001 taking into account data from the 2000 census. Therefore, in accordance with Section 2.02 of the Charter, the City Commission is required to redistrict within the second year following the 2010 census.

In 1986, 1991, 2001, and 2009, the City Commission contracted with an expert in the field of redistricting and apportionment. The City Manager and City Attorney recommend that the City Commission follow the process utilized in previous years by retaining the services of a professional consultant, as well as appointing a citizen committee to review and recommend any changes in the size and areas of the four election districts. Dr. Kenneth Wald, Professor of the Political Science Department of the University of Florida, previously performed these services and he has informed us that he is available to perform these services again. In addition, it is recommended that the City Commission appoint a Citizen Election District Review Committee consisting of residents of the City of Gainesville to review and recommend any changes in the size and areas of the four election districts. The Committee could consist of seven persons with the Mayor and each City Commissioner appointing one City resident to the Committee. If the Commission agrees with this recommendation, then such appointments should be submitted to the Clerk of the Commission by April 5, 2012.

The City Commission and the Citizen Election District Review Committee should also hold public hearings on any revisions to the districts. The Citizen Election District Review Committee should commence its work during the late

spring and summer months of 2012. The Committee should be requested to complete their recommendation and report to the City Commission in late summer of 2012. The City Attorney's Office will provide clerical assistance to the Committee.

Fiscal Note: Funds for professional services in the amount of \$25,000.00 are required from the General Fund Undesignated Fund Balance.

RECOMMENDATION

The City Commission: 1) hear a presentation from the City Attorney's Office; 2) authorize the City Attorney to enter into a contract for professional services; and 3) authorize the creation and selection of a Citizen Election District Review Committee to submit reports and recommendations to the City Commission.

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE

PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE

PUBLIC SAFETY COMMITTEE

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

COMMISSION COMMENTS (if time available)

RECESS

RECONVENE

PLEDGE OF ALLEGIANCE (5:30pm)

PROCLAMATIONS/SPECIAL RECOGNITIONS**110737.****2011 Albert "Ray" Massey Citizen Volunteer Award Recipients' Day - March 1, 2012 (B)****RECOMMENDATION**

City of Gainesville Athletic Programs Coach Calvin Copper and City of Gainesville Athletics Cheer Booster President Briana Ford to accept the proclamation.

110737_RayMasseyDay20120301.pdf

110738.**2011 Arts Awards Recipients Day - March 1, 2012 (B)****RECOMMENDATION**

Artist, Conservationist, Preservationist, Promoter of local Arts and Culture Tourism and Executive Director Florida's Eden Annie Pais, Artist Conservationist and Springs Advocate Margaret Ross Tolbert and Yopp! Founder and Director Heddy Vernon to accept the proclamation.

110738_ArtsAwards_20120301.pdf

CITIZEN COMMENT (6:00pm) - Please sign on sign-up sheet**PUBLIC HEARINGS****RESOLUTIONS- ROLL CALL REQUIRED****110690.****Resolution for a County Incentive Grant (CIGP) Agreement for the Depot Avenue Transportation Corridor Project (B)**

This item is associated with a Resolution authorizing the Mayor to execute the County Incentive Grant Program (CIGP) Agreement between the City of Gainesville, Alachua County, and the Florida Department of Transportation for the Depot Avenue Transportation Corridor Project.

Explanation: The County Incentive Grant Program was created to provide financial assistance to counties to improve transportation facilities on the State Highway System or relieve traffic congestion on the State Highway System. This Agreement provides joint participation agreement funding up to the amount of \$3,804,994 to Alachua County for use by the City of Gainesville for improvements related to roadway construction of the Depot Avenue Transportation Corridor between US 441/SR 25 (SW 13th St) to SR 329 (Main St). The County will assign all of its interests and obligations, financial and

otherwise, in the oversight and management to the City. The City will perform construction of the project in accordance with all applicable federal, state and local statutes, rules and regulations, and standards.

Fiscal Note: This CIGP Agreement requires the City of Gainesville to provide a 50% local match up to the amount of \$3,804,994. The project's CIP accounts will be allocated to meet the required match for the project.

RECOMMENDATION

The City Commission: 1) adopt the Resolution; and 2) authorize the Mayor to execute a CIGP Agreement for the Depot Avenue Transportation Corridor Project, subject to approval by the City Attorney as to form and legality.

110690A_Agreement_20120301.pdf

110690C_Partially Executed Agr_20120301.pdf

110690B_Resolution_20120301.pdf

110692.

Resolution for the Regional Transit System (RTS) FY2011 Program of Projects (POP) and FY2009-2010 Performance Measures (B)

This item is a request to adopt a Resolution authorizing the filing of an application with the Federal Transit Administration (FTA) and Florida Department of Transportation (FDOT).

Explanation: In order to remain eligible for federal and state funding, the RTS is required annually to submit a POP to the FTA and a budget application for Capital and Operating projects to the FDOT after seeking public comment. A Resolution adopted by the City Commission is also required. On Thursday February 2, 2012, the Proposed Program of Projects Budget Application was published in the Gainesville Sun as required by the FTA. A public meeting will be held on Thursday, March 1, 2012.

Fiscal Note: The costs for the POP in the amount of \$26,379,092 are included in the Transportation Improvement Program (TIP) approved by the Metropolitan Transportation Planning Organization (MTPO).

RECOMMENDATION

The City Commission adopt the Resolution.

110692A_Public Notice_20120301.pdf

110692B_Resolution_20120301.pdf

ADOPTION READING-ROLL CALL REQUIRED

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

110598.

AMEND THE URBAN MIXED-USE DISTRICT 1 (UMU-1) ZONING DISTRICT (B)

Ordinance No. 110598; Petition No. PB-11-139 TCH

An ordinance of the City of Gainesville, Florida, amending Section 30-65.1 Urban mixed-use district 1 (UMU-1) of the Land Development Code; by amending the density requirements and the building height requirements; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

This petition and ordinance amends the Urban mixed-use district 1 (UMU-1) zoning district to be consistent with the updated Urban mixed-use 1 (UMU-1) future land use category of the City of Gainesville Comprehensive Plan updated by Ordinance No. 100684 adopted on July 21, 2011.

Public notice was published in the Gainesville Sun on November 17, 2011. On December 5, 2011, the City Plan Board held a public hearing and, by a vote of 4-0, 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 March 15, 2012.

RECOMMENDATION *The City Commission (1) approve Petition PB-11-139 TCH and (2) adopt the proposed ordinance.*

110598A_draft ordinance_20120301.pdf
 110598B_staff report_20120301.pdf
 110598C_FLU element_20120301.pdf
 110598D_application_20120301.pdf
 110598E_111205 cpb minutes_20120301.pdf
 110598F_staff ppt_20120301.pdf

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

100604.

PLANNED DEVELOPMENT - COUNCIL ON AGING (B)

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning certain property within the City, commonly referred to as the "Council on Aging PD" and generally located in the vicinity of the 5000 block of Southwest Archer Road, as more specifically described in this Ordinance, from the Alachua County zoning district of "Single family, Low Density" (R-1a and R-1c) to the City of Gainesville zoning districts of "Conservation" (CON) and "Planned Development" (PD); adopting a development plan report and development plan maps; providing conditions and restrictions; providing for enforcement and penalties; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF

REPORT

This is a request to rezone approximately 28.63 acre parcel from Alachua County Residential Single Family (R-1a) and Residential Single Family (R-1c) zoning to City of Gainesville Conservation (CON) and Planned Development (PD). This rezoning will implement ordinance No. 090741, adopted October 21, 2010, which changed the land use from Alachua County Low Density Residential (1-4 DU/acre) to City of Gainesville Planned Use District (PUD) and Conservation (CON).

The property is located on the north side of Archer Road, between SW 47th Street and SW 50th Street approximately 2,500 feet (0.47 of a mile) west of I-75. Both SW 47th and SW 50th Streets are private roads currently serving existing developments. Southwest 47th Street is a 20 to 30 foot wide private road and SW 50th Street is an unpaved narrow road that serves adjacent residential lots and extends into the northwestern portion of the site.

The proposed Conservation area consists of 5.49 acres, characterized by flood channel, floodplain and large tree species of up to 72 inches in diameter. The area will be protected by a Conservation land use designation, Conservation zoning and a recorded conservation easement. This area is proposed as a buffer between the more intense PD portion and the Alachua County Hogtown Prairie Strategic Ecosystem to the west.

The Planned Development portion contains approximately 23.14 acres and is designed to accommodate the major activities of the project which include an Assisted Living Facility with 130 beds, a Skilled Nursing Facility with 180 beds, medical offices and general offices totaling 75,000 gross square feet of floor area. In the first phase of the development, a 60 foot wide north/south private road is proposed along the east boundary of the property to incorporate and/or replace the existing SW 47th Street. In addition, two east/west transportation corridors will be provided commencing at the access points shown on the PD Layout Plan, one at the north property boundary and the other at about the middle of the site.

The key issues identified in the project relate to: management of the conservation area; uses and intensities associated with the development; local and regional transportation and access concerns; establishing a grid system; connectivity and relationship of buildings to the adjacent streets.

Public notice was published in the Gainesville Sun on November 18, 2010. On December 6, 2010, the City Plan Board, by a vote of 7-0, approved the petition with modifications to some of the conditions to the PD. On January 20, 2011, the City Commission approved the petition by a vote of 7-0.

CITY ATTORNEY MEMORANDUM

Should this ordinance pass on first reading, second and final reading will be held on Thursday, March 1, 2012.

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

1/20/11 City Commission Approved (Petition) (6 - 0 - 1 Absent)
 2/16/12 City Commission Adopted on First Reading (Ordinance) (7 - 0)

100604_cpb conditions_20110120.pdf
 100604A_staff report_20110120.pdf
 100604B_append A_20110120.pdf
 100604C_append B_20110120.pdf
 100604D_append C_20110120.pdf
 100604E_append D_20110120.pdf
 100604F_101206 cpb minutes_20110120.pdf
 100604G_staff ppt_20110120.pdf
 100604_MOD_Applicant CHW_CCPH_20110120.PDF
 100604A_draft ordinance_20120216.pdf
 100604_MOD_ppt.Applicant_CHW_20120216.pdf

110613.**REZONINGS - VICINITY OF N.E. 23RD AVENUE AND N.E. 39TH AVENUE, AND WALDO ROAD (S.R. 24) (B)****Ordinance No. 110613, Petition No. PB-11-141ZON**

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain properties from the zoning category of “I-1: Limited industrial district” to “BI: Business industrial district”; consisting of approximately 61.37 acres, and generally bounded on the North by N.E. 39th Avenue, bounded on the East by Waldo Road (S.R. 24), bounded on the South by N.E. 23rd Avenue, and bounded on the West by N.E. 21st Way and N.E. 15th Terrace; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

This is a request to change the zoning of several parcels of land along NE 23rd Avenue and Waldo Road from I-1(Limited Industrial District) to BI (Business Industrial District). This request was initiated by staff to encourage redevelopment of underutilized parcels and to further implement Plan East Gainesville. Additionally, with the development of the University of Florida eastside campus and some inquiries regarding the potential to redevelop some parcels along the corridors, staff felt that a change in zoning was needed to support and encourage economic development in the area. This petition will change the zoning on appropriately 61.37 acres.

The current uses in the areas consist of what would be considered light industrial service oriented uses, restaurants (Satchels and Sonny's), automotive and construction type uses as well as vacant properties. The intent of the change in zoning is to put the area in a position to take advantage of the redevelopment associated with University of Florida eastside campus and the development of the fairground business center. This area could be in a position

to provide all the ancillary services that could support the potential growth in employees in the area.

The BI zoning will allow property owners affected by the change to keep all the uses allowed by right in the I-1 zoning while adding more business and retail services. Some uses allowed by Special Use Permit in the I-1 district would not be allowed, those include: alcoholic beverage establishments; recycling centers; wholesale trade of petroleum products; and individual and family social services. The BI zoning would not make any existing conforming businesses non-conforming, but it would make some existing businesses conforming (convenience stores). The main difference between the BI and I-1 districts is the BI allows more retail type services, for example a General or Family Dollar store would be allow in BI but not in I-1.

The Plan Board reviewed the petition on December 5, 2011 and recommended approval of the petition. Plan Board vote 4-0.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

2/16/12 City Commission Approved (Petition) and Adopted on First Reading
(Ordinance) (7 - 0)

110613-A_draft ordinance_20120216.pdf
110613B_staff report_20120216.pdf
110613C_section 30-46_20120216.pdf
110613D_existing Use map_20120216.pdf
110613E_staff ppt_20120216.pdf

110680.

**CORRECTIVE LEGAL DESCRIPTION FOR VOLUNTARY
ANNEXATION - EASTSIDE PROPERTIES (B)**

Ordinance No. 110680

An Ordinance of the City of Gainesville, Florida, correcting scrivener's errors in the legal description of the property annexed by Ordinance No. 110505; providing directions to the codifier; providing directions to the City Manager and Clerk of the Commission; providing a repealing clause; and providing an immediate effective date.

Explanation: The City Commission at its meeting on January 19, 2012, adopted Ordinance No. 110505, annexing a portion of the City of Gainesville's urban reserve area. This ordinance proposes to correct certain scrivener's errors in the legal description attached as Exhibit A to Ordinance No. 110505. There is no change in the actual area that was annexed as of March 1, 2012. This ordinance only corrects a few errors in the legal description of the area. All other provisions of the ordinance would be in full force and effect.

This ordinance requires two public hearings. If this ordinance is passed on first reading, second and final reading will be held on March 1, 2012.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

2/16/12 City Commission Adopted on First Reading, as revised (Ordinance) (7 - 0)
110680_Draft Ordinance_20120216.pdf
110680_MOD_Exhibit A_20120216.pdf
110680_ordinance_20120301.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)