

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Meeting Agenda - Final

May 16, 2013

1:00 PM

Modified Agenda

City Hall Auditorium

City Commission

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

Persons with disabilities who require assistance to participate in this meeting are requested to notify the Office of Equal Opportunity at 334-5051 or call the TDD phone line at 334-2069 at least two business days in advance.

CALL TO ORDER

AGENDA STATEMENT

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

ROLL CALL

INVOCATION

CONSENT AGENDA

CITY MANAGER, CONSENT AGENDA ITEMS

[121051.](#)

Upgrade Existing Transit Vehicle and Asset Management Software for Regional Transit System (RTS) (B)

This item is a request to authorize the City Manager or his designee to execute an agreement with Fleet-Net Corporation for the Transit Vehicle and Asset Management software upgrade and associated services for the Regional Transit System (RTS).

Explanation: The Regional Transit System (RTS) has been using Fleet-Net Corporation Enterprise Resource Planning software solution since 1999. This program was implemented in DOS format. Fleet-Net Corporation has since updated its product service modules to a Windows based version that offers enhanced functions and features that will improve business processes related to Transit Vehicle and Asset Management, as well as, ensuring regulatory compliance. Because the current format is dated, the operating platform limits functionality. In addition, the Information Technology Department (IT) has expressed concerns about its ability to continue supporting this program in its current format. Due to the proprietary nature of this software developed by Fleet-Net Corporation specifically for public transportation providers, Fleet-Net Corporation is the sole source for these software upgrades and services.

Fiscal Note: Funding not to exceed \$72,785 is available in the RTS FY2013 operating budget.

RECOMMENDATION

The City Commission authorize the City Manager or his designee to execute an agreement with Fleet-Net Corporation for the Transit Vehicle and Asset Management software upgrade and associated services for the Regional Transit System (RTS), subject to approval by the City Attorney as to form and legality.

[121051A_Agreement_20130516.pdf](#)

[121051B_Pricing_20130516.pdf](#)

121052.**State Infrastructure Bank (SIB) Loan Agreement between Florida Department of Transportation (FDOT) and the Regional Transit System (RTS) (B)**

This item is a request to authorize the City Manager or his designee to execute a State Infrastructure Bank (SIB) loan agreement and contract to purchase land for the Regional Transit System (RTS) Maintenance, Operations and Administration Facility.

Explanation: Phase I of the Regional Transit System (RTS) Maintenance, Operations and Administration Facility project is currently in process, located at 34 SE 13th Road, Gainesville, Florida, 32601. Funding for Phase I of the facility has been acquired. Phase I consists of an Administration and Operations building, a 17-bay bus garage with offices, parking for 143 buses, a fuel/service building with three (3) fuel/probe lanes, fuel storage tanks, and a bus wash.

RTS desires to execute a SIB loan agreement in the amount of \$3,800,000 for Phase II (final phase), which includes acquisition of property for additional bus parking (tax parcels 15702-004-000 and 15702-006-000, total ±3.1 acres). These two (2) parcels are contiguous to the existing RTS site and can be acquired as early as July 2013. This phase will also include site work and construction of a bus parking lot including demolishing existing structures, fencing, security equipment and landscape. Tax parcel 15702-004-000 is improved with a metal warehouse building and office buildings that are owned by the original developer.

This new facility will provide RTS with enough space to maintain the existing fleet and accommodate future expansion of service. This project will allow RTS to relocate all vehicle maintenance and operations functions from the current site located at 100 SE 10th Avenue. Re-use of the existing RTS site could include a complete facility for paratransit services.

The Metropolitan Transportation Planning Organization (MTPO) adopted a resolution on December 3, 2012 authorizing RTS to use Surface Transportation Program (STP) funds to repay the loan.

Fiscal Note: Surface Transportation Program (STP) funds will be used for repayment. No local funds will be used to repay this loan.

RECOMMENDATION

The City Commission: 1) authorize the City Manager to execute a State Infrastructure Bank (SIB) Loan Agreement with the Florida Department of Transportation (FDOT), subject to approval by the City Attorney as to form and legality; and 2) authorize the City Manager to execute a contract for the purchase of tax parcels 15702-004-000 and 15702-006-000 (total ±3.1 acres), subject to approval by the City Attorney as to form and legality.

[121052A_Agreement_20130516.pdf](#)

[121052B_ResolutionMTPO_20130516.pdf](#)

[121058.](#)

Assistance to Firefighters Grant 2012 Application for Replacement of Cardiac Monitor / Defibrillators (NB)

This item requests that the Commission authorize the City Manager to execute a grant awarded to the City of Gainesville through the 2012 Assistance to Firefighters Grant Program for the purchase of equipment to replace the department's aged cardiac monitor/defibrillator units.

Explanation: In September 2012, Gainesville Fire Rescue (GFR) submitted an application for grant funds under the Department of Homeland Security Federal Emergency Management Agency's Assistance to Firefighters Grant Program for 2012. The application sought funding for the replacement of cardiac monitors purchased approximately 10 years ago. Due to changes in technologies and enhanced medical care protocols, the ability to replace the older units with current technologies is considered essential to fulfilling our mission within the delivery of emergency medical services. The units acquired will include the following technology: diagnostic quality 12-lead electrocardiogram acquisitions, electronic capnography, transthoracic pacing, pulse ox-symmetry, carboxy/methemoglobin measurement, and non-invasive blood pressure measurement. These technologies have become the standard of care in which their use is referred to in existing medical care protocol or in current medical practices.

This grant will allow GFR to make better use of city capital improvement dollars and maintain interoperability with all fire-rescue departments in Alachua County.

Fiscal Note: The total cost of the project is estimated at \$610,465; the federal share is 80% or \$488,372; and the applicant share is expected to be 20% or \$122,093. Matching funds have been identified in the GFR capital

improvement budget.

RECOMMENDATION

The City Commission authorize the City Manager 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.

[121059.](#)

Change Order to the Construction Contract for the NW 22nd Street Milling and Resurfacing Project (B)

This involves a request to approve a Change Order for the construction contract, NW 22nd Street Milling and Resurfacing Project, in order to provide a better final product and to compensate for unknown site conditions.

Explanation: On November 15, 2012, the City Commission approved staff's recommendation to award a bid to R.E. Arnold Construction, Inc., for the NW 22nd Street Milling and Resurfacing project in accordance with approved plans and specifications.

Change Order #4 includes several items. The price change and justification are included in the attached details and presentation. A basic outline of changes is shown below.

Unsuitable material was found during the pipe installation under NW 1st Avenue and NW 22nd Drive which caused the unsuitable material to be excavated and replaced or face a high probability of premature roadway and pipe failure. "Earthwork - Cut" item was added for an increase of \$19,698.48. "Earthwork - Fill" item was added for an increase of \$12,625.47.

Additional measures were deemed necessary to ensure the bus stop near the discharge of the pipe installation was not a safety concern due to steep slopes and drop offs. Quantity of "Concrete Class NS, Gravity Wall" item was overrun for an increase of \$1,533.60. Quantity of "Concrete Ditch Pavement, 4 Inch" item was overrun for an increase of \$729.00. "Hand Rail" item was added for an increase of \$1,542.13.

The slopes behind the widened sidewalk were steeper than the survey showed. This caused it necessary to add curb to the back of the sidewalk in order to tie into natural grade at a reasonable slope. Quantity of "Concrete Curb and Gutter, Type D" item was overrun for an increase of \$9,040.

The sidewalk adjacent to the installed ADA ramp at the NE corner of 5th Avenue and 20th Street was severely cracked and did not meet ADA compliance for slope. This concrete was removed and replaced. Quantity of "Removal of Existing Concrete Pavement" item was overrun

for an increase of \$102.02. Quantity of "Concrete Sidewalk, 4" Thick" item was overrun for an increase of \$409.37.

Sections of curb and gutter were identified as not providing positive drainage. Curb and gutter were expected to be replaced in full, but the bid prices were too high for this. Selective reconstruction was performed to correct ponding. Quantity of "Remove Existing Concrete Curb and Gutter" item was overrun for an increase of \$1,387.25. Quantity of "Concrete Curb and Gutter, Type F" item was overrun for an increase of \$4,475.

One driveway needed to be repaved in order to properly drain to added curb and gutter. Quantity of "Concrete Sidewalk, 6" Thick" item was overrun for an increase of \$305.42.

The speed table at 5th Avenue and 22nd Street was modified in the field to enhance performance and durability. The approach ramps were lengthened to provide proper transition and the joints into the surrounding pavement were constructed with a butt joint as opposed to paving them on top of the existing pavement which would have led to raveling at the joint. Quantity of "Asphalt Concrete Friction Course, FC-9.5, Traffic B, Speed Tables, 22nd Street" item was overrun for an increase of \$1287.00. "Speed Table Trench Joints" item was added for an increase of \$1,305.25.

A conflict between the proposed stormwater pipe and an existing wastewater pipe that was not identified in the survey caused a manhole to be installed to drop the wastewater line to avoid the conflict. The yard in which the manhole was installed needed to be restored after the construction. "Zoysia Grass" item was added for an increase of \$439.88.

A section of the road began to fail after the first lift of asphalt was poured. This was probably caused due to base failure. The asphalt and base materials were removed and replaced. "Road Base Rework" item was added for an increase of \$3,333.00

A second milling operation was required in order to get the pavement to the designed grade. Therefore there was additional effort to adjust manholes and water valves than originally planned. "Adjust Manholes & Valves" item was added for an increase of \$2,940.

The designed quantity of fence was 223 linear feet; however the bid quantity was 233 linear feet. Quantity of "Fencing" item was underrun for a decrease of \$318.20.

Fiscal Note: The original awarded amount for this project was \$674,674.30. Change Order #1 was for a total of \$132,362.75. Change Order #2 was for a total of \$57,281.37. Change Order #3 was for a time extension only with no contract amount modification. Change Order #4 is for a total of \$60,834.67. The total construction cost including all change orders is \$925,153.09. The second lowest bidder for this project submitted a bid price of \$947,483.08. The original budget for this project was \$1,120,000

RECOMMENDATION

The City Commission: 1) authorize the City Manager to execute Change Order #4 for the NW 22nd Street Milling and Resurfacing project; and 2) modify the purchase order as necessary, not to exceed the construction cost of \$925,153.09.

[121059_Change Order_20130516.pdf](#)

[121067.](#)

**Strategic Plan Quarterly Report - 2nd Quarter of Fiscal Year 2013
(B)**

This item provides a report on the progress of the City Commission's Strategic Goals and Initiatives for the 2nd Quarter of Fiscal Year 2013.

Explanation: As part of the City of Gainesville Fiscal Year 2013 - 2014 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 second quarter report for Fiscal Year 2013.

Fiscal Note: There is no fiscal impact.

RECOMMENDATION

The City Commission receives a quarterly report from the City Manager on the progress of the City Commission Strategic Goals and Initiatives for the 2nd Quarter of FY 2013.

[121067_Report_20130516.pdf](#)

[121002.](#)

Purchase of Laptop Computers and Warranties Utilizing FY2013-FY2014 and FY2014-FY2015 Capital Improvement Plan Funds (B)

This item requests the City Commission authorize the purchase of laptop computers for the Gainesville Police Department in the amount not to exceed of \$500,000.00 from CDW Government LLC which submitted the lowest price in its bid in a competitive bid process as outlined by Florida State Statutes.

Explanation: The Gainesville Police Department would like to purchase approximately 168 laptop computers to address immediate shortages resulting from aging laptop computers that are failing at an increasing rate. The laptop computers have an expected life of four years. The above price includes costs for the computers, required software and covers maintenance for four years. This is the first phase in our replacement plan and is a critical need as the repair and failure rates for current laptops is increasing dramatically. Currently, all of the Police Department

laptops have exceeded their warranty period of four years. Consequently, the Police Department has incurred increasing costs of repairs and in some cases replacement.

Laptop computers are an integral component of the Police Department's service delivery allowing officers and police service technicians the ability to complete investigative reports in the field and allow access to databases containing required information in a timely manner.

Fiscal Note: Funding in the amount of \$250,000.00 is available from the FY2013 Capital Improvement Plan. An additional \$250,000 for laptop computers has been budgeted in the FY2014 Capital Improvement Plan.

The GPD is requesting that CDW Government LLC be awarded the contract to purchase approximately 168 laptop computers with 4 year warranties. GPD is requesting that the purchase be completed in two phases, with an initial payment of \$250,000 made upon approval of a purchase order and a final payment of \$250,000 made on October 1, 2013. Half of the laptop computers are to be delivered concurrent with each payment.

RECOMMENDATION

The City Commission authorize the City Manager to issue a purchase order in an amount not to exceed \$500,000.00 to CDW Government LLC as the low bidder.

[121002 LaptopProposals 20130516](#)

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

CITY ATTORNEY, CONSENT AGENDA ITEMS

[121081.](#)

MARY KATHRYN CALDWELL v. CITY OF GAINESVILLE; PRESUIT CLAIM ARISING FROM AN ACCIDENT THAT OCCURRED ON OR ABOUT AUGUST 25, 2011 (B)

Explanation: On August 25, 2011, Ms. Mary Kathryn Caldwell, a research scientist working on a Department of Defense grant with a local engineering firm, was riding her bicycle southbound in the designated bicycle lane on Gale Lemerand Drive, approaching the intersection with Stadium Road. A Regional Transit System bus was also traveling south on Gale Lemerand Drive directly to the left of Ms. Caldwell. As the bus and bicycle entered the intersection with Stadium Road, Ms. Caldwell proceeded straight, and the bus turned right. The bus collided with Ms. Caldwell, and the back right tires of the bus drove over Ms. Caldwell's legs below the knees.

Ms. Caldwell suffered extreme soft tissue damage in both legs, a sprained ankle, and a broken ankle. The left ankle required surgery including the placement of permanent screws. Including the emergency

care, surgical intervention, and necessary physical therapy and rehabilitation, Ms. Caldwell incurred medical bills through June of 2012 totaling \$37,740.22. She was wheelchair bound for a month, and non-weight bearing on her left leg for two months. In the immediate wake of the accident, Ms. Caldwell's parents flew to Gainesville to care for her, and she relied on the assistance of others for some time thereafter. She was unable to work for two months, incurring lost wages and compensation of approximately \$8,773.50. Ms. Caldwell's physicians have cautioned her that there is the possibility that future surgeries may be necessary to remove the existing hardware, and there is a dramatic increase in the likelihood of early arthritic conditions.

Prior to the accident, Ms. Caldwell was an avid, competitive cyclist and participated in numerous outdoor activities such as hiking and ultimate frisbee. These activities have been limited or curtailed due to the lingering effects of her injuries. She continues to experience a loss of feeling in her right leg, with numbness on the inside of her right leg attributed to the soft tissue damage. The range of motion in her left ankle is diminished. It is uncertain whether the ongoing nerve damage will ameliorate with time. If this case were to proceed to trial, the permanent nature of Ms. Caldwell's injuries would lead her to also seek damages for pain and suffering, mental anguish, inconvenience, loss of capacity for the enjoyment of life, expense of future medical treatment, loss of earnings, and loss of ability to lead and enjoy a normal life.

Due to the nature of the accident and injuries, and with the cooperation of the claimant and her attorney, the City Attorney's Office and Risk Management Department conducted a thorough evaluation and investigation of this claim prior to the filing of a lawsuit. A complete review of the applicable medical records was performed, a sworn deposition of Ms. Caldwell was conducted, and other witnesses were interviewed. Per the application of Florida's limited waiver of sovereign immunity contained in section 768.28, Florida Statutes, the City's liability and authority to settle claims such as this is limited to \$100,000. After cooperative, reciprocal due diligence was performed by both the City and lawyers for the claimant, a negotiated settlement was achieved. Representatives for the City agreed to recommend a settlement in the amount of \$100,000 subject to the approval of the City Commission of the City of Gainesville, and in exchange Ms. Caldwell will provide a full and complete Release to the City including waiving the pursuit of a claims bill to the Legislature. It is the recommendation of the City Attorney's Office and the Risk Management Department that the case be settled for that amount.

Fiscal Impact: Funds are available in the City's General Insurance Fund.

RECOMMENDATION

The City Commission 1) approve the terms of the negotiated settlement; and 2) authorize the City Attorney to settle the claim of Mary Kathryn Caldwell arising from an accident that occurred on or about August 25, 2011.

[121081_Mary Caldwell Settlement_20130516.pdf](#)

[121083.](#)

RODRICK THOMPSON AND DEBORAH THOMPSON V. CITY OF GAINESVILLE; ALACHUA COUNTY CIRCUIT COURT; CASE NO.: 01-2012-CA-2040 (B)

Explanation: On March 22, 2011, Rodrick Thompson was driving his vehicle in Gainesville with his wife, Deborah Thompson, as a passenger. His vehicle was stopped at a red light pointed westward on Hawthorne Road (SR 20) at the intersection with SE 15th Street. While stopped, the Thompsons' vehicle was struck from behind by a City-owned van driven by an employee of the Black-on-Black Crime Task Force who was assigned to the Reichert House. The driver of the City van was traveling to pick up school children to transport them back to the Reichert House.

The Thompsons sought medical attention from an emergency room, chiropractors, and, ultimately, a neurologist and surgeon. While they both exhibited some preexisting conditions, their physician opined that they both suffered permanent injuries resulting from this accident. Mr. Thompson incurred medical bills totaling \$69,726.40, and Ms. Thompson's medical bills amounted to \$131,543.75, for a total of \$201,270.15. At trial, the Thompsons also anticipated presenting claims for pain and suffering, mental anguish, inconvenience, loss of capacity of for the enjoyment of life, expense of future medical treatment, and loss of ability to lead and enjoy a normal life.

The Thompsons filed and served suit against the City in May 2012. After a thorough investigation, it was determined that the driver of the City van was acting as an agent of the City of Gainesville at the time of the accident. Subsequently, the City and the Thompsons engaged in discovery in preparation for trial, and participated in Court-ordered mediation on April 22, 2013. Per the application of Florida's limited waiver of sovereign immunity contained in section 768.28, Florida Statutes, the City's liability and authority to settle claims such as this is limited to \$100,000 per person, and \$200,000 per incident. At mediation, representatives for the City negotiated a settlement of all claims with Mr. and Ms. Thompson and their attorneys in the amount of \$185,000.00, subject to the approval of the City Commission of the City of Gainesville. It is the recommendation of the City Attorney's Office and the Risk Management Department that the case be settled for that amount.

Fiscal Impact: Funds are available in the City's General Insurance Fund.

RECOMMENDATION

The City Commission 1) approve the terms of the mediated settlement; and 2) authorize the City Attorney to settle the claim of Rodrick Thompson and Deborah Thompson v. City of Gainesville; Alachua County Circuit Court Case No.:

01-2012-CA-2040, on behalf of the City.

[121083 Thompson Settlement 20130516.pdf](#)

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

[121063.](#)

Appointment to City Commission Advisory Boards and Committees (NB)

Modification

RECOMMENDATION

The City Commission appoint:

James Owens, James Davies and Megan Standard to the Board of Adjustment for a term to expire 11/1/16.

Winn Keeton, Maria Giddings and Megan Standard to the City Beautification Board for a term to expire 11/1/16.

Gracy Castine and Leslie Ladendorf to the Gainesville/Alachua County Cultural Affairs Board for a term to expire 9/30/16.

Michael Cook and Ryan Prodesky to the Gainesville Code Enforcement Board for a term to expire 8/1/16.

Justin Griffin and John Rodstrom to the Gainesville Enterprise Zone Development Agency for a term to expire 3/31/17.

Amanda Preston and Megan Standard to the Nature Centers Commission for a term to expire 11/1/14.

Christopher Cleary to the Pension Review Committee for a term to expire 7/31/18.

Delores James to the SHIP Affordable Housing Advisory Committee for a term to expire 7/1/15.

Darrius Demps to the Student Community Relations Advisory Board for a term to expire 2/26/15. Daniel Sibol and Lindy Russell to the Student Community Relations Advisory Board for a term to expire 2/26/14.

Joe Durando to the Tree Advisory Board for a term to expire 1/1/16.

Joe Durando to the Tree Board of Appeals for a term to expire 1/1/16.

[121092.](#)

City Commission Minutes (B)

RECOMMENDATION

The City Commission approve the minutes of April 4, 10 and 23, 2013.

[121092_minutes_20130516.pdf](#)

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE, CONSENT

PERSONNEL & ORGANIZATIONAL STRUCTURE COMM, CONSENT

PUBLIC SAFETY COMMITTEE, CONSENT

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE, CONSENT

ECONOMIC DEVELOPMENT/UNIVERSITY COMMUNITY COMMITTEE, CONSENT

[120697.](#)

Sign Code Provisions Relative to Multi-Story Buildings (B)

This item seeks to initiate a Petition to the Plan Board regarding the Sign Code and specifically provisions related to the regulation of signs for multi-story buildings in and around the City's urban core.

Explanation: At the March 27, 2013, Economic Development University Community Committee (EDUCC) meeting, the issue of signage appropriate for urban buildings was raised by staff as an economic development consideration likely in need of Commission policy direction. The EDUCC directed that staff review the status of the existing Sign Code Petition and bring back a presentation on the matter to the Committee at the April 30th regular EDUCC meeting.

On April 30th staff reviewed the status of the existing Sign Code Petition and reviewed several proposed changes to the Sign Code which would allow for additional signage relative to buildings in and around the City's urban core. These changes were reviewed with affected parties subsequent to the March 27th Committee meeting.

The Committee heard the presentation from staff and received input from several affected parties and approved a Motion regarding next steps.

Fiscal Note: None

RECOMMENDATION

The City Commission direct staff to initiate a petition to the Plan Board to amend the Sign Code relative to urban buildings that are three (3) stories or more in height.

Legislative History

1/3/13	City Commission	Referred to the Economic Development/University Community Com
4/30/13	Economic Development/University Community Com	Approved as Amended

[120697 Memo to EDUCC 20130430.doc.pdf](#)

[120697 Minutes 20130516.pdf](#)

EQUAL OPPORTUNITY COMMITTEE, CONSENT

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

CITY MANAGER

GENERAL MANAGER FOR UTILITIES

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE

[110258](#)**Private Purchase of Public Land Update (B)**

This item involves a referral made to the Recreation, Cultural Affairs and Public Works Committee to review the matter of private purchase of public land.

Modification

Explanation: On August 9, 2011, the City Commission referred the question of private purchase of public land to the Recreation, Cultural Affairs and Public Works Committee (RCAPW). This topic was also reviewed by the Nature Centers Commission (NCC) at their August 18, 2011 meeting. A letter of response from the NCC Chair was sent to Mayor Craig Lowe on September 19, 2011. On October 10, 2011, the RCAPW Committee heard discussion of this topic. Staff recommendation at that meeting was that land designated through the land use and zoning process as conservation should not be considered for disposition. After discussion, the Committee decided to explore possible alternative approaches and instructed staff to draft a policy regarding the disposal of conservation land for further review and comment.

During November and December 2011, staff drafted a Disposition of Conservation Land Policy. The policy was reviewed and revised by staff, the NCC, and the City Attorney's office in January 2012. On February 13, 2012, the RCAPW Committee was provided the draft Disposition of Conservation Land Policy for review and comment. The Committee requested staff to make changes and bring the revised policy back to the RCAPW Committee for further discussion. On February 22, 2012, staff met with the City Attorney on the environmental ordinance under review at the time and the City Attorney recommended modifications be made to the draft disposition policy in order to be consistent with the environmental ordinance. This item was further discussed by the Committee on June 5, 2012. The Disposition of Conservation Land Policy remains in draft form for potential action or further guidance by the Committee.

A letter was sent from the City Manager on October 15, 2012 to representatives of Mr. Nathan Collier regarding his ongoing interest in purchasing specific property in the Hogtown Creek Greenway. The City Manager received a written letter from Mr. Collier on November 14, 2012 expressing his formal interest in purchasing this property and making an offer of \$1 million. If the City Commission is interested in entertaining Mr. Collier's offer to purchase the property, the property would need to be declared surplus by the City Commission and made available for purchase through an open bid process.

If the City Commission were to declare the property surplus and seek bids for purchase of the property, the City could potentially receive revenue of approximately \$1 million. The City's Comprehensive Plan Recreation Element Objective 1.4.3 states that "proceeds from the

disposal or sale of any City-owned recreation and park properties shall be used for recreation and park infrastructure enhancement and improvements.”

On November 26, 2012 the Recreation, Cultural Affairs, Public Works Committee met to discuss this issue. Several individuals spoke on this topic both in favor and opposition of the proposal. The RCAPW Committee agreed that this issue should go back to the full City Commission for further discussion.

Fiscal Note: Sale of the identified property could potentially result in revenue of \$1 million that could be used for recreation and park infrastructure enhancement and improvements.

RECOMMENDATION

The City Commission hear an update on the referral. If interested in considering a sale of the property 1) direct the City Manager to initiate a process to declare the property surplus and solicit bids for purchase of the property with a) no specified constraints on future use of the property or b) a conservation easement on the property; and 2) remove this item from the Recreation, Cultural Affairs and Public Works Committee referral list.

Alternate Recommendation

The City Commission hear an update on the referral. If not interested in considering a sale of the property the City Commission 1) discontinue further consideration of the request to sell the property; and 2) remove this item from the Recreation, Cultural Affairs and Public Works Committee referral list.

Legislative History

8/4/11	City Commission	Referred to the Recreation, Cultural Affairs and Public Works Committee
10/10/11	Recreation, Cultural Affairs and Public Works Committee	Approved as shown above (See Motion)
2/13/12	Recreation, Cultural Affairs and Public Works Committee	Approved as Recommended
6/5/12	Recreation, Cultural Affairs and Public Works Committee	Approved as shown above (See Motion)
11/26/12	Recreation, Cultural Affairs and Public Works Committee	Approved as shown above (See Motion)

[110258A Emails 20111010.pdf](#)
[110258B Letter to Nathan Collier 20111010.pdf](#)
[110258C Letter to Mayor 20111010.pdf](#)
[110258 Disp of Conservation Lands Policy 20120213.pdf](#)
[110258 Disp of Conservation Lands Policy 20120605.pdf](#)
[110258B MOD Acq Priority Table 20120605.pdf](#)
[110258C MOD Loblolly Map 20120605.pdf](#)
[110258A Letter to Hanrahan 20121015.pdf](#)
[110258B Letter from Collier 20121114.pdf](#)
[110258A AcqsnPriorTb 20130207.pdf](#)
[110258B CompPI 20130207.pdf](#)
[110258C ConsAcqLandsMap 20130207.pdf](#)
[110258D AOISpeciesMap 20130207.pdf](#)
[110258E Funds 20130207.pdf](#)
[110258F DraftDispPol 20130207.pdf](#)
[110258G DraftDispCrit 20130207.pdf](#)
[110258H MasterPlan 20130207.pdf](#)
[110258I NCCLtr 20130207.pdf](#)
[110258A Minutes 20130516.pdf](#)
[110258B PowerPoint 20130516.pdf](#)
[110258 MODpowerpoint 20130516.pdf](#)

COMMUNITY DEVELOPMENT COMMITTEE

[120868.](#)

Review of Controlled Vehicular Parking Program (B)

This is a request for the City Commission to hear a presentation regarding modifications to the City's Controlled Vehicular Parking Program.

Explanation: The City has had a Controlled Vehicular Parking Program since 1981. The program was initially created to prevent commuter parking in the residential neighborhoods surrounding the University of Florida. Based upon input received from stakeholders during review of off-street parking regulations in the neighborhoods near campus, a staff committee comprised of representatives from Public Works, Planning and Development Services, Code Enforcement, Budget and Finance, and GPD was formed to review the parking program and make recommendations for modifications.

A report was submitted to the City Manager in November 2012 and presented to the City Commission on February 7, 2013. The City

Commission referred to the Community Development Committee the following issues: 1) Permit cost adjustment; 2) Permit zone boundaries, including implementation of a new parking zone in the Innovation District; 3) Demand management; and 4) Expanded enforcement, including night and/or weekend. Based upon that motion, staff further explored those issues and made a presentation to the Community Development Committee on March 26, 2013.

The Community Development Committee heard that presentation and has made a recommendation to the City Commission that included: 1) changing the current permit pricing; 2) modifying the existing zone boundaries and creating a new "Innovation" zone; and 3) funding three additional parking enforcement positions. Staff supports parts 1 and 2 of the committee recommendation and recommends that, in lieu of part 3, the City Commission consider a budget increment for FY14 to fund three additional temporary trained workers for a one year period as a pilot program for expanded enforcement.

Fiscal Note: Funding three additional Parking Operations Attendant II positions on a permanent basis would cost approximately \$37,031 per year per position plus one-time capital cost for an additional hand held electronic citation unit (approximately \$5,000 per position) and transportation (approximately \$23,000 for one additional vehicle).

Funding three temporary positions for a one year pilot program would cost approximately \$80,640 (\$26,880 per position). There would be no capital costs associated with the pilot program.

New sign installation and sign retrofitting in association with the proposed zone boundary expansions and modifications will cost approximately \$4,000.

RECOMMENDATION

The City Commission: 1) authorize the City Manager to change parking decal pricing effective July 15, 2013 to \$20 for a one-year homestead decal or \$60 for a three-year homestead decal in any zone; \$50 for a one year, non-homestead decal in existing zones 3,4,6,7, 8, the portion of existing zone 2 east of NW 13th Street, and any additional zones as may be created from time to time; and \$100 for a one year, non-homestead decal in existing zones 1, 5, the portion of existing zone 2 west of NW 13th Street; 2) modify the zone boundaries as recommended by the Community Development Committee; and 3) fund three additional Parking Operations Attendant II positions to increase parking enforcement capabilities.

Alternate Recommendation

The City Commission: 1) authorize the City Manager to change parking decal pricing effective July 15, 2013 to \$20 for a one-year homestead

decal or \$60 for a three-year homestead decal in any zone; \$50 for a one year, non-homestead decal in existing zones 3,4,6,7, 8, the portion of existing zone 2 east of NW 13th Street, and any additional zones as may be created from time to time; and \$100 for a one year, non-homestead decal in existing zones 1, 5, the portion of existing zone 2 west of NW 13th Street; 2) modify the zone boundaries as recommended by the Community Development Committee; and 3) consider a budget increment for FY 14 to fund three additional temporary trained workers for a one year pilot program for expanded enforcement.

Legislative History

2/7/13	City Commission	Referred to the Community Development Committee
3/26/13	Community Development Committee	Approved as shown above (See Motion)

[120868A_Parking PPT_20130326.pdf](#)

[120868B_ParkingPermitProgramMemo_20130326.pdf](#)

[120868C_POA II Annual Costs_20130326.pdf](#)

[120868D_CPUH Final Report_20130326.pdf](#)

[120868E_Zipcar Information_20130326.pdf](#)

[120868A_Map_20130516.pdf](#)

[120868B_Presentation_20130516.pdf](#)

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)**Gator Detachment of the Marine Corp League Bob Gache, Sr.****PROCLAMATIONS/SPECIAL RECOGNITIONS**[121087.](#)**Emergency Medical Services Week - May 19-25, 2013 (B)****RECOMMENDATION**

Gainesville Fire Rescue Fire Chief Gene Prince and Special Operations Chief Don Sessions to accept the proclamation.

[121087_EMSWeek_20120516.pdf](#)

[121089.](#)**National Recreational Water Illness Prevention Week - May 19-25, 2013 (B)****RECOMMENDATION**

City of Gainesville Parks, Recreation & Cultural Affairs Department Aquatic Leader Michelle Weydert to accept the proclamation.

[121089_Water_20130516.pdf](#)

[121090.](#)**National Community Action Month - May 2013 (B)****RECOMMENDATION**

Central Florida Community Action Agency (CFCAA), Inc. Chief Executive Officer Robert W. Wilford to accept the proclamation.

[121090_CommunityAction_20130516.pdf](#)

[121098.](#)**Civility Month - May 2013 (B)****RECOMMENDATION**

Gainesville City Commission to accept the proclamation.

[121098_CivilityMonth_20120516.pdf](#)

[121088.](#)**Corporal Milton Lewis Day - May 27, 2013 (B)****RECOMMENDATION**

Commanding Officer of the Milton Lewis Young Marines Carry Hill and Gator Detachment of the Marine Corp League Bob Gache, Sr. to accept

the proclamation.

[121086.](#)

Memorial Day - May 27, 2013 (B)

RECOMMENDATION

Gator Detachment of the Marine Corp League Bob Gache, Sr. to accept the proclamation.

[121086 MemorialDay 20130516.pdf](#)

[121114.](#)

Gainesville Police Department Volunteer Appreciation Day - May 22, 2013 (B)

Modification

RECOMMENDATION

Gainesville Police Department Crime Prevention Officer Charlene Collins to accept the proclamation.

[121114 GPDVolunteer 20130516.pdf](#)

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

PUBLIC HEARINGS

RESOLUTIONS- ROLL CALL REQUIRED

CLERK'S NOTE: The City Commission waive the Rules to hear File #121023 after File #121037

[121091.](#)

OAK PARK SUBDIVISION PLAT VACATION (B)

Resolution No. 121091

A Resolution of the City of Gainesville, Florida; approving the vacation of a portion of the Plat of □Oak Park□ recorded in Plat Book A, Page 176, of the Public Records of Alachua County, Florida, said portion being located on the southeast corner of the intersection of NW 23rd Avenue and NW 13th Street; providing directions to the Clerk of the Commission; providing for filing of the original hereof; and providing an immediate effective date.

Explanation: The above-referenced Resolution is related to Petition No. CC-13-37 SUB, Legistar No. 121037, also on this agenda. This Resolution to vacate a portion of a plat of Oak Park has been prepared at the request of the petitioner, pursuant to State law.

Section 177.101, Florida Statutes appears to require that plats be vacated by resolution of the governing body of the county where the

property is situated. However, if the plat is located within a City, the statutes require the City Commission to adopt a resolution vacating the plat and to forward a certified copy of the resolution to the Board of County Commissioners.

RECOMMENDATION The City Commission adopt the proposed Resolution.

[121091_draft Resolution_20130516.pdf](#)

ADOPTION READING - ROLL CALL REQUIRED

[120933.](#)

LAND USE CHANGE - SMALL SCALE - APPROXIMATELY 2.8 ACRES OF PROPERTY GENERALLY LOCATED AT 1303 NE 23rd AVENUE FROM RECREATION (REC) TO EDUCATION (E) (B)

Ordinance No. 120933; Petition No. PB-13-007 LUC

An ordinance amending the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of approximately 2.8 acres of property generally located at 1303 NE 23rd Avenue, as more specifically described in this ordinance, from Recreation (REC) to Education (E); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

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

This petition/ordinance is a small-scale land use amendment that changes the future land use category of approximately 2.8 acres of property from Recreation (REC) to Education (E). The subject property is generally located at 1303 NE 23rd Avenue. The site is the former location of the McGurn Family YMCA, and includes a large main building, smaller accessory structures, roofed and fenced basketball courts, a swimming pool, a wading pool and open space. This petition/ordinance is related to Ordinance No. 120934, which changes the zoning on the property from Public services and operations district (PS) to Educational services district (ED).

This petition/ordinance will allow the unoccupied site to be redeveloped into a charter school, because a charter school is not an allowable use within the current land use category or zoning district. All of the property adjacent to the site has Single-Family land use with single-family residential district (RSF-2) zoning. On the east and west side of the property are single-family homes. To the south of the property is vacant undeveloped land. North of the subject property across NE 23rd Avenue is a place of religious assembly and single-family homes. Educational

facilities are generally located in or very near to residential areas to serve the public. Therefore, this land use amendment and redevelopment of the site into a charter school is consistent with the Comprehensive Plan, specifically the provisions of the Education land use category. In addition, the McGurn YMCA site acreage was not included in the acreage used to establish Recreation Level of Service (LOS). Therefore, the reduction in Recreation land use acreage as a result of this land use amendment will not have any impact on Recreation LOS.

After public notice was published in the Gainesville Sun on February 12, 2013, the City Plan Board held a public hearing on February 28, 2013, and recommended approval of this petition by a vote of 6-0.

CITY ATTORNEY MEMORANDUM

This proposed amendment to the Comprehensive Plan involves a use of 10 acres or fewer and qualifies as a small-scale development amendment. The City Commission may adopt small-scale development amendments with a single public hearing.

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: (1) approve Petition PB-13-007 LUC and (2) adopt the proposed ordinance.

[120933B_staff_report_20130516.pdf](#)

[120933A_draft_ordinance_20130516.pdf](#)

[120933C_Comp_Plan_GOPs_20130516.pdf](#)

[120933D_Supplemental_Docs_20130516.pdf](#)

[120933E_Application_neighbrhd_wkshop_20130516.pdf](#)

[120933F_CPB_minutes_20130516.pdf](#)

[120933G_staff_ppt_20130516.pdf](#)

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

[120934.](#)

REZONING - APPROXIMATELY 2.8 ACRES OF PROPERTY

GENERALLY LOCATED AT 1303 NE 23rd AVENUE FROM PUBLIC SERVICES AND OPERATIONS DISTRICT (PS) TO EDUCATION SERVICES DISTRICT (ED) (B).

Ordinance No.120934; Petition PB-13-008 ZON

An ordinance amending the Zoning Map Atlas of the City of Gainesville, Florida, by rezoning approximately 2.8 acres of property generally located at 1303 NE 23rd Avenue, as more specifically described in this ordinance, from Public services and operations district (PS) to Educational services district (ED); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

This petition/ordinance rezones approximately 2.8 acres of property from Public services and operations district (PS) to Educational services district (ED). The property is generally located at 1303 NE 23rd Avenue and is the former location of the McGurn Family YMCA, and includes a large main building, smaller accessory structures, roofed and fenced basketball courts, a swimming pool, a wading pool and open space. This petition/ordinance is related to Ordinance No. 120933, which changes the land use category for the property from Recreation (REC) to Education (E).

This petition/ordinance will allow the unoccupied site to be redeveloped into a charter school, because a charter school is not an allowable use within the current zoning district. All of the property adjacent to the site has single-family residential district (RSF-2) zoning. On the east and west side of the property are single-family homes. To the south of the property is vacant undeveloped land. North of the subject property across NE 23rd Avenue is a place of religious assembly and single-family homes. The ED zoning district identifies appropriate locations for educational facilities throughout the community, which are generally located in or very near to residential areas to serve the public.

After public notice was published in the Gainesville Sun on February 12, 2013, the City Plan Board held a public hearing on February 28, 2013, and recommended approval of this petition by a vote of 6-0.

CITY ATTORNEY MEMORANDUM

This ordinance requires two readings. This ordinance shall become effective when the amendment to the City of Gainesville Comprehensive Plan adopted by Ordinance No. 120933 becomes effective as provided therein.

RECOMMENDATION

The City Commission (1) approve Petition No. PB-13-008 ZON and (2) adopt the proposed ordinance.

[120934B_Staff report_20130516.pdf](#)

[120934C_Comp Plan GOPs_20130516.pdf](#)

[120934D_Land Development Code_20130516.pdf](#)

[120934E_Supplemental Docs_20130516.pdf](#)

[120934F_Application Neighbrhd workshop info_20130516.pdf](#)

[120934G_CPB_minutes_20130516.pdf](#)

[120934H_staff ppt_2030516.pdf](#)

[120934A_draft ordinance_20130516.pdf](#)

[090878.](#)

TEXT CHANGE - LANDSCAPE AND TREE MANAGEMENT (B)

Ordinance No. 090878, Petition No. PB-10-7-TCH

An ordinance of the City of Gainesville, Florida, amending the Code of Ordinances and the Land Development Code relating to landscape and tree management; by amending Sec. 30-23 Definitions; by amending Article VII. Development Review Process (Division 2. Subdivisions and Street Vacation and Division 4. Planned Development District); by amending Article VIII. Environmental Management (Division 1. Generally, Division 2. Landscape and Tree Management, Stormwater Management and Water/Wastewater Connection Policy, and Division 4. Relief and Enforcement); by amending Appendix A. Special Area Plans (for College Park, Traditional City, Central Corridors and University Heights); by amending Chapter 2. Administration (Division 12. Tree Board of Appeals and Division 13. Tree Advisory Board); providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Modification

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

The duties of the Tree Advisory Board (TAB) include to "clarify tree regulations that exist in the city's codes," "advise all departments of the city on tree issues," and help "develop the goals and objectives for the city's comprehensive plan with respect to trees." Over recent years, the TAB observed that existing Land Development Code requirements are outdated and, in some instances, do not reflect best arboricultural practices. In addition, the TAB recognized a need to improve the protection of the City's most valuable high-quality heritage trees through the development and construction process. In addition, new shade trees have been allocated insufficient space during the development plan process. This has been particularly true in overlay districts such as College Park, where buildings are required to be constructed close to the street, and where existing underground utility lines are often in conflict with proposed street trees. This combination of factors has

worked against required shade trees - often they do not survive once planted and in some cases have not been planted. The TAB proposed many amendments to the Land Development Code in order to address these and other issues related to landscaping and tree preservation.

The proposed text amendments to the Land Development Code and the City Code of Ordinances have been prepared by and undergone extensive review and revision by the TAB, the Gainesville Community Redevelopment Agency, the City Public Works Department, the City Planning Department, Gainesville Regional Utilities, and stakeholders in the development community. The primary goals of the amendments include:

- * Bring requirements for tree protection, tree planting, and invasive exotic plant control into alignment with the practices that yield the best results based on scientific research.*
- * Provide sufficient protection for heritage trees in all zoning classes (including financial mitigation under certain circumstances).*
- * Create sufficient space for new shade trees so that they can grow to maturity without disrupting buildings, sidewalks, streets or other public infrastructure.*
- * Emphasize that street buffer trees, Gainesville Regional Utilities line separation requirements, and Public Works clear zone safety requirements are all equally important, so that future development allows sufficient space for all three.*
- * Diminish Gainesville's vulnerability to Southern Pine Beetle epidemics through post-development spacing of certain trees in order to diminish the insects' capacity for rapid and relentless population increase.*
- * Update the Gainesville Approved Tree list that was first assembled by the TAB in 1976 and last revised in 2000.*
- * Clarify the role of the Tree Advisory Board and the Tree Appeals Board.*

The proposed amendments will serve to protect the City's urban forest while implementing the goals and policies of the Comprehensive Plan regarding landscaping and tree protection. The proposed amendments are consistent with the Comprehensive Plan.

On February 25, 2010, the Plan Board heard the petition and received comments from the public. The Plan Board, by a vote of 4-0, with minor text clarifications. On May 6, 2010, the City Commission heard the petition and, by a vote of 7-0, approved the petition with amendments. City staff worked extensively to prepare a draft ordinance and released same for review and comment in March 2011. Several public stakeholders expressed concern with and interest in revising the draft ordinance. As a result, in July 2011, the Gainesville Community

Redevelopment Agency (CRA) directed CRA staff to hire a consultant to review the draft ordinance and coordinate a stakeholder review process. On March 19, 2012, a revised draft was presented to the CRA board by the CRA staff and consultant. On May 30, 2012, City Planning staff provided the revised draft to stakeholders, and on June 4, 2012, the Tree Advisory Board reviewed and approved the draft with further revisions.

CITY ATTORNEY MEMORANDUM

This ordinance requires two readings.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

5/6/10	City Commission	Approved (Petition), as amended
5/2/13	City Commission	Continued (1st Reading)

[090878_cpb recommendations_20100506.pdf](#)

[090878A_staff report_20100506.pdf](#)

[090878B_tree advisory bd application_20100506.pdf](#)

[090878C_summary of proposed code changes_20100506.pdf](#)

[090878D_proposed code changes to landscape_20100506.pdf](#)

[090878E_gville approved tree list_20100506.pdf](#)

[090878F_100225_cpb minutes draft_20100506.pdf](#)

[090878G_petitioner ppt_20100506.PDF](#)

[090878_draft ordinance_20130502.pdf](#)

[090878A_staff ppt_20130502.pdf](#)

[090878_MOD REVISIONS_20130516.pdf](#)

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

[120789.](#)

TEXT CHANGE - SCOOTER SALES - UMU-2 ZONING (B)

Ordinance No.120789; Petition No. PB-12-169 TCH
An ordinance of the City of Gainesville, Florida, amending the Land Development Code related to scooter sales; by adding a new definition to Section 30-23 Definitions and by adding scooter sales to the list of permitted uses by right in Section 30-65.2 Urban mixed-use district 2 (UMU-2); 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

On November 15, 2012, the City Commission asked staff to initiate a change to the Land Development Code to allow retail motorized scooter sales in the UMU-2 zoning district and other districts as staff and/or the City Plan Board may recommend. This petition/ordinance proposes to allow scooter sales as a use by right in the UMU-2 zoning district on the condition that the use is contained within an enclosed building and any space devoted to scooter servicing as an accessory use may not exceed 45% of the gross floor area of the building. Staff also developed a definition for "scooter" to distinguish scooter sales from motorcycle sales based on engine displacement, primarily because of the different impacts they could have on an area (mainly noise). Staff views this petition as an interim solution because this issue will be more fully addressed in the ongoing Form Based Code update.

The sale of scooters within the City of Gainesville is primarily marketed towards students. The number of motorcycle and scooter decals on the University of Florida campus increased from 700 in the year 2000 to a peak of 4000 in 2009, with a current average of approximately 3600 decals per year. Therefore, it is reasonable to allow scooter sales and services closer to where the end users are located. The Land Development Code currently allows scooter sales only in those zoning districts that allow motorcycle sales, BA (Automotive Oriented Business District) and I-1 (Limited Industrial District), although a few shops are located elsewhere as a nonconforming use.

Public notice was published in the Gainesville Sun on January 8, 2013. On January 24, 2013, the City Plan Board held a public hearing and, by a vote of 6-0, recommended approval of the petition with revisions.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

5/2/13 City Commission Approved (Petition) and Adopted on First Reading (Ordinance)

[120789A draft ordinance 20130502.pdf](#)

[120789B staff report 20130502.pdf](#)

[120789C Proposed Amendment 20130502.pdf](#)

[120789D CPB minutes 20130502.pdf](#)

[120807](#)

REZONING AND TEXT CHANGE - APPROXIMATELY 0.62 ACRES OF PROPERTY GENERALLY LOCATED IN THE

VICINITY OF 717 & 721 SW 5TH AVENUE - TO URBAN MIXED-USE DISTRICT 2 (UMU-2) & ADDING SAID PROPERTY TO THE UNIVERSITY HEIGHTS AREA WITHIN THE UMU-2 ZONING DISTRICT (B)

Ordinance No. 120807; Petition No. PB-12-166 ZON

An ordinance amending the Zoning Map Atlas of the City of Gainesville, Florida, by rezoning approximately 0.62 acres of property generally located at 717 and 721 SW 5th Street, as more specifically described in this ordinance, from Residential high density district (RH-1) to Urban mixed-use district 2 (UMU-2) as to two parcels and from unzoned right-of-way to Urban mixed-use 2 (UMU-2) as to one parcel; adding the approximately 0.62 acres of property to the University Heights area as designated within Section 30-65.2 - Urban mixed-use district 2 (UMU-2) of the City of Gainesville Land Development Code by adopting the following amended figures: Figure 1.0 District Boundary Map - University Heights, Figure 2.0 Street Types - University Heights, Figure 2.1 Proposed Local Streets - University Heights, and Figure 3.0 Height Limits - University Heights; providing directions to the City Manager; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT REPORT

This ordinance rezones approximately 0.62 acres of property generally located at 717 and 721 SW 5th Street from Residential high density district (RH-1) and unzoned right-of-way to Urban mixed-use district 2 (UMU-2), and adds the subject property to the University Heights area as designated within the UMU-2 zoning district by updating the associated University Heights maps. Related Ordinance No. 120806 will change the future land use category of the property to Urban mixed-use 2 (UMU-2), and related Ordinance No. 120808 will remove the property from the University Heights Special Area Plan.

The existing RH-1 zoning allows up to 20 dwelling units per acre by right and up to 43 units per acre by using density bonus points. The proposed UMU-2 zoning allows up to 100 dwelling units per acre for residential development. UMU-2 also allows for a variety of non-residential uses, which increases the viability of any redevelopment efforts on these properties. This proposed rezoning is consistent with the Comprehensive Plan and promotes infill development. Both parcels are previously developed properties that are being served by existing public facilities (including potable water, wastewater, transit, solid waste, public roads, recreation, and public schools). A major component of UMU-2 is the orientation of structures to the street and the multi-modal character of the area. This type of development may encourage further redevelopment in this core area of the city because of the proximity to the University of Florida, the Santa Fe College downtown campus, and the Innovation Square area.

After public notice was published in the Gainesville Sun on January 8, 2013, the City Plan Board held a public hearing on January 24, 2013, and by a vote of 5-0, recommended approval of this petition.

CITY ATTORNEY MEMORANDUM

This ordinance requires two readings. This ordinance shall become effective immediately upon adoption; however, the rezoning implemented by this ordinance shall not become effective until the amendment to the City of Gainesville Comprehensive Plan adopted by Ordinance No. 120806 becomes effective as provided therein.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

5/2/13 City Commission Approved (Petition) and Adopted on First Reading (Ordinance)

[120807A draft ordinance 20130502.pdf](#)

[120807B staff report 20130502.pdf](#)

[120807C Comp Plan GOPs 20130502.pdf](#)

[120807D Land Development Code 20130502.pdf](#)

[120807E Supplemental Docs 20130502.pdf](#)

[120807F Applciation Neighborhd workshop info 20130502.pdf](#)

[120807G CPB minutes 20130502.pdf](#)

[120807H staff ppt 20130502.pdf](#)

[120807 MOD PRES 20130502.pdf](#)

[120808.](#)

REZONING AND TEXT CHANGE - AMENDING THE ZONING MAP ATLAS TO REMOVE APPROXIMATELY 0.62 ACRES OF PROPERTY GENERALLY LOCATED AT 717 AND 721 SW 5TH AVENUE FROM THE SPECIAL AREA PLAN FOR UNIVERSITY HEIGHTS AND DELETING AND REPLACING THE FIGURE TITLED "LAND USE AND BUILDING TYPE MATRIX" IN THE SPECIAL AREA PLAN TO REFLECT THE REMOVAL OF THE PROPERTY (B)

Ordinance No. 120808; Petition No. PB-12-171 TCH

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by removing the Special Area Plan for University Heights overlay zoning district from approximately 0.62 acres of property generally located at 717 and 721 SW 5th Avenue; amending Appendix A., Section 6. - Special Area Plan for University Heights in the Land

Development Code by deleting and replacing the figure titled "Land Use and Building Type Matrix" to reflect the removal of the property described above; providing directions to the City Manager; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT REPORT

This ordinance rezones property located at 717 and 721 SW 5th Avenue by removing the University Heights Special Area Plan (SAP) overlay zoning district from the property and by deleting and replacing the figure titled "Land Use and Building Type Matrix" in the Land Development Code Appendix A., Section 6. - Special Area Plan for University Heights to reflect the removal.

This amendment is necessitated by the concurrent small-scale land use and rezoning ordinances (Ordinance Nos. 120806 and 120807). As a result of these ordinances, the properties will have UMU-2 land use and will be rezoned to the University Heights area within the UMU-2 zoning district. Removing the properties from the University Heights SAP is necessary to avoid conflicts between the provisions in the SAP and the UMU-2 zoning district.

After public notice was published in the Gainesville Sun on January 8, 2013, the City Plan Board held a public hearing on January 24, 2013, and by a vote of 5-0, recommended approval of this petition.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings and shall become effective immediately upon adoption.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

5/2/13 City Commission Approved (Petition) and Adopted on First Reading (Ordinance)

[120808A draft ordinance 20130502.pdf](#)

[120808B staff report 20130502.pdf](#)

[120808C Existing University Heights SAP Land Use Bldg Matrix 20130502.pdf](#)

[120808D Proposed Univeristy Heights SAP Land Use Bldg Matrix 20130502.p](#)

[120808E Application for University Heights SAP Amendment 20130502.pdf](#)

[120808F CPB minutes 20130502pdf.pdf](#)

[120808G staff ppt 20130502.pdf](#)

[120808 MOD PRES 20130502.pdf](#)

PLAN BOARD PETITIONS

[120908.](#)

Unpaved Off-Street Parking and Access Regulations for the College Park and University Heights Special Area Plans (B)

PB-12-19 TCH. City of Gainesville. Amend the Land Development Code Appendix A, Section 3 Special Area Plan for College Park and Section 6 Special Area Plan for University Heights to regulate existing non-hard-surfaced off-street parking and access to parking areas.

Explanation: This petition is a referral to the City Plan Board from the City Commission (Legislative Matter No. 100668) as approved on January 19, 2012. This item was originally referred to the Community Development Committee (CDC) by the City Commission and discussed at the April 26, 2011, July 26, 2011, and August 23, 2011 CDC meetings. At the August 23 meeting, the item, with proposed regulations, was referred to the City Commission for approval. The agenda item, meeting minutes, and backup material from all those meetings are included in the backup material.

The original referral from the CDC and City Commission proposed to regulate driveway access and parking areas for all properties in the University of Florida Context Area that never required a development plan approval by the City of Gainesville or Alachua County, or those properties that were exempt from the development approval process or for developments that pre-dated such requirements. Specifically, properties zoned RMF-5, RMF-6, RMF-7, RMF-8, RH-1, RH-2, UMU-1, UMU-2, RMU, OR, and OF were proposed for regulation.

Planning and Development Services Department staff reviewed options for regulating the parking problems discussed at the Community Development Committee. Using the original proposal, 6,177 properties would have been impacted. The staff's findings were that the vast majority of the access and parking area problems were in the College Park and University Heights Special Area Plan areas. As a result, staff revised the original proposal to regulate the parking problems in only those special area plan areas. This is consistent with the redevelopment, aesthetic, and reduction of blight goals in those areas and will reduce the dilution of enforcement of regulations that would occur if the broader area were being regulated.

Planning and Development Services staff presented this petition and the proposed regulations at the April 26, 2012 Plan Board meeting. The Plan Board voted 4-1 to continue Petition PB-12-19 TCH in order to obtain more input from the College Park/University Heights (CP/UH) CRA Advisory Board and from the Public Works Department concerning the parking decal program and requirements for paved parking.

Staff held a stakeholder meeting on May 21, 2012 to solicit further input regarding the proposed regulations. Topics of discussion included: the number of impacted parcels; the need to address on street parking in tandem with the proposed regulations; the decal parking regulations and fee structure; materials used for coverage of unpaved parking areas; how the University of Florida properties (sorority houses) will be coordinated with this effort; and timing of regulations as related to when leases are signed.

Consistent with the Plan Board's direction, this item was heard by the CP/UH Redevelopment Advisory Board on June 6, 2012. The Board heard input from interested parties and questioned staff regarding the proposed regulations. At the conclusion of the discussion, a motion was approved unanimously that: "the CP/UH Board recommends the CRA Board recommend to the Plan Board to table this topic until the CP/UH Board can review, discuss and make a recommendation back to the Plan Board on this topic."

A second stakeholder meeting was held on January 7, 2013 to discuss the proposed regulations as amended based on input from the prior stakeholder meeting, the CP/UH Board meeting, and ongoing discussion with the City's Public Works Department.

Planning staff returned to the CP/UH Redevelopment Advisory Board and presented the proposed regulations on February 6, 2013. The Board heard the staff presentation, heard board member comments and took comments from the public. The Board made a motion to the CRA Board that: "the CRA recommend to the City Plan Board to move forward with the Parking Access and Unpaved Parking regulations." At the February 18, 2013 Community Redevelopment Agency Board meeting, the Board approved the motion recommending that the Plan Board move forward with the proposed regulations.

Proposed Regulations:

The proposed regulations can be broken down into four areas of focus. These include: Applicability and Exemptions; Access and the Parking Plan; Borders and Parking Area Coverage Materials; and Administration.

Applicability and Exemptions:

The proposed regulations are only applicable to properties that contain unpaved parking areas and are located within the boundaries of either the College Park or University Heights Special Area Plans. Properties with an approved development plan from the City of Gainesville are not subject to these regulations. The regulations also include the ability for a property to receive an exemption based on a number of criteria or in the case of a hardship due to a unique constraint of the property.

Access and the Parking Plan:

The proposed regulations require that any parking area must be accessed via a legal driveway connection. Non-existent or substandard driveway access connections to parking areas can result in automobiles

unlawfully driving over the curb to reach a parking space (LDC Sec. 26-51) which results in damage to curbs, sidewalks, and landscaping and decreased pedestrian, bicycle, and vehicular safety.

The proposed regulations require a parking plan, in addition to a legal driveway connection. The plan consists of a sketch of the property which clearly depicts the proposed parking areas, how the parking area will be accessed from the driveway connection, and the types and distribution of the parking area borders and coverage materials.

Borders and Parking Area Coverage Materials:

The proposed regulations stipulate that all regulated unpaved parking areas be delineated with borders and that the parking area is adequately covered with approved materials. The borders and coverage materials are intended to improve the aesthetics of the unpaved parking areas consistent with the intent of the Special Area Plans and to reduce damage to vegetated groundcover and root systems. The borders must contain the coverage materials onsite to reduce the run-off of materials into the stormwater system. Smaller parking areas (1-4 spaces) may opt to use mulch, wood chips, or leaves. Larger areas (more than 5 spaces) are limited to gravel or pavers.

Administration:

The proposed regulations will be administered by the Code Enforcement Division. The Division currently administers the off-street parking regulations for single-family zoned parcels located in the context area and staff anticipates the administration of the proposed regulations will closely mirror the single-family parking program format.

The proposed regulations contain a prohibition on leased parking within the regulated parking areas except as allowed by Land Development Code (LDC) Sec. 30-329(i). Leased parking facilities that do not conform to LDC Sec. 30-329(i), are prohibited citywide and the proposed regulations are consistent with the existing prohibition.

The proposed regulations will not affect game day parking or parking on major university-related event days.

Public notice was published in the Gainesville Sun on February 12, 2013. The Plan Board held a public hearing on February 28, 2013. At the hearing, the proposed regulations were discussed by the board and interested stakeholders. At the conclusion of the public comment portion of the hearing, the Plan Board approved the staff recommendations with an amendment to allow pine straw as a permitted parking area coverage material for parking areas with 1-4 spaces.

Fiscal Note: None.

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition PB-12-19 TCH with the inclusion of pine straw as a permitted parking area coverage material for parking areas with 1-4

spaces; provide a 12-month compliance period from the date of final ordinance adoption; and direct the Code Enforcement Division to hold workshop(s) to explain to impacted property owners how to comply with the new regulations. Plan Board vote 6-0.

Staff to City Commission - The City Commission approve Petition PB-12-19 TCH with the inclusion of pine straw as a permitted parking area coverage material for parking areas with 1-4 spaces; provide a 12-month compliance period from the date of final ordinance adoption; and direct the Code Enforcement Division to hold workshop(s) to explain to impacted property owners how to comply with the new regulations.

Staff to the Plan Board - Approve Petition PB-12-19 TCH; with a 12-month compliance period from the date of final ordinance adoption and direct the Code Enforcement Division to hold workshop(s) to explain to impacted property owners how to comply with the new regulations.

Legislative History

4/4/13	City Commission	Continued (Petition)
5/2/13	City Commission	Continued (Petition)

[120908A Staff and Plan Board Recommended Changes 20130404.pdf](#)
[120908B Staff report 20130404.pdf](#)
[120908C CDC Background Materials.20130404.pdf](#)
[120908D SAP District College Park SAP University Heights SAP 20130404.p](#)
[120908E Map 1 College Park SAP 20130404.pdf](#)
[120908F Map 2 University Heights SPA 20130404.pdf](#)
[120908G Application 20130404.pdf](#)
[120908H CPB Minutes draft 20130404.pdf](#)
[120908I staff ppt 20130404.pdf](#)
[120908A Staff and Plan Board Recommended Changes 20130502.pdf](#)
[120908B Staff report 20130502.pdf](#)
[120908C CDC Background Materials.20130502.pdf](#)
[120908D SAP District College Park SAP University Heights SAP 20130502.p](#)
[120908E Map 1 College Park SAP 20130502.pdf](#)
[120908F Map 2 University Heights SPA 20130502.pdf](#)
[120908G Application 20130502.pdf](#)
[120908H CPB Minutes draft 20130502.pdf](#)
[120908I staff ppt 20130502.pdf](#)
[120908A Staff and Plan Board Recommended Changes 20130516.pdf](#)
[120908B Staff Report 20130516.pdf](#)
[120908C CDC Background Materials.20130516.pdf](#)
[120908D SAP District College Park SAP University Heights SAP 20130516.p](#)
[120908E Map 1 College Park SAP 20130516.pdf](#)
[120908F Map 2 University Heights SPA 20130516.pdf](#)
[120908G Application 20130516.pdf](#)
[120908H CPB Minutes draft 20130516.pdf](#)
[120908I Staff PPT 20130516.pdf](#)
[120908 Pearcepics 20130516.pdf](#)

121037.

Oak Park Plat Vacation (B)

Petition CC-13-37 SUB. Eng, Denman and Associates, Inc., agent for Elizabeth P. Alsobrook. Reversion of subdivided land to acreage. Zoned: MU-1 (8-30 units/acre mixed use low intensity). Located at 2225 NW 13th Street.

Modification

Explanation: This is a request to vacate a portion of an existing platted subdivision, thereby returning it to unplatted acreage. Specifically, the proposal would vacate Lots 5-19 of Block L, and Lots 3-9 of Block M of the Oak

Park subdivision, along with the intervening rights-of-way for alleys. The purpose of the request is to clarify the boundaries of existing commercial properties and facilitate redevelopment of the site. An associated minor subdivision is being reviewed administratively, and would create three new commercial lots from the resulting unplatted acreage. The property is located on the southeast corner of the intersection of NW 23rd Avenue and NW 13th Street, and is currently developed with a vacant gas station, a drive-through bank, and a small office complex. A former public street (NW 22nd Avenue) originally bisected the property, but has since been vacated. An easement now exists at the former location of the NW 22nd Avenue right-of-way which provides access into the site and to the adjacent properties.

The Land Development Code states that the reversion of subdivided land to acreage shall be in accordance with the provisions of F.S. Section 177.101. Staff has reviewed this statute and found this proposal to be consistent with those requirements. Staff also finds that the proposed plat vacation is consistent with the general goals, objectives, and policies of the Comprehensive Plan. The existing platted lots (sized for single-family residential) are not appropriate for property that is located at a major intersection and which has a Commercial land use designation.

Letters were mailed to surrounding property owners on March 27, 2013. The Development Review Board considered Petition CC-13-37 SUB at a public hearing held on April 11, 2013. By a vote of 5-0, the Development Review Board recommended approval of the petition.

Fiscal Note: None

RECOMMENDATION

Development Review Board to City Commission - That the City Commission approve Petition CC-13-37SUB and a related resolution to vacate a portion of the Oak Park platted subdivision.

Staff to City Commission - Approve Petition CC-13-37 SUB and adopt a resolution.

[121037A_Staff Report_20130516.pdf](#)

[121037B_application and supporting docs_20130516.pdf](#)

[121037C_Map_20130516.pdf](#)

[121037D_Boundary Survey_20130516.pdf](#)

[121037E_Land Development Code Regs_201305016.pdf](#)

[121037F_CPB minutes_20130516.pdf](#)

[121037G_staff ppt_20130516.pdf](#)

[121037H_Paid taxes information_20130416.pdf](#)

[121037I_Two Ads Tearsheets & Affidavits_20130516.pdf](#)

[121037J-MOD_Attorney Letter_20130516.pdf](#)

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

[121101.](#)

City Commissioner Ceremony - Mayor Craig Lowe (NB)

RECOMMENDATION

The City Commission hear comments from City Commissioners, the public and Mayor Craig Lowe.

UNFINISHED BUSINESS

COMMISSION COMMENT

CITIZEN COMMENT (If time available)

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