

City of Gainesville

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



Meeting Agenda

February 02, 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

110615.

Federal Highway Administration Transportation, Community and System Preservation Grant Program (NB)

This is a request for the City Commission to authorize staff to submit grant applications to the Federal Highway Administration (FHWA) for the funding of the SW 6th Street Reconstruction project.

Explanation: The FHWA Transportation, Community and System Preservation (TCSP) Grant Program is a competitive grant opportunity that provides funding to projects that promote sustainability, livability and economic vitality. There is a total of \$29 million available in the program for national distribution; given the limited amount of funds available FHWA encourages the submission of 'modest-size' requests to allow more States to receive a share of the funds. The grant requires a 20% local match.

The SW 6th Street Reconstruction extends from SW 16th Avenue to West University Avenue. The project includes the addition of medians, on-street bicycle lanes, on-street parking, bulb-outs at intersections to improve pedestrian safety, turn lanes, intersection reconfiguration at SW 4th Avenue with the addition of pedestrian refuge, and installation of low impact design elements such as bioswales and rain gardens. The project is currently partially funded, with \$1.5 million allocated in FY12 of the Capital Improvement Plan. The project is identified as a priority in the Transportation Improvement Plan

and is located at the eastern boundary of the Innovation District. The project meets all of the criteria of the grant program including:

Livability - it is an integral piece in the development of the Innovation District and the urban core improving access to a future mixed-use employment/residential center; it incorporates complete streets concepts to improve access, connectivity and safety; and low impact design strategies to improve water quality and reduce environmental impacts;

State of good repair - reconstruction of the corridor will address current pavement deficiencies and improve operational conditions;

Expeditious completion - the project does not require acquisition of rights-of-way and can be completed within 18 to 24 months of award;

Leveraging of funding and award request - the City has allocated \$1.5 million to this project in the FY12 of the Capital Improvement Plan, which represents a local match of 25%, exceeding the grant requirements. The modest size of the request may be a favorable component in the evaluation of the proposal. The City is requesting \$4.5 million in funding.

Fiscal Note: There are no fiscal impacts for FY12. There are sufficient funds in the CIP to meet the match requirement.

RECOMMENDATION

The City Commission authorize the City Manager or designee to execute the grant applications, grant awards and any other necessary documents pending review by the City Attorney as necessary.

110624.

Settlement of Worker's Compensation Claim - Emily A. Rice (NB)

This item involves the full and final settlement of Mrs. Rice's workers' compensation claim(s), which will include all future medical and indemnity payments. The total settlement amount is \$161,193.32 and represents a significant cost advantage to the City.

Explanation: While employed by GPD, Mrs. Rice received injuries to her left fingers and wrist while jumping over a fence. This led to ongoing medical treatment including a CMC joint fusion in her left hand. As a result of her injuries, the present potential exposure to the City in future indemnity payments and medical treatment is in excess of \$500,000.

Recently, the City and Mrs. Rice attempted to mediate a settlement of her worker's compensation claim. Mrs. Rice and her attorney, Lance Avera, have agreed to the proposed settlement. The City Attorney's Office, the Risk Management Department, GPD, Special Counsel and our Worker's Compensation servicing agent all concur as to the full and final settlement of this claim. The total amount \$161,193.32, includes all attorney fees, future medical costs, past and future indemnity payments, and taxable costs.

Fiscal Note: The settlement of this case in the amount of \$161,193.32 will be paid out of the General Insurance Fund.

RECOMMENDATION

The City Commission authorizes Special Counsel to prepare and execute the appropriate documents for a lump-sum settlement of the Worker's Compensation claim of Mrs. Rice, in the amount of \$161,193.32.

110625.

Seon Systems Sales, Inc., Contract for Camera System Upgrade on Regional Transit System (RTS) Buses (B)

This item is a request to approve rankings for Request For Proposal (RFP) #RTSX-110054-DS and execute a contract with Seon Systems Sales, Inc., to upgrade the camera system on Regional Transit System (RTS) buses.

Explanation: On September 26, 2011, the City's Purchasing Division solicited Request for Proposals (RFP) to upgrade the camera system on City of Gainesville Regional Transit System (RTS) buses. The RFP process was implemented in compliance with, and as required by, the Federal Transit Administration (FTA), Florida Statutes and City of Gainesville policies.

Seven (7) proposals were submitted by the deadline. The submissions contained the technical proposal and the price proposal. An evaluation team consisting of City staff evaluated the proposals and is recommending the following ranking of the top four (4) firms:

- 1. Seon Systems Sales, Inc.*
- 2. Reidy, Rhodes & Taylor Communications*
- 3. Apollo Video Technologies*
- 4. Safety Vision, LLC*

RTS desires to enter a contract with Seon Systems Sales, Inc.

Fiscal Note: Funds in the amount of \$418,576 have been provided by federal grants and are available in the RTS budget.

RECOMMENDATION

The City Commission: 1) approve staff's recommended ranking of the top four (4) firms; and 2) authorize the City Manager to negotiate and execute a contract with the top ranked firm or next ranked firm if those negotiations are not successful, for the camera system upgrade on Regional Transit System (RTS) buses, subject to approval by the City Attorney as to form and legality.

110625_Bid Tab_20120202.pdf

110631.

Downtown Gainesville Hotel and Conference Center Proposal Process (B)

Explanation: In April 2010, the CRA issued a Request For Information for a publicly owned conference center/hotel in order for the CRA to respond to Alachua County's (the County) Request for Proposals for "Capital Projects that Promote Tourism". The proposed development was to be a publicly-owned, multi-level conference center with highly flexible space, a privately-owned, full service hotel and potentially, street-level retail. The project submitted by the CRA was not chosen for award by the County.

Since that time, interest in a hotel and conference center in Gainesville's urban core has remained high. At its September 19, 2011 meeting, the CRA Board directed CRA staff draft language for some type of competitive proposal for a hotel and conference center to be located on either the City-owned Lot 10 parcel or elsewhere in or near Gainesville's downtown. At the November 21, 2011 CRA Board meeting, specific boundaries for the designated downtown area were defined as: a western boundary of NW/ SW10th Street and an eastern boundary of NE/SE 3rd Street and a northern boundary of NW 8th Avenue and southern boundary of Depot Avenue.

The proposed solicitation process is envisioned to be jointly issued by the City and CRA in two phases; an initial solicitation requesting the qualifications of the developer demonstrating successful completion of similar projects elsewhere, team composition, as well as a general description of the CRA or City financial assistance sought for the project. Financial assistance sought will be requested for informational purposes only. It is at this point that staff will report back to the City Commission and the CRA Board on the types and amounts of assistance that appear to be needed for a hotel and conference center project so that it can be determined what, if any, financial resources can be made available in order for the solicitation to move forward.

If the City Commission and CRA Board decide to proceed with the solicitation, the staff evaluation team will evaluate the respondents based solely on the qualifications of the proposer and the pool will be narrowed to the top three qualified developers who will be invited to participate in the second phase of the solicitation. The second phase of the solicitation will require developers to provide a more detailed proposal of the project, detailed information on the economic impact and job creation potential of the project, and more specific information regarding the financial assistance sought from the CRA or City. A complete list of the types of financial assistance potentially available through the City and CRA approved by the City Commission and CRA Board will be provided in the second phase of the RFP.

The anticipated schedule includes issuing the first phase in February 2012 with a response deadline of a minimum of 30 days following issuance. The second phase of the solicitation will be issued with a deadline of a minimum of 30 days following issuance, and each proposal would be evaluated based on a thorough assessment of potential economic impacts and benefits.

Negotiations would then begin starting with the top ranked proposal at the end of the second phase of the solicitation. The CRA and City reserve the right to determine ultimate feasibility of this project and are not required to make an

award in this solicitation.

Fiscal Note: None at this time

RECOMMENDATION

The City Commission authorize City staff to issue a joint City and CRA solicitation for a hotel and conference center to be located either on the City-owned Lot 10 or elsewhere in the downtown area defined as east of NW/SW 10th Street, west of NE/SE 3rd Street, south of 8th Avenue and north of Depot Avenue.

110631_Map_20120202.pdf

110641.

Funding for Gainesville Police Department Purchase of Canines (NB)

Explanation: The Gainesville Police Department staffs a total of seven canines for operational purposes. Six of the canines are assigned to the Operations Bureau and one to the Special Investigation Division. Because two of the current canines are being retired from service, the Police Department has identified a need to acquire two new canines. The total estimated cost to replace the canines is \$15,000. The Police Department is requesting approval to purchase the canines using federal forfeiture funds. Approximately \$14,000 will be used to purchase the animals and \$1,000 will be used for travel and training expenses.

Fiscal Note: Funds for this purchase totaling approximately \$15,000 are available in the Federal Law Enforcement Contraband Forfeiture Trust Fund. The balance in the account is \$2,736,326 unreserved fund balance from Statement of Expenditures and Encumbrances for the Year Ended September 30, 2011.

RECOMMENDATION

The City Commission: 1) authorize the City Manager or his designee to execute a contract to purchase two canines, subject to the approval of the City Attorney as to form and legality; and 2) approve the expenditure from the Federal Law Enforcement Contraband Forfeiture Trust Fund up to a total of \$15,000; or 3) authorize the purchase from the General Fund.

Alternative Recommendation

The City Commission: 1) authorize the City Manager or his designee to execute a contract to purchase two canines, subject to the approval of the City Attorney as to form and legality; and 2) approve the purchase from the General Fund.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

110660.

Amendments to Surveying and Mapping Services Agreements (NB)

Staff recommends extending the term of the contracts for surveying and mapping services.

Explanation: A three-year agreement with Eng, Denman, and Associates, Inc., George F. Young, Inc. and Causseaux, Hewett and Walpole, Inc. was approved by the City Commission on March 26, 2007. The agreement provides for two additional 2-year extensions upon mutual agreement of the parties. The City Commission approved the first 2-year extensions to the agreements with Eng, Denman, and Associates, Inc., George F. Young, Inc. and Causseaux, Hewett and Walpole, Inc. on May 6, 2010.

Surveying work is assigned to firms based on their expertise, past experience on a particular job and the ability of the firm to meet project deadlines. In addition to work assigned under these agreements, GRU will continue to use small firms and/or the surveyors of record for projects with costs below the CCNA threshold when it is in its best interest.

Fiscal Note: Funding for this request is included in the Operations and Maintenance and Capital Budgets for FY 2012 and will be requested in subsequent year budgets.

RECOMMENDATION

The City Commission: 1) authorize the General Manager, or his designee, to negotiate and execute two-year amendments to the Professional Services Agreements with Eng, Denman, and Associates, Inc., George F. Young, Inc. and Causseaux, Hewett and Walpole, Inc. extending the term of the surveying and mapping services agreements through April 28, 2014, subject to the approval of the City Attorney as to form and legality; and 2) approve the issuance of purchase orders to the firms in total amounts not to exceed budgeted amounts for these services, subject to the final appropriation of funds for each fiscal year.

CITY ATTORNEY, CONSENT AGENDA ITEMS

110650.

STORMWATER INTERLOCAL COOPERATION AGREEMENT (B)

MODIFICATION: Additional back-up added 1/26/2012.

Explanation: The City of Gainesville is involved in a pending lawsuit with the Alachua County School Board over the School Board's continued use of the City Stormwater Management Utility system while refusing to pay the utility fee. In the lawsuit, the City maintains that the School Board is not entitled to utility service if it does not pay for the service like any other user of the utility. The School Board maintains that it is exempt from payment of stormwater fees because of sovereign immunity.

At a mediation on January 4, 2012, representatives of the parties agreed to

recommend to their respective public bodies a Interlocal Stormwater Cooperation Agreement. Under the terms of the agreement, the School Board agrees to lease to the City for a term of ninety-nine years certain open spaces on 15 school board properties. The City may use these leased properties to construct stormwater management facilities as part of its stormwater utility. The City will be responsible for maintenance of the facilities once constructed, until then, the School Board will continue to maintain the property. In exchange for the 99-year property leases, the City will pay the School Board an amount equal to what the School Board would pay in Stormwater Utility fees. The lease agreement is attached along with maps of the leased properties.

Once the Interlocal Agreement and the lease are approved by the Parties, the lawsuit, including a counterclaim by the School Board, will be dismissed with prejudice, each side bearing its own fees and costs. The School Board approved the Interlocal Agreement on January 17, 2012.

It is the recommendation of the City Attorney's Office, the City Manager and the Stormwater Utility Director that the recommended settlement and Lease Agreement be approved.

RECOMMENDATION

The City Commission 1) approve the terms of the Interlocal Stormwater Cooperation Agreement; 2) approve the Lease Agreement and authorize the Mayor and Clerk of the Commission to execute the agreement subject to approval by the City Attorney as to form and legality; and 3) authorize the City Attorney to settle the lawsuit styled City of Gainesville vs. School Board of Alachua County, Case No. 2010-CA-5432.

110650_Stormwater_Interlocal Cooperation Agreement_20120202.pdf
110650-1_MOD_City-School Board Lease Agreement_20120202.pdf

110655.

SETTLEMENT IN SHARON C. ALTHOUSE V. CITY OF GAINESVILLE (NB)

Explanation: On January 14, 2010, the Plaintiff, Ms. Althouse, served the City in this lawsuit for damages related to an automobile accident. Ms. Althouse's claim against the City arose from an automobile accident that occurred on December 31, 2008 on US 441 near the intersection with County Road 232. At the time of the accident, Ms. Althouse was driving her vehicle which was stopped at a red light. Ms. Althouse's vehicle was struck from behind by a City of Gainesville vehicle operated by an employee of the City's Building Department. The City employee has subsequently retired from employment with the City.

All parties to this litigation and their respective legal counsel attended Court-ordered mediation on November 9, 2011. A mediated settlement agreement was arrived at whereby the City would pay the sum of \$25,000.00 in full and final settlement of Ms. Althouse's claims, subject to two conditions. First, Ms. Althouse's attorney would determine that Ms. Althouse's health insurance provider would waive its entire lien for treatment related to this incident, and notify the City in writing; and, second, the agreement would be

approved by the City Commission. On January 18, 2012, the City Attorney's Office received written notification that the first condition was met. It is the recommendation of the City Attorney's Office and the Risk Management Department that the Settlement Agreement at Mediation be approved, and the case be settled.

RECOMMENDATION

The City Commission 1) approve the terms of the mediated settlement; and 2) authorize the City Attorney to settle the lawsuit styled Sharon C. Althouse v. City of Gainesville; Alachua County Circuit Court; Case No.: 01-2009-CA-6148, on behalf of the City.

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

110639.

City Commission Minutes (B)

RECOMMENDATION

The City Commission approve the minutes of December 15, 2011, January 5, 2012, and January 19, 2012 as circulated.

110639_Dec. 15, 2011_minutes_20120202.pdf

110639a_Jan. 5, 2012_minutes_20120202.pdf

110639b_Jan. 19, 2012_minutes_20120202.pdf

110653.

Appointments to City Commission Advisory Board and Committee (NB)

MODIFICATION: Revised recommendation to remove an appointment to the Cultural Affairs Board. 1/31/2012.

RECOMMENDATION

The City Commission appoint Kevin Sawnick to the Citizens' Advisory Committee for Community Development for a term to expire 11/1/15.

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE, CONSENT

090110.

Proposed Cell Tower at Albert "Ray" Massey Westside Park (NB)

This item involves a recommendation from City staff to send a letter to TowerCom regarding the status of TowerCom's unsolicited proposal to

locate a cell tower at Albert "Ray" Massey Westside Park.

Explanation: The City of Gainesville has been contemplating TowerCom's unsolicited proposal to locate a cell tower in Albert "Ray" Massey Westside Park. The City Commission expressed an openness to consider an agreement with TowerCom to locate a cell tower in Albert "Ray" Massey Westside Park and empowered City staff to negotiate an agreement with TowerCom. Community concerns were raised about utilizing limited City park property in a heavily used park for this purpose. Two key issues included locating the cell tower in a location that minimizes negative impacts on the park and park users and assuring that the City receives fair compensation for use of its property.

Unfortunately, the City and TowerCom have been unable to reach an agreement that City staff can recommend to the City Commission. City staff believes the cell tower location could likely be resolved although it would still have an impact on the park. As for compensation, TowerCom communicated an inability to raise the level of compensation beyond that identified in the unsolicited proposal. Based on the current status of discussions and lacking any change in position, it does not appear that further discussions would be productive.

Staff recommends that a letter be sent to TowerCom thanking them for their interest in sharing this unsolicited proposal with the City and discontinuing discussions.

Fiscal Note: No fiscal impact is associated with this item.

RECOMMENDATION

The City Commission: 1) authorize the City Manager or designee to submit a letter to TowerCom regarding the status of TowerCom's unsolicited proposal to locate a cell tower at Albert "Ray" Massey Westside Park; and 2) remove this item from the Recreation, Cultural Affairs and Public Works Committee referral list.

Legislative History

5/21/09	City Commission	Referred	Recreation, Cultural Affairs and Public Works Committee
2/11/10	Recreation, Cultural Affairs and Public Works Committee	Approved, as shown above - See Motion(s)	
6/6/11	Recreation, Cultural Affairs and Public Works Committee	Discussed	
7/7/11	City Commission	Approved as shown above (See Motion) (6 - 1)	
			090110_Map_20100211.pdf
			090110_Memo_20110606.pdf

REGIONAL UTILITIES COMMITTEE, CONSENT

080421.**Item #080421- Evaluation of Rates for Reclaimed Water Referral to the RUC - Discussion of Proposed Changes to GRU Reclaimed Water Policy (NB)**

Explanation: This item was referred to the RUC by the City Commission on September 18, 2008. This item has been discussed at the May 13, 2009 and August 27, 2009 RUC meetings. GRU staff surveyed other reclaimed water rates and used that information as a basis ratemaking. On July 13, 2011 the RUC agreed to recommend that this item be removed from the referral list.

RECOMMENDATION

The Regional Utilities Committee (RUC) recommends that the City Commission remove this item from the referral list.

Legislative History

9/18/08	City Commission	Referred (7 - 0)	Regional Utilities Committee
5/13/09	Regional Utilities Committee	Discussed	
8/27/09	Regional Utilities Committee	Approved as Recommended, as Amended	

RUC Presentation re Reclaimed Water 5 13 09.pdf

RUC Presentation re 080421 August 27 2009.pdf

080927**RUC Referral Item #080927 Natural Gas Fueling Station (NB)**

Explanation: On July 13, 2011, after discussion, RUC decided it was appropriate to remove this item from the referral list.

RECOMMENDATION

The Regional Utilities Committee (RUC) recommends that the City Commission remove this item from the referral list.

Legislative History

3/19/09	City Commission	Referred (5 - 0 - 2 Absent)	Regional Utilities Committee
7/14/10	Regional Utilities Committee	Approved as shown above (See Motion)	

Presentation for RUC Item #080927 7 14 10.pdf

100869.**RUC Referral Item #100869, Wind Energy (NB)**

Explanation: On July 13, 2011, after a staff presentation and discussion, RUC decided it was appropriate to remove this item from the referral list.

RECOMMENDATION

The Regional Utilities Committee (RUC) recommends that the City Commission remove this item from the referral list.

Legislative History

4/7/11 City Commission Referred (6 - 0 - 1 Absent) Regional Utilities Committee

DISABILITY REVIEW COMMITTEE, CONSENT**COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS****END OF CONSENT AGENDA****ADOPTION OF THE REGULAR AGENDA****CHARTER OFFICER UPDATES****CLERK OF THE COMMISSION****110654.****Appointment to City Commission Advisory Board and Committee (B)****RECOMMENDATION**

The City Commission consider making an appointment to the Gainesville Human Rights Board.

110654_Ballott_20120202.pdf

110658.**Advisory Board Attendance Appeals (B)**

MODIFICATION: 1) Revised wording in the recommendation; and 2) Attendance Sheets and Code Excerpt added to the back-up - 1/31/2012.

RECOMMENDATION

The City Commission consider the appeal of: 1) Thomas Oakland and Nina Ring from the City Beautification Board; 2) Ernest Brockington and Jerry Bruno from the Citizens' Advisory Committee for Community Development; and 3) John-David Feldman and Adrian Hayes-Santos from the Regional Transit System Advisory Board.

110658_Appeal Form_20120202.pdf

110658_MOD_Attendance Sheets_20120202.pdf

110658_MOD_Code Excerpt_20120202.pdf

CITY MANAGER**110626.****Award for Outstanding Achievement in Popular Annual Financial Reporting (NB)**

The city was awarded Government Finance Officers Association's (GFOA) Award for Outstanding Achievement in Popular Annual Financial Reporting for its 2010 Citizen's Report. The 2011 Citizen's Report is hereby presented to the Commission and will also be submitted to GFOA for the award.

Explanation: The Government Finance Officers Association of the United States and Canada has granted an Award for Outstanding Achievement in Popular Annual Financial Reporting to the City of Gainesville for its 2010 Citizen's Report for the year ended September 30, 2010. The Award for Outstanding Achievement is a prestigious national award-recognizing conformance with the highest standards for preparation of state and local government popular reports.

In order to earn an Award for Outstanding Achievement, a governmental unit must publish an easily readable and efficiently organized popular report, whose contents conform to program standards.

An Award for Outstanding Achievement is valid for a period of one year only. The City of Gainesville has received the Award for Outstanding Achievement each year it has been eligible since the inception of the program in 1992. The city believes its current report for the fiscal year ended September 30, 2011 continues to comply with the program requirements, and we are submitting it to the GFOA for review and consideration.

NOTE: Document is available for viewing in the Clerk's Office and on the city's website.

Fiscal Note: There is no fiscal impact associated with this item.

RECOMMENDATION

The City Commission accept the Award for Outstanding Achievement in Popular Annual Financial Reporting for Fiscal Year 2010 and receive the 2011 Citizen's Report for the fiscal year ended September 30, 2011.

GENERAL MANAGER FOR UTILITIES

CITY ATTORNEY

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

110663.

School Crossing Guard Day - February 3, 2012 (B)

RECOMMENDATION

*Gainesville Police Department Specialty Units
Commander Lieutenant Art Adkins and Supervisor for
School Crossing Guards PST Robert Huff to accept the
proclamation.*

110663_CrossingGuard_20120202.pdf

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

PUBLIC HEARINGS

RESOLUTIONS- ROLL CALL REQUIRED

110664.

Qualified Target Industry (QTI) Refund Resolution - R & L Carriers (B)

This item seeks City Commission approval for a QTI contribution for the prospective relocation of information technology jobs associated with R &

L Carriers, a global transportation and logistics firm, within the City of Gainesville.

Explanation: R & L Carriers, a global transportation and logistics firm, is currently considering the relocation of up to 300 information technology jobs to the City limits. If the firm chooses to select Gainesville/Alachua County for this particular project, site location will take place at the Stadium Club located at 1802 W. University Avenue.

The QTI incentive is a state tool available to Florida communities to encourage job growth in targeted, high value added businesses. Pre-approved applicants creating jobs in Florida receive refunds on the various taxes they pay including corporate, sales, ad-valorem, insurance premium and other taxes. The QTI incentive is performance based and the firm will only receive funds based upon jobs created and meeting other criteria as required by Florida statute.

Eligible QTI applicants must pay an average annual wage that is at least 115% of the State Metropolitan Statistical Area's average annual wage rate. In order to apply, the applicant works with Enterprise Florida prior to making a decision to locate (or expand). The local community normally provides a Resolution to indicate that the commitments of local financial support exist, namely up to 20% of the total tax refund.

In this particular case, R & L Carriers is indicating that it will create up to 300 net new jobs at an average wage of approximately \$60,000 at the proposed location. This firm has pledged a capital investment of approximately \$15,000,000 regarding the Stadium Club and tangential projects in addition to the proposed job creation.

Due to the incentive calculated per job (\$6,000 for location in Enterprise Zone; \$2,000 for high impact sector; and \$1,000 for jobs created at 150% of the average annual wage for the SMSA) the total incentive would be \$2,700,000. Of this, the City would be asked to provide a 10% match (\$270,000) over a period of four years with an equal 10% match (\$270,000) coming from Alachua County for a total of \$540,000.

The Gainesville Area Chamber of Commerce and its economic development arm, the Council for Economic Outreach (CEO) have been working with R & L Carriers over the last 12 - 18 months and recommends approval of this request.

Fiscal Note: If this item is approved, the City Commission agrees to budget and appropriate up to \$270,000 over four years in the event that tax refunds are approved by the state.

RECOMMENDATION

The City Commission: 1) hear a brief presentation from staff; 2) authorize the Mayor to execute the QTI Resolution regarding R & L Carriers; and 3) direct the City Manager to forward the executed QTI Resolution to Enterprise Florida.

110664A_QTI RESOLUTION_20120202.pdf

110664B_Project Overview_20120202.pdf

110664C_QTI Recommendation Email_20120202.pdf

ADOPTION READING-ROLL CALL REQUIRED**ORDINANCES, 1ST READING- ROLL CALL REQUIRED****110109.****REZONING - 7200 - 7300 BLOCK OF NW 4TH BLVD (B)****Ordinance No. 110109, Petition No. PB-11-48ZON**

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain properties from the Alachua County zoning categories of “Highway oriented business services (BH) district” and “Administrative and professional (AP) district to the City of Gainesville zoning category of “BUS: General business district”; consisting of approximately 27.8 acres, and located in the vicinity of the 7200-7300 blocks of Northwest 4th Blvd.; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: COMMUNITY DEVELOPMENT STAFF MEMORANDUM

This proposed rezoning from Alachua County Highway oriented business services district (BH) and Administrative and Professional district (AP) to City of Gainesville General business district (BUS), pertains to an approximately 27.8-acre property that was voluntarily annexed into the City on April 15, 2010. The proposed rezoning is necessary to bring the annexed property under the City's zoning regulations. The property is located east of Tower Road (Northwest 75th Street), west of Interstate 75, north of West University Avenue, and is in the general vicinity of the 7200 - 7300 blocks of Northwest 4th Boulevard. This developed property includes the 65,000 square-foot, commercial (retail) Tower Center that was built in 1989 and that is adjacent to and west of the previously annexed Home Depot store, and a very large stormwater retention pond to the north across NW 4th Boulevard.

The proposed rezoning is appropriate for the property's established and continuing use as a commercial center close to the major arterial roadways of State Road 26 (Newberry Road), Northwest 75th Street (Tower Road), and Interstate 75. This rezoning entails no major transportation issues, and there are no major environmental impacts and constraints associated with it.

This petition is related to Petition PB-11-47 LUC, which is a request for a large-scale land use amendment from Alachua County Commercial to City of Gainesville Commercial. This proposed rezoning to General business district (BUS) is consistent with the related land use amendment and with the City's Comprehensive Plan.

The Plan Board discussed the petition and recommended approval with a 4-0 vote.

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

RECOMMENDATION

The City Commission: 1) approve Petition No. PB-11-48ZON; and 2) adopt the proposed ordinance.

110109A_draft ordinance_20120202.pdf
 110109B_staff report_20120202.pdf
 110109C_comp plan GOPs_20120202.pdf
 110109D_supplemental documents_20120202.pdf
 110109E_application_20120202.pdf
 110109F_cpb minutes_20120202.pdf
 110109G_staff ppt_20120202.pdf
 110109_QuasiJudicialForm_20120202.pdf

110522.

ALCOHOLIC BEVERAGE ESTABLISHMENTS SPACING REQUIREMENTS BETWEEN a PLACE OF RELIGIOUS ASSEMBLY AND PUBLIC OR PRIVATE SCHOOL (B)

Ordinance No. 110522, Petition No. PB-11-123TCH

An ordinance of the City of Gainesville, Florida, amending Section 30-105 of the Land Development Code by repealing the spacing requirement between an established place of religious assembly or a public or private school and an alcoholic beverage establishment located in the Central City District zoning district and the Tourist-Oriented Business zoning district; providing directions to the City Manager; providing directions to the codifier; providing a severability clause; and providing an immediate effective date.

Explanation: STAFF REPORT

Recently a place of religious assembly opened a center in the downtown entertainment district on Main Street. Based on concerns from downtown business owners, staff reviewed the code issues and the impact related to a place of religious assembly locating in downtown near restaurants (eating places) and alcoholic beverage establishments.

The code provision of concern is Section 30-105 which states that no alcoholic beverage establishment may be located within 300 linear feet of an established place of religious assembly. To understand the impact of this provision on the downtown, the Code defines an eating place as, "any use located in any structure or building or portion thereof where the use primarily involves the retail sale, which may include caterers and industrial and institutional food service establishments, of food and beverage which may include alcoholic beverages, for consumption on the premises and where at least 51 percent of the monthly gross revenues derived from such use are attributable to the sale of food and nonalcoholic beverages."

In discussing this issue with legal staff, one possible solution would be to eliminate the spacing requirements for all assembly type uses in the CCD. It is staff's opinion that we can justify eliminating the spacing requirements as it relates to alcoholic beverage establishments and places of religious assembly in the CCD, Gainesville's entertainment district. The justification would be that it

is not unreasonable to expect that high density mixed use areas such as an entertainment area would have a diversity of uses located next to each other, and that there are also several places of religious assembly located in the downtown currently within 300 feet of alcoholic beverage establishments. The City Commission heard this issue and directed staff to initiate a petition to make the necessary changes.

The City Plan Board heard the petition and recommended approval 4-0. After the City Plan Board meeting, Planning staff met with the City Attorney's office to discuss any legal issues related to the petition. The City Attorney expressed some concern about the rationale for the petition and whether the CCD zoning should be the only zoning district with the exception to the distance requirement. Staff researched this issue and found that the City's Land Development Code only allows alcoholic beverage establishments as a use by right in CCD and Tourist-Oriented Business (BT) zoning districts. This use is allowed by Special Use Permit (SUP) in other business and mixed use districts. Given the limited number of parcels designated BT zoning and the lack of any alcoholic beverage establishments or places of religious assembly located in BT, staff is recommending that the BT zoning be added to exception to the distance requirement for internal code consistency.

It is staff's opinion that due to the Land Development Code requiring a SUP in the other zoning districts, that it is okay to have a distance requirement that applies within those districts because those areas are already viewed as different and needing a different level of protection.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

1/5/12 City Commission Approved (Petition) as Modified (7 - 0)

110522A_CPB Recommendation with Staff modification_20120105.pdf

110522B_staff report_20120105.pdf

110522C_CCD & BT Maps_20120105.pdf

110522D_cpb minutes_20120105.pdf

110522_draft ordinance_20120202.pdf

110047

REZONING - NORTH SIDE OF N. 53RD AVENUE IN THE VICINITY FROM THE NORTHWEST 3400 BLOCK TO THE NE 3000 BLOCK (B)

Ordinance No. 110047, Petition No. PB-11-30PSZ

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain properties from undesignated right-of-way and the Alachua County zoning category of "Agricultural (A) district" to the City of Gainesville zoning category of "PS: Public services and operations district"; to allow pipelines, except natural gas; electric, gas and sanitary services, any use customarily incidental to any permitted principal use, utility lines, and water conservation areas, water reservoirs and control structures, drainage wells and water wells, as uses permitted by right; excepting the requirement of a preliminary development plan; consisting of approximately 35 acres, and located in the vicinity of the north side of

North 53rd Avenue, extending from Northwest 3400 block to the Northeast 3000 block; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: COMMUNITY DEVELOPMENT STAFF MEMORANDUM

This petition requests a rezoning for two City-owned parcels. Parcel 1 is 75 feet wide and approximately 2 miles long, totaling 25.1 acres; it extends along the north side of North 53rd Avenue in three segments from NW 34th Street to NE 15th Street. This parcel is not currently designated with any zoning category. Approximately one-third of this parcel was annexed in 2010, and the remainder was created from right-of-way in 2008.

Parcel 2 (07874-001-001) is located on the north side of NE 53rd Avenue east of the Murphree Water Treatment Plant and is 150 feet wide and approximately 2,900 feet long, totaling 9.9 acres. It was annexed in 2010 and its current zoning designation is Alachua County Agricultural (A).

Parcel 1 is currently in use as a utility corridor for Gainesville Regional Utilities (GRU) power lines; Parcel 2 is undeveloped. No other development is anticipated. The PS: Public services and operations district is proposed for both parcels.

Public notice was published in the Gainesville Sun on May 9, 2011. The Plan Board held a public hearing on May 26, 2011.

RECOMMENDATION *The City Commission: 1) approve Petition No. PB-11-30PSZ; and 2) adopt the proposed ordinance.*

110047-A_draft ordinance_20120202.pdf
 110047B_staff report_120202.pdf
 110047C_applicable GOPs_120202.pdf
 110047D_applicable LDC policies_120202.pdf
 110047E_maps_120202.pdf
 110047F_supplemental documents_120202.pdf
 110047G_application amended_120202.pdf
 110047H_cpb minutes_120202.pdf
 110047I_staff ppt_20120202.pdf

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

PLAN BOARD PETITIONS

110640.

Dog Sitting in Single-Family Neighborhoods (B)

Petition PB-11-142TCH. City of Gainesville. Amend the Land Development Code Section to allow Limited Pet Day Care in Single-family districts (RSF-1, RSF-2, RSF-3, and RSF-4) as a specially regulated use citywide.

Explanation: This is a petition to allow dog sitting businesses in single-family neighborhoods. This petition was initiated by the City Commission after reviewing a recommendation from the Community Development Committee based on a request from a property owner.

On November 2, 2010, the Board of Adjustment held a quasi-judicial hearing on Petition BA-10-07APP filed by Sondra Randon, Esquire, agent for Bruce Wayne Baber, appealing an administrative decision of the Planning and Development Services Department that a dog sitting business operated at 1713 NW 7th Avenue, is not a legal non-conforming use or a use by right in the RSF-2 (4.6 units/acre single family residential district) zoning district. After hearing testimony from staff, the applicant and citizens, the Board of Adjustment voted 3-2 to allow Mr. Baber to keep animals other than his pets, with the provision that maintaining animals other than as pets at his single-family residential property cannot be done as a business, and compensation cannot be accepted for doing so. This matter was appealed to the City Commission by an adjacent property owner and the City Commission heard the appeal on February 3, 2011. After hearing testimony from the appellant, the Board of Adjustment staff representative, the agent for the affected party and citizens, the City Commission reversed the Board of Adjustment's decision and moved that the matter be referred to the Community Development Committee to consider amending the Land Development Code to allow dog sitting in single family neighborhoods.

The Community Development Committee discussed the issue on March 22, 2011 and April 26, 2011. Staff was directed to review and comment on a proposal that was submitted by the affected party's agent on March 15, 2011. The proposal included 10 items that were reviewed by staff. The major issues revolved around the number of dogs allowed, hours of operations, noise and the use of the Special Use Permit process as a mechanism to permit the use.

On July 21, 2011 the City Commission heard the Community Development Committee's recommendation and approved a motion to direct staff to initiate a petition to the Plan Board modifying the land development code to permit dog sitting in residential single-family neighborhoods. The City Commission also asked staff to notify neighborhood associations prior to the City Plan Board hearing on the petition and to modify the hours of operation to include operating hours from 9:00am to 7:00pm on weekends.

The Plan Board reviewed the petition on December 5, 2011 and recommended denial by a vote of 3-1. The Plan Board heard from Planning staff and several citizens regarding the issue. The point was made during the hearing that the petition was not a public hearing on Mr. Bruce Baber's dog-sitting business, but on a proposed text change to the Land Development Code. Testimony was provided by Ms. Bowe, a next door neighbor that was against the petition regarding nuisance issues such as noise, fleas, and traffic in her driveway. Mr. Baber disputed the issues raised.

The Plan Board members that voted against the petition voiced their concerns about the compatibility of boarding dogs in residential neighborhoods. The

Board Chair expressed support for the petition through a Special Use Permit process with sufficient enforceable conditions, that would be non-transferrable and that would have to be renewed periodically. There were also three new board members at the hearing that could not vote and they also expressed concern about the need for additional conditions, including a requirement for a minimum amount of interior and exterior space.

Fiscal Note: None.

RECOMMENDATION

City Plan Board to the City Commission - deny the petition.

Staff to the City Plan Board - review the petition and make the appropriate recommendation on whether the use should be allowed by Special Use Permit.

110640A_CPB Minutes_20120202.pdf

110640B_staff report_20120202.pdf

110640C_Ltrs submitted by Bruce Baber to CPB_20120202.pdf

110640D_staff ppt_20120202.pdf

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)