

# **City of Gainesville**

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



## **Meeting Agenda - Final**

**April 18, 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**[110035.](#)**Human Resources Policy L-8, Military Leave (B)**

*Explanation: Human Resources Policy L-8, Military Leave, is amended to extend the previously ratified supplement to an employee's military pay by an amount not to exceed the employee's regular base pay, (i.e., no overtime, certification pay, educational incentive pay or special duty pay, etc.), for those employees called to active military duty. This amendment also extends the City health and basic life insurance coverage for employees called to active military duty at the same rates as for active employees. Both benefits expire April 1, 2014, unless renewed by commission action.*

*Fiscal Note: Policy L-8 funds are currently budgeted for the Fiscal Year 2013-2014.*

**RECOMMENDATION**

*The City Commission: approve revision to Human Resources Policy L-8, Military Leave.*

**Legislative History**

6/16/11	City Commission	Approved as Recommended
4/5/12	City Commission	Approved as Recommended

[110035B HR Poliy L8, Military Leave.pdf](#)  
[110035A HR L-8 Military Leave Policy Strikeout 20120405.pdf](#)  
[110035A HR L-8 Military Leave Policy Strikeout 20120405.pdf](#)  
[110035B HR L-8 Military Leave Policy 20120405.pdf](#)  
[110035 L-8 Military Lv Policy 20130418.pdf](#)

[120965.](#)

**Legal Office Expenses From Federal Forfeiture Trust Fund For Remainder of 2013 Calendar Year (NB)**

**This request is for City Commission approval to appropriate \$25,000 from the Federal Forfeiture Trust Fund.**

*Explanation:* The requested funding is needed to cover the Gainesville Police Department's Legal Office expenses related to forfeiture case filing fees, publication requirements, service of process and towing/storage fees for seized property for the remainder of 2013 calendar year

*Fiscal Note:* The \$25,000 expenses are necessary for the processing of forfeiture cases. If this request is not paid from the Federal Law Enforcement Contraband Forfeiture Trust Fund, it would need to come from the general fund. Funds are currently available in the Federal Law Enforcement Contraband Forfeiture Trust Fund and allowable under the Guide to Equitable Sharing for State and Local Law Enforcement Agencies. The unreserved fund balance is \$1,869,560 as of February 28, 2013.

**RECOMMENDATION**

The City Commission authorize the Gainesville Police Department to appropriate \$25,000 from the Federal Forfeiture Fund.

*Alternative Recommendation A:*

The City Commission appropriate funds from the General Fund for these expenses. The fiscal impact is \$25,000.

[120974.](#)

**Program Extension for the Department of Justice's High Intensity Drug Trafficking Areas (HIDTA) Program Funded through the Alachua County Sheriff's Office (NB)**

**This item is a request for City Manager authorization to accept additional funding from the Department of Justice High Intensity Drug Trafficking Areas Program.**

*Explanation:* The Gainesville Police Department is a sub-recipient of Department of Justice grant funds awarded to the Alachua County Sheriff's Department for narcotic enforcement. The Alachua County Sheriff's Office has been notified that an additional funding allocation has become available. The

*Task Force is funded through the Department of Justice's High Intensity Drug Trafficking Areas (HIDTA) Program. These dollars will be available for overtime costs as well as for equipment to support investigations.*

*Fiscal Note: An exact dollar amount has not been specified at this time. Information regarding the allocation is expected in late April 2013. The Gainesville Police Department will continue to comply with all requirements associated with this allocation as stipulated in the contract with the Alachua County Sheriff's Department.*

**RECOMMENDATION**

*The City Commission authorize the City Manager to accept and execute the additional funding allocated through the program extension and any other necessary documents subject to approval by the City Attorney as to form and legality.*

[120982.](#)

**Settlement of Worker's Compensation Claim - Bruce O. Williams (NB)**

**This item involves the full and final settlement of Bruce Williams' worker's compensation claim(s), which will include all future medical payments. The total settlement amount is \$58,300 and represents a significant cost advantage to the City.**

*Explanation: While employed by GRU, Mr. Williams received injuries to his right ankle, foot and back. This led to ongoing medical treatment. As a result of his injuries, the present potential exposure to the City in future medical treatment and the potential for back surgery is significant given his 22 year life expectancy.*

*The City Attorney's Office, the Risk Management Department, GRU, Special Counsel and our Worker's Compensation servicing agent all concur as to the full and final settlement of this claim. The total amount \$58,300, includes future medical costs.*

*Fiscal Note: The settlement of this case in the amount of \$58,300 will be paid out of the General Insurance Fund.*

**RECOMMENDATION**

*The City Commission authorize Special Counsel to prepare and execute the appropriate documents for a lump-sum settlement of the Worker's Compensation claim of Bruce Williams, in the amount of \$58,300.*

**GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS**

[121003.](#)

**Consulting Services for a Joint Utilities Project (NB)**

**Staff recommends the establishment of a contract with KEMA, Inc.**

**for consulting services to support a Joint Utilities Project related to the acquisition of a replacement Supervisory Control and Data Acquisition / Energy Management System.**

*Explanation: GRU, along with the City of Lakeland, City of Tallahassee, Memphis Light, Gas and Water, Minnkota Power Cooperative, South Mississippi Electric Power Association and Wolverine Power Supply Cooperative is participating in a cooperative purchasing initiative known as the Joint Utilities Project (JUP). The JUP will enable the participants to leverage their collective purchasing power as they replace their legacy Supervisory Control and Data Acquisition/Energy Management Systems (SCADA/EMS). These critical software applications monitor and control the electric distribution and transmission systems as well as generating stations. The JUP offers participants substantial benefits including better pricing from SCADA/EMS vendors, reduced maintenance and support costs, an improved use of resources through collaboration, and enhanced vendor support for upgrades, shared testing and problem resolution.*

*In 1996 the City Commission authorized GRU to enter into a JUP agreement with KEMA, Inc. for similar consulting services. A SCADA/EMS solicitation was developed, responses were evaluated and five JUP members including GRU contracted for the common platform SCADA/EMS application software and support services. The current contracts with each utility will expire in 2015. A larger number of participants support the continuation of the JUP concept for their subsequent SCADA/EMS needs due to the financial and operational benefits each utility has derived from its earlier participation.*

*KEMA, Inc., is a specified sole source, is uniquely qualified in SCADA/EMS consulting services through a JUP. On behalf of the JUP, KEMA will issue a Request for Proposals for the systems based on each utility's procurement requirements, evaluate the responses, develop a Statement of Work for each utility, and assist in contract negotiations with the utility's selected vendor. KEMA will conduct meetings with the utilities to discuss the current environment, industry trends and best practices. The cost of consulting services will be evenly divided amongst participating utilities. The anticipated consulting cost to GRU is \$46,911 based on the current number of participants. If the number of participants changes, the consulting fee will be equally divided among the participating utilities. Each utility is responsible for up to \$6,000 in travel expenses.*

*Fiscal Note: Funds for these services are available in the FY 2013 Utilities Electric Systems Capital Budget and will be requested in the FY 2014 budget.*

**RECOMMENDATION**

*The City Commission: 1) authorize the General Manager, or his designee, to negotiate and execute a contract with KEMA, Inc., a specified source, for consulting services related to the acquisition of a replacement Supervisory Control*

and Data Acquisition/Energy Management System, subject to the approval of the City Attorney as to form and legality; and 2) approve the issuance of purchase orders to KEMA, Inc. in amounts not exceeding budgeted amounts for each year of the contract, subject to the final appropriation of funds for these services for each fiscal year.

## CITY ATTORNEY, CONSENT AGENDA ITEMS

[120993.](#)

### FRED ELLIS V. CITY OF GAINESVILLE, FLORIDA; EIGHTH JUDICIAL CIRCUIT, CASE NO. 2013-CA-675 (B)

*Explanation:* On February 28, 2013, the City received a Summons and Complaint by regular U.S. Mail. The Plaintiff alleges that on February 9, 2010, he slipped and fell on stairs at the Thomas Center. Plaintiff claims to have suffered bodily injury and resulting pain and suffering, disability, mental anguish, loss of capacity for enjoyment of life, expense of hospitalization, medical care and treatment, physical therapy, as well as property damage. Plaintiff is seeking damages in excess of \$15,000.00.

**RECOMMENDATION**

The City Commission authorize the City Attorney to represent the City in the case styled Fred Ellis v. City of Gainesville, Florida; Eighth Judicial Circuit, Case No. 2013-CA-675.

[120993 Fred Ellis Consent 20130418.pdf](#)

## CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

[121017.](#)

### City Commission Minutes (B)

**RECOMMENDATION**

The City Commission approve the minutes of March 7, 11 and 21, 2013.

[121017 minutes 20130418.pdf](#)

## EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

## COMMITTEE REPORTS, CONSENT AGENDA ITEMS

## AUDIT, FINANCE AND LEGISLATIVE COMMITTEE, CONSENT

## EQUAL OPPORTUNITY COMMITTEE, CONSENT

## COMMUNITY DEVELOPMENT COMMITTEE, CONSENT

[110282.](#)**Game Day Parking Regulations (B)**

*Explanation: The Community Development Committee discussed this issue on November 22, 2011, March 27, 2012 and June 11, 2012. During the three meetings the Committee heard from stakeholders on both sides of the issue. After hearing the concerns of stakeholders and staff, the Committee voted to pare down the list of conditions to the minimum necessary to address key neighborhood concerns, while still allowing for this limited activity on the days designated by the City Manager. This item was approved on August 2, 2012 by the City Commission as Legislative item #120139, and item #120253 was referred back to the CDC for further discussion with UF. However, item #110282 still remains on the CDC referral list even though new referrals were generated.*

**RECOMMENDATION**

*The City Commission remove this item from the Community Development Committee (CDC) referral list.*

**Legislative History**

8/18/11	City Commission	Referred to the Community Development Committee
11/22/11	Community Development Committee	Approved as shown above (See Motion)
3/27/12	Community Development Committee	Approved as shown above (See Motion)
6/11/12	Community Development Committee	Approved as Recommended, as Modified
1/3/13	Community Development Committee	Referred to the Community Development Committee

[110282\\_Memo to CDC\\_20111122.pdf](#)

[110282A\\_UF Presentation\\_20120327.pdf](#)

[110282B\\_Maps\\_20120327.pdf](#)

[110282C\\_Game Day Parking Memo\\_20120327.pdf](#)

[110282D\\_GPD Football Detail Report\\_20120327.pdf](#)

[110282A\\_Draft Permit Process\\_20120611.pdf](#)

[110282B\\_Context Area Map\\_20120611.pdf](#)

[110282C\\_UF Notes\\_20120611.pdf](#)

[110282\\_CC 8-2-12 Minutes\\_20130418.pdf](#)

[110901.](#)**Glare and Dark Sky Performance of Public and Private Lighting (B)**

*Explanation: On April 5, 2012, the City Commission referred the issue of glare and dark sky performance of public and private lighting in Gainesville to the Community Development Committee (CDC) for review. This item was discussed at the October 8, 2012 CDC Meeting. The Committee received an update on this issue and voted that it be removed from the CDC referral list.*

**RECOMMENDATION**

*The City Commission remove this item from the Community Development Committee (CDC) referral list.*

**Legislative History**

4/5/12	City Commission	Referred to the Community Development Committee
10/8/12	Community Development Committee	Approved as shown above (See Motion)
1/3/13	Community Development Committee	Referred to the Community Development Committee

[110901\\_Memo on Lighting to CDC\\_20121008.pdf](#)

[110901\\_CDC 10-8-12 Minutes\\_20130418.pdf](#)

**120253.****UF Representation in Special Event Parking Discussion (B)**

*Explanation: This item was referred to the Community Development Committee (CDC) to contact a UF representative requesting that they commit to several conversations with the CDC concerning porta-potties, RV parking, and parking in general, including time limits for parking in the University Context Area during special events. During a review of pending referrals during the November 27, 2012 meeting, the Committee agreed to request that the City Commission refer this item to the Economic Development/University Community Committee (EDUCC) instead.*

**RECOMMENDATION**

*Community Development Committee to the City Commission: 1) refer this item to the Economic Development/University Community Committee (EDUCC) the task of contacting a UF representative requesting that they commit to several conversations concerning porta-potties, RV parking, and parking in general, including time limits for parking in the University Context Area during special events; and 2) remove this item from the Community Development Committee (CDC) referral list.*

**Legislative History**

8/2/12	City Commission	Referred to the Community Development Committee
--------	-----------------	---

[120253\\_CDC 11-27-12 Minutes\\_20130418.pdf](#)



[120348.](#)**Breweries Locating in the Downtown Area (B)**

*Explanation: This item was discussed at the November 27, 2012 Community Development Committee (CDC) Meeting. The Committee received an update on this issue and voted that it be removed from the CDC referral list.*

**RECOMMENDATION**

*The City Commission remove this item from the Community Development Committee (CDC) referral list.*

**Legislative History**

9/6/12	City Commission	Referred to the Community Development Committee
11/27/12	Community Development Committee	Approved as shown above (See Motion)
4/4/13	Community Development Committee	Referred to the Community Development Committee

[120348\\_Brewery Memo\\_20121127.pdf](#)

[120348\\_CDC 11-27-12 Minutes\\_20130418.pdf](#)

**COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS****END OF CONSENT AGENDA****ADOPTION OF THE REGULAR AGENDA****CHARTER OFFICER UPDATES****CLERK OF THE COMMISSION****CITY MANAGER**[120980.](#)**Certificate of Achievement for Excellence in Financial Reporting (B)**

**The City was awarded Government Finance Officers Association of the United States and Canada (GFOA) Certificate of Achievement for Excellence in Financial Reporting for its 2011 Comprehensive Annual Financial Report (CAFR). The 2012 CAFR is hereby presented to the Commission and has also been submitted to GFOA for the award.**

*Explanation: The Government Finance Officers Association of the United States and*

Canada (GFOA) awarded a Certificate of Achievement for Excellence in Financial Reporting to the City of Gainesville for its Comprehensive Annual Financial Report for the fiscal year ended September 30, 2011. The Certificate of Achievement is a prestigious national award-recognizing conformance with the highest standards for preparation of state and local government financial reports.

In order to be awarded a Certificate of Achievement, a governmental unit must publish an easily readable and efficiently organized Comprehensive Annual Financial Report, whose contents conform to program standards. The report must satisfy both generally accepted accounting principles and applicable legal requirements.

A Certificate of Achievement is valid for a period of one year only. The City of Gainesville has received a Certificate of Achievement in each year in which it has been eligible since the inception of the program in 1951. The City believes that its current report for the fiscal year ended September 30, 2012 continues to comply with Certificate of Achievement program requirements, and has submitted it to the GFOA for review and consideration.

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

**RECOMMENDATION**

The City Commission accept the Certificate of Achievement for Excellence in Financial Reporting for fiscal year 2011 and receive the Comprehensive Annual Financial Report for the fiscal year ended September 30, 2012.

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

[120980 Report 20130418.pdf](#)

[120860.](#)

**Contract Award with Tindale-Oliver & Associates, Inc. for Streetcar Conceptual Study for the Regional Transit System (RTS) (B)**

**This item is a request to approve rankings for Request for Qualifications (RFQ) #RTSX-130035-DS and execute a contract with Tindale-Oliver & Associates, Inc., to conduct a Streetcar Conceptual Study for the Regional Transit System (RTS).**

*Explanation:* On November 28, 2012, the City's Purchasing Division solicited Request for Qualifications (RFQ) to conduct a Streetcar Conceptual Study for the Regional Transit System (RTS). The RFQ process was implemented in compliance with, and as required by, the Federal Transit Administration (FTA), Florida Statutes and City of Gainesville policies.

Four (4) proposals were submitted by the deadline. The submissions contained technical and written proposals and oral presentations were

made. An evaluation team consisting of City staff evaluated the proposals and is recommending the following ranking of the four (4) firms:

1. Tindale-Oliver & Associates, Inc.
2. HDR Engineering, Inc.
3. Nelson Nygaard Consulting Associates, Inc.
4. Whitman Requardt & Associates, LLP

RTS desires to enter a contract with Tindale-Oliver & Associates, Inc.

*Fiscal Note:* City of Gainesville Capital Improvement Program funds in the amount of \$100,000 has been approved for this project.

**RECOMMENDATION**

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

**Legislative History**

3/21/13 City Commission Postponed

[Bid Tab.pdf](#)

[120063.](#)

**Trespass Towing Rates (B)**

**This item requests that the City Commission consider increasing the trespass towing rates.**

*Modification*

*Explanation:* In accordance with Section 14.5-30 (c) of the Code of Ordinance of the City of Gainesville, the City Manager must receive requests to adjust towing rates by September 30th of each year. The City Commission has the sole authority of establishing towing rates. On June 1, 2012, the City Manager received an email from Ultimate Towing requesting an increase.

*The Commission requested information on towing rates and based on that the Gainesville Police Department provided a peer City review of comparable towing rates that was shared with the Commission in regards to trespass towing rates on January 30, 2013.*

*The City Commission previously requested common methodology on the establishment of trespass towing rates. Staff researched this request and was unable to find a methodology.*

*Commissioner Hawkins indicated an interest in receiving information from the tow companies requesting an increase in tow rates regarding the difference in costs between call in tow requests and trespass towing.*

*The current trespass towing rates are Class 1 through 2 Light Duty vehicles \$76.00, Class 3 through 6 Medium Duty vehicles \$133, and Class 7 through 8 Heavy Duty vehicles \$288.*

*Fiscal Note: Regardless of decision there is no fiscal impact to the City.*

**RECOMMENDATION**      *The City Commission determine whether to increase current roam trespass towing rates.*

**Legislative History**

6/21/12	City Commission	Approved as Recommended
6/21/12	City Commission	Referred to the Public Safety Committee
8/28/12	Public Safety Committee	Discussed
9/20/12	City Commission	Continued
10/4/12	City Commission	Approved as shown above (See Motion)

[120063\\_TowingRateEmail\\_20120621.pdf](#)

[120063a\\_BrevardCoTowOrd\\_20120828.pdf](#)

[120063b\\_OsceolaCoTowRes\\_20120828.pdf](#)

[120063c\\_VolusiaCoTwoOrd\\_20120828.pdf](#)

[120063d\\_MOD\\_AddTowRatesBackup\\_20120920.pdf](#)

[120063\\_PeerCityReview\\_20130307.pdf](#)

[120063\\_PeerCityTowingRateComparison\\_20130418](#)

[120063\\_MOD\\_Trespass\\_Towing\\_Rates\\_20130418.pdf](#)

## GENERAL MANAGER FOR UTILITIES

## CITY ATTORNEY

## CITY AUDITOR

## EQUAL OPPORTUNITY DIRECTOR

## COMMITTEE REPORTS (PULLED FROM CONSENT)

## AUDIT, FINANCE AND LEGISLATIVE COMMITTEE

[120125.](#)

**Overall Charter Review Process Referral (B)**

*Modification*

*Explanation: On June 7, 2012, the City Commission discussed a referral returning from the Audit, Finance and Legislative Committee (AFLC), entitled City of Gainesville Elections - Expanded Examination of Several Issues. As part of that discussion, a motion was approved to refer an overall Charter review process to the AFLC for further discussion.*

*At the January 29, 2013 AFLC meeting, the Committee discussed the item and requested the City Auditor prepare a plan identifying the timing of a general process for the City Commission to review and discuss possible changes to the City Charter, with a goal for completion by the Spring 2013 election. Included as backup to this item is a draft process and a copy of the City's current Charter Laws.*

*At the March 14, 2013 AFLC meeting, Committee Chair Craig Lowe, Committee Member Lauren Poe and City Commissioner Thomas Hawkins discussed the item and agreed the proposed City Commission meeting schedule presented should be used as a general timeline for the Charter review process. The Committee also recommended the Clerk of the Commission schedule necessary meetings and the City Attorney provide informational presentations at introductory Charter review meetings.*

**RECOMMENDATION**

*The City Commission: 1) approve as a general timeline the City Auditor's draft overview of the Charter review process; 2) direct the Clerk of the Commission to schedule a series of special City Commission meetings and a minimum of 3 public forums to provide opportunities to review and discuss the City's Charter and evaluate possible changes; and 3) direct the City Attorney to provide presentations on the City's Charter for the City Commission and the public at the introductory special meetings and public forums.*

**Legislative History**

6/7/12	City Commission	Referred to the Audit, Finance and Legislative Committee
1/29/13	Audit, Finance and Legislative Committee	Retained in Committee
3/14/13	Audit, Finance and Legislative Committee	Approved as Recommended, as Modified

[Draft Charter Review Process Overview.pdf](#)

[Current Charter Laws.pdf](#)

[120966.](#)

**GRU Quarterly Financial Report (B)**

*Modification*

*Explanation: This item was discussed at the Audit, Finance and Legislative Committee meeting on March 26, 2013.*

**RECOMMENDATION**            *The City Commission receive the GRU Quarterly Financial Report as of December 31, 2012.*

[120966 -GRU 2013 First Quarter Financials - AFLC 3-26-13.pdf](#)

[120967.](#)

**City of Gainesville Fiscal Year 2012 Comprehensive Annual Financial Report, Audited Financial Statements, Auditors' Reports, Auditors' Management Letters and Single Audit Reports (B)**

*Modification*

*Explanation: In accordance with the City's contracts for external auditing services with Carr, Riggs & Ingram, LLC and Ernst and Young, Certified Public Accountants, the following reports are presented for review by the Audit, Finance and Legislative Committee:*

- 1. The Basic Financial Statements, Supplemental Information and Independent Auditors' Report, Management Letters and Single Audit Reports of the City of Gainesville, Florida for the Fiscal Year Ended September 30, 2012; which are presented in the attached Comprehensive Annual Financial Report;*
- 2. The Financial Statements, Supplemental Information and Independent Auditors' Report of Gainesville Regional Utilities for the Fiscal Year Ended September 30, 2012;*
- 3. The Financial Statements and Independent Auditors' Report on the Wild Spaces and Public Places (WSPP) Funds of the City of Gainesville, Florida for the Fiscal Year Ended September 30, 2012;*
- 4. The Financial Statements and Independent Auditors' Report on the Community Redevelopment Agency (CRA) Funds of the City of Gainesville, Florida for the Fiscal Year Ended September 30, 2012;*
- 5. The Financial Statements and Independent Auditors' Report on the Employees' Pension Fund of the City of Gainesville, Florida for the Fiscal Year Ended September 30, 2012;*
- 6. The Financial Statements and Independent Auditors' Report on the Consolidated Police Officers and Firefighters Retirement Plan of the City of Gainesville, Florida for the Fiscal Year Ended September 30, 2012;*
- 7. The Financial Statements and Independent Auditors' Report on the Disability Pension Fund of the City of Gainesville, Florida for the Fiscal Year Ended September 30, 2012; and*
- 8. The Financial Statements and Independent Auditors' Report on the Other Postemployment Benefits Fund of the City of Gainesville, Florida for the Fiscal Year Ended September 30, 2012.*

*In the opinion of the independent auditors, the financial statements referred to in items 1 through 4 above present fairly, in all material respects, the financial position and changes in financial position of the City, GRU, and the City's WSPP and CRA Funds for the year ended September 30, 2012, in conformity with generally accepted accounting*

*principles.*

*In the independent auditors' opinion, the financial statements referred to in items 5 through 8 above present fairly, in all material respects, the net assets and changes in net assets held in trust for benefits for the year ended September 30, 2012, in conformity with generally accepted accounting principles.*

*As part of the audit process the independent auditors issue "management letter comments" along with several other reports related to internal control structure; compliance with certain provisions of laws, regulations, contracts and grants, and internal control structure and certain requirements applicable to federal and state financial assistance programs. These reports are presented within item 1 above under the heading of "Single Audit Section."*

*The auditors' management letters and internal control reports over financial reporting related to General Government and Gainesville Regional Utilities both indicate that there were no recommendations in the current year. The auditors' also reported no recommendations related to their review of the City's federal grant programs.*

*In accordance with Section 6(b) of Resolution 970187, City Auditor Responsibilities and Administrative Procedures, the City Auditor has reviewed the attached statements and reports to ensure that contractual terms have been fulfilled and transmits these reports with a recommendation for City Commission acceptance.*

**RECOMMENDATION**      *The City Commission accept the subject financial report, financial statements, auditors' reports, management letters and single audit reports; and management's written response.*

[120967-City Auditor's Transmittal of FY2012 Audited Financial Statements - AFI CRI SAS 114 Letter.pdf](#)

[EY GRU FY2012 Audit Results.pdf](#)

[1. FY2012 Gainesville Comprehensive Annual Financial Report.pdf](#)

[2. FY2012 Gainesville Regional Utilities Audited Financial Statements.pdf](#)

[3. FY2012 Wild Spaces and Public Places Audited Financial Statements.pdf](#)

[4. FY2012 Community Redevelopment Agency Audited Financial Statements.pc](#)

[5. FY2012 Employees' Pension Fund Audited Financial Statements.pdf](#)

[6. FY2012 Consolidated Retirement Plan Audited Financial Statements.pdf](#)

[7. FY2012 Disability Pension Fund Audited Financial Statements.pdf](#)

[8. FY2012 Other Postemployment Benefits Fund Audited Financial Statements.](#)

## **COMMUNITY DEVELOPMENT COMMITTEE**

[120202.](#)**Quasi-Judicial Boards Terms and Composition (B)***Modification*

*Explanation: On July 17, 2012 the City Commission referred the issue of quasi-judicial board terms and composition to the Community Development Committee. This item was discussed at the January 14, 2013 CDC Meeting. The Committee received an update on this issue and voted to recommend that term limits for the Board of Adjustments, City Plan Board, Development Review Board and Historic Preservation Board be eliminated. In a secondary motion, the Committee directed staff to present at the appropriate time, the Little John Engineering Associates final report to the Committee as a stakeholder, and to request removal of this item from the CDC referral list.*

**RECOMMENDATION**

*Community Development Committee to the City Commission: 1) eliminate term limits for the Board of Adjustments, City Plan Board, Development Review Board and Historic Preservation Board; 2) direct staff to forward the Little John Engineering Associates final report to the Community Development Committee when it becomes available; and 3) remove this item from the Community Development Committee referral list.*

**Legislative History**

7/17/12	City Commission	Referred to the Community Development Committee
1/14/13	Community Development Committee	Approved as shown above (See Motion)
4/4/13	Community Development Committee	Referred to the Community Development Committee

[120202A Board Info Chart 20130114.pdf](#)

[120202B Charges and Term Limits 20130114.pdf](#)

[120202C MOD CDC-AFLC Handout 20130114.pdf](#)

[120202 CDC 1-14-13 Minutes 20130418.pdf](#)

**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**[120949.](#)**City of Gainesville's Citizens' Academy Spring 2013 Graduates (NB)**

*Explanation: The City of Gainesville Communications Office offers the Citizens' Academy, dubbed "Gainesville 101," to educate Gainesville citizens on the diverse services their city government provides and inform them on how they can become more involved in their local government.*

*Participants in this session's Citizens' Academy went behind the scenes of city government operations, met with government officials, toured facilities and asked questions at six weekly sessions. The Citizens' Academy places an emphasis on sustainability, fiscal responsibility and increased interaction via the Citizens' Academy webpages. This is the thirteenth graduating class of the City of Gainesville's Citizens' Academy.*

**RECOMMENDATION**

*The City Commission: 1) recognize accomplishments of Gainesville 101 Spring 2013 City of Gainesville Citizens' Academy graduates; and 2) hear brief comments from the class speaker on what they have learned.*

[120932.](#)**Howard Douglas Stapp, III Day - March 31, 2013 (B)****RECOMMENDATION**

*The Family of Howard Douglas Stapp, III to accept the proclamation.*

**Legislative History**

3/21/13      City Commission      Postponed

[120932\\_HowardStapp\\_20130321.pdf](#)

[121007.](#)**Administrative Professionals Week - April 21-27, 2013 and  
Administrative Professionals Day Wednesday, April 24, 2013 (B)****RECOMMENDATION**

*IAAP Board Member and Event Planner Linda Freese, CAP-OM, President Elect Leilanie Merrill, CAP-OM and President Katie Clemen to accept the proclamation.*

[121007\\_AdminWeek\\_20130418.pdf](#)

[121008.](#)**GFWC Federation 110th Anniversary Day - April 24, 2013 (B)**

**RECOMMENDATION**      *Gainesville Woman's Club 3rd Vice President Mary Crawley Rhodes, President Margaret Gilliland and President Elect Carol Poucher to accept the proclamation.*

[121008\\_Federation\\_20130418.pdf](#)

[121009.](#)**Jazz Appreciation Month - April 2013 (B)**

**RECOMMENDATION**      *Gainesville Friends of Jazz, Inc. President Scott Koons to accept the proclamation.*

[121009\\_JazzApp\\_20130418.pdf](#)

[121010.](#)**National Crime Victims' Rights Week- April 21-27, 2013 (B)**

**RECOMMENDATION**      *Victims' Rights Week Committee Victim Services Director Gretchen Casey to accept the proclamation.*

[121010\\_CrimeVictims\\_20130418.pdf](#)

[121011.](#)**55th Anniversary of the Chartering of the Eta Omega Chapter of Phi Mu Alpha Sinfonia Day - April 26, 2013 (B)**

**RECOMMENDATION**      *Eta Omega Chapter of Phi Mu Alpha Sinfonia Vice President Ryan P. Sullivan, Music Director Ismail "Ish" Sandoval, Warden Ross Cawthon, Public Relations Chair Kelvin Medina and Social Chair John Dickhaus to accept the proclamation.*

[121011\\_Sinfonia\\_20130418.pdf](#)

[121012.](#)**National Public Safety Telecommunications Week - April 14-20, 2013 (B)**

**RECOMMENDATION**      *Alachua County Sheriff's Office Combined Communications Center to accept the proclamation.*

[121012\\_Telecommunication\\_20130418.pdf](#)

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

**PUBLIC HEARINGS****RESOLUTIONS- ROLL CALL REQUIRED**[120970.](#)**Engineering Design and Construction Manual (B)**

**This is a request for the City Commission to adopt a new Engineering Design and Construction Manual for the City of Gainesville.**

*Modification*

*Explanation: Article I, Section 30-14 of the City of Gainesville Code of Ordinances calls for a design manual to be adopted by resolution of the City Commission and kept on file in the Public Works Department. The current design manual, The Design Manual for Subdivisions and Site Plans, was originally adopted May 27, 1992 and last revised May 26, 1998.*

*In order to reflect current best practices in site planning, road construction, and subdivision development, staff initiated creation of a new design manual, known as the City of Gainesville Engineering Design and Construction Manual.*

*Stakeholders meetings were held in September and December 2012 with input provided by Gainesville Regional Utilities staff, other utilities, water management districts, the Gainesville Metropolitan Transportation Planning Organization, and private planning and engineering firms.*

*Fiscal Note: None*

**RECOMMENDATION**

*The City Commission adopt the Resolution.*

[120970A Resolution 20130418.pdf](#)

[120970B Manual 20130418.pdf](#)

[120970C-MOD PowerPoint 20130418.pdf](#)

[120977.](#)**Resolution for a County Incentive Grant (CIGP) Agreement for the SW 40th Blvd Extension Project (B)**

**This item is associated with a Resolution authorizing the City Manager, or designee, to execute a County Incentive Grant Program (CIGP) grant application and, if awarded, all grant-related documents for the SW 40th Blvd Extension Project.**

*Explanation: The County Incentive Grant Program (CIGP) was created to provide*

*financial assistance to counties to improve transportation facilities on the State Highway System or relieve traffic congestion on the State Highway System. The SW 40th Blvd Extension is a critical roadway project that will facilitate the movement of people and goods through the Gainesville Metropolitan Area, enhancing access to major employment centers comprised of regional retail, medical and educational centers. The project will alleviate congestion in the State Highway System (SHS) by providing an alternative multimodal transportation route that will also serve as a bypass to the I-75 corridor in the urban area.*

*The SW 40th Blvd Extension meets the goals and objectives of the CIGP grant program. The project is consistent with the Florida Transportation Plan, the Long Range Transportation Plan of the local Metropolitan Transportation Planning Organization (MTPO) and the City's Comprehensive Plan. It is listed as a Priority Project in years 2014-15 to 2018-19 by the MTPO for the Gainesville Urbanized Area.*

*The SW 40th Blvd Extension Project is partially funded through existing TCEA funds and FY2014 CIP funds. These local funds will be used to meet the match requirement for the CIGP grant.*

*Fiscal Note: If awarded, the CIGP Grant will require the City of Gainesville to provide a 50% local match of total project costs. The City is requesting \$1,357,871 in grant funds. The City will use \$357,871 of TCEA funds (of which \$226,134.84 has been expended) and \$1,000,000 in FY2014 CIP funds to meet the match requirement.*

**RECOMMENDATION**

*The City Commission adopt the Resolution authorizing the City Manager, or designee, to execute a County Incentive Grant Application and, if awarded, all CIGP grant-related documents for the SW 40th Blvd Extension Project, subject to approval by the City Attorney as to form and legality.*

[120977A\\_Map\\_20130418.pdf](#)

[120977B\\_Maps\\_20130418.pdf](#)

[120977C\\_Resolution\\_20130418.pdf](#)

**Clerks Note: The City Commission waive the Rules to hear File #120812 at 7:00 PM.**

[120812.](#)

**RESOLUTION APPROVING THE ISSUANCE OF BONDS BY THE PUBLIC FINANCE AUTHORITY FOR CARVER GARDENS APARTMENTS (B)**

A resolution of the City of Gainesville, Florida approving the issuance of bonds by the Public Finance Authority, lending an aggregate principal amount not to exceed \$7,000,000 TO Carver Gardens, LLC for the purpose of acquiring, improving and placing into operation a 100 unit

apartment project known as "Carver Gardens Apartments", located at 1101 Southeast 15th Street, Gainesville, Florida, for affordable rental housing facilities, as required by the Internal Revenue Code, and providing an immediate effective date.

*Explanation: Public Finance Authority (the "Authority"), intends to issue its Multifamily Rental Housing Revenue Bonds in an amount not to exceed \$7,000,000 (the "Bonds") and to lend the proceeds thereof to Carver Gardens, LLC, (the "Borrower") to assist in the refinancing and improvement of a multifamily residential facility for families of low and moderate income located in the City and known as Carver Gardens Apartments (the "Project"). Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), provides that the governmental unit having jurisdiction over the area in which the Project to be financed is located must approve the issuance of the Bonds, either by public hearing or by voter referendum. The Borrower has requested that the Commission hold a public hearing and adopt a resolution approving the issuance of the Bonds in order to satisfy the public approval requirement of Section 147(f) of the Code and the requirements of Section 4 of the Amended and Restated Joint Exercise of Powers Agreement Relating to the Authority, dated as of September 28, 2010 and Section 66.0304(11)(a) of the Wisconsin Statutes.*

*Neither the City of Gainesville, Florida, nor any other Florida political subdivision, agency or authority will have any liability with respect to the Bonds and the Bonds will not be backed by the taxing power of any governmental entity.*

**RECOMMENDATION**            *The City Commission: 1) hold a public hearing; and 2) adopt the proposed Resolution.*

[120812\\_draft\\_resolution\\_20130418.pdf](#)

**Clerks Note: The City Commission waive the Rules to hear File #121023 after File #120901.**

[121023.](#)

### **SHADY FOREST PLAT VACATION (B)**

Resolution No. 121023

A Resolution of the City of Gainesville, Florida; approving the vacation of a portion of the Plat of "Shady Forest" recorded in Book 95, Page 255, of the Public Records of Alachua County, Florida, said portion being located north of SW 17th Place, east of the westerly boundary of SW 38th Terrace and west of the easterly boundary of SW 37th Street; providing directions to the Clerk of the Commission; providing for filing of the original hereof; and providing an immediate effective date.

*Modification*

*Explanation: The above-referenced Resolution is related to Petition No. CC-13-04*

*SUB, also on this agenda. This Resolution to vacate a portion of a plat of Shady Forest has been prepared at the request of the petitioner, pursuant to State law.*

*Section 177.101, Florida Statutes requires that plats be vacated by resolution of the governing body of the county where the property is situated. 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. The County can then adopt its resolution vacating the plat.*

**RECOMMENDATION**            *The City Commission continue this item to May 2, 2013.*

[121023 draft resolution 20130418.pdf](#)

[100630.](#)

## **RESOLUTION - ADOPTING REAL PROPERTY POLICIES (B)**

Resolution No. 100630

A resolution of the City Commission of the City of Gainesville, Florida, adopting real property policies which govern the acquisition and disposition of property by the general government of the City; providing directions to the Clerk of the Commission; and providing an immediate effective date.

*Explanation: The City's adopted Purchasing Policy specifically excludes real estate transactions. Over the years, GRU has adopted its own Administrative Guidelines concerning real estate transactions and the General Government has utilized real estate guidelines developed by the City's Land Rights Coordinator in the Public Works Department.*

*However, as part of its accreditation by the American Public Works Association, the Public Works Department recommended the City Commission adopt policies to govern the acquisition and disposition of real property by General Government. These policies will more fully and effectively carry out the powers granted to the City through Article I of the City's Charter, which includes special powers to acquire by purchase, gift, devise, lease, lease-purchase, condemnation, or otherwise, real or personal property, or any estate or interest in property, within and without the city limits, and for any of the purposes of the City, and to improve, sell, lease, mortgage, pledge, or otherwise dispose of its property or any part of its property.*

*On March 15, 2012, the City Commission referred the issue of public property not being used for public purposes to the Recreation, Cultural Affairs and Public Works Committee. The Committee discussed the referral and reviewed draft real property policies at its meetings on July 2, 2012 and January 28, 2013.*

*On March 7, 2013, the City Commission considered the Committee's*

*recommendation and by a vote of 5-0 directed the city attorney to prepare a resolution for City Commission approval of the City of Gainesville real property policies. The proposed Real Property Policies are attached as Exhibit "A" to the Resolution.*

*This Resolution is related to Ordinance No. 100629, which is also on this agenda. The ordinance amends the City Code of Ordinances to refer to and be consistent with these policies and deletes obsolete language.*

**RECOMMENDATION**            *The City Commission adopt the proposed resolution.*

[100630 draft resolution 20130418.pdf](#)

[121025.](#)

**Resolution and Perpetual Easement associated with the Gainesville Police Department and the Board of Trustee of the Internal Improvement Trust Fund (BTIITF) (B)**

**This item involves the adoption of a Resolution for the request of Utility easements in exchange for the granting of an easement associated with the development of the Gainesville Police Department campus.**

*Explanation: As part of the development of the Gainesville Police Department (GPD) campus, it is necessary to apply to the Board of Trustee of the Internal Improvement Trust Fund for easements over portions the 6th Street Rail Trail, Tax Parcel 14444-100-000, associated with parking, sidewalks, and utilities. Three utility easement crossings are needed; one each for storm sewer, wastewater and electric/communication services. One additional easement is needed for utilities and sidewalk/parking. In exchange for the grant of these easements over portions of State owned property, the City will convey onto the State a Public Ingress/Egress easement for the re-routing of the 6th Street Rail Trail to the eastern boundary of the GPD campus. This easement area will be for the improvements of the pedestrian trail and will be granted to the State in perpetuity.*

*Fiscal Note: Funding in the amount of \$200 for administrative costs is available in the Public Works Fiscal Year 2013 operating budget.*

**RECOMMENDATION**            *The City Commission; 1) authorize the City Manager, or designee, to apply for Perpetual Easements from the Board of Trustees of the Internal Improvement Trust Fund (BTIITF) over portions of Tax Parcel 14444-100-000 and execute any required application documents , 2) adopt a Resolution requesting four Perpetual Easements from the BTIITF to the City, in exchange for the granting of one easement from the City to the BTIITF, subject to approval by the City Attorney as to form and legality, and 3) If the request is*

*approved by the BTIITF, authorize the Mayor to execute the easement to the BTIITF, subject to approval by the City Attorney as to form and legality.*

[121025A\\_GPD Aerial\\_20130418.pdf](#)

[121025B\\_GPD Parcel Map\\_20130418.pdf](#)

[121025C\\_Resolution\\_20130418.pdf](#)

[121004.](#)

### **RESOLUTION ACCEPTING REPORT OF ALACHUA COUNTY BOARD OF CANVASSERS - ANNEXATION REFERENDUM (B)**

A resolution of the City Commission of the City of Gainesville, Florida, accepting the report of the Alachua County Board of Canvassers for the City of Gainesville, Florida, referendum on annexation held April 9, 2013; and providing an immediate effective date.

#### *Modification*

*Explanation: On April 9, 2013, a referendum for the Annexation of Areas 2 and 3 in accordance with Ordinance Nos. 120307 and 120308 was held.*

*The Report of the Alachua County Board of Canvassers showing that the referendum for Annexation of Area 2 as described in Ordinance No. 120307 failed, is adopted by this resolution of the City Commission.*

*The Report of the Alachua County Board of Canvassers showing that the referendum for Annexation of Area 2 as described in Ordinance No. 120308 failed, is adopted by this resolution of the City Commission.*

**RECOMMENDATION**      *The City Commission adopt the proposed resolution.*

[121004\\_MOD County Bd of Canvassers Report\\_20130418.pdf](#)

## **ORDINANCES, 1ST READING- ROLL CALL REQUIRED**

[100629.](#)

### **REAL PROPERTY POLICIES (B)**

Ordinance No. 100629

An ordinance of the City of Gainesville, Florida, amending the City Code of Ordinances, relating to real property; by amending Section 2-435 to change the point in time at which an appraisal must be obtained by the City; by deleting in its entirety existing Section 2-436 concerning sale of land obtained by the City through foreclosure; by creating a new Section 2-436 which provides for acquisition and disposition of real property in accordance with the City's adopted Real Property Policies; providing



directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

*Explanation: PUBLIC WORKS DEPARTMENT STAFF REPORT*

*This ordinance is related to Resolution #100630, adopting policies for the City's acquisition and disposition of real property. This ordinance amends existing City Code to require that the Real Property Policies be followed when acquiring and disposing of real property.*

*In addition, this ordinance revises existing City Code concerning the point at which an appraisal is obtained for property valued at \$100,000 or more. Current Code requires the City to obtain an appraisal prior to signing a contract. This requires the expenditure of significant funds before the City has any written assurance that the Seller will actually sell the property. Staff recommends a better practice is to allow City staff to negotiate and sign a contract with the Seller, contingent on obtaining an appraisal prior to Commission approval. This ordinance will allow for that practice.*

*This ordinance also deletes an obsolete portion of City Code regarding sale of land obtained by the City by virtue of foreclosure for delinquent taxes and/or special assessments. Pursuant to state law, these proceedings are now handled through the tax certificate process by the County Tax Collector. In the event any property escheats to the City by virtue of such proceedings, the City will dispose of such property in accordance with these policies.*

#### CITY ATTORNEY MEMORANDUM

*This ordinance requires two readings.*

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

[100629\\_draft ordinance\\_20130418.pdf](#)

#### [110873.](#)

#### **PORTABLE STORAGE UNITS AND ROLL-OFFS - TEXT CHANGE (B)**

Ordinance No. 110873; Petition No. PB-12-13 TCH

An ordinance of the City of Gainesville, Florida, amending the Land Development Code by adding regulations to allow portable storage units and roll-offs as a temporary use in residential zoning districts; by adding new definitions to Section 30-23 Definitions; by creating Section 30-121 Temporary portable storage units and roll-offs; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

*Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF*

## REPORT

*This ordinance is the result of a referral from the City Commission to the Community Development Committee in response to neighborhood concerns about the use of portable storage units and other temporary storage facilities in residential zoning districts. Currently, the Land Development Code does not specifically regulate the temporary use of portable storage units and roll-offs. The intent of this ordinance is to address the concerns that have been raised by regulating portable storage units and roll-offs as a temporary use in residential zoning districts. Accordingly, this ordinance regulates the placement of portable storage units and roll-offs on residential properties, requires a "Proof of Delivery Certificate" to be affixed to such facilities, provides a time limit with exceptions, and provides certain other regulations.*

*Public notice was published in the Gainesville Sun on March 6, 2012. On March 22, 2012, the City Plan Board held a public hearing and, by a vote of 7-0, recommended approval of the petition with an amendment regarding a time extension for natural disasters. On May 17, 2012, the City Commission, by a vote of 7-0, approved the petition as amended by staff.*

*While this ordinance was being drafted, it was brought to the attention of city staff that licensed commercial parcel delivery services use portable storage units for making seasonal deliveries in accordance with Section 316.2126, Florida Statutes. As a result, staff has included specific regulations for this temporary seasonal use.*

## CITY ATTORNEY MEMORANDUM

*This ordinance requires two readings.*

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

### **Legislative History**

5/3/12	City Commission	Continued (Petition)
5/17/12	City Commission	Approved (Petition) as amended by staff

[110873A\\_staff\\_report\\_20120503.pdf](#)

[110873B\\_CDC\\_backup\\_documents\\_to\\_CCOM\\_20120503.pdf](#)

[110873C\\_cpb\\_minutes\\_20120503.pdf](#)

[110873D\\_staff\\_ppt\\_20120503.pdf](#)

[110873A\\_staff\\_report\\_20120517.pdf](#)

[110873B\\_CDC\\_backup\\_documents\\_to\\_CCOM\\_20120517.pdf](#)

[110873C\\_cpb\\_minutes\\_20120517.pdf](#)

[110873D\\_staff\\_ppt\\_20120517.pdf](#)

[110873\\_MOD\\_additional\\_back-up\\_20120517.pdf](#)

[110873A\\_draft\\_ordinance\\_20130418.pdf](#)

[120370.](#)**EVALUATION AND APPRAISAL COMPREHENSIVE PLAN AMENDMENTS (B)**

Ordinance No. 120370

An ordinance of the City of Gainesville, Florida, amending the City's Comprehensive Plan pursuant to the periodic evaluation and appraisal process set forth in Section 163.3191, Florida Statutes, to comply with changes to Florida Statutes, address changes in local conditions, correct internal inconsistencies, and provide clarification to objectives and policies; by amending the Future Land Use Element and the Future Land Use Map Series; by amending the Transportation Mobility Element and the Transportation Mobility Map Series; by deleting the Concurrency Management Element; by amending the Housing Element; by amending the Conservation, Open Space & Groundwater Recharge Element; by amending the Capital Improvements Element; by amending the Intergovernmental Coordination Element; by amending the Public Schools Facilities Element; by providing directions to the City Manager; providing a repealing clause; providing a severability clause; and providing an effective date.

*Modification*

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

*Section 163.3191, Florida Statutes, requires that at least every seven years, local governments shall determine whether the need exists to amend its comprehensive plan to reflect changes in state requirements since the last time the comprehensive plan was updated. This process is known as the evaluation and appraisal of the Comprehensive Plan. The City in April 2012 notified the Florida Department of Economic Opportunity (DEO) in its capacity as the state land planning agency that the City of Gainesville Comprehensive Plan will be amended to address changes to Florida Statutes, address changes in local conditions, correct internal inconsistencies, and provide clarification to objectives and policies as necessary for the 2013-2023 planning period. DEO then notified the City that the proposed amendments should be transmitted to DEO by May 1, 2013.*

*The proposed amendments to the City's Comprehensive Plan include, among other changes, rescinding transportation concurrency and the Transportation Concurrency Exception Area in the City of Gainesville. This ordinance amends the Future Land Use Element and the Future Land Use Map Series; amends the Transportation Mobility Element and the Transportation Mobility Map Series; deletes the Concurrency Management Element; amends the Housing Element; amends the Conservation, Open Space & Groundwater Recharge Element; amends the Capital Improvements Element; amends the Intergovernmental Coordination Element; and amends the Public Schools Facilities*

*Element.*

*The following nine petitions are associated with this ordinance, listed by Petition No. and Legistar No.: PB 12-112 CPA (120639); PB 12-134 CPA (120638); PB 12-132 CPA (120648); PB 12-133 CPA (120646); PB 12-98 CPA (120428); PB 12-61 CPA (120227); PB 12-114 CPA (120523); PB 12-99 CPA (120429); and PB 12-131 CPA (120652). In review of these nine petitions, the City Plan Board held multiple public hearings that were each noticed as required by law and recommended approval of the proposed amendments to the City's Comprehensive Plan. In addition, the City Commission held multiple public hearings that were each noticed as required by law and reviewed the proposed amendments to the City's Comprehensive Plan and authorized the drafting of this ordinance.*

**CITY ATTORNEY MEMORANDUM**

*Subsection 163.3184(4), Florida Statutes, sets forth the procedure for amending the Comprehensive Plan pursuant to the state coordinated review process (which includes EAR-based amendments). The first hearing is the transmittal stage and must be advertised at least 7 days prior to the hearing. The second hearing is the adoption stage and must be advertised at least 5 days prior to the hearing.*

*Within 10 working days after the first hearing, the City must transmit the proposed amendment to the reviewing agencies and to any other local government or state agency that has filed a written request for same. Within 60 days after receipt of the complete proposed amendment, the state land planning agency may issue a report giving its objections, recommendations, and comments. The City must review any objections, recommendations, or comments received during the second hearing. If adopted on second reading, the City must forward the amendment within 10 working days to the state land planning agency and any party that submitted timely comments.*

*This ordinance shall become effective immediately upon adoption; however, these plan amendments, if not timely challenged, shall go into effect pursuant to the state land planning agency's Notice of Intent (NOI) that these plan amendments are in compliance with Chapter 163, Florida Statutes. If timely challenged, these plan amendments shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining these adopted plan amendments to be in compliance with Chapter 163, Florida Statutes. No development orders, development permits, or land uses dependent on these plan amendments may be issued or commenced before these plan amendments have become effective.*

**RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

[120370B\\_data\\_and\\_analysis\\_20130418.pdf](#)

[120370C\\_staff\\_reports\\_&\\_exhibitst\\_20130418.pdf](#)

[120370A\\_draft\\_ordinance\\_20130418.pdf](#)

[120370D-MOD\\_staff\\_ppt\\_20130418.pdf](#)

## ORDINANCES, 2ND READING- ROLL CALL REQUIRED

## PLAN BOARD PETITIONS

## DEVELOPMENT REVIEW BOARD PETITIONS

[120901.](#)

### Vacation of a portion of the Shady Forest Plat (B)

**Petition CC-13-04 SUB:** Causseaux, Hewett and Walpole, Inc., agent for Garrison SW 17th Avenue LLC. Reversion of subdivided land, Shady Forest, to acreage. Zoned: Urban mixed-use district 2 (UMU-2). Located north of SW 20th Avenue between SW 37th Street and SW 38th Terrace.

#### *Modification*

*Explanation: This petition is a request to vacate a portion of an older subdivision, Shady Forest, returning it to acreage for future development. The plat originally included 64 lots of which sixteen have been incorporated into other developments, leaving a total of 48 existing lots. This petition is to convert 40 of the 48 remaining lots into acreage. The eight remaining lots are improved with single-family dwellings which are served by dirt roads and will retain formal access to SW 20th Avenue via the existing dirt roads which has a right-of-way width of 30 feet.*

*The Land Development code requires that revisions of a subdivision to acreage be processed in accordance with the Florida Statutes, Chapter 177.102. It requires that the City adopt a resolution vacating the plat and forwarding the plat vacation to the Alachua County Commission for adoption of a second resolution vacating the plat at a county level.*

*The petition was reviewed in the context of Florida Statutes Chapter 177.102, the City of Gainesville's Comprehensive Plan and the Land Development Code. The petition is consistent with all of the requirements of Florida Statutes 177.102. The applicant owns fee simple title to the land; the right of convenient access of the remaining lots is protected; legal notice has been provided; taxes have been paid and the roads to be vacated will not affect the overall transportation network.*

*On February 14, 2013 the Development Review Board approved the petition with conditions listed in the staff report.*

*Fiscal Note: None.*

**RECOMMENDATION**

*The City Commission continue this item to May 2, 2013.*

*Planning Staff to Development Review Board - approve Petition CC-13-04 SUB.*

[120901A\\_Staff Report\\_130418.pdf](#)

[120901B\\_Existing Shady Forest Subdivision\\_130418.pdf](#)

[120901C\\_Florida Statutes and LDC reference\\_130418.pdf](#)

[120901D\\_TRC Comments\\_130418.pdf](#)

[120901E\\_Application & Supporting Docs\\_130418.pdf](#)

[120901F\\_DRB minutes\\_130418.pdf](#)

[120901G\\_staff ppt\\_130418.pdf](#)

[120901\\_draft resolution\\_20130418.pdf](#)

**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)**