

City of Gainesville

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



Meeting Agenda

December 04, 2008

1:00 PM

City Hall Auditorium

City Commission

*Mayor Pegeen Hanrahan (At Large)
Mayor-Commissioner Pro Tem Jack Donovan (District 3)
Commissioner Thomas Hawkins (At Large)
Commissioner Jeanna Mastrodicasa (At Large)
Commissioner Scherwin Henry (District 1)
Commissioner Lauren Poe (District 2)
Commissioner Craig Lowe (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 - 1:05 PM

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

080586.

First Amendment to the Interlocal Agreement between University of Florida Board of Trustees and City of Gainesville (B)

This item is a request to authorize the City Manager to execute the First Amendment to the Interlocal Agreement between University of Florida Board of Trustees and City of Gainesville to use Bio-diesel on campus bus routes.

Explanation: The City and University of Florida Board of Trustees (UF) have an Interlocal Agreement for the City to provide UF students unlimited access to public transit services. Regional Transit System (RTS) and UF have enjoyed a successful partnership promoting the use of public transit and providing campus bus service to UF students and faculty for a number of years. UF desires to promote campus sustainability initiatives by using Bio-Diesel B20 fuel on the campus bus routes.

Bio-Diesel B20 is defined as a blend of 80% Ultra Low Sulfur Diesel fuel and 20% B100. Bio-Diesel B100 is defined as Bio-Diesel produced from bio mass agro based feed stocks and meets the ASTM specification for B100 (ASTM D 6751).

This Amendment will allow RTS to bill UF the difference between the cost of the Bio-Diesel fuel and the cost of regular diesel for the fuel consumed by campus route buses. This Amendment will go into effect upon execution and will expire on September 30, 2009.

Fiscal Note: UF will reimburse the City up to \$150,000.

RECOMMENDATION

Recommended Motion: The City Commission authorize the City Manager to execute the First Amendment to the Interlocal Agreement between University of Florida Board of Trustees and City of Gainesville to use Bio-Diesel on campus bus routes, subject to approval by the City Attorney as to form and legality.

080586a_Agreement_20081204_.pdf
080586b_Agreement_20081204.pdf

080589.

Vacation of Dedicated Parks (B)

This item is a request to vacate the public rights in the Parks dedicated in the Hilldale Subdivision Plat.

Explanation: The 1938 plat of the Hilldale Subdivision, Plat Book "C", page 74, consists of 7 lots on the north side of Northwest 3rd Place and five on the south side, all lying between Northwest 21st and 22nd Streets. The Plat dedicated to the public, four parks, 10 foot wide by approximately 142 foot deep, located in each of the four corners of the plat. Because of their unusual shape, the dedicated parks were never used for their specified purpose. Public Works has received a request from the attorney representing the owner of Lot 7 and the west ½ of Lot 6, Tax Parcel 15100-000-000, to vacate the platted park adjacent their parcel. The title company for the owner will not issue a title policy because the owner's driveway crosses a park. Public Works believes it to be in the best public interest to vacate all the platted parks in this Hilldale Subdivision Plat, returning them to the tax rolls, retaining overall utility and sidewalk easements.

Fiscal Note: Funding in the amount of \$200 for administrative costs is available in the Public Works FY 2009 operating budget.

RECOMMENDATION

Recommended Motion: The City Commission: 1) approve the Public Works Department request to vacate public rights in the Parks dedicated in the Hilldale Subdivision plat, per Plat Book "C", page 74, retaining overall utility and sidewalk easements; and 2) authorize the Planning Department to initiate a petition to the Plan Board to vacate public rights in the Parks dedicated in the Hilldale Subdivision plat, per Plat Book "C", page 74, retaining overall utility and sidewalk easements.

080589a_Record_20081204.pdf
080589b_Legal Description_20081204.pdf

080598.

Gainesville Police Department Automated License Plate Reader (B)

This items requests the City Commission to approve a \$45,000 expenditure from Federal Law Enforcement Contraband Forfeiture Trust Fund to purchase an Automated License Plate Reader.

Explanation: GPD is requesting that \$45,000 from the Federal Law Enforcement Contraband Forfeiture Trust Fund be used for the purchase of an Automated License Plate Reader (ALPR) Veriplate. Currently, the Alachua County Sheriff's Office is using this product.

ALPR is a device that can be affixed to a vehicle and read the license plates on other vehicles that it comes in proximity to through infra-red scanning. Once read, those tags are compared to FCIC / NCIC lists for wanted vehicles. In the event the vehicle shows a want (for example if it was entered into FCIC as stolen, or involved in another crime) the ALPR will issue an immediate warning to the operator so they can take the appropriate action.

The tags read by the ALPR can also be compared to a list of tags the purchasing agency "banks" in a computer data base called the "back office." In other words, the purchaser can flag vehicle tags as it deems necessary. There are many applications in this area but as an example a narcotic unit may create a list of known offender's vehicles. If the ALPR reads a tag from the list it will advise the operator. The ALPR can also create a daily/weekly/monthly/yearly report of the instances the ALPR read the known offenders tags that will include when and where within a couple of feet. This assists the investigators in numerous ways.

Another use for ALPR technology would be to create a list of possible witnesses immediately following a major crime. For example if a homicide occurred in a populated area the ALPR could be dispatched. The ALPR could be used to canvas the area of occurrence as the investigation is occurring. The tags read could be listed later in a report and the owners could be contacted to determine what knowledge he/she might have that would benefit the investigation.

An ALPR system also banks tags sighted by the system for long periods of time. In the event the vehicle (or owner) becomes the suspect of an investigation a review of the tag hits can be retrieved. That information can tell investigators where the vehicle was sighted previously over a period of time and give insight as to where the suspect may be now.

Fiscal Note: Funds in the amount of \$45,000 for this project are available in the Federal Law Enforcement Contraband Forfeiture Trust Fund and is allowable per Federal 21 U.S.C. § 881, found in the U.S. Department of Justice "A Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies." Available balance is \$1,923,300.35.

RECOMMENDATION

The City Commission approve the appropriation of \$45,000 from the Federal Law Enforcement Contraband Forfeiture Trust Fund.

Alternative Recommendation A: The City Commission deny funding.

080598_VeriPlateInfo_20081204.pdf

080606.

Roof Replacement on Thomas Center A & B (B)

This item involves a request to award the bid to replace the roofs on Thomas Center A & B to Perry Roofing Contractors of Gainesville.

Explanation: The Purchasing division received eleven responses from its Request for Bids to replace the roofs at Thomas Center A & B. Perry Roofing Contractors of Gainesville submitted the lowest responsive bid. The base bid is \$728,000, inclusive of a proposed option to reuse salvage tiles from the existing roof, in an amount of (\$59,000) which gives a total bid of \$669,000. Staff is recommending adding a 10% contingency for unforeseen circumstances related to this project for a total of \$735,900.

Fiscal Note: Funds for this project were approved and are available in the FY 08-09 General Services Capital Improvement Plan.

RECOMMENDATION

Recommended Motion: The City Commission: 1) authorize the City Manager or his designee to award the bid to Perry Roofing Contractors in an amount not to exceed \$735,900; and 2) authorize the City Manager, upon successful contract negotiations, to execute the contract and any related documents upon approval by the City Attorney as to form and legality.

Alternative Recommendation: The City Commission denies this recommendation and ask staff to re-bid the project.

080606_BID AWARD_20081204.pdf

080621.

Self-Designation of the City of Gainesville as a Butterfly City (B)

This item is a request for the City Commission to receive a written report in response to a referral to the City Manager to determine the feasibility of self-designating the City of Gainesville as a Butterfly City.

Explanation: At the direction of the City Manager, the Communications Office staff and Intern Tony Tam conducted a review of identified municipalities and areas in the State of Florida, nationally, and internationally that have self-designated their communities as Butterfly Cities or otherwise identified a community association with a significant butterfly venue. The report, entitled, *Exploring the Possibility of Gainesville Becoming a "Butterfly City"* details justifications used by comparable governmental entities to self-proclaim their respective jurisdictions as butterfly communities.

The report further identifies existing butterfly venues, programs and resources located in the Gainesville area and provides justification for a resolution to

self-designate the City of Gainesville as a Butterfly City. The report was shared and reviewed by staff at the University of Florida Museum of Natural History's McGuire Center for Lepidoptera and Biodiversity, the Alachua County Visitors and Convention Bureau, the Florida Chapter of the North American Butterfly Association, and the City's Parks, Recreation and Cultural Affairs Department.

Each of the above entities expressed support for self-designating the City of Gainesville as a Butterfly City. Staff at the University of Florida Museum of Natural History recommend coordinating the self-designation of the City of Gainesville with the announcement of the 2009 ButterflyFest in October. Staff members at the Alachua County Visitors and Convention Bureau recommend using this opportunity to engage the entire community to help build the case prior to self-designating Gainesville as a Butterfly City by involving: businesses; local butterfly farms; University researchers; local libraries; local festivals; schools; and local media. Each of the above agencies has expressed interest in supporting efforts in this regard.

Fiscal Note: None

RECOMMENDATION

The City Commission accept the report and direct the City Manager to work with the above agencies to coordinate a community wide effort to build consensus for self-designating the City of Gainesville as a Butterfly City in coordination with October 2009 ButterflyFest planned activities and programs.

Alternative Recommendation

The City Commission accept the report and take no action.

080621_WHITE PAPER_20081204.PDF

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

080628.

Construction Manager for the Eastside Operations Center (B)

Staff recommends awarding a contract to Skanska USA Building Inc. for pre-construction and construction management services for construction of the Eastside Operations Center.

Explanation: The City Commission authorized the purchase 117.68 acres located in the 4500 block of North Main Street on November 27, 2006 for a new operations compound. On December 11, 2006, the City Commission approved a contract for Architectural and Engineering Services for the design of the Eastside Operations Center. The property was rezoned from Industrial to Public Service on November 6, 2008. Staff has worked with an architect and engineers to develop a master plan, initiated design development and has begun the development review process.

The project design development has now reached thirty percent of completion

with construction slated to begin in early fiscal year 2010. The project consists of constructing a combined utilities operations center to support all utility services offered by GRU. The project includes the construction of seven major buildings, three minor buildings, a vehicle refueling station, equipment shelter and extensive site work including paving, drainage and related work.

Staff has evaluated the various methods of project delivery for this construction project and is recommending use of a Construction Manager at Risk with Guaranteed Maximum Price (CM at Risk with GMP). This method centralizes responsibility for the construction under a single contract and requires a bonded guaranteed maximum price for construction prior to the beginning of construction, producing a more cost effective, timely and predictable project.

Services to be provided by the CM at Risk with GMP will be divided into two phases. The first phase of the project is referred to as "Pre-construction Services Supporting Design Services" and will include such activities as cost analysis, construction and cost consulting, constructability review, scheduling, and ultimately the development of a guaranteed maximum price for the construction of the new building. Pre-construction Services will be paid at cost plus a negotiated percentage. The second phase encompasses Construction Services and will include permitting, materials and trade procurement, and the general management of the construction of the project. Phase Two Services will be paid as a GMP.

Utilities Purchasing issued a Request for Statement of Qualifications (RFSQ) for CM at Risk services to 22 known companies that perform this type of work and the RFSQ was posted on the GRU web site. Twelve firms submitted Statements of Qualifications. A review committee evaluated and short listed the submittals to the top four firms. These four firms were invited to make oral presentations for final evaluation and ranking based on criteria established in the RFSQ. The final ranking is as follows:

Skanska USA Building, Inc.
MM Parrish Construction, Inc.
Clancy & Theys Construction Company, Inc.
Barton Malow Construction Services

A tabulation of the evaluation is attached for your information.

If staff is unable to negotiate an acceptable contract with the top ranked company, it may initiate negotiations with the other companies in sequential order.

Fiscal Note: Funding for this project is in the Utilities FY09 and FY10 budget and will be requested in future fiscal years.

RECOMMENDATION

The City Commission: 1) approve the final ranking of companies for the Construction Manager for the Eastside Operations Center; 2) authorize the General Manager, or his designee, to negotiate a contract with Skanska USA Building Inc. for Construction Manager services for the GRU Eastside Operations Center

project, subject to approval of the City Attorney as to form and legality; and 3) authorize staff to procure services and equipment, as required, to complete the project as budgeted, subject to the final appropriation of funds.

080628_contract_20081204.pdf

CITY ATTORNEY, CONSENT AGENDA ITEMS

080604.

WILLIE WASHINGTON VS. THE CITY OF GAINESVILLE; FCHR NO.: 200900291, EEOC CHARGE NO. 15D200900108, (B)

Explanation: On November 10, 2008, the City of Gainesville received a Notice of Charge of Discrimination from the U.S. Equal Employment Opportunity Commission. Mr. Washington alleges that he was forced to resign because of physical limitations without being offered reasonable accommodations under the Americans with Disabilities Act. Mr. Washington also alleges discrimination based on race, alleging that Caucasian employees were offered reasonable accommodations.

RECOMMENDATION

The City Commission authorize the City Attorney to represent the City in the case styled Willie Washington vs. the City of Gainesville; FCHR No.: 200900291, EEOC Charge No.: 15D200900108.

080604_WillieWashington_20081204.pdf

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

080632.

City Commission Minutes (B)

RECOMMENDATION

The City Commission approve the minutes of November 20, 2008, as circulated.

080632_minutes_20081204.pdf

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE, CONSENT

080614.

Review of Fleet Fuel Expenses and Charges to Departments (B)

Explanation: In accordance with our Annual Audit Plan, we have completed a Review of Fleet Fuel Expenses and Charges to Departments. Our report, which includes a

response from the City Manager and General Manager for Utilities, is attached for your review.

We request that the Committee recommend the City Commission accept our report and the management response. Also, in accordance with City Commission Resolution 970187, Section 10, Responsibilities for Follow-up on Audits, we request that the Committee recommend the City Commission instruct the City Auditor to conduct a follow-up review on recommendations made and report the results to the Audit, Finance and Legislative Committee.

RECOMMENDATION

The Audit, Finance and Legislative Committee recommend that the City Commission: 1) Accept the City Auditor's report and the response from the City Manager and General Manager for Utilities, and 2) instruct the City Auditor to conduct a follow-up review on recommendations made and report the results to the Audit, Finance and Legislative Committee.

Legislative History

11/24/08	Audit, Finance and Legislative Committee	Recommended for Approval
080614_Report_20081124.pdf		

080224.

Periodic Review of Service Charges (B)

Explanation: On July 21, 2008, during GRU's 2009-2010 Budget presentation, Commissioner Poe referred the issue of periodically reviewing the need for rate increases to Audit, Finance and Legislative Committee.

RECOMMENDATION

The Audit, Finance and Legislative Committee recommend that the City Commission receive a presentation from staff and remove this item from the City Commission Referral List.

Legislative History

7/21/08	City Commission	Referred (7 - 0)	Audit, Finance and Legislative Committee
11/24/08	Audit, Finance and Legislative Committee	Recommended for Approval	
080224_PPT_20081204.PDF			

080331.

2009 State Legislative Agenda (B)

Explanation: Annually, the City Commission adopts a State Legislative Agenda for presentation to the Alachua County legislative delegation. The legislative agenda is a compilation of the City's priority needs for the upcoming Legislative Session and provides delegation members with comprehensive information in

order for them to focus their efforts on specific legislative priorities and initiatives related to the City. The statement includes funding requests as well as policy initiatives that are listed in priority order as recommended by the Audit, Finance and Legislative Committee.

On November 24, 2008, the Audit, Finance and Legislative Committee approved three appropriation requests, four tier one policy initiatives, and five tier two policy initiatives as the City's 2009 State Legislative Agenda. These appropriation requests and initiatives have been prioritized with assistance from the City of Gainesville's state legislative lobbyist, Doug Bruce of Doug Bruce and Associates and consultation with Alachua County delegation members.

Fiscal Note: Requesting \$2,425,000 in State funds for projects. If funds are not received the City will rely on other sources including other state, federal, and local support.

RECOMMENDATION

The City Commission review and approve the proposed 2009 State Legislative Agenda as recommended by the Audit, Finance and Legislative Committee.

Alternative Recommendation (A)

The City Commission review and amend the proposed 2009 State Legislative Agenda.

Legislative History

9/8/08	Audit, Finance and Legislative Committee	Approved, as shown above
11/24/08	Audit, Finance and Legislative Committee	Recommended for Approval

080331_report_20080908.pdf

080331_report_20081124.pdf

080615.

Review of General Fund Forecasted Revenues and Other Sources of Funds for the Fiscal Year Ending September 30, 2009 (B)

Explanation: In accordance with Section 12(a), Budget Reviews, of Commission Resolution 970187 and our Annual Audit Plan, we have completed our review of General Fund revenue estimates as presented by the City Manager in the proposed General Government Budget for the fiscal year ending September 30, 2009.

We reviewed the forecasted General Fund Revenues and Other Sources of Funds set forth in the Fiscal Year 2008-2009 Final General Operating and Financial Plan Budget adopted by the City Commission on September 18, 2008. Our objective was to assess whether data, methods and assumptions used by the City Manager in preparing projected General Fund Revenues and Other Sources of Funds in the amount of \$98,213,726 provide a reliable and reasonable basis for the forecast.

RECOMMENDATION

The Audit, Finance and Legislative Committee recommend that the City Commission accept the City Auditor's report.

Legislative History

11/24/08 Audit, Finance and Recommended for Approval
 Legislative
 Committee
 080615_Report_20081124.pdf

EQUAL OPPORTUNITY COMMITTEE, CONSENT**COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS****080601.****Kennedy Homes (NB)**

Explanation: The former Kennedy Homes site is one of the most well-known properties in Gainesville. Funded through a loan from HUD, the development originally opened in 1968. However over the years, the property unfortunately came to embody many negative stereotypes associated with low-income housing. Challenged by poor maintenance, drug, and crime issues, problems at Kennedy Homes resulted in negative impacts to the surrounding community. In 2007, the City purchased and cleared the property. Simultaneously, the City and the CRA coordinated the Southeast Gainesville Renaissance Initiative (SEGRI), which produced a master plan consisting of a series of conceptual development visions for six key sites - including Kennedy Homes-- located throughout the southeast Gainesville community. As a follow-up to the conceptual SEGRI Master Plan, the CRA has tackled two major projects. The first has involved coordination with local stakeholders to create a draft Special Area Plan (SAP) for the SEGRI area. The SAP consists of a regulatory toolset to achieve the sense of place, amenities, and high-quality design identified through the SEGRI Master Plan. City planning staff and CRA staff are working on a petition to include the SAP into the City of Gainesville Land Development Code. The second major follow-up project is the implementation of redevelopment activities at Kennedy Homes.

At its meeting on May 19, 2008, the CRA approved the proposed redevelopment scope for the former Kennedy Homes property and authorized staff to prepare a Request for Proposals (RFP) for a mixed-use project with a retail/commercial component and a mixed-income residential component, including an affordable housing component. The project scope will reinforce community efforts to establish a high-quality built environment; it will be characterized by innovative and attractive design, green building concepts, and dynamic street-level activity. The CRA, at its meeting on May 19, 2008, and the City Commission, at its meeting on June 23, 2008, authorized the negotiation of an option to purchase agreement between the CRA and the City for the purpose of having the CRA dispose of the property via an RFP process.

In order to establish the value of the site, the City had the property appraised in June 2008. The appraisal report valued the property at \$1,160,000. This value is significantly less than the approximate \$2,593,185 the City invested in 2007 to acquire the property and demolish the existing buildings. Given this disparity, along with the City's budget situation, the current real estate market and the CRA's current inability to provide long-term financial incentives (due to the still pending Strand decision), staff believes it would be prudent to allow the RFP respondents to propose the purchase price for the property, rather than for the City and the CRA to "artificially" establish the purchase price in the option to purchase agreement between the City and CRA. In order to do this, the City, and not the CRA, will need to issue the RFP. After evaluation of the proposals (including the proposed purchase price) by staff, the City Commission will be presented with a ranking of the proposals. If satisfied with the proposals and that the purchase price proposed is in the public interest, the City would then enter into an agreement for sale and purchase with the selected developer, with appropriate conditions if the purchase price is for less than "fair value". This is a departure from the process as currently approved by the CRA and City Commission; however, staff believes it is a necessary approach to obtain realistic proposals for a project that (a) achieves the City Commission and CRA vision for the redevelopment, and (b) will actually be constructed and succeed in the market.

CRA staff, as agent for the City, will continue to lead the RFP and redevelopment efforts. In addition, CRA staff will continue to work, on behalf of the CRA, by informing proposers of the potential availability of CRA funding for the redevelopment efforts.

At its meeting on November 17, 2008, the CRA authorized CRA Staff to act as agent for the City in the RFP process and redevelopment efforts for the former Kennedy Homes site and recommended the City Commission authorize same.

Fiscal Note: There is \$663,499 currently available in a General Government SEGRI account. \$25,000 of these funds have been approved by the City Commission for use to support the marketing efforts associated with issuing and promoting this RFP.

RECOMMENDATION

CRA to the City Commission: 1) Authorize CRA Staff to act as agent for the City in the RFP process and redevelopment efforts for the former Kennedy Homes site; and 2) Affirm the general scope of the RFP as approved by the CRA on May 19, 2008.

Legislative History

11/17/08	Community Redevelopment Agency	Recommended for Approval (5 - 0 - 2 Absent)
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END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

CHARTER OFFICER UPDATES**CLERK OF THE COMMISSION****CITY MANAGER****080607.****Delinquency Prevention Presentation (B)**

This informational presentation is an action step for the City Commission's Strategic Initiative #3.3 Analyze the Availability and Accessibility of Youth Programs and Identify a Role for Government.

Explanation: During the City Commission Strategic Planning session, a new initiative was identified under the Human Capital Category asking that staff "Analyze the Availability and Accessibility of Youth Programs and Identify a Role for Government." Tony Jones, Community Relations Coordinator at the Gainesville Police Department and Michelle Park, Assistant Director of the Parks, Recreation and Cultural Affairs Department, are the co-Champions for this initiative. One of the very first action steps is to present to the City Commission a statistical analysis of juvenile delinquency issues in Alachua County.

The State Attorney's Office has recently updated these statistics and through a PowerPoint presentation by Ms. Gretchen Howard, Program Manager of Project Payback, the status of juvenile delinquency will be provided for information purposes.

Fiscal Note: No funds are being requested

RECOMMENDATION

The City Commission accept this presentation as Action Step 1 for Strategic Initiative #3.3 Analyze the Availability and Accessibility of Youth Programs and Identify a Role for Government.

The City Commission denies this presentation as Action Step 1 for Strategic Initiative #3.3 Analyze the Availability and Accessibility of Youth Programs and Identify a Role for Government.

080607_PPT_20081204.PDF

080416.**Regional Transit System Report on Bus Advertising and Bus Shelter/Bench Advertising (B)**

This item is in response to a request from the City Commission for the Regional Transit System (RTS) to provide information on Bus Advertising and Bus Shelter/Bench Advertising.

Explanation: RTS has explored expanding its existing bus advertising program to generate additional revenue. It has also explored incorporating bus shelter/bench advertising into the program. RTS staff has surveyed thirteen Florida transit agencies and also met with two companies who specialize in outdoor advertising. Some of the transit agencies reported costs, revenue and challenges with their programs.

Transit agencies have created in-house and contracted advertising programs. Most programs include some combination of advertising on 1) the exterior of buses 2) the interior of buses, 3) bus shelters, 4) and bus benches. Many agencies created their programs in the hope of raising new revenue and creating cost savings. Cost savings can be created when contractors assume responsibility for bus shelter/bench maintenance and in some jurisdictions the capital costs of installing new shelters. There is the potential to raise additional revenue and create cost savings if RTS were to establish a bus shelter/bench advertising program but not without challenges and trade-offs.

The most significant challenge involves current restrictions in City code that prohibit bus shelter/bench advertising. Planning staff has advised and the City Attorney concurs that the Land Development Code prohibits all off-premise street graphics or signs and the general code of ordinances prohibits commercial signage in the right-of-way. The placement of advertising on bus stop shelters/benches would constitute off-premise street graphics or signs and would therefore be prohibited. To permit advertising on bus shelters would invalidate the city's prohibition against other types of off-premise street graphics including billboards.

RTS staff believes the revenue generated by bus shelter/bench advertising would be unlikely to provide sufficient funding to restore recent service reductions and may not be worth the potential negative impacts to the aesthetics of the community. However, any additional revenue could assist in reducing the need for future service reductions or support elements of RTS service. Community Redevelopment Agency (CRA) staff has a similar perspective and believe that bus shelter/bench advertising would clutter the CRA areas and the revenue generated would not be worth countering the recent success the City has had with ridding the urban core and streets of billboards and advertising.

Fiscal Note: The existing RTS bus advertising program generated \$192,457.12 in revenue in FY08. There is a need for 45 new shelters in the City of Gainesville and 15 new shelters in Alachua County. Our study showed that the agencies who outsource their bus shelter and bench advertising program and reported their revenue, received a return of 10-30% of the total advertising revenue. The current total cost for RTS to purchase and install a bus shelter is \$8,858. This includes the shelter, permit, slab, sod, trash can and bench, kiosk sign and labor. Currently RTS plans to install 5 - 10 bus shelters per year depending upon availability of funding which would cost \$44,290 - \$88,580. The current cost for 45 new bus shelters in the City would be \$398,610. The total annual cost for RTS to upkeep and maintain 1186 bus stops, 126 shelters, 716 benches and 376 trashcans is \$150,945.

RECOMMENDATION

The City Commission: 1) do not implement a bus

shelter/bench advertising program; and 2) consider expanding the existing RTS in-house bus advertising program.

Alternative Recommendation A

The City Commission: 1) do not implement a bus shelter/bench advertising program; and 2) retain the existing RTS in-house bus advertising program.

Alternative Recommendation B

The City Commission direct the City Manager to initiate a planning petition that would allow off-premise advertising and solicit proposals for a bus shelter//bench advertising program through an RFP process.

080416_MEMO_20081204.PDF

080416_PPT_20081204.PDF

080537.

Sixth Street Corridor Rail Trail Project - 30% Design Presentation (B)

This item involves a presentation by the Public Works engineering staff on the Sixth Street Corridor Rail Trail, which is currently at the 30% design stage.

Explanation: The Sixth Street Corridor Rail Trail project is underway after many years of delay while waiting for the State of Florida to purchase the associated abandoned CSX railroad rights-of-way. This presentation is intended to inform the City Commission of the design progress on this project as well as present the design intent and projected direction, including the current project schedule.

Fiscal Note: There is no fiscal impact to the City of Gainesville at this time.

RECOMMENDATION

Recommended Motion: The City Commission: 1) hear the staff presentation; and 2) take action deemed appropriate.

080537_Presentation_20081204.PDF

080537_revised_ppt_20081204.PDF

GENERAL MANAGER FOR UTILITIES

080629.

Extending the Wholesale Electric Service Contract with the City of Alachua (B)

On November, 29, 2007, the City of Gainesville (GRU) notified the City of Alachua that its wholesale power contract was terminated as of December 31, 2008. It is mutually beneficial to rescind the termination notice and to extend the agreement with pricing which more closely reflect market

conditions.

Explanation: On November, 29, 2007, GRU provided the necessary 12 months notice to the City of Alachua that its wholesale power contract with us was terminated as of December 31, 2008. Alachua proceeded with a competitive solicitation to which we responded. GRU's proposal included a new pricing structure that was closely aligned with market conditions and which provided Alachua with the ability to better manage its power costs and revenue requirements. Although GRU's proposal was not initially selected by Alachua, subsequent negotiations have made it agreeable to all three utilities (GRU, Alachua, and the apparent low bidder) for us to continue to serve Alachua for another two years. The amended agreement reflects new capacity and fuel charges as we proposed in response to Alachua's RFP. Fuel charges are based 50% on GRU's retail fuel adjustment and 50% on the market cost of natural gas, which is set just prior to the billing month. This formulation is highly correlated with our incremental production cost, lets Alachua more correctly set their fuel adjustment, and allows them use commodity hedges to manage their fuel costs.

Fiscal Note: Net revenues from the proposed contract extension will provide a material benefit by helping offset cost for our customers.

RECOMMENDATION

The City Commission: 1) authorize the General Manager to rescind the termination of the Wholesale Electric Service Contract with the City of Alachua and 2) authorize the General Manager or his designee to negotiate and execute a contract amendment substantially in the form attached subject to approval by the City Attorney as to form and legality.

080629_ContractAmendment_20081204.pdf

080630.**Status Report of Plan to Achieve Maximum Energy Efficiency (B)**

The City Commission has asked the staff to implement programs to help achieve maximum energy efficiency and provide quarterly reports regarding progress.

Explanation: In July of 2006 staff began implementation of an aggressive Energy Efficiency Program. Starting October 2006 numerous programs have been implemented to help achieve maximum cost-effective energy efficiency. The presentation will provide a synopsis of last year's activities along with the first two year results and what is planned in the near future.

Fiscal Note: There is no fiscal impact from this status report.

RECOMMENDATION

The City Commission hear a presentation of the first two year results along with status of measurement and verification and evaluation.

080630_report_20081204.pdf

080630a_presentation_20081204.pdf

CITY ATTORNEY**CITY AUDITOR****EQUAL OPPORTUNITY DIRECTOR****COMMITTEE REPORTS (PULLED FROM CONSENT)****ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)****080626.****Proposed City Charter Amendment (NB)**

Explanation: An objective of Chapter 8 of the City of Gainesville's Code of Ordinances is to discourage and eliminate discriminatory practices in employment, housing, public accommodation, and fair credit based on race, color, gender, age, religion, national origin, marital status, disability, sexual orientation, or gender identity.

The Gainesville Human Rights Board was created in accordance with Section 8-22 of the Code of Ordinances. At its meeting on October 23, 2008, the Gainesville Human Rights Board voted to request that the City Commission pass a resolution opposing the City Charter Amendment contained in the initiative petition of "Citizens for Good Public Policy".

Fiscal Note: None.

RECOMMENDATION

The City Commission authorize drafting a resolution opposing the proposed City Charter Amendment subject to approval by the City Attorney as to form and legality.

OUTSIDE AGENCIES**MEMBERS OF THE CITY COMMISSION****080550.****Mayor Pegeen Hanrahan - FL Renewable RC & D Council (B)****RECOMMENDATION**

The City Commission hear an update on the FL Renewable RC & D Council.

080550_update_20081204.pdf

COMMISSION COMMENTS (if time available)

RECESS - 5:22 PM

RECONVENE - 5:56 PM

PLEDGE OF ALLEGIANCE (5:30pm)

PROCLAMATIONS/SPECIAL RECOGNITIONS

080627.

City of Gainesville's Citizens' Academy Fall 2008 Graduates (NB)

Explanation: The City of Gainesville Communications and Marketing 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 year's Citizens' Academy went behind the scenes of City government operations, met with government officials, toured facilities and asked questions at six weekly sessions. A unique feature of the Citizens' Academy is the emphasis on sustainability, fiscal responsibility and increased interaction. Handouts were provided primarily electronically via the Citizens' Academy Web pages.

RECOMMENDATION

The City Commission: 1) recognize accomplishments of Gainesville 101 fall 2008 City of Gainesville Citizens' Academy graduates; and 2) hear brief comments from the class speaker on what they have learned.

080568.

Christian Heritage Week - November 23-29, 2008 (B)

RECOMMENDATION

Christian Pastors Association Vice President Father Ron Kuykendall to accept the proclamation.

080568_ChristianHeritageWeek_20081120.pdf

CITIZEN COMMENT

PUBLIC HEARINGS

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

080227.

FIVE POINTS SPECIAL AREA PLAN (B)

Ordinance No. 0-08-70; Petition 89TCH-08 PB

An ordinance of the City of Gainesville, Florida, amending Chapter 30, Appendix A, Section 8, Exhibit A(f)(9) of the Land Development Code, relating to the prohibited uses within the Five Points Special Area Plan; by adding social services (MG-83), residences for destitute people, food distribution centers for the needy, membership organizations (MG-86), dormitories, rooming houses and boarding houses (GN-702), rehabilitation centers, and social services homes or halfway houses to the list of prohibited uses; 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

Plan East Gainesville (PEG) was a joint City/County planning initiative to stimulate and guide the physical and economic development of East Gainesville. Extensive public participation occurred during the development of PEG's Final Report. In February 2003, the final report of PEG was completed.

On August 8, 2005, the City Commission implemented one of the recommendations of the PEG final report by establishing the Five Points Special Area Plan (SAP) Overlay Zoning District.

The Five Points SAP is less than 50 acres in size, including public road right-of-way. The area is located at the primary crossroads of East Gainesville. That is where University Avenue, Waldo Road, Williston Road, Hawthorne Road, and 15th Street come together. The Depot Avenue and Waldo Road Greenway rail-trails also come together in the Five Points area.

On February 12, 2007, based on citizen concerns about a proposal to place a social service use within the Five Points SAP, the City Commission asked staff to review the potential to amend the Five Points SAP to prohibit or restrict social service uses.

Staff review indicated that the Five Points SAP could be amended to prohibit social service and rehabilitative service uses. On April 23, 2007, the City Commission directed staff to process a Land Development Code amendment petition to add Rehabilitation Centers and Social Service Homes or Halfway Houses to the list of prohibited uses in the Five Points SAP. The City Plan Board heard the petition (50TCH-07 PB) on May 17, 2007. Consistent with staff's recommendation, the City Plan Board voted 6-0 to recommend that the City Commission approve the petition.

The ordinance for 50TCH-07 PB was initially scheduled for first reading on the January 14, 2008 City Commission agenda, but was withdrawn and continued for further review and consideration by staff. Staff requested that the item be withdrawn due to concerns that other uses which are similar to Rehabilitation Centers and Social Service Homes or Halfway Houses should be treated in the same manner, unless there is a rational basis for treating those uses differently

(as is required by the Equal Protection Clause contained in the 14th Amendment to the United States Constitution). Regulations that do not treat similar uses in the same manner, and do not provide a rational basis for the difference in treatment, are unlikely to withstand a legal challenge.

Staff research indicated that other uses currently allowed in the Five Points SAP are similar to rehabilitation centers, and to social service homes or halfway houses, and should also be prohibited.

On June 23, 2008, the City Commission directed staff to process the subject Land Development Code amendment (Petition 89TCH-08 PB) that adds the following uses to the list of prohibited uses within the Five Points SAP: rehabilitation centers, social service homes or halfway houses, social services (MG-83), residences for destitute people, food distribution centers for the needy, membership organizations (MG-86), rooming houses and boarding houses (GN-702), and dormitories. The Plan Board heard this petition on July 17, 2008 and voted 5-1 to recommend that the City Commission approve this petition. The motion approved by the Plan Board, however, included the recommendation that the City Commission and the City Attorney reevaluate whether Membership Organizations (MG-86) should be prohibited. The Plan Board questioned whether that category belonged in the same group as the other uses proposed to be prohibited. Staff did not find a legitimate health, safety, or welfare basis for treating Membership Organizations (MG-86) differently from the other "assembly uses" that are proposed to be prohibited.

At its September 2, 2008 meeting, the City Commission approved the petition by a vote of 6-1. On September 18, 2008, the City Commission authorized the Mayor and Clerk to execute the final administrative order approving the petition.

CITY ATTORNEY MEMORANDUM

This ordinance requires two readings. Should the Commission pass the ordinance on first reading, second and final reading is scheduled for Thursday, December 18, 2008.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

8/21/08	City Commission	Approved (Petition) (6 - 1)
9/18/08	City Commission	Approved as Recommended (6 - 0 - 1 Absent)

080227_petition_20080821.pdf
080227A_staff ppt_20080821.PDF
080227_EC&D PPT_20080821.pdf
080227_fivepoints20080821.pdf
080227a_fivepoints_20080821.pdf
080227_Let & EX_A_MOD_20080821.pdf
080227_EX_B_MOD_20080821.pdf
080227_EX_C_MOD_20080821.pdf
080227_Final Admini Order 5 Points_20080918.pdf
080227_finaladminorder_20080918.pdf
080227_5 Points SAP_20081204.pdf

080174.**AMENDMENT OF PS ZONING ORDINANCE 060015 FOR 837
SOUTHEAST 7TH AVENUE - COTTON CLUB MUSEUM AND
CULTURAL CENTER INC. (B)****Ordinance No. 0-08-59; Petition No. 76PSZ-08PB**

An ordinance of the City of Gainesville, Florida, amending Ordinance No. 060015, adopted by the City Commission of the City of Gainesville on October 23, 2006, that rezoned certain property located in the vicinity of 837 Southeast 7th Avenue and commonly referred to as the "Cotton Club," to "PS: Public services and operations district;" by adding certain uses to the list of uses permitted by right on the property; by specifying the setbacks for certain uses on the property; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: PLANNING AND DEVELOPMENT DEPARTMENT STAFF REPORT

This is a request to amend Ordinance No. #060015 which rezoned the site at 837 Southeast 7th Avenue from RSF-4, Single-Family Residential District, to PS, Public Services and Operations District, and established a list of permitted uses on the site. That ordinance was adopted by the City Commission on October 23, 2006.

The applicant for this request is the Cotton Club Museum and Cultural Center, Inc. (CCMCC), an organization formed to manage the historic rehabilitation of the six vacant historic structures on the site for use as a museum and cultural center. The purpose of this request is to reflect recent changes made by the CCMCC to its long term development plans for the Cotton Club site.

The subject parcel is 1.84 acres in size and is located in Southeast Gainesville's Springhill Neighborhood. The subject parcel is the northern half of a block bounded by 8th Street on the west, 9th Street on the east, 8th Avenue on the south, and 7th Avenue on the north. The largest building on the site was moved from Camp Blanding to its current location after World War II and has been used as a movie theater, nightclub and storage building. In the past, this one-story wood frame building has been known as The Perryman Theater, The Cotton Club and The Blue Note. The subject property also contains five other vacant one-story structures. Those structures are four small wood frame houses and the former Perryman Grocery Store.

The subject property is zoned "PS: Public Services and Operations district." According to Section 30-75(a) of the City of Gainesville's Land Development Regulations, the purpose of the PS zoning is to provide suitable locations for public and private utility and recreation activities that serve and are used by the public. The subject property is designated "REC: Recreation," on the Comprehensive Plan's Future Land Use Map. The Recreation designation identifies appropriate areas for public and private leisure activities. Land development regulations shall address the scale, intensity and buffering of structures and outdoor improvements.

The first portion of the request involves expanding the list of permitted uses. The PS district zoning regulations allow the adopting ordinance to contain site specific development and use criteria. In this case, the proposal is to add the following to the list of permitted uses: Small café or restaurant with indoor and outdoor seating, Historic-themed general store, Outside farmers' market, Library and/or historical archive, and Outside entertainment events, including weddings and fundraisers. The Plan Board, staff, and the applicant agree that allowing these uses on the site could benefit both the site and the community.

The second portion of the request involves minimum building setbacks. The building setback requirements for PS districts are specified in Section 30-75(e) of the City of Gainesville's Land Development Code. Essentially, that section sets dimensional requirements (including setbacks) for the following two types of uses: Office and administrative activities (Section 30-75(e)1) and all intensive recreation uses (Section 30-75(e)2).

As to all other uses, Section 30-75(e)3 allows those setbacks to be specified in a PS zoning ordinance. In this case, the applicant proposed 10 foot setbacks to the front, side, and rear for all uses not specified in Sections 30-75(e)1 and 2. However, at the June 19, 2008 Plan Board Meeting, the applicant agreed with (and the Plan Board approved) staff's recommendation for 20 foot minimum rear setbacks. In addition, the applicant requested (and the Plan Board approved) a zero-foot setback from Southeast 8th Street for an uncovered deck and ramp as necessary for Americans with Disabilities Act (ADA) compliant ingress and egress to the Perryman building.

The third portion of the request involves prohibiting the moving of the existing historic buildings on the site. In this case, the Plan Board determined that the applicant could implement this prohibition through other means such as deed restrictions, rather than implementing a governmental regulation.

CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of July 28, 2008, authorized the City Attorney's office to prepare and the Clerk of the Commission advertise the necessary ordinance amending Ordinance No. 060015 relating to the Cotton Club PS zoning. Should this ordinance pass on first reading, second and final reading will be held on Thursday, December 18, 2008.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

7/28/08 City Commission Approved (Petition) (5 - 0 - 2 Absent)

080174_plan board staff report_20080728.pdf

080174_DRAFT PB minutes_20080728.pdf

080174_PPT_20080728.PDF

080174_Cotton Club_20081204.pdf

080343.

NEW RESIDENTIAL SINGLE-FAMILY RURAL (RSF-R) ZONING DISTRICT (B)

Ordinance No. 0-08-65; Petition No. 97TCH-08 PB

An ordinance of the City of Gainesville, Florida, amending the Land Development Code of the City of Gainesville, by creating the "RSF-R: 1 unit/acre single-family rural residential district;" creating new definitions; specifying permitted uses; specifying general requirements, dimensional requirements and standards; providing directions to the codifier; providing a severability clause; and providing an immediate effective date.

Explanation: PLANNING AND DEVELOPMENT DEPARTMENT SERVICES STAFF REPORT

This petition has been prepared in response to the need for a zoning district that will accommodate rural, large-lot residential parcels that have been annexed into the City. The proposed RSF-R: 1 unit/acre single-family rural residential district supports the City's strategic goals by creating a comparable zoning district to Alachua County's residential estate districts. The County's residential estate districts are RE (1 unit per 2 acres or less) and RE-1 (1 per 2 acres to 2 per acre). These large-lot rural residential districts allow the keeping of poultry and livestock including horses, cows, hogs, chickens, and ducks.

Permitted uses for RSF-R are largely the same as the City's other single-family residential zoning districts, with the addition of passive public parks and recreation facilities and the keeping of fowl or livestock. The addition of this district to the City's zoning code will reduce the creation of non-conforming lots and uses, provide for single family lots of one acre or more, and allow fowl or livestock ownership, with limitations, in rural neighborhoods that are annexed into the City.

Public notice was published in the Gainesville Sun on August 6, 2008. The Plan Board held a public hearing on August 28, 2008, and by a vote of 6-0, recommended the City Commission approve the Petition.

CITY ATTORNEY MEMORANDUM

Should this ordinance pass on first reading, second and final reading will be held on Thursday, December 18, 2008.

RECOMMENDATION

The City Commission (1) approve Petition No. 97TCH-08 PB and (2) adopt the proposed ordinance.

080343_New RSF-R_20081204.pdf

080608.

**HISTORIC PROPERTY EXEMPT FROM AD VALOREM TAXATION -
615 SE 2ND PLACE (B)**

Ordinance No. 0-08-75; Petition No. 5AVT-07HBP

An ordinance of the City of Gainesville, Florida, finding that property located at 615 SE 2nd Place, Gainesville, Florida, as more specifically described in this Ordinance, qualifies for an ad valorem tax exemption for historic properties; granting an exemption from ad valorem tax for certain improvements beginning January 1, 2009, and continuing for 10 years under certain conditions; authorizing the Mayor and Clerk of the Commission to sign the Historic Preservation Property Tax Exemption Covenant between the property owner and the City; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

Chapter 25, Article IV, of the Code of Ordinances authorizes the City Commission to grant ad valorem tax exemptions for historic properties pursuant to Florida law. As part of its review, the Historic Preservation Board (HPB) and the City Commission must determine whether "the proposed improvement is consistent with the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings and is therefore an eligible improvement."

The process entails two steps: First, the Petitioner filed Parts 1 (evaluation of property eligibility) and 2 (description of improvements) of the Historic Preservation Property Tax Exemption Application for the restoration/rehabilitation of a contributing residential building in the Southeast Historic District. Parts 1 and 2 were approved by the HPB on May 1, 2007.

Second, the applicant completed the restoration/rehabilitation work and filed Part 3 (Request for Review of Completed Work) of the Historic Preservation Property Tax Exemption Application. Staff inspected the completed work and found the work meets the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings and the City's Guidelines for Rehabilitating Historic Buildings. The renovations eligible for the tax exemption total \$104,000.

On November 4, 2008, the HPB found the property eligible for the tax exemption and recommended the City Commission grant same.

CITY ATTORNEY MEMORANDUM

Should this ordinance pass on first reading, second and final reading will be held on Thursday, December 18, 2008.

RECOMMENDATION

The City Commission (1) approve Petition No. 5AVT-07HPB and (2) adopt the proposed ordinance.

080608_AdValoremExempt_20081204.pdf

080609.**HISTORIC TAX EXEMPT FROM AD VALOREM TAXATION - 318 NE 10TH AVENUE (B)****Ordinance No. 0-08-77; Petition No. 2AVT-07HPB**

An ordinance of the City of Gainesville, Florida, finding that property located at 318 NE 10th Avenue, Gainesville, Florida, as more specifically described in this Ordinance, qualifies for an ad valorem tax exemption for historic properties; granting an exemption from ad valorem tax for certain improvements beginning January 1, 2009, and continuing for 10 years under certain conditions; authorizing the Mayor and Clerk of the Commission to sign the Historic Preservation Property Tax Exemption Covenant between the property owner and the City; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

Chapter 25, Article IV, of the Code of Ordinances authorizes the City Commission to grant ad valorem tax exemptions for historic properties pursuant to Florida law. As part of its review, the Historic Preservation Board (HPB) and the City Commission must determine whether "the proposed improvement is consistent with the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings and is therefore an eligible improvement."

The process entails two steps: First, the Petitioner filed Parts 1 (evaluation of property eligibility) and 2 (description of improvements) of the Historic Preservation Property Tax Exemption Application for the restoration/rehabilitation of a contributing residential building in the Northeast Historic District. Parts 1 and 2 were approved by the HPB on March 6, 2007.

Second, the applicant completed the restoration/rehabilitation work and filed Part 3 (Request for Review of Completed Work) of the Historic Preservation Property Tax Exemption Application. Staff inspected the completed work and found the work meets the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings and the City's Guidelines for Rehabilitating Historic Buildings. The renovations eligible for the tax exemption total \$110,000.

On November 4, 2008, the HPB found the property eligible for the tax exemption and recommended the City Commission grant same.

CITY ATTORNEY MEMORANDUM

Should this ordinance pass on first reading, second and final reading will be held on Thursday, December 18, 2008.

RECOMMENDATION *The City Commission (1) approve Petition No. 2AVT-07HPB and (2) adopt the proposed ordinance.*

080609_AdValoremExempt_20081204.pdf

080610.

HISTORIC PROPERTY EXEMPT FROM AD VALOREM TAXATION - 224 NW 2ND AVENUE (B)

Ordinance No. 0-08-78; Petition No. 3AVT-08HPB

An ordinance of the City of Gainesville, Florida, finding that property located at 224 NW 2nd Avenue, Gainesville, Florida, as more specifically described in this Ordinance, qualifies for an ad valorem tax exemption for historic properties; granting an exemption from ad valorem tax for certain improvements beginning January 1, 2009, and continuing for 10 years under certain conditions; authorizing the Mayor and Clerk of the Commission to sign the Historic Preservation Property Tax Exemption Covenant between the property owner and the City; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

Chapter 25, Article IV, of the Code of Ordinances authorizes the City Commission to grant ad valorem tax exemptions for historic properties pursuant to Florida law. As part of its review, the Historic Preservation Board (HPB) and the City Commission must determine whether "the proposed improvement is consistent with the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings and is therefore an eligible improvement."

The process entails two steps: First, the Petitioner filed Parts 1 (evaluation of property eligibility) and 2 (description of improvements) of the Historic Preservation Property Tax Exemption Application for the restoration/rehabilitation of a contributing residential building in the Pleasant Street Historic District. Parts 1 and 2 were approved by the HPB on September 4, 2008.

Second, the applicant completed the restoration/rehabilitation work and filed Part 3 (Request for Review of Completed Work) of the Historic Preservation Property Tax Exemption Application. Staff inspected the completed work and found the work meets the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings and the City's Guidelines for Rehabilitating Historic Buildings. The renovations eligible for the tax exemption total \$124,322.52.

On November 4, 2008, the HPB found the property eligible for the tax exemption and recommended the City Commission grant same.

CITY ATTORNEY MEMORANDUM

Should this ordinance pass on first reading, second and final reading will be held on Thursday, December 18, 2008.

RECOMMENDATION *The City Commission (1) approve Petition No. 3AVT-08HPB and (2) adopt the proposed ordinance.*

080610_AdValoremExempt_20081204.pdf

080611.**HISTORIC PROPERTY EXEMPT FROM AD VALOREM TAXATION - 708 NORTHEAST BOULEVARD (B)****Ordinance No. 0-08-79; Petition No. 4AVT-07HPB**

An ordinance of the City of Gainesville, Florida, finding that property located at 708 Northeast Boulevard, Gainesville, Florida, as more specifically described in this Ordinance, qualifies for an ad valorem tax exemption for historic properties; granting an exemption from ad valorem tax for certain improvements beginning January 1, 2009, and continuing for 10 years under certain conditions; authorizing the Mayor and Clerk of the Commission to sign the Historic Preservation Property Tax Exemption Covenant between the property owner and the City; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

Chapter 25, Article IV, of the Code of Ordinances authorizes the City Commission to grant ad valorem tax exemptions for historic properties pursuant to Florida law. As part of its review, the Historic Preservation Board (HPB) and the City Commission must determine whether "the proposed improvement is consistent with the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings and is therefore an eligible improvement."

The process entails two steps: First, the Petitioner filed Parts 1 (evaluation of property eligibility) and 2 (description of improvements) of the Historic Preservation Property Tax Exemption Application for the restoration/rehabilitation of an individually listed structure on the Local Register of Historic Places. Parts 1 and 2 were approved by the HPB on April 3, 2007.

Second, the applicant completed the restoration/rehabilitation work and filed Part 3 (Request for Review of Completed Work) of the Historic Preservation Property Tax Exemption Application. Staff inspected the completed work and found the work meets the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings and the City's Guidelines for Rehabilitating Historic Buildings. The renovations eligible for the tax exemption total \$373,021.68.

On November 4, 2008, the HPB found the property eligible for the tax exemption and recommended the City Commission grant same.

CITY ATTORNEY MEMORANDUM

Should this ordinance pass on first reading, second and final reading will be held on Thursday, December 18, 2008.

RECOMMENDATION *The City Commission (1) approve Petition No. 4AVT-07HPB and (2) adopt the proposed ordinance.*

080611_AdValoremExempt_20081204.pdf

080612.

HISTORIC PROPERTY EXEMPT FROM AD VALOREM TAXATION - 11 SE 2ND AVENUE (B)

Ordinance No. 0-08-80; Petition No. 1AVT-05HPB

An ordinance of the City of Gainesville, Florida, finding that property located at 11 S.E. 2nd Avenue, Gainesville, Florida, as more specifically described in this Ordinance, qualifies for an ad valorem tax exemption for historic properties; granting an exemption from ad valorem tax for certain improvements beginning January 1, 2009, and continuing for 10 years under certain conditions; authorizing the Mayor and Clerk of the Commission to sign the Historic Preservation Property Tax Exemption Covenant between the property owner and the City; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

Chapter 25, Article IV, of the Code of Ordinances authorizes the City Commission to grant ad valorem tax exemptions for historic properties pursuant to Florida law. As part of its review, the Historic Preservation Board (HPB) and the City Commission must determine whether "the proposed improvement is consistent with the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings and is therefore an eligible improvement."

The process entails two steps: First, the Petitioner filed Parts 1 (evaluation of property eligibility) and 2 (description of improvements) of the Historic Preservation Property Tax Exemption Application for the restoration/rehabilitation of an individually listed structure on the Local Register of Historic Places. Parts 1 and 2 were approved by the HPB on September 6, 2005.

Second, the applicant completed the restoration/rehabilitation work and filed Part 3 (Request for Review of Completed Work) of the Historic Preservation Property Tax Exemption Application. Staff inspected the completed work and found the work meets the Secretary of Interior's Standards for Rehabilitation

and Guidelines for Rehabilitating Historic Buildings and the City's Guidelines for Rehabilitating Historic Buildings. The renovations eligible for the tax exemption total \$432,785.79.

On September 4, 2008, the HPB found the property eligible for the tax exemption and recommended the City Commission grant same.

CITY ATTORNEY MEMORANDUM

Should this ordinance pass on first reading, second and final reading will be held on Thursday, December 18, 2008.

RECOMMENDATION *The City Commission (1) approve Petition No. IAVT-05HPB and (2) adopt the proposed ordinance.*

080612_AdValoremExempt_20081204.pdf

080619.

HISTORIC TAX EXEMPT FROM AD VALOREM TAXATION - 512 NE 10TH AVENUE (B)

Ordinance No. 0-08-76; Petition No. 3AVT-07HPB

An ordinance of the City of Gainesville, Florida, finding that property located at 512 NE 10th Avenue, Gainesville, Florida, as more specifically described in this Ordinance, qualifies for an ad valorem tax exemption for historic properties; granting an exemption from ad valorem tax for certain improvements beginning January 1, 2009, and continuing for 10 years under certain conditions; authorizing the Mayor and Clerk of the Commission to sign the Historic Preservation Property Tax Exemption Covenant between the property owner and the City; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

Chapter 25, Article IV, of the Code of Ordinances authorizes the City Commission to grant ad valorem tax exemptions for historic properties pursuant to Florida law. As part of its review, the Historic Preservation Board (HPB) and the City Commission must determine whether "the proposed improvement is consistent with the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings and is therefore an eligible improvement."

The process entails two steps: First, the Petitioner filed Parts 1 (evaluation of property eligibility) and 2 (description of improvements) of the Historic Preservation Property Tax Exemption Application for the restoration/rehabilitation of a contributing residential building in the Northeast Historic District. Parts 1 and 2 were approved by the HPB on April 3, 2007.

Second, the applicant completed the restoration/rehabilitation work and filed Part 3 (Request for Review of Completed Work) of the Historic Preservation

Property Tax Exemption Application. Staff inspected the completed work and found the work meets the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings and the City's Guidelines for Rehabilitating Historic Buildings. The renovations eligible for the tax exemption total \$494,000.

On November 4, 2008, the HPB found the property eligible for the tax exemption and recommended the City Commission grant same.

CITY ATTORNEY MEMORANDUM

Should this ordinance pass on first reading, second and final reading will be held on Thursday, December 18, 2008.

080619_AdValoremExempt_20081204.pdf

080576.

PROPOSED CHARTER AMENDMENT - PROTECTION OF CITY-OWNED LANDS FOR CONSERVATION, RECREATION AND CULTURAL PURPOSES (B)

Ordinance No. 0-08-87

An ordinance of the City of Gainesville, Florida; approving an amendment to the Charter Laws of the City of Gainesville; amending Article V of the Charter Laws, entitled "Special Provisions" pertaining to the protection of City-owned lands acquired or used for conservation, recreation, or cultural purposes; providing for submission of the charter amendment to the voters for approval or disapproval at the March 24, 2009 regular municipal election; approving the ballot title and summary to be placed on the ballot; providing that this charter amendment shall become effective immediately; providing directions to the codifier; providing directions to the clerk of the commission; providing a severability clause; providing a repealing clause; providing for liberal construction and interpretation; and providing an immediate effective date.

Explanation: On November 6, 2008, the City Commission authorized this office to prepare an ordinance containing the proposed charter amendment, the ballot title and summary, and to submit the proposed amendment to a vote of the electorate at the next regular City election to be held on Tuesday, March 24, 2009. The proposed charter amendment is included in Section 1 of the ordinance.

Florida Statute Section 101.161(1) provides that every measure put to a vote of the electorate must have a ballot summary with a maximum of 75 words and a title with a maximum of 15 words set out in the ordinance. The ballot title and summary are included in Section 2 of the ordinance.

The proposed charter amendment and ballot summary and title are patterned after the Alachua County Charter amendment that was approved by the voters at the general election on November 4, 2008. A copy of Alachua County Ordinance No. 08-16 is attached for reference. The City Attorney's Office offers several revisions to the county's charter amendment for clarification

purposes that are included in the proposed city charter amendment: 1) the term "property" is refined to mean real properties owned by the City in fee simple; 2) the process for placing real properties on the registry is by ordinance that requires notice and public hearing instead of resolution; 3) the determination of "loss of value" on the sale or change of use of real properties is made by the city commission.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

11/6/08 City Commission Referred (7 - 0) City Attorney
080576_draft ordinance_20081204.pdf

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

080214.

PROPORTIONATE FAIR-SHARE (B)

Ordinance No. 0-08-68; Petition No. 88TCH-08 PB

An ordinance of the City of Gainesville, Florida, amending the City of Gainesville Land Development Code relating to Proportionate Fair-Share for transportation concurrency, by amending sections 30-38 and 30-39 to be consistent with state law by providing additional findings, providing for multi-modal and system-wide transportation improvement projects, limiting developer's responsibility with respect to transportation backlogs; by correcting scrivener's errors; and by revising the transit cost calculation; by amending section 30-40 to correct a scrivener's error; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: PLANNING AND DEVELOPMENT DEPARTMENT SERVICES STAFF REPORT

Per the requirements of State law, the City adopted a Proportionate Fair-Share ordinance in 2006. In 2007, House Bill 7203 amended some of the State requirements concerning Proportionate Fair-Share. The City delayed updating the Proportionate Fair-Share section of the Land Development Code because the Florida Department of Transportation (FDOT) was expected to release an updated model ordinance that reflected the HB 7203 amendments. Unfortunately, FDOT never released the updated model ordinance due to budget and time constraints.

City staff then noted that several proposed bills in the 2008 legislative session might create changes to the Proportionate Fair-Share regulations. Staff awaited the outcome of the 2008 legislative session to make Land Development Code changes. None of those bills passed during the 2008 session. As a result, it is timely that the City now updates its Proportionate Fair-Share regulations to properly reflect current State law.

The major changes noted in HB 7203 that impact Proportionate Fair-Share are

as follows.

1. *State law now specifically states that proportionate fair-share mitigation improvements may address one or more modes of travel. This is a shift in emphasis from the prior focus, which was on road widening or new road construction. This direct recognition of multi-modal projects as being eligible for proportionate fair-share mitigation is an important tool for the City. The revisions proposed in this petition reflect this shift in available projects eligible for fair-share contributions.*
2. *The revised law also limits the developer's responsibility for fair-share mitigation to mitigating the development's impacts on the transportation system, and it clearly adds that the developer is not responsible for the additional cost of reducing or eliminating transportation backlogs.*
3. *Proportionate Fair-Share funding of any modifications that significantly benefit the impacted transportation system satisfies transportation concurrency requirements as a mitigation of the development's impact on the overall transportation system even if other impacted facilities continue to fail.*

In addition, when staff reviewed the City's existing Proportionate Fair-Share regulations, several scrivener's errors were discovered that are being corrected or clarified in this ordinance.

Finally, after the Plan Board and City Commission public hearings on the petition, staff received new information about how transit assessment area costs are calculated in other communities and what the recommendations are from FDOT. Transit assessment area costs can and should include both capital and operating costs. And, a different time period for assessment cost can be included for existing transit routes with average to high ridership versus new routes that have to be established. The assessment cost time period for new routes should be longer than for existing routes. This new aspect has been incorporated into this proposed ordinance.

At its meeting on July 17, 2008, the City Plan Board, by a vote of 6-0, recommended the City Commission approve the Petition. The City Commission, at its meeting of September 2, 2008 approved the Petition by a vote of 6-0.

CITY ATTORNEY MEMORANDUM

Should this ordinance pass on first reading, second and final reading will be held on Thursday, December 4, 2008.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

8/21/08	City Commission	Approved (Petition) (6 - 0 - 1 Absent)
11/20/08	City Commission	Adopted on First Reading (Ordinance) (5 - 0 - 2 Absent)

080214_petition_20080821.pdf
 080214A_staff ppt_20080821.pdf
 080214_propfairshare_20081120.pdf
 080214A_staff ppt_20081120.PDF

080515.**ELECTRONIC SIGNATURES AND ELECTRONIC TRANSACTIONS
(B)****Ordinance No. 0-08-81**

An ordinance of the City of Gainesville, Florida, relating to Electronic Signatures and Documents; creating and adding Sections 2-439 and 2-440 to the Code of Ordinances; authorizing the use of electronic signatures and electronic transactions and records; providing directions to the codifier, providing a severability clause, providing a repealing clause and providing an immediate effective date.

Explanation: In 1996, the legislature of the State of Florida adopted F.S. §668.01, known as the Electronic Signature Act, and F.S. §668.50, known as the Uniform Electronic Transactions Act. These laws were enacted to facilitate economic development and expedite governmental services, reduce costs associated with manual transactions, and demonstrate the validity of electronic signatures. The Act authorizes local governments to send, accept, and rely on electronic records and signatures.

The City of Gainesville can benefit from the use of these electronic signatures and records to facilitate the conduct of its business in appropriate transactions. This ordinance does not require use of electronic signatures, records, and transactions. However, when electronic means are used, the City intends to treat an electronic signature, record, or transaction as having the same force and effect as if obtained by traditional means. This ordinance allows the Charter Offices to adopt rules and regulations relating to the use of electronic signatures, records, and electronic transactions.

This ordinance requires two hearings. Should the City Commission pass this ordinance on first reading, second and final reading will be held on Thursday, December 4, 2008.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

11/6/08	City Commission	Approved as Recommended (7 - 0)
11/20/08	City Commission	Adopted on First Reading (Ordinance) (5 - 0 - 2 Absent)

080515_draft ordinance_20081120.pdf

RESOLUTIONS- ROLL CALL REQUIRED**080538.**

Resolution and Temporary Construction Easement Request from Florida Department of Transportation (B)

This item involves the request from Florida Department of Transportation (FDOT) for a Resolution and Temporary Construction Easement, located at the northwest corner of Tax Parcel 15691-000-000 and a portion of the Southeast 13 Road right of way.

Explanation: FDOT plans renovations to Main Street from Northwest 8th Avenue, south to Depot Avenue in the spring/summer of 2009. Vacant property is needed as a staging area to store equipment and materials to assist the renovations. The City owns Tax Parcel 15691-000-000, consisting of approximately 45 acres, which is utilized for the Waste Water Treatment facility. A portion of the parcel in the northwest corner, referred to as "The Old Pole Yard," is not in use at this time. Approximately one and one-half acres would suit FDOT for a staging area. FDOT policy requires staging areas to be contiguous to FDOT right of way. To meet this requirement the easement area will be extended over the public right of way of Southeast 13th Road to South Main Street, a State road. FDOT has agreed to test the soil prior to any activities to establish current soil conditions. At the end of the one year term of the easement, FDOT will retest the soil and perform any required cleanup and restore the property to its prior condition.

Fiscal Note: Funding in the amount of \$100 for administrative costs is available in the Public Works FY09 operating budget.

RECOMMENDATION

Recommended Motion: The City Commission: 1) adopt the Resolution; and 2) authorize the Mayor to execute, and the Clerk to attest, the Temporary Construction Easement for the purpose of a staging area for equipment and materials, located on approximately one and one-half acre in the northwest corner of Tax Parcel 15691-000-000, extending over the right of way of Southeast 13th Road, subject to approval by the City Attorney as to form and legality.

Legislative History

11/20/08 City Commission Withdrawn

080538b_Map_20081204.pdf

080538a_Resolution_20081204.pdf

080538c_Temp Easement_20081204.pdf

080616.

Proposed Fiscal Year 2009 Annual Audit Plan (B)

Explanation: Resolution 970187, City Auditor Internal Responsibilities and Administrative Procedures, Section 4 (b) requires the City Auditor to submit an Annual Audit Plan to the City Commission for approval. The process of preparing the Annual Audit Plan includes defining auditable units, obtaining input from City Commissioners and Charter Officers, evaluating information gained from previous audits and assessing the relative risks involved in different City programs and operations.

Each of the requested projects is weighed against other planned or required

projects resulting in Exhibit A, which represents a compilation of proposed audits for the City Auditor's work plan for Fiscal Year 2009. Audits are classified into the following categories:

- * Revenue/Cost Containment Audits*
- * Operational Audits*
- * Compliance Audits*
- * Follow-up Audits*
- * Other Projects*

We request that the Committee recommend the City Commission approve our Fiscal Year 2009 Annual Audit Plan by resolution.

RECOMMENDATION *The City Commission adopt the 2009 Annual Audit Plan by resolution.*

Legislative History

11/24/08 Audit, Finance and Recommended for Approval
 Legislative
 Committee
 080616_Auditplan_20081124.pdf

080617.

Third and Final Amendment to FY 2008 General Financial and Operating Plan Budget Resolution (B)

Explanation: The purpose of this amendment is to accurately reflect and incorporate into the City's FY 2008 General Government budget those transactions and activities that were not anticipated during the budget process.

Fiscal Note: All of the recommended changes are funded either by increases in revenue budgets, decreases in expenditure budgets, or decreases in the appropriate fund balance.

RECOMMENDATION *The City Commission adopt the third and final amendatory budget resolution to the FY 2008 General Government Financial and Operating Plan budget.*

Legislative History

11/24/08 Audit, Finance and Recommended for Approval
 Legislative
 Committee
 080617_Res_20081124.pdf
 080617_ATTACHMENTS_20081124.pdf

080410.

PROPOSED CITY CHARTER AMENDMENT (B)

A Resolution of the City Commission of the City of Gainesville, Florida, calling a referendum election to be held at the regular City election on Tuesday, March 24, 2009; placing the proposed city charter amendment contained in the initiative petition of "Citizens for Good Public Policy" on

the ballot; specifying the ballot title and summary for the referendum; and providing an immediate effective date.

Explanation: On August 18, 2008, the Supervisor of Elections certified that the requisite number of signatures had been collected to place a proposed Charter amendment contained in Petition 5.08, Civil Rights on the ballot. On October 2, 2008, the City Commission authorized this office to prepare a Resolution containing the ballot title and summary, and to submit the proposed amendment to a vote at the next regular City election to be held on Tuesday, March 24, 2009.

Florida Statute Section 101.161(1) provides that every measure put to a vote of the electorate must have a ballot summary with a maximum of 75 words and a title with a maximum of 15 words set out in a resolution. The ballot title and summary are included in Section 2 of the Resolution.

On November 6, 2008, the City Commission authorized this office to prepare an alternate ballot summary based on comments from citizens and the City Commission. The backup to this agenda item includes an alternate ballot summary that meets the applicable legal standards. In addition, the original ballot summary proposed to the City Commission on November 6, 2008 has been revised to include familial status as a classification protected by the Florida Civil Rights Act.

RECOMMENDATION

The City Commission discuss the ballot title and summary and adopt a resolution.

Legislative History

10/2/08 City Commission Approved as Recommended (7 - 0)
11/6/08 City Commission Continued (7 - 0)

080410_CityAttorneyCharter_20081002.pdf
080410_draft ordinance_20081106.pdf
080410_alternate ballot language_20081204.pdf
080410a_alternate ballot language_20081204.pdf

PLAN BOARD PETITIONS

080565.

Stillpoint Planned Development Amendment (B)

Petition 115PDA-08PB. Causseaux, Hewett & Walpole, Inc., agent for Three Creek, LLC. An amendment to an existing planned development to allow for clinical/therapeutic health services as a primary use. Zoned: PD (Planned Development). Located at 2730 Northwest 39th Avenue.

Explanation: The Stillpoint Planned Development is on a 1.53-acre parcel located on the north side of NW 39th Avenue. The purpose of this request is to change the allowed uses on the property. Currently, the Stillpoint Planned Development specifically restricts the primary use for the site to a chiropractic office. Other similar uses are allowed, but only as accessory businesses to the chiropractor on the site. Therefore, an amendment to the planned development is being

requested to allow for other health services as a use by right.

Submitted for consideration are a revised PD report and layout map. The proposed PD Report expands the list of permitted uses on the site, while it simply reiterates the development standards that were originally proposed for this planned development. The expanded list of permitted uses include acupuncturist, herbalists, massage therapist, psychotherapist and physical therapists. The only proposed change to the development standards is to remove a 350 sq. ft. limitation on additions to the primary structure. The future development of the site will continue to be limited by the maximum building coverage of 3,505 square feet. Any development that is proposed will require development plan approval, and must be consistent with the approved PD. The City's Land Development Code will remain applicable in all instances that are not specifically addressed by the PD Report. The PD layout map simply depicts the same layout that is described in the existing approved PD zoning ordinance. This layout illustrates the prescribed building setbacks and the locations of existing development, and considers the existing natural features on the site.

Public notice for this petition was published in the Gainesville Sun on October 7, 2008. Letters were mailed to surrounding property owners on October 2, 2008.

The City Plan Board considered Petition 115PDA-08PB with the associated PD report and layout map at a public hearing held October 23, 2008. By a vote of 6 - 0, the City Plan Board approved the petition with staff conditions and with the further recommendation to revise the Planned Development Report to exclude freestanding emergency medical (M.D.) centers from the uses permitted under S.I.C. No. 8011.

Fiscal Note: None

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition 115PDA-08PB, subject to staff conditions and the City Plan Board recommended modification to exclude freestanding emergency medical centers.

Staff to City Plan Board - Approve Petition 115PDA-08PB with staff conditions.

Alternate Recommendations -

The City Commission deny Petition 115PDA-08PB.

080565_petition_20081204.pdf

080565_PDlayoutplanmap_20081204.pdf

080565A_staff ppt_20081204.PDF

080565_pet_ppt_20081204.PDF

080351.

Gainesville Police Department - Downtown Headquarters Expansion Land Use (B)

Petition 94LUC-08PB. Dynan Group, Inc., agent for City of Gainesville. Change Future Land Use Map designation from Mixed-Use Low-Intensity (8-30 units per acre), Residential Low-Density (up to 12 units per acre) and Office to Public Facilities for the expansion of the Gainesville Police Department (GPD) Headquarters. Zoned: MU-1 (10-30 units/acre mixed use low intensity), RC (12 units/acre residential conservation district), and OF (General office district). Located at the 400 Block of Northwest 8th Avenue. This petition is related to 17PSZ-08PB.

Explanation: This is a request by the Gainesville Police Department to change the Future Land Use Map designation to Public Facilities for 2.56 acres that are owned by the City of Gainesville adjacent to the existing GPD Downtown Headquarters Campus. The current land use is Mixed-Use Low Intensity. Policy 4.1.1 of the Future Land Use Element states that the Public Facilities land use category is intended for "administrative and operational functions such as government offices, utility facilities and storage facilities." The property that is the subject of this land use change currently includes a vacant warehouse building, vacant office building, a parking area, and a vacant lot. These properties were purchased by the City with the intent to allow for the expansion of the existing police department facility and redevelopment of the subject parcels. There are actually three separate areas that are the subject of the land use change: the site of the former Walker Building, which was recently renovated to offices for the Gainesville Police Department; the future site of a training center located to the east of the former Walker Building, at the corner of NW 8th Avenue and NW 4th Street; and the future site of an analysis center that is located to the south of the existing GPD campus, between NW 7th Avenue and NW 6th Place.

The City Plan Board considered Petition 94LUC-08PB at a public hearing held August 28, 2008. By a vote of 6 - 0, the City Plan Board approved the petition.

At the subsequent City Commission hearing on October 2, 2008, the petitioner was directed to hold a public workshop with citizens and the Commission. The petition was deferred to the December 4, 2008 hearing.

Public notice for this petition was published in the Gainesville Sun on August 6, 2008. Letters were mailed to surrounding property owners on August 6, 2008.

Fiscal Note: None

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition 94LUC-08PB.

Staff to City Plan Board - Approve Petition 94LUC-08PB.

Alternate Recommendations -

The City Commission deny Petition 94LUC-08PB.

Legislative History

10/2/08 City Commission Continued (Petition) (7 - 0)

080351_petition_20081002.pdf
080351A_staff ppt_20081002.pdf
080351B_Memo_20081204.pdf

080350.**Gainesville Police Department - Downtown Headquarters Expansion. (B)**

Petition 17PSZ-08PB. Dynan Group, Inc., agent for City of Gainesville. Rezone to PS (Public services and operations district) to establish specific regulations for the expansion of the Gainesville Police Department (GPD) Headquarters. Zoned: MU-1 (10-30 units/acre mixed use low intensity), RC (12 units/acre residential conservation district), and OF (General office district). Located at the 400 Block of Northwest 8th Avenue. Related to petition 94LUC-08PB.

Explanation: This is a request by the Gainesville Police Department to change the zoning of a 2.56-acre property adjacent to the existing GPD Downtown Headquarters Campus to PS (Public services and operations district) zoning. These properties were purchased by the City with the intent of allowing for expansion of the existing police department facility and the establishment of a training center and analysis center at the site. Currently, the State of Florida owns a strip of land that runs through the middle of the proposed campus expansion. This land was previously part of a privately owned railroad right-of-way, and was purchased by the State for the establishment of the 6th Street Rail Trail. In conjunction with the rezoning of this site, there is a plan to exchange the right-of-way for an equivalent section of land that is currently owned by the City. As a result of this exchange, the location for the future rail trail would be shifted to the east, so that it will travel along the southern and eastern boundaries of the GPD Headquarters Campus. The general locations of buildings, parking areas, and the realigned trail were shown on the site plan that was originally included with the rezoning request. However, as a result of some specific concerns over the proposed layout of the site, the site plan is no longer included with this request to rezone the property.

The City Plan Board considered Petition 94LUC-08PB at a public hearing held August 28, 2008. By a vote of 6 - 0, the City Plan Board approved the petition with staff conditions, and with an amendment to Condition 5 to increase the height of the required fence/wall from 6 feet to 8 feet.

At the subsequent City Commission hearing on October 2, 2008, the petitioner was directed to hold a public workshop with citizens and the Commission. The petition was deferred to the December 4, 2008 hearing. The intended purpose for the workshop was to discuss the proposed layout of the site, and at this time a public workshop has not been held. However, the site plan is no longer included as part of this request and so the layout of the site will not be approved with the rezoning.

Public notice for this petition was published in the Gainesville Sun on August 6, 2008. Letters were mailed to surrounding property owners on August 6, 2008.

Fiscal Note: None

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition 17PSZ-08PB with the associated zoning standards, subject to staff conditions.

Staff to City Plan Board - Approve Petition 17PSZ-08PB.

Alternate Recommendations -

The City Commission deny Petition 17PSZ-08PB.

Legislative History

10/2/08 City Commission Continued (Petition) (7 - 0)

080350_petition_20081002.pdf

080350-1_psz master plan & lu map_20081002.pdf

080350A_staff ppt_20081002.pdf

080350B_MEMO_20081204.pdf

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

UNFINISHED BUSINESS

COMMISSION COMMENT

CITIZEN COMMENT

ADJOURNMENT - 10:31 PM

MODIFICATIONS TO THE AGENDA

080657.

Modifications to the December 4, 2008 City Commission Agenda (B)

RECOMMENDATION

Please see attachments for the modification sheet and additional items for the December 4, 2008 City Commission Meeting.

MODS_DECEMBER 4, 2008.PDF

080598_Sole Source_20081204.pdf

080626_txt_20081204.pdf

080639_txt_20081204.pdf