

City of Gainesville

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



Meeting Agenda - Final

November 15, 2012

1:00 PM

Modified Agenda

City Hall Auditorium

City Commission

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

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

CALL TO ORDER**AGENDA STATEMENT****ROLL CALL****INVOCATION****CONSENT AGENDA****CITY MANAGER, CONSENT AGENDA ITEMS**

[120471.](#)

Partial Release of Lien Affecting 14376 SW State Road 45, Archer, Florida, Tax Parcel #05124-001-002 (B)

This item requests that the City Commission release the above-referenced property from the lien arising from Code Enforcement Board Cases: CEB 2010-112; CEB 2010-113; and CEB 2010-114.

Explanation: On some occasions property owners have Code Enforcement Board (CEB) liens filed on multiple properties as permitted by 162.09(3) Florida Statutes, which allows liens "against the land on which the violation exists and upon any other real or personal property owned by the violator." On some occasions these liens serve as a barrier to those who would rehabilitate properties affected by a CEB lien that is recorded against multiple properties. In such cases, the greater need of the community may be served by the release of such properties from existing liens when the equity of the city lien is protected by other such properties. The authority of the CEB is limited and only the City Commission may execute a release of lien entered pursuant to 162.09, Florida Statutes. On June 7, 2012, the City Commission approved a review process for severing liens recommended by the Community Development Committee. Staff reviewed this request and determined that this request met the criteria included in the process in that the original violations have been corrected and the new owner will return the property to productive use following the severing of the property from the lien.

Federal National Mortgage Association as assignee for JP Morgan Chase bank is requesting the City Commission to sever such a lien affecting 14376 SW State Rd. 45, Archer, Florida, Tax Parcel #05124-001-002 (Attachment A).

The properties with the original violations are:

The Code Enforcement Board issued an order on August 23, 2010 (Case# CEB 2010-112) finding Rick Noble guilty of violating Sections of Chapter 30 of the Gainesville Code of Ordinances at 3835 NW 17th Street, Tax Parcel #08964-002-003. Mr. Noble was provided 10 days to bring the property into compliance and failed to do so. Therefore, as provided for by F.S. 162.09(3) a lien was filed "against the land on which the violation exists and upon any real or personal property owned by the violator" (Attachment B).

The Code Enforcement Board issued an order on August 23, 2010 (Case# CEB 2010-113) finding Rick Noble guilty of violating Sections of Chapter 30 of the Gainesville Code of Ordinances at 705 NW 19th Lane, Tax Parcel #09270-024-000. Mr. Noble was provided 10 days to bring the property into compliance and failed to do so. Therefore, as provided for by F.S. 162.09(3) a lien was filed "against the land on which the violation exists and upon any real or personal property owned by the violator" (Attachment B).

The Code Enforcement Board issued an order on August 23, 2010 (Case# CEB 2010-114) finding Rick Noble guilty of violating Sections of Chapter 30 of the Gainesville Code of Ordinances at 2024 NW 31st Place, Tax Parcel #08873-015-000. Mr. Noble was provided 10 days to bring the property into compliance and failed to do so. Therefore, as provided for by F.S. 162.09(3) a lien was filed "against the land on which the violation exists and upon any real or personal property owned by the violator" (Attachment B).

On September 13, 2012, the Federal National Mortgage Association as assignee for JP Morgan Chase purchased the property located at 14376 SW State Road 45, Archer, Florida at a foreclosure sale/auction. This property was previously owned by Rick Noble and subject to the aforementioned liens. The petitioner's request is that the property purchased by it be severed from the lien placed as a result of Case #CEB 2010-112; #CEB 2010-113; and CEB 2010-114 which are currently in compliance with the city ordinance originally cited. At this time, the total fines imposed for all three cases are assessed at \$21,375.

Fiscal Note: No additional costs other than staff time. This is a partial release only as to the foregoing described property; as to all other properties encumbered by the lien, the order imposing fine continues to be in full force and effect.

RECOMMENDATION

The City Commission: release 14376 SW State Road 45, Archer, Florida, Tax Parcel #05124-001-002 from Code Enforcement Board liens related to CEB Case #CEB 2010-112; CEB 2010-113; and CEB 2010-114.

Alternate Recommendation A: Take no action and allow lien to remain in place.

[120471A Request from Bank 20121115.pdf](#)

[120471B Court Orders 20121115.pdf](#)

[120489.](#)

Domestic Violence Homicide Prevention Demonstration Initiative (B)

The purpose of this important initiative will be to enhance current electronic monitoring and GPS services and designate a position and equipment for supervision of High Risk Offenders accused of domestic violence related offenses.

Explanation: The Gainesville Police Department has been asked to partner with Alachua County Department of Court Services, the Alachua County Sheriff's Office, the Alachua County Office of Victim Services, Peaceful Paths Domestic Abuse Network, and the University of Florida's Family Data Center to participate in the development of a national Domestic Violence Homicide Prevention Demonstration Initiative. The lead agency for the grant is the Alachua County Department of Court Services. The purpose of this important initiative will be to enhance current electronic monitoring and GPS services and designate a position and equipment for supervision of High Risk Offenders accused of domestic violence related offenses. This enhancement would compliment the work of the dedicated Domestic Violence Court Officers and promote greater offender accountability. Officers in the dedicated unit have a long history of working to serve as a resource for victim safety through their work with local victim advocates based in the community (rape crisis, domestic violence and child welfare), law enforcement agencies (GPD has a dedicated Domestic Violence Unit) and the prosecutor's office. The Gainesville Police Department's designated Domestic Violence Unit will develop training modules for the community and law enforcement agencies to further understanding of domestic violence and related risk factors. GPD will work with the stated partners on the following topics: Pro-Arrest Initiatives for law enforcement, Danger Assessment, Lethality Assessment Program, High Risk Response Team Model, Protection Orders and No Contact at First Appearance Enforcement, Batterer's Intervention Program, Strangulation Risk and Documentation, How to Avoid Dual Arrest. With project funds, GPD can also hire a staff assistant/intern to enter and refine data collection initiatives.

Fiscal Note: The award for the first year of this initiative is \$200,000. If the application is successful, the Gainesville Police Department will receive \$23,100 to produce training modules and improve data collection methods. The initiative may be continued for two more years if analysis of data collected in the first grant cycle meets the objectives of the Office for Violence Against Women.

RECOMMENDATION

The City Commission authorize the City Manager to accept and execute the grant award if received as well as any other necessary documents, subject to approval by the City Attorney as to form

and legality.

[120489a_DomViolHomiPrevInitiativeSummary_20121115](#)

[120489b_DomViolHomiPrevDemolInitiativeNarrative_20121115](#)

[120489c_DomViolHomiPrevDemolInitiativeBudget_20121115](#)

[120506.](#)

Jest Fest Tourist Product Development Grant (NB)

This item involves the submittal of a grant application to the Alachua County Tourist Product Development Program for funds to provide marketing and promotion for a new spring festival called “Jest Fest,” which will be held at the Bo Diddley Community Plaza in April, 2013.

Explanation: The Department of Parks, Recreation and Cultural Affairs submitted a grant application to the Alachua County Tourist Product Development (TPD) Program for funding to provide advertising and promotion of a new spring festival called “Jest Fest,” which is slated to occur at the Bo Diddley Community Plaza in April 2013. This new event will be held on four Saturdays in April and will provide a variety of entertainment, activities, food, music and fun for all ages. It is “Jest in April, Jest on Saturdays, Jest for Fun!” Like the Farmers Market and Downtown “Free Fridays” Concert series, one of the top goals of this fun festival is to bring local residents and out of town visitors to Downtown Gainesville.

The intent of the TPD Program is to stimulate and encourage the development of new program and event experiences for visitors to Alachua County. A condition of the grant funding is that a percentage of funds are to be spent on marketing outside of Alachua County. The remaining balance will be spent on entertainment and production. The Department received grant funding in the amount of \$20,837.13.

Fiscal Note: No matching funds are required.

RECOMMENDATION

The City Commission: 1) authorize the City Manager to accept the grant, and 2) authorize the City Manager to execute the grant award agreement and any other grant-related documents, subject to approval by the City Attorney as to form and legality.

Alternative Recommendation

The City Commission decline the request to accept the grant.

[120514.](#)

Strategic Plan Quarterly Report - 4th Quarter of Fiscal Year 2012 (B)

This item provides a report on the progress of the City Commission's Strategic Goals and Initiatives for the 4th Quarter of Fiscal Year 2012.

Explanation: As part of the City of Gainesville Fiscal Year 2011 - 2012 Strategic Planning progress, the City Manager prepares a quarterly report on accomplishments related to the City Commission strategic goals and initiatives for each quarter of the Fiscal Year. This is the fourth quarter report for Fiscal Year 2012.

Fiscal Note: There is no fiscal impact.

RECOMMENDATION

The City Commission receives a quarterly report from the City Manager on the progress of the City Commission Strategic Goals and Initiatives for the 4th Quarter of FY 2012.

[120514_Strategic Planning FY12 4Qtr Report_20121115.pdf](#)

[120538.](#)

Bid Award - NW 22nd Street Milling and Resurfacing (B)

This is a request for the City Commission to authorize the bid award in the amount of \$775,875 to R.E. Arnold Construction, Inc. for the NW 22nd Street Milling and Resurfacing project.

Explanation: In August of 2012, the City Purchasing Division solicited bids for the NW 22nd Street Milling and Resurfacing project. Three (3) firms responded with bids. R.E. Arnold Construction, Inc. was the lowest responsible and responsive bidder in the amount of \$674,674.30. The ITB outlined several different award scenarios which grouped together different alternate bid items such as brick sidewalks versus concrete sidewalks. Scenario 4, including a 15% contingency, is the most comprehensive scenario that the project budget will permit. The possible scenarios and their low bid total, regardless of bidder, are outlined below:

Scenario Description - Low Bidder:

- 1) Base Bid, Curb Repair, Brick Speed Tables, and Brick Sidewalks - \$ 996,843.45
- 2) Base Bid, Curb Repair, Brick Speed Tables, and Concrete Sidewalks - \$ 956,140.91
- 3) Base Bid, Curb Repair, Asphalt Speed Tables, and Concrete Sidewalks - \$ 939,399.80
- 4) Base Bid, Asphalt Speed Tables, and Concrete Sidewalks - \$ 674,674.30

A portion of the curb is expected to be repaired but not in its entirety due to budget constraints.

Fiscal Note: Funding in the amount of \$674,674.30 plus a 15% contingency amount for a total of \$775,875 is allocated and identified in the City of

Gainesville's Capital Improvement Plan for this project.

RECOMMENDATION

The City Commission: 1) award the bid to R.E. Arnold Construction, Inc. for the construction of the NW 22nd Street Milling and Resurfacing project; 2) authorize the City Manager to execute the contract, subject to approval as to form and legality by the City Attorney; and 3) issue a purchase order in an amount not to exceed \$775,875.

[120538_Bid Tab_20121115.pdf](#)

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

CITY ATTORNEY, CONSENT AGENDA ITEMS

[120537.](#)

Ayman Abdellatief v. City of Gainesville; Presuit claim arising from an accident that occurred in Gainesville, Alachua County, Florida on or about November 7, 2011.

Explanation: On November 7, 2011, Mr. Ayman Abdellatief, a doctoral candidate graduate student at the University of Florida, was riding his bicycle southbound in the designated bicycle lane on Gale Lemerand Drive, immediately south of the intersection with Museum Road. A Regional Transit System bus was also traveling south on Gale Lemerand Drive directly to the left of Mr. Abdellatief. As the bus and bicycle approached the driveway to the Commuter Lot, the bus moved to the left in order to facilitate a wide right turn into the Commuter Lot. Mr. Abdellatief applied the brakes of the bicycle in an effort to avoid collision with the bus turning into his path. As Mr. Abdellatief took the bicycle to the ground, the rear wheels of the bus collided with him, travelled over his lower torso and dragged him for a short distance. Among other injuries, Mr. Abdellatief suffered multiple complex fractures to both hips, his sacroiliac joint, and L5 vertebra, a degloving injury to his right arm, and disarticulation fractures of four of the fingers on his right hand. He presently has very limited use of his right forearm and hand. To date, Mr. Abdellatief has undergone multiple surgeries resulting from this accident with additional surgical procedures anticipated. The sum of his medical bills to date exceeds \$350,000. If this case were to proceed to trial, the permanent nature of Mr. Abdellatief's injuries would lead him to also seek damages for pain and suffering, mental anguish, inconvenience, loss of capacity for the enjoyment of life, expense of future medical treatment, loss of earnings, and loss of ability to lead and enjoy a normal life.

Due to the nature of the accident and injuries, and with the cooperation of the claimant and his attorney, the City Attorney's Office and Risk Management Department conducted a thorough evaluation and investigation of this claim prior to the filing of a lawsuit. A complete

review of the applicable medical records was performed, a sworn deposition of the Mr. Abdellatief was conducted, and other witnesses were interviewed. Per the application of Florida's limited waiver of sovereign immunity contained in section 768.28, Florida Statutes, the City's liability and authority to settle claims such as this is limited to \$200,000. After cooperative, reciprocal due diligence was performed by both the City and lawyers for the claimant, a negotiated settlement was achieved. Representatives for the City agreed to recommend a settlement in the amount of \$200,000 subject to the approval of the City Commission of the City of Gainesville, and in exchange Mr. Abdellatief will provide a full and complete Release to the City including waiving the pursuit of a claims bill to the Legislature. It is the recommendation of the City Attorney's Office and the Risk Management Department that the case be settled for that amount.

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

RECOMMENDATION

The City Commission 1) approve the terms of the negotiated settlement; and 2) authorize the City Attorney to settle the claim of Ayman Abdellatief arising from an accident that occurred on or about November 7, 2011.

[120537_Abdellatief Settlement_20121115.pdf](#)

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

[120530.](#)

Appointments to City Commission Advisory Boards and Committees (NB)

RECOMMENDATION

The City Commission appoint:

Debra Neill-Mareci to the Development Review Board for a term to expire 11/1/15.

James Lasley to the Gainesville/Alachua County Cultural Affairs Board for a term to expire 9/30/15.

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE, CONSENT

PERSONNEL & ORGANIZATIONAL STRUCTURE COMM, CONSENT

PUBLIC SAFETY COMMITTEE, CONSENT

[110683.](#)**Alcohol Sales and Consumption Outdoors Downtown (B)**

This is a referral to address increasing interest in holding outdoor events in the downtown area that allow the sale and consumption of alcohol on City property. The City received a specific request from Santa Fe College to allow alcohol at their Spring Arts Festival.

Explanation: Commissioner Hawkins brought this item forward during Commission Comment at the February 2, 2012, City Commission meeting. The Public Safety Committee is to research the impact of modifying the Alcoholic Beverage Ordinance to allow the consumption of alcoholic beverages at outside events and on public property in the Downtown area, specifically on Lot 10. There is concern that the current ordinance that was modified for United Downtown may be restricted in scope and area. Members of GDOT would like the ordinance to be modified for outside events.

The Committee discussed this referral at the February 29, 2012 and March 28, 2012 meetings. The Committee approved a motion to support an exception for alcohol sales and consumption on Lot 10 and adjacent streets determined by City staff and to keep the broader issue in Committee. After further research, the City Attorney's Office and other City staff identified issues that would benefit from more in-depth discussion and guidance from the Committee prior to the Committee making a recommendation to the City Commission to direct the City Attorney to prepare an ordinance.

The issues include: 1) possible restrictions on use (charitable/non-profits); 2) single day or multi-day events (weekly/monthly series vs. weekends); 3) hours of operation; 4) facility use agreement; 5) expansion to use of other City properties; and 6) City sponsorship. There are a number of other issues City staff can address through a facility use agreement such as: 1) fees; 2) utilities; 3) insurance requirements; 4) crowd capacity; 5) security; 6) noise; and 7) trash/recycling and area clean-up.

Santa Fe College has specifically requested that alcohol sales and consumption be allowed on NE 1st Street for their annual Spring Arts Festival. That is the focus of this agenda item. The broader issue of Alcohol Sales and Consumption Outdoors Downtown remains in Committee with outstanding issues as identified above that need to be addressed. The broader issue is tentatively planned to return to the Committee at the January 24, 2013 Committee meeting.

At the Public Safety Committee meeting on October 25, 2012 the Committee voted 3-0 to move forward to the full City Commission with the recommendation to approve the request made by Santa Fe College.

Fiscal Note: The City will need to recover costs from event organizers for services

provided to support outdoor special events downtown. Even with cost-recovery, as more events take place downtown requiring City support, staff resources will become stretched.

RECOMMENDATION

The City Commission: 1) direct the City Attorney's Office to draft and the Clerk of the Commission to advertise an amendment to the Alcohol Ordinance to allow for the Santa Fe College Downtown Spring Arts Festival to be able to sell alcohol; and 2) keep this item as an active referral for the overall revisions to the ordinance to allow events to sell alcohol at downtown outdoor events.

[110683a EugeneArticle 20120229.pdf](#)

[110683b SchaerEmail 20120229.pdf](#)

[110683c AlcoholOrdin 20120229.pdf](#)

[110683 SFCFestivalInfo 20121025](#)

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE, CONSENT

[120122.](#)

Proposed Constitutional Amendment "Move to Amend" (B)

Explanation: This item was brought forward by Mayor-Commissioner Pro Tem Lauren Poe during Commission Comment on June 21, 2012. The City Commission approved a referral of this issue to the Audit, Finance and Legislative Committee for discussion. On September 20, 2012, a representative from a group of Alachua County citizens asked the City Commission to consider placing a non-binding referendum related to this issue on the March 2013 City of Gainesville Ballot.

"Move to Amend" is a citizen group dedicated to amending the U.S. Constitution to overturn the Supreme Court's ruling in Citizens United v. Federal Election Commission. They believe that "money is not speech, and that human beings, not corporations, are persons entitled to constitutional rights."

(<<http://movetoamend.org>>)

During October 2012, the Audit, Finance and Legislative Committee discussed this referral, received input from several citizens supporting the placement of a non-binding referendum on the March 2013 City of Gainesville ballot and received input from the City Attorney regarding legal issues related to placing such a referendum on the ballot.

RECOMMENDATION

The Audit, Finance & Legislative Committee recommends that the City Commission direct the City Attorney to draft a resolution similar to the "Move to Amend" model resolution with the inclusion of two additional provisions: 1) forwarding the Resolution to the County Commission and requesting the County

Commission place this issue on the next County election ballot as a non-binding referendum; and 2) forwarding the Resolution to the City's State and Federal Legislative Delegation requesting their support of a Federal Constitutional Amendment consistent with the Resolution.

[120122a120400a_citizen_parkinson_20120920\[1\].pdf](#)

[120122120400_citizen_parkinson_20121002\[1\].pdf](#)

[120122_City Atty Memo to Audit Finance and Legislative Committee.pdf](#)

EQUAL OPPORTUNITY COMMITTEE, CONSENT

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

CITY MANAGER

GENERAL MANAGER FOR UTILITIES

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE

[120522.](#)

2013 State Legislative Agenda (B)

This is a request for the City Commission to approve the 2013 State Legislative Agenda.

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. Initiatives included in the agenda include: General Legislative Policy, General Government, Economic Development, Growth Management, Public Safety, and Capital Projects. The legislative agenda was approved by the Audit, Finance and Legislative Committee on October 2, 2012. The Audit, Finance and Legislative Committee's recommendation to the City Commission is to approve the 2013 State Legislative Agenda as approved by the committee and prioritize support for the Campus Development Agreement item and the Central City Development initiative.

Fiscal Note: None

RECOMMENDATION

The City Commission: 1) approve the 2013 State Legislative Agenda as approved by the Audit, Finance and Legislative Committee including the committee's recommendation to prioritize the Campus Development Agreement item and the Central City Development initiative; and 2) direct staff to provide the 2013 State Legislative Agenda to the Alachua County Legislative Delegation; the Florida League of Cities, and other interested parties.

[120522_2013 State Agenda_20121115.pdf](#)

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

COMMISSION COMMENTS (if time available)

RECESS

RECONVENE

PLEDGE OF ALLEGIANCE (5:30pm)

PROCLAMATIONS/SPECIAL RECOGNITIONS

[120486.](#)

City of Gainesville's Citizens' Academy Fall 2012 Graduates (NB)

Explanation: The City of Gainesville Communications Office offers the Citizens'

Academy, dubbed "Gainesville 101," to educate Gainesville citizens on the diverse services their city government provides and inform them on how they can become more involved in their local government.

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

RECOMMENDATION *The City Commission: 1) recognize accomplishments of Gainesville 101 Fall 2012 City of Gainesville Citizens' Academy graduates; and 2) hear brief comments from the class speaker on what they have learned.*

[120539.](#)

DECA Week - November 11-17, 2012 (B)

RECOMMENDATION *Buchholz High School Donna Martin to accept the proclamation.*

[120539 DECA 20121115.pdf](#)

[120540.](#)

World AIDS Day - December 1, 2012 (B)

RECOMMENDATION *Rural Women's Health Project Director of Development Fran Ricardo, Project Administrator Bianca Gras and Director of Education Robin Lewy to accept the proclamation.*

[120540 WorldAIDS 20121115.pdf](#)

[120541.](#)

Pulmonary Hypertension Awareness Month - November 2012 (B)

RECOMMENDATION *City of Gainesville to accept the proclamation.*

[120541 Pulmonary 20121115.pdf](#)

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

PUBLIC HEARINGS

RESOLUTIONS- ROLL CALL REQUIRED

TRANSMITTAL HEARINGS

[120209.](#)**COMPREHENSIVE PLAN AMENDMENT - FUTURE LAND USE ELEMENT AND STORMWATER MANAGEMENT ELEMENT (B)**

Ordinance No. 120209; Petition No. PB-12-58 CPA

An ordinance amending the City of Gainesville Comprehensive Plan; by amending Policy 3.1.5 in the Future Land Use Element; by amending Policies 1.1.1, 1.3.1, 1.3.5, 1.3.8, 1.3.10, 1.5.2, and by deleting Objective 1.11 and its Policies in the Stormwater Management Element; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

This petition and ordinance will amend the Comprehensive Plan Future Land Use and Stormwater Management Elements to update and clarify certain policies based on recent information provided by the Public Works Department. Proposed amendments include:

- 1. Updating the appropriate state law references regarding stormwater management facility design and performance standards and water quality regulations.*
- 2. Clarifying that floodplains and flood channels shall be delineated not by the now obsolete Master Flood Control Planning Maps, but by the most recent Flood Insurance Rate Map (FIRM) of the Federal Emergency Management Agency (FEMA) or a localized study that uses FEMA-approved analyses and that is reviewed and approved by the Public Works Department.*
- 3. Adding a reference to the National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit issued by the Florida Department of Environmental Protection regarding the Cabot-Koppers Superfund site;*
- 4. Expanding opportunities for the use of off-site stormwater facilities citywide to meet both stormwater quality and quantity requirements. Currently, Policy 1.5.2 only allows the use of off-site stormwater management facilities to meet stormwater quality treatment standards for redevelopment projects within Enterprise Zone Area 3. With this amendment, the City may allow use of off-site stormwater facilities for qualified developments, citywide, to satisfy the applicable stormwater quality and/or quantity standards required by the Public Works Design Manual. In addition, and in accordance with state law as adopted this year, the use of off-site stormwater management facilities will no longer be conditioned on receiving a permit from the applicable Water Management District.*

Public notice was published in the Gainesville Sun on June 12, 2012. On June 28, 2012 the City Plan Board held a public hearing and, by a vote of 5-0, recommended the City Commission approve the petition.

CITY ATTORNEY MEMORANDUM

Section 163.3184, Florida Statutes, sets forth the procedure for amending the Comprehensive Plan. The first hearing is the transmittal stage and must be advertised at least seven (7) days prior to the hearing. The second hearing is the adoption stage and must be advertised at least five (5) days prior to the hearing.

Within ten (10) working days after the first hearing, the City must transmit the amendment to the reviewing agencies and to any other local government or state agency that has filed a written request for same. These agencies have 30 days after receipt of the amendment to forward comments to the City. The City must consider any written comments received during the second hearing.

If adopted on second reading, the City will forward the amendment within ten (10) working days to the state land planning agency and any party that submitted written comments. If not timely challenged, the amendment shall become effective 31 days after the state land planning agency notifies the City that the amendment package is complete. If the amendment is challenged, the amendment will become effective on the date the state land planning agency or the Administration Commission (Governor and Cabinet) enters a final order determining this adopted amendment is in compliance with Chapter 163, Florida Statutes. No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before this amendment has become effective.

RECOMMENDATION The City Commission (1) approve Petition PB-12-58 CPA and (2) adopt the proposed ordinance.

[120209A draft ordinance 20121115.pdf](#)

[120209B staff report 20121115.pdf](#)

[120209C Application 20121115.pdf](#)

[120209D CPA minutes 20121115.pdf](#)

[120209E staff ppt 20121115.pdf](#)

[120221.](#)

LAND USE CHANGE - 3500-3700 BLOCKS OF SOUTHWEST WILLISTON ROAD (B)

Ordinance No. 120221; Petition No. PB-11-49 LUC
An ordinance amending the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of

approximately 24 acres of property located in the vicinity of the 3500-3700 blocks of SW Williston Road, as more specifically described in this ordinance, from the Alachua County land use category of Heavy Industrial (INDH) to the City of Gainesville land use category of Office (O); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

This petition and ordinance amend the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of certain property, as more specifically described in the ordinance, from Alachua County Heavy Industrial (INDH) to City of Gainesville Office (O). The approximately 24 acre property is located in the vicinity of the 3500 - 3700 blocks of SW Williston Road, on the north side of the road, west of SW 41st Blvd.

This petition and ordinance are related to Petition PB-11-50 ZON, which will change the Alachua County zoning on the property to the appropriate City of Gainesville zoning category. The zoning petition and ordinance will be scheduled for petition hearing and first reading when this land use ordinance is heard on second reading. The land use change and related zoning change are needed to apply City land use and zoning designations on property annexed in 2008. The proposed land use category was selected to allow office development and residential use, reflecting existing conditions and compatibility with adjacent land uses. Although the City normally considers the current Alachua County land use designation and proposes a similar City designation, in this case it was determined that an office designation would be more compatible and appropriate for the area due to adjacent land use.

After public notice was published in the Gainesville Sun on August 9, 2011, the City Plan Board held a public hearing on August 25, 2011, and by a vote of 4-0, recommended approval of this petition.

CITY ATTORNEY MEMORANDUM

Section 163.3184, Florida Statutes, sets forth the procedure for amending the Comprehensive Plan. The first hearing is the transmittal stage and must be advertised at least seven (7) days prior to the hearing. The second hearing is the adoption stage and must be advertised at least five (5) days prior to the hearing.

Within ten (10) working days after the first hearing, the City must transmit the amendment to the reviewing agencies and to any other local government or state agency that has filed a written request for same. These agencies have 30 days after receipt of the amendment to forward comments to the City. The City must consider any written comments received during the second hearing.

If adopted on second reading, the City will forward the amendment within ten (10) working days to the state land planning agency and any party that submitted written comments. If not timely challenged, the amendment shall become effective 31 days after the state land planning agency notifies the City that the amendment package is complete. If the amendment is challenged, the amendment will become effective on the date the state land planning agency or the Administration Commission (Governor and Cabinet) enters a final order determining this adopted amendment is in compliance with Chapter 163, Florida Statutes. No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before this amendment has become effective.

RECOMMENDATION *The City Commission (1) approve Petition PB-11-49 LUC and (2) adopt the proposed ordinance.*

[120221A_draft ordinance_20121115.pdf](#)

[120221B_staff report_20121115.pdf](#)

[120221C_Comp Plan GOPs_20121115.pdf](#)

[120221D_Land Develop Code_20121115.pdf](#)

[120221E_Supplemental Docs_20121115.pdf](#)

[120221F_Application_20121115.pdf](#)

[120221G_CPB minutes_20121115.pdf](#)

[120221H_staff ppt_20121115.pdf](#)

[120222.](#)

LAND USE CHANGE - 4600-5000 BLOCKS OF SOUTHWEST 41st BOULEVARD (B)

Ordinance No. 120222; Petition No. PB-11-51 LUC

An ordinance amending the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of approximately 285 acres of property located in the vicinity of the 4600-5000 blocks of SW 41st Boulevard, as more specifically described in this ordinance, from the Alachua County land use categories of Heavy Industrial (INDH), Light Industrial (INDL), and Low Density Residential (1-4 DU/acre)(LOW) to the City of Gainesville land use category of Business Industrial (BI); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

This petition and ordinance amend the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of

certain property, as more specifically described in the ordinance, from Alachua County Heavy Industrial, Light Industrial, and Low Density Residential (1-4 DU/acre) to the City of Gainesville Business Industrial (BI) designation. The approximately 285 acre vacant property is located in the vicinity of 4600 - 5000 blocks of SW 41st Blvd, on the west side of the road. This petition is related to Petition PB-11-52 ZON, which will change the Alachua County zoning on the property to the appropriate City of Gainesville zoning category. The zoning petition and ordinance will be scheduled for petition hearing and first reading when this land use ordinance is heard on second reading.

The land use change and related zoning change are needed to apply City of Gainesville land use and zoning designations on property annexed in 2008. The proposed BI land use category was selected to provide an opportunity for development of certain office, business and industrial uses in a combined setting and is compatible with the BI land use on adjacent land across Interstate 75 to the east. The BI land use supports businesses involved in light manufacturing, processing or fabrication of products and machinery, research and development operations, business retail, medical uses and wholesale or storage distribution concerns. In addition, the BI land use offers the opportunity for development in a business park setting, which can be designed around the sensitive environmental areas on the site (this includes Strategic Ecosystem area as delineated in the Future Land Use map series).

After public notice was published in the Gainesville Sun on August 9, 2011, the City Plan Board held a public hearing on August 25, 2011, and by a vote of 4-0, recommended approval of this petition.

CITY ATTORNEY MEMORANDUM

Section 163.3184, Florida Statutes, sets forth the procedure for amending the Comprehensive Plan. The first hearing is the transmittal stage and must be advertised at least seven (7) days prior to the hearing. The second hearing is the adoption stage and must be advertised at least five (5) days prior to the hearing.

Within ten (10) working days after the first hearing, the City must transmit the amendment to the reviewing agencies and to any other local government or state agency that has filed a written request for same. These agencies have 30 days after receipt of the amendment to forward comments to the City. The City must consider any written comments received during the second hearing.

If adopted on second reading, the City will forward the amendment within ten (10) working days to the state land planning agency and any party that submitted written comments. If not timely challenged, the amendment shall become effective 31 days after the state land planning agency notifies the City that the amendment package is complete. If the amendment is challenged, the amendment will become effective on the

date the state land planning agency or the Administration Commission (Governor and Cabinet) enters a final order determining this adopted amendment is in compliance with Chapter 163, Florida Statutes. No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before this amendment has become effective.

RECOMMENDATION *The City Commission (1) approve Petition PB-11-51 LUC and (2) adopt the proposed ordinance.*

[120222A_draft ordinance_20121115.pdf](#)

[120222B_staff report_20121115.pdf](#)

[120222C_Comprehensive Plan GOPx_20121115.pdf](#)

[120222D_Land Development Code_20121115.pdf](#)

[120222E_Supplement Docs_20121115.pdf](#)

[120222F_Application_20121115.pdf](#)

[120222G_CPB minutes_20121115.pdf](#)

[120222H_staff ppt_20121115.pdf](#)

[120234.](#)

COMPREHENSIVE PLAN AMENDMENT - INTERGOVERNMENTAL COORDINATION ELEMENT (B)

Ordinance No. 120234; Petition No. PB-12-72 CPA

An ordinance amending the Intergovernmental Coordination Element of the City of Gainesville Comprehensive Plan by deleting Policy 1.6.3; providing directions to the city manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

This petition and ordinance will amend the City of Gainesville Comprehensive Plan Intergovernmental Coordination Element (ICE) by deleting Policy 1.6.3. ICE Policy 1.6.3 encourages the City to pursue agreements with the School Board of Alachua County (SBAC) for the joint use of recreation facilities and to explore strategies for managing liability issues associated with their use by the public. However, Staff identified Policy 1.6.3 as being duplicative of Recreation Element Policies 1.3.2 and 1.3.3.

Recreation Policy 1.3.2 explicitly requires that the City enter into an individual, facility-specific agreement with SBAC prior to the use of each facility for public recreational purposes. This policy reflects the City's current practice and is more up to date than ICE Policy 1.6.3. In addition, Recreation Policy 1.3.3 contains an expanded list of potential partnering agencies for the joint use of recreation facilities that includes SBAC, Alachua County, the State, and other public agencies. Staff

recommends deleting Intergovernmental Coordination Element Policy 1.6.3, as it is duplicative of Recreation Element Policies 1.3.2 and 1.3.3.

Public notice was published in the Gainesville Sun on July 10, 2012. On July 26, 2012 the City Plan Board held a public hearing and, by a vote of 6-0, recommended the City Commission approve the petition.

CITY ATTORNEY MEMORANDUM

Section 163.3184, Florida Statutes, sets forth the procedure for amending the Comprehensive Plan. The first hearing is the transmittal stage and must be advertised at least seven (7) days prior to the hearing. The second hearing is the adoption stage and must be advertised at least five (5) days prior to the hearing.

Within ten (10) working days after the first hearing, the City must transmit the amendment to the reviewing agencies and to any other local government or state agency that has filed a written request for same. These agencies have 30 days after receipt of the amendment to forward comments to the City. The City must consider any written comments received during the second hearing.

If adopted on second reading, the City will forward the amendment within ten (10) working days to the state land planning agency and any party that submitted written comments. If not timely challenged, the amendment shall become effective 31 days after the state land planning agency notifies the City that the amendment package is complete. If the amendment is challenged, the amendment will become effective on the date the state land planning agency or the Administration Commission (Governor and Cabinet) enters a final order determining this adopted amendment is in compliance with Chapter 163, Florida Statutes. No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before this amendment has become effective.

RECOMMENDATION

The City Commission (1) approve Petition PB-12-72 CPA and (2) adopt the proposed ordinance.

[120234A_draft ordinance_20121115.pdf](#)

[120234B_Staff report_20121115.pdf](#)

[120234C_Comp Plan GOPs_20121115.pdf](#)

[120234D_Application_20121115.pdf](#)

[120234E_CPB minutes_20121115.pdf](#)

[120234F_staff ppt_20121115.pdf](#)

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

[120307.](#)**ANNEXATION ORDINANCE - NORTHWEST - AREA 2 (B)**

Ordinance No. 120307

An ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area pursuant to Chapter 90-496, as amended, Special Act, Laws of Florida, known as the Alachua County Boundary Adjustment Act; making certain findings; annexing to include within the corporate limits of the City of Gainesville, Florida, certain compact and contiguous area generally located: west of NW 43rd Street (& that portion west of NW 43rd Street lying between NW 23rd & 29th Avenues east of NW 49th Terrace, including Buck Ridge Unit 2, already in the city limits), east of NW 63rd Street, north of NW 23rd Avenue and south of NW 39th Avenue, excluding tax parcels No. 06111-001-000 and 06111-003-001 located at the southwest corner of NW 39th Avenue and NW 43rd Street (already within the city limits), but including tax parcel No. 06064-000-000 located at the northwest corner of NW 39th Avenue and NW 43rd Street ("Area 2"); providing for inclusion of the area in Appendix I of the City Charter; providing for a referendum election; providing directions to the City Manager and Clerk of the Commission; providing ballot language; providing for land use plan, zoning and subdivision regulations, and enforcement of same; providing for persons engaged in any occupation, business, trade or profession; providing a severability clause; and providing effective dates.

Explanation: Prior to the annexation of area into a municipality, the Alachua County Boundary Adjustment Act ("Act") requires municipalities to prepare and adopt by nonemergency ordinance a report setting forth plans to provide urban services to the reserve area to be annexed. Following the adoption of the Urban Services Report, municipalities must adopt an annexation ordinance. Then, in the case of a non-voluntary annexation, the Act requires a referendum at the next regularly scheduled election or at a special election called for the purpose of holding the referendum.

In an effort to annex certain property located in NW Gainesville, the City Commission in June of 2012 directed staff to prepare and advertise an Urban Services Report, which was adopted by ordinance on July 19, 2012. A copy of the Urban Services Report was delivered to the Board of County Commissioners of Alachua County following adoption.

This ordinance proposes to annex a contiguous, compact, unincorporated portion of the reserve area, known as "Area 2," described in detail with both a legal description and a map for visual reference. Section 1 of this ordinance makes findings of fact that Area 2 meets certain prerequisites in accordance with the Act. Sections 7 and 8 relate to special matters that may be of interest to the owners/residents and those persons engaged in any business or occupation within the annexation area. Specifically, the Alachua County land use plan and zoning or subdivision regulations will remain in effect until the City adopts a comprehensive plan amendment to include the

annexed area. Those persons engaged in any occupation, business, trade or profession in the annexation area will have the right to continue such and shall obtain a business tax license from the City for the term commencing on October 1, 2013. Those persons engaged in the construction industry within the annexation area will be required to register with the City on or before 4:00 p.m. on June 1, 2013 in order to maintain their certificate of competency issued by Alachua County.

This ordinance requires two readings. Should this ordinance pass on first reading, second and final reading will be on December 6, 2012.

If the City Commission adopts this annexation ordinance, the annexation will be submitted to a vote of the registered electors of Area 2 at a special election on April 9, 2013. If there is a majority vote for the annexation, the annexation will be effective on June 1, 2013. If there is a tie vote or majority vote against the annexation, the annexation shall not become effective and Area 2 shall not be the subject of another non-voluntary annexation ordinance for a period of two years from the date of the referendum.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

[120307A_Draft Ordinance_20121115.PDF](#)

[120308.](#)

ANNEXATION - NORTHWEST - AREA 3 (B)

Ordinance No.120308

An ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area pursuant to Chapter 90-496, as amended, Special Act, Laws of Florida, known as the Alachua County Boundary Adjustment Act; making certain findings; annexing to include within the corporate limits of the City of Gainesville, Florida, certain compact and contiguous area generally located: west of NW 43rd Street, east of NW 51st Street (shown on the plat of Huntington Phase 6 as recorded in Plat book "S", Page 48 of the public records of Alachua County, Florida), north of the current city limits at tax parcel No. 06061-003-003 and Bellamy Forge Condominiums and south of the current city limits at the south line of the northeast quarter of Section 22, Township 9 South, Range 19 East and the county drainage easement & right of way lying immediately north of Rustlewood as recorded in Plat Book "K", page 52 ("Area 3"); providing for inclusion of the area in Appendix I of the City Charter; providing for a referendum election; providing directions to the City Manager and Clerk of the Commission; providing ballot language; providing for land use plan, zoning and subdivision regulations, and enforcement of same; providing for persons engaged in any occupation, business, trade or profession; providing a severability clause; and providing effective dates.

Explanation: Prior to the annexation of area into a municipality, the Alachua County Boundary Adjustment Act ("Act") requires municipalities to prepare and adopt by nonemergency ordinance a report setting forth plans to provide urban services to the reserve area to be annexed. Following the adoption of the Urban Services Report, municipalities must adopt an annexation ordinance. Then, in the case of a non-voluntary annexation, the Act requires a referendum at the next regularly scheduled election or at a special election called for the purpose of holding the referendum.

In an effort to annex certain property located in NW Gainesville, the City Commission in June of 2012 directed staff to prepare and advertise an Urban Services Report, which was adopted by ordinance on July 19, 2012. A copy of the Urban Services Report was delivered to the Board of County Commissioners of Alachua County following adoption.

This ordinance proposes to annex a contiguous, compact, unincorporated portion of the reserve area known as "Area 3," described in detail with both a legal description and a map for visual reference. Section 1 of this ordinance makes findings of fact that Area 3 meets certain annexation prerequisites in accordance with the Act. Sections 7 and 8 relate to special matters that may be of interest to the owners/residents and those persons engaged in any business or occupation within the annexation area. Specifically, the Alachua County land use plan and zoning or subdivision regulations will remain in effect until the City adopts a comprehensive plan amendment to include the annexed area. Those persons engaged in any occupation, business, trade or profession in the annexation area will have the right to continue such and shall obtain a business tax license from the City for the term commencing on October 1, 2013. Those persons engaged in the construction industry within the annexation area will be required to register with the City on or before 4:00 p.m. on June 1, 2013 in order to maintain their certificate of competency issued by Alachua County.

This ordinance requires two readings. Should this ordinance pass on first reading, second and final reading will be held on December 6, 2012.

If the City Commission adopts this annexation ordinance, the annexation will be submitted to a vote of the registered electors of Area 3 at a special election on April 9, 2013. If there is a majority vote for the annexation, the annexation will be effective on June 1, 2013. If there is a tie vote or majority vote against the annexation, the annexation shall not become effective and Area 3 shall not be the subject of another non-voluntary annexation ordinance for a period of two years from the date of the referendum.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

[120308A_draft ordinance_20121115.pdf](#)

[120311.](#)**ELECTION DISTRICTS - REDISTRICTING BASED ON 2010 CENSUS DATA (B)**

Ordinance No. 120311

An ordinance of the City of Gainesville, Florida, amending Section 9-1.1 Election districts of the Code of Ordinances by redistricting the City of Gainesville into four ratably or equally proportioned election districts as required by law; making findings; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: Section 2.02 of the Charter Laws of the City of Gainesville requires apportionment of the City into 4 election districts for the purpose of electing district commissioners to the City Commission. In addition, Section 2.02 also requires the City Commission to adjust the boundary lines of the districts whenever, in its judgment, the districts are not ratably or equally proportioned in accordance with the Florida Constitution and the Constitution of the United States, but not less frequently than within the second year following each decennial census. The City Commission last completed a census-based redistricting in the City in 2002 taking into account data from the 2000 census. Therefore, in accordance with Section 2.02, the City Commission is required to redistrict within the second year following the 2010 census.

In order to accomplish the redistricting effort, the City Commission on March 1, 2012, appointed a Citizen Election District Review Committee consisting of residents of the City of Gainesville, including a citizen representative from each district, to review and recommend any changes in the size and areas of the four election districts. The City Commission also approved the contract with Dr. Kenneth Wald, Professor at the Political Science Department of the University of Florida, an expert in the field of redistricting and apportionment and who previously performed these services for the City. The City Attorney's Office provided legal counsel and support to the Committee.

Beginning in late spring, the Citizen Election District Review Committee held four (4) public meetings (each noticed on the City's official notice of meetings and website) to review information and recommendations from Dr. Wald, receive legal advice from the City Attorney's Office, and hear comments from the general public. In addition, on September 18, 2012, the Committee held a public hearing (advertised in the Gainesville Sun, the Alligator, Community 12TV, and the City's website) to receive feedback from the public regarding Dr. Wald's four redistricting plans and his analysis for recommending Plan 1. Following this public hearing, the Committee held an additional public meeting on October 2, 2012, where it voted 5-2 to adopt Dr. Wald's recommendation and recommend that the City Commission adopt Plan 1 to redistrict the City of Gainesville into four ratably or equally proportioned election districts.

On October 18, 2012, the City Commission held a public hearing where it received a presentation from the Chair of the Citizen Election District Review Committee regarding the Committee's recommendation that the

City Commission adopt Plan 1 and heard a presentation from Dr. Wald explaining his "Report to the Citizen Election District Review Committee" and his analysis for recommending Plan 1. The City Commission then, by a vote of 5-0, authorized the City Attorney's Office to draft an ordinance adopting Plan1, to be scheduled for first reading on November 15, 2012. Dr. Wald's "Report to the Citizen Election District Review Committee" is included as backup to this ordinance and his oral presentation from the October 18, 2012 City Commission meeting may be found on the City's website; both are made a part of the record hereof as if set forth in full.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings. Should this ordinance pass on first reading, second and final reading will be held on December 6, 2012.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

[120311A_Election District Report_20121013.pdf](#)

[120311B_Election Districts Memos_20121018.pdf](#)

[120311A_draft ordinance_20121115.pdf](#)

[120311B_ElectionDistrictsReport_20121115.pdf](#)

[120311_electiondistrictpresentation_20121115.pdf](#)

[120502.](#)

HISTORIC PROPERTY TAX EXEMPTION - 1041 NE 6TH STREET (B)

Ordinance No. 120502; Petition No. HP-11-00038/HP-11-00039
An ordinance of the City of Gainesville, Florida, finding that property located at 1041 NE 6th Street, 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, 2013, 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 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 Part 1 (Preconstruction Application) of the Historic Preservation Property Tax Exemption Application for the restoration/rehabilitation of a contributing residential building in the Northeast Residential Historic District. Part 1 was approved by the HPB on September 6, 2011.

Second, the applicant completed the restoration/rehabilitation work and filed Part 2 (Final Application for Review of Completed Work). 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. On September 4, 2012, the HPB approved Part 2 finding the property eligible for the tax exemption and recommended the City Commission approve same. The renovations eligible for the tax exemption total \$31,330.00. However, pursuant to City Code and State Statute, the actual amount of the exemption will be determined by the County Property Appraiser.

CITY ATTORNEY MEMORANDUM

Should this ordinance pass on first reading, second and final reading will be held on Thursday, December 6, 2012.

RECOMMENDATION *The City Commission 1) approve Part 2 of the application for ad valorem tax exemption; and 2) adopt the proposed ordinance.*

[120502A_draft ordinance_20121115.pdf](#)

[120502B_Preconstruction application_20121115.pdf](#)

[120502C_HP B 2011096 Minutes_20121115.pdf](#)

[120502D_Final application for review of completed work_20121115.pdf](#)

[120502E_HP B 120904 Minutes_20121115.pdf](#)

[120502F_staff ppt_20121115.pdf](#)

110952.

TRAFFIC AND MOTOR VEHICLE OVERTIME METERED PARKING (B)

Ordinance No. 110952

An ordinance of the City of Gainesville, Florida, amending Chapter 26 of the Code of Ordinances of the City of Gainesville relating to traffic and motor vehicles; amending Sec. 26-76 by providing a further exception for the parking of governmental vehicles; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: Section 26-76 pertaining to the exception for governmental vehicles in the parking codes exempts government vehicles that either have government license plates or have government markings on the vehicles. By definition, this exception does not apply to unmarked government vehicles. For example, covert (a/k/a undercover) law enforcement vehicles driven by federal, state and local law enforcement officers or other general government employees are not exempted from overtime parking at meters, when on government business. This leads to inequitable results for those driving unmarked vehicles. For example, if an FBI agent attends a hearing at the Federal Courthouse while under subpoena, and parks an unmarked government vehicle in a metered parking spot and pays for the maximum of 2 hours parking and ends up testifying for three hours, the agent has violated the City of Gainesville parking ordinance. Alternatively, a patrol officer who parks a marked vehicle, in the same situation, would qualify for the exception and not be in violation of the city ordinance. There is no exception for unmarked government vehicles, only marked government vehicles.

In practice, the officers in covert vehicles who receive a parking citation can now request a hearing. On occasion the hearing officer may dismiss the ticket at the hearing. When this happens, the City has to pay the non-prevailing party fee, which is now \$40.00 per case. Not only is the City out the non-prevailing party fee, but the City's parking officers have to attend the hearing. Under the proposed amendment, if the driver of an unmarked government vehicle, who otherwise meets the criteria of the exception, gets a citation because a vehicle is an unmarked government vehicle, the driver would file an Affidavit of Explanation and the citation could lawfully be dismissed.

The proposed amendment is not intended to excuse the initial payment of the parking meter fees, nor is it to be used as a substitute for normal government employee parking.

At its October 18, 2012 meeting, the City Commission received the recommendation of the Recreation, Cultural Affairs, and Public Works Committee and authorized the City Attorney to draft and the City Clerk to advertise this ordinance.

This ordinance requires two readings. Should this ordinance pass on the first reading, second and final reading will be held on December 6, 2012. This ordinance shall become effective immediately upon final adoption.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

[110952 Overtime Metered Parking 20120621.pdf](#)

[110952_Contract_20120822.pdf](#)

[110952A Metered Parking 20121115.pdf](#)

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

PLAN BOARD PETITIONS**DEVELOPMENT REVIEW BOARD PETITIONS****SCHEDULED EVENING AGENDA ITEMS**[090777.](#)**Parks, Recreation and Cultural Affairs Master Plan (B)**

This item provides the report and recommendations of the Parks, Recreation and Cultural Affairs Master Plan, PRCA Vision 2020.

Explanation: At the May 6, 2010 meeting, the City Commission approved the expenditure of funds for the Parks, Recreation and Cultural Affairs (PRCA) Department to contract with a Consultant to develop a Master Plan for the Parks, Recreation and Cultural Affairs Department.

The goal of this project was to develop a ten-year implementation plan for the various recommendations to serve the parks, recreation and cultural needs of Gainesville's citizens and create a framework for a well-balanced parks, recreation and cultural system for the City. The plan being presented is a twenty-year plan recognizing the economic challenges that exist in today's world.

The Master Plan included a community needs assessment, an inventory of existing park, recreation and cultural facilities, an assessment of recreation and cultural programs, maintenance operations, staffing and funding sources. Based on the analysis of this data, information and recommendations have been formulated for: 1) improvements to existing parks, 2) acquisition and development of new parks and recreation facilities, 3) acquisition of environmentally sensitive lands for nature parks, 4) recreation and cultural arts programming needs, 5) estimated operating cost impacts, and 6) funding options for implementation of the Master Plan.

The Recreation, Cultural Affairs and Public Works Committee heard numerous presentations over the past 24 months and have provided direction throughout the process. Over 1,500 citizens have participated in the process giving input through surveys, focus groups, interviews, community meetings and more. Representatives from the City Public Works Department and Community Redevelopment Agency participated in numerous meetings as did the Alachua County Visitor and Convention Bureau and Parks and Recreation Department. The following City Commission Advisory Boards have participated in several day-long workshops giving guidance and advice: 1) Nature Centers Commission; 2) Public Recreation and Park Board; 3) Gainesville/Alachua County Cultural Affairs Board; 4) Bicycle and Pedestrian Advisory Committee.

This evening's presentation by staff and consultant provides an overview of the process, findings and recommendations and requests adoption of the Master Plan.

RECOMMENDATION

The City Commission: 1) adopt the Parks, Recreation and Cultural Affairs Master Plan; and, 2) direct staff to return to the City Commission at a later date with funding option scenarios.

Alternative Recommendation:

The City Commission not adopt the PRCA Master Plan and provide feedback and direction.

[090777 Priority List 20100408.PDF](#)

[090777 PPT 20101004.pdf](#)

[090777 Project Schedule 20111010.pdf](#)

[090777A Master Plan Presentation 20120514.pdf](#)

[090777B Survey Results 20120514.pdf](#)

[090777C Benchmarking Report 20120514.pdf](#)

[090777A June Master Plan PPT 20120605.pdf](#)

[090777B Info from 5-14-12 RCAPW Mtg 20120605.pdf](#)

[090777 Master Plan PPT 20120702.pdf](#)

[090777 Ppt 20120822.pdf](#)

[090777 Master Plan 20121022.pdf](#)

[090777A Master Plan Report 20121115.pdf](#)

[090777B Master Plan PPT 20121115.pdf](#)

UNFINISHED BUSINESS

COMMISSION COMMENT

CITIZEN COMMENT (If time available)

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