

City of Gainesville

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



Meeting Agenda - Final

December 6, 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****Prophet George Young****CONSENT AGENDA****CITY MANAGER, CONSENT AGENDA ITEMS**[120534.](#)**Bid Award - Resurfacing of 16 City-Owned Tennis Courts (B)**

This is a request for the City Commission to authorize the bid award in the amount of \$54,400 to McLean Tennis Inc. for the resurfacing of 16 City-owned tennis courts.

Explanation: On October 10, 2012, the City Purchasing Division solicited bids for the resurfacing of 16 City-owned tennis courts. Five (5) firms responded with bids. McLean Tennis Inc. was the lowest responsible and responsive bidder in the amount of \$54,400.

One firm, Nidy Sports Construction Group, submitted the lowest bid at \$52,469, but their proposal did not meet the minimum specifications in the Invitation to Bid (ITB). McLean Tennis Inc. submitted a proposal that met all the requirements specified in the ITB and was the next lowest bid. McLean Tennis Inc. was selected as the lowest responsible and responsive bidder in the amount of \$54,400.

Fiscal Note: Funding in the amount of \$54,400 is available in the adopted Capital Improvement Plan.

RECOMMENDATION

Recommended Motion: The City Commission: 1) award the bid to McLean Tennis Inc. for the resurfacing of 16 City-owned tennis courts; 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 \$54,400.

[120534A_Rec_BidTab_20121206.pdf](#)

[120534B_Rec_BidAward_20121206.pdf](#)

[120549.](#)**Drainage Usage Certificates (B)**

This item is a request for approval and authorization to execute Usage Certificates.

Explanation: In the 1950's and 1960's, the Florida Department of Transportation installed drainage facilities that run east from approximately Northeast 19th Street to Northeast 23rd Street, south, down Northeast 23rd Street, and east along a segment of Southeast 3rd Avenue to Northeast 25th Street. These drainage facilities serve as necessary appurtenances to those City roads by draining surface water from the rights-of-way and have been maintained by the City since their installation. In preparation of the survey, design and construction of Northeast 19th Street, Northeast 19th Terrace, Northeast 19th Drive, and Northeast 25th Street commonly referred to as the SAFETEA-LU Projects, it was discovered that title to portions of the drainage facilities have not been conveyed to FDOT or the City and lie outside of the two adjacent platted properties, as such portions of the drainage facilities are deemed to be hiatus. The segments of the drainage facility lying in the hiatus areas are primarily located in the extension of Northeast 5th Avenue, running from Northeast 19th Street to Northeast 23rd Street and on the north side of Northeast 3rd Avenue, running from Northeast 24th Street to Northeast 25th Street. There is also an area of the outfall, lying easterly of Northeast 25th Street. In accordance with the provisions of Section 95.361 (1), Florida Statutes, the usage certificate depicts and describes the drainage appurtenances in and to the roads, specifically the portions of the public drainage facilities which the City has maintained and kept in repair uninterruptedly for a period of four years or more.

Fiscal Note: Funding in the amount of \$200 for administrative costs is available in the Public Works FY13 operating budget for the document recording fees.

RECOMMENDATION

The City Commission: 1) approve and authorize the Mayor to execute, and the Clerk to attest the Usage Certificates, subject to approval by the City Attorney as to form and legality; and 2) authorize the City Manager or his designee to record the Usage Certificates in the Public Records of Alachua County, Florida

[120549_200121206.pdf](#)

[120552.](#)**Application for Disability Retirement for Robert T. Nielsen (B)**

Retirement application for Robert T. Nielsen, Field Service Technician at GRU for 13.333 years, who has been under the care of a physician for medical reasons.

Explanation: A meeting of the Disability Review Committee was conducted on Tuesday, October 30, 2012 to review the application for disability

retirement for Robert T. Nielsen. In reviewing the application and supporting information from his physician, it is the recommendation of the Disability Review Committee that the City Commission approve the application.

Robert T. Nielsen, Field Service Technician at GRU for 13.333 years who has been under the care of a physician for medical reasons. Information provided to the Committee from his physician and from the City of Gainesville's third party administrator American General Life, states that Mr. Nielsen is totally disabled and wholly and continuously unable to perform any and every duty of his employment or of a position to which he may be assigned.

Fiscal Note: The current monthly salary, final average earnings of the employee's 36 highest consecutive months of earnings, and the estimated benefit for this employee has been determined to be: current monthly salary - \$00.00; final average monthly earnings - \$4531.33; final monthly benefit - \$1208.33 offset has not been taken for Social Security Disability. These benefits shall become retroactive to September 30, 2011, date employee left employment upon the City Commission's approval and would be paid from the Disability Pension Fund.

RECOMMENDATION

The City Commission approve the submitted application for disability retirement for Robert T. Nielsen, Field Service Technician at GRU.

[120552_Robert_Nielson_20121206.pdf](#)

[120569.](#)

Second Amendment to Interlocal Agreement Between the City of Gainesville, the Alachua County Sheriff, and Alachua County for a Combined Communications Center (B)

This item requests the City Commission's authorization to enter into a Second Amended Interlocal Agreement with the Alachua County Sheriff and Alachua County for a Combined Communications Center.

Explanation: The City of Gainesville, the Alachua County Sheriff, and Alachua County entered into an Interlocal Agreement for a Combined Communications Center (CCC) on May 12, 2009. After approval by the City Commission, the parties executed the First Amendment to the Interlocal Agreement on August 23, 2011, which modified the provisions that provided for small users to participate in the CCC and to incorporate a funding mechanism for a capital replacement schedule.

The parties now wish to enter into a second amendment to the original agreement, modifying the provision relating to a "small user" to allow municipalities that do not meet the definition of a small user to make a request of the Executive Board of their desire to receive services from the center. Prior to entering into an Interlocal Agreement with a municipality that does not meet the definition of a small user, the Sheriff

will evaluate and report to the Administrative Board the fiscal and service level impact to the CCC partners. The amendment also authorizes the Sheriff to enter into Interlocal Agreements with the University of Florida and Santa Fe College for call-taking and dispatch services for their police departments.

Fiscal Note: The amendment will have no effect on the City of Gainesville's apportionment of costs at this time.

RECOMMENDATION

The City Commission authorize the Mayor to execute a Second Amendment to the Interlocal Agreement between the City of Gainesville, the Alachua County Sheriff, and Alachua County for a Combined Communications Center.

[120569a_OrigAgreementWithSheriff_20121206](#)

[120569b_1stAmendToAgreementWithSheriff_20121206](#)

[120569c_2ndAmendToAgreementWithSheriff_20121206](#)

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

[120585.](#)

Management Employment Policies of Gainesville Regional Utilities (NB)

Explanation: Under the City Charter, the General Manager may exercise the duty to propose an ordinance or ordinances designating the job titles of subordinates who are directors of departments. Under the Charter, the General Manager has the authority to appoint directors based on merit and remove directors of departments at will.

Fiscal Note: No impact.

RECOMMENDATION

The City Commission authorize the City Attorney to prepare, and the Clerk of the Commission to advertise, an ordinance designating the job titles of subordinates who are directors of departments.

[120585A_Management Employment Policies_20121220.pdf](#)

[120597.](#)

Updates to Natural Gas portions of the City of Gainesville Code of Ordinances, Chapter 27 and Appendix A (NB)

Explanation: Gainesville Regional Utilities' Natural Gas System provides natural gas to end users in residential, general service and large volume classes. The language in Chapter 27, Article VI, Natural Gas and Appendix A is currently vague in certain sections and warrants clarification. Such instances include the terms and conditions required to qualify for and to

receive the Large Volume Service rate, the responsibilities of the City and the customer following a force majeure event and continued reference to the Contract Interruptible Service Rate which should have been removed.

Additionally, there are currently two categories of Purchased Gas Adjustment in the ordinance: firm and interruptible. In that the utility no longer reserves natural gas pipeline capacity from the supplier on an interruptible basis, an interruptible PGA is no longer relevant and it should be removed.

Fiscal Note: There is no fiscal impact

RECOMMENDATION

The City Commission authorize the City Attorney to Draft and the Clerk of the City Commission to advertise revisions to Chapter 27 and Appendix A of the City of Gainesville Code of Ordinances.

CITY ATTORNEY, CONSENT AGENDA ITEMS

[120565.](#)

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION VS. THE ESTATE OF ELIZABETH HILL, DECEASED, ET AL.; EIGHTH JUDICIAL CIRCUIT, CASE NO. 2012-CA-4446 (B)

Explanation: On November 8, 2012, the City was served with a Summons to Show Cause and Notice of Hearing Date along with a Petition in Eminent Domain and Declaration of Taking filed by the State of Florida Department of Transportation in the Circuit Court. The Department of Transportation is condemning certain property in the vicinity of Depot Park. One of the properties has a City lien on it for the City's costs in demolishing a structure on the site. The properties will eventually be transferred from DOT to the City. The City has a lien on the property in question as a result of a Code Enforcement Board lien for demolition costs of a structure.

RECOMMENDATION

The City Commission authorize the City Attorney to represent the City of Gainesville in the case styled State of Florida Department of Transportation vs. the Estate of Elizabeth Hill, Deceased, et al., Eighth Judicial Circuit, Case No. 2012-CA-4446.

[120565 DOT v. Hill Consent 20121206.pdf](#)

[120594.](#)

OFFER OF JUDGMENT IN THE CASE STYLED CHERON HAMPTON-BATES, PERSONALLY AND AS NATURAL GUARDIAN OF BRYCE BATES, A MINOR v. THE CITY OF GAINESVILLE, FLORIDA, A MUNICIPAL CORPORATION, AND CPL. TIMOTHY DURST, IN HIS INDIVIDUAL CAPACITY, COURT

CASE NO. 1:12-cv-00174-MP-GRJ (NB)

Explanation: On August 2, 2012, the City was served with this lawsuit. The basis of the lawsuit is the biting of ten year old Bryce Bates by a Gainesville Police Department canine. The lawsuit names the officer handling the canine in his individual capacity, and the City of Gainesville. The action is brought pursuant to federal law and alleges that excessive force was used by sending the canine to apprehend Bates. The basis of Ms. Hampton-Bates' claim is the infliction of emotional distress as a result of seeing her son bit by the canine.

The City conducted an extensive investigation prior to the lawsuit being filed and has engaged in discovery since the filing of the lawsuit. Under the Federal Rules of Civil Procedure, the City may extend what is called an Offer of Judgment to the Plaintiffs to settle the case. In this case, if the offer is accepted by the Plaintiffs, the City will agree to pay Plaintiffs, on behalf of both the City and the individual officer, fifty thousand dollars and attorney's fees and costs to date as determined by the Court. If the offer is not accepted by the Plaintiffs and the verdict is less than the City offered, the City would be entitled to recover its attorney's fees and costs from the Plaintiffs in defending the case after the offer was made. It is the recommendation of the Office of the City Attorney, the Department of Risk Management and the Gainesville Police Department that the City extend an Offer of Judgment, on behalf of the City and the Officer, in his individual capacity, to the Plaintiffs in this case in the amount of fifty thousand dollars (\$50,000), exclusive of costs and attorney's fees, with the costs and attorney's fees to be paid by the City in an amount to be set by the Court.

RECOMMENDATION

The City Commission authorize the City Attorney's Office to extend an Offer of Judgment to Plaintiffs to settle this case in the amount of fifty thousand dollars (\$50,000), exclusive of costs and attorney's fees with the costs and attorney's fees to be paid by the City in an amount to be determined by the Court.

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS[120596.](#)

City Commission Minutes (B)

RECOMMENDATION

The City Commission approve the minutes of October 30, 2012, November 1, 2012, and November 15, 2012, as circulated.

[120596 oct 30, 2012 minutes 20121206.pdf](#)[120596 nov 1, 2012 minutes 20121206.pdf](#)[120596 Nov. 15, 2012 minutes 20121206.pdf](#)

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**COMMITTEE REPORTS, CONSENT AGENDA ITEMS****RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS 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**[120250.](#)**Update on the Purchase of Surplus Lands Designated for the City of Gainesville (B)**

The purpose of this item is to provide an update to the City Commission on the status of the negotiations between the City and the State of certain properties designated for purchase by the City of Gainesville. The City would like to purchase the Department of Corrections (DOC) facility at little or no cost since this is a special use facility and no other state or local agency expressed an interest in the property.

Explanation: This item supports the City Commission Strategic Initiative 3.1: Continue Implementation of the 10 Year Plan to End Homelessness.

On November 1, 2012, the City Commission heard a presentation from staff on the designation of certain surplus properties to be considered by the City of Gainesville for Green space targeted properties and/or its Human Capital Resources Program. The proposed designation encompassed approximately 181 acres. The City Commission directed staff to pursue 110 acres for the Green Space program and 71 acres for the Department of Corrections (DOC) property off NE 39th Avenue including the adjacent 50 acre green space area. In addition, the City Commission directed staff to continue to pursue the permitting and construction of the One Stop Homeless Assistance Center located at the 800 Block of NW 53rd Avenue. A cost comparison of the 53rd Avenue site and the DOC site is due back to the City Commission once the price

can be established for the 71 acres.

The DOC facility, known as the former Gainesville Correctional Institute (GCI), is a special use facility that the City of Gainesville wishes to obtain for various human services and neighborhood programs including the One Stop Homeless Assistance Center. The City was the only agency that expressed an interest in the property, and if the City was to obtain the property, the City would be saving the state some funds by taking over the facility. The City may wish to seek local Legislative Delegation assistance in obtaining the property for little or no cost, since the property would be used for public use which would not only benefit the residents of the City of Gainesville, but Alachua County and North Central Florida as well.

At this time, City staff has been working with the Department of Environmental Protection to negotiate a price for the sale of the 181 acres to the City of Gainesville. The DOC has identified the Gate/Administrative Building and the Medical Building as properties it wishes to retain under state control. In addition, the state wishes to control both parking lots for the buildings. The state is willing to grant the city temporary easement to the remaining buildings and the parking lots until the state begins operating out of the buildings. Staff is negotiating with state officials to allow the City shared permanent access to the parking lots. The shared parking lot is a pending issue with the state.

The DOC has agreed to allow the City to schedule a tour of the GCI site for residents. Staff is working to schedule a date and time for the tour. The tour will be on a Saturday in order to allow residents full access to the site.

Currently, the DOC site is zoned as PS-Administrative. City staff has had preliminary discussions with the Department of Environmental Protection (DEP) to expedite the petition process to allow other uses on the site if the City and state can agree to a purchase price for the property. The negotiation is pending on this item since the state is not interested in changing the usages for the site until the city has complete control of the site.

The General Services Department has started preparing a preliminary cost estimate for rehabilitation to the property for the One Stop Homeless Assistance Center. However, staff is still exploring other costs associated with the site since electrical, gas, water meters and other items will need to be transferred to the city if the site is obtained from the state. The cost comparison is scheduled to come back to the City Commission once the negotiations have moved closer to a price for the property.

A preliminary survey is being forwarded to DEP on the 110 acre site and negotiations will begin as soon as the appraisal has been completed. The survey for the GCI and the adjacent 50 acre green space property is

a little more complicated due to certain properties being retained by DOC and the western boundaries of the properties being transferred to the Department of Forestry.

In addition to staff working directly with the DEP to acquire the GCI site, staff is recommending the City Commission seek assistance from the local Legislative Delegation for the purchase and access to the property. A request for support will be provided to the delegation indicating the city's intention to purchase the property at a reasonable price based on its value and a request to allow access to the property and buildings prior to the purchase for tours and other stakeholder outreach.

RECOMMENDATION

The City Commission: 1) hear an update from staff on the status of the negotiations between the City and the State of certain properties designated for purchase by the City of Gainesville; and 2) authorize the City Manager or his designee to request local Legislative Delegation support and assistance in obtaining the GCI property.

[120250A FDEP Notice of Surplus State Land 20120816.pdf](#)

[120250B Parcel Maps 20120816.pdf](#)

[120250C Resolution 20120816.pdf](#)

[120250_resolution_20120816.pdf](#)

[120250A Notice of Intent to Sell Surplus State Land 20121101.pdf](#)

[120250B Letter to DEP 20121101.pdf](#)

[120250C Letter from DEP 20121101.pdf](#)

[120250D Draft Map A 20121101.pdf](#)

[120250E Offer for Settlement 20121101.pdf](#)

[120250F Continuance & Settlement Agreement 20121101.pdf](#)

[120250G Aerial Map 20121101.pdf](#)

[120250_GCI concept v5 20121101.pdf](#)

[120250_GCI-existingpics 20121101.pdf](#)

[120250 Maps 20121206.pdf](#)

[120380.](#)

Innovation Square Program Update (B)

The purpose of this item is to provide an update to the City Commission on the Innovation Square Program; request authorization to move forward with final construction documents for SW 9th Street, SW 3rd Avenue, and the SW 9th Street park projects as publicly maintained infrastructure; and request authorization for the City Manager to accept the deeds for right-of-way dedication.

Explanation: The Innovation Square Workgroup is comprised of stakeholders from the University of Florida (UF), Shands Healthcare, University of Florida Development Corporation (UFDC), Gainesville Regional Utilities (GRU), Public Works Department (PWD), Planning Department, Parks

Recreation and Cultural Affairs (PRCA), Gainesville Community Redevelopment Agency (CRA) and the private sector. The working group meets regularly in order to facilitate on-going coordination of utilities, other infrastructure, and development in the Innovation Square area and in the larger Innovation District (iDistrict). Work in the iDistrict is an important initiative with the goal of removing barriers for redevelopment of this area, increasing economic development opportunities, and creating an environment that is conducive to retaining and attracting businesses to Gainesville's urban core for the stabilization and strengthening of the local economy.

In addition to the CRA's involvement as a redevelopment agency in the iDistrict development, the CRA is acting as an agent for the City in the development of two new public corridors within the iDistrict, SW 9th Street and SW 3rd Avenue. At the December 6th City Commission meeting, acting as an agent for the City, CRA staff will present the progress of the development of these corridors for the City Commission's review and approval.

For reference, it is important to note that property owners and members of the Innovation Square Workgroup have discussed the possibility of establishing a Business Improvement District (BID) for the area, and that this BID may assume some responsibilities for specialty maintenance (and other activities) within the district. However, at this time, plans for a BID remain a future discussion, and the role that such an organization would have in maintenance or other activities is currently unknown. For the foreseeable future, the City will remain the primary maintenance entity for the public ROW within the iDistrict, and it is therefore important to quantify the anticipated impacts that the new roadways will generate to the City's budget.

In addition to the roadway there is a linear stormwater management component and a park. The design approach for these two new public corridors is not typical in that maintenance requirements will be above and beyond what is typically provided for public corridors. As an example the design calls for pressure washing and weed control in hardscape areas which are not typically conducted in the city's annual maintenance program. Irrigation along the roadside is also an element that is included in these designs that are not typically found along city streets. New streets within new subdivisions typically have a homeowners or property owners association that is established to maintain the aesthetic aspects of the roadway corridor. In this case, the Public Works Department is being asked to assume responsibility for operation and maintenance of these design components. The maintenance estimates have looked at the projects holistically and includes all the project components as well as end-of-lifecycle replacement costs that have been annualized and brought to present day value. While this may be considered a conservative approach, this was done in order to provide the best information to the City Commission in order to make a decision that the development of these corridors are in the best interest of the City and for the preparation of

future budgets in order to maintain the corridor.

The following is background information of work that has been accomplished by the Innovation Square Working Group that has led to the development of these two new public corridors.

*Development Framework for Innovation Square
Innovation District Zoning Initiative - In 2010-2011, CRA worked on an initiative with Planning, Public Works, GRU, Shands, UF, the Chamber of Commerce, property owners, and the development community in order to streamline and simplify development regulations impacting the iDistrict. The resulting UMU-2 zoning standards reflect prioritization of important public realm and urban design criteria, while also allowing flexibility and clarity in the regulatory process in order to accommodate the redevelopment and economic development vision for the area.*

Background Information for the Development of SW 9th Street and SW 3rd Avenue:

Innovation District Infrastructure Study - In January 2011, the CRA contracted with Brown and Cullen, Inc. (BCI) to develop an analysis and synthesis of the infrastructure within the iDistrict. The final deliverable compiled information regarding current utility assets and capacity and projected demand based upon the redevelopment projections for the area working in concert with consultants from the University of Florida (Perkins + Will). The report provided guidance as to when infrastructure in the area will reach capacity and what upgrades would be needed to support the growth projected within the iDistrict.

Utility Design Charrette - In June 2011, representatives from GRU, PWD, Planning Department, PRCA, UF, Shands, CRA, and the private sector held a workshop to discuss utility allocations within the iDistrict. During the workshop the participants discussed the vision for the iDistrict and developed consensus for utility allocations in order to meet minimum utility separation requirements as well as provide ample space for the development of streetscapes, including street trees, in order to meet the requirements of the envisioned public realm as laid out in the Innovation Square Development Framework.

Utility Master Plan and Surveying - In December 2011 the CRA and GRU partnered to fund surveying and utility master planning within the iDistrict. The utility master plan and surveys, developed by CHW, were completed in April 2011 and circulated to the Innovation Square Workgroup. The utility master plan has organized phases of utility upgrades and provides a conceptual cross sectional allocation for the horizontal placement of utilities beneath public rights of way. This document serves as a guide for utility upgrades and placement during the development and build-out of the iDistrict.

Green Street Basis of Design - In February of 2012 the CRA embarked on the development of a green street basis of design document (BOD)

for SW 9th Street and SW 3rd Avenue, two new proposed roadways bisecting the Innovation Square property. The BOD was completed in May 2012 and has been coordinated with the utility allocation and master plan for the development of the cross sectional requirements, thus the final width of the proposed rights of way. Through coordination with the Innovation Square Workgroup, these documents function as the baseline for further design of and construction document development for the corridors.

SW 9th Street and SW 3rd Avenue Project Update:

On April 10, 2012 the CRA took the lead on project management for design and construction of two new public corridors, SW 9th Street and SW 3rd Avenue. Pursuant to the Memorandum of Understanding (MOU) between the CRA and the City, the CRA is acting as an agent for the City to develop and construct these planned future rights-of-way. The property and proposed rights-of-way were surveyed in accordance with the Green Street BOD document and CRA staff met individually with project stakeholders in order to develop the scope of work. In tandem, the City Attorney's office has been working to draft an agreement for the construction of public infrastructure and conveyance of land to the City as public rights-of way-and a park following construction of the projects.

In June 2012, the CRA Board approved design proposals from Brown and Cullen, Inc. (BCI) and Causseaux, Hewett, & Walpole, Inc. (CHW) for the construction document development of SW 9th Street and SW 3rd Avenue, respectively. The design projects are on an accelerated schedule in order to coordinate with utility service deadlines for the Infusion Building. Design commenced in June 2012 and is currently 60% complete. Construction is anticipated to commence during 2013. Design and construction schedules have been structured to coordinate with construction timeframes for the Infusion building, which is the next development scheduled to break ground in the iDistrict.

At the September 2012 CRA Board meeting, CRA staff, along with consultants from the design team, presented the 60% completed design documents for review, discussion, and endorsement for continuation through 100% construction document development. This item is also being brought before the City Commission, as the City of Gainesville will ultimately be responsible for maintenance and management of the new public streets, which impact future operational budgets. Upon receiving approval from the Commission, the CRA is prepared to finalize designs and engage Construction Management teams for the development of a Guaranteed Maximum Price (GMP) for construction of the corridors. It is important to note that while the CRA will fund corridor construction, funding for the installation of utilities is outside the scope of the CRA's fiscal responsibilities for the project; this funding is being coordinated with and provided by partnerships with GRU and the PWD.

For reference, should the City Commission move forward with the roadway designs presented at the December 6, 2012 meeting,

additional approvals by both the CRA and the City Commission will be necessary for the project to move forward to construction. City Commission action items include: entering into an agreement with the property owner for the conveyance of the land, and approval of funding for project elements outside the scope of the CRA's budget for the project. CRA approvals include: approval of final funding/GMP for corridor construction.

RECOMMENDATION

The City Commission: 1) receive information from staff; and 2) authorize staff to move forward with final construction documents for SW 9th Street, SW 3rd Avenue, and the SW 9th Street park projects as publicly maintained infrastructure.

[120380A_60%Design Update PPT_20121206.pdf](#)

[120380B_Projected Maint Costs_20121206.pdf](#)

[120380A_MOD 60sign Update PPT_20121206.pdf](#)

[120572.](#)

Bid Award - State of Florida Lobbying Services (B)

This item is a request to approve rankings for Request for Proposals (RFP) #CMGR-130015-FB and to direct staff to negotiate and execute a contract with the top ranked firm William J. Peebles, PA for State of Florida lobbying services.

Explanation: On June 7, 2012, the City Commission directed staff to issue a Request for Proposals (RFP) for State of Florida lobbying services. At the time such services were being provided by Doug Bruce and Associates and had been on a continual basis from March 1, 2005 until the contract expired on September 30, 2012. On August 16, 2012, the city's Purchasing Division solicited a RFP for State of Florida lobbying services.

Seven (7) proposals were submitted by the deadline. The submissions contained technical and written proposals and firms were asked to make an oral presentation. An evaluation team consisting of General Government and GRU staff evaluated the proposals and is recommending the following ranking:

1. William J. Peebles, PA
2. Ackerman & Senterfitt
3. CLD & Associates

Staff is recommending to the City Commission to enter into a contract with William J. Peebles, PA for a nine (9) month period beginning January 1, 2013, and ending September 30, 2013, with an option for up to two one-year extensions. William J. Peebles, PA will provide services as described in RFP #CMGR-130015-FB.

Fiscal Note: Funds in the amount of \$25,000 have been allocated in the FY13-14

General Government and \$25,000 in the FY13-14 GRU budget.

RECOMMENDATION

The City Commission: 1) approve staff's recommended ranking of the firms; and 2) authorize the City Manager and General Manager to negotiate and execute an initial contract with two optional one-year extensions with the top ranked firm or the next ranked firm if those negotiations are not successful, for State of Florida lobbying services, subject to approval by the City Attorney as to form and legality.

[120572 Intended Award 20121206.pdf](#)

GENERAL MANAGER FOR UTILITIES

[120575.](#)

2012 Solar Feed-in-Tariff Available Capacity (B)

Explanation: Staff presented and the City Commission approved 2013 Solar Feed-In-Tariff rates on October 18, 2012. During that presentation, Commissioners discussed the option of reassigning any excess capacity from 2012 should any projects cancel. Staff was asked to return to the City Commission in December to provide an update on cancellations and get policy direction in regard to reassigning this capacity to the 2013 offering. Should the Commission determine that the available 2012 capacity should be offered in 2013, staff would include it in the 2013 capacity offering planned for January.

Fiscal Note: The additional capacity would have an annual cost over 20 years which will be determined by the exact amount of additional capacity reassigned to 2013. Staff will have this figure available at the meeting.

RECOMMENDATION

The City Commission 1.) receive a brief presentation from staff; and 2.) determine if excess capacity from 2012 shall be included in the 2013 offering.

[120575 solarfeed-in-tariff 20121206.pdf](#)

CITY ATTORNEY

[120369.](#)

ELECTION TOWN HALL MEETING -- PROPOSED CHARTER AMENDMENTS TO TRANSITION TO 4-YEAR CITY COMMISSION TERMS AND CITY ELECTIONS TO BE HELD IN THE FALL OF ODD NUMBERED YEARS (B)

Explanation: On November 1, 2012, the City Commission authorized the City Attorney to draft an ordinance to place the following charter amendments on the

Spring 2013 City ballot: 1) move city elections to odd numbered years in early October with a runoff, if necessary, in November; and 2) change the City Commission terms from 3 years to 4 years and retain the existing two consecutive term limit.

In addition to the ballot language, each charter amendment ordinance must include the text of the charter revisions. This ensures the public can be reasonably informed of the effect the ballot language. In this case, the transition schedule is important to understanding the effect of the ballot language. Staff has prepared two alternative transition schedules which are included in graph form in the back-up to this agenda item. Staff is seeking Commission direction on the preferred schedule to include in the ordinance.

In addition, the Commission's motion requested the election dates be specified in the Charter as October and November; however, upon speaking to the Supervisor of Elections, it appears advisable to leave the setting of the actual election dates to be done by ordinance (as it currently is) to allow for more flexibility in the event of conflicts or unforeseen circumstances may arise. As such, staff recommends that the Charter amendment specify only the dates that Commissioners begin and end their term in office, not the date the elections are held. By way of example, the charter amendment could state "Commissioners shall hold office from 12 o'clock noon on the date of the first regular City Commission meeting held in December of the year in which they are elected until their successors in office are elected and qualified or until recalled as provided by law." Alternatively, the Charter could provide two different commencement dates, one if only a regular election is held and another if a run-off is required. Staff is seeking Commission direction on the election date continuing to be set by ordinance and the ending and beginning of terms to be set by the Charter.

Due to the time constraints to place these items on the Spring 2013 City ballot, staff requires policy direction at this time in order to finalize a draft Ordinance for first reading on December 20, 2012 and second reading on January 3, 2013.

RECOMMENDATION

The City Commission provide direction on 1) which transition plan to include in the proposed charter amendment ordinance, 2) whether the election dates should continue to be set by ordinance, rather than in the charter; and 3) whether to provide one or two dates for commencement of terms in the proposed charter amendment ordinance.

[120369 Election Town Hall 20120924.pdf](#)

[120369 PlanA&B 20121206.pdf](#)

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE

PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE

PUBLIC SAFETY COMMITTEE

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

COMMISSION COMMENTS (if time available)

RECESS

RECONVENE

PLEDGE OF ALLEGIANCE (5:30pm)

Bob Gasche, Gator Detachment of the Marine Corp League World War II Veteran

PROCLAMATIONS/SPECIAL RECOGNITIONS

[120571.](#)

City of Gainesville recognition as a Florida Green Building Council (FGBC) Certified Green Local Government at the “Silver” Level (B)

The Florida Green Building Council, Inc. (FGBC) is a non-profit corporation whose primary mission is to develop and maintain Green designation standards for Florida and to promote cost-effective, sustainable environmental improvements. The Council will recognize the City of Gainesville as a FGBC Certified Green Local Government at the “Silver” level.

Explanation: In addition to certification standards for green homes, commercial buildings, high rises, and developments, the FGBC certifies Green Local

Governments for outstanding environmental stewardship. The FGBC expects that "certified green city and county governments will not only gain recognition and publicity, but also function in a more efficient manner through better internal communication, cost reductions, and effective risk and asset management." This is the premier local government certification process, and the only one that is specifically developed for the Florida context.

The City of Gainesville participated in pilot testing of the standard in 2002 and since this time, some level of certification (from pre-application to full certification) has been achieved by approximately 50 Florida cities and counties.

Certification involves meeting and documenting criteria from a variety of Departments, including Gainesville Regional Utilities, Communications/Marketing, Recreation and Parks, Fire Rescue, Public Works, Information Technology, Planning and Development Services, GPD, Economic Development, and Human Resources. Staff has collected input regarding the current level of participation in various "green" activities, and has found that each department of General Government and GRU has already implemented some portion of the criteria listed in the FGBC Green Local Government standard. Staff believes that the certification will help to structure the response of various departments to the City's energy efficiency needs, as well as provide excellent marketing potential.

The provision of this certification marks the culmination of a ten year pilot, pre-application and application process performed by various organizational staff and authorized by the City Commission. This recognition sets the baseline for further efforts on the City sustainability front as recently contemplated by the City Commission with regard to its Strategic Plan and supporting initiatives.

RECOMMENDATION

City Commission: (1) hear a brief presentation on the Florida Green Building Council and the Green Local Government Certification process; and, (2) accept the Florida Green Building Council Green Local Government Certification at the "Silver" level.

[120571_FGBC Contact Email 20121206.pdf](#)

[120533.](#)

Pearl Harbor Remembrance Day - December 7, 2012 (B)

RECOMMENDATION

Gator Detachment of the Marine Corp League Bob Gasche to accept the proclamation.

[120533 PearlHarbor 20121206.pdf](#)

[120598.](#)**Martin Luther King, Jr. Hall of Fame Day - January 13, 2013 (B)****RECOMMENDATION**

Martin Luther King, Jr. Commission of Florida, Inc. President Honorable Rodney J. Long to accept the proclamation.

[120598_MLKFameDay_20121206.pdf](#)[120599.](#)**King Celebration 2013 - January 13-21, 2013 (B)****RECOMMENDATION**

Martin Luther King, Jr. Commission of Florida, Inc. President Honorable Rodney J. Long to accept the proclamation.

[120599_KingCelebration_20121206.pdf](#)**CITIZEN COMMENT (6:00pm) - Please sign on sign-up sheet****PUBLIC HEARINGS****RESOLUTIONS- ROLL CALL REQUIRED**[120520.](#)**Resolution and Perpetual Easement Request from Florida Department of Transportation (B)**

This item involves a request from Florida Department of Transportation (FDOT) for a Resolution and Perpetual Easement, located at the southeast corner of Tax Parcel 15505-002-001.

Explanation: FDOT plans renovations to Archer Road and Southwest 16th Avenue. The City owns Tax Parcel 15505-002-001, located at 2210 Southwest Archer Road, which is utilized by Fire Station #2. A portion of the parcel, in the southeast corner, has been the location of a traffic signal box. As part of the Archer Road and Southwest 16th Avenue renovations, FDOT is requiring the grant of a perpetual easement for the area of the traffic signal box. FDOT also requires the adoption of a Resolution, associated with the easement.

Fiscal Note: There is no fiscal impact.

RECOMMENDATION

The City Commission: 1) adopt the Resolution approving a Perpetual Easement, subject to approval by the City Attorney as to form and legality; and 2) authorize the Mayor to execute and the Clerk to attest the Perpetual Easement, subject to approval by the City Attorney as form and legality.

[120520A_Map_20121206.pdf](#)

[120520B_Easement_20121206.pdf](#)

[120520C_Resolution_20121206.pdf](#)

[120547.](#)

Resolution for 5310 Grant Application (B)

This item requests the City Commission pass a Resolution allowing the Regional Transit System (RTS) to apply for a 5310 Grant to purchase a paratransit van to provide ADA service to the disabled citizens of Gainesville.

Explanation: Federal funds are available through the Federal Transit Administration (FTA) and the Florida Department of Transportation (FDOT) to purchase a replacement van. The FDOT requires the Resolution have specific verbiage, in the format approved by its attorney. RTS is requesting that the City Commission pass the Resolution allowing the application to go forward in order to apply for a paratransit van to maintain the age and mileage requirements for the paratransit fleet per the Federal Standards.

Fiscal Note: RTS will use capital replacement funds received from MV Transportation for use of city owned vehicles as match money to obtain the federal funds to purchase the needed vehicle.

RECOMMENDATION *The City Commission adopt the Resolution.*

[120547_Resolution_20121206.pdf](#)

[120548.](#)

Resolution for 5311 Grant Application (B)

This item requests the City Commission adopt a Resolution allowing the Regional Transit System (RTS) to apply for a 5311 Grant to purchase Demand Response trips and to continue to provide Route 23 transportation services to the citizens of Gainesville.

Explanation: Federal funds are available through the Federal Transit Administration (FTA) and the Florida Department of Transportation (FDOT) to purchase demand response trips and to provide Route 23 that operates between the Oaks Mall and Santa Fe College. The funding is set up on a 5-year cycle and is issued either yearly or every 3 years.

RTS has cleared the backlogged 5311 grant money through FY11 and has started the FY13-FY15 three (3) year cycle. RTS will use the funds to purchase demand response trips in rural Alachua County and will continue to provide Route 23 from Santa Fe to the Oaks Mall. RTS received Alachua County Board of County Commissioners (BoCC) concurrence on December 13, 2011, for the next three (3) years ending in FY15.

FDOT requires that a Resolution be passed by the City Commission authorizing the City Manager or his designee to execute and file applications for such grants. The Resolution must have specific verbiage. RTS is requesting that the City Commission pass the Resolution allowing the application to go forward to apply for much needed transportation services.

Fiscal Note: The monies for Demand Response trips and Route 23 are considered operational funds and require a 50/50 match. RTS will use monies received from Alachua County for Route 75 as its local match.

RECOMMENDATION

The City Commission: 1) adopt the Resolution; and 2) allow the Regional Transit System (RTS) to continue to provide Route 23 transportation services to the citizens of Gainesville.

[120548 Resolution 20121206.pdf](#)

[120584.](#)

FINAL AMENDMENT TO THE FY 2011-2012 GENERAL GOVERNMENT FINANCIAL AND OPERATING PLAN (B)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA; RELATING TO ITS GENERAL GOVERNMENT BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2011 AND ENDING SEPTEMBER 30, 2012; AMENDING RESOLUTION NO. 110268 AS AMENDED BY RESOLUTION NO. 110856 AND 120364, BY MAKING CERTAIN ADJUSTMENTS TO THE GENERAL OPERATING AND FINANCIAL PLAN BUDGET; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE

Explanation: The purpose of this amendment is to accurately reflect and incorporate into the City's FY 2011-2012 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 appropriate fund balances.

RECOMMENDATION

The City Commission adopt the proposed resolution.

[120584 - General Operating and Financial Plan Budget Resolution - AFLC 11-21](#)

[120584 - Attachment A to General Government Financial and Operating Plan R](#)

[120584. Final Amendatory Budget 20121206.pdf](#)

ADOPTION READING-ROLL CALL REQUIRED

[120303](#)**LAND USE CHANGE - SMALL SCALE - APPROXIMATELY 2.8 ACRES OF TAX PARCEL NO. 06724-000-000 (B)**

Ordinance No. 120303; Petition No. PB-12-85 LUC

An ordinance amending the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of approximately 2.8 acres of property generally located north of SW 17th Avenue, west of SW 38th Terrace, east of SW 40th Terrace, and south of SW 16th Avenue, as more specifically described in this ordinance, from Conservation (CON) to Urban Mixed-Use 2 (UMU-2); 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 Comprehensive Plan by changing the land use designation for a portion (□2.8 acres) of one parcel (Tax Parcel No. 06724-000-000) from Conservation to Urban Mixed Use-2 (UMU-2). This approximately 2.8 acre portion of the 44-acre parent property is generally located north of SW 17th Avenue; west of SW 38th Terrace; east of SW 40th Terrace; and south of SW 16th Avenue. The property described in this petition was annexed into the City of Gainesville in June 2009.

Based on the environmental features present on the property (Hogtown Creek, 10-year flood channel, and a portion of Strategic Ecosystem), the City of Gainesville Conservation future land use was adopted on the northernmost portion of the property (33.1 acres) and the remaining developable 10.9 acres received the Urban Mixed-Use 2 land use (Ordinance No. 100698) in November 2011. However, staff subsequently discovered that the 10-year flood channel delineation line, used to divide the property between the developable UMU-2 and conservation areas, was not as extensive as previously determined during the land use amendment process in 2011. The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM), as determined by the Public Works Department, placed the 10-year flood channel line further north, thereby supplementing the property's developable area by an additional 2.8 acres.

As a result, Staff recommended that the City Plan Board remove Tax Parcel No. 06724-000-000 from consideration in Petition PB-12-73 ZON and direct staff to initiate separate petitions to change the land use and zoning on tax parcel 06724-000-000 to reflect the updated flood channel information for the Conservation/UMU-2 split zoning and land use. This small-scale land use amendment will shift the boundary between the

UMU-2 and Conservation land use categories further north to reflect the new flood channel data.

At its meeting on August 16, 2012, the City Commission waived the twelve-month time limit for new land use or zoning petitions for this property (Legistar No. 120219).

After public notice was published in the Gainesville Sun on August 7, 2012, the City Plan Board held a public hearing on August 23, 2012, and by a vote of 6-0, recommended approval of this petition.

CITY ATTORNEY MEMORANDUM

This proposed amendment to the Comprehensive Plan is treated as a small-scale development amendment. Within 30 days following the City's adoption of this amendment, any affected person may file a petition with the State Division of Administrative Hearings to request a hearing to challenge the compliance of this amendment with Chapter 163, Florida Statutes.

If challenged within 30 days after adoption, this amendment shall not become effective until the state land planning agency or the Administration Commission issues a final order determining that the adopted amendment is in compliance with Chapter 163, Florida Statutes. If unchallenged, this amendment shall become effective 31 days after adoption.

RECOMMENDATION *The City Commission: (1) approve Petition PB-12-85 LUC and (2) adopt the proposed ordinance.*

[120303B_staff report_20121206.pdf](#)

[120303C_Maps_20121206.pdf](#)

[120303D_application_20121206.pdf](#)

[120303E_cpb minutes_20121206.pdf](#)

[120303F_staff ppt_20121206.pdf](#)

[120303A_draft ordinance_20121206.pdf](#)

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

[120304.](#)

REZONING - TAX PARCEL 06724-000-000 (B)

Ordinance No. 120304; Petition No. PB-12-86 ZON

An ordinance amending the Zoning Map Atlas of the City of Gainesville, Florida, by rezoning approximately 44 acres of property generally located north of SW 18th Place, west of SW 38th Terrace, east of SW 40th Terrace, and south of SW 9th Place, as more specifically described in this

ordinance, from the Alachua County zoning categories of Agriculture (A) and Multiple family, high density (R-3) to the City of Gainesville zoning categories of Conservation (CON) and Urban mixed-use district 2 (UMU-2); 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 rezone a 44-acre property (Tax Parcel No. 06724-000-000) from the Alachua County Agriculture (A) and Multiple-family, high density (R-3) zoning districts to the City of Gainesville Conservation (CON) and Urban Mixed Use-2 district (UMU-2) zoning districts. This property was annexed in June 2009 and is generally located north of SW 18th Place; west of SW 38th Terrace; east of SW 40th Terrace; and south of SW 9th Place.

Based on the environmental features present on the property (Hogtown Creek, 10-year flood channel, and a portion of Strategic Ecosystem), the City of Gainesville Conservation zoning is recommended for the northern portion of the property (30.4-acres). UMU-2 is recommended for the remaining 13.7 developable acres to promote mixed uses at a higher density than is currently allowed by the Alachua County zoning designation. The proposed UMU-2 and CON zoning are fully compatible with the proposed revision to the Urban Mixed Use-2 and Conservation land use category designations on this property that will be implemented by related Ordinances No. 100698 and No. 120303.

After public notice was published in the Gainesville Sun on August 7, 2012, the City Plan Board held a public hearing on August 23, 2012, and by a vote of 6-0, recommended approval of this petition.

CITY ATTORNEY MEMORANDUM

This ordinance requires two readings. This ordinance shall become effective immediately upon final adoption; however, the rezoning implemented by this ordinance shall not become effective until the amendment to the City of Gainesville Comprehensive Plan adopted by Ordinance No. 120303 becomes effective as provided therein.

RECOMMENDATION

The City Commission: (1) approve Petition PB-12-86 ZON and (2) adopt the proposed ordinance.

[120304B_Staff report_20121206.pdf](#)

[120304C_Maps_20121206.pdf](#)

[120304D_application_20121206.pdf](#)

[120304E_cpb minutes_2012106.pdf](#)

[120304F_staff ppt_20121206.pdf](#)

[120304_draft ordinance_20121206.pdf](#)

[120023.](#)

OUTDOOR LIGHTING - TEXT CHANGE (B)

Ordinance No. 120023; Petition No. PB-12-40 TCH
An ordinance of the City of Gainesville, Florida, amending the Land Development Code relating to outdoor lighting; by adding new definitions to Section 30-23 Definitions; by deleting a subsection of Section 30-93 Gasoline and alternative fuel service stations (GN-554), and food stores (MG-54) with accessory gasoline and alternative fuel pumps; by amending Section 30-114 Off-site parking facilities for uses in MU-1 or MU-2 districts; by deleting a subsection of Section 30-160 Submittal requirements; by amending a subsection of Section 30-307 Nature park district; by deleting a subsection of Section 30-330 Design requirements for vehicle parking; by adding a new Section 30-344 Outdoor lighting; by deleting subsections of Section 30-345 General performance standards; by deleting Section 30-345.1 Nonconforming luminaires; by deleting a subsection of Appendix A. - Special Area Plans, Section 4. - Special Area Plan For Traditional City; by amending a subsection of Appendix A. - Special Area Plans, Section 8. - Special Area Plan Southeast Gainesville Renaissance Initiative Area; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

This ordinance updates, clarifies, and reorganizes the outdoor lighting provisions of the Land Development Code. The intent is to promote safety and security with outdoor lighting that is energy and resource efficient and that protects neighbors, the environment, and the night sky from light pollution. This ordinance regulates illumination levels and luminaire design and operation (including pole heights) in accordance with lighting standards and practices published by the Illuminating Engineering Society of North America (IESNA). In addition, this ordinance provides protections against light trespass to adjacent property and provides regulations for parking lots, parking structures, and canopy lighting. Finally, this ordinance adds a provision that allows the appropriate reviewing board, city manager or designee to permit a waiver to one or more of the outdoor lighting requirements.

Public notice was published in the Gainesville Sun on April 10, 2012. On April 26, 2012, the City Plan Board held a public hearing and, by a vote of 5-0, recommended approval of the petition. The City Commission approved the petition on June 7, 2012.

CITY ATTORNEY MEMORANDUM

This ordinance requires two readings.

RECOMMENDATION The City Commission adopt the proposed ordinance.

[120023A staff report 20120607.pdf](#)

[120023B Referral to CCOM 20120607.pdf](#)

[120023C Documents submitted to CCOM 20120607.pdf](#)

[120023D CPB minutes 20120607.pdf](#)

[120023E staff ppt 20120607.pdf](#)

[120023B staff ppt 20121206.pdf](#)

[120023 draft ordinance 20121206.pdf](#)

[120326.](#)

PLANNED DEVELOPMENT AMENDMENT - ONE COLLEGE PARK (B)

Ordinance No. 120326; Petition No. PB-12-83 PDA

An ordinance of the City of Gainesville, Florida, amending the Planned Development commonly known as "One College Park" located in the vicinity of the 1700 block between NW 1st Avenue and NW 2nd Avenue; by amending City of Gainesville Ordinance No. 080753 that rezoned the property to Planned Development and adopted the Development Plan; amending the Planned Development to add "dormitory" as defined in this Ordinance to the list of uses permitted by right under certain conditions; defining "dormitory"; adopting a revised development plan report and revised development plan maps; acknowledging extension granted pursuant to Ordinance No. 120129; providing a severability clause; and providing an immediate effective date.

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

The "One College Park" Planned Development is located on 1.7 acres of the block that is between NW 17th and 18th Streets and NW 1st and 2nd Avenues. The property is currently the site of a surface parking lot which serves surrounding uses, including the St. Augustine Church. The planned development covers the entire block, with the exception of the Hurley Hall property on the southeast corner. The development site was rezoned on May 7, 2009 from the UMU-1 and RMU districts to the PD

(Planned Development) district by Ordinance No. 080753. The purpose of the rezoning to PD was to allow for buildings up to six stories to be developed over the entire site, and also to bring the proposed principal uses, accessory uses, and required infrastructure under a single set of regulations. The allowed uses, design of the buildings, and many development standards are dictated by the PD ordinance. As approved, the PD includes 56 apartment units, a maximum 170-room hotel, 14,000 square feet of commercial, and a central parking structure that will contain 610 parking spaces. The proposed parking structure is intended to serve the development and also provides for the replacement of some of the existing surface parking.

This ordinance requests an amendment to the approved PD ordinance in order to allow for a "dormitory" as an allowed use within the One College Park development. The intention is to allow for a dormitory use and/or the originally approved hotel use. No changes to the physical layout of the development or to the exterior design of the building are proposed. Minor revisions have been proposed to the PD Layout Map and PD Report in order to incorporate the dormitory as a potential component of the development. Condition 3 of the previously approved PD ordinance, which lists the allowed uses, is also being revised. Staff has found this amendment to meet the minimum requirements for a rezoning to the planned development district within Section 30-213 of the Land Development Code, and to be consistent with the criteria for review of planned developments in Section 30-216.

Public notice was published in the Gainesville Sun on August 7, 2012. On August 23, 2012, the City Plan Board, by a vote of 6-0, recommended approval of the petition. On October 4, 2012, the City Commission approved the Petition, by a vote of 7-0.

CITY ATTORNEY MEMORANDUM

This ordinance requires two readings.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

[120326A_staff report_20121004.pdf](#)

[120326B_application & neighbhd workshop_20121004.pdf](#)

[120326C_revised PD report_20121004.pdf](#)

[120326D_revised PD Maps_20121004.pdf](#)

[120326E_Adopted Ord 080753_One College Park_20121004.pdf](#)

[120326F_CPb minutes_20121004.pdf](#)

[120326G_staff ppt_20121004.pdf](#)

[120326A_draft ordinance_20121206.pdf](#)

[120438.](#)

AMENDMENT TO RATE SCHEDULE FOR SOLAR

FEED-IN-TARIFF PROGRAM (B)

Ordinance No. 120438

An ordinance of the City of Gainesville, Florida, amending Appendix A, Utilities, (1)□Electricity, i.□ Distributed Resources Rates, 1. General Provision, (C) Solar Energy Purchase Agreement/Solar Feed In-Tariff (SEPA), (vii), of the Code of Ordinances of the City of Gainesville, by amending rates for the Solar Feed-in-Tariff program; providing a repealing clause; providing directions to the codifier; providing a severability clause; and providing an effective date in accordance with the schedule provided herein.

Explanation: At its meeting on October 18, 2012, the City Commission authorized the City Attorney to draft and the Clerk of the Commission advertise an ordinance amending rates for the Feed-In-Tariff program for projects with SEPA contracts entered into during calendar year 2013. The changes will be effective for contracts entered into between 12:01 a.m. on January 1, 2013 and midnight on December 31, 2013.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

[120438_ppt_20121018.pdf](#)

[120438_Draft Ordinance_20121206.pdf](#)

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

[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 (aka 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. 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](#)

[110952A Metered Parking 20121206.pdf](#)

[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.

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.

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](#)

[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

This ordinance requires two readings.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

[120502A draft ordinance 20121115.pdf](#)

[120502B Preconstruction application 20121115.pdf](#)

[120502C HPB 2011096 Minutes 20121115.pdf](#)

[120502D Final application for review of completed work 20121115.pdf](#)

[120502E HPB 120904 Minutes 20121115.pdf](#)

[120502F staff ppt 20121115.pdf](#)

[120502_Historic Preservation Property Tax Exemption Covenant 20121206.pdf](#)

PLAN BOARD PETITIONS[120523.](#)**Update the Comprehensive Plan Capital Improvements Element (B)****Petition PB-12-114 CPA. Amend the City of Gainesville Comprehensive Plan Capital Improvements Elements for the Evaluation and Appraisal Process.**

Explanation: The purpose of this petition is to amend the Gainesville Comprehensive Plan for the Evaluation and Appraisal process. It will be packaged later in ordinance form for transmittal in April 2013 with other element ordinances.

The Capital Improvements Element (CIE) was substantially updated by Ordinance 110925 on September 6, 2012. In the process of preparing updates of other elements of the Comprehensive Plan, staff identified additional changes that should be made to the CIE for compliance with Chapter Law 2011-139. These changes include addition of a policy regarding transportation level of service (new Policy 1.2.2), deletion of a policy (1.3.6) regarding mitigation of transportation impacts, and addition of a policy (new Policy 1.2.7) regarding concurrency requirements for public school facilities.

New Policy 1.2.2 is needed to make it clear that the adopted level of service for transportation is solely for planning purposes and not for applying transportation concurrency. Transportation concurrency is now optional and Transportation Concurrency Exception Areas (TCEAs) were stricken by Chapter Law 2011-139. As part of the Evaluation and Appraisal update of the Comprehensive Plan, the City Commission directed staff to rescind transportation concurrency and replace the TCEA with a citywide transportation mobility program (Legistar 120284).

Policy 1.3.6 is proposed for deletion because it is related to transportation concurrency, which is being rescinded. New Policy 1.2.7 is needed due to statutory changes regarding concurrency requirements for public school facilities that were made by the Florida Legislature in 2011. Other changes include but are not limited to deletion of Policy 1.1.11 due to redundancy with Policy 1.1.4 and the elimination of proportionate fair-share from Florida Statutes.

Public notice was published in the Gainesville Sun on October 9, 2012. The City Plan Board held a public hearing on October 25, 2012.

Fiscal Note: None.

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition PB-12-114 CPA. The Plan Board voted 6-0.

Staff to City Commission - The City Commission approve Petition PB-12-114 CPA.

Staff to City Plan Board - Staff recommends approval of Petition PB-12-114 CPA.

[120523A_staff_report_20121206.pdf](#)

[120523B_revised_updated_Capital_Improvements_Element_20121206.pdf](#)

[120523C_Statutory_section_on_Concurrency_20121206.pdf](#)

[120523D_application_20121206.pdf](#)

[120523E_cpb_minutes_20121206.pdf](#)

[120523F_staff_ppt_20121206.pdf](#)

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

TIME CERTAIN - 7:30PM (WAIVE THE RULES TO HEAR THIS ITEM)

[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 Plan 1, 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.

On November 15, 2012, the City Commission discussed this item and continued first reading of the ordinance to a date certain of December 6, 2012.

CITY ATTORNEY MEMORANDUM

This ordinance requires two readings.

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](#)

UNFINISHED BUSINESS

COMMISSION COMMENT

CITIZEN COMMENT (If time available)

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