

# **City of Gainesville**

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



## **Meeting Agenda**

**August 06, 2009**

**1:00 PM**

**City Hall Auditorium**

## **City Commission**

*Mayor Pegeen Hanrahan (At Large)  
Mayor-Commissioner Pro Tem Scherwin Henry (District 1)  
Commissioner Lauren Poe (District 2)  
Commissioner Jack Donovan (District 3)  
Commissioner Craig Lowe (District 4)  
Commissioner Thomas Hawkins (At Large)  
Commissioner Jeanna Mastrodicasa (At Large)*

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

## CALL TO ORDER

## AGENDA STATEMENT

*"Citizens are encouraged to participate in City of Gainesville meetings. In general, speakers will be limited to 3 (three) minutes per agenda item. Additional time may be granted by the Mayor or by the City Commission as directed. The City of Gainesville encourages civility in public discourse and requests that speakers limit their comments to specific motions and direct their comments to the Chair. Signs or Props are not permitted in the meeting room. Citizens are encouraged to provide comments in writing to the Clerk of the Commission before meetings and/or during meetings for inclusion into the public record. Citizens may also provide input to individual commissioners via office visits, phone calls, letters and e-Mail, that will become public record. In some instances, i.e., Quasi-Judicial Hearings, these particular contacts may be prohibited."*

## ROLL CALL

## INVOCATION

## CONSENT AGENDA

## CITY MANAGER, CONSENT AGENDA ITEMS

### 080715.

#### **Eastside Redevelopment Area Expansion, Study Area 3 (B)**

**This item authorizes staff to develop and execute a contract with WilsonMiller to conduct and prepare a study to determine whether or not Slum or Blight, as defined by state statutes, exists in the area that includes the Sperry Heights Subdivision and the area bounded by NE 3rd Avenue, NE 5th Avenue, NE 11th Street, and NE 12th Street.**

*Explanation: On January 15, 2009, the City Commission heard and accepted a Slum/Blight Findings Study from Consultant WilsonMiller. The study indicated that conditions in Subject Property 3, shown on the attached map, did not meet the statutory definition of Slum or Blight. At that time, the Commission directed staff to study properties adjacent to and near Subject Property 3, to determine the viability of a Community Redevelopment Agency (CRA) expansion in a larger area. If staff found such an expansion viable, the Commission authorized staff to negotiate with WilsonMiller to determine the costs and timeframes to complete a new Slum/Blight Findings Study.*

*The WilsonMiller Report indicates that Study Area 3 meets only one part of the State's two part test to determine whether or not an area contains blight. The part of the process that Study Area 3 fails to meet requires that the area must contain a "substantial number of deteriorated or deteriorating structures."*

*Planning staff conducted a windshield survey to determine whether or not there may be deteriorated or deteriorating structures (or infrastructure) near Study Area 3. Staff also looked at the concentration of deteriorated or deteriorating*

structures. The attached map shows the results of the windshield survey. Those results indicate that the concentration of deteriorated or deteriorating structures decreases to the west of Study Area 3. To the north, however, the concentration increases if the Sperry Heights Subdivision, along the existing Eastside Area boundary, is included. North of the Sperry Heights Subdivision, the concentration decreases again.

For those reasons, staff feels that the area that can be combined with Study Area 3 to create an area with the best chance of meeting the statutory requirements described in the definition of Slum or Blight is Sperry Heights and the four lots between Sperry Heights and Study Area 3. Although the recommended area has a better chance than any other alternative, there is no way to know with 100% accuracy until a Study is completed.

WilsonMiller has indicated that this project can be completed in 90 days for \$9,500.

*Fiscal Note:* According to State Law, the CRA must limit its activities and expenditures to items that benefit properties within its boundaries. For that reason, the CRA cannot fund a boundary expansion study. No general funds are budgeted for this project at this time.

**RECOMMENDATION**

Staff to the City Commission: 1) authorize the City Manager or Designee to execute a contract with WilsonMiller to complete a Slum/Blight Findings Study of Study Area 3, Sperry Heights and the four lots between Sperry Heights and Study Area 3; and 2) request that the City Manager identify funds for the Study.

**Legislative History**

1/15/09 City Commission Approved as shown above (See Motion) (6 - 0 - 1 Absent)

080715\_Map Study Area 3\_20080115.pdf  
080715\_Area 3\_MOD\_PPT\_20080115.PDF  
080715\_Maps\_20090806.pdf

**080869.**

**Interlocal Agreement for Joint Fire Rescue Public Information Officer Program (B)**

**This item recommends that the Commission approve the Interlocal Agreement Between Alachua County and City of Gainesville for a Joint Public Information Officer Program for fire rescue services.**

*Explanation:* On July 21, 2008, the City Commission approved the General Government Financial and Operating Plan for Fiscal Year 2009, which included the elimination of one of the City of Gainesville Fire Rescue Department's (GFR) Risk Reduction Specialist positions; the position primarily served as the Public Information Officer (PIO) and oversaw adult education programs. In the same plan, an increment was approved allowing GFR to develop a joint PIO program with the Alachua County Department of Public Safety (ACDPS) in an effort to combine functions and reduce costs for both agencies. GFR and ACDPS staff

developed the Interlocal Agreement Between Alachua County and City of Gainesville for a Joint Public Information Officer Program. Under the agreement, the City will compensate the County for the City's portion of the PIO services. The ACDPS currently employs this person and they have been functioning in the joint role since October 2008.

*Fiscal Note:* The decrement savings from eliminating the GFR Risk Reduction Specialist position was estimated at \$63,287. The City's portion of the JPIO expenses as listed in the agreement is \$37,914 and was funded during the FY09 budget process. There are enough funds to cover the cost of this contract.

**RECOMMENDATION**

The City Commission approve the Interlocal Agreement and authorize the City Manager to execute the agreement, subject to the approval of the City Attorney as to form and legality.

*Alternative Recommendation*

The City Commission not approve the Interlocal Agreement.

080869\_JPIO Agreement\_20090806.PDF

**090193.**

**Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2009  
Formula Program: Local Solicitation (NB)**

**The City Commission will hold a public hearing on the proposed use of \$109,072 from the Edward Byrne Memorial Justice Assistance Grant (JAG) funds and will approve the grant application for these funds.**

*Explanation:* The U.S. Department of Justice, Office of Justice Programs' Bureau of Justice Assistance, has announced available grant funds to local units of government through the Edward Byrne Memorial Justice Assistance Grant Program (JAG). The City of Gainesville is eligible to receive \$109,072 in funding through this grant. The JAG program allows local governments to support a broad range of activities to prevent and control crime. The funding distribution is based on population and crime statistics, as well as law enforcement expenditure data. The JAG Program blends the previous Byrne Formula and Local Law Enforcement Block Grant (LLEBG) programs to provide agencies with the flexibility to prioritize and place justice funds where they are needed the most. The Gainesville Police Department proposes to utilize the funds received under this grant to purchase additional digital in-car video cameras for patrol vehicles, and a server to import and manage the data downloaded from the digital in-car cameras.

*Fiscal Note:* The \$109,072 in grant funds provided by the U.S. Department of Justice through the Edward Byrne Memorial Justice Assistance Grant is distributed up front instead of on a reimbursement basis. The award can fund projects beyond a four year period, allowing successful initiatives to receive funding to continue and expand their efforts. There are no required local matching funds for this grant award.

**RECOMMENDATION**

The City Commission: 1) approve the Edward Byrne Memorial Justice Assistance Grant Program (JAG)

application; 2) authorize the City Manager to accept and execute the grant award and any other necessary documents, subject to approval by the City Attorney as to form and legality; and 3) approve the expenditures as outlined in the approved grant award.

*Alternative Recommendation*

*The City Commission decline the available Edward Byrne Memorial Justice Assistance Grant Funds in the amount of \$109,072 and advise staff not to accept these funds.*

**090218.**

**Selection of Administrator, Specific Stop-Loss Provider, and Agent of Record for the City of Gainesville's Self-Funded Group Health Plan (B)**

**This item involves a request for the City Commission to approve the rankings and selection of vendors for administering, providing specific stop-loss insurance and agent services for the City's self-funded group health plan.**

*Explanation: Recently, the City conducted a comprehensive Request for Proposal (RFP) process to select the various components of administering and providing stop-loss insurance for the City of Gainesville's Group Health Benefit. To help with the process, the City contracted with Siver Insurance Consultants for the design of the RFP and to help facilitate the review and analysis of the various responses. The City, with the help of Siver Insurance Consultants solicited proposals for both fully insured options and all the components necessary to provide a self-funded health plan. The services solicited included, fully insured health plan options, claims and network administration for a self-funded plan, both specific and aggregate stop-loss insurance, pharmacy benefit management services and agent/broker services.*

*To best understand the evaluation process, a general knowledge of the various cost and risk financing components associated with providing the group health benefit are essential. The total cost of providing the health benefit can be summarized into three components: Administration, Claims, and Risk Transfer Costs.*

*For the purposes of this RFP process, administration refers to the external administration of the group health plan. Services associated with administration include, but are not limited to, network development, access and administration, claims processing, customer service, plan document distribution and utilization review. The claims component can be further separated into medical claims costs and pharmacy benefit claims. The two claims components can be either administered as part of the overall administration of the plan or as separate components. The separation of the pharmacy benefit is typically referred to as a "carve out". That is, pharmacy is a separately administered and accounted for benefit. The final cost component is referred to as the risk transfer cost and is associated with the purchase of stop-loss insurance.*

*Stop-loss insurance is an insurance policy that protects the group health plan from catastrophic losses. There are two types of stop loss insurance. The first is specific stop-loss; this type of insurance protects the group health plan on the individual level. With this arrangement, the group health plan is responsible for all claims payments associated with an individual insured up to a specific amount, called the specific attachment point, once the plan has paid claims to this point, all additional claims costs are reimbursed to the health plan by the insurance carrier. The City's group health plan has traditionally purchased this risk transfer tool and the current attachment point is \$160,000 per individual. The second type of stop-loss insurance is aggregate stop-loss insurance. This insurance protects the group health plan if all claims paid in a given year exceed an amount specified by the carrier. This amount, also called an attachment point, is typically set as a percent of expected claims. The City's RFP asked for a 125%, the industry standard, attachment point. For example, if expected claims were estimated at \$16,000,000 for the 2010 plan year, once total claims paid exceeded \$20,000,000 (125% of \$16 million), the carrier would provide up to \$1,000,000 of coverage. The City has not traditionally purchased this type of insurance.*

*The RFP was distributed via Demandstar in early May 2009 and proposals were due early June 2009. The City received responses on the various components as follows:*

*Fully Insured Health Plans - 2 vendors responded  
Self-Funded Administration - 3 vendors responded  
Stop-Loss Insurance - 2 vendors responded  
Pharmacy Benefit Management (\*) - 4 vendors responded  
Agent/Brokers - 4 vendors responded*

*\* United Health Care, Blue Cross Blue Shield of Florida and Aetna included pharmacy benefit management in either their base quote or as a separate cost component. Only Walgreen's Health Initiatives proposed as a stand alone benefit.*

*An evaluation committee of five staff members, selected by GRU (2), General Government (2) and one member selected by the Group Benefits Team, evaluated all the proposal and ranked them based on the following criteria set forth in the RFP. For Fully Insured, Self-Funded Claims Administration, Stop-Loss and Pharmacy Benefit Manager the criteria was:*

*Cost (30 points) - Premiums for fully insured, for self insured options cost will include stop-loss terms administration fees, discounts and other costs components*

*Coverage (10 points) - The amounts and breadth of coverage and extent of deductibles, co-payments, co-insurance, restrictions or exclusions.*

*Providers (15 points) - Number and types of providers, includes both hospital and physicians. Physicians includes the number accepting new patients and the amount of displacement from the City's current provider list. Pharmacy network and mail order options.*

*Customer Service (25 points) - The administrative capabilities and experience of proposers. This includes such items as enrollment assistance, service responsiveness, communication with City staff on program administration, quality of billings and experience reports, Internet website, attendance at City meetings/events willingness to engage in at risk performance guarantees, wellness/disease management programs.*

*Reporting Services (15 points) - Monthly and annual reports of paid claims, quality of experience reports, developing adhoc reports, extent and quality of reports on wellness/disease management.*

*Stability (5 points) - Financial stability of proposer, A.M Best ratings, number of years in business.*

*References (5 points) - input received from references and the relevant experience such references displays.*

*While each proposal was evaluated separately on the above components, based on the proposals it was evident that to fully appreciate the various options available, the evaluation committee would have to look at both the fully-insured options and the various self-funded options in context with their stop-loss and pharmacy components. The minimum requirement to be evaluated for the self-funded option was not only an Administrative component, but there had to be a stop-loss insurance option available to the City for consideration. Of the three carriers submitting a proposal for Self-Insured Claims Administration, Aetna did not provide a stop-loss quote, nor was there a stop-loss option proposed by an independent carrier that could be layered over the Aetna proposal. It was the opinion of the evaluation committee and supported by the City's independent consultant that Aetna's proposal was incomplete, as it did not present a viable alternative for a self-funded insurance program as it would be fiscally imprudent to provide a self-funded option without a stop-loss provision.*

*The programs that the evaluation committee compared broke into two categories: 1) Fully insured and 2) Self-Insured. The self-insured options were Blue Cross Blue Shield as administrator with Symetra Life Insurance Company providing stop-loss insurance (two quotes at \$160K and \$200K) and United Health Care as both administrator and stop-loss provider (also quotes at \$160K and \$200K). Given the current revenue pressures on both General Government and Gainesville Regional Utilities, staff is recommending the Group Health Plan retain its current level of stop-loss insurance at \$160,000 and not risk additional exposure for large claims. As such, the evaluation of total cost was conducted at the \$160,000 stop-loss attachment point.*

*Both Blue Cross Blue Shield and United Health Care are capable of providing all the services requested and have relatively comparable provider networks. Both proposers have sufficient plan design options that would allow the City to remain flexible in plan design to address future changes in costs or demographics. The final rankings focus largely on which provider would allow the City to provide a comprehensive health plan at the lowest cost to taxpayers, rate payers and employees. A copy of the financial analysis is attached as backup. Cost analyzed included cost of administration, stop-loss insurance, the effect of the network discounts on the City's claims costs and any broker/agent*

cost associated with the vendors. In general, while Blue Cross Blue Shield's administrative costs were higher, when including the network discounts and substantially higher stop-loss charges for United Health Care, the Blue Cross Blue Shield proposal was ranked highest. The network discounts used in the analysis were those stated discounts provided by the vendors. The Blue Cross Blue Shield stated discounts were actually lower than the actual discount rates experience by the City's health plan for the 12 month's ending April 2009. Applying the City's actual discount percentages would only increase the differences in the total costs of the two self-insured options. The Blue Cross Blue Shield/Symetra Life option was approximately \$1.9 million dollars lower than the next lowest alternative and the administration fees are fixed for a three year period and represent a reduction of approximately \$220,000 annually over the current costs.

The final evaluative step was to look at the pharmacy benefit carve out. The lowest self-insured option was compared using a single administrator against carving out the pharmacy benefit management to Walgreen's Health Initiatives to determine if there were sufficient savings to warrant the additional administrative inconvenience of having two contracts to manage. The separation of the benefit would also require covered members to maintain a separate insurance card for pharmacy and reduce the health plans ability to coordinate medical and pharmacy utilization studies. It would also have the potential to complicate the coordination of pharmacy claims and medical claims paid information to the City's stop-loss carrier. Further complicating the analysis was the difficulty in determining the administrative costs associated with the Walgreen's proposal. While the base administrative costs were lower than Blue Cross, the Walgreen's proposal contained a significant number add-on charges that the evaluation committee could not accurately determine an annual cost. The final analysis revealed that the maximum savings garnered by utilizing the carve out administrator was approximately \$65,000 and the savings were not sufficient to offset the additional internal administrative costs or inconvenience to our covered members.

A second set of criteria was utilized to evaluate the Agent/Broker responses, they are:

Cost - 30 points

Service/Customer Service - 50 points

Experience - 20 points

In addition to the criteria above, each carrier who provided a proposal was required to list the specific Agent/Broker authorized to represent the respective carrier. It should be noted that there was only one Agent/Broker who submitted a carrier quote (Stop-Loss) with their proposal for Agent/Broker services. The costs associated with the agent/broker ranged from a high of \$185,000 to a low of \$65,000. Ultimately, the agent/broker selection was a function of service provider selections for Administration and Stop-Loss insurance as there was only one Agent/Broker listed in those carrier proposals. The selected broker also happens to be the lowest cost alternative.

The final rankings of the evaluation committee are summarized below:



1. *BCBS Self Insured*

*Administrator - Blue Cross Blue Shield of Florida, Inc.*

*Stop-Loss Carrier - Symetra Life Insurance Company*

*Pharmacy Benefit Manager - Blue Cross Blue Shield of Florida, Inc.*

*Agent Broker - Gallagher Benefit Services*

2. *BCBS- Self Insured See Note (1)*

*Administrator - Blue Cross Blue Shield of Florida, Inc.*

*Stop-Loss Carrier - Symetra Life Insurance Company*

*Pharmacy Benefit Manager - Blue Cross Blue Shield of Florida, Inc.*

*Agent Broker - Gallagher Benefit Services*

3. *BCBS - Fully Insured See Note (2)*

*Administrator - Blue Cross Blue Shield of Florida, Inc.*

*Stop-Loss Carrier - not applicable*

*Pharmacy Benefit Manager - not applicable*

*Agent Broker - Gallagher Benefit Services*

4. *UHC - Fully Insured See Note (2)*

*Administrator - United Health Care, Inc.*

*Stop-Loss Carrier - not applicable*

*Pharmacy Benefit Manager - not applicable*

*Agent Broker - Gallagher Benefit Services*

*Note (1) This is the same recommendation as the top ranked program. This option was scored comparing the Pharmacy Benefit Carve Out with Walgreen's vs. a single administrator.*

*Note (2) As fully insured options, Stop-loss and Pharmacy Benefit Manager are not applicable.*

*Fiscal Note: Funds of approximately \$1,525,000 are included for administration and approximately \$460,000 for stop-loss insurance in the Fiscal Year 2010 (EHAB) Fund.*

**RECOMMENDATION**

*The City Commission: 1) approve the rankings and selection of Blue Cross Blue Shield of Florida, Inc. as the Administrator, Symetra Life Insurance Company as the Stop-Loss Carrier and Gallagher Benefit Services as the Agent/Broker for the City of Gainesville's Self-Funded Group Health Plan for the three years beginning January 1, 2010 with an option to extend an two additional one year terms; 2) authorize issuance of purchase orders in an amount sufficient to cover applicable charges for the service and vendors, respectively, listed above; and 3) Authorize the City Manager or his designee to negotiate an agreement with the top ranked vendors for a period of three years with two annual extensions, subject to approval of the City Attorney as to form and legality. If an agreement cannot be reached with the top ranked firm, authorize the City Manager or his designee to initiate negotiations with the next ranked firm, continuing*

through the rankings until an agreement is reached.

090218\_2010 Medical Benefit Plan\_20090806.pdf

### 090226.

#### **Sexually Oriented Businesses (B)**

**Authorize staff to initiate a petition to the Plan Board addressing the manner in which the land development code permits and regulates sexually oriented businesses.**

*Explanation: On April 13, 2009 the City Commission held a workshop to discuss the findings of Professor Eric Kelly, the City's consultant on this matter. The Commission was presented with a table that outlined how the City should address the issue of permitting sexually oriented businesses. Based upon the information presented, the Commission asked staff to review the I-2 zoning district to determine whether there would be enough parcels to meet constitutional requirements so that the I-1 zoning district could be eliminated as a possible district for consideration. Staff determined that the I-2 zoning district contains at least 100 qualified parcels. Based upon this information and consultation with Professor Kelly, staff recommends moving forward with a petition to Plan Board.*

*Fiscal Note: None*

**RECOMMENDATION**

*Authorize staff to initiate a petition to the Plan Board for consideration and recommendation.*

090226A\_Zoning Recommends\_20090806.pdf

090226B\_Map\_20090806.pdf

### 090246.

#### **2009 American Recovery and Reinvestment Act (B)**

**Update on the City of Gainesville's activities related to the 2009 American Recovery and Reinvestment Act.**

*Explanation: Since the creation of the American Recovery and Reinvestment Act (ARRA) in February 2009, staff has been monitoring grant funds that have been allocated to the city via formula based programs as well as reviewing and applying for competitive grant opportunities as they become available. Projects funded by ARRA programs are designed to jump-start the economy, create jobs, reduce operating costs, improve the environment and enhance the quality of life for Gainesville residents. At this time, the city has been notified of formula based funding and competitive grant awards totaling approximately \$10 million. The attached backup provides a breakdown of ARRA program funding received by the City of Gainesville and competitive applications that have been submitted but not yet awarded. This information is also available to the public via the city's website.*

*Fiscal Note: None*

**RECOMMENDATION**

*The City Commission receive the 2009 ARRA update.*

090246a\_ARRA Summary\_20090806.PDF

090246b\_ARRA summary\_20090806.PDF

**090250.**

**Proposal for Regional Transit System (RTS) to Provide Transit Services to the City of Alachua (CATS) (B)**

**This item is a request for the City Commission to authorize RTS to send a proposal to the City of Alachua to provide requested transit services.**

*Explanation: The Gainesville City Manager met with the Alachua City Manager on April 7, 2009, to discuss the City of Alachua Transit Service (CATS) Transit Improvement Program Final Report that was released in December 2008. The emphasis of the meeting was to collaborate with RTS to fulfill the City of Alachua's vision for creating transit service connections. RTS staff also met with Alachua's Assistant City Manager on April 28, 2009, and received and discussed the report.*

*RTS would like to pursue providing transit service to the City of Alachua to maximize transit service to citizens while meeting the long range transit goals of RTS and the City of Alachua. This prospective connection between Gainesville and Alachua also supports the vision of Express Bus/Park and Ride Service as proposed by RTS in the 2025 Long Range Transportation Plan.*

*The proposal provides details to instate two CATS fixed routes, one within the City of Alachua and one express route between Alachua and Gainesville. The proposal will be brought to the Gainesville City Commission for approval if the City of Alachua is interested.*

*Fiscal Note: There is no fiscal impact to the City. The City of Alachua will pay RTS annual operating costs of \$97,510 to \$155,041 for fixed route service, depending on the service option chosen. The City of Alachua will pay an additional \$224,273 if they choose express route service.*

**RECOMMENDATION**

*Recommended Motion: The City Commission approve sending the CATS Proposal to the City of Alachua.*

090250\_Memo\_20090806.PDF

090250\_Service Proposal\_20090806.PDF

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

**090255.**

**Sale of Kelly Plant Surplus Steam Turbine Generator Number 6 and Associated Equipment (NB)**

**Staff recommends approval of the sale of one steam turbine generator and its associated equipment located at J.R. Kelly Generating Station.**

*Explanation: The J. R. Kelly Generating Station has steam generating units that have been long retired from service, are no longer part of the GRU generating portfolio and the assets have been removed from the Utility registry of property units.*

*The subject generator and its associated equipment were retired in 1982 and have no other residual value to the organization other than what it could be sold for as scrap or to another entity for its use.*

*In an effort to recover as much of the investment as possible staff recommends the sale of the subject generator and its associated equipment to another entity rather than dismantling and selling it for scrap.*

*Staff typically solicits bids for the sale of surplus goods, then requests City Commission approval for the sale with the list of bidders and their bid prices. However, due to the uniqueness of this equipment being sold and the likelihood that the buyer will have time considerations for completing the sale of the equipment, staff is requesting authorization in advance for the sale to the highest bidder(s). The bid will be issued by GRU Purchasing following City policy and procedures for surplus sales.*

*Fiscal Note: The sale of the generator and associated equipment will allow for recovery of funds for the items designated as surplus. GRU anticipates a minimum return of \$125,000.*

**RECOMMENDATION**

*The City Commission: 1) declare the subject City-owned generator and its associated equipment located at J.R. Kelly Generating Station as surplus; and 2) authorize the General Manager, or his designee, to negotiate and execute a contract for the sale of the generator, subject to approval by the City Attorney as to form and legality.*

## **CITY ATTORNEY, CONSENT AGENDA ITEMS**

**090195.**

**EEOC CHARGE NO. 510-2009-03923, GARY P. SWANSON vs. CITY OF GAINESVILLE (B)**

*Explanation: On July 9th, 2009, the City of Gainesville received a Notice of Charge of Discrimination from the U.S. Equal Employment Opportunity Commission. Mr. Gary Swanson, a retired GRU employee, alleges that he has been harassed and discriminated against based on his age.*

**RECOMMENDATION**

*The City Commission authorize the City Attorney to represent the City in the case styled Gary P. Swanson vs. the City of Gainesville; EEOC Charge No.: 510-2009-03923.*

090195\_Gary Swanson EEOC\_20090806.pdf

## **CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS**

**090224.**

**City Commission Workshops (NB)**

**RECOMMENDATION**

*The City Commission: 1) schedule a workshop on September 14, 2009, to discuss University Avenue Project with presentations from Planning and Regional Transit System staff; and 2) schedule work-shops on October 19 at 1:00 pm and November 9, 2009 at 1:00 pm.*

**090229.****City Commission Minutes (B)****RECOMMENDATION**

*The City Commission approve the minutes of July 2 & 16, 2009 (Regular Meetings); and July 15, 20, 22, & 27 (Special Meetings); as circulated.*

090229a\_reg\_jul 2, 2009\_20090806.pdf  
 090229\_reg\_jul 16, 2009\_20090806.pdf  
 090229c\_sp\_jul 15, 2009\_20090806.pdf  
 090229d\_sp\_jul 20,2009\_20090806.pdf  
 090229e\_sp\_jul 22,2009\_20090806.pdf  
 090229f\_sp\_jul 27, 2009\_20090806.pdf

**090254.****City Commission Retreat (NB)****RECOMMENDATION**

*The City Commission schedule the annual retreat for January 11, 2010 at 1:00 pm.*

**EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS****COMMITTEE REPORTS, CONSENT AGENDA ITEMS****COMMUNITY DEVELOPMENT COMMITTEE, CONSENT****070629.****Community Development Committee - Removal of Referral #070629:  
2002/2003 NW 3rd Avenue Project (B)**

**This item involves a recommendation by the Community Development Committee to remove a pending referral from the Committee's referral list**

*Explanation: At its regular meeting on July 13, 2009, the Community Development Committee recommended that referral number 070629 2002/2003 NW 3Rd Avenue Project - Status Report be removed from the Committee's pending referral list.*

*A memo on this matter was prepared in October 19, 2007 and forwarded to the City Commission for informational purposes. The project has since been*

*constructed and is present in the field.*

*Fiscal Note: None*

**RECOMMENDATION**

*Community Development Committee to City Commission: 1) remove Community Development Committee pending referral 070629 from the Committee's pending referral list.*

**Legislative History**

11/26/07	City Commission	Approved as Recommended (5 - 0 - 2 Absent)	
11/26/07	City Commission	Referred	Community Development Committee
2/14/08	Community Development Committee	Continued	

070629\_20080214.pdf

**090225.**

**Community Development Committee -Addition of Referrals: Growth Management Issues (B)**

**This item involves a recommendation by the Community Development Committee to add several referrals to the Committee's referral list**

*Explanation: At its regular meeting on July 13, 2009, the Community Development Committee recommended that several referrals be added to the Committee's pending referral list dealing with growth and development in East Gainesville and with respect to the perimeter of the City's incorporated limits.*

*A memo on this matter was prepared by Committee Chair Commissioner Thomas Hawkins and forwarded to the Committee's staff liaison. The proposed referrals to be examined over the next year are:*

- Developing a plan to build out sidewalks and make other road improvements throughout the portion of the City annexed in 1905;*
- Developing a plan to build out utility infrastructure to support development of the allowable density in a few small, urbanized areas of the City, such as Five Points;*
- Creating a vision of the City's future transit system to synthesize the concurrency management program, Gainesville's future land use map and the Bus Rapid Transit initiatives of RTS and Alachua County's Long Term Concurrency Management System; and,*
- Analyze existing plans and policies designed to establish and maintain a greenbelt around the City of Gainesville's incorporated perimeter*

*Fiscal Note: None*

**RECOMMENDATION**

*Community Development Committee to City Commission: 1) add the proposed referrals to the Community Development Committee's pending referral list.*

090225\_Memo\_20090806.pdf

**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)**

**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**

**090243.**

**National Clowns Week - August 1-7, 2009 (B)**

**RECOMMENDATION**

*The Gainesville Sunshine Clowns to accept the proclamation.*

090243\_Proc\_20090806.pdf

**CITIZEN COMMENT (6:00pm) - Please sign on sign-up sheet****PUBLIC HEARINGS****RESOLUTIONS- ROLL CALL REQUIRED****090227****Acceptance of US Department of Transportation FAA - AIP Grant # 3-12-0028-030-2009 (B)**

**This item seeks the City of Gainesville acceptance of a 2009 US Department of Transportation FAA - AIP Grant to the Gainesville Regional Airport in the amount estimated at up to \$1,281,160 for following projects at the Gainesville Regional Airport: Conduct Wildlife Hazard Assessment, Conduct FAR77 Obstruction Survey and Prepare Obstruction Management Plan, Remove Obstructions on Eight (8) Acres, Complete Interim ALP Update, Acquire AOA/Runway Sweeper, Rehabilitate Portion of Commercial Apron (Up to 16,840 sq.yds.), Replace and Improve up to 30,200 l.f. of Perimeter Fencing.**

*Explanation: The Gainesville-Alachua County Regional Airport Authority (GACRAA) has endorsed applying for FAA funding for the following projects at the Gainesville Regional Airport: Conduct Wildlife Hazard Assessment, Conduct FAR77 Obstruction Survey and Prepare Obstruction Management Plan, Remove Obstructions on Eight (8) Acres, Complete Interim ALP Update, Acquire AOA/Runway Sweeper, Rehabilitate Portion of Commercial Apron (Up to 16,840 sq. yds.), Replace and Improve up to 30,200 linear feet of Perimeter Fencing.*

*It is anticipated that the US Department of Transportation will make a grant offer to the Gainesville Regional Airport for the aforementioned projects following receipt of a final grant application which will include an updated cost of the Perimeter Fencing project based on bids to be received on July 28, 2009.*

*The anticipated Grant Offer will consist of fiscal year 2009 entitlement and possible discretionary funds from the Airport Improvement Program (AIP) administered by the Federal Aviation Administration (FAA) and is currently anticipated to be up to \$1,281,160. GACRAA is scheduled to consider a contract award for the fencing project at its meeting on July 30, 2009 and will submit a revised grant application in an amount consistent with the accepted bid. On July 30, GACRAA is also scheduled to consider adoption of Resolution 09-032 accepting the aforementioned anticipated grant offer.*

*Because the City of Gainesville retains title to the land upon which Gainesville Regional Airport operates, the City of Gainesville, in addition to GACRAA, must*



*formally accept all federal grant offers.*

*The City Attorney's Office has noted that there are concerns regarding the fact that the Gumroot Swamp Park property continues to be listed upon the FAA approved Airport Layout Map and advises that this property should not be subject to FAA jurisdiction and control. City staff has suggested to Airport staff that the subject property should be removed from the Airport Layout Map in order to avoid any further restriction on the use of the land by the FAA to the disadvantage of the City.*

*Fiscal Note: This US Department of Transportation FAA - AIP Grant is in the amount of estimated at up to \$1,281,160 with proceeds for the listed improvements to be received by the Gainesville Regional Airport.*

**RECOMMENDATION**

*The City Commission: 1) hear a brief presentation from staff regarding this request; 2) direct City staff to continue to work with the FAA to remove the Gumroot Swamp Park property from the FAA approved Airport Layout Map; and 3) adopt the proposed 2009 FAA - AIP Grant Resolution and authorize the Mayor and City Attorney to execute said Grant Agreement and the City Clerk to certify said Grant Agreement.*

090227A\_City Resolution 090227\_20090806.pdf

090227B\_Airport Resolution 09-032\_20090806.pdf

090227C\_Letter to Mayor 7-15-09\_20090806.pdf

090227D\_Airport Historical Docs\_20090806.pdf

**090253.**

**City Commission Rules (B)**

**RECOMMENDATION**

*The City Commission adopt the resolution to modify Board and Committee terms.*

090253\_resolution\_20090806.pdf

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

**090114.**

**VOLUNTARY EARLY SEPARATION INCENTIVE PROGRAM (B)**

**Ordinance No. 0-09-38**

**An ordinance of the City of Gainesville, Florida, amending Division 5 of Chapter 2 of Gainesville Code of Ordinances, relating to the City of Gainesville Employees Pension Plan, providing for additional credited service associated with an early separation program; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: At its meeting on June 18, 2009, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance amending the General Employees Pension Plan to provide additional credited service to employees participating in a voluntary early separation program.*

*This ordinance requires two hearings. Should the City Commission pass this ordinance on first reading, second and final reading will be held on Thursday, August 20, 2009.*

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

**Legislative History**

6/18/09            City Commission            Approved as Recommended (4 - 0 - 3 Absent)

090114\_draft ordinance\_20090806.pdf

**090016.**

**REZONING - 49 PARCELS IN THE VICINITY OF SW 34TH ST AND S OF SW 41ST PLACE (B)**

**Ordinance No. 0-09-24, Petition No. PZ-09-13**

**An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning 49 parcels of land consisting of approximately 152 acres, more or less, as more specifically described in this Ordinance, from the zoning categories of "I-1: Limited industrial district" and "W: Warehousing and wholesaling district" to the zoning category of "BI: Business industrial district"; located in the vicinity of Southwest 34th Street, generally south of Southwest 41st Place, west of Southwest 34th Street, east of I-75, and north of the Williston Road; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: COMMUNITY DEVELOPMENT STAFF MEMORANDUM*

*The purpose of this petition is to rezone properties located in the vicinity of Southwest 34th Street, generally south of Southwest 41st Place, west of Southwest 34th Street, east of I-75, and north of the Williston Road.*

*The subject area includes 49 parcels that total approximately 152 acres. All of these properties currently have a zoning designation of I-1 (Limited industrial district) with the Industrial land use. The proposed zoning for the properties is B-I (Business industrial district). This new zoning district was adopted on March 19, 2009 and is similar in character to the I-1 zoning district. The district was created to accommodate those areas that are I-1 without making the existing businesses nonconforming, while allowing for future business-park type development that requires a more unified development pattern. The B-I district will allow a variety of office, business/retail, research and development, and light industrial uses.*

*Planning Division staff recommended approval of Petition PZ-09-13 ZON.*

*The City Plan Board reviewed the petition and recommended approval, Plan Board vote 6-0.*

*Public notice was published in the Gainesville Sun on April 7, 2009. The Plan Board held a public hearing on April 23, 2009.*

*CITY ATTORNEY MEMORANDUM*

*The petition and ordinance are simultaneously submitted to the City Commission for approval and adoption because the City staff and the plan board both recommend approval. If adopted on first reading, second reading will be held on August 20, 2009.*

**RECOMMENDATION**            *The City Commission: 1) approve Petition No. PZ-09-13; and 2) adopt the proposed ordinance.*

090016\_draft ordinance\_20090806.pdf  
 090016\_staff report\_20090806.pdf  
 090016A\_idc reference\_20090806.pdf  
 090016B\_Maps\_aerial photo\_exist land use\_existing\_proposed zoning\_20090806.pdf  
 090016C\_surrounding zoning\_20090806.pdf  
 090016D\_zoning appl\_neighborhd workshop\_20090806.pdf  
 090016E\_tax parcel nos\_20090806.pdf  
 090016G\_staff ppt\_20090806.PDF  
 090016F\_cpb minutes\_20090806.pdf

**090249.****EASTSIDE AREA ANNEXATION (REVISED) (B)****Ordinance No. 0-09-43**

**An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area; making certain findings; including within the corporate limits of the City of Gainesville, Florida, that certain compact and contiguous area located generally East of Morningside Nature Center Park on East University Avenue, South of N.E. 5th Avenue, West of N. E. 51st Street and S.E. 51st Street, also including Tax Parcel No. 16177-001-000, North of the northern boundary of Section 13, Township 10 South, Range 20 East, North of Lake View Estates Subdivision and North of S.E. 24th Avenue and East of SE 27th Street and the City Limits, as more particularly described in the ordinance; 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 and zoning regulations; providing for persons engaged in any occupation, business, trade or profession; providing a severability clause; and providing effective dates.**

*Explanation: The adoption of an annexation ordinance is the final stage in the annexation process under the provisions of the Alachua County Boundary Adjustment Act. On July 20, 2009 and July 22, 2009, the City Commission held advertised public hearings and adopted the Urban Services Report as mandated by the Boundary Adjustment Act.*

**ANNEXATION ORDINANCE**

*At first reading of the ordinance adopting the Urban Services Report, the City Commission discussed reducing the size of the area proposed for annexation. This ordinance proposes to annex the area that the City*

*Commission approved at its meeting on July 28, 2009.*

*The annexation ordinance proposes to annex a contiguous, compact, unincorporated portion of the reserve area. The Boundary Adjustment Act requires the ordinance to be adopted as a nonemergency ordinance and to include one reasonably compact area. The ordinance will be submitted to a vote of the registered electors for their approval.*

*In the Ordinance the City Commission makes certain findings of fact related to the area proposed for annexation. The area must meet certain standards as required by the Boundary Adjustment Act. In this regard, your attention is drawn to Section 1 of this Ordinance and the presentation by the City Manager.*

*The annexation is effective on June 1, 2010, unless there is a tie vote or majority vote against the annexation. Sections 4, 5 and 6 of the Ordinance provide for the special referendum election which will be held on Tuesday, November 10, 2009. The City Commission, in consultation with the Supervisor of Elections, is asked to determine whether to hold an election by mail ballot or at polling precincts within the proposed annexation area.*

*Sections 7 and 8 of the Ordinance relate to special matters which may be of interest to the owners and residents and those persons engaged in any business or occupation. The Alachua County land use plan and zoning or subdivision regulations will remain in effect until the City adopts a comprehensive plan amendment that includes the annexed area. Those persons engaged in any occupation, business, trade or profession in the area proposed for annexation will have the right to continue their occupations, businesses, trades or professions and shall obtain an occupational license from the City of Gainesville for the term commencing on October 1, 2010. Those persons engaged in the construction industry within the annexation area who possess a certificate of competency issued by Alachua County will be required to register with the City on or before 4:00 p.m. June 1, 2010 in order to continue their construction trade, occupation or business within the corporate limits of the City.*

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

090249\_Eastside Annex Ordinance Rev\_20090806.pdf

090249\_Exhibit A to Eastside Ordinance\_20090806.pdf

## **ORDINANCES, 2ND READING- ROLL CALL REQUIRED**

### **080850.**

#### **REZONING - N MAIN STREET (OLD FLORIDA BUFFET) (B)**

##### **Ordinance No. 0-09-21, Petition No. PZ-08-126ZON**

**An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property within the City, as more specifically described in this Ordinance, from "MU-2: 12-30 units/acre mixed use medium intensity" to "BA: Automotive-oriented business district"; located in the vicinity of 2501 North Main Street; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: COMMUNITY DEVELOPMENT STAFF MEMORANDUM*

*This petition requests a rezoning from MU-2 (12-30 units/acre mixed use medium intensity district) to BA (Automotive-oriented business district) for one parcel located at 2501 North Main Street.*

*The subject property consists of one 2.43-acre parcel formerly occupied by a restaurant known as Ryan's Steakhouse and the Florida Buffet. This parcel is located north of the intersection of Main Street and 23rd Avenue, and contains one structure that has been vacant for approximately three years.*

*This parcel is part of a Neighborhood Activity Center identified in the Future Land Use Element Data and Analysis. These centers are part of a long range planning strategy that focuses mixed-use, pedestrian-friendly development and redevelopment at key intersections and employment centers. The Neighborhood Activity Center has been implemented at this intersection with the designation of approximately thirty acres, including the subject property, with mixed-use land use and zoning.*

*The Staff and the Plan Board recommended denial based on the conclusion that the requested zoning district is not compatible with the existing pattern of land use and zoning designations in this area. The subject property is surrounded on all sides with Mixed-use medium-intensity land use and MU-2 (Mixed use medium intensity) zoning. Changing this one parcel would create a "spot" zoning that is not consistent with its surroundings. In the wider context, changing land use and zoning within one Neighborhood Activity Center would weaken the overall strategy and make it easier for inconsistent development to be approved in the future.*

*Public notice was published in the Gainesville Sun on January 6, 2009. The Plan Board held a public hearing on January 22, 2009.*

*City Plan Board to City Commission - The City Commission deny Petition 126ZON-08PB. The Plan Board voted 6-0.*

*Staff to City Plan Board - Deny Petition 126ZON -08PB.*

*CITY ATTORNEY MEMORANDUM*

*The City Commission, at its meeting of April 16, 2009, held a quasi-judicial hearing, and after hearing testimony and receiving evidence, approved petition No. PZ-08-125LUC. This action authorized the City Attorney's Office to prepare and the Clerk of the Commission to advertise the proposed ordinance.*

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

**Legislative History**

4/16/09	City Commission	Approved (Petition) (4 - 3)
7/16/09	City Commission	Adopted on Final Reading (Ordinance) (4 - 3)

080850\_staff report\_20090416.pdf  
080850\_staff ppt\_20090416.PDF  
080850\_petitioner ppt\_20090416.PDF  
080850\_staff ppt\_20090716.PDF  
080850\_draft ordinance\_20090716.pdf

**090113.**

**PERMITTED USE CHANGE ON DEERHAVEN GENERATING STATION (B)**

**Ordinance No. 0-09-29, Petition No. PZ-09-45**

**An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by specifying the permitted uses on certain City property known as the "Deerhaven Generating Station" with the existing zoning category of "PS: Public Services and Operations District", as more specifically described in this Ordinance, located in the vicinity of 10001 N.W. 13th Street; providing development standards; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: COMMUNITY DEVELOPMENT STAFF MEMORANDUM*

*This 1,061-acre property is the site of the City's Deerhaven Generating Station, which is located on the north side of US Highway 441 at 10001 NW 13th Street (parcel number 05884-001-000) at the north end of the City. It abuts City-owned property to the east and north with Alachua County Rural/Agriculture land use and Agriculture zoning, and is in use as managed timberlands. To the south is land with Industrial land use and I-2 (General industrial district) zoning that is the site of a lumber and saw mill business. Immediately to the west is the Alachua County Public Works Department which has Alachua County Rural Employment Center land use and Agriculture zoning. To the west, across US 441 and within the city limits of Alachua is Commercial land use (with Commercial Intensive zoning), Industrial land use (Industrial General zoning), and Moderate Density Residential (0-4 dwelling units per acre) with PUD zoning. This area is comprised of vacant forested land, various commercial establishments (plumbing/construction supplies, carwash, storage shed sales, two single-family subdivisions (Staghorn and Brook Pointe), a retail nursery, a bicycle shop, a farm, and a gas station/convenience store at NW 43rd Street. Several telecommunications towers are nearby - three to the west of the plumbing/construction supplies business, and one east of NW 43rd Street and south of the gas station/convenience store.*

*The Deerhaven property was annexed into the City of Gainesville in 1981, and in 1982 the City of Gainesville approved Public Facilities (PF) land use and Public services and operations district (PS) zoning for this property. The City's Land Development Code has since been updated to require that permitted uses be specified for properties that are zoned PS.*

*This petition proposes amendment of the existing PS zoning district by adding a list of uses to be permitted by right on the subject property. The proposed uses are existing uses at Deerhaven with two exceptions: communications towers and facilities; and, green industries that assist in reducing society's reliance on fossil fuels, that would benefit from the availability of waste heat or by-products*

*of power generation, or which may have by-products that are beneficial to the production of electricity. The other proposed uses include electric power generating plants and ancillary systems and buildings; fuel and chemical transportation, loading, storage, and handling systems as required for power generation or for management of power generation by-products, including rail and truck conveyance, unloading and loading facilities; long-term storage and disposal of power generation by-products; timber planting and harvesting; wildlife management; training areas for police and fire agencies; outdoor storage; and accessory uses.*

*The proposed permitted uses will allow for a biomass electric generating facility, a proposal for which was recently approved by the Gainesville City Commission. Development plan review is required for all future development at the subject property in accordance with the requirements of the City of Gainesville Land Development Code.*

*In addition to proposed uses, standards for future development are proposed. These standards include buffering provisions that will help to ensure the continued compatibility of this long-established public utility facility with the surrounding land uses.*

*The Plan Board voted 6-0 to approve the petitioner's request.*

*Public notice was published in the Gainesville Sun on May 12, 2009. The Plan Board held a public hearing on May 28, 2009.*

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

**Legislative History**

7/16/09            City Commission            Approved (Petition) and Adopted on First Reading  
(Ordinance) (7 - 0)

090113\_staff report\_20090716.pdf

090113A\_Maps-aerial photo\_existing-proposed-concept\_20090716.pdf

090113B\_FEMA flood zone map-definitions\_city environ coord comments\_20090716.pdf

090113C\_zoning application - workshop info\_20090716.pdf

090113D\_sec 30-75\_sec 30-98\_20090716.pdf

090113E\_staff ppt\_20090716.PDF

090113\_draft ordinance\_20090716.pdf

**090183.**

**LAND DEVELOPMENT CODE - TRANSPORTATION CONCURRENCY  
(B)**

**Ordinance No. 0-09-33; Petition No. PZ-09-66TCH**

**An ordinance of the City of Gainesville, Florida, relating to transportation concurrency; amending Division 3 under Article III of the City of Gainesville Land Development Code relating to Proportionate Fair-Share for transportation concurrency by clarifying the exception for developments within the City's existing transportation concurrency exception area, by creating an exception for developments within the state-mandated transportation concurrency exception area, and by clarifying the status of annexed property; creating a new Division 4 under**

**Article III of the City of Gainesville Land Development Code establishing the findings, intent and purpose, procedures and requirements for the state-mandated transportation concurrency area and designating property in certain zones; providing a sunset clause; 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 petition is a text change to the Proportionate Fair-Share section of the Land Development Code. There are three primary purposes for this petition:*

- 1. To amend the Proportionate Fair-Share section of the Code to make it consistent with and implement the 2009 Senate Bill 360 (SB 360) changes in Growth Management laws that impact Gainesville's transportation concurrency management procedures.*
- 2. To provide clarity for the City, the development community, and the public as to the implementation of the new, state-mandated Transportation Concurrency Exception Area during the interim period prior to adoption of comprehensive plan amendments, thus reducing the potential for moratoria or unacceptable lack of transportation alternatives to support development.*
- 3. To implement short-term strategies that fund transportation mobility needs for the area within city limits that the State of Florida designated as a Transportation Concurrency Exception Area.*

#### *Background*

*On June 1, 2009, SB 360 (now known as Chapter Law No. 2009-96) was signed into law. Among other things, SB 360 requires each City or County that is certified as a Dense Urban Land Area (DULA) to be automatically designated as a Transportation Concurrency Exception Areas (TCEA). SB360 defines a DULA as: (a) a municipality that has an average of at least 1,000 people per square mile of land area and a minimum total population of at least 5,000; (b) a county, including the municipalities located therein, which has an average of at least 1,000 people per square mile of land area; or (c) a county, including the municipalities locate therein, which has a population of at least 1 million. The City meets the definition under (a) above, with approximately 2,064 persons per square mile of land area as of April 1, 2008 (the last official date for population estimates). Even taking into account the recent Butler Plaza and SW 20th Avenue annexations in 2008 and 2009, the City still meets the DULA definition (June 1, 2009 population estimate of 131,639/62.58 square miles of city area) with approximately 2,103 persons per square mile. The City was designated as a DULA on July 8, 2009.*

*With the adoption of 2009 SB 360 and Gainesville's DULA designation, the entire area within city limits is a TCEA. The City first established a TCEA (Zones A and B) in 1999 with the adoption of the Concurrency Management Element. In 2005, Zone C was added to the TCEA by a Comprehensive Plan amendment. Those zones covered a sizable portion of the Gainesville city limits. However, as annexations occurred after 2005, the City did not extend the TCEA*



limits. To clarify the TCEA discussion in this memorandum, the following terminology will be used consistently. "Existing TCEA" refers to TCEA Zones A, B, and C as adopted in the City's Comprehensive Plan prior to the date the City was designated as a DULA. "State-mandated TCEA" refers to the areas outside of the Existing TCEA that became a TCEA upon official DULA designation by the State.

As stated above, development in the Existing TCEA is regulated by objectives and policies in the Concurrency Management Element. In order to clarify and implement the development regulations in the state-mandated TCEA, the City is proposing Land Development Code changes to provide short-term procedures through amendments to the Proportionate Fair-Share section. This is consistent with a provision in 2009 SB 360 (Chapter 163.3180 (f)) that states, "The designation of a transportation concurrency exception area does not limit a local government's home rule power to adopt ordinances or impose fees."

#### *Procedures and New Regulations*

Revisions to the Proportionate Fair-Share section of the Code, including the addition of a new Division 4. State-Mandated Transportation Concurrency Exception Area, provide procedures for implementing the new state-mandated TCEA. The state-mandated TCEA regulations in Division 4 follow the general philosophy and procedures of the City's Existing TCEA, thus providing clarity about regulations. In addition, the adoption of Division 4 creates an equitable situation for developments inside and outside of the Existing TCEA based on geographic region (zone) and transportation needs in the zone.

Procedures are established for the following:

- 1. Application filed prior to DULA designation and processed with a proportionate fair-share requirement. Any development outside the Existing TCEA that filed an application for a final development order prior to DULA designation that was processed with a condition that a proportionate fair-share agreement be signed may choose to enter into a proportionate fair-share agreement with the City to expedite the final development order. Alternatively, the owner/ developer may choose to wait on the final adoption of the ordinance associated with this petition and proceed under the Division 4. State-mandated Transportation Concurrency Exception Area section of the Code.*
- 2. Application filed after DULA designation. Any development outside the Existing TCEA that files an application after the City was designated a DULA shall be processed under the proposed Division 4. State-mandated Transportation Concurrency Exception Area section of the Code. This section places state-mandated TCEA areas in zones for the purpose of outlining transportation mitigation strategies appropriate to the area. In some cases, properties were added to existing Zones A, B, or C. Three new zones have been created for other areas.*

*Zone D is the area west of I-75 that falls within city limits. The primary strategy in this area is support for the extension of SW 40th Boulevard from SW Archer Road to SW 47th Avenue to provide a parallel road facility for I-75 relief. Other strategies include mitigation support for the construction of a new or expanded*

*bus maintenance/operations facility to allow expansion of the transit fleet (currently the Regional Transit System has extremely limited fleet expansion ability due to the lack of maintenance facilities).*

*Zone E is the northern area of the city that primarily consists of vacant lands distant from the city core. The primary transportation mobility strategy in this area involves the widening of SR 121 (the extension of NW 34th Street) past US 441 to CR 231. This strategy is appropriate because much of the vacant land shares the use of SR 121 with truck and industrial traffic in the area. Other strategies include mitigation support for the construction of a new or expanded bus maintenance/operations facility to allow expansion of the transit fleet (currently the Regional Transit System has extremely limited fleet expansion ability due to the lack of maintenance facilities).*

*Zone M contains the Butler Plaza and SW 20th Avenue annexed areas that are anticipated to be more densely and intensely developed with commercial and residential uses as part of the Butler Plaza expansion and the Urban Village overlay plan. Zone M is designated primarily as a multi-modal zone with strategies to support transit, pedestrians, bicyclists, and a more gridded street network in the area (including the extension of SW 62nd Boulevard and the construction of Hull Road as approved in Option M by the MTPO).*

*3. Development on annexed property without a City land use designation. Development on annexed property within the state-mandated TCEA that does not have a City land use designation (either pre- or post-DULA status) shall be regulated for concurrency in accordance with Future Land Use Element Objective 4.4 and its sub-policies and Section 171.062(2), which state that such developments shall continue to be subject to the County land use plan and county zoning regulations until such time as the City places its land use designation on the property. The County's transportation level of service standards and concurrency management procedures shall apply to these properties.*

*In addition to the zone designations and mitigation requirements, there are additional regulations that mirror rules in the Existing TCEA. Redevelopment credits are still emphasized in order to incentivize redevelopment over Greenfield development. There are special regulations for auto-oriented uses, design policies, streetscaping and landscaping requirements, and restrictions on excess parking.*

*This petition and ordinance will not have a direct impact on the provision of affordable housing. However, since it relates to the expansion of the TCEA, more affordable housing may become available as a result of changing the strict adherence to transportation concurrency requirements, which limits development potential in areas with roads not meeting adopted LOS standards.*

*Public notice was published in the Gainesville Sun on June 9, 2009. The Plan Board held a public hearing June 25, 2009. Planning Department staff recommended that the Plan Board approve the petition. The Plan Board, by a vote of 6-0, recommended that the City Commission approve Petition PZ-09-66 TCH.*

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

7/28/09 City Commission Approved (Petition) and Adopted on First Reading (Ordinance), as modified (6 - 0 - 1 Absent)

090183\_staff report\_20090728.pdf  
 090183A\_admendments to pz-09-66tch\_20090728.pdf  
 090183B\_staff ppt\_general comments related to 66tch\_67cpa\_68luc\_20090728.PDF  
 090183C\_staff ppt\_20090728.PDF  
 090183\_Ordinance 0-09-33\_20090728.pdf  
 090183\_Attachment 1\_20090728.pdf  
 090183\_Attachment 2\_20090728.pdf  
 090183D\_cpb draft minutes\_20090728.pdf  
 090183\_Attachment 2\_20090806.pdf

**PLAN BOARD PETITIONS****090211.****Villages at Lake Kanapaha Land Use Amendment (B)**

**Petition PZ-09-35 LUC. Causseaux, Hewett & Walpole, Inc., agent for Archer Road Development, LLC and Eaglesrock International, LLC**

**Amend the City of Gainesville 2000-2010 Future Land Use Map from Alachua County Low Density Residential (1-4 DU/acre) to City of Gainesville Residential Medium-Density (8-30 units per acre) and Conservation. Located at 4123 Southwest 50th Street. Tax parcel numbers: 06916-000-000, 06916-001-000, 06929-000-000, 06935-001-000, 06917-000-000, 06933-000-000. Related to Petition PZ-09-36 ZON.**

*Explanation: This petition is a large-scale land use amendment to change the Future Land Use category from Alachua County Low Density Residential (1-4 DU/acre) to City of Gainesville Residential Medium-Density (8-30 units per acre) and Conservation (CON) for property recently annexed in the southwest portion of the community near the SW Archer Road/I-75 interchange. The 6 combined parcels are approximately 31.6 (MOL) acres in size. The parcels were annexed into city limits on February 5, 2009. This petition is to bring the properties under City land use regulations.*

*The subject parcels are located west of I-75 (approximately 2,500 feet or .47 of a mile), on the north side of SW Archer Road between SW 47th Street and SW 50th Street. Both of those streets are private roads. SW 50th Street is an unpaved narrow road that accesses the northwestern portion of the site. A portion of the property fronts SW Archer Road.*

*The proposed area for Conservation land use is approximately 6.85 acres lying in the northwestern portion of the site. Most of this proposed Conservation area was located in the Alachua County Strategic Ecosystem designation. This area abuts the Lake Kanapaha recreation/conservation area to the west, which is owned by Alachua County. The proposed area for Residential Medium Density is approximately 24.78 acres in size, and it is surrounded by properties in*

*residential use (mobile homes to the north; condominiums to the east; and several older, single-family dwellings or vacant lots to the south).*

*Parcels to the north, east, south and west of this property are in unincorporated Alachua County and are controlled by the County's land use and zoning regulations. The property is also located near the SW Archer Road/Butler Plaza commercial area (approximately ½ mile distance), which provides both shopping and employment opportunities. The housing in this area is a mixture of condominiums, townhomes, mobile homes, and older single-family dwellings. The predominant housing types are condominiums and mobile homes.*

*The Plan Board discussed the petition and recommended that the requested land use change be denied by a vote of 3-2. Some of the Plan Board members were concerned about the disjointed nature of the annexation in the area west of I-75 because the area did not seem contiguous to city limits. There were other concerns about consistency with County transportation concurrency and whether the intent of the Comprehensive Plan is being met.*

*Public notice was published in the Gainesville Sun on June 9, 2009. The Plan Board held a public hearing on June 25, 2009.*

*Fiscal Note: None.*

**RECOMMENDATION**

*City Plan Board to City Commission: The City Commission deny Petition PZ-09-35 LUC. Plan Board vote 3-2.*

*Staff to City Commission: Approve Petition PZ-09-35 LUC. Plan Board vote Deny 3-2.*

*Staff to the Plan Board: Approve Petition PZ-09-35 LUC.*

090211\_staff report\_20090806.pdf

090211A\_comprehensive plan amend report\_20090806.pdf

090211B\_tree survey\_20090806.pdf

090211C\_staff ppt\_20090806.PDF

090211D\_petitioner ppt\_20090806.PDF

090211E\_cpb draft minutes.pdf

**090209.**

**Villages at Lake Kanapaha Rezoning (B)**

**Petition PZ-09-36 ZON. Causseaux, Hewett & Walpole, Inc., agent for Archer Road Development, LLC and Eaglesrock International, LLC.**

**Rezone property from Alachua County Single-family, low density (R-1a, R-1c) districts to City of Gainesville RMF-7 (8-21 units/acre multiple-family residential district) and Conservation district. Located at 4123 Southwest 50th Street. Tax parcel numbers: 06916-000-000, 06916-001-000, 06929-000-000, 06935-001-000, 06917-000-000, 06933-000-000. Related to Petition PZ-09-35 LUC.**

*Explanation: This petition is a rezoning to change the zoning from Alachua County R-1a, R-1c (1-4 DU/acre) to City of Gainesville RMF-7 (8-21 units per acre) and Conservation (CON) for six contiguous parcels recently annexed in the southwest portion of the community. The combined parcels are approximately 31.6 (MOL) acres in size. The parcels were annexed into city limits on 2/5/09. This petition is to bring the properties under City zoning regulations.*

*The subject parcels are located west of I-75 (approximately 2,500 feet or .47 of a mile), on the north side of SW Archer Road between SW 47th Street and SW 50th Street. Both of those streets are private roads. SW 50th Street is an unpaved narrow road that accesses the northwestern portion of the site. A portion of the property fronts SW Archer Road.*

*The proposed area for Conservation zoning is approximately 6.85 acres lying in the northwestern portion of the site. Most of this proposed Conservation area was located in the Alachua County Strategic Ecosystem designation. This area abuts the Lake Kanapaha recreation/conservation area to the west, which is owned by Alachua County. The proposed area for Residential Medium Density is approximately 24.78 acres in size, and it is surrounded by properties in residential use (mobile homes to the north; condominiums to the east; and several older, single-family dwellings or vacant lots to the south).*

*Most of the land area is vacant, however, there are a few abandoned single-family dwellings in very dilapidated condition (most have significant damage and are open to the elements).*

*Parcels to the north, east, south and west of this property are in unincorporated Alachua County and are controlled by the County's land use and zoning regulations. The property is also located near the SW Archer Road/Butler Plaza commercial area (approximately 1/2 mile distance), which provides both shopping and employment opportunities.*

*The housing in this area is a mixture of condominiums, townhomes, mobile homes, and older single-family dwellings. The predominant housing types are condominiums and mobile homes.*

*This petition is submitted concurrently with a land use amendment (see Petition PZ-09-35 LUC) for Residential Medium-Density (8-30 units/acre) and Conservation (CON).*

*The Plan Board discussed the petition and recommended that the requested zoning change be denied because it would be inconsistent with the land use.*

*Public notice was published in the Gainesville Sun on June 9, 2009. The Plan Board held a public hearing on June 25, 2009.*

*Fiscal Note: None.*

**RECOMMENDATION**

*City Plan Board to City Commission: The City Commission deny Petition PZ-09-36 ZON. Plan Board vote 3-2.*

*Staff to City Commission: Approve Petition PZ-09-36 ZON. Plan Board vote Deny 3-2.*

*Staff to the Plan Board: Approve Petition PZ-09-36 ZON.*

090209\_staff report\_20090806pdf.pdf  
 090209A\_zoning map amendment report\_20090806.pdf  
 090209B\_tree survey\_20090806.pdf  
 090209C\_staff ppt\_20090806.PDF  
 090209D\_petitioner ppt\_20090806.PDF  
 090209E\_cpb draft minutes.pdf  
 090209\_petitionform\_20090806.pdf

## DEVELOPMENT REVIEW BOARD PETITIONS

### 090182.

#### Hatchet Creek Design Plat (B)

**Petition PZ-09-19. Eng, Denman, and Associates, Inc., agent for East Gainesville Development Partners LLC. Design plat review for an environmental cluster subdivision. Zoned: RSF-1 (3.5 du/ac single family) and RSF-4 (8 du/ac single family). Located at 2100 NE 39th Ave, adjacent to the Ironwood Golf Course.**

*Explanation: The proposed 'Hatchet Creek' subdivision is located on approximately 291 acres between NE 39th Avenue and NE 53rd Avenue, west of NE 15th Street and abutting the Ironwood Golf Course property. The property has a Future Land Use designation of 'Single Family Residential' and zoning of RSF-1 and RSF-4. Surrounding properties included undeveloped industrial land to the east (I-1 zoning), the golf course (PS zoning), and several single family and multi-family developments to the west along NE 15th Street (with RSF-1, RMF-5, and PD zoning). Commercial property, zoned BUS, is located at the corner of NE 15th Street and NE 39th Avenue.*

*This design plat proposes construction of a 734-lot residential subdivision with street network, stormwater facilities and other infrastructure. Review by the City Commission shall be based upon the considerations in Section 30-183(i)(2), including that the subdivision is in conformity with the Comprehensive Plan and existing zoning requirements, meets protection requirements for environmental features, provides adequate access for bicycles, pedestrians, transit, and emergency vehicles, and provides a sufficient overall stormwater management plan. Particular attention shall also be given to the arrangement and location of streets and lots at the design plat review stage. The City Commission may approve the design plat as presented if found to be in compliance, require modifications, or disapprove the design plat if it is not in compliance. Since Hatchet Creek is proposed as an environmental cluster subdivision, it must meet additional standards for that type of subdivision found within Section 30-190 of the Land Development Code.*

*Approximately 232 acres of the Hatchet Creek property lies within the significant ecological communities overlay district. The Land Development*

Code (Section 30-309) states that a set-aside of no more than ten percent may be required within the overlay area. This section of the code also states that the exact amount and location of property to be set aside shall be determined by the appropriate reviewing board on a site-specific basis. The design plat also proposes impacts to approximately 8.41 acres of wetlands. In order to impact these wetlands, the subdivision must demonstrate avoidance through minimization, and meet the public interest test and other criteria under Section 30-302(e). Any proposed impacts to the wetlands must first be approved with the design plat, and then the actual mitigation plan for these impacts would not be considered until the final plat stage.

The proposed design plat also must comply with applicable standards in Appendix F - Airport Hazard Zoning Regulations in the Land Development Code. The proposed configuration of the Hatchet Creek subdivision includes a large number of residential lots (approximately 450) in an area that is within the established Airport Noise Zone, as depicted on a map within Appendix F. Within the Airport Noise Zone, residential uses are listed as 'restricted uses' and must meet certain criteria. In order for residential uses to be permitted within any subzone of the Airport Noise Zone, the developers "shall verify to the City in writing that proposed buildings will be designed to achieve an outdoor to indoor noise level reduction (NLR) of at least 25 decibels" and the developer must demonstrate that the proposed residential development "is compatible with the Official CFR Part 150 study." Based upon staff review and the expert analysis provided by consultant Ted Baldwin, staff has concluded that the proposed design plat is incompatible with the current Part 150 study and therefore does not meet the criteria in Appendix F to allow residential uses within the Airport Noise Zones. For this reason, staff is recommending denial of the Hatchet Creek design plat.

The Development Review Board considered Petition PZ-09-19 at public hearings held on May 14, 2009 and June 11, 2009. By a vote of 6 - 0, the Development Review Board recommended denial of the petition, citing the evidence presented in the staff report and testimony, and specifically regarding the relationship between the development and the Airport Noise Zones, as well as the impacts of the development on environmental resources on the site.

Public notice for this petition was published in the Gainesville Sun on March 24, April 29 and May 27, 2009. Letters were mailed to surrounding property owners on March 23, April 28, and May 26, 2009.

*Fiscal Note: None*

**RECOMMENDATION**

*Development Review Board to City Commission - The City Commission deny Petition PZ-09-19.*

*Staff to City Commission - Deny Petition PZ-09-19.*

*Alternate Recommendations - The City Commission approve Petition PZ-09-19.*

090182\_city staff comments\_20090806.pdf  
090182A\_ II city attorney 9-19-07 memo and exhibits 1-3\_20090806.pdf  
090182B\_ II city attorney exhibits 4-5\_20090806.pdf  
090182C\_ II city attorney exhibits 6-10\_20090806.pdf  
090182D\_ II city attorney exhibits 11-13\_20090806.pdf  
090182E\_ II city attorney exhibits 14-18\_20090806.pdf  
090182F\_ II city attorney memo 5-6 -09\_20090806.pdf  
090182G\_ III airport exhibit A\_20090806.pdf  
090182H\_ III airport exhibit B\_20090806.pdf  
090182I\_ III airport exhibit C\_20090806.pdf  
090182J\_ III airport memo\_20090806.pdf  
090182K\_ IV petitioner consistency report\_20090806.pdf  
090182L\_ IX 5-14-09 drb minutes 20090806.pdf  
090182M\_ IX 6- 11-09 drb minutes\_20090806.pdf  
090182N\_ V petitioner attorney letters 3-11-09\_20090806.pdf  
090182O\_ V petitioner attorney letters 5- 5-09\_20090806.pdf  
090182P\_ V petitioner attorney maps 5- 5-09\_20090806.pdf  
090182Q\_ VI petitioner environmental response 4-6-09\_20090806.pdf  
090182Q\_ VI petitioner environmental response 4-6-09\_20090806.pdf  
090182R\_ VI petitioner environmental response 5-11-09\_20090806.pdf  
090182S\_ VII design plat sheets\_20090806.pdf  
090182T\_ VII design plat sheets\_20090806.pdf  
090182U\_ VII application\_20090806.pdf  
090182V\_ VIII citizen letters\_20090806.pdf  
090182W\_ X petitioner power point.\_20090806.PDF  
090182X\_staff ppt\_20090806.PDF

## **SCHEDULED EVENING AGENDA ITEMS**

### **UNFINISHED BUSINESS**

### **COMMISSION COMMENT**

### **CITIZEN COMMENT (If time available)**

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