

City of Gainesville

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



Meeting Agenda

September 20, 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

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

120291. City of Gainesville Business Tax Ordinance Update (B)

This item involves revisions to the City of Gainesville Section 25-51 of the Code of Ordinance.

MODIFICATION - Withdraw from the agenda.

Explanation: Staff is suggesting changes to the Business Tax Ordinance in order to update the current Business Tax Categories and Fees.

The following updates, which are detailed in the Exhibit A provided as backup to this item, are needed in order to reorganize the fee schedule that is currently published in Section 25-51 of the Code of Ordinance:

-modify and reorganize the current Business Tax categories, clarifying the names.

*-deletion of the tax fee for Real Estate Salespersons per FSS 205.067;
and*

*-update the Fee Schedule, Exhibit A; deleting certain obsolete or
redundant*

*tax categories and adding new tax categories for individuals with
licenses,*

*certifications and registrations per FSS 205.194(1). All additional tax
categories are in accord with previously enacted tax fees currently
published*

in §25-51.

Fiscal Note: FY2011-FY2012 Business Tax fees for Real Estate agents were exempt due to the act of FSS 205.067; there is no fiscal impact to this proposal.

RECOMMENDATION

The City Commission authorize the City Attorney to draft and the Clerk of the Commission to advertise the referenced changes to the City of Gainesville Section 25-51 Business Tax Code of Ordinance.

120291A_Exhibit A_20120920.pdf

120305.

Bid Award - Annual Contract for Purchase of Plant Mix Asphalt Concrete (B)

This item is a request for the City Commission to authorize bid awards to APAC Southeast, Inc., John C. Hipp Construction Equipment Company, and V.E. Whitehurst & Sons, Inc., for pickup of asphalt.

Explanation: The City of Gainesville and Alachua County jointly advertised Invitations to Bid (ITB) in July 2012 for Annual Plant Mix Asphalt Concrete. The ITB contained a provision that the City of Gainesville would negotiate a single two-party contract for the services being obtained by the City of Gainesville.

The Public Works Department wishes to execute contracts to all three (3) bidders to maximize the availability of plant mix for our asphalt crew. The bidders are: 1) One contract with APAC Southeast, Inc., as a pickup of asphalt; 2) One contract with John C. Hipp Construction Equipment Company as pickup of asphalt; and 3) One contract with V.E. Whitehurst & Sons, Inc., as a pickup of asphalt.

Fiscal Note: The primary funding source is from the FY 2013 Public Works Department Operating Budget. However, some purchases may be funded through individual CIP project accounts.

RECOMMENDATION

The City Commission: 1) authorize the City Manager to execute contracts with APAC Southeast, Inc., John C. Hipp Construction Equipment Company and V.E. Whitehurst & Sons, Inc., for pickup of asphalt, subject to approval of the City Attorney as to form and legality; and 2) authorize the City Manager to execute any and all related documents.

120305_BidAward_20120920.pdf

120315.

Authorizing Additional Alternative Home Financing Options for the Infill Housing Program (B)

This item proposes that the City Commission approve additional alternative home financing options for the Infill Housing Program to sell affordable homes to income eligible first-time homebuyers to meet expenditure deadlines required by the U.S. Department of Housing and

Urban Development (HUD) HOME Investment Partnership Program (HOME).

Explanation: On January 7, 2010, the City Commission approved sale of five (5) new single-family homes in the Porters Gardens subdivision (Legislative File #090631) to eligible first-time homebuyers. The Porters Gardens subdivision is located in the Porters Community on SW 8th Avenue and on Depot Avenue. The new homes were constructed with HOME Program funding, which requires the sale of the units to low-income households. Since that time, two (2) of the five (5) new homes have been sold to eligible first-time homebuyers. The City currently has in its ownership inventory three (3) units remaining in the Porters Gardens subdivision. Staff has continued to diligently market the three (3) remaining new homes for sale to income eligible homebuyers. Over 100 potential homebuyers have expressed interest in purchasing the new homes, but have not been able to meet the more stringent mortgage lending criteria established by the banking industry. Due to the downturn of the real estate market and increased requirements to obtain primary financing, it has been extremely difficult to assist many of the potential homebuyers that desire to purchase homes, particularly households in the low income levels. Additionally, in accordance with HOME Program regulations, these units must be sold prior to October 31, 2012. If the homes are not sold by this deadline, the City will have to repay approximately \$310,000 to HUD from its General Fund for the total HOME Program funds expended to construct these three new homes. Therefore, the three remaining new homes must be sold by October 31, 2012. As a result, staff is proposing to offer an additional alternative home financing option for potential first-time homebuyers to qualify to purchase the three (3) homes at Porters Gardens.

The Homebuyer Lease Purchase Program (HLPP) option is a useful mechanism when unsold inventory is sitting vacant and potential homebuyers are not ready to qualify for a purchase due to financial obstacles such as strict mortgage lending criteria. The HLPP option offers homebuyers the opportunity to prepare for homeownership over a period of several years. Staff will monitor the lease purchase program to ensure that it is well planned and successfully implemented. Applicants must meet the City's program qualification criteria to participate in the lease purchase program. The City will enter into a short-term lease with the homebuyers that will include an option to purchase the home based on the terms specified in the lease purchase agreement. The monthly payment of the homebuyer's option to purchase will be based upon their purchase affordability. The monthly payment collected by the City will be used as a savings account towards the homebuyer's downpayment and escrow account for taxes and insurance. A portion of the monthly payment will also be set-aside by the City for any maintenance needed on the home. At the end of the lease purchase term, the City will sell the home to the homebuyers in accordance with the lease purchase agreement. The City will also provide required subsidies to make the purchase of the homes affordable for the homebuyers. The HLPP guidelines are provided in Attachment A for reference.

The proposed purchase option will address the above referenced barriers and increase affordable and low cost homeownership opportunities for first-time homebuyers. If the program is successful, it could expand and be applied to

other City owned affordable homes; and implemented as a tool to improve the effectiveness of future City property sales. Therefore, staff recommends this action be approved to: 1) increase ownership opportunities for low-income households at the targeted site; 2) add flexibility and leverage in the use of housing funds; 3) reduce City holding costs on the unsold units; and 4) increase long-term revenue streams into the housing budget from loan payments. All of the foregoing allows the City to better meet affordable housing and community development needs in the City now and in the future.

To seek qualified applicants, staff will advertise the program to the general public in the local newspapers and other media outlets as available.

Fiscal Note: Authorization of the Homebuyer Lease Purchase Program option for use with the City's Infill Housing Program will have no fiscal impact to the City at this time as no additional funding beyond the current allocation is required. The authorization of this option would allow the City to dispose the unsold inventory of three (3) new homes in the Porters Gardens Subdivision by HUD's deadline of October 31, 2012.

RECOMMENDATION

The City Commission: 1) authorize the Homebuyer Lease Purchase Program option for use with the City's Infill Housing Program; 2) authorize the City Manager to execute Lease Purchase Agreements for the three new homes located at 303 SW 8th Avenue, 316 SW Depot Avenue and 317 SW 8th Avenue with income eligible homebuyers to be identified at a future date, subject to approval by City Attorney as to form and legality; and 3) authorize the Housing and Community Development Division to use standard program subsidies and purchase and sale documents to consummate the transactions for the lease purchase option, subject to approval by the City Attorney as to form and legality.

120315_Guidelines_20120920.pdf

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

120353.

Construction of the Waldo Wastewater Interconnect Project (B)

Staff recommends awarding a contract to Watson Construction to perform construction services for the Waldo Wastewater Interconnect project.

Explanation: On March 4, 2010, the City Commission authorized GRU to negotiate an Interlocal and wastewater service agreement with the City of Waldo to extend and provide wastewater service to the City of Waldo. The Interlocal Agreement which was executed on February 22, 2011 between the City of Waldo, GRU and Alachua County, authorized GRU to provide wastewater service to Waldo. The service agreement provides the terms and conditions for providing this service and requires GRU to design and construct the force main pipeline from the Point of Connection, as established in the agreement, to GRU's existing Lift

Station 6 located on NE 31st Ave.

After GRU constructs all of the capital improvements necessary to receive Waldo's wastewater, Waldo will reimburse GRU a capital facilities charge. The capital improvements include: construction of a force main from the point of connection to Lift Station 6, improvements to Lift Station 6 to serve Waldo, construction of a flow monitoring station (in Waldo), and piping improvements at Lift Station 72. Consistent with GRU's wastewater service extension policy and the Interlocal Agreement, GRU will oversize its force main within the Urban Cluster.

Utilities Purchasing issued an Invitation to Bid to the known companies that perform this type of work. In addition, the bid was posted on GRU's web page and the Mid State Builders Exchange. Fifteen potential bidders attended a mandatory pre-bid meeting and site visit. Eleven bids were received, two with a no bid response. A tabulation of the bids received is attached for your information. Any additional purchases for the project will be made in accordance with established Purchasing policies.

Fiscal Note: Funding for this request is included in the Water/Wastewater Capital Improvements budget.

RECOMMENDATION

The City Commission: 1) authorize the General Manager, or his designee, to execute a contract with Watson Construction to perform construction services for the Waldo Wastewater Interconnect Project, subject to approval of the City Attorney as to form and legality; and 2) approve the issuance of a purchase order to Watson Construction for these services in an amount not to exceed \$1,782,848; and 3) authorize staff to procure services, equipment and materials, as required, to complete the project as budgeted, subject to the final appropriation of funds.

120353_bidtab_20120920.pdf

CITY ATTORNEY, CONSENT AGENDA ITEMS

120338.

ROBERT WILLIAMS, AND LAVERNE WILLIAMS, HIS WIFE, V. CITY OF GAINESVILLE; EIGHTH JUDICIAL CIRCUIT, CASE NO. 2012-CA-1984 (B)

Explanation: On August 28, 2012, the City was served with a Summons and Complaint filed by Robert and Laverne Williams in the Circuit Court. Robert Williams alleges that on January 20, 2011, he tripped and fell on uneven sidewalk on SE 3rd Street. Robert Williams claims to have suffered serious physical and psychological injuries, disabilities, disfigurement, expenses for medical and nursing care, pain and suffering, loss of income, and loss of enjoyment of life. Plaintiff Laverne Williams has filed a loss of consortium claim. Mr. Williams seeks money damages in excess of \$15,000.00.

RECOMMENDATION

The City Commission authorize the City Attorney to represent the City of Gainesville in the case styled Robert Williams, and Laverne Williams, his wife, v. City of Gainesville; Eighth Judicial Circuit, Case No. 2012-CA-1984

120338_Robert and Laverne Williams Consent_20120920.pdf

120339.**JUSTIN STARR V. CITY OF GAINESVILLE, AND KATHRYN SPENCER; EIGHTH JUDICIAL CIRCUIT, CASE NO. 2012-CA-3639 (B)**

Explanation: On August 30, 2012, Plaintiff Justin Starr filed a Complaint in the Circuit Court of the Eighth Judicial Circuit, in and for Alachua County, Florida against the City of Gainesville and City employee Kathryn Spencer, a Transit Operator. On September 4, 2012, Kathryn Spencer was served with a Summons and Complaint. As of the date of drafting this agenda item, the City has not been served, but the City anticipates service of process to be made on the City at any time. Justin Starr alleges that on November 30, 2010, while riding his bicycle, he was struck by a RTS bus. Justin Starr claims to have suffered bodily injury and resulting pain and suffering, physical handicap, the expense of medical and nursing care and lost wages. Mr. Starr seeks money damages in excess of \$15,000.00.

RECOMMENDATION

The City Commission authorize the City Attorney to represent the City of Gainesville and the City employee in the case styled Justin Starr v. City of Gainesville, and Kathryn Spencer; Eighth Judicial Circuit, Case No. 2012-CA-3639.

120339_Starr Consent_20120920.pdf

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS**120332.****City Commission Minutes (B)****RECOMMENDATION**

The City Commission approve the minutes of August 21, 2012 and September 6, 2012, as circulated.

120332_aug 21, 2012_minutes_20120920.pdf

120332a_sept 6, 2012_minutes_20120920.pdf

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**COMMITTEE REPORTS, CONSENT AGENDA ITEMS****RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE,
CONSENT**

080477.

Status Update on the City Commission Strategic Initiative to Complete Capital Projects at Parks - Improve Land Conservation and Acquisition Program (B)

This item is a request for the City Commission to approve placing additional parcels on the acquisition priority list.

Explanation: This Strategic Initiative is closely tied to Legislative File #080128, Update on the Wild Spaces Public Places One-Half Cent Sales Tax Initiative's Implementation Plan for Capital Improvement Projects and Sensitive Lands Acquisition, which was presented to the City Commission on September 17, 2009, when funding priorities for the projects were approved.

As part of this Initiative, the Recreation, Cultural Affairs and Public Works (RCAPW) Committee has heard updates from staff on both the Capital Improvement Projects and land acquisition. During these updates the RCAPW committee reviewed the Priority Land Acquisition table and recommended that staff continue to evaluate and update the priority list as new areas become available.

Recently the State Department of Environmental Protection notified the City of Gainesville about lands that it intends to surplus. Included in the parcels targeted for surplus by the State were a number of parcels that are adjacent to City-owned conservation properties. In addition, properties adjacent to lands targeted for acquisition also became available. Staff has reviewed the parcels, and recommends that the priority list for Conservation and Acquisition be updated to include these parcels: 08197-000-000, 08191-000-000, 17771-000-000, 17759-000-000, 17782-001-000, 10885-000-000, 17911-000-000, 17910-000-000; 17945-000-000, 17895-000-000.

Fiscal Note: Approximately \$2.24 million remains in the Greenspace Acquisition Fund and in the Wild Spaces Public Places Land Acquisition Fund, and is available for continued acquisition of conservation and/or passive recreation lands.

RECOMMENDATION

The Recreation, Cultural Affairs and Public Works Committee recommends that the City Commission add the newly identified parcels to the acquisition priority list.

Legislative History

10/2/08	City Commission	Referred	Recreation, Cultural Affairs and Public Works Committee
1/8/09	Recreation, Cultural Affairs and Public Works Committee	Approved	
2/11/10	Recreation, Cultural Affairs and Public Works Committee	Discussed	

3/24/11 Recreation, Discussed
Cultural Affairs
and Public Works
Committee

080477_Strategic Initiatives_20090108.pdf
080477A_PPT_20110324.pdf
080477B_PPT_20110324.pdf
080477C_Table_20110324.pdf
080477D_Map_20110324.pdf
080477A_MOD Priority Table_20120822.pdf
080477B_MOD FL DEP Letter_20120822.pdf
080477C_MOD Aerial Map_20120822.pdf
080477D_MOD Parcel Map_20120822.pdf
080477E_MOD Parcel Maps_20120822.pdf
080477_Acq Priority Table_20120920.pdf

COMMUNITY DEVELOPMENT COMMITTEE, CONSENT

090925.

Strategic Initiative 6.1 - Develop Creative Ways to Measure Progress in Code Enforcement (B)

Discuss the possibility of creating a Livability Court model in the City of Gainesville as it relates to Code Enforcement issues.

Explanation: The Community Development Committee (CDC) discussed this referral on May 24, 2011 and requested that staff provide additional information on the following items: cost of a Special Magistrate; framework and division of labor (if a hybrid model); timeliness of enforcement; transparency of LLP points removal; and the level of penalties that can be issued. On May 22, 2012, the CDC received a presentation from staff addressing the issues discussed at the May 24, 2011 CDC meeting and made a recommendation to the City Commission that a Special Magistrate be implemented in lieu of the Code Enforcement Board.

The Code Enforcement Board is a quasi-judicial board comprised of seven citizens who are selected by the City Commission. If the Code Enforcement Board finds a respondent guilty it can grant a timeframe to achieve compliance and impose a fine, either a one-time fine or a running fine until compliance is achieved. Both the Code Enforcement Board's finding and the civil citation can be challenged in county court by the party found guilty. The process the City of Gainesville uses, as well as jurisdictions throughout the State of Florida is governed by Florida State Statute Chapter 162. An alternative to the Code Enforcement Board in Florida is to use a Special Magistrate. The Special Magistrate is an attorney or member of the Florida Bar appointed to preside over code enforcement matters. The Special Magistrate has the jurisdiction and authority to hear and decide alleged violations and exercise the powers of a Code Enforcement Board as provided in Chapter 162, Florida Statutes. Many Florida jurisdictions utilize a Special Magistrate rather than a Code Enforcement Board. Some examples are: City of Port St. Lucie, Brevard County, City of Fort Lauderdale, City of South Daytona, City of Madeira Beach,

Clay County, Collier County, and Deland.

Fiscal Note: The City Commission included \$20,000 in the proposed FY2013/14 budget for the implementation of the Special Magistrate program.

RECOMMENDATION

The Community Development Committee to the City Commission: 1) amend the Code of Ordinances to allow for the use of a Special Magistrate in lieu of the Code Enforcement Board; 2) include a funding increment of up to \$20,000 in the FY2013/14 budget; 3) if funding is approved direct staff to draft an RFP for a Code Enforcement Special Magistrate; and 4) refer the issues of the Notice of Hearing Process, Civil Citation Process, and Landlord Permit Points Process back to the Community Development Committee for further discussion as part of item #090925 Strategic Initiative 6.1 - Develop Creative Ways to Measure Progress in Code Enforcement.

Legislative History

3/4/10	City Commission	Referred	Community Development Committee
5/24/11	Community Development Committee	Approved as shown above (See Motion)	
5/22/12	Community Development Committee	Approved as shown above (See Motion)	

090925A_Presentation_20120522.pdf
 090925B_May 24 2011 Minutes_20120522.pdf
 090925_CDC 5-22-12 Minutes_20120920.pdf

110779.

Agricultural Uses in Residential Districts (B)

Explanation: On March 1, 2012, the City Commission referred the issue of Agricultural Uses in Residential Districts to the Community Development Committee (CDC) for review.

The Committee met on June 11, 2012 and heard input from various interested parties and a motion was made to request that staff review the matter and bring back additional information.

On July 25, 2012, staff reviewed several pieces of information with the Committee inclusive of the manner in which a number of community's nationwide currently handle the regulation of residential urban chicken keeping.

The Committee offered a motion regarding this item with the following components:

Allow up to four chickens in residentially zoned areas of the City on lots that are 10,000 square feet or less

Allow up to six chickens in residentially zoned areas of the City on lots that are 10,001 square feet or greater

Disallow Roosters

Require some type of enclosure (coop or fencing) to manage the keeping of chickens

Ensure that existing ordinances pertaining to nuisance abatement are enforced; and,

Remove the referral from the CDC pending referral list.

Fiscal Note: No fiscal impact.

RECOMMENDATION

The City Commission: 1) direct staff to initiate a Petition to the Plan Board incorporating the above components regarding the keeping of chickens in residentially zoned areas of the City; and 2) remove this item from the CDC pending referral list.

Legislative History

3/1/12	City Commission	Referred (7 - 0)	Community Development Committee
6/11/12	Community Development Committee	Discussed	

- 110779A_Agricultural Uses Staff Memo_20120611.pdf
- 110779B_Urban Ag & Food System Planning PPT_20120611.pdf
- 110779C_Municode RSF-R_20120611.PDF
- 110779D_Municode - Animal Control_20120611.pdf
- 110779E_Article - Transforming Urban Farming_20120611.pdf
- 110779F_Articles on Urban Animals_20120611.pdf
- 110779_Urban Chicken Report_20120725.pdf
- 110779A_Ag Uses Staff Memo_20120920.pdf
- 110779B_Urban Ag & Food Sys_Planning PPT_20120920.pdf
- 110779C_Municode RSF-R_20120920.pdf
- 110779D_Minicode-Animal Control_20120920.pdf
- 110779E_Article -Urban Farming_20120920.pdf
- 110779F_Article -Urban Animals_20120920.pdf
- 110779G_Urban Chicken Report_20120920.pdf

100001.

Transfer of Development Rights (B)

Explanation: On July 25, 2012, staff reviewed this existing pending referral with the Community Development Committee. After reviewing information on Transfer of Development (TDR) programs generally (and components of the Alachua County TDR program specifically) and based upon current densities provided in the City's core and the perceived lack of an existing market for the TDR mechanism the Committee directed that staff have this item removed from the Committee's pending referral list.

Fiscal Note: No fiscal impact.

RECOMMENDATION

The City Commission remove this item from the CDC pending referral list.

Legislative History

5/20/10 City Commission Referred (7 - 0) Community Development
Committee
100001_Transfer of Development Rights Info_20120725.pdf
100001_Transfer of Dev Rts_20120920.pdf

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS**END OF CONSENT AGENDA****ADOPTION OF THE REGULAR AGENDA****CHARTER OFFICER UPDATES****CLERK OF THE COMMISSION****CITY MANAGER****120300.****60% Design Approval of the Regional Transit System (RTS) Bus Fleet Maintenance, Administration, and Operations Facility (B)**

This item is a request for the City Commission to approve the 60% design of the Regional Transit System (RTS) Bus Fleet Maintenance, Administration, and Operations Facility located at the intersection of SE 1st Street and Veitch Street.

Explanation: On April 19, 2012, the City Commission approved the Advanced Schematic Design (ASD) and waived the 30% design of the Regional Transit System (RTS) Bus Fleet Maintenance, Administration, and Operations Facility. Since that date, additional funding from the Federal Transit Administration (FTA) was obtained that will allow RTS to complete phases I, II, and III (2014 plan) and part of phase IV, which consists of an Operations and Administration building (29,650 SF); maintenance building (78,220 SF); fuel center (6,380 SF); bus wash center (12,728 SF); bus storage area for 160 buses; and parking spaces for 70 non-revenue vehicles, 290 employees, and visitor parking.

The Design/Build Team [Charles Perry Partners, Inc. (CPPI), Ponikvar and Associates, Inc. and Causseaux, Hewett and Walpole, Inc. (CHW)] has strived to balance the estimated budget, to achieve LEED Silver for the Operation and Administration Building, comply with all of the FTA requirements and regulations, while meeting RTS and City requirements. The Design/Build Team and staff will continue to work with the various City Departments, State, and Federal agencies as the project continues.

Fiscal Note: This agenda item has no fiscal impact unless the City Commission recommends major changes to the project design. Funding for the project is provided through FTA/Section 5309 grants (State of Good Repair and Livability grants).

RECOMMENDATION

The City Commission: 1) approve the 60% design and instruct the design build team to continue working on construction drawings; and 2) waive the 100% design review by the Commission.

120300A_PPT_20120920.pdf

120300B_PPT Ops-Admin_20120920.pdf

120300C_PPT Maintenance_20120920.pdf

120355.**Amend the Capital Improvement Plan and update the budget for the Centralized Garage Project (B)**

This is a request for the City Commission to approve amendment of the Capital Improvement Plan and update the budget for the Centralized Garage Project.

Explanation: In 2002, a team from General Government and GRU did a comprehensive study on the best option from an efficiency and financial standpoint to replace the 5th Avenue Garage Facility. Based upon this study, it was determined a centralized garage facility would be the most cost effective and efficient for the City/GRU. This original facility concept was intended to generate operational savings by replacing the existing separate fleet repair facilities located at NW 39th Avenue and SW 5th Avenue, however neighbors raised concerns about expanding operations at the Public Works Complex. After much public input on the Centralized Garage concept, the City Commission denied the staff recommendation to expand the garage at the existing site and authorized staff to begin searching for another site. On August 21, 2008, the City Commission ranked the JDF Logistics property (78.37 acres) as the number one site to co-locate the Centralized Garage Project.

There have been no increases to the budget for this project since the City Commission approved funding as part of the FY09 - FY13 Capital Improvement Plan in May, 2008. At the time the cost of such a combined facility was estimated at approximately \$9.6 million, and subsequently the City Commission appropriated \$9,610,000 for property acquisition and construction of a Centralized Garage facility. This project is funded 50% through Fleet Replacement Fund monies and 50% from Gainesville Regional Utilities.

To date, property has been identified and acquired, an architect has been hired and has completed the building designs, and in January of 2012 Parrish-McCall was hired to provide construction management services for the garage facility. As Parrish-McCall has progressed in bidding out the construction services, it has become apparent that the original \$9.6 million appropriation will not be adequate to complete the facility, even after considerable value engineering efforts on the part of City staff and Parrish-McCall. After working in concert with Parrish-McCall, staff estimates that it will require approximately an additional \$1,810,000 to complete the facility, and is requesting that the City Commission approve an appropriation in that amount, bringing the total project budget to \$11,420,000.

Fiscal Note: The additional \$1,810,000 in required funding is available in the General

Government Fleet Replacement Fund and Gainesville Regional Utilities. The additional costs will be split evenly between the two areas at \$905,000 each.

RECOMMENDATION

The City Commission: 1) approve amending the Capital Improvement Plan; and 2) update the budget for the Centralized Garage Project by approving the appropriation of \$1,810,000.

120355_Garage PPT_20120920.pdf

GENERAL MANAGER FOR UTILITIES

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

PUBLIC SAFETY COMMITTEE

080472.

Streamline the Efforts of Those Agencies Providing Child Victim Services Throughout the City - CCOM Strategic Initiative (NB)

Strategic initiatives have been referred to Standing Committees and the Community Redevelopment Agency (CRA), to promote efficient and effective communication streams between elected officials, city staff and Gainesville residents concerning the implementation of the City's Strategic Plan. This item is a request for the City Commission to receive an update on the progress of Strategic Initiative 3.4: Streamline Efforts to Provide Child Victim Services throughout the City.

Explanation: On October 2, 2008 the City Commission referred each Strategic Initiative included in the FY 09/10 Strategic Plan to City Commission Standing Committees and the CRA to give elected officials the opportunity to receive updates on the progress of each strategic initiative and give policy guidance on the implementation of the strategic plan throughout the year.

This Strategic Initiative was most recently discussed at the June 28 and August 28, 2012 Public Safety Committee meetings which included representatives of the Child Advocacy Center. The main focus of this Strategic Initiative is the creation of a Family Safety Center. The August 28 Committee meeting led to a discussion of possible future uses of the old US Army Reserve Property on NE 8th Avenue. Representatives of the Child Advocacy Center expressed interest in potential use of the US Army Reserve Property as a joint agency Family Safety Center.

Commissioner Randy Wells attended the August 28 Committee meeting and was able to provide background on the US Army Reserve property. Commissioner Wells first raised the issue of potential City acquisition of the old US Army Reserve property. It was subsequently determined that the property was originally a City-owned property before being transferred to the federal government in 1950 with a reverter clause that the property would return to the City if no longer needed by the federal government. The federal government has communicated its intent to transfer the property back to the City.

City staff has been pursuing environmental assessment of the property and is determining the annual cost for basic maintenance. City staff expects to bring an agenda item to the City Commission in the near future regarding acceptance of the property back into City ownership. Commissioner Wells also updated the Committee on his thoughts for engaging nearby neighborhoods to establish criteria for future use of the Armory space. The City Commission previously endorsed Commissioner Wells' idea of holding a Neighborhood Visioning Session regarding the future of the property. There is also an existing referral in the Recreation, Cultural Affairs and Public Works Committee related to the US Army Reserve property.

Fiscal Note: There is no fiscal impact at this time. Annual costs for basic maintenance of the US Army Reserve property in its current condition will be provided as part of a future agenda item the agenda item.

RECOMMENDATION

The City Commission: 1) identify community issues, concerns, and recommended criteria for future use of the US Army Reserve property; 2) solicit input from City Commissioners on criteria for future use of the property; 3) request that City staff develop criteria for rating and approving uses of the property; and 4) direct City staff to work with the Child Advocacy Center to research possible use of Community Development Block Grant funding.

Legislative History

10/2/08	City Commission	Referred	Public Safety Committee
1/26/09	Public Safety Committee	Discussed	
3/31/11	Public Safety Committee	Discussed	
6/28/12	Public Safety Committee	Discussed	
8/28/12	Public Safety Committee	Discussed	

- 080472_Strglnit3.4_20090126.pdf
- 080472a_S11.21stQtlyUpdate20110331.pdf
- 080472b_S1Goalsfor2011_20110331.pdf

120063.

Request To Increase Trespass Towing Rates (B)

This item requests the City Commission consider raising the Trespass

Towing Rates for the upcoming year (2013).

MODIFICATION - Additional back-up submitted.

Explanation: In accordance with Section 14.5-30 of the Code of Ordinances of the City of Gainesville, the City Manager must receive requests to adjust trespass towing rates by September 30th of each year. The City Commission has the sole authority of establishing towing rates.

On June 1, 2012 the City Manager received an email from Ultimate Towing requesting an increase in their maximum trespass towing rates.

Current trespass towing rates are Class 1 through 2 Light Duty vehicles \$76, Class 3 through 6 Medium Duty Vehicles \$133, and Class 7 through 8 Heavy Duty Vehicles \$288.

The requested increase by Ultimate Towing is Class 1 through 2 Light Duty vehicles \$100.

The last request to increase towing rates came to the City in the fall of 2007. The request was denied by the Public Safety Committee and the City Commission because the towing companies backup did not support the request. It was recommended at that time that companies bring documentation giving the specific breakdown of how many tows they do locally and what percentage their insurance, gas and, expenses have increased in the past year.

At the June 21, 2012 City Commission Meeting this request was referred to the Public Safety Committee for discussion.

On August 28, 2012 the PSC discussed this request and heard from the companies in Gainesville that perform Trespass (Roam) Towing on their increases in operational costs. At that meeting the vote was 2-1 to recommend the City Commission raise the Trespass Towing rate from \$76 to \$84 for Class 1 and Class 2 light vehicles.

RECOMMENDATION

The City Commission: 1) authorize the City Attorney's Office to draft a resolution to increase the Trespass Towing rates from \$76 to \$84 for Class 1 and Class 2 light vehicles; and 2) remove this item from the Public Safety Committee's referral list.

Legislative History

6/21/12	City Commission	Approved as Recommended (6 - 0 - 1 Absent)	
6/21/12	City Commission	Referred	Public Safety Committee
8/28/12	Public Safety Committee	Discussed	

120063_TowingRateEmail_20120621.pdf
 120063a_BrevardCoTowOrd_20120828.pdf
 120063b_OsceolaCoTowRes_20120828.pdf
 120063c_VolusiaCoTwoOrd_20120828.pdf
 120063d_MOD_AddTowRatesBackup_20120920.pdf

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)****PROCLAMATIONS/SPECIAL RECOGNITIONS****120351.****Lesbian, Gay, Bisexual and Transgender Pride Days - September 21-30, 2012 (B)**

RECOMMENDATION *Pride Community Center of North Central Florida
Terry Fleming to accept the proclamation.*

120351_LGBTDays_20120920.pdf

120352.**Sons of the American Revolution Constitution Week - September 16-22, 2012 (B)**

RECOMMENDATION *Gainesville Chapter Sons of the American Revolution
Past President Ray M. Davis, Jr. to accept the
proclamation.*

120352_Constitution_20120920.pdf

120361.**City Attorney, Marion J. Radson Day - September 20, 2012 (B)**

RECOMMENDATION *City Attorney, Marion J. Radson to accept the
proclamation.*

120361_MarionRadson_20120920.pdf

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

PUBLIC HEARINGS**120270.****FINAL MILLAGE RATE - FISCAL YEAR 2012-2013 (B)****Resolution No. 120270**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA; RELATING TO THE LEVY OF GENERAL MUNICIPAL PURPOSE AD VALOREM TAXES FOR THE 2012-2013 FISCAL YEAR; ADOPTING THE FINAL MILLAGE RATE; DIRECTING THE TRANSMITTAL OF CERTIFIED COPIES; AUTHORIZING A SPECIFIED ADJUSTMENT TO THE FINAL MILLAGE RATE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Explanation: The City Commission is required by Florida Law to adopt a final millage rate to fund the budget for FY 2012-2013.

RECOMMENDATION

The City Commission adopt the proposed resolution.

120270_final millage resolution_20120920.pdf

120271.**FINAL GENERAL GOVERNMENT BUDGET - FISCAL YEAR 2012-2013 (B)****Resolution No. 120271**

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, 2012 AND ENDING SEPTEMBER 30, 2013; ADOPTING THE GENERAL GOVERNMENT FINANCIAL AND OPERATING PLAN BUDGET; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Explanation: The proposed General Government Budget for Fiscal Year 2012-2013 as set forth in the Adopted Financial and Operating Plan Budget by Funds is hereby submitted as prepared by the Budget and Finance Department.

RECOMMENDATION

The City Commission adopt the proposed resolution.

120271_Final GG Budget resolution_20120920.pdf

120277.**FINAL GAINESVILLE REGIONAL UTILITIES BUDGET (B)****Resolution No. 120277**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA, RELATING TO THE FINAL BUDGET FOR THE CITY OF GAINESVILLE REGIONAL UTILITIES FOR THE

FISCAL YEAR BEGINNING OCTOBER 1, 2012 AND ENDING SEPTEMBER 30, 2013; PROJECTING REVENUES AND ADOPTING A FINAL BUDGET TO PAY FOR PERSONAL SERVICES EXPENSES, OPERATING AND MAINTENANCE EXPENSES AND OTHER EXPENSES FOR CAPITAL OUTLAY, AND FOR DEBT SERVICE REQUIREMENTS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Explanation: The proposed resolution adopts a final budget for the City of Gainesville Regional Utilities for the fiscal year beginning October 1, 2012 and ending September 30, 2013, to pay for personal services expenses, operating and maintenance expenses and other expenses for capital outlay and for debt service requirements. The proposed resolution is submitted for adoption by the City Commission. All changes will be effective October 1, 2012.

RECOMMENDATION *The City Commission adopt the proposed resolution.*

120277_Final GRU budget resolution_20120920.pdf

RESOLUTIONS- ROLL CALL REQUIRED

120107.

RESOLUTION OPPOSING THE "FIX OUR ROADS" .75% (3/4 CENT) TRANSPORTATION SALES SURTAX (B)

Resolution No. 120107

A Resolution of the City Commission of the City of Gainesville, Florida, Opposing the "Fix Our Roads" .75% (3/4 cent) Transportation Sales Surtax Proposed by the Alachua County Board of County Commissioners for the November 6, 2012 general election ballot; urging the citizens of the City of Gainesville to vote "Against" this referendum because it would unfairly tax Gainesville residents, and not return a proportionate share of tax monies to the City to address its transportation needs; and providing an immediate effective date.

Explanation: The City Commission, at its meeting of June 21, 2012 directed the City Attorney to prepare the proposed Resolution Opposing the Fix Our Roads".75% (3/4 cent) Transportation Sales Surtax proposed by the Alachua County Board of County Commissioners for the November 6, 2012 general election ballot.

RECOMMENDATION *The City Commission adopt the proposed Resolution.*

Legislative History

6/21/12 City Commission Approved as shown above (See Motion) (6 - 0 - 1
Absent)

120107_Agreement_20120621.pdf

120107_draft resolution_10120920.pdf

120301.

Resolution for a Joint Participation Agreement - Service Development Funds for Regional Transit Service (RTS) Route 76 (B)

This item is a request for a Resolution authorizing the City Manager to execute a Joint Participation Agreement between the City of Gainesville and the Florida Department of Transportation (FDOT) to receive Service Development Funds for the operation of new Route 76.

Explanation: FDOT allocates service development funds to transit agencies each year. The allocations are given at FDOT discretion on a competitive basis for agency projects that meet FDOT Service Development Grant (SDG) criteria.

This new fixed-route, Route 76, will provide transit service from southwest Gainesville to the Oaks Mall and the Santa Fe College (SFC) northwest campus. The objective of this route is to increase north-south transit connections, improve service connectivity between two (2) major destinations, decrease parking demand at SFC and decrease traffic congestion throughout southwest Gainesville. This route will operate during weekdays only from approximately 7:30 a.m. to 5:30 p.m. The SFC Student Transportation Fee will provide the fifty percent (50%) local match funds to operate this route.

FDOT requires the governing board of each public transit system to adopt a resolution authorizing the acceptance of these funds.

Fiscal Note: This Joint Participation Agreement requires the City of Gainesville to match funding in the amount of \$65,000 for operating costs. Matching funds are allocated in the RTS FY12-13 operating budget.

RECOMMENDATION *The City Commission adopt the Resolution.*

120301A_MAP_20120920.pdf

120301B_RESOLUTION_20120920.pdf

120354.

Resolution Authorizing and Approving the purchase of 60 acres from the Suwannee River Water Management District (B)

This item involves the adoption of a Resolution Authorizing and Approving the purchase of 60 acres commonly known as Buck Bay Recreation Area from the Suwannee River Water Management District.

MODIFICATION - Withdraw from the agenda.

Explanation: The Suwannee River Water Management District (District) owns 60 acres of property, commonly known as the Buck Bay Recreation Area, north of Gainesville, on State Road 121 in Alachua County, Florida. In July 2004 a representative from the District approached Parks, Recreation and Cultural Affairs Department about leasing the 60-acre tract of land that borders SR 121 and runs along NW 102 Place to the City for the use as a potential recreational park. The District indicated this long-term lease would allow the City of Gainesville to pursue active recreational fields. Staff did a site assessment on the land and met both with the District and citizens to discuss potential recreational development. A 50-year Lease Agreement was approved on July 10, 2006. The conditions of the lease provided the City with the First Right of Refusal should the District declare Buck Bay Recreation Area as surplus and

gave the City the option to purchase the property at the fair market value.

On June 21, 2011, staff of the District recommended to the Governing Board to declare the property as surplus as it was no longer needed for conservation purposes. On June 29, 2011, the City received notification from the District that the property had been declared as surplus and District staff was authorized to begin discussions with the City for conveyance of the property. On May 29, 2012, the District received an opinion of value from Real Property Analyst, Inc., Robert Sutte, MAI, of \$186,000 for the property. The City Manager recommended a purchase option consisting of a fifteen year promissory note at one percent for the fair market value as provided in the draft contract negotiated by City and District staff.

On August 2, 2012, the City Commission approved Resolution No. 120216 for purchase of the property consistent with the draft contract negotiated by City staff. On August 14, 2012, the District Governing Board considered but did not accept the City's offer stating a preference for payment in full at closing. The City Manager has executed and transmitted to the District a contract for the purchase that offers payment in full at closing, contingent upon approval of the contract by the City Commission.

Fiscal Note: Funding is available to cover the full cost of purchasing the property in the Greenspace Acquisition Fund. There are no restrictions on using Greenspace Acquisition funds for purchase of a property envisioned for active recreation, although in recent years the funds have been primarily used for the purchase of conservation lands. The City Commission could choose to fund the acquisition from the Greenspace Acquisition Fund without repayment or choose to provide annual repayments from the General Fund over a ten year period, or some other repayment schedule, to replenish the funds used and make them available for future conservation land acquisition.

RECOMMENDATION

The City Commission: 1) adopt the Resolution; 2) confirm payment for purchase of the property from the Greenspace Acquisition Fund and determine if the Commission would like to establish a repayment schedule, and 3) authorize the City Manager to execute all documents associated with the acquisition of the 60 acres commonly known as Buck Bay Recreation Area from the Suwannee River Water Management District, subject to approval by the City Attorney as to form and legality.

120354_Resolution_20120920.pdf

ADOPTION READING-ROLL CALL REQUIRED

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

120167.**NATURAL GAS RATES (B)****Ordinance No. 120167**

AN ORDINANCE OF THE CITY OF GAINESVILLE, FLORIDA, AMENDING APPENDIX A, SECTION UTILITIES (5) NATURAL GAS OF THE GAINESVILLE CODE OF ORDINANCES BY AMENDING RESIDENTIAL SERVICE RATES; DELETING INTERRUPTIBLE SERVICE RATES; AMENDING LARGE VOLUME INTERRUPTIBLE SERVICE RATES; PROVIDING A REPEALING CLAUSE; PROVIDING DIRECTIONS TO THE CODIFIER; PROVIDING A SEVERABILITY CLAUSE; AND, PROVIDING AN IMMEDIATE EFFECTIVE DATE IN ACCORDANCE WITH THE SCHEDULE PROVIDED HEREIN.

Explanation: In the Proposed Budget for the Combined Utilities System, the General Manager made a recommendation to decrease residential gas rates, delete interruptible service rates and amend large volume interruptible service rates.

The rate changes will be applied to bills rendered after 12:01 A.M., October 1, 2012.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

9/10/12 City Commission Adopted on First Reading (Ordinance) (7 - 0)

120167_GRU Rates_20120910.pdf

120168.**WATER SERVICE FEES AND CHARGES (B)****Ordinance No. 120168**

AN ORDINANCE OF THE CITY OF GAINESVILLE, FLORIDA, AMENDING APPENDIX A, SECTION UTILITIES (3) WATER, OF THE GAINESVILLE CODE OF ORDINANCES BY INCREASING INSPECTION SERVICE FEES; INCREASING WATER MAIN TAPPING CHARGES; INCREASING METER INSTALLATION CHARGES; INCREASING BASE RATES FOR SERVICE; INCREASING WATER TRANSMISSION, DISTRIBUTION AND WATER TREATMENT PLANT CONNECTION CHARGES; INCREASING STANDBY FIRE LINE CHARGES; PROVIDING A REPEALING CLAUSE; PROVIDING DIRECTIONS TO THE CODIFIER; PROVIDING A SEVERABILITY CLAUSE; AND, PROVIDING AN IMMEDIATE EFFECTIVE DATE IN ACCORDANCE WITH THE SCHEDULE PROVIDED HEREIN.

Explanation: In the Proposed Budget for the Combined Utilities System, the General Manager made a recommendation to increase inspection service fees, water main tapping fees, meter installation charges, water base rates, and water transmission, distribution and water treatment plant connection charges, and increasing standby fire line charges.

The rate changes will be applied to bills rendered after 12:01 A.M., October 1, 2012.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

9/10/12 City Commission Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)
120168_GRU Rates_20120910.pdf

120169.

WASTEWATER BASE RATES AND CHARGES (B)

Ordinance No. 120169

AN ORDINANCE OF THE CITY OF GAINESVILLE, FLORIDA, AMENDING APPENDIX A, SECTION UTILITIES (4) SEWERAGE OF THE GAINESVILLE CODE OF ORDINANCES BY INCREASING WASTEWATER BASE RATES; INCREASING CONNECTION AND INSPECTION CHARGES; PROVIDING A REPEALING CLAUSE; PROVIDING DIRECTIONS TO THE CODIFIER; PROVIDING A SEVERABILITY CLAUSE; AND, PROVIDING AN IMMEDIATE EFFECTIVE DATE IN ACCORDANCE WITH THE SCHEDULE PROVIDED HEREIN.

Explanation: In the Proposed Budget for the Combined Utilities System, the General Manager made a recommendation to increase wastewater base rates, inspection service fees and connection charges.

The rate changes will be applied to bills rendered after 12:01 A.M., October 1, 2012.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

9/10/12 City Commission Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)
120169_GRU Rates_20120910.pdf

120170.

INTERRUPTIBLE SERVICE DEFINITION (B)

Ordinance No. 120170

AN ORDINANCE OF THE CITY OF GAINESVILLE, FLORIDA, AMENDING CHAPTER 27, SECTION 27-271, OF THE GAINESVILLE CODE OF ORDINANCES BY DELETING INTERRUPTIBLE SERVICE DEFINITION; AMENDING LARGE VOLUME INTERRUPTIBLE SERVICE DEFINITION; PROVIDING A REPEALING CLAUSE; PROVIDING DIRECTIONS TO THE CODIFIER; PROVIDING A SEVERABILITY CLAUSE; AND, PROVIDING AN IMMEDIATE EFFECTIVE DATE IN ACCORDANCE WITH THE SCHEDULE PROVIDED HEREIN

Explanation: In the Proposed Budget for the Combined Utilities System, the General Manager recommended to delete the definition of Interruptible Service, and amend the definition of Large Volume Interruptible Service in Chapter 27. The City Commission authorized the preparation and advertising of this ordinance.

The rate changes will be applied to bills rendered after 12:01 A.M., October 1, 2012.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

9/10/12 City Commission Adopted on First Reading (Ordinance) (7 - 0)

120170_GRU Rates_20120910.pdf

120170_dian_deevey_citizen_20120910.pdf

110864.

LAND DEVELOPMENT CODE - STORMWATER MANAGEMENT (B)

Ordinance No. 110864; Petition No. PB-12-20 TCH

An ordinance of the City of Gainesville, Florida, amending the Land Development Code; by amending Section 30-270 Stormwater management generally; erosion and sediment control; design and maintenance of facilities to make it consistent with the Stormwater Management Element of the City of Gainesville Comprehensive Plan regarding the use and design of stormwater management facilities; 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 amends Section 30-270 of the Land Development Code related to Stormwater management to make it consistent with the updated Stormwater Management Element of the Comprehensive Plan that was adopted on January 19, 2012, by Ordinance No. 110172.

Amendments include:

- 1. Remove references to the 25-year, critical duration storm and replace with the 100-year, critical duration storm, which is the adopted level of service;*
- 2. Allow for the use of off-site stormwater facilities to meet stormwater quality and/or quantity standards;*
- 3. Add a new construction design requirement to provide opportunities for joint use of retention and detention basins for habitat, open space, passive recreation, and trails;*
- 4. Add a new construction design requirement that the design of stormwater management facilities shall minimize the need for maintenance.*

Public notice was published in the Gainesville Sun on March 6, 2012. On March 22, 2012, the City Plan Board held a public hearing and, by a vote of 7-0, recommended approval of the petition.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings. Should this ordinance pass on first reading, second and final reading will be held on September 20, 2012.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

9/6/12 City Commission Approved (Petition) and Adopted on First Reading
(Ordinance) (5 - 0 - 2 Absent)

110864_draft ordinance_20120906.pdf
110864B_staff report_20120906.pdf
110864C_Comp Plan GOPs_20120906.pdf
110864D_Application_20120906.pdf
110864E_CPB minutes_20120906.pdf
110864E_CPB minutes_20120906.pdf
110864F_staff ppt_20120906.pdf

110866.

HAWLEY 39TH AVENUE PLANNED DEVELOPMENT (B)

Ordinance No. 110866; Petition No. PB-12-08 PDA

An ordinance of the City of Gainesville, Florida, amending the Planned Development commonly known as "Hawley 39th Avenue Planned Development" located in the vicinity of 4405 NW 39th Avenue; by amending City of Gainesville Ordinance No. 050254 to provide for additional parking; by providing a severability clause; and providing an immediate effective date.

Explanation: This ordinance amends the Planned Development ordinance for a parcel located at 4405 NW 39th Avenue to allow additional parking. The PD for the parcel was approved by the City Commission on July 24, 2006, as Ordinance No. 050254.

The PD ordinance allows a variety of commercial, office and retail uses, including a restaurant. The PD was amended on August 21, 2008 to extend its expiration date. A development plan, Petition 38SPL-07DB, for a restaurant was approved in 2009; the project was constructed and commenced operation on August 23, 2011.

After the restaurant commenced operation, its success resulted in a noticeable deficiency in parking and the need for additional parking spaces. The applicant indicated that they attempted valet parking, leased parking, shared parking, joint parking and reconfiguration of the parking but the options were not successful. This amendment to the PD ordinance expands the vehicular use area to allow an increased number of parking spaces.

The proposed amendment will maintain the essential elements of the PD ordinance as it relates to conformance with the Comprehensive Plan and Land Development Code imposes additional conditions to:

- 1. Maintain compatibility with the adjacent residential development immediately west of the subject property.*
- 2. Maintain safe and efficient ingress/egress and the flow of traffic to the site by all developments with access rights.*
- 3. Ensure that the proposal remains consistent with Policy 1.6.1 of the Concurrency Management Element of the Comprehensive Plan.*
- 4. Provide a time limit on the construction of the additional parking spaces.*

Public notice was published in the Gainesville Sun on March 6, 2012. On March 22, 2012, the City Plan Board, by a vote of 7-0, recommended approval of the petition. On May 17, 2012, the City Commission approved the Petition, by a vote of 7-0.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings. Should this ordinance pass on first reading, second and final reading will be held on September 20, 2012.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

5/3/12	City Commission	Continued (Petition) (7 - 0)
5/17/12	City Commission	Approved (Petition) with Conditions (7 - 0)
9/6/12	City Commission	Adopted on First Reading (Ordinance) (5 - 0 - 2 Absent)

110866A_cpb recommended conditions_20120503.pdf
 110866B_staff report_20120503.pdf
 110866C__TRC comments_20120503.pdf
 110866D_required maps submitted with PD-20120503.pdf
 110866E_supplemental documents_20120503.pdf
 110866F_references from the LDC-20120503.pdf
 110866G_maps_20120503.pdf
 110866H_cpb minutes_20120503.pdf
 110866I_staff ppt_20120503.pdf
 110866A_cpb recommended conditions_20120517.pdf
 110866B_staff report_20120517.pdf
 110866C__TRC comments_20120517.pdf
 110866D_required maps submitted with PD-20120517.pdf
 110866E_supplemental documents_20120517.pdf
 110866F_references from the LDC-20120517.pdf
 110866G_maps_20120517.pdf
 110866H_cpb minutes_20120517.pdf
 110866I_staff ppt_20120517.pdf
 110866_MOD_draft_ord_20120906.pdf

110888.**DEVELOPMENT ORDER AND BUILDING PERMIT EXTENSIONS (B)****Ordinance No. 110888**

An ordinance of the City of Gainesville, Florida, establishing administrative procedures, requirements and limitations to carry out the development order and building permit extensions authorized by Section 252.363, Florida Statutes; providing a severability clause; and providing an immediate effective date.

Explanation: On July 1, 2011, Section 252.393, Florida Statutes, titled "Tolling and extension of permits and other authorizations" became law. This Statute states that the declaration of a state of emergency by the Governor tolls the period remaining to exercise the rights under certain permits and development orders for the duration of the emergency plus an additional 6 months.

On July 19, 2012, the City Commission directed the City Attorney to prepare an ordinance to establish administrative procedures to carry out the development order and building permit extensions authorized by Section 252.363, Florida Statutes, just as the City has done with other statutory created extensions.

Should the City Commission pass this ordinance on first reading, second and final reading will be held on September 20, 2012.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

7/19/12	City Commission	Approved as Recommended (5 - 0 - 2 Absent)
9/6/12	City Commission	Adopted on First Reading (Ordinance) (5 - 0 - 2 Absent)

110888A_Section 252.363 Florida Statutes_20120719.pdf

110888_draft ordinance_20120906.pdf

120001.**LAND DEVELOPMENT CODE - LEVELS OF SERVICE STANDARDS AND WATER AND WASTEWATER FACILITIES (B)****Ordinance No. 120001; Petition No. PB-12-37 TCH**

An ordinance of the City of Gainesville, Florida, amending the Land Development Code; by amending Section 30-35 Level of service standards and Section 30-271 Centralized water and wastewater facilities for consistency with the Potable Water & Wastewater, Recreation, Solid Waste, and Stormwater Management Elements of the City of Gainesville Comprehensive Plan; 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 amends the Land Development Code of the City of Gainesville

so that it is consistent with the following recently updated Elements of the City's Comprehensive Plan: Potable Water & Wastewater, Recreation, Solid Waste, and Stormwater Management. The updated Potable Water & Wastewater Element was adopted by Ordinance No. 110249 on January 5, 2012. The updated Solid Waste Element (Ordinance No. 110171) and the Stormwater Management Element (Ordinance No. 110172) were adopted on January 19, 2012. The updated Recreation Element was adopted by Ordinance No. 110608 on May 17, 2012.

The proposed text amendments to Chapter 30 pertain to various level of service requirements, and to requirements regarding the provision of centralized potable water systems, centralized wastewater systems, and water supply.

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.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings. Should this ordinance pass on first reading, second and final reading will be held on Thursday, September 20, 2012.

RECOMMENDATION The City Commission adopt the proposed ordinance.

Legislative History

9/6/12 City Commission Approved (Petition) and Adopted on First Reading
(Ordinance) (5 - 0 - 2 Absent)

120001A_draft ordinance_20120906.pdf
120001B_staff report_20120906.pdf
120001C_comp plan GOPs_20120906.pdf
120001D_application_20120906.pdf
120001E_cpb minutes_20120906.pdf
120001F_staff ppt_20120906.pdf

120129.

DEVELOPMENT ORDER AND BUILDING PERMIT EXTENSIONS (B)

Ordinance No. 120129

An ordinance of the City of Gainesville, Florida, establishing administrative procedures, requirements and limitations to carry out the development order and building permit extensions authorized by House Bill 503, now known as Chapter 2012-205, Laws of Florida; providing a severability clause; and providing an immediate effective date.

Explanation: On May 4, 2012, the Governor signed House Bill 503 (now Chapter 2012-205, Laws of Florida) (HB 503) into law and it became effective on July 1, 2012. While HB 503 covers many diverse environmental issues, this ordinance is limited to the sections of HB 503 that provide for additional 2-year extensions to local permits, in addition to the extensions granted by 2009's Senate Bill 360 (SB 360), 2010's Senate Bill 1752 (SB 1752), and 2011's House Bill 7207 (HB

7207). Under HB 503, holders of permits with an expiration date of January 1, 2012 through January 1, 2014, have until December 31, 2012, to extend and renew their permit for a period of 2 years from its current date of expiration. Provided, however, that the total of extensions granted under SB 360, SB 1752, HB 7207 or this HB 503 do not exceed a total of four years.

On July 19, 2012, the City Commission directed the City Attorney to prepare an ordinance to establish administrative procedures to carry out the development order and building permit extensions authorized by HB 503, just as the City did previously with SB 360, SB 1752, and HB 7207.

Should the City Commission pass this ordinance on first reading, second and final reading will be held on September 20, 2012.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

7/19/12	City Commission	Approved as Recommended (5 - 0 - 2 Absent)
9/6/12	City Commission	Adopted on First Reading (Ordinance) (5 - 0 - 2 Absent)

120129A_Chapter 2012-205 Laws of Florida_20120719.pdf

120129A_draft ordinance_20120906.pdf

120211.

WATER AND SEWERAGE AMENDMENTS (B)

Ordinance No. 120211

AN ORDINANCE OF THE CITY OF GAINESVILLE, FLORIDA, AMENDING CHAPTER 27, DIVISION 3, SEWERAGE, OF THE GAINESVILLE CODE OF ORDINANCES; BY AMENDING SECTION 27-180, "PRETREATMENT PROGRAM - GENERALLY", RELATING TO OBJECTIVES AND IMPLEMENTATION; AMENDING SECTION 27-180.1 "SAME - PROHIBITED SUBSTANCES" RELATING TO STANDARDS AND REQUIREMENTS; AMENDING SECTION 27-180.3, "SAME - PERMITTING" RELATING TO REQUIREMENTS FOR INDUSTRIAL WASTES; AMENDING SECTION 27-180.4 "SAME - MONITORING, REPORTING AND NOTIFICATION", RELATING TO SEMI-ANNUAL COMPLIANCE REPORTS; AMENDING SECTION 27-180.5 "SAME - PRETREATMENT FACILITIES AND MONITORING EQUIPMENT" RELATING TO OPERATING PROCEDURES FOR HANDLING HARMFUL WASTE; AMENDING SECTION 27-180.6 "SAME - ACCIDENTAL DISCHARGE/SLUG PREVENTION" RELATING TO PROCEDURES FOR SLUG DISCHARGE; AMENDING SECTION 27-180.7 "SAME - ENFORCEMENT" RELATING TO COMPLIANCE AND INSPECTIONS; AMENDING SECTION 27-180.8 "SAME - REGULATION OF WASTEWATER RECEIVED FROM OTHER JURISDICTIONS" RELATING TO INTER-JURISDICTIONAL AGREEMENTS; PROVIDING A REPEALING CLAUSE; PROVIDING DIRECTIONS TO THE CODIFIER; PROVIDING A SEVERABILITY CLAUSE; AND, PROVIDING AN IMMEDIATE EFFECTIVE DATE IN ACCORDANCE WITH THE SCHEDULE PROVIDED HEREIN.

Explanation: The ordinance revision is required by the Florida Department of Environmental Protection (FDEP) due to changes in 40 CFR 403 made by EPA at the federal level and subsequent changes made in FAC 62-625 by FDEP. The changes in the rule at the federal level are called the Pretreatment Streamlining Rule.

The purpose of the Pretreatment Streamlining Rule is to provide flexibility for dealing with some industrial users that, although they are regulated under federal rules, do not have a significant impact on wastewater collection systems.

In addition to the Pretreatment Streamlining Rule changes, FDEP directed GRU to make some other changes in Section 27-180. Most of the changes add detailed language to ensure compatibility between the City Ordinance and the state rules found in FAC 62-625, but those changes should not significantly change how the GRU pretreatment program is administered.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

8/2/12 City Commission Approved as Recommended (7 - 0)
9/6/12 City Commission Adopted on First Reading (Ordinance) (5 - 0 - 2 Absent)

120211_factsheet_20120802.pdf
120211_fdepltr_20120802.pdf
120211_permitltr_20120802.pdf
120211_requirements_20120802.pdf
120211_PPT_20120802.pdf
120211_GRU 27-180 amendment_20120906.pdf

120261.

CHAPTER 27-96 AMENDMENTS RELATING TO WATER AND SEWERAGE (B)

Ordinance No. 120261

AN ORDINANCE OF THE CITY OF GAINESVILLE, FLORIDA, AMENDING CHAPTER 27 OF THE GAINESVILLE CODE OF ORDINANCES RELATING TO WATER AND SEWERAGE; AMENDING SECTION 27-96 OF THE CODE OF ORDINANCES BY CREATING AND AMENDING CERTAIN DEFINITIONS AS MORE SPECIFICALLY SET FORTH IN THE ORDINANCE; PROVIDING A REPEALING CLAUSE; PROVIDING DIRECTIONS TO THE CODIFIER; PROVIDING A SEVERABILITY CLAUSE; AND, PROVIDING AN IMMEDIATE EFFECTIVE DATE IN ACCORDANCE WITH THE SCHEDULE PROVIDED HEREIN.

Explanation: The ordinance revision is required by the Florida Department of Environmental Protection (FDEP) due to changes in 40 CFR 403 made by EPA at the federal level and subsequent changes made in FAC 62-625 by FDEP. FDEP referred GRU to the latest version of the EPA Model Pretreatment Ordinance and to FAC 62-625 to make changes to Sec 27-96 (Definitions) and Sec 27-180.

Changes to Sec 27-96 (Definitions) are required to support revisions being made to Sec 27-180.

Drafts of both revised Sections 27-96 and 27-180 were submitted and approved by FDEP in April 2012.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

9/6/12 City Commission Adopted on First Reading (Ordinance) (5 - 0 - 2 Absent)

120261_GRU 27-96 amendment_20120906.pdf

PLAN BOARD PETITIONS

120309.

Rezone property from I-1 (Limited industrial district) to BI (Business industrial district) (B)

Petition PB-12-74ZON. Eng, Denman and Associates, agent for Access Self Storage SE, LLC; Davis M. Rembert, Jr., trustee; Northwest Park, LLC; W.G. Johnson, Jr., and Turkey Creek, Inc. Rezone property from I-1: Limited industrial district to BI: Business industrial district. Located in the 6600 block of State Road 121.

Explanation: This is a request to rezone the following six tax parcels from I-1 (Limited industrial district) to BI (Business industrial district): 7878-007-000, 7878-007-001, 7879-000-000, 7879-001-000, 7879-068-004, and 7879-068-005. These six tax parcels represent a combined total of 41 (MOL) acres that extend from the north side of Northwest 67th Place to the railroad/U.S. Highway 441 (Northwest 13th Street) right-of-way on the south. Four of the six tax parcels (i.e., 7878-007-000, 7878-007-001, 7879-000-000, and 7879-001-000) are located on the east side of State Road 121 in the area of the Northwest Industrial Park. The remaining two tax parcels (i.e., 7879-068-004, 7879-068-005) are located on the west side of State Road 121 at the entrance to the Northwood Commercial Park.

The BI zoning district was adopted in 2009 to implement the business employment center concept of Plan East Gainesville on the Alachua County fairgrounds property near the airport, as well as some areas of the City that are currently zoned I-1 (Limited industrial district). As a result, this zoning district is designed to accommodate developments that include a variety of uses that are compatible with the airport and physically proximate to one another, without making existing businesses non-conforming. The allowable uses in the BI zoning district include, but are not limited to, office, business, retail, research and development, and light industry. The BI zoning district is intended to give employees access to goods and services without having to leave the business employment center, which reduces the number of external trips. This zoning district is also intended to facilitate a more compact and efficient use of land, and to create a strong business environment.

The six tax parcels have an industrial land use classification, which controls the intensity of development with land development regulations that limit building height to 5 stories or less and require buildings to face the street. The six tax parcels are also located within the tertiary wellfield protection zone of the Murphree Wellfield, which will require the location, design and methods of operation of uses on each parcel to comply with the Alachua County Murphree Wellfield Management Code.

Public notice was published in the Gainesville Sun on July 10, 2012. Letters were mailed to surrounding property owners on July 10, 2012.

The City Plan Board considered the above-referenced petition, at a public hearing held July 26, 2012. By a vote of 7 - 0, the City Plan Board approved Petition PB-12-74 ZON.

Fiscal Note: None

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition PB-12-74 ZON.

Staff to City Plan Board - Approve Petition PB-12-74 ZON.

Alternate Recommendation

The City Commission deny Petition PB-12-74 ZON.

120309A_staff report_20120920.pdf
120309B_Comp Plan GOPs_20120920.pdf
120309C_LDC_20120920.pdf
120309D_supplemental docs_20120920.pdf
120309E_application_workshop info_20120920.pdf
120309F_CPB minutes_20120920.pdf
120309G_staff ppt_20120920.pdf
120309_petition_20120920.pdf

DEVELOPMENT REVIEW BOARD PETITIONS

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)