

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Meeting Agenda - Final

July 18, 2013

1:00 PM

MODIFIED AGENDA

City Hall Auditorium

City Commission

Mayor Ed Braddy (At Large)
Commissioner 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)
Mayor-Commissioner Pro Tem 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**

[130035.](#)

The Center for Children's Law and Policy Racial and Ethnic Disparities Reduction Project (B)

This is a request for City Commission approval for the Gainesville Police Department to participate in a partnership with the Office of Juvenile Justice and Delinquency Prevention (OJJDP).

Explanation: The Gainesville Police Department and Juvenile Justice Stakeholders in Alachua County have been selected to participate in a partnership with the Office of Juvenile Justice and Delinquency Prevention (OJJDP), The Center for Children's Law and Policy (CCLP) and the John D. and Catherine T. MacArthur Foundation to eliminate racial and ethnic disparities in the juvenile justice system.

Fiscal Note: CCLP will enter into a two-year direct contract with the Gainesville Police Department for staff support and other costs associated with implementation of data collection and analysis and other strategies that will contribute to the success of the project. The contract amount will be \$60,000. The Center for Children's Law and Policy will provide on-site and remote technical assistance during the contract period to support the planning and implementation of Disproportionate Minority Contact reduction strategies. Grant funding for this initiative will provide support for the development of officer training, exploration of diversion options for juveniles as well as an examination of those policies, practices and

procedures currently in use in Gainesville and Alachua County.

RECOMMENDATION

The City Commission authorize the City Manager to accept the contract from the Center for Children's Law and Policy in the amount of \$60,000 to support the planning and implementation of Disproportionate Minority Contact reduction strategies by the Gainesville Police Department and Juvenile Justice Stakeholders in Alachua County, subject to approval by the City Attorney as to form and legality.

Alternative Recommendation

The City Commission decline participation in the partnership and advise staff to not accept the contract from the Center for Children's Law and Policy Center.

[130035_CenterForChildrensLawAndPolicyAgreement_20130718](#)

[130053.](#)

Grant Application for Tourist Product Development (TPD) Capital Grant Project, Improving Bo Diddley Plaza Sound System (NB)

This item requests approval by the City Commission for the Department of Parks, Recreation and Cultural Affairs (PRCA) to accept the TPD Capital Grant if awarded.

Explanation: The Tourist Product Development (TPD) Capital Construction grant program provides funding to local public or not-for-profit organizations to build, renovate, enhance, expand and/or repair a facility that is directly targeted to growing the tourism economy in Alachua County. Projects can be awarded up to \$25,000 and they have eighteen months to complete the project. This application proposes to enhance the Bo Diddley Community Plaza Stage Sound System in conjunction with other Plaza improvement efforts by the Community Redevelopment Agency (CRA). CRA's improvements include items such as the addition of a greenroom, redesign of the north side "face" or entrance to the Plaza, which are intended to improve safety, visibility, presentation, and quality of performance spaces. The City utilizes Bo Diddley Plaza for such popular events and tourist draws as the Downtown Festival and Art Show, Free Fridays concerts, Jest Fest!, and New Year's Eve Countdown.

Fiscal Note: No matching funds are required; however, priority will be given to capital projects that have matching funds. Dedicated CRA Plaza improvement funds are being shown as a match.

RECOMMENDATION

The City Commission: 1) authorize the Parks, Recreation and Cultural Affairs Department to accept the grant if awarded; and 2) authorize the

City Manager or designee to execute any grant related documents, subject to approval by the City Attorney as to form and legality.

[130075.](#)

Interlocal Agreement with the University of Florida Board of Trustees (UF) and the City of Gainesville (B)

This is a request for the City Commission to authorize the City Manager to execute a new Interlocal Agreement with the University of Florida Board of Trustees (UF) and the City of Gainesville for Regional Transit System (RTS) to provide unlimited access to public transit to UF students.

Explanation: There is currently an Interlocal Agreement between the University of Florida Board of Trustees (UF) and the City of Gainesville to provide unlimited access to public transit to UF students. This agreement expires on August 19, 2013. The UF Transportation Fee Committee and RTS meet on an annual basis to evaluate the current service and determine the need to modify or add services. Enhanced services to UF during the 2013-2014 academic year will consist of an additional 6,015 hours of service as follows: 1) service hours will increase on City Routes 1, 35 and 36; 2) implementation of new City Route 41 (Shands to Wal-Mart Supercenter on SR 441); 3) additional weekend service on Routes 1, 12, 20, and 35; and 4) additional summer service on City Route 46. The projected cost of providing the new enhanced service is approximately \$387,584. RTS staff has negotiated an hourly rate of \$62.94 per hour to cover operating costs.

During the past two (2) years, RTS has increased its level of service by seven (7) new routes and over 30,000 hours of service with a minimum increase in maintenance and operations staff. However, an additional 7,000 service hours anticipated for FY14 necessitates additional personnel, including administrative staff.

To comply with state and federal regulations and provide the customer service that the City and RTS are committed to, three (3) new Transit Operators, one (1) Clerk, one (1) Transit Supervisor, one (1) Planning Assistant, one (1) Marketing Assistant, one (1) Maintenance Worker III, and one (1) Vehicle Service Attendant (VSA) are needed. The recruitment and training period for these new positions will require that current RTS staff operate the service until the new employees are available.

Fiscal Note: The total anticipated revenue from UF of approximately \$11,317,721 will cover budgeted expenses and the additional RTS positions.

RECOMMENDATION

The City Commission: 1) approve the additional Regional Transit System (RTS) positions effective August 15, 2013; and 2) authorize the City Manager or his designee to execute the Interlocal

Agreement and related documents between the University of Florida Board of Trustees (UF) and the City of Gainesville for the period of August 20, 2013 through August 19, 2016, subject to approval by the City Attorney as to form and legality.

[130075_Agreement_20130718.pdf](#)

[130076.](#)

Continuation of Transit Services for Santa Fe College (SF) (B)

This item is a request for the City Commission to authorize the City of Gainesville Regional Transit System (RTS) to continue to provide transit services for Santa Fe College (SF).

Explanation: The City of Gainesville currently has an agreement with Santa Fe College (SF) to provide unlimited access to public transit to SF students. RTS meets annually with SF staff to evaluate transit service and determine the need to modify or enhance those services. This year, SF approved the continuance of the existing fee and a service rate of \$62.94 per hour. The service will run during the 2013-2014 academic year consisting of 13,109 hours of service with the following service modifications: 1) decrease hours of service on City Routes 27(4 hours/day), 39 (2 hours/day) and 62 (2 hours/day), and 2) implement new City Route 77 (Cabana Beach to SF). SF staff suggested that the City consider filling the gap in funding for Route 27 (\$45,000) during FY 14 City budget deliberations.

Fiscal Note: The total revenue from the Santa Fe College agreement in the amount of \$1,012,496 is anticipated to cover budgeted expenses.

RECOMMENDATION

The City Commission: 1) authorize Regional Transit System (RTS) to continue to provide transit services for Santa Fe College (SF); and 2) authorize the City Manager or his designee to execute any related documents for service changes, subject to approval by the City Attorney as to form and legality.

[130076A_Agreement_20130718.pdf](#)

[130076B_Map_20130718.pdf](#)

[130084.](#)

“TD Tree Days” Grant Application (NB)

This item involves a request to accept a “TD Tree Days” grant from the Alliance for Community Trees and TD Bank, if awarded, to support an urban forestry project to plant 40 trees in and around Cedar Grove Park.

Explanation: The City of Gainesville’s Department of Parks, Recreation and Cultural

Affairs (PRCA) was invited to submit an application for a "TD Tree Days" grant from the Alliance for Community Trees and TD Bank to support tree planting in the Cedar Grove neighborhood. The proposed project involves planting and maintenance of 40 native trees in and around Cedar Grove Park utilizing volunteers from TD Bank. The Cedar Grove neighborhood and City elected officials will be invited for a tree planting ceremony in October, 2013.

Fiscal Note: The grant application requested \$10,100 from the "TD Tree Days" grant. No funding match is required.

RECOMMENDATION

The City Commission: 1) approve the request to accept a grant, if awarded, from the Alliance for Community Trees and TD Bank, and 2) if the grant is awarded, authorize the City Manager or designee to execute the grant agreement and other grant-related documents, subject to approval by the City Attorney as to form and legality.

[130088.](#)

Ranking for Professional Engineering Services for the NE 2nd Street Project (B)

This item is a request for the City Commission to approve the ranking of Engineering Firms/Teams and authorize a contract for engineering services for the NE 2nd Street Project that includes NE 2nd Street from NE 10th Avenue to NE 16th Avenue. This project reconstructs the roadway with two-10 ft. lanes using curb and gutter with a 6 ft. sidewalk and an 8 ft. shared use path. The stormwater improvements include a neighborhood stormwater park proposed on a 2 acre parcel adjacent to the corridor.

Explanation: On March 28, 2013, the City Purchasing Division solicited written statements of qualifications to provide engineering services for the NE 2nd Street Project (RFQ No. PWDA-130053-FB). Six (6) engineering firms submitted statements on May 6, 2013. Evaluation of the written submittals resulted in the invitation of four (4) firms to present orally to the evaluators. These presentations held on May 30, 2013, further established the qualifications, project approach and methodology for the project.

The evaluators rank the firms as follows:

- 1. DRMP, Inc.*
- 2. Causseaux, Hewett & Walpole, Inc.*
- 3. Reynolds, Smith & Hills, Inc.*
- 4. Chen Moore & Associates*

Fiscal Note: Funding is available through the City of Gainesville's Capital Improvement Plan that provides \$250,000 for design of the project.

RECOMMENDATION

The City Commission: 1) accept the selection of

the four most qualified firms in the order of ranking; 2) authorize the City Manager or designee to initiate contract negotiations and execute a contract for professional services in accordance with Consultants Competitive Negotiation Act (CCNA); and 3) authorize the City Manager or designee to execute all contract documents and other necessary documents, subject to approval by the City Attorney as to form and legality.

[130088 Bid Tab 20130718.pdf](#)

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

CITY ATTORNEY, CONSENT AGENDA ITEMS

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

[130094.](#)

City Commission Minutes (B)

RECOMMENDATION

The City Commission approve the minutes of June 6, 2013.

[130094 Minutes 20130718.pdf](#)

[130128.](#)

Appointments to City Commission Advisory Boards and Committees (NB)

RECOMMENDATION

The City Commission appoint:

Lisa Campbell to the City Beautification Board for a term to expire 11/1/6.

Robert Gill, Timothy Hoskinson, and Wells TheLosen to the Historic Preservation Board for a term to expire 6/1/16.

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE, CONSENT

PERSONNEL & ORGANIZATIONAL STRUCTURE COMM, CONSENT

PUBLIC SAFETY COMMITTEE, CONSENT**AUDIT, FINANCE AND LEGISLATIVE COMMITTEE, CONSENT****EQUAL OPPORTUNITY COMMITTEE, CONSENT****COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS****END OF CONSENT AGENDA****ADOPTION OF THE REGULAR AGENDA****CHARTER OFFICER UPDATES****CLERK OF THE COMMISSION**[130034.](#)

Gainesville Chamber Energy Group Work-shop (NB)

RECOMMENDATION

The City Commission schedule a work-shop per the request of the Gainesville Chamber of Commerce for August 13, at 5:30 PM.

Legislative History

6/20/13 City Commission Approved, as shown above

CITY MANAGER[120416.](#)**Solid Waste Collection Contract (B)**

This item is a request for the City Commission to consider an opportunity for WCA (City's contract waste hauler) to convert their fleet to Compressed Natural Gas (CNG) and develop a publicly accessible fueling station in return for a 5-year extension of the current waste and recycling collection contract set to expire September 30, 2016.

Explanation: The current Residential Solid Waste and Recycling Collection contract (Contract) with WCA expires September 30, 2016 and contains a provision to extend up to two additional 5-year terms. When the RFP was released, the City and County expressed interest in having a vendor submit a proposal for utilizing alternative fuel collection vehicles. This alternative was determined to not be feasible at the time.

WCA approached staff with a proposal to convert their fleet to CNG and

to develop a CNG fueling station that could be open to the public. WCA requested, in return for converting the fleet to CNG and developing the public fueling station, that the City agree to a 5-year contract extension at this time in order to recover their capital investment. This would extend the current contract to September 30, 2021. On January 17, 2013, the City Commission authorized the City Manager to negotiate with WCA for a 5-year contract extension in return for converting their fleet to CNG and developing a CNG fueling station open to the public.

Staff has worked with Alachua County and WCA representatives to negotiate the following:

1. Elimination of the diesel surcharge through the end of the existing contract (September 30, 2016) at a savings of approximately \$0.83 per household per month (\$262,386/year for total projected savings of \$787,158.)
2. Reduce the current contract rate increase of 8% in FY 15 to 6% resulting in a savings of \$0.24 per household per month (\$75,870/year for a total projected savings of \$151,741.) There would be an additional 6% increase in year three (FY 2019) of the contract extension resulting in a cost increase of \$0.78 per household per month.
3. In consideration of CNG costs in the future, WCA has offered two options:

Option A - establish a flat rate of \$0.10 per household per month (\$31,612/year); or

Option B - establish a variable rate adjustment whereby: CNG cost fluctuations below 12% of the base cost results in no cost passed on to the City; CNG cost increases greater than 12% would be passed on through an adjustment factor based on inflation; and any CNG cost increases greater than 20% would be split 50/50 between WCA and the City. It is difficult to estimate the cost of this option due to uncertainty of future CNG costs.

Per Alachua County's request, WCA has agreed to terminate the use of their transfer station located on Bear Archery Road to process municipal solid waste (MSW). WCA will direct haul all MSW to the Leveda Brown Environmental Park (LBEP) and establish deed restrictions on their transfer station property to prohibit the operation of a transfer station for MSW on the property for perpetuity. They will continue to utilize the WCA transfer station for processing of construction and demolition debris. This results in an estimated annual savings of \$247,000 for the operation of the LBEP which will help to control tipping fee increases, which indirectly results in potential savings for the city.

WCA has worked with GRU staff as well as private sector fueling station operators. WCA intends to construct a slow fill fueling station on their property located on Bear Archery Road. WCA has been in discussions

with Lewis Oil to develop a fast fill commercial station on their site located at the Williston Road and I-75 interchange; the details with that facility have not been finalized. However, it is the intent of WCA to have this commercial station operational in 2014.

WCA has executed a voluntary annexation agreement which is being processed by staff.

Fiscal Note: The estimated savings over the remaining contract term is estimated to be \$875,675.

RECOMMENDATION

The City Commission: 1) hear a presentation from staff; 2) authorize the City Manager to complete and execute, subject to review of the City Attorney as to form and legality, a five-year contract extension with WCA in return for converting its fleet to CNG; providing a publicly accessible CNG fueling station, and including the terms outlined in 1, 2, and 3A of the explanation; and 3) request that staff bring the negotiated contract back to the City Commission for final approval.

Alternative Recommendation

The City Commission: 1) hear a staff presentation; and 2) direct the City Manager cease negotiations with WCA for a 5-year contract extension at this time.

Legislative History

1/17/13 City Commission Approved as Amended

[120416A_PPT_20130117.pdf](#)

[120416B_Letter_20130117.pdf](#)

[120416A-MOD_COMPLAINTS_FY05-FY12_20130117.pdf](#)

[120416B-MOD_WCA_COMPLAINTS_FY11_20130117.pdf](#)

[120416C-MOD_WCA_COMPLAINTS_FY12_20130117.pdf](#)

[120416A_Proposal_Description_20130718.pdf](#)

[120416B_Transfer_Station_Disposal_Agreement_20130718.pdf](#)

[120416C_WCA_6-11-13_Letter_20130718.pdf](#)

[120416D_WCA_CNG_Presentation_20130718.pdf](#)

[120416E_Current_Contract_20130718.pdf](#)

[120416F_TECH_SPECS_20130718.pdf](#)

[120815.](#)

Design and Construction of the GPD Headquarters & Physical Training Facility Furniture Expenditure (NB)

This is a request for the City Commission to approve the transfer of

\$700,000 from the Federal Contraband Trust Fund to the Capital Improvement Plan Fund to offset the expenditure of approximately \$640,000 for Furniture and \$60,000 for Equipment (F&E) for the new GPD Headquarters & Physical Training Facility.

Explanation: The GPD Headquarters & Physical Training Facility project is a major initiative to provide an operational and training facility for the GPD. This project is also expected to revitalize the NW 6th Street and NW 8th Avenue corridor through the modernization of the GPD Headquarters & Physical Training Facility site. Although funds were approved by the City Commission to cover construction costs for the project, furniture and some equipment costs were not included. The expenditure for these items necessitates additional funds that will be added to the existing Capital Improvement Plan's GPD Headquarters and Physical Training Facilities project.

Fiscal Note: Funds in the amount of \$700,000 for this request are available in the Federal Law Enforcement Contraband Forfeiture Trust Fund and is allowable per the U.S. Department of Justice "A Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies". The balance in the account is \$1,738,511, from City of Gainesville Financial Statement for the six month ended December 31, 2012.

RECOMMENDATION

The City Commission approve the appropriation of the amount of \$700,000 from the Federal Law Enforcement Contraband Forfeiture Trust Fund to be transferred to the Capital Improvement Plan Fund for Gainesville Police Department Headquarters & Physical Training Facility project.

[130086.](#)

Roadway Transfer Agreement with Alachua County (B)

The City of Gainesville entered into a Maintenance Agreement with Alachua County for the Section of Main Street (SR 329) from Depot Avenue to University Avenue in 2003. The Roadway Transfer Agreement will transfer ownership of Main Street from South 16th Avenue to University Avenue to the City of Gainesville.

Explanation: The City of Gainesville and the Metropolitan Transportation Planning Organization (MTPO) began working on the concept of converting Main Street to a two-lane roadway with on-street parking as early as 1997. In subsequent years, a series of consultant studies, charrettes and presentations were conducted and motions were approved to direct staff at the Florida Department of Transportation (FDOT), Alachua County and the City of Gainesville to develop a plan for transferring ownership and maintenance of Main Street in order to facilitate the two-laning option.

The original jurisdictional arrangement agreed to in January 2001

provided that Alachua County would execute an agreement with FDOT to accept ownership of Main Street from State Road 331 north to University Avenue and the City of Gainesville would execute an agreement with Alachua County confirming that the City will maintain Main Street from Depot Avenue to University Avenue (0.51 miles).

Based on that arrangement the City of Gainesville executed a maintenance agreement with Alachua County to maintain Main Street from Depot Avenue to University Avenue in 2003. The City also entered into a maintenance agreement with FDOT for Main Street from University Avenue to N. 8th Avenue.

Due to the number of projects that the City is undertaking along Main Street, staff is recommending that the City pursue accepting ownership of Main Street from South 16th Avenue to University Avenue (1.13 miles). Since the cost for maintenance for the majority of this section of roadway currently falls on the City, the fiscal impact of accepting ownership is minimal.

Alachua County Board of County Commissioners has requested a letter be sent to the City of Gainesville requesting that the City accept ownership of all of Main Street that remains under Alachua County ownership. This would be from Williston Road to University Avenue and from N 8th Avenue to NE 39 Avenue; an additional 4.46 centerline miles. The FDOT continues to own from University Avenue to N 8th Avenue and the City currently owns from NE 39 Avenue to NE 53 Avenue.

In 2007, the City of Gainesville entered into a Landscape/Streetscape Maintenance Agreement with the FDOT for Main Street from SR 331 to SR 226; so the cost of landscape maintenance currently falls to the City. The estimated annual cost associated with assuming ownership and maintenance responsibilities for all of Main Street (except University Avenue to N 8th Avenue) and less those components that the City already has responsibility for is \$160,000.

Fiscal Note: Based on statewide averages for mill/resurface and sign/markings maintenance the additional annualized cost for accepting the additional 4.46 miles of roadway is estimated to be \$160,000/year. The estimated annualized cost for accepting ownership of Main Street from South 16th Avenue to University Avenue is \$37,000. Staff anticipates the cost for mill/resurface will be covered by the gas tax revenue in the capital program and the signs/markings maintenance will be covered in the department's annual operating budget.

RECOMMENDATION

The City Commission authorize the City Manager to execute all documents effecting the transfer of Main Street (SR 329) from South 16th Avenue to University Avenue to the City and Landscape/Streetscape Maintenance of Main Street (SR 329) from Williston Road to South 16th Avenue, subject to approval by the City Attorney as to form and legality.

Alternate Recommendation A:

The City Commission authorize the City Manager to execute all documents affecting the transfer of Main Street (SR 329) from Williston Road to NE 39 Avenue (less that segment from University Avenue to N 8 Avenue) to the City, subject to approval by the City Attorney as to form and legality.

Alternate Recommendation B:

The City Commission deny the request to transfer ownership of Main Street and authorize the City Manager to send a letter to Alachua County notifying the Board of County Commissioners of this decision.

[130086A Streetscape Agreement 20130718.pdf](#)

[130086B Roadway-Transfer Agree 20130718.pdf](#)

[130086C Resolution 20130718.pdf](#)

[130086D Map 20130718.pdf](#)

[130086E Main Street Ownership 20130718.pdf](#)

GENERAL MANAGER FOR UTILITIES

[130117.](#)

Kanapaha Water Reclamation Facility Sequential Chlorination Project (B)

Staff recommends awarding a contract to Brandes Design-Build, Inc. for construction services for the Kanapaha Water Reclamation Sequential Chlorination Project.

Explanation: The Kanapaha Water Reclamation Facility (KWRF) treats wastewater to meet drinking water quality standards, allowing the effluent to be returned to the Floridan Aquifer. In the final disinfection process, chlorine is added to the effluent to remove harmful organisms from the water which can result in the formation of disinfection by-products.

New, more stringent regulatory limits for disinfection by-products have been established by the Florida Department of Environmental Protection (FDEP). To comply with the new requirements, Water/Wastewater Systems evaluated several treatment options that would ensure that GRU's wastewater treatment process meet the new regulatory standards. Cost estimates for various treatment options ranged from \$1,000,000 to \$10,000,000. After careful consideration, GRU determined sequential chlorination to be the most cost-effective method for GRU's compliance with the new regulations.

Sequential chlorination involves the installation of an additional chemical

feed system at KWRF. The new disinfection process will use ammonium sulfate in sequence with the existing sodium hypochlorite to reduce the formation of the disinfection by-products. The construction project includes installing two ammonium sulfate chemical storage tanks, chemical dosing pumps, a metal roof structure for the chemical system equipment, and several water quality analyzers for controlling the disinfection process.

Utilities Purchasing issued an Invitation to Bid to eleven known companies that perform this type of work. In addition, the bid was posted on GRU's web page and on the Mid-State Builders Exchange. Six firms attended a mandatory pre-bid meeting. Four bids were received; two were no bids due to the contractor schedule unavailability. A tabulation of the bids received is attached for your information. Any additional purchases will be made in accordance with established Purchasing policies.

Fiscal Note: Funding for this work is included in the Wastewater System Capital Improvements FY 2013 and FY 2014 budget.

RECOMMENDATION

The City Commission: 1) authorize the General Manager, or his designee, to execute a contract with Brandes Design-Build, Inc. to perform construction services for the Kanapaha Water Reclamation Facility Sequential Chlorination Project, subject to approval of the City Attorney as to form and legality; and 2) approve the issuance of a purchase order to Brandes Design Build, Inc. for these services in an amount not to exceed \$1,153,100; 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 in each fiscal year.

[130117 bidtab 20130718](#)

[130117 ppt 20130718](#)

[130117 MOD KWRF Sequential Chlorination Contract Agenda Shortened Final](#)

CITY ATTORNEY

[130108.](#)

SETTLEMENT AGREEMENT FOR MOGAS INVESTMENTS, INC., NALBANDIAN PROPERTIES, LLC, ROPEN NALBANDIAN v. CITY OF GAINESVILLE, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, CASE NOS.: 2010-CA-6285 and 2010-CA-4963 (B)

Explanation: In 2010 and 2012, Mogas Investments, Inc., Nalbandian Properties, L.L.C., and Ropen Nalbandian (hereinafter "Nalbandian") filed four court actions challenging various aspects of the City's plan to locate a one-stop homeless center on property located in the vicinity of 820 NW

53rd Avenue (the "ADC property"). The City defended these actions.

In the fall of 2012, as two of the cases were set to go to trial, Nalbandian made an offer of settlement to the City. In that offer of settlement and the continuance and settlement agreement that followed, Nalbandian irrevocably offered to convey fee simple title to 41 acres known as the Gain Parcel to the City. Upon acceptance of the Gain Parcel, the City would agree to not develop a homeless center on the ADC property and not to file a petition to seek a land use or zoning change in connection with developing a homeless center on any property within a mile of Nalbandian's property. On June 12, 2013, pursuant to Commission direction on June 6, the City notified Nalbandian that the City Commission was accepting Nalbandian's offer to convey the Gain Parcel to the City and that, upon receipt of the conveyance, the City would move forward with its remaining obligations under the agreement.

Under the agreement, Nalbandian was to convey the Gain Property to the City within 10 days of the City's acceptance of the Gain Property Donation offer. Nalbandian has not made the conveyance.

On June 4, 2013 and July 3, 2013, the City Attorney's office received correspondence from Nalbandian which is included as back-up to this item. In short, Nalbandian claims that the City breached the agreement prior to accepting the donation, and alleges that the Commission violated the sunshine law by discussing the Gain property donation offer outside of the public meeting. There are no specific details as to this alleged sunshine law violation in the correspondence. Nalbandian attorneys suggest an alternative proposal to avoid litigation over the settlement agreement and presumably, a sunshine law violation lawsuit. Their proposal is as follows:

- 1. Nalbandian will make a \$75,000 charitable contribution to the City of Gainesville for use toward the City's efforts to develop a homeless center;*
- 2. Nalbandian will agree to retain the Gain Property, pending the City's continued efforts to finalize its efforts to secure the Department of Corrections ("DOC") site for the homeless center;*
- 3. In the event the City is successful in its efforts to acquire the DOC site, Nalbandian is then free to do with the Gain Property as he wishes;*
- 4. In the event the City is not successful in acquiring the DOC site, Nalbandian will then transfer the Gain Property to the City and the City will return the \$75,000 charitable contribution to Nalbandian; and*
- 5. The parties will exchange mutual full and complete releases.*

RECOMMENDATION

The City Commission authorize the City Attorney to file an action in circuit court to enforce the terms of the settlement agreement entered into between Nalbandian and the City.

Alternative recommendation:

The City Commission accept Nalbandian's

alternative proposal as outlined above and authorize the City Manager to execute all necessary documents, subject to review as to form and legality by the City Attorney.

[130108_Correspondence - Mogas_20130718.pdf](#)

[130108A_Settlement Agreement - Mogas_20130718.pdf](#)

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE

[120712.](#)

Signage and Pavement Marking Improvements for Pedestrian Safety (B)

This item is a proposal to implement improvements to enhance pedestrian safety.

Explanation: The City of Gainesville ranks 2nd in the number of fatal and injury crashes involving cyclists and 7th involving pedestrians out of 31 cities in Florida with populations of 75,000 or more (source: Florida Department of Transportation Highway Safety Matrix, 2007-2011). Currently there are three parallel City Commission referrals (#120712 - Status Update on City Commission Strategic Initiative 5.1; #120542 - Signage and Pavement Marking Improvements for Pedestrian Safety; and #121053 - Bicycle and Pedestrian Master Plan) to the Recreation, Cultural Affairs and Public Works Committee to address similar concerns related to bicycle and pedestrian safety. In addition, the City Commission's Strategic Initiative 5.1 is focused on enhancing multimodal access and improving the transportation system to increase the safety of all users. Several efforts have taken place over the past few years or are ongoing to improve bicycle and pedestrian safety including transportation system modifications (such as installation of sidewalks and bike lanes, intersection changes, signal timing improvements, ongoing bicycle and pedestrian safety action plan, ongoing development of bicycle boulevards, etc.), outreach efforts and targeted enforcement by GPD. However, the lack of a dedicated funding source limits the capacity to implement strategies to reduce the number and severity of crashes involving bicyclists and pedestrians.

Staff presented a proposal to the Recreation, Cultural Affairs and Public Works Committee on April 23, 2013, identifying infrastructure improvements and other safety measures to enhance pedestrian safety, and providing a cost estimate. The estimated cost of implementation is

\$5,025,000 and includes the strategies listed below. The Recreation, Cultural Affairs and Public Works Committee forwarded the proposal to the City Commission for consideration.

- Installation of signalized midblock crossings along major corridors with high transit ridership to facilitate pedestrian access to/from RTS bus stops and increase motorist awareness. The locations initially targeted are listed below; additional evaluation, design and permitting will be required as most are under State or County ownership:
 - o Archer Rd between SW 28th Pl and SW 31st St;
 - o SW 16th Ave between SW 6th St and SW 13th St;
 - o SW 13th St between SW 21st Ave and SW 25th Pl;
 - o NW 43rd St between NW 19th Ave to NW 13th Pl;
 - o NW 39th Ave between NW 23rd Ter and NW 19th St;
 - o Consideration will also be given to additional installations along SW 62nd Blvd and SW 20th Ave.
- Installation of sidewalks citywide to continue to expand the pedestrian network and reduce conflicts with motor vehicles;
- Installation of ADA compliant access ramps to enhance access and mobility to all users;
- Funding of outreach campaign to educate and increase awareness of drivers, cyclists and pedestrians about safety and regulations;
- Funding of targeted enforcement efforts by GPD to increase compliance, similar to previous efforts conducted in the City;
- Funding of infrastructure improvements identified in the Bicycle and Pedestrian Safety Action Plan currently under development;
- Installation of access ramps for cyclists at the roundabouts on SW 2nd Ave to provide an alternative travel path and reduce conflict points;
- Installation of bike boxes at select intersections along proposed bike boulevards and other intersections with high volume of cyclists to reduce conflicts with turning vehicles. The intersections initially targeted are listed below:
 - o SW 2nd Ave at SW 13th St: westbound approach;
 - o SW 2nd Ave at S Main St: eastbound and westbound approaches;
 - o SW 12th St at W University Ave: northbound and southbound approaches

Fiscal Note: Implementation of the project is estimated at \$5,025,000. There are currently no allocated funds for this project. Staff submitted a budget request for City Commission consideration in the upcoming budget cycle.

RECOMMENDATION

The City Commission receive a presentation from staff and combine referrals #121053 and #120542 under Strategic Initiative 5.1 (#120712).

Legislative History

1/3/13	City Commission	Referred to the Recreation, Cultural Affairs and Public Works Committee
6/20/13	City Commission	Continued
6/24/13	City Commission	Referred to the Recreation, Cultural Affairs and Public Works Committee

[120712_SI 5-1 PowerPt_20130423.pdf](#)

[120712A_FDOT Matrix_20130620.pdf](#)

[120712B_PowerPt_20130620.pdf](#)

[120712A_FDOT Matrix_20130718.pdf](#)

[120712B_PowerPt_20130718.pdf](#)

EQUAL OPPORTUNITY COMMITTEE

[130077.](#)

3rd Quarter Hiring Report (B)

Modification

RECOMMENDATION

The City Commission: 1) hear a presentation from EO Director Cecil Howard; and 2) discuss and accept the hiring report as presented.

Legislative History

7/9/13	Equal Opportunity Committee	Approved as Recommended
--------	-----------------------------	-------------------------

[130077_3Qtr Minority Rpt_20130709.pdf](#)

[130077_3Qtr Female Hire Rpt_20130709.pdf](#)

[130077_3Qtr Ethnic Breakdown Hire Rpt_20130718.pdf](#)

PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE

PUBLIC SAFETY COMMITTEE

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

[130059.](#)

Commissioner Thomas Hawkins - City of Gainesville Resolution to Support Florida's Water and Land Legacy Campaign (B)

This is a request for the City Commission to consider adopting a Resolution supporting the Florida Water and Land Legacy Statewide Ballot Initiative.

Explanation: On June 2, 2013, Commissioner Thomas Hawkins requested that the

City Manager place an item on the City Commission agenda to consider having the City Commission adopt a Resolution supporting the Florida Water and Land Legacy Statewide Ballot Initiative.

Florida's Water and Land Legacy Campaign, a grassroots coalition, is seeking to place the Water and Land Conservation Constitutional Amendment on the November 2014 ballot. In order to do so, they must collect 683,149 valid signatures. This initiative would set aside one-third of the excise on documentary stamp tax (doc stamps) for the purposes of conservation, restoration, acquisition and management of Florida's water, land, beaches, shores, parks and wildlife habitat. For the past twenty years the doc stamp tax has been used for funding conservation programs such as Florida Forever and before that, Preservation 2000, both of which served as important funding sources for the City of Gainesville.

Fiscal Note: The resolution would result in no fiscal impact to the City; however, the campaign, if successful may create a future funding source available for conservation, restoration, acquisition and management of the City's conservation lands.

RECOMMENDATION

The City Commission: 1) consider whether to draft a resolution to support Florida's Water and Land Legacy Campaign; and 2) if approved, provide direction to the City Attorney to prepare a resolution expressing the Commission's support for Florida's Water and Land Legacy Campaign.

Alternative Recommendation

The City Commission not approve drafting of a resolution to support Florida's Water and Land Legacy Campaign.

[130059 FAQ Sheet 20130718.pdf](#)

[130130.](#)

Mayor Ed Braddy - Gainesville Chamber of Commerce
Recommendations for Small Businesses (NB)

RECOMMENDATION

The City Commission discuss and refer to the appropriate committee.

[130131.](#)

Mayor Ed Braddy - Public Records Request (NB)

RECOMMENDATION

The City Commission discuss public record requests and refer to the appropriate committee.

[130127.](#)

Commissioner Todd Chase - Fuel Adjustment (B)

Modification

Explanation: GRU staff gave a presentation to the Regional Utilities Committee (RUC) regarding Fuel Adjustment, RUC Item #121029, on June 24, 2013. In a continuation of the larger Commission's discussion from the June 20, 2013 City Commission meeting, the RUC requested staff to draft an agenda item for the July 18, 2013 City Commission meeting. This item was to include various options concerning the fuel adjustment billing component magnitude for the remainder of fiscal year 2013. The various options are listed below, and will be discussed at the meeting in more detail.

Fiscal Note: Any change from the present fuel adjustment billing component will impact the fuel levelization balance magnitude, and ultimately the timing at which the fuel adjustment billing component will need to be adjusted to reflect the cost components.

RECOMMENDATION

Alternative recommendations are:

1) Keep the current fuel adjustment billing component at 5.1 mills (5.1 cents per kwh) for the remainder of fiscal year 2013. Adjust the fuel adjustment billing component at the beginning of fiscal year 2014 to reflect the inclusion of biomass costs from the Power Purchase Agreement (PPA);

2) Reduce the fuel adjustment billing component during the final two months of fiscal 2013 (August and September) to reflect any current amount over the July 13, 2012 "Official Statement" projected levelization balance of \$21.8 million (see page 48 of the document). As of today, July 9, 2013, this amount is approximately \$1 million, reflecting the May 2013 cash balance. Adjust the fuel adjustment billing component at the beginning of fiscal year 2014;

3) Reduce the fuel adjustment billing component during the final two months of fiscal 2013 (August and September) to reflect the projected year-end fiscal 2013 (September 30, 2013) amount over the July 13, 2012 "Official Statement" projected levelization balance of \$21.8 million (see page 48 of the document). As of today, July 9, 2013, this amount is estimated to be approximately \$4.4 million. Adjust the fuel adjustment billing component at the beginning of fiscal year 2014;

4) Reduce the fuel adjustment billing component during the final two months of fiscal 2013 (August and September) to a value between alternatives 2 and 3 above. Adjust the fuel adjustment billing component at the beginning of fiscal year 2014.

Note: As mentioned at the June 24, 2013 RUC meeting, the levelization balance is constantly in flux, based on many different variables, some of which include sales levels, fuel prices, generating unit reliability, market prices, etc. In fact, the values mentioned above have changed from those mentioned at that meeting, and will continue to change. The ultimate decision of the City Commission is one of timing relative to the use of the projected fuel levelization balance. Staff will present the latest available information at the July 18, 2013 City Commission meeting.

[130127_fuelmemo_20130718](#)

[130127_ordnce_20130718](#)

[130127_ppt_20130718](#)

[130127_Mod C-Chase_20130718.pdf](#)

[130127_MOD A C-Chase_20130718.pdf](#)

COMMISSION COMMENTS (if time available)

RECESS

RECONVENE

PLEDGE OF ALLEGIANCE (5:30pm)

PROCLAMATIONS/SPECIAL RECOGNITIONS

[130114.](#)

Farm-to-Restaurant Month - August 2013 (B)

RECOMMENDATION

Blue Oven Kitchens President Val Leitner to accept the proclamation.

[130114_FarmRestaurant_20130718.pdf](#)

[130115.](#)

Americans with Disabilities Act Awareness Month - July 2013 (B)

RECOMMENDATION

Office of Equal Opportunity Director Cecil Howard to accept the proclamation.

[130115_ADAMonth_20130718.pdf](#)

[130125.](#)

Emergency Physicians Medical Center Day - July 18, 2013 (B)

RECOMMENDATION

Emergency Physicians Medical Center CEO Dr. Steven Yucht and Office Manager Mr. Charles Cooper to accept the proclamation.

[130125_EmergencyPhysicians_20130718.pdf](#)

[130126.](#)

Shands Healthcare Day - July 18, 2013 (B)**RECOMMENDATION**

Shands Health Care Director of Emergency Services Dr. Adrian Tyndall to accept the proclamation.

[130126_Shands_20130718.pdf](#)

CITIZEN COMMENT (6:00pm)**PUBLIC HEARINGS**

[120936.](#)

Approval and Adoption of the 2013/2014-2017/2018 CDBG/HOME Consolidated Plan, including an updated Citizen Participation Plan, and the FY 2013/2014 Annual Action Plan for the City of Gainesville (B)

The purpose of this item is to approve and adopt the City's 2013/2014 - 2017/2018 CDBG/HOME Consolidated Plan, including an updated Citizen Participation Plan, and the 2013/2014 Annual Action Plan. The Consolidated Plan outlines the City's Community Development Block Grant (CDBG) and Home Investment Partnerships (HOME) program goals and objectives over a five year time period. The Annual Action Plan identifies specific projects to accomplish the goals and objectives stated in the Consolidated Plan.

Explanation: This item supports City Commission Strategic Goal Numbers 1, 2, 3, 5 and 6 for Public Safety, Economic Development and Redevelopment, Human Capital, Infrastructure and Transportation, and Neighborhoods.

Each year the City of Gainesville receives CDBG and HOME funds through the U.S. Department of Housing and Urban Development (HUD). These funds are used for projects in a variety of areas including housing, social services, economic development, parks, transportation and other public infrastructure. In order to qualify for CDBG and HOME Program entitlement funding from HUD, the City is required to adopt a Five-Year Consolidated Plan for HUD approval and to annually submit an Action Plan outlining the uses of funds for that year. Preparation and adoption of the Five-Year Consolidated Plan and Annual Action Plan is a prerequisite for receiving funds through the CDBG and HOME

Programs.

The Consolidated Plan contains an assessment of the housing and community development needs of the City of Gainesville, including a strategic plan for addressing the identified needs. The strategic plan portion of the document identifies potential funding sources, establishes general priorities for funding, and addresses other actions which the City of Gainesville will undertake during the five-year period. The Consolidated Plan also contains a specific one-year Action Plan for the use of CDBG and HOME Program funds. The Annual Action Plan specifically describes how the CDBG and HOME allocations are to be spent during the fiscal year. The Annual Action Plan estimates CDBG and HOME Program revenue and identifies specific projects to accomplish the goals and objectives stated in the Consolidated Plan. The Annual Action Plan is required to be submitted to HUD for annual entitlement funding.

In February 2013, the City hired Wade Trim, Inc. as a consultant to help develop the 2013/2014- 2017/2018 Consolidated Plan. The City's Consolidated Plan is the result of an extensive five-month public input process. In February 2013, notices were published in the Gainesville Sun and Gainesville Guardian. Additionally, notices were distributed via media releases, on the City's website and through emails to stakeholders. Notices were given to neighborhood residents, public agencies, community organizations, housing developers, non-profit organizations, various City departments and the general public regarding the estimated CDBG and HOME Program funding available; the notices also included information about the preparation, public input requirement and adoption process of the Consolidated Plan.

As part of the public input process, from March 2013 through June 2013, the City conducted various meetings with stakeholders such as, neighborhood residents, community leaders, non-profit organizations, community organizations, housing providers, developers, and various City departments. This process also included public meetings with the Citizens Advisory Committee for Community Development (CACCD) and the SHIP Affordable Housing Advisory Committee (AHAC). On April 4, 2013, at a City Commission public hearing, the consultant discussed the development and adoption process for the Consolidated Plan; and solicited City Commission and public comments on the use of CDBG and HOME Program funds.

As a result of this extensive strategic planning process, the Consolidated Plan was developed setting forth priority areas in which CDBG and HOME funding can be expended. The Consolidated Plan identified priority areas such as Affordable Housing, Self-Sufficiency, Reduced Homelessness, Quality of Life and Special Needs Assistance. The overall nature of the Consolidated Plan is somewhat broad in order to provide for maximum flexibility, within the CDBG and HOME Program guidelines. The draft 2013/2014- 2017/2018 Consolidated Plan and 2013/2014 Annual Action Plan are included as Attachment A for

reference.

The draft 2013/2014- 2017/2018 Consolidated Plan and 2013/2014 Annual Action Plan were made available for public review and comment beginning June 19, 2013. HUD requires that the Consolidated Plan be made available for public review and comment for a 30-day period prior to the date of its adoption. This was accomplished by providing copies at the HCD Division office, City Clerk of Commission office, Main Library and on the City's website. The availability of the draft Consolidated Plan was published in the Gainesville Sun and Gainesville Guardian. Additionally, notices were distributed via media releases and on City's website. The public comment period ends on July 18, 2013.

As outlined in the 2013/2014 Annual Action Plan, a portion of the CDBG and HOME funds are set-aside for City Projects: Block Grant Administration; City Housing Programs; Code Enforcement; and Cold Weather Shelter for the homeless. In addition, a portion of the CDBG and HOME funds are made available to non-profit outside organizations and other public agencies through a competitive process that involves review and recommendations by the Citizens Advisory Committee for Community Development (CACCD). The 2013/2014 CDBG and HOME funding set-asides are outlined in Attachment B.

On May 21, 2013, the CACCD formulated its recommendations on allocating the CDBG and HOME "competitive" set-aside for non-profit outside organizations and other public agencies. The CACCD's recommendations total \$214,230 for CDBG and \$112,954 for HOME. Copies of the CDBG and HOME applications that were reviewed by the CACCD are on file in the Office of the Clerk of the Commission. The CACCD FY 2014 CDBG and HOME Program funding recommendations are included for reference in Attachment C.

The purpose of this public hearing is for the Consultant and CACCD to present the Consolidated Plan and Annual Action Plan for City Commission approval.

Consistent with HUD guidelines, the plan will be submitted to HUD by August 16, 2013. Funds to begin implementing the approved projects will be available after October 1, 2013.

RECOMMENDATION

The City Commission: 1) hear a presentation from Wade Trim, Inc. and the CACCD on the 2013/2014-2017/2018 Consolidated Plan and 2013/2014 Annual Action Plan; 2) approve and adopt the 2013/2014-FY 2017/2018 Consolidated Plan, including an updated Citizen Participation Plan; 3) approve and adopt the 2013/2014 Annual Action Plan; and 4) authorize the City Manager to submit the 2013/2014-2017/2018 Consolidated Plan and 2013/2014 Annual Action Plan to HUD; 5) authorize the City Manager to execute all necessary documents required for the

2013/2014-2017/2018 Consolidated Plan and 2013/2014 Annual Action Plan, subject to approval by the City Attorney as to form and legality; 6) authorize the City Manager or designee to take actions as appropriate to allocate the FY 2014 CDBG and HOME Program funds; and 7) authorize the City Manager to execute sub-recipient agreements with those outside agencies that are designated to receive FY 2014 CDBG and HOME funding, subject to approval by the City Attorney as to form and legality.

Legislative History

4/4/13 City Commission Heard

[120936A Consolidated Plan PPT 20130404.pdf](#)

[120936B CDBG Eligible Activities List 20130404.pdf](#)

[120936A Draft 5YR CP & AAP 20130718.pdf](#)

[120936B FY 2014 Set-Aside 20130718.pdf](#)

[120936C CACCD 2014 Funding Recommendations 20130718.pdf](#)

[120936D 5YR CP & AAP PPT 20130718.pdf](#)

RESOLUTIONS- ROLL CALL REQUIRED

[130079](#)

Resolution for Approval and Authorization for a Partial Release of Mortgage for 838 Southeast 7th Avenue (B)

This item is requesting a Resolution for approval and authorization to sign a Partial Release of Mortgage for 838 Southeast 7th Avenue.

Modification

Explanation: On January 21, 2009, the City of Gainesville's Housing Division completed repairs to the home of Willie Mae Barnes. The home is located at 838 Southeast 7th Avenue and identified as Alachua County Tax Parcel 12067-000-000. As part of the repairs, the City recorded a mortgage, securing its interest, in Official Records Book 3861, page 1095 of the Public Records of Alachua County.

Because of the State and/or Federal funding for the City's Depot Avenue Renovation Project, the Florida Department of Transportation (FDOT) is acquiring the land rights for the Project. These land rights will then be conveyed to the City prior to commencement of the Project. The renovations to Depot Avenue are contained between Southwest 13th Street and Williston Road. A portion of the project, referred to as Segment Four, is the section from Southwest 4th Street to Williston Road. Contained in this segment is the parcel owned by Willie Mae Barnes and secured by the mortgage in favor of the City. A portion of the parcel, containing approximately 103 square feet is required for the

project. FDOT has asked the City for a Resolution approving a Partial Release of Mortgage over this portion of the property.

Fiscal Note: Funding in the amount of \$100 for administrative costs is available in the Public Works FY13 operating budget.

RECOMMENDATION

The City Commission: 1) adopt the Resolution approving the Florida Department of Transportation's request for a Partial Release of Mortgage, subject to approval by the City Attorney as to form and legality; and 2) authorize the Mayor to execute and the Clerk of the Commission to attest the Partial Release of Mortgage, subject to approval by the City Attorney as to form and legality.

[130079A_Mortgage_20130718.pdf](#)

[130079B_Partial Release_20130718.pdf](#)

[130079C_Resolution_20130718.pdf](#)

[130079C-MOD_Resolution_20130718.pdf](#)

[130080.](#)

Resolution for Approval and Authorization for a Partial Release of Mortgage for 907 Southeast 7th Avenue (B)

This item is requesting a Resolution for approval and authorization to sign a Partial Release of Mortgage for 907 Southeast 7th Avenue.

Modification

Explanation: On February 3, 2005, the City of Gainesville's Housing Division completed repairs to the home of Andra and Dionne Brockington. The home is located at 907 Southeast 7th Avenue and identified as Alachua County Tax Parcel 12109-000-000. As part of the repairs, the City recorded a mortgage, securing its interest, in Official Records Book 3091, page 481 of the Public Records of Alachua County.

Because of the State and/or Federal funding for the City's Depot Avenue Renovation Project, the Florida Department of Transportation (FDOT) is acquiring the land rights for the Project. These land rights will then be conveyed to the City prior to commencement of the Project. The renovations to Depot Avenue are contained between Southwest 13th Street and Williston Road. A portion of the project, referred to as Segment Three, is the section from Southwest 4th Street to Williston Road. Contained in this segment is the parcel owned by Andra and Dionne Brockington and secured by the mortgage in favor of the City. A portion of the parcel, containing approximately 62 square feet is required for the project. FDOT has asked the City for a Resolution approving a Partial Release of Mortgage over this portion of the property.

Fiscal Note: Funding in the amount of \$100 for administrative costs is available in the Public Works FY13 operating budget.

RECOMMENDATION

The City Commission: 1) adopt the Resolution approving the Florida Department of Transportation's request for a Partial Release of Mortgage, subject to approval by the City Attorney as to form and legality; and 2) authorize the Mayor to execute and the Clerk of the Commission to attest the Partial Release of Mortgage, subject to approval by the City Attorney as to form and legality.

[130080A Mortgage 20130718.pdf](#)

[130080B Partial Release 20130718.pdf](#)

[130080C Partial Release 20130718.pdf](#)

[130080C-MOD Resolution 20130718.pdf](#)

[130081.](#)

Resolution Authorizing Acceptance of Land from the Florida Department of Transportation (FDOT) for the Depot Avenue Transportation Corridor Project (B)

This item is to adopt a Resolution approving the acceptance of real property from FDOT for the management and maintenance of the Depot Avenue Corridor Project.

Explanation: The City of Gainesville has a Local Agency Program (LAP) agreement with the Florida Department of Transportation (FDOT) for the Enhancements of the Depot Avenue Transportation Corridor Project. All right of way acquisition pertaining to the Depot Avenue roadway between Southwest 11th Street and South Main Street (Segment 2) has been performed by FDOT. The Locally Funded Agreement (LFA) and Memorandum of Agreement (MOA), adopted by Resolution #110324 on October 6, 2011, allocated funding for acquiring the necessary right of way for Segment 2, FDOT's Project #4205373.

FDOT is in the process of acquiring the necessary land rights associated with Segment 4 of the Depot Avenue project, FDOT's Project #4205374, Southeast 7th Street to Southeast 11th Street (Waldo/Williston Road). Although not completed at this time, FDOT requests acceptance of Segment 4, including any revision or additions.

FDOT also owns additional lands the City of Gainesville needs for the Depot Avenue right of way and trail management, known as the Archer Road/Waldo Road Rail Trail connector. The City of Gainesville is the managing agent regarding this trail corridor. The limits of the trail to be conveyed to the City will be from the east right of way of Southwest 13th Street to its intersection of the south right of way line of East University and the west right of way line of Southeast 11th Street (Waldo Road), per FDOT Right of Way maps Section 99002-1896.

The City of Gainesville made application to FDOT to convey the land

rights needed to reconstruct Depot Avenue and to maintain the pedestrian/bicycle trail. FDOT has agreed to convey the land rights to the City by a Right of Way map, contingent on adoption of a resolution.

Fiscal Note: There is no fiscal impact from this request.

RECOMMENDATION

The City Commission adopt the Resolution accepting Segments 2 and 4 of the Depot Avenue Transportation Corridor Project and the Archer Road/Waldo Road Rail Trail connector, Southwest 13th Street to East University Avenue, subject to approval by the City Attorney as to form and legality.

[130081A_Map_20130718.pdf](#)

[130081B_Resolution_20130718.pdf](#)

[130085.](#)

Resolution to Declare 1761 Southeast 4th Street as Surplus and Dispose of City Owned Property (B)

This item involves a request to the City Commission to adopt a Resolution declaring 1761 Southeast 4th Street (Tax parcel 15853-000-000) as surplus property to be disposed of for affordable housing purposes, retaining the front Twenty (20) feet for future right-of-way.

Explanation: This property, known as Tax Parcel 15853-000-000, located at 1761 Southeast 4th Street, escheated to the County for nonpayment of taxes on November 28, 2000 by virtue of Florida Statute 197.502(8). The County, pursuant to Florida Statute 197.592 (3) conveyed the property to the City on August 8, 2006. The current tax assessed value of the property is \$5,000. In December of 2012, the City received a request from Alachua Habitat for Humanity, Inc., for a donation of property suitable for development of single family housing. An "Intent to Surplus" form regarding parcel was routed to all departments and utility companies for a determination of use. Public Works would like to retain the front Twenty (20) feet as future right of way.

In accordance with the Real Property Policies adopted by the City Commission on April 18, 2013, (Resolution No. 100630), this item requests the City Commission to adopt a resolution finding and declaring that the property is surplus. As defined in the Policies, surplus means "property which no longer serves a public purpose, or is in excess of the City's needs, or the sale of which would serve a greater public purpose than the retention of the property." If the Commission adopts the resolution, the Public Works Department will dispose of the property in a competitive manner. To achieve affordable housing goals, the property will be offered only to non-profit organizations that will construct an affordable new home for qualified low-income first-time homebuyers. As a part of the deed conveyance the City will allow the selected recipient up to 2 years from the date of closing to build a new affordable home(s) on the property. If a new home is not built within this time period, then

this property will revert back to the City for use as determined by the City at that time. The disposition of this property would allow the opportunity to develop the vacant lot into useable housing stock and assist in the City's continuing effort to improve the quality of life in our neighborhoods for the benefit of all residents; and to increase the amount of affordable and low cost housing in the City. This type of affordable housing project will assist the City in meeting its goals to accomplish these initiatives. Staff believes it would be in the best interest of the City to return this parcel to the tax rolls, retaining the front Twenty (20) feet for future right-of-way.

Fiscal Note: Funding in the amount of \$100 for administrative costs is available in the Public Works Fiscal Year 2013 operating budget.

RECOMMENDATION

The City Commission: adopt the Resolution declaring 1761 Southeast 4th Street (Tax parcel 15853-000-000) as surplus property to be disposed of for affordable housing purposes, retaining the front Twenty (20) feet for future right-of-way.

[130085A_Map_20130718.pdf](#)

[130085B_Resolution_20130718.pdf](#)

ADOPTION READING-ROLL CALL REQUIRED

[121096.](#)

LAND USE CHANGE - SMALL SCALE - PROPERTY GENERALLY LOCATED WEST OF NE 18TH STREET, SOUTH OF NE 6TH PLACE, EAST OF NE 17TH TERRACE, AND NORTH OF NE 5TH AVENUE (B)

Ordinance No. 121096; Petition No. PB-13-26 LUC

An ordinance amending the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of approximately 3.47 acres of property generally located west of NE 18th Street, south of NE 6th Place, east of NE 17th Terrace, and north of NE 5th Avenue, as more specifically described in this ordinance, from Residential Low-Density (RL) to Residential Medium-Density (RM); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Modification

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT REPORT

This petition/ordinance is a small-scale future land use map amendment that changes the land use designation for the 3.47-acre southern portion of a 7.41-acre parcel (Tax Parcel No. 10970-000-000) from Residential Low-Density (RL) to Residential Medium-Density (RM). The subject

property consists of the southern portion of the Gardenia Gardens Apartments multi-family complex, which is located south of NE 8th Avenue and west of NE 18th Street, was originally developed in 1968, and contains 100 U.S. Department of Housing and Urban Development (HUD) project-based Section 8 subsidized multi-family dwelling units.

The 7.41-acre parcel currently has a split land use designation of RM for the 3.94-acre northern portion (48 units) and a RL land use designation for the 3.47-acre southern portion (52 units). The parcel also has split zoning with RMF-7 on the northern portion and RMF-5 on the southern portion. The developed density of the 3.47-acre southern portion of the parcel currently exceeds the density limit of 12 units per acre within the RL land use category and the RMF-5 zoning district and is therefore nonconforming. The nonconformity status arose when the property was split into its current land use and zoning arrangement as part of the citywide land use and zoning changes that resulted after the adoption of the 1991 Comprehensive Plan. Planning staff could find no records regarding why the split occurred at that time.

This petition/ordinance will remove the southern portion's nonconforming status by changing the land use designation on the 3.47-acre southern portion to match the existing RM land use designation on the remainder of the parcel. Related Ordinance No. 121097 will rezone the 3.47-acre southern portion to match the existing RMF-7 zoning on the remainder of the parcel. These changes will assist in any future modifications to the property and enhance the ability of the development to obtain financing to provide affordable housing to Gainesville residents.

After public notice was published in the Gainesville Sun on April 9, 2013, the City Plan Board held a public hearing on April 25, 2013, and recommended approval of the petition by a vote of 6-0.

CITY ATTORNEY MEMORANDUM

This proposed amendment to the Comprehensive Plan involves a use of 10 acres or fewer and qualifies as a small-scale development amendment. The City Commission may adopt small-scale development amendments with a single public hearing.

Within 30 days following the City's adoption of this amendment, any affected person may file a petition with the State Division of Administrative Hearings to request a hearing to challenge the compliance of this amendment with Chapter 163, Florida Statutes. If challenged within 30 days after adoption, this amendment shall not become effective until the state land planning agency or the Administration Commission issues a final order determining that the adopted amendment is in compliance with Chapter 163, Florida Statutes. If unchallenged, this amendment shall become effective 31 days after adoption.

RECOMMENDATION

The City Commission: (1) approve Petition No. PB-13-26 LUC and (2) adopt the proposed

ordinance.

[121096A draft ordinance 20130718.pdf](#)

[121096B Revised Staff report 20130718.pdf](#)

[121096C Maps 20130718.pdf](#)

[121096D Comp Plan Goals Objectives 20130718.pdf](#)

[121096E CHW Justificatioin Report 20130718.pdf](#)

[121096F Revised Petition Application 20130718.pdf](#)

[121096G CPB minutes 20130718.pdf](#)

[121096H staff ppt 20130718.pdf](#)

[121096 MOD PRES 12-0467 CC1 20130718 .pdf](#)

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

[121097.](#)

REZONING - PROPERTY GENERALLY LOCATED WEST OF NE 18TH STREET, SOUTH OF NE 6TH PLACE, EAST OF NE 17TH TERRACE, AND NORTH OF NE 5TH AVENUE (B)

Ordinance No. 121097; Petition No. PB-13-27 ZON

An ordinance amending the Zoning Map Atlas of the City of Gainesville, Florida, by rezoning approximately 3.47 acres of property generally located west of NE 18th Street, south of NE 6th Place, east of NE 17th Terrace, and north of NE 5th Avenue, as more specifically described in this ordinance, from Residential low density district (RMF-5) to Multiple-family medium density residential district (RMF-7); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Modification

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT REPORT

This petition/ordinance rezones the 3.47-acre southern portion of a 7.41-acre parcel (Tax Parcel No. 10970-000-000) from Residential low density district (RMF-5) to Multiple-family medium density residential district (RMF-7). Related Ordinance No. 121096 amends the future land use category for the 3.47-acre area from Residential Low-Density (RL) to Residential Medium-Density (RM). The subject property consists of the southern portion of the Gardenia Gardens Apartments multi-family complex that is located on the south side of NE 8th Avenue and the west side of NE 18th Street and contains 100 U.S. Department of Housing and Urban Development (HUD) Project-Based Section 8 subsidized multi-family dwelling units.

Prior to the adoption of the 1991 City of Gainesville Comprehensive Plan, the entire 7.41-acre parcel was zoned RMF-7. Subsequent to the adoption of the 1991 City of Gainesville Comprehensive Plan, the

7.41-acre parcel received a split zoning of RMF-7 on the 3.94-acre northern portion and RMF-5 on the 3.47-acre southern portion. Planning staff could find no records regarding why this split occurred at that time. That change rendered the existing apartment buildings on the 3.47-acre southern portion non-conforming because the developed density exceeds the density limits allowable within the RMF-5 zoning district. Rezoning the 3.47-acre southern portion of the property to RMF-7 will remove the non-conformity status and create a unified zoning classification across the entire parcel that is consistent with the current developed density of the property. In addition, this change will assist in any future modifications to the property and enhance the ability of the development to obtain financing to provide affordable housing to Gainesville residents.

After public notice was published in the Gainesville Sun on April 9, 2013, the City Plan Board held a public hearing on April 25, 2013, and recommended approval of this petition by a vote of 6-0.

CITY ATTORNEY MEMORANDUM

This ordinance requires two readings. This rezoning shall become effective when the amendment to the City of Gainesville Comprehensive Plan adopted by Ordinance No. 121096 becomes effective as provided therein.

RECOMMENDATION

The City Commission: (1) approve Petition No. PB-13-27 ZON and (2) adopt the proposed ordinance.

[121097A draft ordinance 20130718.pdf](#)

[121097B Revised Staff report 20130718.pdf](#)

[121097C Maps 20130718.pdf](#)

[121097D Comp Plan GOPs 20130718.pdf](#)

[121097E Revised CHW Justification Report 20130718.pdf](#)

[121097F Revised Petition Application 20130718.pdf](#)

[121097G CPB minutes 20130718.pdf](#)

[121097H staff ppt 20130718.pdf](#)

[121097 MOD PRES 12-0467 CC1 20130718.pdf](#)

121102.

SPECIAL MAGISTRATE FOR CODE ENFORCEMENT (B)

Ordinance No. 121102

An ordinance of the City of Gainesville, Florida, amending the Gainesville Code of Ordinances by creating a special magistrate position as an alternative to the code enforcement board to enforce compliance with City Of Gainesville ordinances; amending Chapter 2, Article V, Division 8 , Code Enforcement Board to provide intent; provide

minimum qualifications and requirements for appointment of special magistrates; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: CODE ENFORCEMENT STAFF REPORT

The Community Development Committee (CDC) discussed the Special Magistrate 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.

Authority for the city to establish a code enforcement board and/or special magistrate to consider violations of the code of ordinances is provided for by section 162.03(2), Florida Statutes:

(2) A charter county, a noncharter county, or a municipality may, by ordinance, adopt an alternate code enforcement system that gives code enforcement boards or special magistrates designated by the local governing body, or both, the authority to hold hearings and assess fines against violators of the respective county or municipal codes and ordinances. A special magistrate shall have the same status as an enforcement board under this chapter. References in this chapter to an enforcement board, except in s. 162.05, shall include a special magistrate if the context permits.

Staff is in the process of issuing a Request for Proposals (RFP) for Code Enforcement Special Magistrate with an expectation that a Special Magistrate and a reserve Special Magistrate will be selected and implemented by October 1, 2013.

CITY ATTORNEY MEMORANDUM

At its regularly scheduled meeting on March 7, 2013, the City Commission authorized the Clerk of Commission to advertise and the City Attorney to draft an ordinance to implement the Special Magistrate process to enforce the city's code violations.

This draft ordinance retains the Code Enforcement Board, creates authority for a Special Magistrate and allows the City Commission to designate (by Resolution) which of the two would exercise powers from time to time.

This ordinance requires two readings.

RECOMMENDATION

The City Commission adopt the proposed

ordinance.

[121102 special magistrate 20130718.pdf](#)

[121103.](#)

ESTABLISHING BOARD OF ADJUSTMENT MEMBERS AS THE EX OFFICIO MEMBERS OF THE NUISANCE ABATEMENT BOARD (B)

Ordinance No. 121103

An ordinance of the City of Gainesville, Florida, amending Sec. 16-95 of the Gainesville Code of Ordinances by establishing board of adjustment members as the ex officio members of the nuisance abatement board; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: At its regularly scheduled meeting on March 7, 2013, the city commission authorized the clerk of commission to advertise and the city attorney to draft an ordinance to implement the special magistrate process to hear the city's code violations. That ordinance through the Resolution authorized therein will allow the City Commission to terminate the terms of the existing code enforcement board members and authorize a special magistrate to conduct code hearings. Currently, the members of the code enforcement board constitute the ex-officio members of the nuisance abatement board, however, Section 893.138, Florida Statutes, authorizing local administrative action to abate drug-related, prostitution-related, or property-related public nuisances references the establishment of an "administrative board" to carry out the process; therefore, the special magistrate cannot be substituted for the code enforcement board members. This ordinance establishes the members of the board of adjustment as the ex-officio members of the nuisance abatement board. The nuisance abatement board meets when necessary and has not convened in recent years.

This ordinance requires two readings.

RECOMMENDATION *The City Commission continue the item until such time a special magistrate is appointed.*

[121103 establishing BOA members as NAB members 20130718.pdf](#)

[130098.](#)

VOLUNTARY ANNEXATION - URBAN SERVICES REPORT - WRH PROPERTIES (B)

Ordinance No. 130098

An ordinance of the City of Gainesville, Florida, adopting an Urban Services Report that sets forth plans to provide urban services to Tax Parcel Nos. 07240-030-000, 07240-001-010 and 07242-001-000, which are generally located south of SW Archer Road, west of Fred Bear Drive

and I-75, north of SE Williston Road, and east of SW 62nd Avenue, upon voluntary annexation as petitioned for by the property owner pursuant to Chapter 90-496, as amended, Special Act, Laws of Florida, known as the Alachua County Boundary Adjustment Act; providing directions to the City Manager, the City Attorney and the Clerk of the Commission; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: WRH Gainesville, LLC, submitted a petition to the City of Gainesville for the voluntary annexation of three parcels generally located south of SW Archer Road, west of Fred Bear Drive and I-75, north of SW Williston Road, and east of SW 62nd Avenue. The Alachua County Boundary Adjustment Act requires the adoption of an Urban Services Report ordinance setting forth plans to provide urban services to the annexation area prior to the adoption of an annexation ordinance. Consequently, this ordinance adopts the Urban Services Report for the three parcels owned by WRH Gainesville, LLC.

The City Commission on June 6, 2013, authorized the City Attorney to draft and the Clerk of the Commission to advertise this ordinance.

CITY ATTORNEY MEMORANDUM

This ordinance requires two readings.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

[130098A draft ordinance 20130718.pdf](#)

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

[120842.](#)

REZONING - APPROXIMATELY 0.15 ACRES GENERALLY LOCATED ON THE SOUTH SIDE OF NW 21ST AVENUE, APPROXIMATELY 320 FEET EAST OF NW 13TH STREET, FROM CONSERVATION (CON) TO MIXED-USE LOW INTENSITY DISTRICT (MU-1) (B)

Ordinance No. 120842; Petition No. PB-12-160 ZON

An ordinance amending the Zoning Map Atlas of the City of Gainesville, Florida, by rezoning approximately 0.15 acres of property generally located on the south side of NW 21st Avenue, approximately 320 feet east of NW 13th Street, as more specifically described in this ordinance, from Conservation (CON) to Mixed-use low intensity district (MU-1); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT REPORT

This ordinance will rezone approximately 0.15 acres of property from Conservation (CON) to Mixed-use low intensity district (MU-1). The property is a portion of a 1.03-acre parcel (parcel no. 00970-002-000) located on the south side of NW 21st Avenue approximately 320 feet east of NW 13th Street. The original petition included the adjacent 0.31-acre, Conservation-zoned area to the east that is at the western edge of the 20.24-acre Hidden Lake apartment complex, but that area is no longer included after the City Commission voted on April 4, 2013, to deny Petition PB-12-159 LUC (Legistar no. 120841), which had requested a small-scale land use amendment from Conservation to Residential Medium-Density for the 0.31-acre area.

The 0.15-acre property at issue is vacant and partially paved and vegetated. The City once used Conservation land use and zoning to provide a buffer between potentially conflicting uses, but now has various land development regulations to address potential impacts of abutting uses. The proposed rezoning to MU-1 (8-30 units/acre mixed use low intensity zoning district) is consistent with the City's Comprehensive Plan and with the existing Mixed-Use Low-Intensity (8-30 units per acre) designation on the Future Land Use Map. The proposed MU-1 zoning designation is supportive of infill development proximate to the NW 13th Street corridor. This ordinance is related to recent land use and zoning changes (Ordinance Nos. 120839 and 120840) pertaining to an adjacent property to the southwest and along NW 13th Street.

After public notice was published in the Gainesville Sun on January 8, 2013, the City Plan Board held a public hearing on January 24, 2013, and voted 4-2 to recommend approval of the original petition. The City Commission held a public hearing on April 4, 2013, and voted 7-0 to approve the petition as revised to only include this .15 acre parcel.

CITY ATTORNEY MEMORANDUM

This ordinance requires two readings.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

3/7/13	City Commission	Continued (Petition)
4/4/13	City Commission	Approved (Petition), as amended
6/20/13	City Commission	Adopted on First Reading (Ordinance)

[120842A Staff report 20130307.pdf](#)
[120842B Comp Plan GOPs 20130307.pdf](#)
[120842C Supplemental Docs 20130307.pdf](#)
[120842D Application Pkg 20130307.pdf](#)
[120842E citizen comments 20130307.pdf](#)
[120842F CPB minutes 20130307.pdf](#)
[120842G staff ppt 20130307.pdf](#)
[120842 quasijudicialform 20130307.pdf](#)
[120842MODPresentation HiddenLake 20130307.pdf](#)
[120842A Staff report 20130404.pdf](#)
[120842B Comp Plan GOPs 20130404.pdf](#)
[120842C Supplemental Docs 20130404.pdf](#)
[120842D Application Pkg 20130404.pdf](#)
[120842E citizen comments 20130404.pdf](#)
[120842F CPB minutes 20130404.pdf](#)
[120842G Property Owner Affidavit 20130404.pdf](#)
[120842H staff ppt 20130404.pdf](#)
[120842 MOD HL CC Presentation 2013-04-04.pdf](#)
[120842A draft ordinance 20130620.pdf](#)
[120842B staff ppt 20130620.pdf](#)

[120931.](#)

TEXT CHANGE - AMEND THE LIST OF PERMITTED USES BY RIGHT FOR THE RMF-5 ZONING DISTRICT IN THE LAND DEVELOPMENT CODE BY ADDING "ACCESSORY USES" WITH CERTAIN CONDITIONS AS AN ALLOWABLE USE WITHIN THE RMF-5 ZONING DISTRICT (B)

Ordinance 120931; Petition No. PB-13-009 TCH

An ordinance of the City of Gainesville, Florida, amending the list of permitted uses by right for the RMF-5 zoning district in Section 30-52 - Residential low density districts (RMF-5, RC and MH) of the Land Development Code by adding "accessory uses" with certain conditions as an allowable use; 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/ordinance amends the list of permitted uses by right for the RMF-5 zoning district in the Land Development Code, Section 30-52 -

Residential low density districts (RMF-5, RC and MH). Specifically, this petition/ordinance adds "accessory uses" (including storage rooms, management offices, club or games rooms, and recreational and laundry facilities) as an allowable use within the RMF-5 zoning district for permitted uses that contain at least 50 residential units. The accessory uses shall be and remain under common ownership and management.

The RMF-5 zoning district allows a mixture of residential types ranging from single family dwellings to townhouses or row houses of up to six attached dwellings or more if the property is not adjacent to property zoned RSF-1, RSF-2, RSF-3, and RSF-4. The accessory uses that this petition/ordinance will make allowable within the RMF-5 zoning district are currently allowed by right in the multiple-family medium density residential districts (RMF-6, RMF-7 and RMF-8). The intent of this petition/ordinance is to allow a variety of shared amenities for residents of RMF-5 zoned properties, while restricting these uses to larger developments with a significant number of residential units, to enhance the convenience for residents living in an applicable development and to reduce vehicle trips for off-site laundry, storage, or recreational needs.

After public notice was published in the Gainesville Sun on February 12, 2013, the City Plan Board held a public hearing on February 28, 2013, and recommended approval of this petition by a vote of 6-0.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings and shall become effective immediately upon final adoption.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

6/20/13 City Commission Adopted on First Reading (Ordinance) and Approved the Recommendation

[120931A draft ordinance 20130620.pdf](#)

[120931B Staff report 20130620.pdf](#)

[120931C Proposed text change to RMF-5 district 20130620 .pdf](#)

[120931D Application for RMF-5 zoning text amendment 20130620.pdf](#)

[120931E cpb minutes 20130620.pdf](#)

[120931F staff ppt 20130620.pdf](#)

[121031](#)

REZONING - 2845 NE 39TH AVENUE (B)

Ordinance No. 121031; Petition No. PB-13-15 ZON

An ordinance of the City of Gainesville, Florida, amending Section 30-23 of the Land Development Code to include the definition of continuum of

care facility; amending the Public services and operations zoning by establishing uses permitted by right for approximately 30.85 acres of certain real property located in the vicinity of 2845 NE 39th Avenue; establishing development requirements for the subject property; waiving the requirement of a preliminary development plan; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT REPORT

This ordinance provides the zoning designation to implement the PF (Public Facilities) land use on the properties included in this ordinance. The ordinance includes a portion of parcels: 8191-000-000 and 8197-000-000. The parcels, consisting of approximately 30.85 acres, are owned by the State of Florida. The property had been used as the Gainesville Correctional Institute (GCI) which housed over 300 minimum to medium security inmates. The site consists of several buildings with space for office use, a medical clinic, dormitories, library, food service, multi-purpose rooms and a chapel.

The GCI closed in March of 2012, and the City of Gainesville is working with the State of Florida to acquire the property to be used as a multi-faceted services center for the community. On December 6, 2012 the City Commission authorized staff to act as agent for the property and to initiate a zoning petition.

The City's land development regulations do not include a use designation such as that contemplated for the multi-faceted services center for the community and the homeless. This ordinance adds the definition of continuum of care facility to allow a multi-faceted facility that will provide medical, housing, food, job, social services and other needs faced by the homeless, those at risk of becoming homeless, and the community in general.

The Public Services and operations district (PS), Section 30-75 of the Land Development Code, requires that each specific permitted use be designated in the ordinance which zones the property PS. Ordinance No. 0-82-76, which rezoned this property as PS, designated the permitted uses as "State Administrative" and "Santa Fe Correctional Farm." This ordinance amends the zoning to allow the continuum of care facility use as well as other uses that will provide services to the homeless and the entire Gainesville community.

After public notice was published in the Gainesville Sun on March 12, 2013, the City Plan Board held a public hearing on March 28, 2013, and recommended approval of this petition by a vote of 6-0. On May 2, 2013, the City Commission approved the petition by a vote of 7-0.

CITY ATTORNEY MEMORANDUM

This ordinance requires two readings.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

5/2/13 City Commission Approved (Petition)
6/20/13 City Commission Adopted on First Reading (Ordinance)

[121031A staff report 20130502.pdf](#)

[121031B_GCI Building Indentification 20130502.pdf](#)

[121031C Maps Existing Land Use Zoning 20130502.pdf](#)

[121031D Maps 20130502.pdf](#)

[121031E RTS Route 25 20130502.pdf](#)

[121031F Conditions 20130502.pdf](#)

[121031G Neighborhood Workshop info zoning application 20130502.pdf](#)

[121031H CPB minutes 20130502.pdf](#)

[121031I staff ppt 20130502.pdf](#)

[121031A draft ordinance 20130620.pdf](#)

[121036.](#)

**REZONING - APPROXIMATELY 1.86 ACRES OF PROPERTY
GENERALLY LOCATED AT 2001 NW 13th Street (B)**

Ordinance No. 121036; Petition PB-13-23 ZON

An ordinance amending the Zoning Map Atlas of the City of Gainesville, Florida, by rezoning approximately 1.86 acres of property generally located at 2001 NW 13th Street, as more specifically described in this ordinance, from Automotive-oriented business district (BA) to Mixed-use low intensity district (MU-1); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

This rezoning request pertains to a 1.86-acre property located at 2001 NW 13th Street. The property is developed and includes an automotive showroom at the front of the lot and a warehouse building at the rear that total 30,456 square feet. This property was part of the former Brasington automotive dealership that closed in 2008. The property is currently used for used car sales.

The proposed rezoning will facilitate future redevelopment of the property by changing from the Automotive-oriented business district (BA) to the MU-1 (8-30 units/acre mixed use low intensity) zoning district, which allows for residential use and more non-residential uses than the

BA zoning district. As stated in the purpose section of Section 33-64, "The mixed-use low intensity district is established for the purpose of allowing coordinated developments designed to offer a mixture of residential, convenience-type retail, professional and consumer service uses primarily for residents of mixed-use and adjacent residential neighborhoods, and places of religious assembly. The district is intended to reduce the length and number of vehicular trips by providing for basic needs within close proximity to residential areas, by encouraging pedestrian access, and by the combining of trips. This district is established to allow uses compatible with each other and with surrounding residential areas to be developed near each other."

The proposed MU-1 zoning is consistent with the adjacent MU-1 zoning to the east and south, is consistent with the proposed MU-1 zoning to the north (and is compatible with the existing BA zoning to the north), and with the predominant MU-1 zoning along the east side of NW 13th Street between NW 23rd and NW 16th Avenues. The property is within the Central Corridors Special Area Plan.

After public notice was published in the Gainesville Sun on March 12, 2013, the City Plan Board held a public hearing on March 28, 2013, and by a vote of 6-0, recommended approval of this petition.

This petition/ordinance is related to a proposed small-scale land use amendment (Petition PB-13-22 LUC) from Commercial to Mixed-Use low-Intensity (8-30 units per acre).

CITY ATTORNEY MEMORANDUM

This ordinance requires two readings. This ordinance shall become effective immediately upon adoption; however, the rezoning implemented by this ordinance shall not become effective until the amendment to the City of Gainesville Comprehensive Plan adopted by Ordinance No. 121035 becomes effective as provided therein.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

6/20/13 City Commission Adopted on First Reading (Ordinance) and Approved the Recommendation

[121036B_Staff report_20130620.pdf](#)

[121036C_Comp Plan GOPs_20130620.pdf](#)

[121036D_Supplemental Docs_20130620.pdf](#)

[121036E_Application Pkg_20130620.pdf](#)

[121036F_Neighbrhd workshop info_20130620.pdf](#)

[121036G_CPB minutes_20130620.pdf](#)

[121036H_staff ppt_20130620.pdf](#)

[121036A_draft ordinance_20130620.pdf](#)

[121036_presentation_20130620.pdf](#)

PLAN BOARD PETITIONS

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)