

# **City of Gainesville**

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



## **Meeting Agenda**

**April 07, 2011**

**1:00 PM**

**City Hall Auditorium**

## **City Commission**

***Mayor Craig Lowe (At Large)***

***Mayor-Commissioner Pro Tem Jeanna Mastrodicasa (At Large)***

***Commissioner Scherwin Henry (District 1)***

***Commissioner Lauren Poe (District 2)***

***Commissioner Warren Nielsen (District 3)***

***Commissioner Randy Wells (District 4)***

***Commissioner Thomas Hawkins (At Large)***

***Persons with disabilities who require assistance to participate in this meeting are requested to notify the Office of Equal Opportunity at 334-5051 or call the TDD phone***

## 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

**Prophet George Young**

## CONSENT AGENDA

## CITY MANAGER, CONSENT AGENDA ITEMS

### 100774

#### **Main Street Streetscape (NB)**

**This item is to discuss options for advancing the Main Street Streetscape and Lighting project.**

*MODIFICATION - (To move from the Consent Agenda and place on the Regular Agenda for discussion).*

*Explanation: The City Commission requested that staff provide options to accelerate the funding of landscaping and street lighting for the section of North and South Main Street soon to be completed by the Florida Department of Transportation. The adopted FY 11 - 15 Capital Improvement Plan (CIP) identifies \$1.1 million in FY 2015 for Main Street Streetscape. The costs of the project were estimated at \$1.65 million.*

*Staff has reviewed the accounts associated with several recently completed projects and have found that due to savings between estimated costs and actual bided contract costs there is approximately \$1,616,984.73 of gas tax funds available that could be directed to advance the Main Street Streetscape project. This would allow the City Commission to reallocate the \$1.1 million that is identified in FY 2015 to another project.*

*Fiscal Note: Allocate cost savings from completed projects to the Main Street Streetscape project in the amount of \$1,616,984.73.*

**RECOMMENDATION**

*The City Commission: 1) approve the reallocation of \$1,616,984.73 to the Main Street Streetscape project to allow work to begin in FY 11; and 2) direct the City Manager to come back at a future meeting with recommendations for the reallocation of the FY 15 \$1.1 million.*

**100774.****Vacate a Portion of North Main Street Right of Way (B)**

**This item is a request to vacate a portion of right of way, adjacent Gainesville Ford.**

*Explanation: In 1972, the City of Gainesville received a 35 foot by 957 foot strip of land, running north from Gainesville Ford, past Gatorland Kia, to Gatorland Acura for the future expansion of right of way. In 2005, at the request of the auto dealerships, it was determined this strip of land was not needed for right of way. By ordinances 030753, 041149, and 030754 the right of way was vacated. Recently it has come to staff's attention that a 100 foot segment, adjacent to Gainesville Ford, now owned by Prestige Lincoln-Mercury, Inc., was omitted from the initial request. Prestige Lincoln-Mercury is in the design process for redevelopment of their property and would like to incorporate this 100 foot segment in their plans. Staff believes it would be in the best interest of the City to return this 100 foot segment to the tax rolls.*

*Fiscal Note: The fiscal impact is primarily administrative cost, not to exceed \$800.00.*

**RECOMMENDATION**

*The City Commission: 1) approve the request of Public Works to vacate the unimproved 100 foot segment of right of way, east of North Main Street and adjacent Prestige Lincoln-Mercury, Inc; and 2) authorize the Planning Department to initiate a petition to the Plan Board to vacate unimproved 100 foot segment of right of way, east of North Main Street and adjacent Prestige Lincoln-Mercury, Inc.*

100774A\_Map\_20110407.pdf

100774B\_Map\_20110407.pdf

100774C\_Ordinance041149\_20110407.pdf

100774D\_Ordinance030754\_20110704.pdf

100774E\_Ordinance030753\_20110407.pdf

**100792.****Federal Law Enforcement Contraband Forfeiture Trust Fund (FLECFTF) Funding for Equipment for Local Florida Highway Patrol (NB)**

**This item requests that the City Commission appropriate and expend \$22,292 in funds from the Federal Law Enforcement Contraband Forfeiture Trust fund for equipment for the Florida Highway Patrol.**

*Explanation:* The Special Investigations Unit and the Florida Highway Patrol worked in conjunction on an investigation and the federal forfeiture share for the case was given to the Gainesville Police Department. The amount of forfeiture was \$70,518.95. The Florida Highway has requested \$22,292.00 in equipment as their share of the forfeiture.

*Fiscal Note:* Funds for this expenditure in the amount of \$22,292 are available in the Federal Law Enforcement Contraband Forfeiture Trust Fund and is allowable per Federal 21 USC 881 found in the US Department of Justice "A Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies." The balance is \$1,708,614.58.

**RECOMMENDATION**

*Recommended Motion:* The City Commission approve the appropriation of \$22,292 from the Federal Law Enforcement Contraband Forfeiture Trust Fund for the purchase of appropriate equipment for the Florida Highway Patrol.

**100793.**

**Overtime Reimbursement From High Intensity Drug Trafficking Areas For Special Investigations Division (Combined Alachua Drug Enforcement Team) (NB)**

*Explanation:* This request is to approve reimbursement from the High Intensity Drug Trafficking Areas (HIDTA) Program to the Gainesville Police Department. This is subject to the availability of annually appropriated funds by the Office of National Drug Control Policy (ONDCP) for payment of personnel expenses (overtime). As a member of the Alachua County Combine Drug Taskforce Unit, the Gainesville Police Department is eligible for reimbursement of funds from the HIDTA program that are expended for overtime. The HIDTA program targets middle and upper level illegal narcotics traffickers; as well as, organized crime activities.

*The HIDTA program provides financial assistance to assist law enforcement organizations with protracted multi-jurisdictional investigations. The mission of the CADET (Combined Alachua Drug Enforcement Team) initiative shall be to pursue, disrupt and dismantle major drug trafficking organizations by identifying, arresting and prosecuting individuals or networks responsible for the importation and distribution of illicit drugs in Alachua County. The CADET initiative will conduct multi-jurisdictional investigations in which the primary focus will be to achieve a significant reduction in both violent crime and the overall distribution of drugs through the implementation of a cooperative strategy with other North Florida High Intensity Drug Trafficking Areas (NFHIDTA) initiatives.*

*This is for officers working on specific cases for the CADET initiatives and are not assigned full-time to the initiative.*

*A Memorandum of Agreement (MOA) has been entered into by ASO, GPD and*

UPD and is valid through December 31, 2012. The Gainesville Police department will submit the appropriate paperwork to request reimbursement.

*Fiscal Note:* The City will receive overtime expenses associated with the aforementioned. This is for officers working on specific cases for CADET initiatives and are not assigned full-time to the CADET initiative. There is a not a specific amount budgeted.

**RECOMMENDATION**

The City Commission approve the Gainesville Police Department's request to seek reimbursement.

*Alternative Recommendation A:* The City Commission deny seeking reimbursement.

**100799.**

**State LECFTF Funding for the Corner Drug Store Interface Youth Program and Spotlight on Youth (B)**

*Explanation:* The annual Spotlight on Youth fundraiser is a unique program that features talented youth throughout Gainesville/Alachua County and exhibits their artistic talents in one gala event held annually at the University Performing Arts Center. State LECFTF funding of an amount not to exceed \$2,500 will be used to enhance services in the Interface Youth Program/Shelter Central for at-risk youth who are in the early stages of system penetration and may be diverted from incarceration. The facility provides short-term residential care to truants, runaways, and ungovernable youth. Funding will provide tickets for under-privileged youth to attend the gala will be issued at no cost and credited as compliments of the Gainesville Police Department.

*Fiscal Note:* Funds in an amount not to exceed \$2,500 for this project are available in the State Law Enforcement Contraband Forfeiture Trust Fund and is allowable per Florida State Statute 932.7055. The available balance is \$179,511 (unreserved fund balance) as stated in the State Law Enforcement Contraband Forfeiture fund comparative balance sheet ending September 30, 2010.

**RECOMMENDATION**

The City Commission authorize the appropriation of an amount not to exceed \$2,500 from the State Law Enforcement Contraband Forfeiture Trust Fund, for the Corner Drug Store Interface Youth Program and Spotlight on Youth.

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**100811.**

**Purchase of Equipment for Regional Transit System (RTS) (B)**

**This item is a request for the City Commission to approve the procurement of one (1) Drive On Vertical Rise Vehicle Lift with 30' Platform ( 55,000# Lifting Capacity) from Heavy Duty Lift & Equipment, Inc., for the Regional Transit System (RTS).**

*Explanation: The Regional Transit System (RTS) Bus Fleet Maintenance facility will be undergoing minor renovations during FY2011. In concert with the renovation work RTS desires to have one (1) Drive On Vertical Rise Vehicle Lift with 30' Platform (55,000# Lifting Capacity) installed in the undercarriage wash bay that will be constructed during this project. The installation of the lift will provide a much safer work environment while improving the efficiency of the bus undercarriage cleaning activities currently performed by RTS maintenance personnel.*

*Heavy Duty Lift & Equipment, Inc. is the Steril-Koni distributor for the Southeastern United States. This procurement will be made utilizing Western State Contracting Alliance (WSCA) Contract # 06405. The cost of the lift and installation is \$88,087.*

*Fiscal Note: Funds are available for this project in Urban Area Formula Grant budgets.*

**RECOMMENDATION**                      *The City Commission approve the purchase of one (1) Drive On Vertical Rise Vehicle Lift with 30' Platform (55,000# Lifting Capacity) from Heavy Duty Lift & Equipment, Inc.*

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 100811B\_Cost Estimate\_20110407.pdf  
 100811C\_Source Selection\_20110407.pdf  
 100811D\_Analysis\_20110407.pdf  
 100811E\_Contract\_20110407.pdf

### **100813.**

#### **FDOT Highway Safety Grant Application (NB)**

**This is a request for the City Commission to authorize staff to submit a grant application to the Florida Department of Transportation to a Bicycle and Pedestrian Safety Action Plan.**

*Explanation: The City of Gainesville ranks at the top 25% of its category (cities with population of 100,000 or greater) in the number of crashes that involved cyclists (# 2) and pedestrians (# 7) in Florida. During the 5-year period between 2005 and 2009, a total of 866 crashes involving cyclists and pedestrians were recorded. Over 62% of the recorded crashes resulted in fatalities and injuries: 11 crashes resulted in fatalities, and 527 crashes resulted in injuries. While Statewide trends indicate a decline in the similar types of crashes, the number of occurrences in Gainesville remain fairly constant from year to year. When compared to the Highway Safety Matrix - Ranking of Florida Cities published in 2009 the City moved up on the ranking from #4 to #2 in the occurrence of bicycle crashes. The development and implementation of a Bicycle and Pedestrian Safety Action Plan advances the goals of the FDOT Strategic Highway Safety Plan in the protection of vulnerable roadway users by allowing the City to: (1) implement a plan that identifies effective safety countermeasures for pedestrians and cyclists in the areas of engineering, education and enforcement; (2) make strategic safety investments, focusing resources where opportunities for safety improvement are greatest for pedestrians and cyclists; and (3) establish mobility strategies that*

enhance pedestrian and cyclist safety. It is expected that the grant will fund the plan development, targeted education campaign and pedestrian safety enforcement. The total estimated cost of the project is estimated at \$75,000; the grant request is for \$50,000 with a \$25,000 local match that includes in-kind services.

*Fiscal Note:* There are no fiscal impacts for FY11. Matching funds would be required in FY12 in the amount of \$25,000 (\$20,000 cash and \$5,000 in-kind services). Funds are available in the Public Works budget.

**RECOMMENDATION**

*Recommended Motion:* The City Commission authorize the City Manager or designee to submit a grant application.

**100815.**

**Revisions to City Code Chapter 7 - Cemeteries (NB)**

**This item involves a request for the City Commission to direct the City Attorney to prepare and the Clerk to advertise amendments to City Code Chapter 7, Section 7-15.**

*Explanation:* Gainesville City Code Chapter 7, Section 7-15 requires revision due to organizational changes that have occurred within the City of Gainesville's operations. Section 7-15, which currently stipulates that "Upon the payment of a perpetual care fee the director of finance is authorized to deliver to the purchaser a certificate evidencing the purchase, signed by him or her on behalf of the city."

Recently the Budget and Finance Department transferred responsibility for preparation and issuance of cemetery documents to the Parks, Recreation and Cultural Affairs Department.

Section 7-5, which also addresses signature authority, stipulates that the city manager or designee is authorized to execute certificates of interment on behalf of the city. City staff proposes that the language in Section 7-15 be modified to reflect that the perpetual care certificate be signed by the city manager or designee, which conforms with the language in Section 7-5.

*Fiscal Note:* Revision to signature authority in Section 7-15 will not result in any fiscal impact.

**RECOMMENDATION**

*The City Commission direct the City Attorney to prepare and the Clerk to advertise amendments to City Code Chapter 7, Section 7-15.*

**100830.**

**Amendment to the FY 2008-2009 CDBG and HOME Annual Action Plan (NB)**

**This is a request for the City Commission to approve a fourth amendment to the FY 2008-09 CDBG and HOME Annual Action Plan to allow for the CDBG-R funds to be allocated to additional CDBG Target areas of Gainesville.**

*Explanation: The City of Gainesville received \$371,033 in CDBG-R Program funding from HUD through the American Recovery and Reinvestment Act of 2009 (ARRA) that was signed into law on February 17, 2009, and appropriated funding for measures that will modernize our nation's infrastructure, enhance energy independence, expand educational opportunities, preserve and improve affordable health care, provide tax relief and protect those in greatest need. The CDBG-R Program funding is a separate allocation from the regular, Community Development Block Grant (CDBG) Program funds that the City of Gainesville receives on an annual basis from HUD. The CDBG-R funds were allocated for the development of the One Stop Homeless Assistance Center as approved by the City Commission, on May 7, 2009 (Legislative File #081017) as a second amendment to the CDBG and HOME Annual Action Plan.*

*On December 3, 2009 (Legislative File #090585), the City Commission approved the third amendment to the FY 2008-2009 CDBG and HOME Annual Action Plan to reallocate the CDBG-R funds program funds from the One Stop Homeless Assistance Center project to the Public Works Department to fund a public infrastructure project, the Booker T Washington Subdivision Roadway and Drainage Improvement project located between N. E. 8th and 10th Avenues, and 15th and 16th Terraces to provide roadway pavement restoration/reconstruction with concrete curbs & gutter, including a stormwater management system.*

*The purpose of this fourth Amendment is to allow the City of Gainesville to reallocate funds to utilize the entire CDBG-R program funds in the amount of \$371,003 by September 30, 2012 as required by HUD. Presently, Public Works has contracted to spend \$173,701.40 in the Booker T. Washington Subdivision Roadway and Drainage Improvement project on specific street addresses in this area. This amendment is to include the following program activities: 1) broaden the area scope of the project to include the entire Booker T. Washington Subdivision roadway and drainage improvements project; 2) include funding for park improvements in CDBG Target Areas; and/or 3) expend up to ten percent of the total allocation for general program administration.*

*This Amendment will have no adverse impact on any projects and activities currently funded in the FY 2008-2009 Annual Action Plan. All of the elements of the City's current FY 2008-2009 are hereby incorporated into this Amendment.*

*Fiscal Note: None. This would equate to an equal transfer of the CDBG and CDBG-R funding for these two projects. CDBG-R funding in the amount of \$371,003 would be reallocated to the Booker T Washington Subdivision Roadway and Drainage Improvement project; and then regular CDBG funds in the amount of \$371,003 would be reallocated from Public Works projects to the One-Stop Homeless Center.*

**RECOMMENDATION**

*The City Commission: 1) approve the fourth amendment to the FY 2008-2009 CDBG and HOME*



*Program Annual Action Plan; and 2) authorize the City Manager or designee to prepare and submit the fourth amendment to the FY 2008-2009 Annual Action Plan to the U.S. Department and Urban Development (HUD) for approval.*

**100832.****Amendment to Parking Code (NB)**

**A request to authorize the City Attorney to prepare and the Clerk of the Commission to advertise amendments to Section 26 of the Code of Ordinances of the City of Gainesville, Florida regarding decal parking requirements.**

*Explanation: There have been issues raised in the enforcement provisions of the parking code associated with display of parking decals for City and County permitted employees, officers and vehicles. Staff believes that a revision to the code will allow clearer direction to decal holders as well as enforcement personnel*

*Fiscal Note: There is anticipated an estimated \$200 of administrative costs associated with this request.*

**RECOMMENDATION**

*The City Commission authorize the City Attorney to prepare and the Clerk of the Commission to advertise amendments to Sections 26 as necessary.*

**100840.****Open and Outdoor Burning Ordinance Amendment (NB)**

*Explanation: The Gainesville Fire Rescue Department is requesting language and definition changes to assist in the application and enforcement of the current ordinance. These changes are a result of staff recommendations after practical application of the ordinance during real life events in our community. The improvements will result in an enhanced tool for making our community a safer place to live and work.*

*Fiscal Note: None*

**RECOMMENDATION**

*The City Commission direct the City Attorney to draft and the Clerk of the Commission to advertise an ordinance relating to open and outdoor burning.*

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

**CITY ATTORNEY, CONSENT AGENDA ITEMS**

**100823.****TAYLOR PARKER vs. THE CITY OF GAINESVILLE, FLORIDA, a municipal corporation, and OFFICER DAVID REVEILLE, in his individual capacity, COURT CASE NO. 1:10-CV-00146 (NB)**

*Explanation:* On September 13, 2007, Ms. Parker was arrested by Gainesville Police Department Officer David Reveille on misdemeanor charges of Driving While License Suspended or Revoked and Resisting Officer Without Violence. She was released from custody the following day. On February 1, 2008, the State Attorney's Office for the Eighth Judicial Circuit of Florida declined to prosecute the case, and dismissed all charges. Subsequent to the arrest and action of the State Attorney, Officer Reveille's employment with the Gainesville Police Department was terminated and he was convicted of felony crimes unrelated to this lawsuit.

On August 1, 2010, the Gainesville Police Department was served with a Summons and Complaint. The Plaintiff alleged that she was a victim of false arrest, wrongful imprisonment, and malicious conduct. The parties engaged in Court-ordered mediation regarding the case. A negotiated settlement for all claims, including attorneys' fees, of Ms. Parker in the amount of \$30,000 was reached subject to the approval of the City Commission. It is the recommendation of the City Manager, Risk Management, and the City Attorney's Office that the case be settled for that amount.

**RECOMMENDATION**

The City Commission 1) approve the terms of the settlement; and 2) authorize the City Manager and the City Attorney's Office to settle the case styled Taylor Parker vs. the City of Gainesville, Florida, a municipal corporation, and Officer David Reveille, in his individual capacity, Court Case No. 1:10-CV-00146

**100838.****ALACHUA LAND INVESTORS, LLC V. CITY OF GAINESVILLE;  
CASE NO. 01-2008-CA-3088 (NB)**

*Explanation:* On June 16, 2008, Alachua Land Investors (ALI) filed suit against the City of Gainesville in the Circuit Court of Florida's Eighth Judicial Circuit. ALI sought reversal of the City Commission's denial of a design plat application by way of Petition for Writ of Certiorari alleging that the decision of the City Commission departed from the essential elements of law and was not supported by competent substantial evidence. Additionally, Alachua Land Investors sought declaratory and injunctive relief alleging that the City's wetlands mitigation requirements are preempted by State regulations, and that the proposed design plat is exempt from the City's mitigation requirements. The Circuit Court held the complaint for declaratory and injunctive relief in abeyance until such time as the certiorari review of the decision was complete. On October 31, 2008, the Circuit Court denied the certiorari relief, upholding the decision of the City Commission. ALI filed a timely notice seeking further

review by the First District Court of Appeal. After extensive briefing by both parties, and oral argument before a three-judge panel of the First District Court of Appeal, the Court ruled in favor of the City on July 17, 2009, and the decision became final on September 10, 2009.

Subsequently, in December 2009, ALI abandoned its claims for declaratory and injunctive relief, and amended its Complaint filed in the Circuit Court to allege that the City Commission's denial of the plat application was a regulatory taking for which it is due full compensation. ALI now asserts that the City's regulatory action, while valid, denies ALI's intended use of the property, thus negating substantial economic value of the property. The case is set for phase one of the takings trial in September 2011.

Due to the volume of discovery involved in this case, the recent scheduling of a trial date by the court, and current workload of the Office, it is cost effective to retain special counsel to assist this Office in this case.

**RECOMMENDATION**            *The City Commission authorize the City Attorney to retain special counsel in the case styled Alachua Land Investors, LLC v. City of Gainesville, Case No. 01-2008-CA-3088.*

100838\_ALI Consent\_20110407.pdf

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

### **100842.**

#### **City Commission Minutes (B)**

*MODIFICATION - (To move from the Consent Agenda and place on the Regular Agenda for discussion - File # 100744 NW 16th Avenue Resurfacing).*

**RECOMMENDATION**            *The City Commission approve the minutes of March 3, 2011 and March 17, 2011, as circulated.*

100842\_march 3, 2011\_minutes\_20110407.pdf

100842\_march17,2011\_minutes\_20110407.pdf

100842\_MOD\_Revised\_minutes\_#100744\_20110407.pdf

## **EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**

## **COMMITTEE REPORTS, CONSENT AGENDA ITEMS**

## **RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE, CONSENT**

### **100186.**

#### **Florida Certified Organic Growers Request for "Edible Gardens" (B)**

**This item involves closure of a referral to the Recreation, Cultural Affairs and Public Works Committee regarding Florida Organic Growers' request**

**to utilize City property for "Edible Gardens."**

*MODIFICATION - (To move from the Consent Agenda and place on the Regular Agenda for discussion).*

*Explanation: On March 22, 2010, City staff met with individuals interested in developing community and edible gardens on public properties to be used as youth education and job training areas that provide fresh local food for food banks and pantries, the homeless and other low-income residents. During this meeting, a request was received from the Florida Organic Growers (FOG) to utilize the City Hall grass area near the clock tower for an edible garden.*

*On July 1, 2010, this matter was referred by the City Commission to the Recreation, Cultural Affairs and Public Works Committee for further review and discussion. FOG representative Christine Hale, Director of Education and Outreach, provided a proposal for an "edible park" to be located at City Hall.*

*On September 13th, Ms. Hale provided a presentation to the Committee, which adopted a motion that staff work with Budget and Finance to identify funds for the project, and with the City Attorney's office to draft an agreement between the City and FOG, to be brought back to the City Commission.*

*Staff has developed a License for Use of Property Agreement, which will enable FOG to utilize the property as described in their proposal, and funding has been identified for the City's costs associated with the proposal.*

*Fiscal Note: A \$1,000 one time cost and \$65 yearly costs to cover the expenses for this project have been identified in the City's General Fund operating budget.*

**RECOMMENDATION**

*The City Commission: 1) authorize the City Manager or designee to execute the "License for Use of Property" agreement with Florida Organic Growers, Inc.; and 2) remove this item from the Recreation, Cultural Affairs and Public Works Committee pending referral list.*

**Legislative History**

7/1/10	City Commission	Referred (6 - 0 - 1 Absent)	Recreation, Cultural Affairs and Public Works Committee
9/13/10	Recreation, Cultural Affairs and Public Works Committee	Approved as shown above (See Motion)	
	100186A_Proposal_20100913.pdf		
	100186B_PPT_20100913.pdf		
	100186A_Agreement_20110407.pdf		
	100186B_Proposal_20110407.pdf		

**PERSONNEL & ORGANIZATIONAL STRUCTURE COMM, CONSENT**

**PUBLIC SAFETY COMMITTEE, CONSENT**

**090616.**

**Taxi Cab Costs in Gainesville (NB)**

*Explanation: At the December 3, 2009 meeting the City Commission referred the issue of taxi cab costs and other taxi cab issues to the Public Safety Committee for discussion.*

*The Public Safety Committee began discussion on this referral at its February 22, 2010 meeting. At the meeting Commissioner Mastrodicasa recommended the following steps: 1) start with a good educational campaign, 2) GPD to research rates turned in to them by the taxi companies/what they say they are charging, 3) work with Public Works on signage, 4) create a Rider Bill of Rights, 5) send a letter to the taxicab companies telling them that the City Commission receives constant complaints on their rates and they are looking into the issues, and 6) investigate the receipt issues.*

*Rates are submitted by each company that is licensed to operate within the City. It has been suggested to allow the cab companies to charge a flat rate for certain trips. The Vehicle For Hire Ordinance currently only allows this on "Special Event Days" and trips to and from the airport on those days (Sec. 28-9).*

*To address some of the recommendations made at the February 2010 PSC meeting, a "Rider Bill of Rights" is being developed and on January 19, 2011 a letter was sent to the taxicab companies from GPD informing them they were being investigated for over-charging fees. The only current provision in the Ordinance for a receipt being required is if there is a dispute over the fare (Sec. 28-17). One quote given for a taximeter that prints a receipt is \$325 (which the company said is the list price and negotiable). This price is about \$80 more than a taximeter that does not provide a receipt.*

*At the Committee's February 14, 2011 meeting the Committee approved unanimously to send this referral back to the full City Commission with the recommendation to require a Taxi Service Bill of Rights to be posted in the taxis and to establish a minimum fee that must be prominently posted.*

*Fiscal Note: None*

**RECOMMENDATION**

*The City Commission 1) authorize the City Attorney to draft and the Clerk of the Commission to advertise the amendments to the Vehicle For Hire Ordinance to incorporate requiring a Taxi Service Bill of Rights to be posted in the taxis and to establish a minimum fee that must be prominently posted.*

**Legislative History**

12/3/09	City Commission	Referred (5 - 0 - 2 Absent)	Public Safety Committee
2/22/10	Public Safety Committee	Discussed	
2/14/11	Public Safety Committee	Discussed	

090616\_LetterTaxiCompaniesJan2011\_20110214.pdf  
 090616\_VFHOrd\_20110214.pdf  
 090616\_TaxiRatesInGville\_20110214.pdf

**100429.****Vehicles for Hire and Pedicab Safety (NB)**

*Explanation: The City Commission referred the issue of safety involving vehicles for hire and pedicabs to the Public Safety Committee for review at its October 7, 2010 meeting.*

*There are specific requirements in the City Ordinance specifying the safety equipment necessary to operate the pedicab. The list is fairly extensive. Enforcement has been done where the pedicabs are inspected to ensure they are in compliance and that should continue as circumstances allow. Besides violating traffic laws, the other common complaints received regarding pedicabs is overloading and operating on West University Avenue. These provisions are enforced as circumstances allow.*

*At the Committee's February 14, 2011 meeting the Committee unanimously approved requesting this item be removed from the referral list and for staff to continue to monitor the situation, especially when football season begins in the fall.*

*Fiscal Note: None*

**RECOMMENDATION**

*The City Commission remove this item from the Public Safety Committee referral list and request that staff continue to monitor the safety issues of the vehicles for hire and pedicabs.*

**Legislative History**

10/7/10	City Commission	Referred (7 - 0)	Public Safety Committee
2/14/11	Public Safety Committee	Discussed	

100429\_VFHOrdRegs\_20110214.pdf

**AUDIT, FINANCE AND LEGISLATIVE COMMITTEE, CONSENT****REGIONAL UTILITIES COMMITTEE CONSENT****100008.****Rebates/Incentives for Window Replacement (NB)**

**On February 16th, 2011, staff recommended to the RUC that a pilot program for energy efficient windows and window film rebates be implemented beginning in FY 2012. Assuming the pilot is successful; these rebates would then be added to the energy efficiency programs.**

*Explanation: In July of 2006 staff began implementation of an aggressive Energy Efficiency Program. To date numerous programs have been implemented to help achieve*

*maximum cost-effective energy efficiency. In May of 2010 the city commission referred the item to the RUC to investigate the possibility of including an energy efficient window rebate program as part of the residential program offerings. Staff analyzed the window and window covering rebates using the Total Resource Cost (TRC) test to determine its cost effectiveness. RUC's recommendation is based on these results.*

*Fiscal Note: Funds for this recommendation will be included in the FY12 O&M budget proposal.*

**RECOMMENDATION**            *The City Commission remove item #100008 from the RUC referral list.*

**Legislative History**

5/20/10	City Commission	Referred (7 - 0)	Regional Utilities Committee
9/8/10	Regional Utilities Committee	Discussed	
2/16/11	Regional Utilities Committee	Approved as shown above (See Motion)	

Presentation for RUC Item #100008 9 8 10.pdf

Presentation for RUC Item #100008 Feb 16 2011 .pdf

**EQUAL OPPORTUNITY COMMITTEE, CONSENT**

**DISABILITY REVIEW COMMITTEE, CONSENT**

**COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS**

**END OF CONSENT AGENDA**

**ADOPTION OF THE REGULAR AGENDA**

**CHARTER OFFICER UPDATES**

**CLERK OF THE COMMISSION**

**100834.**

**City Commission Special Meetings (NB)**

**RECOMMENDATION**            *The City Commission schedule meetings as follows:*

*June 9, 2011 - 9:00 AM City Commission Retreat*

*July 12, 2011 - 1:00 PM General Government Budget*

*July 13, 2011 - 5:15 PM Gainesville Regional Utilities Budget*

July 14, 2011 - 1:00 PM General Government Budget

July 18, 2011 - 1:00 PM Gainesville Regional Utilities Budget

July 20, 2011 - 5:15 General Government Budget

## CITY MANAGER

### 100812.

#### **Traffic Management System - Gainesville Alachua County Smart Traffic (B)**

**This item is a request for the City Commission to hear a presentation on the public outreach and real time motorist information provided by the Traffic Management System.**

*MODIFICATION - (Revised ppt. submitted)*

*Explanation: The Traffic Management System (TMS) is a partnership of the City of Gainesville, Alachua County, University of Florida and Florida Department of Transportation. The corridors currently online in the Traffic Management System are:*

- N.W. / S.W. 34th Street - N.W. 39th Avenue to Williston Road;*
- West University Avenue / Newberry Road - West 6th Street to N.W. 98th Street;*
- Archer Road - S.W. 13th Street to S.W. 75th Street;*
- N.W. / S.W. 13th Street - N.W. 34th Street to S.W. Williston Road;*
- N.W. / N.E. 39th Avenue - N.W. 98th Street to Waldo Road;*
- N.W. 23rd Avenue - N.W. 41st Street to N.W. 55th Street;*
- Williston Road - S.W. 13th Street to S.W. 63rd Boulevard;*
- Hawthorne Road - East University Avenue to S.E. 43rd Street;*
- East University Avenue - Waldo Road to East 25th Street;*
- S.W. 16th Avenue - S.W. 13th Street to Archer Road;*
- Waldo Road / Williston Road - N.E. 53rd Avenue to S.E. 7th Avenue; and*
- Traffic Management Center*

*The TMS project includes public outreach component to provide real time motorist information to the users of the transportation system in Alachua County. The real time motorist information will provide motorists with real time traffic data including incidents that may impact their local travel plans. The information will allow motorists to select alternate routes to avoid major incidents or be aware of delays at or near their point of destination.*

*The public outreach includes a portal for motorists to obtain information about the status of the TMS and specific issues regarding traffic management and traffic operations. This portal will also relay real time information to our website that is provided in other real time information outlets. In addition, a branding has been developed for the TMS that will be used in public outreach efforts and in providing real time traffic conditions.*



*The objective of this effort is to better manage traffic and congestion on our existing roadway network and provide motorists with the appropriate information to make informed choices about local trip alternatives.*

*Fiscal Note: Funding in the amount of \$8,000 associated with the public outreach plan have been included in the Traffic Management System budget.*

**RECOMMENDATION**

*The City Commission receive a presentation from staff on the status of the public outreach efforts and real time motorist information provided by the Traffic Management System.*

100812\_MOD\_PowerpointPresentation\_20110407.pdf

**100820.**

**Modification to City of Gainesville Urban Reserve Area and Statement of Services (B)**

**This item is to discuss the five-year update to the Gainesville Urban Reserve Area and the accompanying Statement of Services.**

*MODIFICATION - Revised recommendation and revised ppt (page 7).*

*Explanation: The City of Gainesville Urban Reserve area was initially adopted by the Alachua County Commission in October 1991. A review of the Urban Reserve Area is required every five years under the Alachua County Boundary Adjustment Act (BAA), the Special Act adopted by the State governing annexation in Alachua County. The last review and update was completed in March of 2006. The County initiated the current 5-year update process in January 2011 by sending a letter requesting a written response, indicating whether the City of Gainesville was interested in revising its Reserve Area. The City provided a written response to the County in February 2011, stating our desire to change the currently adopted Gainesville Urban Reserve Area. The site and general vicinity of the Paynes Prairie Sheetflow Restoration project is the proposed addition to Gainesville's Urban Reserve Area.*

*Under the Alachua County Boundary Adjustment Act, an urban reserve area defines the territory where a municipality is allowed to annex. The reserve area designated for a municipality must meet the following criteria:*

- (a) Be adjacent to the municipality;*
- (b) Be urban in character or likely to become urban in character within the next 10 years;*
- (c) Be areas in which population growth should be directed so as to promote efficient delivery of urban services, including police, fire protection, solid waste disposal, potable water, sanitary sewer, drainage or flood control, parks and recreation, housing, street lighting, transportation and other services, and to encourage more concentrated urban development;*
- (d) Shall not contain areas outside the county in which the municipality lies, contain areas within the corporate limits of another municipality, or contain areas within another municipality's reserve area;*
- (e) Shall not contain areas which could be provided with urban services more*

efficiently by the county or other municipality;  
 (f) Shall not contain areas which cannot reasonably be foreseen to be provided with the urban services provided by the municipality within the next 10 years; and,  
 (g) Shall not contain areas which the municipality cannot reasonably have the capacity or capital facilities within the next 10 years to provide, at a minimum, the level of services provided by the county to the reserve areas.

*Under the Boundary Adjustment Act, "urban in character" is defined as an area used for residential, urban recreational or conservation parklands, commercial, industrial, institutional, or governmental purposes or an area undergoing development for any of these purposes including any parcels of land retained in their natural state or kept free of development as greenbelt areas.*

*Fiscal Note: There is no financial impact.*

**RECOMMENDATION**

*The City Commission: 1) approve the Statement of Services and proposed map to be submitted to the Alachua County Commission, the North Central Florida Regional Planning Council and the other municipalities in the County; 2) authorize the City Manager to notify Alachua County, the North Central Florida Regional Planning Council and the other municipalities in the County of the City's desired changes to the Gainesville Urban Reserve Area and submit the Statement of Services; and 3) hold a public hearing on the proposed modifications to the Gainesville Urban Reserve Area.*

100820\_Ltr from Randall Reid\_20110407.pdf  
 100820A\_Ltr from City Mgr\_20110407.pdf  
 100820B\_URA Map\_20110407.pdf  
 100820C\_StatementOfServices\_20110407.pdf  
 100820D\_Ltr\_20110407.pdf  
 100820E\_Presentation\_20110407.pdf  
 100820E-MOD\_Presentation-Page 7.pdf

**100833.**

**Butler Plaza Planned Development Rezoning - City Commission Special Meeting Request (NB)**

**The City Commission is being asked to consider scheduling a City Commission Special Meeting in April to continue deliberations on the Butler Plaza Planned Development Rezoning Petition.**

*Explanation: On December 13, 2010, the City Commission heard the Butler Plaza Planned Development Rezoning Petition (PB-09-84 PDV). The hearing was continued and the City Commission directed that the legal and planning staff negotiate with the applicant in order to present a phasing plan at the next scheduled hearing. In addition, staff was directed to ensure that back-up was provided in a timely manner prior to the hearing.*

*Over the course of the last ninety days, planning staff and the applicant have been meeting to discuss the phasing schedule associated with the proposed PD Rezoning conditions as well as several of the other disputed conditions.*

*At this juncture, staff believes that scheduling a continuance of the December 13th hearing is in order and may be best handled in the context of a Special Meeting.*

*Fiscal Note: No fiscal impact.*

**RECOMMENDATION**

*The City Commission: 1) consider scheduling a Special Meeting in April to hear the Butler Plaza Planned Development Rezoning Petition and if amenable, set an appropriate date/time.*

**100847.**

**State of Florida Legislative Update (B)**

**The City Commission will be provided with an update of legislation filed during the Florida Legislature's 2011 Regular Session.**

*MODIFICATION - Additional back-up submitted.*

*Explanation: The Florida Legislature opened its 2011 regular session on March 8, 2011. Several pieces of legislation have been filed that are expected to have an impact on the City of Gainesville. This update will provide a brief update of such legislation.*

*Fiscal Note: None at this time.*

**RECOMMENDATION**

*The City Commission: 1) receive the legislative update; and 2) determine if issues presented necessitate the support or opposition of the City Commission.*

100847\_2011 State Agenda\_20110407.pdf

100847-MOD\_Legislative Update\_20110407.pdf

**GENERAL MANAGER FOR UTILITIES**

**CITY ATTORNEY**

**CITY AUDITOR**

**EQUAL OPPORTUNITY DIRECTOR**

**COMMITTEE REPORTS (PULLED FROM CONSENT)**

**RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE**

**PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE**

**PUBLIC SAFETY COMMITTEE**

**AUDIT, FINANCE AND LEGISLATIVE COMMITTEE**

**ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)**

**OUTSIDE AGENCIES**

**MEMBERS OF THE CITY COMMISSION**

**100864.**

**Mayor Craig Lowe - National League of Cities Prescription Discount Card Program (B)**

*MODIFICATION - Added to the agenda 4/7/2011 @ 1:49 PM per Mayor Lowe.*

**RECOMMENDATION**

*The City Commission discuss the National League of Cities Prescription Discount Card Program and take appropriate action.*

100864\_MOD\_NLC\_NEWS\_ARTICLE\_20110407.pdf

100864A\_MOD\_NLC\_FAQ'S\_20110407.PDF

100864B\_MOD\_NLC\_English Poster\_(2)\_20110407.pdf

100864C\_MOD\_NLC\_English Card\_(2)\_20110407.pdf

100864D\_MOD\_NLC\_SPANISH Poster\_20110407.pdf

100864E\_MOD\_NLC\_SPANISH Card\_20110407.pdf

**COMMISSION COMMENTS (if time available)**

**RECESS**

**RECONVENE**

**PLEDGE OF ALLEGIANCE (5:30pm)**

**PROCLAMATIONS/SPECIAL RECOGNITIONS**

**100785.**

**Administrative Professionals Week - April 24-30, 2011 & Administrative Professionals Day - April 27, 2011 (B)**

**RECOMMENDATION**

*International Association of Administrative Professionals Executive Assistant, Patty Foster, to receive the proclamation.*

100785\_AdminProfessionals\_20010407.pdf

**100786.**

**Child Abuse Prevention Month - April 2011 (B)**

**RECOMMENDATION**      *Alachua County Child Abuse Prevention Task Force Chair, Annie McPherson, and member, Elizabeth Hartsfield, to receive the proclamation.*

100786\_ChildAbusePrevention\_20110407.pdf

**100787.**

**REinvest Day - April 12, 2011 (B)**

**RECOMMENDATION**      *Blue Oven Kitchens President, Val Leitner, to receive the proclamation.*

100787\_REinvestDay\_20110407.pdf

**100836.**

**National Public Safety Telecommunications Week (B)**

**RECOMMENDATION**      *Combined Communications Center staff to receive the proclamation.*

100836\_NatlPublicSafetyTelecomWeek\_20110407.pdf

**100837.**

**Water Conservation Month (B)**

**RECOMMENDATION**      *Bob Hunzinger, GRU General Manager, to receive the proclamation.*

100837\_WaterConservationMonth\_20110407.pdf

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

**PUBLIC HEARINGS**

**RESOLUTIONS- ROLL CALL REQUIRED**

**100775.**

**Resolution Approving the Application for a Utility Easement from the Department of Environmental Protection (B)**

**This item involves the approval and authorization to adopt a Resolution for the application for a Utility Easement from the Department of Environmental Protection**

*Explanation: The Board of Trustees of the Internal Improvement Trust Fund of the State of Florida ("Trustee") owns property, commonly known as the 6th Street Rail Trail and the Downtown Connector, with the northern terminus at the south right of way line of Northwest 16th Avenue, running south and southeasterly to western right of way line of State Road 331 (Williston Road). The Trustee's responsibilities and obligations are exercised by the State of Florida Department of Environmental Protection, Division of State Lands. The City is desirous to install a fiber optic cable to accommodate the traffic signal management system in the segment of rail trail corridor running from South Main Street to Williston Road. The fiber optic cable will also accommodate new technology that once approved by the Florida Department of Transportation, would use a camera for pedestrian and bike detection to automate flashing beacons, eliminating the need for the existing push button activation, also allowing confirmation of its functionality and alarming its malfunction. The Department of Environmental Protection, Division of State Lands requires a formal Resolution be adopted by the City Commission requesting the proposed utility easement*

*Fiscal Note: Funding in the amount of \$50 for administrative costs is available in the Public Works FY11 operating budget.*

**RECOMMENDATION**

*The City Commission: 1) adopt the Resolution; and 2) authorize the City Manager to apply for a Utility Easement with the Department of Environmental Protection, Division of State Lands, over all the 6th Street Rail Trail and the Downtown Connector from the northern terminus at the south right of way line of Northwest 16th Avenue, running south and southeasterly to western right of way line of State Road 331 (Williston Road).*

100775\_Resolution\_20110407.pdf

**100822.**

**REPORT OF THE BOARD OF CANVASSERS ELECTION (B)**

**A resolution of the City Commission of the City of Gainesville, Florida, accepting the report of the Board of Canvassers for the City of Gainesville, Florida, election held March 15, 2011; and providing an immediate effective date.**

*Explanation: On March 15, 2011, a city election for the election of the Commissioners for the At Large 2 Seat, District 2, and District 3 was held.*

*The Report of the Board of Canvassers for the City of Gainesville, showing that Thomas Hawkins was elected to the At Large 2 Seat, that there will be a run-off election between Todd Chase and Lauren Poe for the District 2 Seat and a run-off election between Susan Bottcher and Rob Zeller for the District 3 Seat, is adopted by this resolution of the City Commission.*

**RECOMMENDATION**

*The City Commission adopt the proposed resolution.*

100822\_Election Results\_20110407.pdf

**100824.**

**Resolution Opposing Pending Legislation (B)**

**This item involves a Resolution opposing pending legislation that will prohibit local governments from enacting fertilizer ordinances such as adopted by the City of Gainesville.**

*Explanation: On April 15, 2010 the City Commission adopted Resolution 090813 opting into Alachua County's Ordinance 09-06 adopted on September 22, 2009 in response to the Florida Legislature's enactment of Chapter 2009-199 encouraging local governments to adopt and enforce the State's Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscape or an equivalent requirement for protecting surface and groundwater quality. The ordinance is intended to be a tool to reduce sources of nutrients coming from urban landscapes.*

*The current Florida Legislature has pending HB 457 and SB 606 that will prohibit local governments from enacting fertilizer ordinances such as the one currently in place for Alachua County and the City of Gainesville.*

*The draft Resolution opposes pending legislation and authorizes the City Manager to forward copies of the Resolution to the Governor, House and Senate Speakers, members of the local legislative delegation as well as the Florida League of Cities, Florida Association of Counties and the Florida Stormwater Association.*

*Fiscal Note: Minimal administrative costs of less than \$25 associated with the adoption of the resolution will be covered by the PW operating budget in Stormwater management utility fund.*

**RECOMMENDATION**

*The City Commission adopt the Resolution.*

*Alternative Recommendation A: The City Commission not adopt the Resolution.*

100824B\_Resolution\_20110407.pdf

100824A\_Fertilizer Ordinance\_20110407.pdf

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

**100762.**

**WALNUT CREEK – TIME EXTENSION FOR PLAT APPROVAL (B)**

**Ordinance No. 100762**

**An Ordinance of the City of Gainesville, Florida; amending Condition 5 of Section 3 and Condition 18 of Section 4 of Ordinance No. 071066, by providing for an extension of time to obtain final or conditional approval on property that is zoned “Planned Development District”, commonly known as “Walnut Creek Planned Development Phase II”; generally**

located in the vicinity of the 2500 block of Northwest 39th Avenue;  
 providing a severability clause; providing a repealing clause; and providing  
 an immediate effective date.

*Explanation: COMMUNITY DEVELOPMENT STAFF MEMORANDUM*

*City staff has been working with the applicant to finalize the plat for Phase II of the Walnut Creek Planned Development. Due to the economy the development was put on hold, and one of the timeframes in the ordinance has expired, however the timeframe for the Planned Development has not expired. Condition 18 of the ordinance provides a valid period for the Planned Development through March 19, 2012. It is staff's opinion that Section 3 of ordinance 071066 which amended a previous ordinance (020948) should have allowed the final or conditional plat adoption to be consistent with the valid period of the Planned Development ordinance. In order to correct this inconsistency staff is requesting that the City Commission direct the City attorney to correct the ordinance. It is staff's opinion, that this can be corrected by the City Commission without a full petition to the Plan Board.*

*CITY ATTORNEY MEMORANDUM*

*The City Commission, at its meeting of March 17, 2011, authorized the City Attorney to draft the appropriate ordinance for extension of time for the Walnut Creek Planned Development.*

**RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

**Legislative History**

3/17/11 City Commission Approved as Recommended (6 - 0 - 1 Absent)

100762A\_Ordinance 071066\_20110317.pdf

100762B\_Ordinance 020948\_20110317.pdf

100762\_draft ordinance\_20110407.pdf

100762\_draft ordinance\_20110407.pdf

## TRANSMITTAL HEARING

### **100684.**

**AMEND FUTURE LAND USE ELEMENT POLICIES 4.1.1 AND 4.1.3  
 TEXT AND ADD ZONING DISTRICTS TO THE IMPLEMENTING  
 ZONING DISTRICTS TABLE (B)**

**Ordinance/Legistar No. 100684; Petition No. PB-10-139 CPA**

**An ordinance amending the Future Land Use Element of the City of Gainesville 2000-2010 Comprehensive Plan; by amending the text of Policy 4.1.1 for the land use categories of Mixed-Use Low-Intensity (MUL), Mixed-Use Medium-Intensity (MUM), Urban Mixed-Use 1 (UMU-1) and Urban Mixed-Use 2 (UMU-2); by amending the text in Policy 4.1.3 to revise criteria for proposed changes to the Future Land Use Map; by adding additional zoning districts to the table titled "Future Land Use Categories and Corresponding/Implementing Zoning Districts"; stating intent to adopt the amendments as part of the City of Gainesville 2000-2010 Comprehensive Plan; providing directions to the city manager; providing a**



**severability clause; providing a repealing clause; and providing an effective date.**

*Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT*

*This petition and ordinance amend the Future Land Use Element (FLUE) within the City's Comprehensive Plan to clarify and update information. The policies proposed for amendment are Policy 4.1.1 and Policy 4.1.3 and the table titled "Future Land Use Categories and Corresponding/Implementing Zoning Districts."*

*In Policy 4.1.1, the Mixed Use Low (MUL) and Mixed Use Medium (MUM) categories are amended to add an exemption to the minimum density requirements for parcels 0.5 acres and smaller. Citywide there are several parcels with these land use category designations that are equal to or smaller than 0.5 acres. Due to size and layout constraints, these parcels have difficulty meeting the minimum density requirements when providing parking and stormwater facilities on site. This results in limited development/redevelopment opportunities for these small parcels. The proposed language is consistent with language in the Residential Medium and Residential High land use categories and zoning categories for the same residential densities. The date of November 13, 1991 is used as that is the effective date of the City's original Comprehensive Plan.*

*In Policy 4.1.1, the Urban Mixed-Use 1 (UMU-1) and Urban Mixed-Use 2 (UMU-2) categories are being amended to:*

- a. Add minimum density requirements to ensure transit supportive residential development;*
- b. Add an exemption to the minimum density requirements for parcels 0.5 acres and smaller;*
- c. Add clarifying language about the types of research and development uses allowed. This broadens the language beyond the biotechnology field so that it is clear that multiple types of research are encouraged in the category and makes it consistent with language in the UMU-1 and UMU-2 zoning districts;*
- d. Clarify that an essential component of the district is its multi-modal (not just pedestrian) character; and,*
- e. Change and clarify the requirement concerning two-story development to make it a requirement for principal, non-single family buildings with a minimum height of 24 feet instead of two stories. This change is consistent with the proposed new UMU-2 zoning district requirements and allows some flexibility for buildings to appear two-story without the added cost of building the added interior floor. Input from consultants has indicated that the actual height as opposed to real building stories is as effective in creating the street frontage image. In addition, this clarifies that the height requirement is for principal buildings in the development and not all buildings (such as accessory*

*storage buildings or pool clubhouses).*

*In Policy 4.1.3, which sets forth criteria used to evaluate proposed changes to the Future Land Use Map, Planning staff determined the policy language requires clarification and additional criteria needed to be added. In particular, criteria are being added to examine the financial feasibility of the proposal (consistent with the State law definition and requirements) and the need for the additional acreage in the proposed future land use category.*

*With regards to the Land Use Categories and Corresponding/Implementing Zoning Districts table, it is amended to add additional implementing zoning districts for associated land use categories. These changes are consistent with the Land Development Code and are recommended to add flexibility to the impacted land use categories.*

*After public notice was published in the Gainesville Sun on January 11, 2011, the City Plan Board held a public hearing on January 27, 2011 and, by a vote of 6-0, recommended the City Commission approve the petition.*

#### *CITY ATTORNEY MEMORANDUM*

*Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The first hearing is held at the transmittal stage and must be advertised seven days prior to the first public hearing. The second hearing will be held at the adoption stage of the ordinance and must be advertised five days before the adoption hearing.*

*If adopted on first reading, the proposed amendment to the Comprehensive Plan will be transmitted to the State Department of Community Affairs (DCA) for written comment. Any comments, recommendations or objections of the DCA will be considered by the Commission at the second public hearing.*

*Following second reading, the Plan amendment will not become effective until the DCA issues a final order determining the adopted amendment to be in compliance in accordance with the Local Government Comprehensive Planning and Land Development Regulation Act, or until the Administration Commission (Governor and Cabinet) issues a final order determining the adopted amendment to be in compliance.*

**RECOMMENDATION**            *The City Commission (1) approve Petition PB-10-139 CPA and (2) adopt the proposed ordinance.*

#### **Legislative History**

3/17/11      City Commission      Continued (7 - 0)

100684\_draft ordinance\_20110317.pdf  
100684\_staff report\_20110317.pdf  
100684A\_CPB minutes\_20110317.pdf  
100684B\_staff ppt\_20110317.pdf  
100684\_staff report\_20110407.pdf  
100684A\_CPB minutes\_20110407.pdf  
100684B\_staff ppt\_20110407.pdf

**100690.****COMPREHENSIVE PLAN TEXT AMENDMENT – INNOVATION ZONE MAP (B)**

**Ordinance No. 100690; Petition No. PB-10-138LUC & PB-10-140CPA**  
**An Ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan Future Land Use Element; amending the Intergovernmental Coordination Element by repealing the obsolete Innovation Zone Map and adopting the new Innovation Zone Map and adding it to the Future Land Use Map Series; amending Objective 1.7 of the Intergovernmental Coordination Element to reference the Innovation Zone Map in the Future Land Use Map Series; providing directions to the City Manager and the codifier; providing a severability clause; and providing an effective date.**

*Explanation: STAFF REPORT*

*Petition No. PB-10-138LUC - This petition deletes the Innovation Zone map from the Intergovernmental Coordination Element and adds it to the Future Land Use Map Series to give the Innovation Zone a more prominent location in the Comprehensive Plan. In addition, several properties were deleted from the Innovation Zone, and several new properties were added. Some of the deletions/additions were to match property lines and/or streets to better clarify boundaries.*

*The areas that were added include the former Alachua County Fairgrounds site near the airport (known as the Alachua County Business Industrial Employment Center) and a portion of the Urban Village area proximate to SW 34th Street. Both of these areas have potential for new businesses that specialize in bringing innovative technologies or processes into production in various technology fields. This is consistent with both the Business Industrial land use adopted on the Alachua County site and the Urban Mixed Use-2 proposed for the Urban Village area. There were also some minor expansions in contiguous areas of the Innovation Zone where there were Urban Mixed Use or Industrial designated properties.*

*The properties that were deleted from the map are primarily residential, which are not expected to become non-residential during the Planning period. As a result, these properties have no potential for Innovation Zone businesses and are more appropriately excluded.*

*The Plan Board discussed the petition and recommended approval with a 6-0 vote.*

*Public notice was published in the Gainesville Sun on January 11, 2011. The Plan Board held a public hearing on January 27, 2011.*

*Petition No. PB-10-140CPA - This petition amends the text of Objective 1.7 in the Intergovernmental Coordination Element (ICE) to add a reference indicating that the Innovation Zone is mapped in the Future Land Use Element Map Series.*

*Currently, the Innovation Zone map is located at the end of the Intergovernmental Coordination Element. Related Petition PB-10-138 LUC deletes the map from the Intergovernmental Coordination Element and moves it to the Future Land Use Map Series (and adds/deletes properties from the zone) to give the map more prominence in the Comprehensive Plan. Since the map is being moved away from the Innovation Zone policies in the ICE, this recommended text addition is a convenience to readers so that they can easily find the Innovation Zone map.*

*The Plan Board discussed the petition and recommended approval with a 6-0 vote.*

*Public notice was published in the Gainesville Sun on January 11, 2011. The Plan Board held a public hearing on January 27, 2011.*

#### **CITY ATTORNEY MEMORANDUM**

*The aboverferenced petitions were approved by the Plan Board on January 27, 2011 and the Department of Planning and Development Services has requested the City Attorney's Office to prepare the appropriate ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan. Upon review of the petitions and in consultation with the Department, the two petitions that involve the same subject matter, are included in one ordinance for economy of time and money.*

*Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The first hearing is held at the transmittal stage and must be advertised seven days prior to the first public hearing. The second hearing will be held at the adoption stage of the ordinance and must be advertised five days before the adoption hearing.*

*If adopted at the transmittal hearing, the proposed amendment to the Comprehensive Plan will be transmitted to the State Department of Community Affairs (DCA) for written comment. Any comments, recommendations or objections of the DCA will be considered by the Commission at the second public hearing.*

*Following second reading, the Plan amendment will not become effective until the DCA issues a final order determining the adopted amendment to be in compliance in accordance with the Local Government Comprehensive Planning and Land Development Regulation Act, or until the Administration Commission (Governor and Cabinet) issues a final order determining the adopted amendment to be in compliance.*

#### **RECOMMENDATION**

*The City Commission: 1) approve Petition Nos. PB-10-138LUC and PB-10-140CPA and; 2) adopt the proposed ordinance.*

#### **Legislative History**

3/17/11 City Commission Continued (7 - 0)

100690\_draft ordinance\_20110317.pdf  
100690\_staff report\_pb138luc\_20110317.pdf  
100690A\_CPB minutes\_pb138luc\_20110317.pdf  
100690B\_staff report\_pb140cpa\_20110317.pdf  
100690C\_CPB minutes\_pb140cpa\_20110317.pdf  
100690D\_staff ppt\_20110317.pdf  
100690\_staff report\_pb138luc\_20110407.pdf  
100690A\_CPB minutes\_pb138luc\_20110407.pdf  
100690B\_staff report\_pb140cpa\_20110407.pdf  
100690C\_CPB minutes\_pb140cpa\_20110407.pdf  
100690D\_staff ppt\_20110407.pdf

## ORDINANCES, 2ND READING- ROLL CALL REQUIRED

### 100682.

#### **REZONING - 1308 E. UNIVERSITY AVENUE AND 13 NORTHEAST 13th STREET (B)**

##### **Ordinance No. 100682, Petition No. PB-10-119ZON**

**An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property, as more specifically described in this Ordinance, from the zoning category of "RMF-7: 8 - 21 units/acre multiple-family residential district" to "MU-1: 8 - 30 units/acre mixed use low intensity"; located in the vicinity of 1308 E. University Avenue and 13 Northeast 13th Street; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: COMMUNITY DEVELOPMENT STAFF MEMORANDUM*

*This request is to change the zoning from RMF-7 (8-21 units/acre multi-family residential district) to MU-1 (8-30 units/acre mixed use low intensity district) on the subject property, which consists of two parcels. Parcel 11525 is located at 1308 E. University Avenue, is approximately 0.41 acres in size, and has split land use designations of Mixed Use-Low (MUL) and Residential-Medium (RM), and split zoning designations of MU-1 (8-30 units/acre mixed use low intensity district) and RMF-7 (8-21 units/acre multi-family residential district). The parcel is developed with a convenience store, internet café and parking. The building is primarily located on the MU-1 portion of the parcel, but the northern section of the building extends approximately 50 feet into the RMF-7 portion of land, which creates a non-conformity. Several parking spaces are also located on the residential side of this property. The commercial uses are nonconforming uses in the RM land use/RMF-7 zoning district, but are allowed uses by right in the proposed MUL and MU-1. Parcel 11526 is a vacant property of approximately 0.18 acres, located at 13 N.E. 13th Street, with RM land use and RMF-7 zoning. Although this parcel is vacant, an unpaved secondary access into the developed parcel 11525 does exist. This is not permitted in accordance with section 30-56(a) of the Land Development Code.*

*The key issues with this petition include:*

*\* The proposed rezoning is consistent with the Comprehensive Plan.*

\* Section 30-67(f) prohibits access for nonresidential use from a street that has RSF-1-4 immediately across such street.

\* This petition would help to clear up a non-conforming situation. The building on the developed property is partially located on the RMF-7 zoned portion of land, as well as some of the vehicular use area.

\* The property is in the Five Points and SEGRI redevelopment areas, which promote redevelopment.

\* Section 30-64(c) (1) indicates that if MU-1 zoning abuts single-family, the density of the residential portion of a mixed-use development is limited to RMF-6 density within 100 feet of the property line.

There is no plan to immediately redevelop the property with the exception of a secondary entrance into parcel 11525 from N.E. 13th Street. The creation of a legal secondary access into the developed parcel will help to improve traffic circulation into and out of the parcel.

Planning Division staff recommended approval of Petition PB-10-119 ZON. The City Plan Board reviewed the petition and recommended approval, Plan Board vote 7-0.

Public notice was published in the Gainesville Sun on January 11, 2011. The Plan Board held a public hearing on January 27, 2011.

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

**Legislative History**

3/17/11              City Commission              Approved (Petition) and Adopted on First Reading  
(Ordinance) (7 - 0)

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100682\_staff report\_20110317.pdf  
100682A\_append A\_20110317.pdf  
100682B\_append B\_20110317.pdf  
100682C\_append C\_20110317.pdf  
100682D\_append D\_20110317.pdf  
100682E\_CPB minutes\_20110317.pdf  
100681F\_100682F\_staff ppt\_20110317.pdf

**090483.**

**TEXT CHANGE AND REZONING - SOUTHEAST GAINESVILLE  
RENAISSANCE INITIATIVE (SEGRI) SPECIAL AREA PLAN (B)**

**Ordinance No. 090483; Petition No. PZ-09-02TCH & Petition No.  
PZ-09-03ZON**

**An ordinance of the City of Gainesville, Florida, rezoning certain property and amending the Land Development Code in order to repeal the Five Points Special Area Plan and create and impose the Southeast Gainesville Renaissance Initiative (SEGRI) Special Area Plan; by repealing the regulations for the Five Points Special Area Plan as set forth in Appendix A, Section 8 of the Land Development Code; amending the zoning map atlas to remove the Five Points Overlay Zoning District from certain**

properties (as imposed by Ordinance No. 050162); by creating new regulations hereinafter known as the Special Area Plan for Southeast Gainesville Renaissance Initiative (SEGRI); by rezoning (by imposing the SEGRI Overlay Zoning District) on certain property generally located in the Five Points area and South of University Avenue and East of Main Street as more specifically described in this ordinance; providing directions to the City Manager; providing directions to the codifier; providing a severability clause; providing for operation to pending applications for development order; and providing an immediate effective date.

*Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT*

*This ordinance consolidates Petition No. PZ-09-02TCH, a text change amendment to the Land Development Code to create Special Area Plan (SAP) regulations for the Southeast Gainesville Renaissance Initiative (SEGRI) area; and Petition No. PZ-09-03ZON, an amendment to the Zoning Map Atlas to rezoning certain property to apply the SEGRI SAP as an overlay zoning district.*

*Sections 1 and 3 of the ordinance implement the necessary text changes to the Land Development Code by repealing the existing regulations for the Five Points SAP and imposing new regulations for the SEGRI SAP. Sections 2 and 4 of the ordinance implement the necessary zoning changes by removing the Five Points SAP overlay zoning district from certain properties (as was imposed by Ordinance No. 050162) and by imposing the new SEGRI SAP overlay zoning on certain properties as described in the ordinance.*

*The new SEGRI SAP covers approximately 930 acres (which includes the Five Points area) within a defined area of southeast Gainesville. SEGRI is a planning effort that expands the implementation of Plan East Gainesville, a study adopted by the Gainesville City Commission in 2003.*

*Development of the SEGRI SAP began with the Five Points SAP, which was focused on the commercial core or "downtown" of east Gainesville, around the Waldo Road and East University Avenue intersection. The existing Five Points SAP was adopted in 2005 and in 2006, the City Commission approved Petition 24TCH-06 PB (Legistar No. 051020) which was to create an overlay for an expanded five points area. However, Petition 24TCH-06PB was not brought to ordinance stage, as a larger SEGRI overlay district began to be considered. The focus then shifted to the larger area including nearby neighborhoods, and this broader planning initiative resulted in additional planning considerations.*

*Key development areas within the SEGRI SAP area include the intersection of Waldo Road and East University Avenue; the Five Points area; Gainesville Technology Enterprise Center, a business incubator supported by the City's Economic Development Department; Lincoln Middle School and Williams Elementary School; and the former Kennedy Homes site. SEGRI also includes several neighborhood associations, including North Lincoln Heights, Lincoln Estates, Sugarhill, Southeast Evergreen Trails, and portions of the Springhill and Duval neighborhoods.*

*The SEGRI SAP is an overlay zoning district. It establishes additional regulations that guide architectural form and aesthetics, parking and street design, sidewalks, and landscaping for new development and redevelopment. The SEGRI SAP regulates commercial, office, mixed-use and multi-family development, including single family attached. It does not regulate industrial educational services, agriculture, public facilities and single-family detached development.*

*The goal of these efforts is to ensure high-quality residential development, limit sprawl and traffic congestion, and improve neighborhood, commercial and retail opportunities in east Gainesville. The southeast Gainesville community was heavily involved in meetings and workshops to develop the SEGRI SAP.*

*Public notice was published in the Gainesville Sun on September 8, 2009. On September 4, 2009, the Plan Board heard the petition and by a vote of 7-0, recommended the City Commission approve the petition. On November 5, 2009, the City Commission approved the petition by a vote of 7-0, conditioned on an amendment as follows: "On-street parking is encouraged; such parking, if feasible, can be counted towards a project's total required parking spaces." Since that time, the petitions and draft ordinance have undergone extensive review by City staff and Gainesville Community Redevelopment Agency staff to ensure that the ordinance will effectively implement, and not impede, the community vision for development and redevelopment in the SEGRI area. In addition, provision has been made to allow applications for development orders pending as of the effective date of this ordinance to continue to be processed under current regulations.*

#### *CITY ATTORNEY MEMORANDUM*

*As described above, this ordinance:*

- subsumes Petition 24TCH-06 PB (Legistar No. 051020) which was intended to create an overlay for an expanded five points area; but such expanded area is now included in this SEGRI SAP;*
- removes the Five Points SAP overlay zoning district from certain properties (as was imposed by Ordinance No. 050162);*
- repeals the existing Five Points Special Area Plan in the Land Development Code; and*
- consolidates Petition No. PZ-09-02TCH (SEGRI SAP regulations) and Petition No. PZ-09-03ZON (rezoning to impose the SEGRI overlay zoning district).*
- any pending application for development order may continue to be processed under the current regulations.*

*Should this ordinance pass on first reading, second and final reading will be held on April 7, 2011.*



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

11/5/09 City Commission Approved (Petition), as amended (7 - 0)  
 3/17/11 City Commission Approved (Petition) and Adopted on First Reading  
 (Ordinance) (7 - 0)

090483\_staff report\_20091105.pdf  
 090483A\_SEGRI aerial photo\_20091105.pdf  
 090483B\_SEGRI land use map\_20091105.pdf  
 090483C\_SEGRI zoning map\_20091105.pdf  
 090483D\_SEGRI SAP proposed code\_20091105.pdf  
 090483E\_text amendment application\_20091105.pdf  
 090483F\_staff ppt\_20091105.PDF  
 090483G\_cpb minutes\_20091105.pdf  
 090483\_draft ordinance\_20110317.pdf  
 090483\_draft ordinance\_20110317.pdf

**100602.****TEXT CHANGE TO LAND DEVELOPMENT CODE – AIRPORT FACILITY DISTRICT (B)****Ordinance No. 100602, Petition No. PB-10-107TCH**

**An ordinance of the City of Gainesville, Florida, amending the Land Development Code of the City of Gainesville; amending Section 30-76, (AF: Airport facility district); by adding and removing certain permitted uses; by adding conditions to certain uses, as more specifically set forth in this ordinance; by amending certain uses, and amending restrictions on certain uses in the Airport Development Area, Airfield Infrastructure Area, and the Non-development Area, as more specifically set forth in this ordinance; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: STAFF REPORT*

*The proposed text amendments pertain to the Airport facility district (AF), Section 30-76 of the City's Land Development Code. Development of properties within the AF district is an important component of this zoning district, of the Gainesville Regional Airport Master Plan that was updated in 2006, and of the airport's ability to operate as an independently funded facility. The Gainesville-Alachua County Regional Airport Authority in early 2010 commissioned Eng, Denman & Associates to review existing development conditions and future development potential of properties associated with the Airport.*

*On June 30, 2010, the Airport Authority directed Gainesville Regional Airport's Chief Executive Officer to prepare the following planning proposals: amendment of the AF zoning district to include solar generation facilities, light industrial, and other accessory activities considered accessory to the airport as permitted uses; and, amendment of the AF district to increase the amount of "revenue support" uses, including office, retail, service, industrial, etc. The*

*applicant subsequently discussed these text amendments for enhancing economic development opportunities at the airport with City Planning staff, and staff recommended that the applicant present them to the City Commission. The applicant made such a presentation to the City Commission on August 19, 2010 (Legislative No. 100233), and the Commission voted unanimously to authorize preparation of a petition to the Plan Board. The current petition is limited to text changes for the AF zoning district.*

*The text changes consist of additional uses to be permitted by right within the airport development area, establishment of development limits for each additional use, increases in allowable development for the four Revenue Support categories (Office Development; Retail Service and Wholesale Development; Limited Industrial; and Hotel), updated development data for currently allowed uses, and addition of solar generation station as a permitted use in the airfield infrastructure area and in the non-development area. The proposed additional uses (the first three of which, MG 36, 38 and 39, are manufacturing uses) to be permitted by right in the airport development area of the AF district are as follows: MG 36 - Electronic and other electrical equipment and components, except computer equipment; MG 38 - Measuring, analyzing, and controlling instruments; photographic, medical and optical goods; watches and clocks; MG 39 - Miscellaneous manufacturing industries; MG 43 - United States Postal Service; GN 554 - Gasoline service stations; Solar generation stations; Pet boarding (only within enclosed buildings); and Corporate offices.*

*Of these uses, all but solar generation stations and pet boarding (which is not currently specified in the land development code) are allowed by right in the I-1 (Limited industrial) zoning district. The AF district already includes the following I-1 uses: MG-47 (Transportation services), MG-48 (Communications), MG-73 (Business services), and various uses within MG-87 (Engineering, Accounting, Research, Management, and Related Services).*

*Public notice was published in the Gainesville Sun on November 18, 2010. The Plan Board held a public hearing on December 6, 2010.*

#### **CITY ATTORNEY MEMORANDUM**

*The City Commission, at its meeting of January 20, 2011, approved the Petition and authorized the City Attorney's Office to prepare the necessary ordinance amending the Land Development Code of the City of Gainesville.*

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

#### **Legislative History**

1/20/11	City Commission	Approved (Petition) (6 - 0 - 1 Absent)
3/17/11	City Commission	Adopted on First Reading (Ordinance) (7 - 0)

100602\_staff report\_20110120.pdf  
 100602A\_exhibit A\_20110120.pdf  
 100602B-exhibit B\_20110120.pdf  
 100602C\_exhibit C\_20110120.pdf  
 100602D\_101206 cpb minutes\_20110120.pdf  
 100602E\_staff ppt\_20110120.pdf  
 100602\_staff ppt\_20110317.pdf  
 100602\_draft ordinance\_20110317.pdf

## PLAN BOARD PETITIONS

### 100789.

#### Amendment to Foxfield/Crown Point Planned Development (B)

**Petition PB-11-2 PDA, Rick and Leigh Howe, agent for Foxfield/Crown Point. Planned development amendment to update the list of allowable uses for the professional office area. Located in the vicinity of Northwest 16th Blvd. and Northwest 40th Terrace.**

*Explanation: This is a request by the property owners of the Foxfield/Crown Point office park to update the list of permitted uses allowed by an existing Planned Development (PD) that governs the development. The office park is fully developed with infrastructure in place to support the development. The applicant is specifically requesting a text change to allow the office uses permitted by the City's current OF (General Office district) zoning. The proposed change will generally allow the following additional uses: correspondence schools, newspaper establishment, personal fitting and sale of prosthetic or orthopedic appliances, places of religious assembly, professional schools, exercise studio, business services, medical and dental laboratories, and compound uses (residential and non-residential use). This list is representative of the uses and not the entire list of uses that may be allowed.*

*The Plan Board reviewed and approved the petition with staff conditions. Plan Board voted 7-0.*

*Fiscal Note: None.*

#### RECOMMENDATION

*Plan Board to the City Commission- approve the petition with staff conditions.*

*Staff to Plan Board - approve the petition with staff conditions.*

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 100789A\_appendA\_20110407.pdf  
 100789B\_append B\_20110407.pdf  
 100789C\_CPB minutes\_20110407.pdf  
 100789D\_staff ppt\_20110407.pdf

## DEVELOPMENT REVIEW BOARD PETITIONS

**SCHEDULED EVENING AGENDA ITEMS**

**UNFINISHED BUSINESS**

**COMMISSION COMMENT**

**CITIZEN COMMENT (If time available)**

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