

City of Gainesville

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



Meeting Agenda - Final

June 6, 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**

Prophet George Young

CONSENT AGENDA**CITY MANAGER, CONSENT AGENDA ITEMS**

[120681.](#)

First Amendment to Ground Lease Agreement for the Modular Unit at Cone Park with Alachua County Library District for Fred Cone Park (B)

This item requests approval and authorization by the Gainesville City Commission for the City Manager to execute a First Amendment to the Ground Lease Agreement with the Alachua County Library District for the Modular Unit at Fred Cone Park .

Explanation: Funding from the City of Gainesville's portion of the Wild Spaces, Public Places Half Cent Surtax included an allocation for development of Cone Park. In the fall of 2009, the Alachua County Library District ("District") indicated their interest in pursuing possible options to establish a branch facility at the site, in conjunction with the park improvements. Based on these discussions, the infrastructure needed for this possible library branch was included in the conceptual site plan and cost proposal that the City Commission approved at their meeting on March 18, 2010.

On February 22, 2011, the City and the District entered into a Memorandum of Understanding which outlined non-binding concepts in order to further the mutual goal of locating a library branch at Fred Cone

Park. In the summer of 2011, a temporary modular library unit was installed at the park. City and District staff finalized terms of both a Ground Lease for the permanent library branch building, as well as for the temporary modular unit. The term for the Ground Lease for the modular unit was two years, based on the date the modular unit was installed, and may be renewed and extended by mutual agreement of the Lessor and Lessee.

On January 17, 2013 the City Commission approved the Ground Lease for a temporary modular library at Cone Park, with a two-year term that began on August 22, 2011. Construction of the permanent library building is projected to continue after the two-year lease termination date, and both the City and the District desire to extend this Ground Lease through December 31, 2014, or 90 days after the issuance of a certificate of occupancy for the permanent library at Cone Park, whichever first occurs.

Fiscal Note: The proposed Amendment to the Ground Lease Agreement with the Alachua County Library District for a Modular Unit at Fred Cone Park does not modify any financial arrangements set forth in the original, executed Ground Lease Agreement; no fiscal impact will occur.

RECOMMENDATION

The City Commission: 1) authorize the City Manager to execute a First Amendment to the Ground Lease Agreement with the Alachua County Library District for a Modular Unit at Fred Cone Park, subject to approval by the City Attorney as to form and legality.

Legislative History

1/17/13	City Commission	Approved as Recommended
2/21/13	City Commission	Approved as Recommended

[120681A_MOU_20130117.pdf](#)

[120681B_GrnLsPerm_20130117.pdf](#)

[120681C_GrnLsTmpMod_20130117.pdf](#)

[120681_MOD Ground Lease Agreement_20130221.pdf](#)

[120681_GroundleaseagrmntConepark_20130221.pdf](#)

[120681_memooflease_20130221.pdf](#)

[120681_Grnd Ls Amdmt1_20130606.pdf](#)

[121076.](#)

State Homeland Security Grant Program Subrecipient Agreement 2012 (NB)

This item requests that the City Commission authorize the City Manager to enter into a contract with the State of Florida Department of Financial Services to support equipment maintenance for Gainesville Fire Rescue's Hazardous Materials Team.

Explanation: Gainesville Fire Rescue's (GFR) Hazardous Materials Team has regional responsibilities for eleven counties and is classified as a State Type II Team providing a response capability with personnel and testing equipment for hazardous materials incidents within one hour. Through prior agreement, GFR was designated as one of 29 teams providing a statewide response network to hazardous materials emergencies. Funding for maintenance of equipment to support these capabilities is supplemented through a variety of homeland security and emergency services grants; one of these is the State Homeland Security Grant Program (SHSGP) offered through the State of Florida Department of Financial Services. Reimbursement funding offered for the 2012 program just recently approved includes up to \$12,500 for equipment capability retention of Hazmat equipment. Equipment capability for this cycle of the grant program will be focused on the MSA Safesite wireless atmospheric monitoring system.

Fiscal Note: The City will receive up to \$12,500. There is no match required.

RECOMMENDATION

The City Commission authorize the City Manager or designee to enter into a contract with the State of Florida, Department of Financial Services, subject to approval of the City Attorney as to form and legality.

[121082.](#)

Florida Division of Cultural Affairs General Program Support, Local Arts Agency Grant (NB)

This item requests approval by the City Commission for the Department of Parks, Recreation and Cultural Affairs (PRCA) to apply to the Florida Division of Cultural Affairs for a Local Arts Agency grant.

Explanation: Since being designated as the Local Arts Agency (LAA) for Alachua County in 1985, the City of Gainesville Parks Recreation and Cultural Affairs' Department, Cultural Affairs Division, has applied a number of times to the State of Florida Division of Cultural Affairs (DCA) for a general program support grant in the LAA category. Cultural Affairs qualifies as a Level III organization and can apply for the highest level of funding, \$150,000. With diminished State funds for culture; however, grant awards at this level can be as low as 10% of the requested amount or not awarded at all, depending on the Legislative appropriation for the year. For FY 2013-2014, based on the proposed House and Senate budgets, PRCA is projected to receive \$33,626 from last year's request. Though this grant is for general operating support; the additional financial resources, should they be awarded for the FY 2014-2015 request will be applied to initiatives that will build local arts agencies' capacity, as well as marketing of the arts in the community and beyond.

The grant submission deadline was June 1, 2013; panel review of applications is scheduled for September 9, 2013; final recommendations will be announced in June 2014. The grant period is July 1, 2014 - June 30, 2015.

Fiscal Note: PRCA is applying for a General Program Support grant in the LAA category not to exceed \$150,000. Current Cultural Affairs operating funds can be used to meet the required 1:1 matching funds. No additional funds will be necessary to facilitate this request.

RECOMMENDATION

The City Commission: 1) authorize the City Manager 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.

[121084.](#)

Grant Applications for Hoggetowne Medieval Faire and the Downtown Cultural Series (NB)

This item involves a request for the City Commission to authorize submission of two applications by the Parks, Recreation and Cultural Affairs Department for grants from the Alachua County Tourist Product Development Program for funds to provide marketing and production support for the Hoggetowne Medieval Faire and the Downtown Cultural Series.

Explanation: The Parks, Recreation and Cultural Affairs Department wishes to submit grant applications to the Alachua County Tourist Product Development Program for funds to provide marketing and production support for the 2014 Hoggetowne Medieval Faire and the 2014 Downtown Cultural Series (this includes Jest Fest, "Free Fridays" Concert Series, The Downtown Festival and Art Show, Downtown Countdown New Year's Eve Celebration and Holiday Tree Lighting Celebration). Two separate grant applications will be submitted. The grant request for the Hoggetowne Medieval Faire is for the sum of \$50,000 and the grant request for the Downtown Cultural Series is for the sum of \$50,000. The intent of the Tourist Product Development Program is to stimulate and encourage the development of new experiences for visitors to Alachua County. A condition of the grant funding is that a percentage of funds is to be spent on marketing outside of Alachua County. The grants will pay for advertising and promotion in daily and monthly print publications, and will include radio and television broadcasts. The remaining balance will be spent on entertainment and production. The Department has received grant funding from the Alachua County Tourist Product Development Fund in Fiscal Years 2008-2013.

Fiscal Note: No matching funds are required.

RECOMMENDATION

The City Commission: 1) approve the submission of two grant applications to Alachua County Tourist Product Development Program; 2) authorize the

City Manager to execute the applications; and 3) if awarded, authorize the City Manager to execute the grant agreement(s) and other grant-related documents subject to approval by the City Attorney as to form and legality.

[121085.](#)

Voluntary Annexation of Three Parcels Owned by WHR Gainesville, LLC (B)

This petition proposes to voluntarily annex tax parcels 07240-030-000, 07240-001-010 and 07242-001-000, which are generally located south of SW Archer Road and west of I-75.

Explanation: WRH Gainesville, LLC, property owner, has submitted a petition to the City of Gainesville for voluntary annexation. The property is 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. Staff has reviewed the requirements of the Boundary Adjustment Act. This area meets the requirements of the Act and is appropriate for annexation.

Fiscal Note: The fiscal impact of this annexation will be addressed in the Urban Services Report.

RECOMMENDATION

The City Commission: 1) receive the petition for annexation; and make findings that it contains the signature of the property owner or authorized agents; 2) direct the City Manager to analyze the area; and 3) authorize the City Attorney to prepare and the Clerk of the Commission to advertise ordinances relating to the annexation of the area, if appropriate.

[121085_Petition_20130606.pdf](#)

[121100.](#)

Settlement of Worker's Compensation Claim - George Walker (NB)

This item involves the full and final settlement of Mr. George Walker's workers' compensation claim(s), which will include all future medical and indemnity payments. The total settlement amount is \$26,188.50 and represents a significant cost advantage to the City.

Explanation: While employed by RTS, Mr. George Walker received injuries to his left shoulder due to a slip and fall. This led to ongoing medical treatment. As a result of his injuries, the present potential exposure to the City in future medical treatment, indemnity payments and the potential for a second surgery is significant given his life expectancy.

The City Attorney's Office, the Risk Management Department, RTS, Special Counsel and our Worker's Compensation servicing agent all

concur as to the full and final settlement of this claim. The total amount \$26,188.50, includes future medical costs and future indemnity payments.

Fiscal Note: The settlement of this case in the amount of \$26,188.50 will be paid out of the General Insurance Fund.

RECOMMENDATION

The City Commission authorizes Special Counsel to prepare and execute the appropriate documents for a lump-sum settlement of the Worker's Compensation claim of Mr. Walker, in the amount of \$26,188.50.

[121104.](#)

Reschedule City Commission Strategic Planning Retreat (NB)

This is a request to reschedule the City Commission Strategic Planning Retreat to be held on August 6, 2013.

Explanation: Each year, the City Commission holds a strategic planning retreat to discuss strategic goals and initiatives. Due to recent scheduling conflicts, the original date of June 11, 2013, no longer accommodates all members of the City Commission. This is a request to reschedule the City Commission Strategic Planning Retreat to be held on August 6, 2013 at 8:00 AM.

Fiscal Note: There is no fiscal impact.

RECOMMENDATION

The City Commission reschedule the Strategic Planning Retreat to be held on August 6, 2013 at 8:00 AM and cancel the Charter Review special meeting on June 25, 2013.

[121117.](#)

Power District Catalyst Project Lease Amendment (B)

This is a request for the City Commission to approve the lease amendment for the Power District Catalyst Project.

Explanation: In November 2011, the City received a letter of intent from Prioria Robotics expressing interest in the Catalyst Project warehouse site to house its operations. In response to this request, in December 2011, the Catalyst Project site was, per statutory requirement, advertised publicly to invite all interested parties to apply for the lease and/or purchase of an approximately 22,000 square foot building with loading docks and associated property for commercial, office, warehouse and/or light industrial uses in the Power District. The closing date for candidates' application submittal was January 25, 2012. The City received one proposal, from Prioria Robotics. Evaluation of the candidate submittal was based on the following factors/criteria: intended use for the site and its suitability for furthering Power District redevelopment goals, and the candidate's legal and financial ability to enter into a long term lease or

purchase agreement. Based on these criteria, the City Commission requested that staff move forward with negotiations with Prioria Robotics to occupy the project site. Negotiations were successful, and the City reached an agreement with Prioria to enter into a long-term lease for the project site. Building improvements required by the terms of the lease were completed in early February 2013 and Prioria moved into the building on February 7, 2013 on the lease commencement date.

As negotiated, the lease with Prioria includes: a single tenant lease; a seven year lease term; \$13.75/ft² - \$16.42/ft² triple net rental rate (Prioria is responsible for paying sales tax on the rental rate, property taxes, insurance, maintenance and utilities separately); and right of first refusal for purchase of the site.

This redevelopment project enabled Prioria to remain in Gainesville and it is anticipated that the redevelopment of this site will serve as a catalyst for additional development in the Power District. Prioria Robotics expects to make a strategic investment, over the next five years to grow its business by establishing long-term facilities in Gainesville's Power District to house its rapidly growing workforce.

Prioria's business is contract-based and thus its operations and workforce expands and contracts in response to the specific needs of current contracts. Prioria has requested a lease amendment to allow for the ability to sublet unused portions of the building to other entities during times when they are not making full use of the entire building. Authorizing this lease amendment would provide the ability to make full and productive use of the building at all times and would further redevelopment goals by bringing additional uses, activities and exposure to the Power District. Full occupancy of the building will provide significant redevelopment and economic development benefits to the Power District.

The proposed lease amendment would allow Prioria to sublet up to a maximum of 10,000 square feet of the approximately 22,000 square feet of the building for commercial, office, light industrial or clean technology uses consistent with the targeted vision for the Power District and consistent with the land use and zoning designations for the premises. Prioria will be required to collect and submit sales taxes to the State for any rent it receives for a sublease. Prioria will remain fully responsible for the lease, and will be required to provide the City an executed copy of the sublease within 10 business days of entering into a sublease.

Fiscal Note: None at this time.

RECOMMENDATION

The City Commission: 1) approve the lease amendment; and 2) authorize the City Manager to execute the lease amendment subject to approval as to form and legality by the City Attorney

[121117_LEASE AMEND_20130606.pdf](#)

[121126.](#)**State LECFTF Funding for Purchase of Crash Reporting Software Module (NB)**

This item requests that the City Commission appropriate and expend an amount not to exceed \$2,100 from the State Law Enforcement Contraband Forfeiture Fund for the purchase of Crash Reporting Software that electronically submits reports to the State of Florida.

Explanation: GPD would like to purchase an interface to electronically submit accident reports from our local Records Management System to the State repository. SunGard OSSI is the manufacturer of the Records Management System used throughout the Department and purchasing this from them ensures integrity of the police data.

RECOMMENDATION

The City Commission approve the amount not to exceed \$2,100 for the purchase of the Crash Reporting software form funds in the State Law Enforcement Contraband Forfeiture Trust Fund.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS[121128.](#)**Contract for Grounds Maintenance Services for Various GRU Facilities (B)**

Staff recommends award of a contract to E.W. Reshard, Inc. for grounds maintenance services for various GRU facilities.

Explanation: Grounds maintenance is required at GRU facilities throughout the Utility's service area. Services performed under this contract include routine maintenance, fertilization, mulching, pruning and weed control of lawns, trees, shrubs and flower beds, as well as other related services in accordance with each facility's specific requirements. The facilities covered by this contract include the GRU Administration Building, Springhills Service Center, the Main Street and Kanapaha Water Reclamation Facilities, eleven electric substations, and the Murphree Water Treatment Plant and its six remote facilities. Because the sites are located adjacent to or in commercial or residential areas, it is essential that these properties are properly maintained for aesthetic and safety purposes.

Invitations to Bid were sent to 52 prospective grounds maintenance companies and the bid was posted on the GRU website. Mandatory pre-bid meetings and walk-throughs of the various GRU facilities were held with seven companies in attendance. Eight bids were received, including three no bids.

Bids were evaluated based on pricing, experience, equipment, references, years in business, relevant business certifications, an invoice sample and Local Preference. E.W. Reshard, Inc., a local

minority-owned business, provided the best evaluated bid. A tabulation of the bids received is attached for your reference. The contract allows for an annual price adjustment, not to exceed the Consumer's Price Index (CPI) for each year of the contract, and subject to approval by GRU.

Fiscal Note: Funds are available in GRU's FY 2013 budget and will be requested in subsequent year budgets.

RECOMMENDATION

The City Commission: 1) authorize the General Manager, or his designee, to negotiate and execute a three-year contract with E.W. Reshard, Inc. for grounds maintenance services for various GRU facilities, subject to the approval of the City Attorney as to form and legality; and 2) approve the issuance of purchase orders for these services to E.W. Reshard, Inc. in an amount not to exceed \$90,000 per year, subject to the final appropriation of funds for these services in each fiscal year of the agreement.

[121128 bidtab 20130606](#)

[130018.](#)

Device Automation and Inventory System Software (B)

Staff recommends the purchase of device automation and inventory system software for Gas and Electric Measurement.

Explanation: The recommended software for revenue metering and associated devices will replace the current management system, Labtrack II Meter Shop Automation and Inventory System (Labtrack II), which is not fully supported, has limited capability which no longer meets the growing needs of GEM, and is not compatible with Windows 7.

GRU's Gas and Electric Measurement (GEM) requires a new software suite that will allow for advanced inventory tracking, lab test data measurement, data extraction, and other shop/field oriented data collection. The monitoring through analysis of equipment test data and diagnostics will improve mandated quality assurance, reduce failure rate, extend equipment life and ease regulatory compliance.

In addition, the new software system will be capable of supporting a host of additional equipment monitoring, management, and maintenance functions, including the ability to interface with existing test equipment, RFL 5800, WECO 2350, and SNAP II Auto Tester, as well as SAP CCS.

Utilities Purchasing issued a Request for Proposals to ten companies that provide device automation and inventory systems. Three proposals were received; one was non-responsive and two were evaluated based on proposer's qualifications, approach/management/schedule, software solution (standard technical requirements, functionality, adaptability, and

additional requirements), cost, distinguishing characteristics, and local preference. PowerSolve Inc. submitted the highest rated proposal based on a PowerTrack enterprise software system. TESCO - an Advent Design Company submitted the second highest rated proposal based on TESCO Meter Manager Software. Both systems costs are within the budgeted amount. Subsequent years for maintenance costs will be budgeted as required but will be below the threshold for City Commission approval. The primary goals of negotiation are to expedite the delivery schedule, cap the implementation costs, and modify the payment schedule. A summary of the evaluation is attached for your information.

Fiscal Note: Funds for this software are available in the FY 2013 budget.

RECOMMENDATION

The City Commission: 1) authorize the General Manager, or his designee, to negotiate in order of ranking and execute a Software License Agreement, Consulting Agreement, and Software Support and Maintenance Agreement for software licenses, installation, and support, subject to the approval of the City Attorney as to form and legality; and 2) approve the issuance of a purchase order for the purchase and implementation of the system in an amount not to exceed the current budget of \$400,000.

[130018 bidtab 20130606](#)

CITY ATTORNEY, CONSENT AGENDA ITEMS

[130005.](#)

**PHILLIP MICHAEL JONES VS. CITY OF GAINESVILLE,
FLORIDA; EIGHTH JUDICIAL CIRCUIT, CASE NO.
2013-CA-2077 (B)**

Explanation: On May 16, 2013, the City was served with a Summons and Complaint filed by Phillip Michael Jones in the Circuit Court. The Plaintiff alleges that on November 15, 2011, an RTS bus struck a bench in a bus stop area on which he was sitting at or near 6419 West Newbery Road. Plaintiff claims to have suffered bodily injury, including permanent injury to the body as a whole within a reasonable degree of medical probability, pain and suffering of both a physical and mental nature, disability, physical impairment, disfigurement, mental anguish, inconvenience, loss of capacity for the enjoyment of life, expense of medical and nursing care and treatment, and loss of ability to lead and enjoy a normal life. Plaintiff is seeking damages in excess of \$15,000.00.

RECOMMENDATION

The City Commission authorize the City Attorney to represent the City in the case styled Phillip Michael Jones vs. City of Gainesville, Florida; Eighth Judicial Circuit, Case No. 2013-CA-2077.

[130005_Phillip Jones Consent_20130606.pdf](#)

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

[130003.](#)

Appointment to City Commission Advisory Boards and Committees (NB)

RECOMMENDATION

The City Commission appoint Jarrod Cruz to the Gainesville/Alachua County Cultural Affairs Board for a term to expire 9/30/14.

[130019.](#)

City Commission Minutes (B)

RECOMMENDATION

The City Commission approve the minutes of May 2, 13, and 16, 2013.

[130019_minutes_20130606.pdf](#)

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE, CONSENT

[121038.](#)

Casual Sunday Events at McPherson Park (B)

This is an event that has occurred on Sunday afternoons and evenings at the TB McPherson Center, 1707 SE 15th Street, for the past 18 years. The event originated for persons to gather and socialize without any programmatic components.

Explanation: On April 4, 2013, the City Commission referred the issue of Casual Sunday Events at McPherson Park to the Recreation, Cultural Affairs and Public Works Committee (RCAPW) for review. This item was last discussed at the April 23, 2013 RCAPW meeting. The Committee received an update on this issue and voted that it be removed from the RCAPW referral list.

RECOMMENDATION

The City Commission remove this item from the Recreation, Cultural Affairs and Public Works Committee (RCAPW) referral list.

[121038_Minutes_20130606.pdf](#)

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****CITY MANAGER**[121001.](#)

Presentation Prepared By The School Safety Workgroup Appointed By Sheriff Sadie Darnell, Chief Tony Jones and Superintendent Dan Boyd (B)

This is to request that the City Commission Hear a Presentation on School Safety

Modification

Explanation: The events of recent shooting incidents and more specifically the Sandy Hook Elementary School Mass Murders incident in Newtown, Connecticut has caused communities nationwide to take inventory of school safety. Most communities are attempting to balance safety concerns with the harsh realities of the budgetary constraints facing all levels of government nationwide in the United States. Nevertheless, the local law enforcement community of the Gainesville Police Department (GPD), Alachua County Sheriff's Office (ACSO) and Alachua Police Department (APD) have partnered with the School Board of Alachua County to conduct a review of school safety in Alachua County. A workgroup was formed and tasked with examining existing safety measures, developing recommendations to improve overall school safety, and to foster a positive rapport with the elementary students, their staff, and parents.

Each of the above listed partners independently reviewed current school safety measures and identified shortcomings. Upon meeting as a workgroup it was quickly identified that some immediate steps should be undertaken in part to allay the fears of students, parents and school board employees. Consequently, the ACSO and the GPD temporarily

reassigned personnel to provide law enforcement coverage to elementary schools.

The workgroup developed an Action Plan that was unanimously approved by the representative partners. The workgroup believed that it was imperative that local legislative bodies receive the recommended Action Plan for future consideration.

Also at this time, the Office of Community Oriented Policing has released a request for proposal for 2013. Special emphasis is being placed on hiring full-time sworn law enforcement officers to serve as School Resource Officers. The Gainesville Police Department is participating in the COPS hiring program application and is requesting the addition of two full-time sworn law enforcement officers to serve city elementary schools in this capacity.

The Office of Community oriented Policing Services (COPS) has announced the availability of funding under the 2013 COPS Hiring Program. The COPS Hiring program provides funding directly to law enforcement agencies to hire law enforcement officers in an effort to increase their community policing capacity and crime prevention efforts. The 2013 COPS Hiring Program will provide up to 75 percent of the approved entry-level salary and fringe benefits of each newly-hired full-time sworn career law enforcement officer of the three-year (36 month) grant period.

The Gainesville Police Department seeks to hire two full-time law enforcement officers who will increase the School Resource Officer presence in the City of Gainesville schools. These officers will be assigned 100 percent of their time to supporting youth-related activities in area schools. If funded, these positions will expand the School Resource Officer force by two in the agency's jurisdiction.

Fiscal Note: The Federal grant will provide up to 75 percent funding for the approved entry-level salaries and benefits for three years. At the conclusion of the third year the City of Gainesville would be responsible for all salary and benefits for each officer hired under the 2013 COPS Hiring Program. Cost associated with funding salary and fringe benefits for two full-time law enforcement officers for three years is \$181,168. The total requested from the 2013 COPS Hiring Program for two full-time law enforcement officers for three years is \$250,000. The total project is \$431,168.

RECOMMENDATION

The City Commission 1) hear a presentation from the School Safety Workgroup; and 2) authorize the City Manager to apply for the 2013 COPS Hiring Program Grant, and execute all the required documents subject to approval by the City Attorney as to form and legality. The funding will be used for the express purpose of funding two full-time sworn law enforcement officers to augment the Gainesville Police Department's School Resource Officer force.

[121001_PPT_20130606.pdf](#)

[121001-MOD_Memo_20130606.pdf](#)

[121001-MOD_PPT_20130606.pdf](#)

[120250.](#)

Update on the Purchase of Surplus DOC Property by the City of Gainesville (B)

The purpose of this item is to provide an update to the City Commission on the status of the negotiations between the City and the State for purchase of surplus Department of Corrections (DOC) property. The City would like to purchase the DOC facility known as the former Gainesville Correctional Institute (GCI) in order to provide a variety of services at the complex for homeless/need individuals and families in our community. This item is being submitted to the City Commission for their consideration and approval to authorize the City Manager to execute an agreement to purchase 28 acres of surplus property from the State of Florida.

Modification

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

Since July 2012, the City of Gainesville has been working with state agencies to acquire certain surplus properties to be considered for its Human Capital Resources Program. The surplus Department of Corrections (DOC) facility, known as the former Gainesville Correctional Institute (GCI), is a facility that the City wishes to obtain for various human services and neighborhood programs including homeless services. The surplus property consists of 71 acres with approximately 28 acres comprising the GCI complex. At the December 6, 2012, City Commission meeting, City staff was directed to pursue the entire parcel for the Human Capital Resources Program. The State, at that time, expressed an interest in retaining some portions of the property for their use.

City staff has reached a tentative agreement to purchase the 28 acres of surplus property from the State (identified as Phase I in #120250A). Based upon the appraised value, the State has agreed to sell the 28 acres with all improvements to the City for \$700,000, subject to City Commission approval. The State requires that the City pay all closing costs including, but not limited to, the cost of legal advertisement, appraisal, survey, title insurance, documentary stamp tax, and recording fees. City staff estimates closing costs to be approximately \$53,000.

At the City Commission meeting of February 21, 2013, City staff was directed to negotiate a land exchange for the portions of the property that the State had expressed an interest in retaining (identified as Phase II in #120250A). Under the proposed exchange, the State would receive

a City owned parcel in exchange for the Phase II property. Phase II includes the former gatehouse & administration building, the medical building, the parking lot, the off campus training building site at the end of 23rd Street, and the access road (23rd Street). The negotiations for Phase II are underway; however, the final appraisal and survey have not been completed at this time. Once the value of Phase II has been determined, City staff will present this information to the City Commission. The purchase of the Phase I property will include a perpetual easement over portions of the Phase II property to provide legal access to Phase I.

The City Commission previously authorized the City Manager/designee to enter into negotiations for the purchase of the surplus property; however, no funds were specifically allocated to purchase the property. Currently, there is approximately \$2.95 million allocated for the One-Stop Homeless Assistance Center, which was planned for the site on NW 53rd Avenue. Of the \$2.95 million, \$625,000 are restricted funds. These restricted funds are part of the GRU Connect Free Program and can only be used for water and wastewater improvements. There is approximately \$2.3 million of unrestricted funds that are available for the purchase, construction, renovation and settlement costs for the One Stop Homeless Assistance Center. Since the GCI complex is already connected to GRU's water and wastewater system, the restricted funds (or some portion of the funds) may be returned to the GRU Connect Free Program for other projects. Staff will be reviewing the project to determine what portion of the funds can be utilized.

Funding for Phase I is available in the budget established for a One Stop Homeless Assistance Center. The cost estimate for the purchase and development of the GCI site is estimated to cost approximately \$1.9 million (see #120250B). Staff estimates the GCI site could be operational by December 2013, whereas the date a site could be operational at the NW 53rd Avenue site is uncertain due to possible delays cause by lawsuits, permitting, and construction.

The GCI site has a total of fifteen (15) existing buildings encompassing 73,393 sq. ft. including four (4) dorm buildings that can provide up to 128 beds each. However, the renovation estimates provided for the GCI site (referred to as Phase A) only include buildings #1 (Gatehouse & Administration), #9 (Laundry), #11 (Food Service), and #15 (Dorm "D"); these four buildings encompass 18,716 sq. ft. and would allow for the initial services to begin with up to 128 beds in the dorm building. If a need for the remaining eleven (11) buildings is identified in the future, they would need to be evaluated and renovation cost estimates developed; staff does not have a cost estimate at this time to renovate the remaining eleven (11) buildings.

At this point in time, if the City Commission wishes to continue to pursue the project at the 53rd Ave site, staff would need to revisit the cost estimates during the upcoming review of the Capital Improvement Plan (CIP). The project has experienced delays due to unanticipated

requirements from the St. John's Water Management District and the Army Corps of Engineers in order to secure approvals for new roadway standards, additional permitting, and purchasing property for right of ways, which could negatively impact the 53rd Ave site project budget. In addition to the timing impacts, there are flexibility and expandability criteria to consider. The GCI site has significant advantages in considering these criteria over the 53rd Avenue site which has useable acreage and square footage limitations.

The GCI workgroup consisting of members from the Office of Homelessness, Alachua County Community Support Services Department, City General Services Department, City Housing and Community Development Division, City Public Works Department and the City Manager's office, has continued working on the initial development and program phase plans of human capital and homeless services at the GCI site. The workgroup has begun discussions on the development of a Request for Proposal (RFP) or Request for Letters of Interest (RLI) for the management and operation of the GCI site. If this project is successfully expedited, it is anticipated that funds may be needed in the last quarter of FY13 or the first quarter of FY14 in order to begin the human capital and homeless services phase of the project.

RECOMMENDATION

The City Commission: 1) direct staff to reallocate the remaining funds for the One Stop Homeless Assistance Center to the GCI site; 2) authorize the City Manager to execute a purchase agreement for 28 acres of surplus property (identified as Phase I) from the State, subject to approval as to form and legality by the City Attorney; 3) direct the City Manager, or his designee, to develop and solicit Bids/Proposals for the necessary building construction/renovation services for the One Stop Homeless Assistance Center at the GCI complex; and 4) direct the City Manager, or his designee, to develop and solicit Proposals/Letters of Interest for the Administration and Operation of the One-Stop Homeless Assistance Center at the GCI complex.

Legislative History

8/16/12	City Commission	Adopted (Resolution) and Approved the Recommendation
11/1/12	City Commission	Approved as shown above (See Motion)
12/6/12	City Commission	Approved, as shown above
2/21/13	City Commission	Approved as Recommended
3/11/13	City Commission	Discussed

[120250A_FDEP Notice of Surplus State Land_20120816.pdf](#)
[120250B_Parcel Maps_20120816.pdf](#)
[120250C_Resolution_20120816.pdf](#)
[120250_resolution_20120816.pdf](#)
[120250A_Notice of Intent to Sell Surplus State Land_20121101.pdf](#)
[120250B_Letter to DEP_20121101.pdf](#)
[120250C_Letter from DEP_20121101.pdf](#)
[120250D_Draft Map A_20121101.pdf](#)
[120250E_Offer for Settlement_20121101.pdf](#)
[120250F_Continuance & Settlement Agreement_20121101.pdf](#)
[120250G_Aerial Map_20121101.pdf](#)
[120250_GCI concept v5_20121101.pdf](#)
[120250_GCI-existingpics_20121101.pdf](#)
[120250_Maps_20121206.pdf](#)
[120250A_DOC Letter of Intent_20130221.pdf](#)
[120250B_DOC Map_20130221.pdf](#)
[120250C_Parcel 14733 Map_20130221.pdf](#)
[120250A_DOC Phase Map_20130311.pdf](#)
[120250B_Gateway Center Info_20130311.pdf](#)
[120250A-MOD_DOC Map_20130606.pdf](#)
[120250B-MOD_GCI Cost Estimate_20130606.pdf](#)

[121077.](#)

Partial Release of Lien Affecting 2608 ½ NW 8th Street, Tax Parcel #08311-000-000 (B)

This item requests that the City Commission release the above-referenced properties from the lien arising from Code Enforcement Board Cases: #CEB 2010-142; #CEB 2010-143; and #CEB 2010-151.

Modification

Explanation: This item supports City Commission Strategic Initiative 6.1: Strengthen the effectiveness & transparency of Code Enforcement.

On some occasions property owners have Code Enforcement Board (CEB) liens filed on multiple properties as permitted by 162.09(3) Florida Statutes, which allows liens "against the land on which the violation exists and upon any other real or personal property owned by the violator" (see Attachment "A" Florida Statutes). On some occasions these liens serve as a barrier to those who would rehabilitate properties affected by a CEB lien that is recorded against multiple properties. In such cases, the greater need of the community may be served by the

release of such properties from existing liens when the equity of the city lien is protected by other such properties. The authority of the CEB is limited and only the City Commission may execute a release of lien entered pursuant to 162.09, Florida Statutes.

Fannie Mae a/k/a Federal National Mortgage Association is requesting the City Commission to release such a lien affecting 2608 ½ NW 8th Street, Tax Parcel #08311-000-000 (see Attachment A). The properties with the original violations were:

The Code Enforcement Board issued an order on December 20, 2010 (Case# CEB 2010-142) finding Bonnie Laslo guilty of violating Sections of Chapter 13 of the Gainesville Code of Ordinances at 818 NW 3rd Avenue, Tax Parcel #13748-000-000. Ms. Laslo was provided 10 days to bring the property into compliance and failed to do so. Therefore, as provided for by F.S. 162.09(3) a lien was filed "against the land on which the violation exists and upon any real or personal property owned by the violator" (see Attachment B).

The Code Enforcement Board issued an order on December 20, 2010 (Case# CEB 2010-143) finding Bonnie Laslo guilty of violating Sections of Chapter 13 of the Gainesville Code of Ordinances at 810 NW 3rd Avenue, Tax Parcel #13748-001-000. Ms. Laslo was provided 10 days to bring the property into compliance and failed to do so. Therefore, as provided for by F.S. 162.09(3) a lien was filed "against the land on which the violation exists and upon any real or personal property owned by the violator" (see Attachment B). On January 8, 2013, the bank holding the mortgage for this property had a successful foreclosure and is the current owner.

The Code Enforcement Board issued an order on January 20, 2011 (Case# CEB 2010-151) finding Bonnie Laslo guilty of violating Sections of Chapter 13 of the Gainesville Code of Ordinances at 3443 NW 1st Court, Tax Parcel #06494-005-000. Ms. Laslo was provided 10 days to bring the property into compliance and failed to do so. Therefore, as provided for by F.S. 162.09(3) a lien was filed "against the land on which the violation exists and upon any real or personal property owned by the violator" (see Attachment B).

On January 29, 2013, Fannie Mae a/k/a Federal National Mortgage Association acquired the parcel located at 2608 ½ NW 8th Street through foreclosure. This property was previously owned by Bonnie Laslo and subject to the aforementioned liens. At this time no city ordinance violations exist at 2608 ½ NW 8th Street and the property is located within the Stephen Foster Neighborhood. The petitioner's request is that the property acquired by it be released from the lien placed on the property by Cases #CEB 2010-142; #CEB 2010-143; and #CEB 2010-151 which continue to be in violation and therefore secures that fine. On April 16, 2013, the total fines imposed for all three cases was assessed at \$499,700 and is currently accruing at \$250 per day for two cases and \$100 per day for one case.

Fiscal Note: No additional costs other than staff time. This is a partial release only as the foregoing described property; as to all other property encumbered by the lien, the order imposing fine continues to be in full force and effect.

RECOMMENDATION

The City Commission release 2608 ½ NW 8th Street, Tax Parcel 08311-000-000 from Code Enforcement Board liens related to CEB Cases #CEB 2010-142; #CEB 2010-143; and #CEB 2010-151.

[121077A Florida Statutes 20130606.pdf](#)

[121077B Laslo Code Liens 20130606.pdf](#)

[121077C Lender Lien Release Request 20130606.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

[130027.](#)

Mayor Ed Braddy - Committee Assignments (B)

Modification

RECOMMENDATION

The City Commission confirm the Mayor's appointments.

[130027_MOD_committee_assignments_20130606.pdf](#)

[130032.](#)

Commissioner Randy Wells - Nalbandian Settlement Agreement
Litigation (NB)

Modification

RECOMMENDATION

*The City Commission discuss the Nalbandian
Settlement Agreement Litigation and take action
deemed appropriate.*

COMMISSION COMMENTS (if time available)

RECESS

RECONVENE

PLEDGE OF ALLEGIANCE (5:30pm)

Detachment of the Marine Corp League Bob Gasche

PROCLAMATIONS/SPECIAL RECOGNITIONS

[130017.](#)

Flag Day - June 14, 2013 (B)

RECOMMENDATION

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

[130017 FlagDay-20130606.pdf](#)

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

PUBLIC HEARINGS

RESOLUTIONS- ROLL CALL REQUIRED

[121116.](#)

Qualified Target Industry (QTI) Refund Resolution - BioMonde (B)

**This item seeks City Commission approval for a QTI contribution for
the prospective location of a business unit within the City of
Gainesville for BioMonde, a British life science/health company,
providing debridement treatments to the European wound care
market.**

*Explanation: BioMonde, a life science/health company currently providing
debridement treatments to the European wound care market is currently*

considering the establishment of a business unit within the City of Gainesville that would create 18 manufacturing, sales and marketing and administration jobs. If the firm chooses to select Gainesville/Alachua County, the site location will be within the City's Enterprise Zone.

The QTI incentive is a state tool available to Florida communities to encourage job growth in targeted, high value added businesses. Pre-approved applicants creating jobs in Florida receive refunds on the various State taxes they pay including corporate, sales, ad-valorem, insurance premium and other taxes. The QTI incentive is performance based and the firm will only receive funds based upon jobs created and meeting other criteria as required by Florida statute.

Eligible QTI applicants must pay an average annual wage that is at least 115% of the State Metropolitan Statistical Area's average annual wage rate. In order to apply, the applicant works with Enterprise Florida prior to making a decision to locate (or expand). The local community normally provides a Resolution to indicate that the commitments of local financial support exist, namely up to 20% of the total tax refund.

In this particular case, BioMonde is indicating that it will create up to 18 net new jobs at an average wage of approximately \$52,500 at the Innovation Hub. This firm has indicated it plans to make a capital investment of approximately \$825,000 over five years regarding the new location in addition to the proposed job creation.

Due to the incentive calculated per job (\$6,000 for location in Enterprise Zone; \$1,000 for creation of wages at 150% of the average Alachua County wage; and \$2,000 for jobs located within an Enterprise Florida designated High Impact Business Sector) the total incentive would be \$162,000. Of this, the City would be asked to provide a 10% match (\$16,200) over a period of four years with an equal 10% match (\$16,200) coming from Alachua County for a total local match of \$32,400.

The Gainesville Area Chamber of Commerce and its economic development arm, the Council for Economic Outreach (CEO) have been working with BioMonde and recommends approval of this request.

Fiscal Note: If this item is approved, the City Commission agrees to budget and appropriate up to \$16,200 over four years in the event that tax refunds are approved by the state.

RECOMMENDATION

The City Commission: 1) adopt the Resolution; 2) authorize the Mayor to execute and the Clerk to attest to the QTI Resolution regarding BioMonde.; and 3) direct the City Manager to forward the executed QTI Resolution to Enterprise Florida.

Alternative Recommendation

The City Commission deny the Resolution.

[121116A Project Overview 20130606.pdf](#)

[121116B QTI Tax Refund Form 20130606.pdf](#)

[121116C Resolution 20130606.pdf](#)

[130001.](#)

Resolution Supporting Dual Naming a Portion of SE 11th Avenue after Dr. Cullen Wadsworth Banks II (B)

This is a request for the City Commission to adopt a resolution to dual name a portion of SE 11th Avenue in memory of Dr. Cullen Wadsworth Banks II.

Explanation: The City Commission requested staff review the consideration of dual naming SE 11th Avenue between SE 15th Street and Williston Road (SE 11th Street) after Dr. Cullen Wadsworth Banks II. The request to dual name SE 11th Avenue after Dr. Banks meets the criteria established in the Policy for Honorary Street Naming Dual Naming City Streets in that Dr. Banks was a significant contributor to the Gainesville community and SE 11th Avenue in particular is where Dr. Banks' home was located. In order to properly fit a name on the sign plate staff recommends the dual name be 'Dr. Cullen W. Banks II Boulevard'.

Fiscal Note: The fiscal impact associated with this request is \$250, the cost of materials and labor to install five signs along SE 11th Avenue.

RECOMMENDATION

The City Commission adopt the Resolution supporting the request to dual name a portion of SE 11th Avenue between SE 15th Street and Williston Road as 'Dr. Cullen W. Banks II Boulevard'.

[130001A Resolution 20130606.pdf](#)

[130001B Admin Policy 29 20130606.pdf](#)

ADOPTION READING-ROLL CALL REQUIRED

[120839.](#)

LAND USE CHANGE - SMALL SCALE - APPROXIMATELY 0.71 ACRES OF PROPERTY GENERALLY LOCATED IN THE VICINITY OF 2029 NW 13TH STREET FROM COMMERCIAL (C) TO MIXED-USE LOW-INTENSITY (MUL) (B)

Ordinance No. 120839; Petition No. PB-12-161 LUC

An ordinance amending the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of approximately 0.71 acres of property generally located at 2029 NW 13th Street, as more specifically described in this ordinance, from Commercial

(C) to Mixed-Use Low-Intensity (MUL); 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 is a small-scale land use amendment that changes the future land use category of approximately 0.71 acres of property from Commercial (C) to Mixed-Use Low-Intensity (MUL). The subject property is generally located at 2029 NW 13th Street, on the east side of NW 13th Street. The property is developed and includes an unoccupied 6,700 sq. ft. building towards the front of the lot and a 1,960 sq. ft. warehouse at the rear. This property was part of the former Brasington automotive dealership that closed in 2008 after having been in business since 1935, and it is in need of redevelopment. This ordinance is related to Ordinance No. 120840, which proposes rezoning from Automotive-oriented business district (BA) to Mixed-use low-intensity district (MU-1).

This ordinance will facilitate future redevelopment by allowing for residential use and various non-residential uses on the property. The MUL land use category allows a mixture of residential and non-residential uses such as standard lot single-family houses, small-lot single-family houses, duplex houses, townhouses (attached housing), accessory dwelling units, group homes, multi-family housing (if compatible in scale and character with other dwellings in the proposed neighborhood), offices scaled to serve the surrounding neighborhood, retail scaled to serve the surrounding neighborhood, public and private schools, places of religious assembly and other community civic uses.

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 recommended approval of the petition by a vote of 6-0. On March 7, 2013, the City Commission approved the petition by a vote of 5-0.

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 adopt the proposed ordinance.*

Legislative History

3/7/13 City Commission Approved (Petition)

[120839A_Staff report_20130307.pdf](#)

[120839B_Comp Plan GOPs_20130307.pdf](#)

[120839C_Supplemental Docs_20130307.pdf](#)

[120839D_Application Pkg_20130307.pdf](#)

[120839E_CPB minutes_20130307.pdf](#)

[120839F_staff ppt_20130307.pdf](#)

[120839A_draft ordinance_20130606.pdf](#)

[120839B_staff ppt_20130606.pdf](#)

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

[120840.](#)

REZONING - APPROXIMATELY 0.71 ACRES OF PROPERTY GENERALLY LOCATED AT 2029 NW 13th STREET- AUTOMOTIVE-ORIENTED BUSINESS DISTRICT (BA) TO MIXED-USE LOW INTENSITY DISTRICT (MU-1) (B)

Ordinance No. 120840; Petition No. PB-12-162 ZON

An ordinance amending the Zoning Map Atlas of the City of Gainesville, Florida, by rezoning approximately 0.71 acres of property generally located at 2029 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 REPORT

This ordinance rezones approximately 0.71 acres of property generally located at 2029 NW 13th Street from Automotive-oriented business district (BA) to Mixed-use low intensity district (MU-1). Related Ordinance No. 120839 amends the future land use category of the property to Mixed-Use Low Intensity (MUL). The subject property is developed and includes an unoccupied 6,700 sq. ft. building towards the front of the lot and a 1,960 sq. ft. warehouse at the rear. This property was part of the former Brasington automotive dealership that closed in 2008, and it is in need of redevelopment.

The proposed rezoning will facilitate redevelopment of the property by rezoning to a district that allows for residential use and various

non-residential uses. The MU-1 district allows 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.

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 recommended approval of this petition by a vote of 6-0. On March 7, 2013, the City Commission approved the petition by a vote of 5-0.

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. 120839 becomes effective as provided therein.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

3/7/13 City Commission Approved (Petition)

[120840A_staff report_20130307.pdf](#)

[120840B_Comp Plan GOPs_20130307.pdf](#)

[120840C_Supplemental Docs_20130307.pdf](#)

[120840D_Application Pkg_20130307.pdf](#)

[120840E_CPB minutes_20130307.pdf](#)

[120840F_staff ppt_20130307.pdf](#)

[120840A_draft ordinance_20130606.pdf](#)

[120840B_staff ppt_20130606.pdf](#)

[120152.](#)

TEXT CHANGE - ALLOW PATRONS' DOGS WITHIN OUTDOOR PORTIONS OF EATING PLACES (B)

Ordinance No. 120152; Petition No. PB-12-53 TCH

An ordinance of the City of Gainesville, Florida, amending the Land Development Code and the Code of Ordinances by establishing a permitting procedure, regulations and permit fee to allow patrons' dogs within outdoor portions of eating places; by creating Section 30-122 Patrons' dogs within outdoor portions of eating places; by creating a permit fee within Appendix A-Schedule of Fees, Rates and Charges;

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 REPORT

This ordinance establishes a permitting procedure and fee for eating places that wish to allow patrons' dogs within certain designated outdoor portions of their establishments. Generally, the State Food and Drug Administration Food Code prohibits dogs (other than service dogs) from entering the indoor or outdoor premises of public food service establishments. However, state law allows local governments to adopt an exemption allowing dogs in limited designated outdoor seating areas.

This ordinance will apply only to those eating places that wish to provide this service. Such establishments must obtain a permit from the City and comply with certain requirements. Generally, the permit requires applicants to submit contact information, a diagram and description of the outdoor area, the hours of operation, and imposes operational requirements.

This issue was reviewed by the Community Development Committee and upon its recommendation, the City Commission on April 5, 2012, directed staff to initiate a petition to the City Plan Board.

Public notice was published in the Gainesville Sun on May 8, 2012. On May 24, 2012, the City Plan Board held a public hearing and, by a vote of 4-1, recommended approval of the petition. The City Commission held a public hearing on August 2, 2012 and 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

8/2/12 City Commission Approved (Petition)

[120152A_staff report_20120802.pdf](#)

[120152B_proposed amendment_20120802.pdf](#)

[120152C_application_20120802.pdf](#)

[120152D_cpb minutes_20120802.pdf](#)

[120152A_draft ordinance_20130606.pdf](#)

[120235](#)

**REZONING - APPROXIMATELY 497 SQUARE FEET OF
PROPERTY LOCATED ON THE EAST SIDE OF SW 43RD**

**STREET APPROXIMATELY 31 FEET FROM THE SOUTH
RIGHT-OF-WAY OF SW 20TH AVENUE (B)**

Ordinance No. 120235; Petition No. PB-12-76 ZON

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning approximately 497 square feet of property located in the vicinity of the east side of SW 43rd Street, approximately 31 feet from the south right-of-way of SW 20th Avenue, as more specifically described in this ordinance, from Alachua County Planned Development district (PD) to City of Gainesville Public services and operations district (PS); establishing uses permitted by right; excepting the requirement of a preliminary development plan; providing conditions on the property; providing directions to the City Manager; 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 rezones certain property from Alachua County Planned Development district (PD) to City of Gainesville Public services and operations district (PS). The approximately 497 square foot property is located on the east side of SW 43rd Street, approximately 31 feet from the south right-of-way of SW 20th Avenue, and was annexed into the City as part of the Urban Village annexation in June 2009. The triangular-shaped property was deeded to Alachua County on January 12, 2011 by the Venture Apartments Planned Development to supplement the existing stormwater management facility serving SW 20th Avenue.

The property is currently used for stormwater retention/treatment and utilities. PS zoning was selected for consistency with the current use of the property and is consistent with the property's Urban Mixed-Use 2 future land use designation. Staff recommends waiving the requirement for a preliminary development plan because all uses on the site currently exist.

This petition/ordinance specifies this property's list of permitted uses by right as: Stormwater retention and treatment; Utility transmission and distribution lines; Utility buildings or facilities (as defined in Section 30-23 of the Land Development Code); and Accessory uses customarily and clearly incidental to any permitted principal use.

After public notice was published in the Gainesville Sun on July 10, 2012, the City Plan Board held a public hearing on July 26, 2012, and by a vote of 6-0, recommended approval of this petition.

CITY ATTORNEY MEMORANDUM

This ordinance requires two readings.

RECOMMENDATION

The City Commission (1) approve Petition PB-12-76 ZON and (2) adopt the proposed ordinance.

[120235A draft ordinance 20130606.pdf](#)

[120235B staff report 20130606.pdf](#)

[120235C Land Development Code 20130606.pdf](#)

[120235D supplemental documents 20130606.pdf](#)

[120235E Application 20130606 20130606.pdf](#)

[120235F cpb minutes 20130606.pdf](#)

[120235G staff ppt 20130606.pdf](#)

[120680.](#)**CONSOLIDATED POLICE OFFICERS AND FIREFIGHTERS
RETIREMENT PLAN AMENDMENTS FOR POLICE OFFICERS
(B)**

Ordinance No. 120680

An ordinance of the City of Gainesville, Florida, amending Chapter 2, Article VII, Division 8 (Consolidated Police Officers and Firefighters Retirement Plan) of the Code of Ordinances of the City of Gainesville; amending Section 2-596, Definitions; amending the definition of accrued benefit relating to the multiplier for police officers; amending the definition of earnings related to overtime pay and termination vacation pay for police officers; amending the definition of final average earnings related to the computation of such earnings for police officers; adding a definition of police officer; amending the definition of service credit rules related to service credit for sick leave earned by police officers; amending the definition of trust fund to include individual accounts authorized under the Supplemental Retirement Program for Police Officers; amending Section 2-600, Retirement dates and benefits, related to years of service and age required for normal retirement of police officers, withdrawal of contributions by police officers after termination of employment, and sick leave credit and interest rate for police officers entering DROP; amending Section 2-607, Cost of living adjustment of benefits, related to cost of living adjustments for police officers; adding Section 2-608 to provide a supplemental retirement benefit to police officers; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: The City Commission, at its meeting of Thursday, January 17, 2013, authorized the preparation and advertisement of this Ordinance. The Ordinance amends the Consolidated Police Officers and Firefighters Retirement Plan (Plan) in accord with the collective bargaining process between the City, Gator Lodge 67, Inc. Fraternal Order of Police (FOP),

and North Central Florida Police Benevolent Association, Inc. (PBA). The changes negotiated with the FOP and PBA include modifications to the multiplier, the length and components of final average earnings, eligibility for normal retirement, DROP return, and cost of living adjustments, as well as other changes mandated by Florida Statutes, as more specifically described in the title and body of the Ordinance. They also include the establishment of a supplemental retirement benefit for police officers. These changes will apply to members of the Plan to varying degrees depending on whether the member is a new employee, retirement eligible, or a DROP participant. Only police officers, as that term is defined in the Ordinance, will be affected by the changes. The collective bargaining agreements that include these changes were ratified by the members of the FOP and PBA on May 23, 2013 and will be presented to the City Commission for ratification at the same meeting as the Second Reading of this Ordinance.

RECOMMENDATION The City Commission adopt the proposed ordinance.

Legislative History

1/17/13 City Commission Approved as Recommended

[120680 T A - FOP Pension 20130117.pdf](#)

[120680A Pension Ordinance 20130606.pdf](#)

[120680B Police Retirement Presentation.pptx](#)

[121080.](#)

CITY OF GAINESVILLE REGISTRY OF PROTECTED PUBLIC PLACES PHASE II-A PROPERTY LISTING (B)

Ordinance No. 121080

An ordinance of the City of Gainesville, Florida, adding specified real properties owned in fee simple by the City of Gainesville to the City of Gainesville Registry of Protected Public Places; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: At its regularly scheduled meeting on March 21, 2013, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance placing the recommended Phase II-A properties in the City of Gainesville Registry of Protected Public Places. The Phase II-A properties are Hogtown Creek Headwaters, Pinkoson Property, San Felasco Park, and Springtree Park.

RECOMMENDATION The City Commission adopt the proposed ordinance.

[121080 draft ordinance 20130606.pdf](#)

[121099.](#)**ORDINANCE SETTING 2014 ELECTION DATES AND QUALIFYING DATES (B)**

ORDINANCE NO. 121099

AN ORDINANCE OF THE CITY OF GAINESVILLE, FLORIDA, SETTING MARCH 11, 2014 AS THE DATE FOR THE 2014 REGULAR CITY ELECTION AND APRIL 8, 2014 AS THE DATE FOR THE 2014 RUN-OFF ELECTION, IF NECESSARY; SETTING THE DATES FOR QUALIFYING FOR THE 2014 REGULAR ELECTION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Explanation: The City Commission, at its meeting of May 2, 2013, approved the dates for the 2014 regular city election and run-off election. Section 9-2 of the City Code of Ordinances requires that the dates be set by ordinance adopted no later than July 1 of each year. Section 9-10 of the City Code of Ordinances states the period to qualify as a candidate for the office of Mayor or City Commissioner shall be between the 50th and 46th day prior to the date of the election. This ordinance sets forth the actual calendar dates for 2014.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

[121099_draft ordinance_20130606.pdf](#)

ORDINANCES, 2ND READING- ROLL CALL REQUIRED[090878.](#)**TEXT CHANGE LANDSCAPE AND TREE MANAGEMENT (B)**

Ordinance No. 090878, Petition No. PB-10-7-TCH

An ordinance of the City of Gainesville, Florida, amending the Code of Ordinances and the Land Development Code relating to landscape and tree management; by amending Sec. 30-23 Definitions; by amending Article VII. Development Review Process (Division 2. Subdivisions and Street Vacation and Division 4. Planned Development District); by amending Article VIII. Environmental Management (Division 1. Generally, Division 2. Landscape and Tree Management, Stormwater Management and Water/Wastewater Connection Policy, and Division 4. Relief and Enforcement); by amending Appendix A. Special Area Plans (for College Park, Traditional City, Central Corridors and University Heights); by amending Chapter 2. Administration (Division 12. Tree Board of Appeals and Division 13. Tree Advisory Board); providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Modification

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

The duties of the Tree Advisory Board (TAB) include to "clarify tree regulations that exist in the city's codes," "advise all departments of the city on tree issues," and help "develop the goals and objectives for the city's comprehensive plan with respect to trees." Over recent years, the TAB observed that existing Land Development Code requirements are outdated and, in some instances, do not reflect best arboricultural practices. In addition, the TAB recognized a need to improve the protection of the City's most valuable high-quality heritage trees through the development and construction process. In addition, new shade trees have been allocated insufficient space during the development plan process. This has been particularly true in overlay districts such as College Park, where buildings are required to be constructed close to the street, and where existing underground utility lines are often in conflict with proposed street trees. This combination of factors has worked against required shade trees often they do not survive once planted and in some cases have not been planted. The TAB proposed many amendments to the Land Development Code in order to address these and other issues related to landscaping and tree preservation.

The proposed text amendments to the Land Development Code and the City Code of Ordinances have been prepared by and undergone extensive review and revision by the TAB, the Gainesville Community Redevelopment Agency, the City Public Works Department, the City Planning Department, Gainesville Regional Utilities, and stakeholders in the development community. The primary goals of the amendments include:

** Bring requirements for tree protection, tree planting, and invasive exotic plant control into alignment with the practices that yield the best results based on scientific research.*

** Provide sufficient protection for heritage trees in all zoning classes (including financial mitigation under certain circumstances).*

** Create sufficient space for new shade trees so that they can grow to maturity without disrupting buildings, sidewalks, streets or other public infrastructure.*

** Emphasize that street buffer trees, Gainesville Regional Utilities line separation requirements, and Public Works clear zone safety requirements are all equally important, so that future development allows sufficient space for all three.*

** Diminish Gainesville's vulnerability to Southern Pine Beetle epidemics through post-development spacing of certain trees in order to diminish the insects capacity for rapid and relentless population increase.*

** Update the Gainesville Approved Tree list that was first assembled by*

the TAB in 1976 and last revised in 2000.

* Clarify the role of the Tree Advisory Board and the Tree Appeals Board.

The proposed amendments will serve to protect the City's urban forest while implementing the goals and policies of the Comprehensive Plan regarding landscaping and tree protection. The proposed amendments are consistent with the Comprehensive Plan.

On February 25, 2010, the Plan Board heard the petition and received comments from the public. The Plan Board, by a vote of 4-0, with minor text clarifications. On May 6, 2010, the City Commission heard the petition and, by a vote of 7-0, approved the petition with amendments. City staff worked extensively to prepare a draft ordinance and released same for review and comment in March 2011. Several public stakeholders expressed concern with and interest in revising the draft ordinance. As a result, in July 2011, the Gainesville Community Redevelopment Agency (CRA) directed CRA staff to hire a consultant to review the draft ordinance and coordinate a stakeholder review process. On March 19, 2012, a revised draft was presented to the CRA board by the CRA staff and consultant. On May 30, 2012, City Planning staff provided the revised draft to stakeholders, and on June 4, 2012, the Tree Advisory Board reviewed and approved the draft with further revisions.

CITY ATTORNEY MEMORANDUM

This ordinance requires two readings.

RECOMMENDATION The City Commission adopt the proposed ordinance as amended on second reading.

Legislative History

5/6/10	City Commission	Approved (Petition), as amended
5/2/13	City Commission	Continued (1st Reading)
5/16/13	City Commission	Adopted on First Reading, as amended (Ordinance)

[090878_draft ordinance_20130502.pdf](#)

[090878A_staff ppt_20130502.pdf](#)

[090878_MOD REVISIONS_20130516.pdf](#)

[090878_Ordinance_20130606.pdf](#)

[090878_MOD REVISIONS_20130606.pdf](#)

[120934.](#)

**REZONING - APPROXIMATELY 2.8 ACRES OF PROPERTY
GENERALLY LOCATED AT 1303 NE 23rd AVENUE FROM
PUBLIC SERVICES AND OPERATIONS DISTRICT (PS) TO
EDUCATION SERVICES DISTRICT (ED) (B)**

Ordinance No.120934; Petition PB-13-008 ZON

An ordinance amending the Zoning Map Atlas of the City of Gainesville, Florida, by rezoning approximately 2.8 acres of property generally located at 1303 NE 23rd Avenue, as more specifically described in this ordinance, from Public services and operations district (PS) to Educational services district (ED); 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/ordinance rezones approximately 2.8 acres of property from Public services and operations district (PS) to Educational services district (ED). The property is generally located at 1303 NE 23rd Avenue and is the former location of the McGurn Family YMCA, and includes a large main building, smaller accessory structures, roofed and fenced basketball courts, a swimming pool, a wading pool and open space. This petition/ordinance is related to Ordinance No. 120933, which changes the land use category for the property from Recreation (REC) to Education (E).

This petition/ordinance will allow the unoccupied site to be redeveloped into a charter school, because a charter school is not an allowable use within the current zoning district. All of the property adjacent to the site has single-family residential district (RSF-2) zoning. On the east and west side of the property are single-family homes. To the south of the property is vacant undeveloped land. North of the subject property across NE 23rd Avenue is a place of religious assembly and single-family homes. The ED zoning district identifies appropriate locations for educational facilities throughout the community, which are generally located in or very near to residential areas to serve the public.

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 readings. This ordinance shall become effective when the amendment to the City of Gainesville Comprehensive Plan adopted by Ordinance No. 120933 becomes effective as provided therein.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

5/16/13	City Commission	Approved (Petition) and Adopted on First Reading (Ordinance)
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[120934B_Staff report_20130516.pdf](#)
[120934C_Comp Plan GOPs_20130516.pdf](#)
[120934D_Land Development Code_20130516.pdf](#)
[120934E_Supplemental Docs_20130516.pdf](#)
[120934F_Application Neighbrhd workshop info_20130516.pdf](#)
[120934G_CPB minutes_20130516.pdf](#)
[120934H_staff ppt_2030516.pdf](#)
[120934A_draft ordinance_20130516.pdf](#)

PLAN BOARD PETITIONS

[121118.](#)

Amendment to UMU-2 Zoning District (B)

Petition PB-13-44 TCH. City of Gainesville. Amend the Land Development Code Section 30-65.2 Urban mixed-use district 2 (UMU-2: 10- 100 units/ acre; and up to an additional 25 units/acre by special use permit) to: change the maximum block size in the University Heights area from 1800' to 2000'; change the timing requirement for construction of new streets; and to revise the bicycle parking requirements.

Explanation: This petition proposes to amend the standards for the Urban mixed-use district 2 (UMU-2). At the March 7, 2013 City Commission meeting, staff was directed to make several changes to this zoning district in order to facilitate redevelopment within and around Innovation Square (this area is referred to as the University Heights area within the UMU-2 zoning ordinance). Specifically, this amendment proposes the following:

- 1. Change the maximum block perimeter from 1800 feet to 2000 feet within the University Heights area of UMU-2. Currently, the regulations require that the new streets be constructed when they are within the boundaries of subdivisions, minor subdivisions, lot splits, or development. The required new streets are regulated by the maximum block perimeter of 1800 feet, and are also depicted on Figure 2.1 within the approved UMU-2 ordinance. The proposed increase in block perimeter will effectively remove the requirement for two of the new streets which are shown in the figure.*
- 2. Change the requirements for the timing of construction of required new streets within the UMU-2 zoning district. Currently, staff cannot issue final approval of any subdivision, minor subdivision, lot split or development unless the required new streets have actually been constructed within the boundaries of the subject property. Staff is recommending that the UMU-2 standards be revised to allow for a subdivision or development to be approved where required new streets*

have either been constructed or will be constructed by the City or some other governmental entity.

3. *Revise the bicycle parking requirements within the UMU-2 zoning district. Staff is recommending a moderate reduction to the bicycle parking standards in order to make sure there is adequate space for the required bicycle racks within these dense urban developments.*

The City Plan Board considered petition PB-13-44 TCH at a public hearing on April 25, 2013, and recommended approval of the petition with revisions, by a vote of 6-0. At the hearing, members of the board showed a reluctance to remove one of the required new streets in the area. The board therefore recommended an alternative maximum block size of 1900 feet in University Heights, which would still require that particular street. They also expressed concern that no empirical data was provided to support the proposed reduction in the bicycle parking. The board recommended that the proposed changes to bicycle parking requirements not be approved until staff presented further information on bicycle ridership in the area. Since that time, staff has done additional research on this issue and maintains the initial recommendation to reduce bicycle parking.

Fiscal Note: None.

RECOMMENDATION

City Plan Board to the City Commission - the City Commission approve petition PB-13-44 TCH, with revisions from the City Plan Board.

*Alternate Recommendation
Staff to the City Commission - the City Commission approve petition PB-13-44 TCH as originally recommended by staff.*

[121118A CPB Recommended Changes 20130606.pdf](#)

[121118B Staff Recommended Changes 20130606.pdf](#)

[121118C Staff report 20130606.pdf](#)

[121118D Application for Text Amendment to LDC 20130606.pdf](#)

[121118E Figure 2.1 from UMU2 zoning district 20130606.pdf](#)

[121118F Comparison of non-vehicular parking standards 20130606.pdf](#)

[121118G Complete UMU2 zoning district 20130606.pdf](#)

[121118H CPB minutes 20130606.pdf](#)

[121118I staff ppt 20130606.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)