

City of Gainesville

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



Meeting Agenda

July 07, 2011

1:00 PM

City Hall Auditorium

City Commission

Mayor Craig Lowe (At Large)

Mayor-Commissioner Pro Tem Thomas Hawkins (At Large)

Commissioner Scherwin Henry (District 1)

Commissioner Todd Chase (District 2)

Commissioner Susan Bottcher (District 3)

Commissioner Randy Wells (District 4)

Commissioner Jeanna Mastrodicasa (At Large)

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

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

110074.

Letter of Support FY 12 Federal Budget Priorities for the CDBG and HOME Programs (B)

This item requests City Commission approval to authorize the Mayor to sign and submit a letter to the U.S. Senate and U.S. House of Representatives supporting the continued funding of the U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME) in FY12.

Explanation: The CDBG program provides annual grants on a formula basis at approximately \$4 billion dollars to entitlement cities and counties to develop viable urban communities by providing decent housing and a suitable living environment, and by expanding economic opportunities, principally for low- and moderate-income persons. HUD awards grants to entitlement community grantees to carry out a wide range of community development activities directed toward revitalizing neighborhoods, economic development, and providing improved community facilities and services. For over 35 years, CDBG has been one of the longest running and successful grant programs in the nation. CDBG is one of the most effective federal domestic programs to revitalize communities with proven results. It helps fund a wide range of activities, including job-creating economic development projects; community policing; housing-related assistance; and public projects such as water and

sewer improvements, street and sidewalk repairs, and the remediation of environmental contamination. It helps fund public facilities including fire stations and youth and senior centers; as well as vital local services and activities that benefit millions of elderly Americans, low-income children, and the disabled, including meals on wheels, improvements to nursing homes, child care, after-school enrichment programs, and programs for abused and neglected children.

The HOME Program provides formula grants to States and localities that communities use often in partnership with local nonprofit groups to fund a wide range of activities that build, buy, and/or rehabilitate affordable housing for rent or homeownership or provide direct rental assistance to low-income households. HOME is the largest Federal block grant to State and local governments designed exclusively to create affordable housing for low-income households. Each year it allocates approximately \$2 billion among the States and hundreds of localities nationwide. The program was designed to reinforce several important values and principles of community development such as: 1) flexibility to empower people and communities to design and implement strategies tailored to their own needs and priorities; 2) emphasis on consolidated planning expands and strengthens partnerships among all levels of government and the private sector in the development of affordable housing; 3) technical assistance activities and set-aside for qualified community-based nonprofit housing groups builds the capacity of these partners; and 4) requirement that local governments match 25 cents of every dollar in program funds mobilizes community resources in support of affordable housing. HOME Program funding is a vital piece in financing numerous affordable housing developments, many of which would not be able to go forward and many of which would not provide housing for low-income families without HOME assistance. HOME supports making development financing feasible and achieving deeper income targeting. It also enables for-profit and non-profit developers to provide affordable housing in their communities.

Historically, the City has funded many projects using CDBG and HOME funding through the years. On an annual basis, part of the City's CDBG and HOME Program funds were set aside for the City sponsored projects such as affordable housing programs and services, block grant administration, public infrastructure, recreation and parks improvement, and the homeless capital initiative (GRACE One Stop Homeless Assistance Center). The remaining portion of CDBG and HOME funds were made available to non-profit service providers and other public agencies to provide affordable housing, community and economic development programs and services.

The CDBG and HOME Program funding is being threatened for further cuts at the federal level at a time when many local governments are struggling to keep budgets balanced. In FY11, after much debate at the federal level, the CDBG Program budget was reduced by 16.2% and the HOME Program was reduced approximately 9%. This funding reduction threat continues into the FY12 budget year with further proposed cuts to the CDBG and HOME Programs. Any cuts or elimination of these funding resources will severely impact the lives of our low and moderate-income citizens who rely on CDBG and HOME funded

programs. Further, any reduction in the CDBG and HOME Program funding would severely slow down and/or eliminate thousands of local and state projects and programs that are directly contributing to local and regional recovery.

CDBG and HOME funding is a vital resource to our community, providing funding for projects and services that directly impact the lives of our low- and moderate-income citizens. For reference, attached is a CDBG/HOME Program Fact Sheet providing a summary of some of the accomplishments of important projects within the Gainesville community that have been funded with CDBG and HOME Program funding. Without CDBG and HOME funding these projects could not have been assisted. CDBG and HOME Program funding provides the flexibility to fund a variety of program activities, including leveraging and attracting additional resources to projects. This combination of CDBG and HOME with other resources adds to our local economy through the purchase of goods and services and adds to the betterment of the lives of our local citizenry through improved neighborhoods and services.

Though cuts to the CDBG and HOME programs would have a minor impact on reducing the federal budget deficit, they will slow and eliminate thousands of projects that leverage public and private funds into new jobs and developments of lifelong worth to the community. The CDBG and HOME Program funding goes to service providers, builders, contractors, and local businesses who transform the neighborhoods in which they conduct business. Continued funding for CDBG and HOME Programs is crucial for our community as it connects private sector growth to the revitalization of entire communities. Additionally, CDBG and HOME funding is important to local government budgets and to the low and moderate-income households served by these programs. If not for CDBG and HOME, many projects centered around public services, infrastructure, housing rehabilitation, nutritional support, economic development and the homeless would not be funded locally. Across the nation, local government budgets are stretched and have been for a number of years. Without CDBG and HOME, the City of Gainesville does not have the resources available to fund the aforementioned program activities at a meaningful level, which would result in a devastating impact on the Gainesville community.

Presently, HCD staff is also working with the Citizens Advisory Committee for Community Development (CACCD) and the outside agencies to submit support letters to the U.S. Senate and U.S. House of Representatives regarding the continued funding of the CDBG and HOME Programs.

Fiscal Note: There will be no fiscal impact for signing the letter of support for the continued funding of the CDBG and HOME Programs.

RECOMMENDATION

The City Commission: 1) approve City of Gainesville support for continued funding of the CDBG and HOME Programs and authorize the Mayor to draft a letter of support; and 2) authorize the City's Lobbyist to monitor the funding status of the CDBG and HOME Programs.

110074_Support Letter Sample_20110707.pdf

110075.**Request to Transfer Balance of Displaced Mobile Home Owner/Tenant Assistance Program Funds to Housing & Community Development Affordable Housing Program Budget (NB)**

This item proposes to request the City Commission to approve the transfer of the remaining balance of the Displaced Mobile Home Owner/Tenant Assistance Program Funds to Housing & Community Development Affordable Housing Program budget to fund program costs related to the implementation of the City's affordable housing programs and services.

Explanation: On April 1, 2010, Legislative File #090874, the City Commission approved the reauthorization use of Cedar Grove II Foreclosure Funds for City housing programs and services to fund various programs and services to offset programs costs that are not eligible to be paid from federal and state grant programs such as Community Development Block Grant (CDBG), HOME Investment Partnership Program (HOME) and State Housing Initiative Partnership (SHIP). On December 10, 2007, the City Commission approved Resolution #070330 establishing the Displaced Mobile Home Owner/Tenant Assistance Program. Additionally, the City Commission authorized the use of \$30,000 of Cedar Grove II Foreclosure funds to fund the program. In September 2009, the Displaced Mobile Home Owner/Tenant Program was completed with a remaining balance of 13,703.85. Since the funding for this program was originally authorized from the Cedar Grove II Foreclosure Fund, staff is recommending to transfer the remaining balance of these funds to the Housing & Community Development Affordable Housing Program budget to fund program costs related to the implementation of the City's housing programs and services such as, housing rehabilitation, new construction, housing counseling, etc.

Fiscal Note: Transfer the remaining balance of the Displaced Mobile Home Owner/Tenant Program budget to the Housing & Community Development Affordable Housing Program account to use for related program costs for the various housing programs and services.

RECOMMENDATION

The City Commission authorize the transfer of the remaining balance of the Displaced Mobile Home Owner/Tenant Assistance Program to the Housing & Community Development Affordable Housing Program budget to fund program costs related to the implementation of the City's various housing programs and services.

110095.**NE 19th Terrace Biodetention Monitoring (B)**

This item is a request for the City Commission to approve the monitoring proposal and to execute the contract for the monitoring phase of the NE 19th Terrace project. The work is proposed for the amount of \$85,837.

Explanation: This project proposes the monitoring of the Filterra biodetention system on NE 19th Terrace between NE 8th Avenue and NE 10th Avenue by Dr. John Sansalone of the University of Florida Environmental Engineering Sciences Department. Monitoring of this new and innovative technology is a permit requirement and will provide research into its effectiveness and potential for use on future projects in Gainesville. It is the desire of the Public Works staff to contract with Dr. Sansalone and his team of graduate assistants since they have provided their much needed expertise during the design of the project and their familiarity with the project will ensure that we satisfy the permit requirements and acquire the needed data to effectively analyze the effectiveness of the system.

Fiscal Note: Funding in the amount of \$85,837 is allocated and identified from the Capital Improvements Projects Fund.

RECOMMENDATION

The City Commission: 1) approve the specified source monitoring proposal from Dr. John Sansalone for the NE 19th Terrace Monitoring Project; 2) issue a purchase order in an amount not to exceed \$85,837.

110095_Proposal_20110707.pdf

110099.

Interlocal Agreement Between the Board of Trustees of Santa Fe College (SFC) and the City of Gainesville Regional Transit System (RTS) (B)

This is a request for the City Commission to authorize the City Manager to execute a new Interlocal Agreement between the Board of Trustees of Santa Fe College (SFC) and the City of Gainesville Regional Transit System (RTS) to provide unlimited access to public transit to SFC students.

Explanation: Over the past ten years Santa Fe College (SFC) has expressed the desire to improve transit service to the SFC campus and establish a transportation fee similar to the University of Florida (UF) to fund enhanced transit service.

Bill 2150, signed by Governor Scott on May 26, 2011, allowed SFC to implement a fee by student government referendum not to exceed \$6/credit hour. Student government has approved a \$3/fee by referendum.

An Interlocal Agreement between SFC and RTS is needed to provide unlimited access to public transit to SFC students, enhance and implement new service.

The service will be added in two (2) phases. The first phase will begin August 15, 2011, with the addition of two (2) new routes, Route 27 (Eastside Circulator) and Route 62 (Oaks Mall to Lexington Crossing), and additional service on Routes 10, 23, and 43. The second phase will begin January 2, 2012, with the addition of two (2) new routes, Route 39 (SFC to the Gainesville Regional Airport) and Route 76 (Oaks Mall to Tower Square).

In order to provide these services, a total of twelve (12) new transit operators, one (1) new Vehicle Service Attendant, one (1) new Fleet Mechanic I position,

and one (1) Training Officer will be needed.

The service rate for this service is \$61/hour, not including farebox revenue.

Fiscal Note: The total amount to be paid by SFC is based on the number of hours of service provided by RTS and will be funded by SFC student transportation fees. RTS estimates \$1,105,560 in SFC funds to cover operating costs.

RECOMMENDATION

The City Commission: 1) approve the Interlocal Agreement between the Board of Trustees of Santa Fe College (SFC) and the City of Gainesville Regional Transit System (RTS); 2) authorize RTS to provide the additional transit services; 3) approve the additional RTS positions; and 4) authorize the City Manager to execute the Interlocal Agreement and related documents, subject to approval by the City Attorney as to form and legality.

110099B_Map_20110707.pdf

110099A_Agreement_20110707.pdf

110104.

Citizens Advisory Committee (B)

This request is from the Metropolitan Transportation Planning Organization (MTPO) to consider the Citizen Advisory Committee's (CAC) request to be reinstated as an advisory board to the City Commission concerning transportation issues.

Explanation: At their June 2010 meeting, the Citizens Advisory Committee approved a motion to ask the MTPO to forward to the City Commission a request to reinstate the CAC as an advisory board to the City Commission concerning transportation issues. The letter further states that the CAC "served in this capacity for over 17 years, a relationship ended by the City Commission in October 2002."

In researching the legislative history, staff found that in October 2002 the City Commission accepted a recommendation from the Personnel and Organizational Structure Committee to decline the CAC's request to serve as an advisory board. The only other information staff found to the CAC having served in an advisory capacity to the City Commission was in a report to the Commission in 1996 that recommended to sunset the RTS Advisory Board and encouraged the members to apply for membership to the CAC.

Currently, all major transportation projects managed by the City of Gainesville are included in the MTPO's priority planning process. All transit projects and programs are presented through the MTPO's advisory committees as well. Therefore, it is staff's recommendation that there is no need for an additional layer of advisory oversight for transportation issues.

Fiscal Note: There is no fiscal impact of this agreement.

RECOMMENDATION

The City Commission decline the Citizens Advisory Committee's request to serve as an advisory board to

the City Commission.

110104_Letters_20110707.pdf

110105.

Award of a Contract for Liability and Worker's Compensation Claims Adjusting Services to Underwriters Safety and Claims, Inc. (B)

This item involves the selection of a third party administrator for the City's Self-Insured Liability and Worker's Compensation claims adjusting.

Explanation: Since 1979, The City's liability and Worker's Compensation coverage's have been managed through a modified self-insurance plan. To assist the City in adjusting these exposures, a third party administrator is utilized. In June 2011, the City of Gainesville's Risk Management Department developed a Request for Proposal (RFP). It was distributed via Demand Star with six (6) vendors submitting proposals. An evaluation committee, made up of members of General Government and Gainesville Regional Utility, evaluated the written proposals. The ranking of the written proposals were based on the below evaluative criteria:

1. *Written proposal meeting the criteria of the RFP*
2. *Technical ability*
3. *Price*

Based on these evaluations, the top three vendors were, Underwriters Safety and Claims, Inc., Gallagher Bassett Services, Inc., and York Risk Services Group, Inc. As a result of the written and presentations, the committee ranked the vendors in the following order:

1. *Underwriters Safety and Claims, Inc.*
2. *Gallagher Bassett Services, Inc.*
3. *York Risk Services Group, Inc.*

Fiscal Note: Funds of approximately \$200,000 are available in the Fiscal Year 2011-2012 General Insurance Fund budget.

RECOMMENDATION

The City Commission: 1) approve the rankings of the responding Third Party Administrators, 2) authorize the City Manager or his designee to negotiate with the firms in the ranked order, and execute a contract, according to the terms in the Request for Proposals with the chosen firm subject to approval by the City Attorney as to form and legality, and 3) authorize the issuance of a purchase order in an amount sufficient to cover the estimated claims administration costs.

110105_Award of RFP for TPA Services_20110707.pdf

110107.

Edward Byrne Memorial Justice Assistance Grant Application (JAG countywide - State Solicitation) (NB)

This item requests City commission authorization to apply for and accept Edward Byrne Memorial Justice Assistance Grant funds (State Solicitation) in the amount of \$15,000 for the Sexual Predator and Offender Tracking Program and \$15,000 for the You and the Law Program.

Explanation: The Edward Byrne Memorial Justice Assistance Grant (State Solicitation) is a competitive grant opportunity consisting of \$142,310 in Federal funding allocated for government entities within Alachua County. The Alachua County Sheriff's Office serves as the Grant Administrator and automatically receives 10% (\$14,231) leaving the county \$128,079 to fund continuing and new programs. On June 30, 2011 the Gainesville Police Department will present two programs for consideration by the Policy Board. Both programs are continuing efforts: The Sexual Predator and Offender Tracking Program and the You and the Law Program. The Sexual Predator and Offender Tracking Program requests funding for overtime details that will monitor and enforce the terms of probation for sexual predators and offenders within the City of Gainesville. You and the Law is a community education effort that is designed to inform youth and adults about their rights, the law, police policy and practices and the development of appropriate communication strategies. Funding for this program provides partial support for a part-time coordinator who will train peer educators, produce presentation materials and oversee the assessment of the program.

Fiscal Note: Each application is for a one-year funding cycle that will begin in FY 2011-12. The current Federal regulations do not require a match for the grant. The total amount requested by the Gainesville Police Department for both programs is \$30,000.

RECOMMENDATION

The City Commission authorize the City Manager to execute the grant application, grant award and any other necessary documents pending review by the City Attorney as to form and legality.

110113.

First Amendment to Interlocal Agreement Between the City of Gainesville, the Alachua County Sheriff and Alachua County for a Combined Communications Center (B)

Explanation: The City of Gainesville, the Alachua County Sheriff and Alachua County entered into an Interlocal Agreement for a Combined Communications Center (CCC) on November 3, 1999. The City of Gainesville utilizes the CCC for call taking and dispatch services for police and fire services. The parties entered into a new agreement on May 12, 2009 that allowed small users to participate in the CCC. The parties now wish to amend the agreement to modify the provisions that provide for small users to participate in the CCC and to incorporate a funding mechanism for a capital replacement schedule.

The agreement defines a small user as a municipality with a population less than 6,000. The language in the amendment was modified to address the

concerns and needs of the cities of Waldo and High Springs. Waldo currently utilizes the CCC but has had difficulty paying the amount called for in the current funding formula. The amendment creates two tiers of small users. Municipalities with populations less than 2,000 shall be charged 20% of the cost of a call per service with Alachua County funding the remaining 80%. Municipalities with populations less than 6,000 but more than 1,999 shall be charged 60% of the cost of a call for service with Alachua County funding the remaining 40%. The change will reduce the City of Waldo's charges from 25% of the cost of a call for service to 20% and allow for High Springs to participate in the CCC at 60% of the cost of a call for service.

City, County and Sheriff's Office staff have been working to establish a capital replacement schedule for the CCC. The amendment calls for the Sheriff to include the required annual contribution as a line item in the CCC budget to be deposited into an ongoing restricted CCC replacement fund to be managed by the Board of County Commissioners. At the end of each fiscal year, the CCC's unexpended budget dollars will be placed into the CCC replacement fund to offset the annual contribution request. Funds from the CCC replacement fund shall be used to purchase capital equipment identified through a replacement schedule developed by CCC management and approved by the CCC Administrative Board.

Fiscal Note: The change to the small user formula will have no effect of the City of Gainesville at this time. Should High Springs or another small city opt to participate, the City of Gainesville's cost will decrease. The City of Gainesville's share of funding for the Capital Replacement Fund is approximately \$430,000 in FY2012 and has been included the FY2012 Proposed Budget. The recurring contribution after 2012 is approximately \$190,000 annually.

RECOMMENDATION

The City Commission authorize the Mayor to execute the First Amendment to the Interlocal Agreement Between the City of Gainesville, the Alachua County Sheriff and Alachua County for a Combined Communications Center.

110113_Interlocal Agreement_20110707.pdf

110123.

Amendment to the Map of Proposed Modifications to Gainesville's Urban Reserve Area (B)

This item is to amend the map of proposed modifications to Gainesville's Urban Reserve Area to show that the City Commission agrees with the County Commission's request to reduce the size of the original proposal.

MODIFICATION - This is a new item that was added to the agenda on July 5, 2011 @ 1:40 PM.

Explanation: 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 County initiated the current 5 Year Review and Update on January 11, 2011. On April 7, 2011, the

City Commission approved an updated Statement of Services and a map of the proposed modification to Gainesville's Urban Reserve Area. On June 14, 2011, the Board of County Commissioners conducted a public hearing in response to the City of Gainesville's request for modifications to our Urban Reserve and Statement of Services. At the public hearing, the Board of County Commissioners did not approve a resolution to designate an updated Reserve Area for the City of Gainesville as part of the 5 Year Review and Update of Reserve Areas.

On June 22, 2011, the City of Gainesville filed a Motion for Reconsideration and/or Rehearing on the denial of the City's request to add certain property to the City's Urban Reserve Area. Pursuant to the Board of County Commissioner's rules, the motion was placed on the Board's next agenda. On June 28, 2011, the Board of County Commissioners approved a motion to rehear the City's Proposed Modifications to Gainesville's Urban Reserve Area on or before August 9, 2011, with the understanding that the City would amend the original request to include a smaller area.

The intent of the City's request is to add the property that encompasses the Paynes Prairie Sheetflow Restoration Project to Gainesville's Urban Reserve. Although the actual Project site totals 260 acres, it occupies portions of all of the parcels that the City originally sought to include in its Urban Reserve Area, which totaled 1,653 acres. Upon further review and discussions with County staff, we jointly determined that it would be feasible to reduce the size of the requested area by including portions of the parcels.

The City of Gainesville has amended the Map of the Proposed Modifications to the City's Urban Reserve Area to more closely represent the project area of the Paynes Prairie Sheetflow Restoration project. The amended area has been reduced to approximately 740 acres, which encompasses the project area.

Fiscal Note: There is no fiscal impact.

.Recommendation

Approve the amended map of the proposed modifications to Gainesville's Urban Reserve Area and authorize staff to notify the County of the amended proposal.

110123A_Map_20110707.pdf

110123B_Map_20110707.pdf

110123C_Map_20110707.pdf

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

CITY ATTORNEY, CONSENT AGENDA ITEMS

110102.

SETTLEMENT OF PERSONAL INJURY CLAIM OF ROBERT AND KATHY BATES (NB)

Explanation: On April 18, 2008, Robert Bates was a pedestrian crossing Main Street at its intersection with First Avenue. He was in the pedestrian crosswalk with a walk

signal. According to the City's investigation, a City employee driving a City vehicle turning left from S.W. 1st Avenue onto Main Street struck Mr. Bates in the crosswalk. The City employee stated to the investigating officer that he did not see the pedestrian until he struck him. As a result of the accident, Mr. Bates landed on his shoulder.

Subsequent to the accident, Mr. Bates received emergency and follow up care, including rotator cuff surgery, therapy and medication to repair the damage and relieve the pain he felt since the accident. His surgeon notes that there is increased risk that he will re-tear the tendon and need follow up medical treatment. Mr. Bates was billed for medical expenses in the amount of \$80,882. In addition, Mr. Bates claims \$26,884 in lost wages for the time he had to take off work for doctor's appointments and recuperative time after the surgery. Mr. Bates claims that he also incurred damages for hiring people to do work that he normally did at his home and investment properties in the amount of \$16,433. Mr. Bates would also seek damages for pain and suffering, loss of enjoyment of activities and future medical care. Ms. Bates maintains that she is entitled to damages for loss of consortium in some unspecified amount.

The Risk Management Department negotiated a pre-suit settlement in the amount of \$70,000. In exchange the claimants will release the City of all claims for damages thus avoiding threatened litigation. It is the recommendation of the City Attorney's Office and the Risk Management Department that the case be settled for that amount.

RECOMMENDATION

The City Commission: 1) approve the terms of the settlement agreement; and 2) authorize the City to settle the claim styled Robert and Kathy Bates vs. City of Gainesville.

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

110118.

Appointments to City Commission Advisory Boards and Committees (NB)

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RECOMMENDATION

The City Commission appoint the following:

Erin Condon to the City Plan Board for a term to expire 11/1/14.

Joni Ellis and Daniel Sostrom to the Gainesville/Alachua County Cultural Affairs Board for a term to expire 9/30/14.

Richard Fabiani to the Gainesville Enterprize Zone Development Agency for a term to expire 3/31/15.

Sarit Sela to the Historic Preservation Board for a term to expire 6/1/14.

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE, CONSENT

100607.

Letter to Representatives Brown and Stearns Regarding Potential City Interest in Acquisition of United States Army Reserve Property at 1125 NE 8th Avenue (B)

Explanation: Approximately two years ago, the United States Army Reserve completed renovation of a property located at 1300 NE 8th Avenue which had previously been occupied by the United States Navy Reserve. The offices and equipment of the United States Army Reserve 257th Transportation Battalion and other elements of the United States Army Reserve were relocated from 1125 NE 8th Avenue to the newly renovated facility at 1300 NE 8th Avenue. Since that time the property at 1125 NE 8th Avenue has appeared to be vacant and falling into disrepair.

Commissioner Randy Wells raised this issue which was referred to the Recreation, Cultural Affairs and Public Works Committee. During a trip to Washington, D.C. last winter, Commissioner Wells met with staff in Representatives Brown and Stearns offices regarding the best way to find out about plans for use of the United States Army Reserve property at 1125 NE 8th Avenue and the process that may be pursued, if any, by the City for potential acquisition of the property. The guidance he received was to provide a draft letter to the Secretary of Defense from Representatives Brown and Stearns.

The community's vision is to create a City park dedicated to reserve soldiers ("Reserve Park") where residents can honor the contributions of our citizen soldiers and to bring the remaining property back to active use to benefit the community and local economy. Consistent with this concept, City residents have expressed interest in co-sponsoring the annual picnic that has been held at the property in previous years in honor and recognition of reservists and their families.

This item was discussed at the February 24, 2011 meeting of the Recreation, Cultural Affairs and Public Works Committee. When discussing the topic, the Committee suggested that it would be appropriate for a letter to be sent to Representatives Brown and Stearns from the Mayor with the draft letter to the Secretary of Defense attached.

Fiscal Note: The proposed letters are exploratory. If a positive response is received, a plan would need to be developed identifying funding needs and sources for

acquisition, operation and maintenance of a new park. No funds are currently budgeted for this purpose.

RECOMMENDATION

The City Commission authorize the Mayor to send the proposed letter on behalf of the City Commission to Representatives Brown and Stearns with a draft letter to the Secretary of Defense seeking information on plans for use of the United States Army Reserve Property located at 1125 NE 8th Avenue and the process that may be pursued by the City to potentially acquire the property.

Legislative History

12/16/10	City Commission	Referred (7 - 0)	Recreation, Cultural Affairs and Public Works Committee
2/24/11	Recreation, Cultural Affairs and Public Works Committee	Discussed	

100607_Draft Letter_20110224.pdf

100607A_Letter to Stearns-Brown NE Veterans Park_20110707.pdf

100607B_Letter to Secretary of Defense_20110707.pdf

100607C_Photo W Parking looking SE 9_20110707.pdf

100607D_Photo SW Portion looking SE 9_20110707.pdf

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS**END OF CONSENT AGENDA****ADOPTION OF THE REGULAR AGENDA****CHARTER OFFICER UPDATES****CLERK OF THE COMMISSION****CITY MANAGER****110017.****United Downtown Co-sponsorship Request (B)**

Explanation: Debbie Mason, Chief Executive Officer of United Way of North Central Florida attended the May 5, 2011 City Commission meeting and described plans for a family-friendly series of events in the downtown area on Friday evenings prior to home football games beginning this fall. On May 19th, Ms. Mason returned to the City Commission to specifically request City co-sponsorship and assistance with the City's permitting processes related to street closures and having alcohol sales, specifically beer, at the events. At the May 19th meeting, the City Commission requested that staff bring back a Consent Item regarding

co-sponsorship of "United Downtown" with the fiscal impact noted, and referred the matter to the City Attorney to review the event to determine its legality.

The purpose of the proposed event is to create a community-wide engagement activity bringing residents and visiting families to the downtown area on Friday evenings prior to University of Florida home football games, while engaging the local community in the work of the United Way. Net profits from the events will be committed to furtherance of its charitable activities. As proposed, the events would occur on SE 1st Street between University Avenue and SE 2nd Place, on Fridays before home football games, from 5:30 p.m. until 10:00 p.m. Event dates are September 2, 9, 16 and 30; November 4, 18 and 25. On November 4, Homecoming, the event will begin at 1:30 p.m. when the parade ends. The United Way's plans for the events continue to evolve and City staff is working with Ms. Mason to identify costs for City services that would be needed to support the events.

This has been proposed as a discussion item to allow Ms. Mason to provide a brief presentation to the City Commission including information regarding the Tallahassee "Downtown GetDown" events, as well as additional details about the event series proposed for downtown Gainesville. City staff will present information regarding the scope of City services anticipated to ensure public safety for the events. The City Attorney's office has reviewed the issue of alcohol sales on the street while closed and advises that Chapter 4 of City Code of Ordinances would have to be amended since the proposed activity is not currently permitted.

The City has discussed insurance and liability issues with the United Way based on their request that the City be a co-sponsor of the United Downtown events. The United Way will be getting supplemental insurance coverage based on their sponsorship of the events and the City will be named as an additional insured. In addition, the City has requested that the United Way secure a liquor liability policy of not less than \$1,000,000. These actions have addressed issues raised by the City Attorney's Office and Risk Management relative to City co-sponsorship of the events.

***Fiscal Note:** The City currently has no funding budgeted to support the proposed series of events. Costs for City services provided at the events will need to be paid for by the United Way. City co-sponsorship would tie in the Friday night concert series at the Bo Diddley Plaza and help to facilitate the event while enabling reduction of some costs to United Way. Costs are being developed and will be provided to the City Commission.*

RECOMMENDATION

The City Commission: 1) receive an update on plans for United Downtown events; 2) approve co-sponsorship of the proposed United Downtown as charitable events; and 3) direct the City Attorney to draft and the Clerk of the Commission to advertise the necessary amendments to the City Code of Ordinances to allow the on-street sale and consumption of alcohol, beer only, for this type of charitable event to occur on the Fridays before University of Florida home football

games, at the location specified.

Alternate Recommendation

The City Commission deny the request to co-sponsor this event.

Legislative History

5/19/11 City Commission Approved as Recommended (7 - 0)

110017_PPT_20110707.pdf

110093.

Edward Byrne Memorial Justice Assistance Grant (JAG Program FY 2011 Formula Program: Local Solicitation (B))

This is a request for the City Commission to hear a discussion on the proposed use of funds in the amount of \$88,878 from the Edward Byrne Memorial Justice Assistance Grant (JAG) and approve the grant application for these funds.

Explanation: The U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, has announced available grant funds to local units of government through the Edward Byrne Memorial Justice Assistance Grant Program (JAG). The City of Gainesville is eligible to receive \$88,878 in funding through this grant. The JAG program allows local governments to support a broad range of activities to prevent and control crime. The funding distribution is based on population and crime statistics, as well as law enforcement expenditure data. The JAG Program blends the previous Byrne Formula and Local Law Enforcement Block Grant (LLEBG) programs to provide agencies with the flexibility to prioritize and place justice funds where they are needed the most. The Gainesville Police Department proposes to utilize the funds received under this grant to purchase additional digital in-car video cameras for patrol vehicles, software enhancement to improve community oriented policing response, Information Technology enhancements, ventilation system for the agency's evidence room, ballistic shields for SWAT, firearms for the Police Auxiliary unit, and supplies for the Reichert House Youth Academy.

Fiscal Note: The \$88,878 in grant funds provided by the U.S. Department of Justice through the Edward Byrne Memorial Justice Assistance Grant is distributed up front instead of on a reimbursement basis. There are no required local matching funds for this grant award.

RECOMMENDATION

The City Commission: 1) hear a report from staff on the City's proposed use of these funds; 2) authorize the City Manager to accept and execute the grant award and any other necessary documents, subject to approval by the City Attorney as to form and legality; and 3) approve the expenditures as outlined in the approved grant award.

110093_BudgetNarrative_20110707.pdf

100938.**FY 2012 - FY 2021 Capital Improvement Project List (B)**

This item relates to operating department submissions concerning potential capital improvement project needs over the period from FY12 through FY21.

Explanation: During the initial year of each two-year budget process, the City Commission adopts a Five Year Capital Improvement Plan. The FY11 - FY15 Capital Improvement Plan was adopted by the Commission during the FY11& FY12 budget hearings last summer.

In anticipation that the County may pursue an infrastructure sales tax initiative, departments were asked to compile a list of unfunded capital project needs over the next ten years. These needs could include projects that did not receive funding, or received only partial funding as part of the FY11 - FY15 CIP process, as well as new projects that were not considered during this process.

Total project submissions for the FY12- FY21 period were just over \$484 million. The back-up details these project requests by department.

Fiscal Note: At this point there is no fiscal impact related to this item.

RECOMMENDATION

The City Commission discuss the FY12 - FY21 capital improvement project list.

Legislative History

6/16/11 City Commission Continued (7 - 0)

100938A_FY12 - FY21 CIP Project List_20110616.pdf

100938B_CIP Stratified Recommendations FY12_20110616.pdf

100947.**Alachua County Tax Collector - Reduction of Cost Lien (B)**

MODIFICATION- This item was added to the agenda on June 7, 2011 @ 1:45 PM. (Continued from the 6/16/2011 agenda).

Explanation: The Alachua County Tax Collector, Mr. Von Fraser, submitted a request to the City of Gainesville via the Code Enforcement Division to reduce an administrative cost lien the city levied against parcel #10733-051-000. The subject parcel is located at 825 NE 19th Street and the owner of record is William Sparrow "Heirs." In 2005, the Code Enforcement Division razed the structure that was on the property under Chapter 16 of the Code of Ordinances. The abatement of the structure was completed using General fund dollars allocated to the dangerous building abatement program. The cost of the abatement remained unpaid by the property owner and a lien for the cost of the abatement was placed on the property. The lien in this situation differs from a Code Enforcement Board lien which is a lien placed on a property for the amount of a fine imposed by the Code Enforcement Board. In this case the lien is an administrative lien which was placed on the property to recover the General fund dollars used to abate the nuisance on the property.

The lien on 825 NE 19th Street is \$4,136.90. Mr. Fraser has indicated that the property owner adjacent to the subject parcel is willing to acquire the property if the city's lien is reduced by \$2,000. A reduction or rescission of an administrative lien is contrary to past practice due to the fact that the lien is in place to seek reimbursement of General fund dollars used to correct a property owner's violation of a city ordinance.

Fiscal Note: The lien in place on parcel #10733-051-000 is an administrative cost lien to reimburse the city for the abatement of a dangerous building. \$4,136.90 of the city's General fund was used to complete the abatement and if the Tax Collector's request is granted, \$2,136.90 will be reimbursed to the city's General fund.

RECOMMENDATION

The City Commission: 1) receive a request from the Alachua County Tax Collector for the reduction of the administrative lien placed on parcel #10733-051-000; and 2) deny the request.

Alternative Recommendation

The City Commission: 1) receive a request from the Alachua County Tax Collector for the reduction of the administrative lien placed on parcel #10733-051-000; and 2) approve the request.

Legislative History

6/16/11 City Commission Continued (7 - 0)

100947_Request from ACTC_20110616.pdf

GENERAL MANAGER FOR UTILITIES

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE

080471.

Status Update on the City Commission Strategic Initiative 3.3: Analyze the availability and accessibility of child and youth programs and identify a role for City Government including addressing the harmful effects of child and youth poverty (B)

The Recreation, Cultural Affairs and Public Works Committee received an

update on Strategic Initiative 3.3 at the May 9, 2011 meeting. It was suggested that the City Commission receive an updated presentation on Juvenile Crime Statistics.

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

This update will be provided by Gretchen Casey, State Attorney's Office, and will provide the City Commission with recent juvenile crime statistics for 2010 and discuss the important role that recreation plays in preventing juvenile crime.

Fiscal Note: None

RECOMMENDATION

The City Commission receive this update on Juvenile Crime Statistics.

Legislative History

10/2/08	City Commission	Referred	Recreation, Cultural Affairs and Public Works Committee
1/8/09	Recreation, Cultural Affairs and Public Works Committee	Approved	
10/8/09	Recreation, Cultural Affairs and Public Works Committee	Heard	
8/19/10	City Commission	Heard	

080471_PPT_20100819.PDF
 080471_FY10 Qtr 3 Update_20100513.pdf
 080471_4th Quarter Updates_20091008.pdf
 080471_Strategic Initiatives_20090108.pdf
 080471A_PPT_20110707.pdf
 080471B_Data_20110707.pdf

090110.

Proposed Cell Tower at Albert "Ray" Massey Westside Park (NB)

This item involves an update to the City Commission from the Recreation, Cultural Affairs and Public Works Committee regarding potential placement of a Cell Tower at Albert "Ray" Massey Westside Park.

Explanation: On July 24, 2003 the Recreation, Cultural Affairs and Public Works Committee heard information from representatives of cellular phone companies about the need for and placement of a cellular tower at Albert "Ray" Massey Westside Park. A motion was made and approved to work with the cell tower representatives on gathering additional information and presenting findings to the full Commission at the January 28, 2004, City Commission meeting. This

item was withdrawn and no further action was taken.

In April 2009, the Parks, Recreation and Cultural Affairs (PRCA) Department was approached by TowerCom requesting consideration to place a cell tower at Albert "Ray" Massey Westside Park. On May 21st, the matter was referred to the Recreation, Cultural Affairs and Public Works Committee by the City Commission.

On May 20, 2009, the Public Recreation and Parks Advisory Board met and discussed the cell tower proposal. At that meeting the advisory board approved the following motion: to support the construction of the cell tower, provided that further neighborhood notification was pursued and that the revenues from that tower go to the Department and does not supplant other funds.

On June 11, 2009, the Recreation, Cultural Affairs and Public Works Committee heard a presentation by TowerCom representative Dave Boeff on this matter; PRCA Director Steve Phillips provided history and background. Mr. Boeff presented details of the company's need for placement of a cellular tower at Albert "Ray" Massey Westside Park, outlining TowerCom's proposal, which included logistical, financial and photographic details, along with a draft of a proposed agreement.

On December 17, 2009, a neighborhood workshop was conducted to obtain feedback from area residents near the proposed cell tower location.

At the February 11, 2010 Recreation, Cultural Affairs and Public Works Committee meeting, a presentation was provided by Mr. David Boeff of TowerCom, regarding the steps TowerCom had taken to that point, including results obtained from a public workshop and modifications to the proposal subsequent to that input.

On March 25, 2010, the City Plan Board heard the petition to amend the PS zoning for Ray Massey Westside Park to allow a wireless communications facility as a use permitted by special use permit. The City Plan Board voted to recommend approval of the petition to the City Commission with staff conditions. The petition was forwarded to the City Commission for a public hearing, however, the City Commission records show that the City Commission referred the petition to committee and it was never finalized. Sec.30-347.8 of the City Code of Ordinances states: "if a petition or recommendation for a change or amendment is not acted upon finally by the city commission within six months of the date upon which the report of the city plan board is filed with the city commission, the petition shall be deemed denied without prejudice". Based on the provisions of the code, the petition to amend the zoning of the Park would have to be reheard.

On June 6, 2010 during citizen comments, Julia Reiskind addressed the City Commission regarding the proposed plan to establish a cell tower at Ray Massey Westside Park and some of the issues related to the placement. Following the discussion of the Cell Towers, the City Commission requested staff to provide a memo to the Mayor and Commission discussing the feasibility

and desirability of preparing a Cell Tower Master Plan. A memorandum was provided indicating that based on current regulations developed in 2005 and the lack of demand for additional cell towers within the City; it was felt there was not sufficient demand to warrant a detailed master plan.

In addition, staff heard suggestions from residents that alternative technologies be explored that might be able to address the gap in cell phone coverage without the need for a cell tower. Since that time, City staff from Legal, Planning, GRU and PRCA met several times to discuss the issues and concerns regarding the cell tower. Based on those meetings and additional input received, staff then moved this issue back to the Recreation, Cultural Affairs and Public Works Committee for further review.

On June 6, 2011, the cell tower issue was brought back to the Recreation, Cultural Affairs and Public Works Committee. At that meeting, the current proposal was discussed, and GRU staff provided a brief presentation and addressed questions related to the potential use of alternative technologies to address the gap in cell phone coverage that exists in that area. GRU representatives indicated that a cell tower is the most cost-effective approach to addressing the gap in coverage. The Committee members approved recommending to the City Commission that a cell tower be placed at the Albert "Ray" Massey Westside Park with consideration of the exact location, design and screening being planned to have the least impact visually to the park.

If the Commission supports the placement of a cell tower and related infrastructure at Albert "Ray" Massey Westside Park, the next step would be for the City to negotiate a lease agreement with a cell tower provider. The lease will provide key operative terms of the transaction, including without limitation, the term, amount of lease payments, design requirements and limitations, authorization for the provider to apply for the necessary zoning and other regulatory approvals, that the lease is contingent upon obtaining such approvals without legal challenge and that the provider is responsible for the full extent of all taxes levied as a result of the project, including without limitation, taxes assessed by the County Property Appraiser.

***Fiscal Note:** TowerCom provided the City with an unsolicited revenue proposal in 2009 that requires no City expenditures. Based on the proposal and subject to negotiations, it is estimated the lease will generate a minimum annual base payment of \$18,000 with additional annual payments up to \$79,200 if/when additional cell tower carriers locate on the tower. The proposal provides for an annual 3% increase in the base payment after the first year. The proposal includes one-time capital contributions to the City of \$10,000 per carrier which would generate \$70,000 if the maximum number of carriers locates on the tower.*

RECOMMENDATION

The City Commission: 1) hear an update on the proposed cell tower at Albert "Ray" Massey Westside Park; 2) authorize the City Manager to negotiate and execute a lease agreement with TowerCom and any other necessary documents for placement of a cell tower and related infrastructure at Albert "Ray" Massey Westside Park, subject to approval by the City

Attorney as to form and legality; and 3) upon execution of a lease, authorize TowerCom to apply for the necessary zoning and other regulatory approvals.

Alternate Recommendation #1

The City Commission: 1) hear an update on the proposed cell tower at Albert "Ray" Massey Westside Park, and 2) provide staff with guidance as appropriate on this proposal.

Alternative Recommendation #2

The City Commission: 1) hear an update on the proposed cell tower at Albert "Ray" Massey Westside Park; and 2) deny the request to place a cell tower at the park.

Legislative History

5/21/09	City Commission	Referred	Recreation, Cultural Affairs and Public Works Committee
2/11/10	Recreation, Cultural Affairs and Public Works Committee	Approved, as shown above - See Motion(s)	
	090110_Map_20100211.pdf		
	090110_Memo_20110606.pdf		

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

COMMISSION COMMENTS (if time available)

RECESS

RECONVENE

PLEDGE OF ALLEGIANCE (5:30pm)

PROCLAMATIONS/SPECIAL RECOGNITIONS

110114.

Collaborative Law Awareness Week - July 8-15, 2011 (B)

RECOMMENDATION

*Gainesville Collaborative Divorce Team President
Christopher McLaughlin, Treasurer Bob Krefting, and*

Secretary Leslie Haswell to accept the proclamation.

110114_CollaborativeLaw_20110707.pdf

110116.

Americans with Disabilities Act Awareness Month - July 2011 (B)

RECOMMENDATION

*Office of Equal Opportunity Equal Opportunity
Director Cecil Howard and Citizens Disability
Advisory Committee Chair Mark Mayfield to accept
the proclamation.*

110116_ADAMonth_20110707.pdf

110117.

Parks and Recreation Month - July 2011 (B)

RECOMMENDATION

*Public Recreation and Park Board Chair Michelle
Holder, Gainesville/Alachua County Cultural Affairs
Board Chair Joe Savastano, and Nature Centers
Commission Chair Pearce Hayes to accept the
proclamation.*

110117_ParksRec_20110707.pdf

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

PUBLIC HEARINGS

RESOLUTIONS- ROLL CALL REQUIRED

110050.

Resolution for the Termination of Agreement between the City of Gainesville and the Friends of Ring Park, Inc., and Termination of Agreement (B)

This item involves a request for the City Commission to adopt the proposed resolution, which provides for termination of the March 24, 1998 agreement between the City of Gainesville and the Friends of Ring Park, Inc., and requests authorization for the City Manager to execute an Agreement of Termination with the Friends of Ring Park, Inc.

Explanation: The Friends of Ring Park, Inc. wish to terminate the Agreement between the City of Gainesville and the Friends of Ring Park, Inc., which provided for the transfer and administration of the Ring Park Wildflower Garden Trust Fund to the Friends of Ring Park, Inc., and for the care and maintenance of the Ring Park Wildflower Garden by the Friends of Ring Park, Inc.

Staff has been working with the Ring family and Friends of Ring Park, Inc. for the past year to determine the best disposition of the available funds, resulting

in the proposed resolution and Termination of Agreement. Based on the discussions with the Ring family and Friends of Ring Park, Inc., the Termination of Agreement stipulates that the funds be expended only for land acquisition, general park maintenance and/or general park improvements at Alfred A. Ring Park, which will assist in offsetting general fund expenses budgeted for these activities.

Fiscal Note: Should the City Commission adopt the proposed resolution and authorize the City Manager to execute the Termination of Agreement with the Friends of Ring Park, Inc., control of the Ring Park Wildflower Garden Trust Fund, currently comprised of \$100,000 principal plus investment earnings will be liquidated and returned to the City, with the provision that the funds be expended only for land acquisition, general park maintenance and/or general park improvements at Alfred A. Ring Park.

RECOMMENDATION

The City Commission: 1) approve the proposed resolution providing for the termination of the March 24, 1998 agreement between the City of Gainesville and the Friends of Ring Park, Inc.; and 2) authorize the Mayor and Clerk of the Commission to execute the resolution, subject to approval by the City Attorney as to form and legality; and 3) authorize the City Manager to execute the Termination of Agreement with the Friends of Ring Park, Inc., subject to approval by the City Attorney as to form and legality.

Alternate Recommendation

The City Commission not adopt the proposed resolution, and provide the City Manager with further direction on this matter.

110050A_Termination Resolution_20110707.pdf

110050B_Termination Agreement_20110707.pdf

110050C_Disclaimers_20110707.pdf

110096.

Resolution for a Joint Participation Agreement - Service Development Funds for Regional Transit Service (RTS) Route 27 (B)

This item is a request to adopt a Resolution authorizing the City Manager to execute a Joint Participation Agreement between the City of Gainesville and the Florida Department of Transportation (FDOT) to receive Service Development Funds for the operation of new Route 27.

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

This new fixed-route, Route 27 (Eastside Circulator), is a combination of three existing bus routes, Routes 2, 7, and 11. It is designed to complement the increased service demands on those routes by providing hourly service on each route and half hour frequencies to the core area of East Gainesville. Route 27

(Eastside Circulator) will service portions of Waldo Road (SR-24), Hawthorne Road (SR-20) and University Avenue (SR-26), and provide transit service between the Santa Fe College Downtown Campus/RTS Rosa Parks transfer station and the east side of Gainesville. Santa Fe College (SFC) Student Transportation Fee funds will provide the fifty percent (50%) local match required to receive FDOT funds to operate this route.

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

Fiscal Note: This Joint Participation Agreement requires the City of Gainesville to provide a local match in the amount of \$89,313 for operating costs which will be funded by SFC student transportation fees.

RECOMMENDATION *The City Commission adopt the Resolution.*

110096A_Resolution_20110707.pdf

110096B_Map_20110707.pdf

110097.

Resolution for a Joint Participation Agreement - Service Development Funds for Regional Transit Service (RTS) Route 39 (B)

This item is a request to adopt a Resolution authorizing the City Manager to execute a Joint Participation Agreement between the City of Gainesville and the Florida Department of Transportation (FDOT) to receive Service Development Funds for the continued operation of Route 39.

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

This new bus route would provide service along 39th Avenue (SR-222) between the Gainesville Regional Airport and Interstate 75. Route 39 would provide a connection to six existing bus routes at major north-south corridors such as NW 43rd Street, NW 34th Street, NW 13th Street, NW 6th Street, Main Street and Waldo Road. Route 39 also extends the RTS service area further into the northwest portion of the Gainesville urban area and offers Santa Fe College students greater access to RTS routes. Santa Fe College (SFC) Student Transportation Fee funds will provide the fifty percent (50%) local match required to receive FDOT funds to operate this route.

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

Fiscal Note: This Joint Participation Agreement requires the City of Gainesville to provide a local match in the amount of \$31,970 for operating costs which will be funded by SFC student transportation fees.

RECOMMENDATION *The City Commission adopt the Resolution.*

110097A_Resolution_20110707.pdf

110097B_Map_20110707.pdf

110098.**Resolution for a Joint Participation Agreement - Service Development Funds for Regional Transit Service (RTS) Route 62 (B)**

This item is a request to adopt a Resolution authorizing the City Manager to execute a Joint Participation Agreement between the City of Gainesville and the Florida Department of Transportation (FDOT) to receive Service Development Funds for the operation of new Route 62.

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

This new fixed route, Route 62, will improve transit service from southwest Gainesville and Butler Plaza to the Oaks Mall. The objective of this new route is to increase north-south transit connections, provide service between two major destinations, decrease parking demand at Santa Fe College, and decrease traffic congestion throughout southwest Gainesville. Route 62 will also decrease the need for route transfers to reach the Oaks Mall and Santa Fe College Northwest Campus. Santa Fe College (SFC) Student Transportation Fee funds will provide the fifty percent (50%) local match required to receive FDOT funds to operate this route.

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

Fiscal Note: This Joint Participation Agreement requires the City of Gainesville to provide a local match in the amount of \$89,313 for operating costs which will be funded by SFC student transportation fees.

RECOMMENDATION *The City Commission adopt the Resolution.*

110098A_Resolution_20110707.pdf

110098B_Map_20110707.pdf

ADOPTION READING-ROLL CALL REQUIRED**100860****REZONING - VICINITY OF SW 34TH STREET AND SW ARCHER ROAD (B)****Ordinance No. 100860, Petition No. PB-10-136ZON-B**

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain properties annexed into the City, as more specifically described in this Ordinance, from the Alachua County zoning categories of "Highway oriented business services (BH) district", and "Multiple family, high density (R-3) district" to the City of Gainesville zoning categories of "BUS: General business district", "ED: Educational services district", and "RMF-5: 12 units/acre single-family/multiple-family residential district"; generally located West of SW 34th Street, North of

SW Archer Rd., East of SW 42nd Street, and South of SW 14th Place, as more specifically shown and described in this ordinance; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: STAFF REPORT

This petition is a rezoning from Alachua County to City of Gainesville designations. It covers approximately 7.9 acres of southwest Gainesville in the vicinity of SW 20th Avenue, SW Archer Road, and SW 34th Street.

Proposed zoning categories were selected to reflect existing conditions and to be compatible with surrounding uses: BUS (General Business) for the parcels along SW 34th Street and SW Archer Road; RMF-5 for a small parcel adjacent to other undeveloped, residentially-zoned land; and ED (Educational services) zoning for a small parcel owned by the University of Florida

The original "Southwest Annexation" petitions (PZ-09-145LUC and PZ-09-146ZON) were presented to the Plan Board on December 7, 2009 and to the City Commission on January 21, 2010. The City Commission voted to continue the petitions to allow further exploration of implementation options for the Urban Village portion of the petition. Per the requirements of sec. 30-347.8 of the Land Development Code, "If a petition or recommendation for a change or amendment is not acted upon finally by the city commission within six months of the date upon which the report of the city plan board is filed with the city commission, the petition shall be deemed denied without prejudice. However, no petition shall be deemed denied if the city commission has continued its consideration to a date certain, or has stayed action on the petition by enactment of a moratorium ordinance." Since no action was taken during the 6-month time limit, the original land use petition (PZ-09-145LUC) and associated rezoning petition (PZ-09-146ZON) have been deemed denied without prejudice.

Given the opportunity to reintroduce these items, Planning staff chose to address the parcels that comprise the Urban Village as a separate petition, which is now PB-10-137LUC. The companion rezoning will be introduced later in 2011. Petitions PB10-135LUC and PB-10-136ZON, now commonly known as the Southwest Annexation petitions, represent only parcels located outside the Urban Village.

Public notice was published in the Gainesville Sun on January 11, 2011. The Plan Board held a public hearing on January 27, 2011. The Southwest Annexation petitions (PB-10-135LUC and PB-10-136ZON) were approved by the City Commission at a public hearing on March 3, 2011.

During preparation of the ordinance to adopt the land use change, it was determined by the City Attorney's office that the areas of contiguous parcels could be adopted as a large-scale amendment, but the smaller areas of non-contiguous parcels, each totaling less than ten contiguous acres, should be separated into a small-scale land use amendment. The total number of parcels and overall acreage of the request remains the same; however, the Southwest Annexation will be implemented through two ordinances.

The rezoning that corresponds to the small-scale amendment is now PB-10-136ZON-B and Ordinance 100860. This rezoning consists of 12 parcels totaling 7.9 acres. These parcels are mapped in Exhibits A and B of this ordinance.

CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of March 3, 2011, approved the petition that authorized the city attorney's office to prepare and the Clerk of the Commission to advertise the necessary ordinance.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

100860_draft ordinance_20110707.pdf

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

100903.

URBAN SERVICES REPORT - EAST SIDE PROPERTIES (B)

Ordinance No. 100903

An Ordinance of the City of Gainesville, Florida; adopting an Urban Services Report which sets forth the plans to provide urban services to an area comprised of Tax Parcel Numbers 10890-000-000, 10889-000-000, 10889-002-000, 10889-003-000, 16127-003-000, 16127-003-001, 16125-005-000, 16125-000-000, 16126-000-000 and 16125-007-000. Tax parcel 10890-000-000 is generally located south of East University Avenue, west of the vicinity of S.E. 43rd Street, north of tax parcel 10890-002-000, and east of the Gainesville City Limits. Tax parcel 10889-000-000 is generally located south of East University Avenue, west of the vicinity of S.E. 43rd Street, north of tax parcels 16127-002-002 and 16127-002-001, and east of tax parcels 10890-000-000 and 10890-002-000. Tax parcels 10889-002-000 and 10889-003-000 are generally located south of East University Avenue, west of the vicinity of S.E. 43rd Street, north of tax parcels 16127-003-000 and 16125-001-001, and east of tax parcel 10889-000-000. Tax parcel 16127-003-000 is generally located south of East University Avenue, west of South East 43rd Street, north of South East Hawthorne Road, and east of the Gainesville City Limits. Tax parcel 16127-003-001 is generally located south of East University Avenue, west of South East 43rd Street, north of South East Hawthorne Road, and east of the Gainesville City Limits. Tax parcel 16125-005-000 is generally located south of East University Avenue, west of South East 43rd Street, north of South East Hawthorne Road, and east of tax parcel 16127-003-000. Tax parcel 16125-000-000 is generally located south of East University Avenue, west of South East 43rd Street, north of South East Hawthorne Road, and east of tax parcel 16125-007-000. Tax parcel 16126-000-000 is generally located south of South East Hawthorne Road, west of South East 43rd Terrace, north of Paynes Prairie Preserve State Park, and east of South East 39th Terrace. Tax parcel 16125-007-000 is generally located south of tax parcel 16127-003-001, west of S.E. 43rd Street, north of Hawthorne

Road, and east of tax parcel 16127-003-001; the area is proposed for annexation by the City of Gainesville pursuant to Chapter 90-496, Special Acts, Laws of Florida, as amended, known as the Alachua County Boundary Adjustment Act; providing directions to the City Manager, the City Attorney and the Clerk of the Commission; providing a repealing clause; providing a severability clause; and providing an immediate effective date.

Explanation: The Alachua County Boundary Adjustment Act requires a municipality to prepare and adopt by nonemergency ordinance a report setting forth plans to provide urban services to any reserve area to be annexed prior to commencing the annexation procedures under the Act.

The report must generally include the following information:

- 1) a map or maps of the City and adjacent territory showing the present and proposed municipal boundaries, the present major trunk water mains and sewer interceptors and outfalls, the proposed extensions of such mains and outfalls, and the general land use pattern in the area to be annexed;*
- 2) a statement indicating to what extent services to existing residents would need to be reduced within the next five years because of the annexation; to what extent taxes would need to be adjusted within the next five years to provide services to the areas to be annexed, including services required by the comprehensive plan of the municipality; and to what extent the area to be annexed meets the criteria of Section 9 of the Alachua County Boundary Adjustment Act;*
- 3) a statement setting forth the plans of the City for extending to the area to be annexed each major municipal service performed within the municipality at the time of annexation, including:
 - a) plans for extending urban services on the date of annexation on substantially the same basis and in the same manner as such services are provided within the rest of the municipality prior to annexation.*
 - b) plans for the extension of existing municipal water and sewer services into the area to be annexed so that, when such services are provided, property owners in the area to be annexed will be able to secure public water and sewer service according to the policies in effect for extending water and sewer lines to individual lots or subdivisions.*
 - c) if extensions of major trunk water mains and sewer mains into the area to be annexed are necessary, set forth a proposed timetable for construction of such mains as soon as possible following the effective date of annexation.*
 - d) set forth the method under which the City plans to finance extension of services into the area to be annexed.**

If adopted on first reading, this Ordinance shall be heard on second reading on July 21, 2011. After final adoption by the City Commission, a copy of this Report will be filed with the Alachua County Board of County Commissioners.

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

5/5/11 City Commission Approved as Recommended (6 - 0 - 1 Absent)

100903_Petitions_20110505.pdf

100903_MOD_Petitions_20110505.pdf

100903_Eastside Urban Services Report Ordinance_20110707.pdf

100198.**GRAFFITI ABATEMENT PROGRAM (B)****Ordinance No. 100198**

An Ordinance of the City of Gainesville, Florida, amending Divisions 1 and 2 of Chapter 13 of the Code of Ordinances relating to graffiti; by repealing the definition of graffiti in Division 1, section 13-1 and repealing the reference to graffiti in Division 1, section 13-2; amending Division 2 by creating and adding the Gainesville Graffiti Abatement Program, consisting of sections 13-6 through 13-13; providing title, purpose and findings; definitions; removal of graffiti; reporting of graffiti; graffiti on city property; graffiti on other government property; graffiti on private owned property; failure of owner to abate graffiti; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: PUBLIC SAFETY COMMITTEE REPORT

The Public Safety Committee discussed this referral at its September 27, 2010 and January 10, 2011 meetings, hearing reports from staff on how other cities handle their graffiti issues and the issue of gang related graffiti, including the Tallahassee model. At the January 10, 2011 meeting, the Committee voted unanimously to recommend that the City Commission authorize drafting a graffiti abatement ordinance to provide Code Enforcement regulations to handle the clean up of graffiti by private owners; using a model from Miami Beach that was presented to the Committee that states if the owner doesn't clean up the graffiti, the City will clean it up and may bill them for it. This Miami Beach provision was, itself, largely based upon the IMLA Model Anti-Graffiti Ordinance.

CITY ATTORNEY MEMORANDUM

After researching the issues relating to the elimination and removal of graffiti by other jurisdictions, the City Attorney's Office, in consultation with the City Manager, the Police Department and Code Enforcement Division, revised the proposal as approved by the Public Safety Committee to more specifically address the objective of the Public Safety Committee's recommendation, namely the elimination and removal of graffiti on public and private property. In particular, the proposed ordinance accomplishes the following:

- 1) Defines graffiti in a manner that should withstand judicial scrutiny;*
- 2) holds the person who applies the graffiti responsible for its removal or the*

payment for its removal;

- 3) requires the City Manager to establish an effective reporting program;
 4) provides for the proper removal of graffiti on public and private property by self-help or by City personnel or the use of community based programs such as Keep Alachua County Beautiful.

At its meeting on February 17, 2011, the City Commission authorized the Clerk of the Commission to advertise and the City Attorney to draft a graffiti abatement ordinance. This ordinance requires two readings. Should the Commission pass this ordinance on first reading, second and final reading will be held on Thursday, July 21, 2011.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

7/15/10	City Commission	Referred (7 - 0)	Public Safety Committee
9/27/10	Public Safety Committee	Discussed	
1/10/11	Public Safety Committee	Discussed	
2/17/11	City Commission	Approved as Recommended (6 - 0 - 1 Absent)	

100198_GraffitiMtgMinsAug_20100927.pdf

100198_GraffitiOrdOtherCities_20110110.pdf

100198_GraffitiOrdinances_20110217.pdf

100198_Draft Ordinance_20110707.pdf

100198b_Graffiti Abatement Program_20110707.ppt

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

090616.

TAXI SERVICE BILL OF RIGHTS (B)

Ordinance No. 090616

An ordinance of the City of Gainesville, Florida, creating section 28-19 of the City of Gainesville Code of Ordinances, by providing for a Taxi Service Bill of Rights and related requirements; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: The City Commission at its meeting of April 7, 2011 directed the City Attorney to draft an ordinance amending Chapter 28 of the Code of Ordinances.

Issues related to taxicab costs and related issues were referred by the City Commission to the Public Safety Committee on December 3, 2009. Meetings addressing these issues in the Public Safety Committee were held, with the last meeting on this issue being February 14, 2011. At that meeting, after hearing input from the Gainesville Police Department, concerned citizens, and representatives of the taxi industry, the Public Safety 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.

At the City Commission hearing on April 7, 2011, the City Commission approved the public safety committee's recommendation that authorizes this office to prepare and the clerk to advertise an ordinance revising the Code to reflect the amendments as set forth in the item. The ordinance, if adopted, will take effect on August 1, 2011, to allow taxi companies sufficient time to comply with the new provisions.

The proposed ordinance addresses the requirement for the creation and posting of a Taxi Service Bill of Rights. Attached for demonstrative purposes is a copy of the current proposed version of the Taxi Service Bill of Rights, subject to approval by the City Manager or his or her designee upon passage of this ordinance.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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	
4/7/11	City Commission	Approved as Recommended (6 - 0 - 1 Absent)	
6/16/11	City Commission	Adopted on First Reading (Ordinance) (7 - 0)	

090616_LetterTaxiCompaniesJan2011_20110214.pdf

090616_VFHOrd_20110214.pdf

090616_TaxiRatesInGville_20110214.pdf

090616_Draft Ordinance_20110602.pdf

090616_Draft Ordinance_20110707.pdf

100940.

TAXI SERVICE MINIMUM FARES (B)

Ordinance No. 100940

An ordinance of the City of Gainesville, Florida, amending section 28-9 of the City of Gainesville Code of Ordinances, relating to flat rates, minimum fares and taximeter exceptions; and amending section 28-15 relating to the filing and posting of rates; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: The City Commission at its meeting of April 7, 2011 directed the City Attorney to draft an ordinance amending Chapter 28 of the Code of Ordinances.

Issues related to taxicab costs and related issues were referred by the City Commission to the Public Safety Committee on December 3, 2009. Meetings addressing these issues in the Public Safety Committee were held, with the last meeting on this issue being February 14, 2011. At that meeting, after hearing input from the Gainesville Police Department, concerned citizens, and representatives of the taxi industry, the Public Safety Committee approved unanimously to send this referral back to the full City Commission with the

recommendation to establish a minimum fee that must be prominently posted.

At the City Commission hearing on April 7, 2011, the City Commission approved the public safety committee's recommendation that authorizes this office to prepare and the clerk to advertise an ordinance revising the Code to reflect the amendments as set forth in the item. The ordinance, if adopted, will take effect on August 1, 2011, to allow taxi companies sufficient time to comply with the new provisions.

The attached ordinance addresses establishment of a minimum taxi fare.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

6/16/11 City Commission Adopted on First Reading (Ordinance) (7 - 0)

100940_Draft Ordinance_20110602.pdf

100940_Draft Ordinance_20110707.pdf

100941.

TAXI CAB SERVICE MISCELLANEOUS REGULATIONS (B)

Ordinance No. 100941

An ordinance of the City of Gainesville, Florida, amending section 28-12 of the City of Gainesville Code of Ordinances, relating to Miscellaneous Regulations, by updating and revising the list of protected classes for which discrimination is prohibited; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date in accordance with the schedule provided herein.

Explanation: The City Commission at its meeting of April 7, 2011 directed the City Attorney to draft an ordinance amending Chapter 28 of the Code of Ordinances.

Issues related to taxicab costs and related issues were referred by the City Commission to the Public Safety Committee on December 3, 2009. Meetings addressing these issues in the Public Safety Committee were held, with the last meeting on this issue being February 14, 2011. At that meeting, after hearing input from the Gainesville Police Department, concerned citizens, and representatives of the taxi industry, the Public Safety Committee approved unanimously to send this referral back to the full City Commission. Discussions included the fact that the anti-discrimination clause listing classes who may not be discriminated against in providing taxi service contained in Gainesville Code Section 28-12(e) was not consistent with the language utilized in the anti-discrimination clauses utilized in Gainesville Code sections 8-19(a) and 8-48(b).

At the City Commission hearing on April 7, 2011, the City Commission approved the public safety committee's recommendation that authorizes this office to prepare and the clerk to advertise an ordinance revising the Code to reflect the amendments as set forth in the item.

The attached ordinance addresses the requirement for miscellaneous

regulations bringing the description of the categories of persons against whom discrimination is prohibited into accord with that used elsewhere in the Gainesville Code.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

6/16/11 City Commission Adopted on First Reading (Ordinance) (7 - 0)

100941_Draft Ordinance_20110602.pdf

100941_Draft Ordinance_20110707.pdf

100912.

REVISIONS TO CHAPTER 18 - PARKS (B)

Ordinance No. 100912

An ordinance of the City of Gainesville, Florida, amending Chapter 18 of the City of Gainesville Code of Ordinances, relating to Parks and Recreation, addition of parks, changes in park names, and amending certain park rules and regulations as 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: PARKS, RECREATION, AND CULTURAL AFFAIRS STAFF REPORT

Parks, Recreation and Cultural Affairs Department staff has reviewed the current version of Chapter 18 of the city code of ordinances. Due to the addition of parks, changes in park names, as well as to provide consistency of park rules and regulations, staff has proposed specific revisions to the existing Chapter 18 code.

CITY ATTORNEY MEMORANDUM

At its meeting on May 5, 2011, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance amending Chapter 18 of the Gainesville Code of Ordinances.

If approved on first reading, second and final reading will be July 7, 2011.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

5/5/11 City Commission Approved as Recommended (6 - 0 - 1 Absent)

6/16/11 City Commission Adopted on First Reading (Ordinance) (7 - 0)

100912_Ch 18 Revisions_20110505.pdf

100912_draft ordinance_20110616.pdf

100912_draft ordinance_20110707.pdf

100967.

**GAINESVILLE LAND REGISTRY OF PROTECTED PUBLIC PLACES
(B)**

Ordinance No. 100967

An ordinance of the City of Gainesville, Florida, adding certain specified real properties owned in fee simple by the City of Gainesville to the City of Gainesville Registry of Protected Public Places, as more specifically described in this Ordinance; adopting findings; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE REPORT

On December 18, 2008, the City Commission passed and adopted an amendment to Ordinance #080576. On March 24, 2009, the citizens of Gainesville voted in favor of the amendment. This ordinance pertains to the protection of City-owned lands acquired or used for conservation, recreation, or cultural purposes. The amendment specifically refers to the sale or conversion of City-owned lands used or acquired for conservation, recreation, or cultural purposes and states that a registry will be created for the purpose of identifying fee simple properties owned by the City of Gainesville that are deemed to be worthy of the highest level of protection. It further states that properties placed on this registry may not be sold or converted to a use that will result in a loss of value for which the property was placed on the registry, except by a majority vote of the electors in a city-wide election.

Parks, Recreation and Cultural Affairs (PRCA) staff reviewed all fee-simple City-owned properties purchased for the purpose of conservation and/or passive recreation and identified properties that could be potentially listed on the registry. Of those properties, eleven were identified for immediate listing based on grant obligations, acquisition or deed restrictions, and/or exemplary natural habitats. Those eleven properties include 29th Road Nature Park, Alfred A. Ring Park, Bivens Arm Nature Park, Broken Arrow Bluff, Clear Lake Nature Park, Cofrin Nature Park, Forest Park, John Mahon Nature Park, Morningside Nature Center, Split Rock Conservation Area, and Sugarfoot Prairie. Staff supplied the listing plan to other City departments and GRU for review and comments. Based on that, revisions were made and all the City departments and GRU approved the listing as submitted.

In order to fulfill grant obligations as well as prepare for registry listing, PRCA staff completed Conservation land use and zoning applications for some of the aforementioned properties that were not already zoned as such. In addition, acquisition plans were created for each of the eleven properties in order to specify the purpose for which the property was acquired as well as intended uses of the property. The Phase I listing document provides legal descriptions, a location map, and acquisition plans as backup for each of the Phase I properties to be listed on the Registry of Protected Public Places.

On December 16, 2010 this matter was referred by the Gainesville City Commission to the RCAPW Committee, and on January 31, 2011, staff presented an update to the Committee. The Committee endorsed the Phase I listing and recommends City Commission approval. A five-sevenths vote of the

membership of the City Commission is required to place properties in the City of Gainesville Registry of Protected Places.

CITY ATTORNEY MEMORANDUM

At its meeting on March 3, 2011, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance placing the recommended 11 Phase 1 properties in the City of Gainesville Registry of Protected Public Places.

This ordinance requires two readings. If approved on first reading, the second and final reading will be July 7, 2011.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

6/16/11 City Commission Adopted on First Reading, as revised (Ordinance) (7 - 0)

100967_draft ordinance_20110616.pdf

100967_draft ordinance_20110707.pdf

100967_MOD_ACQUISITION_PLAN_20110616.pdf

100968.

REVISION TO CHAPTER 17 - UPDATING CITY PARK NAMES (B)

Ordinance No. 100968

An ordinance of the City of Gainesville, Florida, amending section 17-32 of the City of Gainesville Code of Ordinances, by updating the names of City parks in the Definitions; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: CITY ATTORNEY MEMORANDUM

At its meeting on May 5, 2011, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance amending Chapter 18 of the Gainesville Code of Ordinances.

Consistent with that directive as to Chapter 18, the City Attorney's Office drafted an amendment to Chapter 17 (Sexual Offender/Sexual Predator Ordinance) to make the park names therein consistent with the changes made to Chapter 18.

This ordinance requires two readings. If approved on first reading, the second and final reading will be July 7, 2011.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

6/16/11 City Commission Adopted on First Reading (Ordinance) (7 - 0)

100968_draft ordinance_20110616.pdf

100968_draft ordinance_20110707.pdf

100721.**UMU-2 TEXT AMENDMENT (INNOVATION SQUARE) (B)****Ordinance No. 100721; Petition No. PB-10-145 TCH**

An ordinance of the City of Gainesville, Florida, amending the Land Development Code and rezoning certain property; by adding new definitions to Section 30-23(c); by deleting the existing regulations for the urban mixed-use district 2 (UMU-2) as set forth in Section 30-65.2 of the Land Development Code and adopting new regulations for the urban mixed-use district 2 (UMU-2) as more specifically described in this ordinance; by repealing the existing map and adopting a new map of the Special Area Plan for University Heights as set forth in Appendix A, Section 6 of the Land Development Code; by removing obsolete references to the UMU-2 zoning district from the Special Area Plan for University Heights as set forth in Appendix A, Section 6 of the Land Development Code; by amending the zoning map atlas to remove all of the properties currently zoned UMU-2 from the Special Area Plan for University Heights overlay zoning district; 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 proposes to delete the existing Urban Mixed-Use District 2 (UMU-2) zoning regulations and adopt new form-based UMU-2 zoning regulations. In addition, this ordinance proposes to remove all UMU-2 zoned properties from the Special Area Plan for University Heights.

While the City's special area plan overlay zoning districts are form-based in their approach, this is the first time the City has taken such an approach with an underlying zoning district. Form-based codes differ from conventional zoning in that they focus more on the integrated built form by regulating the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks, and generally depict those relationships through diagrams and other visuals. By contrast, conventional zoning focuses on segregating uses and controlling density and intensity.

The City hired Perkins & Will, an architecture and planning firm with experience in designing science and technology buildings, to assist in the drafting of regulations to facilitate the type of development that is planned for the UMU-2 zoning district. Perkins & Will worked with the Planning and Development Services Department, the Public Works Department, the Gainesville Community Redevelopment Agency and various community stakeholders in drafting proposed UMU-2 zoning regulations. The new regulations combine some conventional zoning standards with form-based urban design standards for placement of buildings and parking, building articulation and design, and standards for the design of the public realm along

the street. The regulations also contain illustrative figures.

The intent of the proposed new UMU-2 zoning regulations is to promote and encourage economic development in commercial and mixed-use areas near the University of Florida, while directing this development to occur with a certain urban vision for the design of streets and buildings. The area affected by this ordinance includes much of the University Heights North and South neighborhoods, the area around the Shands Cancer Center and the Veterans Administration Hospital, and an area south of Depot Avenue and west of SW 6th Street. This ordinance will remove the UMU-2 zoned property that is currently within the Special Area Plan for University Heights from the extra level of zoning regulations in the Special Area Plan, and will place them under these new regulations for the base zoning district of UMU-2.

The goal for these regulations is to provide a concise, straightforward, flexible framework that will facilitate high quality development, while also ensuring high quality design in the built environment. After public notice the City Plan Board held a public hearing on January 27, 2011 and, by a vote of 7-0, recommended the City Commission approve the Petition, with revisions. On March 17, 2011, the City Commission approved the Petition, with further revisions, by a vote of 7-0.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings. Should this ordinance pass on first reading, second and final reading will be held on July 7, 2011.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

3/17/11 City Commission Approved (Petition), as amended (7 - 0)
6/16/11 City Commission Adopted on First Reading (Ordinance) (7 - 0)

100721A_CPB Recommendations_20110317.pdf
100721B_Text Amendment_20110317.pdf
100721C_Staff Report_20110317.pdf
100721D_1-27-11 CPB Minutes_20110317.pdf
100721E_Staff PPT_20110317.pdf
100721_draftordinance_2011616.pdf

PLAN BOARD PETITIONS

110076.

Add and Update Regulations for the Protection of Natural and Archaeological Resources. (B)

Petition PB-10-143 TCH. City of Gainesville. Amend the Land Development Code to add and update regulations for the protection of natural and archaeological resources. Delete Sections 30-309 & 30-309.1 of the Land Development Code, which pertain to the Significant Ecological Communities District.

MODIFICATION - Additional back-up from the petitioner and additional staff ppt. slides added July 6, 2011@ 2:30 PM.

Explanation: This petition:

- 1. adds new definitions related to natural and archaeological resource protection;*
- 2. amends the Nature Park District to include new buffering requirements for developments adjacent to a Nature Park;*
- 3. adds review requirements for most development applications in order to determine the impacts on natural and archaeological resources;*
- 4. specifies the level of review required for Basic, Level 1, and Level 2 review, and specifies review fees;*
- 5. requires that parcels containing strategic ecosystems or significant natural communities not be disaggregated such that there is lesser natural resource protection;*
- 6. sets requirements for natural and archaeological resources assessments;*
- 7. sets further regulations for parcels with confirmed regulated natural or archeological resources (regulated resources include: significant natural communities, listed species, strategic ecosystems, Floridan aquifer high recharge areas, significant archaeological resources, and significant geological resources);*
- 8. provides for conservation management areas and management plans;*
- 9. establishes avoidance, minimization and monitoring requirements with respect to the regulated natural and archaeological resources;*
- 10. amends the Relief and Enforcement provisions of Article VIII, Environmental Management; and,*
- 11. deletes the Significant Ecological Communities section of the Code (Sections 30-309 & 30-309.1).*

The manner in which the City addresses the protection of significant ecological communities, particularly with respect to Alachua County-designated Strategic Ecosystems that have been annexed by the City, was referred to the Community Development Committee in October 2007. A staff team subsequently worked for approximately one year to determine how the Land Development Code protects significant ecological communities and how such protection relates to the City Commission's expressed desire to ensure protection of designated Strategic Ecosystems once they are annexed.

The Community Development Committee on February 26, 2009 voted to refer the staff recommendation to the City Commission, which reviewed the matter on April 16, 2009 and approved staff's recommendation that a petition proceed to the City Plan Board.

The Plan Board held a public hearing on September 24, 2009 and unanimously approved the petition. The City Commission heard the petition on December 3, 2009 and continued it to an unspecified later date. That petition (PB-09-125. Legislative No. 090536) is now deemed to be denied without prejudice (per Sec. 30-347.8 of the Land Development Code) because more than six months have passed since the Plan Board's report was filed with the City Commission.

Staff has since worked with the City Attorney's Office in developing the current petition (Petition PB-10-143 TCH). The staff team recommends that the City

focus on the preservation of significant natural communities and features through the normal development review process. Alachua County's land development regulations were used as the model for the proposed environmental regulations.

As part of the Plan Board's recommendation, they encouraged staff to continue working on the regulations and communicate with stakeholders. Planning staff held a meeting with stakeholders on May 9, 2011. There were additional comments and suggestions for improving the ordinance, and many of these have been incorporated into the final version of the proposed regulations (Exhibit 3). Planning staff also held a meeting on June 9, 2011 with GRU staff to discuss their concerns about the regulations and explain certain provisions. Additional changes were made to the regulations based on GRU's comments.

Exhibit 8 contains a list of the changes made to the proposed regulations since the Plan Board's approval of the petition on March 24. These changes are all included in the proposed regulations in Exhibit 3 and Exhibits 6 and 7.

The Plan Board discussed Petition PB-10-143 TCH and recommended approval with a 5-1 vote. There was extensive discussion about the proposed regulations and the impact on development within the City. Included in the motion for approval were staff changes provided on an errata sheet dated 3/24/11; changes recommended in a letter from David Coffey (Comment 6.a. amend page 27 of draft regulations, paragraph f as shown in the letter and Comment 6.b. amend P. 28 of draft regulations, paragraph e, as shown in the letter); changes recommended in a letter from Dink Henderson on P. 36 of draft regulations to add "when stipulated in the management plan" in Section (k)(2)c and in section (k)(3), replace "properly maintained or managed" with "maintained in accordance with the approved management plan"; and encouraged staff to continue to work on the petition with stakeholders as the petition moved forward to the City Commission.

Public notice was published in the Gainesville Sun on March 8, 2011. The Plan Board held a public hearing on March 24, 2011.

Fiscal Note: None.

RECOMMENDATION

City Plan Board to City Commission - Approve Petition PB-10-143 TCH with staff changes provided on an errata sheet dated 3/24/11; changes recommended in a letter from David Coffey (Comment 6.a. amend page 27 of draft regulations, paragraph f as shown in the letter and Comment 6.b. amend P. 28 of draft regulations, paragraph e, as shown in the letter); changes recommended in a letter from Dink Henderson on P. 36 of draft regulations to add "when stipulated in the management plan" in Section (k)(2)c and in section (k)(3), replace "properly maintained or managed" with "maintained in accordance with the approved management plan"; and encouraged staff to continue to work on the petition with stakeholders as

*the petition moved forward to the City Commission.
The Plan Board voted 5-1.*

*Staff to City Commission - Approve Petition
PB-10-143 TCH as amended by the Plan Board and as
further modified by staff subsequent to the Plan Board
meeting.*

*Staff to City Plan Board - Approve Petition PB-10-143
TCH with staff changes presented in the errata sheet
dated 3/24/11.*

110076A_exhibit 8_post cpb chgs_20110707.pdf
110076B_staff report_20110707.pdf
110076C_exhibit 1 timeline_20110707.pdf
110076D_exhibit2_envtl petition Table1_20110707.pdf
110076E_exhibit 3_envtl LDC chgs_20110707.pdf
110076F_exhibit 4_remove envtl LDC_20110707.pdf
110076G_exhibit 5_strategic ecosystems map_20110707.pdf
110076H_exhibit 6_sec 30-300_20110707.pdf
110076I_exhibit 7_sec 30-275_20110707.pdf
110076J_cpb minutes.110324_20110707.pdf
110076K_staff ppt_20110707.pdf
110076L_MOD_Fowler Ltr to O Lazzari_20110707.pdf
110076M_MOD_Fowler Ltr to COG_20110707.pdf
110076N_MOD_Supplemental Staff PPT Slides_20110707.pdf

110077.

Remove the Significant Ecological Communities Overlay District from eight parcels located east of Southeast 24th Street between East University Avenue and Southeast Hawthorne Road. (B)

Petition PB-11-16 ZON. City Plan Board. Remove the Significant Ecological Communities Overlay District from eight parcels totaling approximately 47 acres in size and located generally east of Southeast 24th Street between East University Avenue and Southeast Hawthorne Road. Related to Petition PB-10-143 TCH.

Explanation: The properties that are the subject of this rezoning petition are located east of Southeast 24th Street, between University Avenue and Hawthorne Road. These eight parcels are contiguous and total approximately 47 acres. The Significant Ecological Communities Overlay zoning district was applied to them by adoption of Ordinance No. 051019 on July 10, 2007.

The proposed removal of the Significant Ecological Communities Overlay District from these properties is necessitated by the related, amended land development regulations proposed by Petition PB-10-143 TCH, which if approved, will amend the Land Development Code to provide additional and updated regulations for the protection of natural and archaeological resources. One component of that petition is deletion of Land Development Code Sections 309 and 309.1, which pertain to the Significant Ecological Communities District.

The City Commission adopted an ordinance in 2004 to create a significant ecological communities overlay district. Although various properties were rezoned between 2005 and 2007 to this overlay district, legal issues pertaining to the district arose. In 2009, staff presented a new concept for environmental protection to the City's Community Development Committee, the City Commission, and to the City and County Commissions at a joint meeting. The concept was approved and staff was directed to develop draft regulations.

Staff presented draft regulations (Petition PB-09-125 TCH) in September 2009 to the Plan Board, which by a 7:0 vote recommended approval to the City Commission. Staff was prepared to present them in December 2009 to the City Commission, but the petition was continued because the City Attorney's office had not yet reviewed the substantial and lengthy draft. During 2010, the City Attorney's office and staff worked together to revise the draft regulations, which were presented as new Petition PB-10-143 TCH to the Plan Board in February and March of 2011. On March 24th, the Plan Board voted 5:1 to approve that petition.

If the regulations proposed by related PB-10-143 TCH are adopted by the City Commission, the Significant Ecological Communities Overlay District will no longer exist, and the protections it provided will be replaced by additional and updated regulations for the protection of natural and environmental resources that are applicable to all properties subject to the requirements of the City's Land Development Code.

The Plan Board discussed Petition PB-11-16 ZON and recommended approval with a 4-0 vote. However, the Plan Board requested that this petition be heard with Petition PB-10-143 TCH, and that approval of PB-11-16 ZON be contingent on the approval of the natural and archaeological resources regulations (PB-10-143 TCH).

Public notice was published in the Gainesville Sun on April 12, 2011. The Plan Board held a public hearing on April 28, 2011.

Fiscal Note: None.

RECOMMENDATION

City Plan Board to City Commission - Approve Petition PB-11-16 ZON with the condition that Petition PB-10-143 TCH be approved by the City Commission. The Plan Board voted 4-0.

Staff to City Commission - Approve Petition PB-11-16 ZON.

Staff to City Plan Board - Approve Petition PB-11-16 ZON.

110077A_staff report_20110707.pdf
110077B_append A_exhibit A-1 - A-3_20110707.pdf
110077C_append B_application_20110707.pdf
110077D_cpb minutes 110428_20110707.pdf
110077E_staff ppt_20110707.pdf

110078.

Remove the Significant Ecological Communities Overlay District from the approximately 368-acre property adjacent to the City's Ironwood Golf Course. (B)

Petition PB-11-17 ZON. City Plan Board. Remove the Significant Ecological Communities Overlay District from an approximately 368-acre property generally located south of Northeast 53rd Avenue, east of Northeast 15th Street, north of Northeast 39th Avenue and west of Waldo Road. Related to Petition PB-10-143 TCH.

Explanation: The approximately 368-acre property that is the subject of this rezoning petition is located south of Northeast 53rd Avenue, east of Northeast 15th Street, north of Northeast 39th Avenue and west of Waldo Road. It surrounds (one part is within) the City's Ironwood Golf Course. The Significant Ecological Communities Overlay zoning district was applied to this property by adoption of Ordinance No. 050160 on November 17, 2005.

The proposed removal of the Significant Ecological Communities Overlay District from this property is necessitated by the related, amended land development regulations proposed by Petition PB-10-143 TCH, which if approved, will amend the Land Development Code to provide additional and updated regulations for the protection of natural and archaeological resources. One component of that petition is deletion of Land Development Code Sections 309 and 309.1, which pertain to the Significant Ecological Communities District.

The City Commission adopted an ordinance in 2004 to create a significant ecological communities overlay district. Although various properties were rezoned between 2005 and 2007 to this overlay district, legal issues pertaining to the district arose. In 2009, staff presented a new concept for environmental protection to the City's Community Development Committee, to the City Commission, and to the City and County Commissions at a joint meeting. The concept was approved and staff was directed to develop draft regulations.

Staff presented draft regulations (Petition PB-09-125 TCH) in September 2009 to the Plan Board, which by a 7:0 vote recommended approval to the City Commission. Staff was prepared to present them in December 2009 to the City Commission, but the petition was continued because the City Attorney's office had not yet reviewed the substantial and lengthy draft. During 2010, the City Attorney's office and staff worked together to revise the draft regulations, which were presented as new Petition PB-10-143 TCH to the Plan Board in February and March of 2011. On March 24th, the Plan Board voted 5:1 to approve that petition.

If the regulations proposed by related PB-10-143 TCH are adopted by the City Commission, the Significant Ecological Communities Overlay District will no longer exist, and the protections it provided will be replaced by additional and updated provisions for the protection of natural and environmental resources that are applicable to all properties subject to the requirements of the City's Land Development Code.

The Plan Board heard Petition PB-11-17 ZON and recommended approval with a 4-0 vote. However, the Plan Board requested that this petition be heard with Petition PB-10-143 TCH, and that approval of PB-11-16 ZON be contingent on the approval of the natural and archaeological resources regulations (PB-10-143 TCH).

Public notice was published in the Gainesville Sun on April 12, 2011. The Plan Board held a public hearing on April 28, 2011.

Fiscal Note: None.

RECOMMENDATION

City Plan Board to City Commission - Approve Petition PB-11-17 ZON with the condition that Petition PB-10-143 TCH be approved by the City Commission. The Plan Board voted 4-0.

Staff to City Commission - Approve Petition PB-11-17 ZON.

Staff to City Plan Board - Approve Petition PB-11-17 ZON.

110078A_staff report_20110707.pdf

110078B_append A_exhibits A-1 - A-3_20110707.pdf

110078C_append B_application_20110707.pdf

110078D_cpb minutes 110428_20110707.pdf

110078E_staff ppt_20110707.pdf

110112.

Amend Land Development Code to Add Ice Manufacturing/Vending Machines as a Specially Regulated use. (B)

Petition PB-11-55 TCH. Jason Cleghorn, Agent for East Coast Ice. Amend the Land Development Code to add ice manufacturing/vending machines as a specially regulated use.

Explanation: This petition proposes an amendment to Article VI of the Land Development Code to add a new specially regulated use of Ice Manufacturing/Vending Machines. This would be codified as Sec. 30-120.

The petitioner, East Coast Ice, has provided a document with proposed language for the new Sec. 30-120. That document also contains various photos of various buildings already in place in locations and schematics showing the ability to screen machinery.

Staff has reviewed the petitioner's draft language, and while there are some areas of agreement, staff finds that the petitioner's proposed requirements do not adequately protect the City's design and aesthetic principles as embodied in the Comprehensive Plan and Land Development Code. The section in the Staff Report labeled "Recommended Changes to Article VI. Requirements for Specially Regulated Uses" indicates staff's recommended requirements for this use as the preferred alternative to the draft proposed by the petitioner.

In addition, the petitioner's draft language included allowing the use by Special Use Permit in the MU-1 (8-30 units/acre mixed-Use Low Intensity); MU-2 (12-30 units/acre mixed use medium intensity); UMU-1 (up to 75 units/acre urban mixed-use district); UMU-2 (up to 100 units/acre urban mixed-use district); and CCD (up to 150 units/acre central city district) zoning districts.

Staff cannot support the addition of this proposed use even by Special Use Permit in any of the mixed use districts, which includes MU-1, MU-2, UMU-1, UMU-2, and CCD. The Ice Manufacturing/Vending Machines are not consistent with the urban and streetscape vision for these districts as embodied in the Comprehensive Plan and Land Development Code. Each of these districts allow residential, and the Ice Manufacturing/Vending Machines are not compatible with residential use.

This proposal for inclusion in the MU-1, MU-2, UMU-1, UMU-2, and CCD districts is inconsistent with several Comprehensive Plan goals, objectives, and policies. They include: Urban Design Element Objectives 1.2, and 1.8; and Future Land Use Element Policy 1.4.4.

In particular, Future Land Use Element Policy 1.4.4 speaks to the issue of uses in the mixed-use zoning districts. It states, "In mixed-use zoning districts, the City should prohibit or restrict land uses that discourage pedestrian activity and residential use, including car washes, motels (hotels are acceptable), storage facilities, auto dealerships, drive-throughs, warehouses, plasma centers, and street-level parking lots."

While the ice machine manufacturing/vending units are not specifically called out in this policy, it is clear that the mixed-use zoning districts should discourage uses that discourage pedestrian activity and residential use. Currently, the MU-1 and MU-2 zoning districts do not allow the use and building type proposed by Ice House America, and this is supported by the Comprehensive Plan.

Staff recognizes that when the City Commission heard an appeal (December 2, 2010) of the Board of Adjustment decision on the classification of this use, there was an additional motion approved at the time that stated, "Direct staff to look at development and architectural standards for businesses such as these in the MU-1 and MU-2 zoning districts."

During the interim period, staff has consistently moved forward on recommended changes to the MU-1 and MU-2 zoning districts. The Plan Board heard and unanimously approved (6-0) Petition PB-11-28 TCH (which includes changes to the MU-1 and MU-2 zoning districts and establishes activity centers in the mixed use zoning districts) at the May 23, 2011 meeting. After a careful

review of the proposed changes and the intent of the revised MU-1 and MU-2 zoning regulations, staff does not find the Ice Manufacturing/Vending Machines as a compatible use with those regulations for a more urban form in the MU-1 and MU-2 zoning districts.

The Ice Manufacturing/Vending Machine use is auto-oriented and does not support the pedestrian/bicycle vision for the mixed use districts. Both the City's Transportation Concurrency Exception Area (TCEA) and the mixed use zoning districts promote pedestrian access and a reduction in vehicle trips. As stated in the MU-1 district purpose clause, "The district is intended to reduce the length and number of vehicle trips by providing for basic needs within close proximity to residential area, by encouraging pedestrian access, and by the combining of trips." Access to these ice manufacturing/vending machines is clearly designed for automobiles, and pedestrian/bicycle trips are not encouraged by this use.

The Plan Board discussed the petition and voted to approve the petition 4-0 with modifications to the staff recommendation by deleting the one mile spacing requirement and the skirting requirement for the machines and adding a requirement that the utility connections on the machines be screened from public rights-of-way and from pedestrian rights-of-way.

Public notice was published in the Gainesville Sun on April 12, 2011. The Plan Board held a public hearing on April 28, 2011.

Fiscal Note: None.

RECOMMENDATION

City Plan Board to City Commission: The City Commission approve Petition PB-11-55 TCH as follows: 1) Add Ice Manufacturing/Vending machines as a new specially regulated use under Article VI as Sec. 30-120 of the Land Development Code; 2) Approve the staff-recommended requirements for the specially regulated use as stated in the staff report, but delete Sections 30-120(b)(2) and 30-120(d), and add a requirement that utility connections on the machines be screened from public right-of-way and from pedestrian rights-of-way; 3) Limit the zoning districts in which this use is allowed to: Business industrial (BI), Warehouse (W), Limited industrial (I-1), General industrial (I-2), General business (BUS), Automotive-oriented business (BA), and Tourist-oriented business (BT); and, 4) Recommend staff initiate a petition to change the BI, W, I-1, I-2, BUS, BA, and BT zoning districts to add the specially regulated use with reference to Article VI. Plan Board vote 4-0.

Staff to City Commission: Approve Petition PB-10-55 TCH with the original Staff recommendations and adding the Plan Board recommended change

concerning screening of utility connections.

Staff to the Plan Board: Approve Petition PB-11-55 TCH as follows: 1) Add Ice Manufacturing/Vending Machines as a new specially regulated use under Article VI as Sec.30-120 of the Land Development Code; 2) Approve the staff-recommended requirements for the specially regulated use as stated in the staff report; 3) Limit the zoning districts in which this use is allowed to: Business industrial (BI), Warehouse (W), Limited industrial (I-1), General industrial (I-2), General business (BUS), Automotive-oriented business (BA), and Tourist-oriented business (BT); and, 4) Recommend staff initiate a petition to change the BI, W, I-1, I-2, BUS, BA, and BT zoning districts to add the specially regulated use with reference to Article VI.

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110112B_exhibit A-1_20110707.pdf
110112C_exhibit B-1_20110707.pdf
110112D_exhibits C-1 & C-2_20110707.pdf
110112E_updated info from pet.pdf
110112F_cpb minutes_20110707.pdf
110112G_staff ppt_20110707.pdf
110112H_petitioner ppt_20110707.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)