

City of Gainesville

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



Meeting Agenda

July 15, 2010

1:00 PM

City Hall Auditorium

City Commission

Mayor Craig Lowe (At Large)

Mayor-Commissioner Pro Tem Jeanna Mastrodicasa (At Large)

Commissioner Scherwin Henry (District 1)

Commissioner Lauren Poe (District 2)

Commissioner Jack Donovan (District 3)

Commissioner Randy Wells (District 4)

Commissioner Thomas Hawkins (At Large)

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

CALL TO ORDER

AGENDA STATEMENT

"Citizens are encouraged to participate in City of Gainesville meetings. In general, speakers will be limited to 3 (three) minutes per agenda item. Additional time may be granted by the Mayor or by the City Commission as directed. The City of Gainesville encourages civility in public discourse and requests that speakers limit their comments to specific motions and direct their comments to the Chair. Signs or Props are not permitted in the meeting room. Citizens are encouraged to provide comments in writing to the Clerk of the Commission before meetings and/or during meetings for inclusion into the public record. Citizens may also provide input to individual commissioners via office visits, phone calls, letters and e-Mail, that will become public record. In some instances, i.e., Quasi-Judicial Hearings, these particular contacts may be prohibited."

ROLL CALL

INVOCATION

CONSENT AGENDA

CITY MANAGER, CONSENT AGENDA ITEMS

100098.

Human Resources: Policy L-8, Military Leave (B)

Explanation: Policy L-8, Military Leave. This policy is updated to reflect a change in Florida Statute requiring employers to provide base pay for up to 240 hours to employees called to active or inactive duty training annually.

Fiscal Note: The annual impact will be approximately \$2,006. This amount would be covered in the various departments' current personnel services budget.

RECOMMENDATION

The City Commission approve Policy L-8, Military Leave.

100098_L-8 Military Leave Policy_20100715.PDF

100098A_L-8 Military Leave Policy_20100715.PDF

100099.

Specified Source Purchase of Transit Visualization System (TVS) (B)

This item is a request for the City Commission to authorize Regional Transit System (RTS) to purchase Transit Visualization System (TVS) through TransLoc, Inc.

Explanation: The City of Gainesville Regional Transit System entered into an agreement with the University of Florida (UF) on December 12, 2007, that allowed UF to have an advanced vehicle location system (AVL) installed in fifty (50) RTS fixed route buses. The AVL that was selected was TransLoc, Inc.'s Transit Visualization

Systems (TVS). The equipment and services for TVS were funded and procured solely by UF. Since 2007, UF has added another twelve (12) units, bringing the total of RTS fixed route buses equipped with TVS to sixty-two (62).

TVS allows passengers to access real time bus schedule information via the internet and provides RTS dispatchers a method to visually monitor bus location and performance. Installing TVS on the remaining RTS fixed route buses will help RTS improve service reliability and on-time performance (OTP) by allowing dispatchers to have better situational awareness of the bus fleet and make adjustments to service routes as needed. Additionally, TVS software provides information and data that are valuable tools in management and route planning.

RTS desires to utilize the Federal Transit Administration (FTA) capital funding to expand the AVL system to an additional sixteen (16) buses in our fixed route. As a result, RTS will have all City routes covered by this system.

RTS is requesting approval of the selection of TransLoc, Inc. as a specified source for this project as TVS is currently utilized in seventy (70%) percent of RTS buses required for peak service. Also, Operations and maintenance staff are already very familiar with the functionality of TVS software and equipment. In addition, the integration or merging of multiple AVL systems is not possible due to the proprietary nature of operating systems hardware and software.

Fiscal Note: RTS has been awarded \$57,600 in grants to fund the capital portion of this project. RTS has also included \$45,760 in its operating expense budget to cover the reoccurring cost. A cost savings of approximately \$190,000 will be realized by selecting TransLoc, Inc. to provide these services.

RECOMMENDATION

The City Commission: 1) approve the specified source selection of TransLoc, Inc. to provide the advanced vehicle location system, Transit Visualization System (TVS), for the fixed route bus service; and 2) authorize the City Manager to execute the contract and all related documents, subject to approval by the City Attorney as to form and legality.

100099_Agreement_20100715.pdf

100100.

Second Extension to the Annual Contract for Provision of Redi-Mix Concrete for FY 2011 (B)

This item is a request to extend the Annual Contracts for the Provision of Redi-Mix Concrete with Florida Rock Industries, Inc. and Cemex, Inc.

Explanation: The contract dated October 2, 2008, and First Extension dated October 1, 2009, with Florida Rock Industries, and the contract dated September 8, 2008, and First Extension dated October 1, 2009, with Cemex, Inc. will expire on September 30, 2010. These firms have responded to the City's requests for services promptly and their services have been reliable and accurate.

The contracts allow for two (2) one-year extensions. This is the second request for an extension to each contract.

Fiscal Note: Funding sources will be identified as needed in the Public Works Department FY 2011 operating budget and the City's Capital Improvement Plan capital project accounts.

RECOMMENDATION

Recommended Motion: The City Commission: 1) authorize the City Manager to execute the Second Extensions to the Annual Contracts with Florida Rock Industries, Inc. and Cemex, Inc. for the Provision of Redi-Mix Concrete, extending the terms of the contracts from October 1, 2010 to September 30, 2011, subject to final appropriation of funds for FY 2011.

100100a_Contract_20100715.PDF

100100b_Contract_20100715.PDF

100102.

State LECFTF Funding for DEXIS System for University of Florida CA Pound Human Identification Laboratory (B)

This item is a request for City Commission approval of funds from the State Law Enforcement Contraband Forfeiture Trust Fund.

Explanation: This is to request \$14,000 out of State Forfeiture Funds for the C.A. Pound Laboratory for the purchase of a DEXIS System and Nomad X-ray Source. The total cost for this device is \$28,000. The Alachua County Sheriff's Office has committed \$14,000 from its forfeiture funds to assist in the purchase. Subsequently, the Gainesville Police Department is requesting that the City Commission approve the request for the remaining \$14,000 from our State Forfeiture Funds.

Purchasing the Dexis System and Normad X-ray Source is the first step in developing a forensic DNA component in this laboratory. The ability to provide forensic DNA analysis for local law enforcement and the state medical examiners will greatly enhance our ability to quickly identify victims of homicides. Once developed, this local resource could assist the Gainesville Police Department in solving future crimes.

Fiscal Note: The funds are available in the State Law Enforcement Contraband Forfeiture Trust Fund and are allowable per Florida State Statute 932.7055. The balance in the account is \$83,057.

RECOMMENDATION

The City Commission approve the appropriation in the amount of \$14,000 from the State Law Enforcement Contraband Forfeiture Trust Fund to CA Pound Human Identification Laboratory - UF.

100102_IDLabLetter_20100715.pdf

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

100134.**Reimbursement for Oversizing of Wastewater Facilities at Campus USA Credit Union (NB)**

Reimburse Campus USA Credit Union, developer of Campus USA Credit Union, for the oversizing of wastewater facilities in accordance with provisions of the City of Gainesville Code of Ordinances, Chapter 27-179 Oversized Facilities.

Explanation: Campus USA Credit Union is a proposed infill/redevelopment project located in the 13900 Block of West Newberry Road. A wastewater system must be constructed to provide wastewater service for the project. In order to properly serve adjacent undeveloped parcels, GRU is requiring Campus USA Credit Union to construct oversized wastewater facilities. The developer's engineer accommodated this in the development design. The developer's incremental cost to oversize the wastewater system, for which reimbursement is being sought, is \$55,911.00.

The recommended amount of \$55,911.00 includes all design, construction, labor, and materials associated with the wastewater system oversizing to satisfactorily complete the work.

Fiscal Note: Monies for this project are available in the FY 10 Water and Wastewater Capital Improvements Budget.

RECOMMENDATION

The City Commission authorize the General Manager or his designee to negotiate and execute an agreement for reimbursement to Campus USA Credit Union for the oversizing of wastewater facilities in an amount not to exceed \$55,911.00 subject to approval of the City Attorney as to form and legality.

100135.**Contract for On-site Emergency Generator Equipment and Services - AttenGen (B)**

Staff recommends award of a contract with Ring Power Corporation for stand-by and emergency backup generation equipment and services.

Explanation: The Utility established a program to provide emergency generators and related services for GRU business customers in December 2002. The program known as AttenGen has been successful and has provided 13 emergency generator systems for various customers since its onset. There continues to be much interest from business customers for these services for stand-by and emergency backup generation. This interest has provided the Utility with the opportunity to continue offering a value added service to business customers while generating additional revenue.

An Invitation to Bid was sent by Utilities Purchasing to six prospective bidders.

Four responses were received which included two no bids. The bids were evaluated based on price, warranty, service response, parts availability, years in business, buy back price, and local vendor preference. Ring Power Corporation, a local vendor, submitted the best evaluated bid. The bid tabulation is attached for your reference.

As installations are scheduled, other related services may be required to successfully complete the work. Any such contracts/materials will be procured in accordance with the applicable purchasing policies.

Fiscal Note: Funds for these services are included in the Utilities Budget for FY10 and will be requested in the future fiscal years.

RECOMMENDATION

The City Commission: 1) authorize the General Manager, or his designee, to execute a two year contract with Ring Power Corporation for stand-by and emergency backup generation equipment and services, subject to the approval of the City Attorney as to form and legality; and 2) approve the issuance of purchase orders to Ring Power Corporation for equipment and services in amounts not to exceed budgeted amounts for each year of the contract pending final appropriation of funds.

100135_contract_20100715.pdf

100136.

Purchases for Energy Conservation Programs (NB)

Staff requests authorizing the General Manager to purchase goods and/or services necessary for establishing or modifying energy conservation programs which do not exceed \$100,000 through FY13, subject to the final appropriation of funds for each year.

Explanation: On September 11, 2006, the City Commission authorized the General Manager to purchase goods and services for energy conservation measures approved in the FY07 budget in amounts not exceeding \$100,000. The purpose of the request was to facilitate the implementation of energy conservation measures by obtaining approval for all projects for the fiscal year. The approval enabled staff to expedite establishing energy conservation programs that would require prior City Commission approval. All purchases were made in accordance within established policies and procedures.

The City Commission subsequently approved the continuation of energy conservation programs through FY10 for the purpose of continuing the reduction of energy and demand. In order to implement and maintain conservation programs with flexibility to meet customer needs, staff requests authorizing the General Manager, or his designee to approve these programs through FY13 without additional City Commission approval. No single purchase will exceed \$100,000 and all purchases will be procured in accordance with established purchasing policies and procedures. Purchases exceeding \$50,000 will be included on the monthly purchases reported to the

City Commission. Staff will request City Commission approval for any purchase exceeding \$100,000.

Fiscal Note: Funds for this request are included in the Utilities Budget for FY11 and will be requested in subsequent year budgets.

RECOMMENDATION

The City Commission: 1) waive the requirement for City Commission approval for budgeted energy conservation programs which do not exceed \$100,000 through FY13; 2) authorize the General Manager, or his designee, to negotiate and execute contracts for budgeted energy conservation programs which do not exceed \$100,000 in accordance with established Purchasing policies and procedures, subject to approval of the City Attorney as to form and legality; and 3) approve the issuance of purchase orders for required goods and services to various vendors for these programs, in amounts not exceeding \$100,000.

CITY ATTORNEY, CONSENT AGENDA ITEMS

100133.

SETTLEMENT OF PERSONAL INJURY CLAIM OF JUAN C. HINES (B)

Explanation: Mr. Hines has filed a claim alleging that, on January 10, 2009, he was involved in an automobile accident with a Gainesville Police Department vehicle at the intersection of NE 10th Avenue and N. Main Street in Gainesville. Mr. Hines asserts that he was southbound on N. Main Street, proceeding through the intersection with NE 10th Avenue with a green light, when he was struck by a police vehicle travelling westbound on NE 10th Avenue in pursuit of a traffic law violator. Specifically, Mr. Hines claims that the police vehicle violated the red light without activating his emergency lights or siren. The Gainesville Police Department officer was issued a traffic citation for violation of a traffic control device, and was found to be the at-fault driver in a preventable accident after an investigation by the Gainesville Police Department Internal Affairs Unit.

Mr. Hines asserts that he has suffered permanent back and neck injuries. Immediately after the accident, Mr. Hines sought emergency room treatment, and followed up with medical and chiropractic care. His treating physician has assigned a permanent impairment rating of eight percent related to injuries from this accident. To date, Mr. Hines claims medical expenses in excess of \$15,000, non-inclusive of lost wages, future medical expenses, and damages related to pain and suffering. Initially, Mr. Hines sought damages in excess of the sovereign immunity cap of \$100,000.

The City's independent adjuster and Risk Management Department engaged in pre-suit settlement negotiations, and reached a negotiated settlement for all claims of Mr. Hines in the amount of \$25,000, subject to the approval of the City Commission and a full and final release executed by Mr. Hines. It is the

recommendation of the Risk Management Department and the City Attorney's Office that the case be settled for that amount.

RECOMMENDATION *The City Commission 1) approve the terms of the settlement agreement; and 2) authorize the City Attorney to settle the claim of Juan Hines.*

100133_Juan Hines_20100715.pdf

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

100130.

Resignation of Development Review Board Student Adjunct Christopher M. Ellis (B)

RECOMMENDATION *The City Commission accepts the resignation of Christopher M. Ellis from the Student Adjunct position on the Development Review Board and extends its appreciation for his services to accept the proclamation.*

100130_resignation_20100715.pdf

100131.

Resignation of Bicycle and Pedestrian Advisory Board Member Michael Pedron (B)

RECOMMENDATION *The City Commission accepts the resignation of Michael Pedron from the Bicycle and Pedestrian Advisory Board and extends its appreciation for his services to accept the proclamation.*

100131_resignation_20100715.pdf

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

ECONOMIC DEVELOPMENT/UNIVERSITY COMMUNITY COMMITTEE, CONSENT

090364.

City Facilitation of Regional Agricultural Economy (B)

This item seeks City Commission approval of Economic Development University Community Committee (EDUCC) action on a pending referral.

Explanation: At its April 22, 2010 regular meeting, the EDUCC recommended that the following pending referral be moved forward to the City Commission.

On pending referral 090364, the EDUCC recommended that the Commission endorse several of the focus points provided to the Committee by the Florida Organic Growers, Gainesville Farm Fresh and the Citizen's Co-op to assist in facilitating the regional agricultural economy. In the document entitled, "EDUCC Focus Points for Community Food Systems Economic Development" Points 2, 3, 5, 6 and 7 were supported with Points 1, 4 and 8 requiring further analysis and/or some stipulation. Staff's recommendation for points 1, 4 and 8 are included in the attached back-up.

Fiscal Note: No fiscal impact.

RECOMMENDATION

The City Commission: 1) approve the EDUCC recommendation regarding action on this pending referral; and 2) remove this referral from the Committee's present referral list.

Legislative History

9/9/09	Economic Development/Univ ersity Community Com	Discussed	
10/1/09	City Commission	Referred	Economic Development/University Community Com
4/22/10	Economic Development/Univ ersity Community Com	Discussed	

090364_Memo EDUCC Mtg_20100128.pdf
 090364_Speaker Handout_20100128.pdf
 090364_EDUCC Mtg Bk-Up_20100422.pdf
 090364_Community Focus Pts_20100715.pdf
 090364A_Staff Analysis_20100715.pdf

090366.

Provide A Forum for Review: Alachua General Hospital Site Redevelopment Plans (B)

Explanation: During its August 3, 2009 regular meeting, the Economic Development University Community Committee recommended that this referral be further reviewed and discussed during the next year.

RECOMMENDATION

The Economic Development University Community Committee recommends to the City Commission that this item of Provide A Forum for Review: Alachua General Hospital Site Redevelopment Plans be added to the Economic Development University Community Committee pending referral list.

Legislative History

9/9/09	Economic Development/Univ ersity Community Com	Discussed	
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10/1/09	City Commission	Referred	Economic Development/University Community Com
4/22/10	Economic Development/Univ ersity Community Com	Discussed	
090366_C-Donovan Hand Out_20090909.pdf			

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE, CONSENT

100115.

Report on the Status of Outstanding Audit Recommendations for June 2010 (B)

Explanation: City Commission Resolution 970187, City Auditor Responsibilities and Administrative Procedures, requires the City Auditor to notify the appropriate Charter Officer of recommendations projected for implementation in the following six months. The responsible department managers prepare a written status report to the appropriate Charter Officer who then provides this information to the City Auditor. The City Auditor's Office verifies that corrective action has been taken and summarizes the results to the Audit, Finance and Legislative Committee.

During the past several months, the City Auditor worked with the appropriate Charter Officers in preparing a status report on 33 outstanding audit recommendations. We have reviewed management's feedback on the implementation of outstanding recommendations and prepared the attached status report summarizing the results of our review.

Summary of Results

We began the current period with 33 outstanding recommendations from 14 prior audits. The results of our review indicate management adequately implemented 16 of the prior period 33 recommendations, leaving 17 recommendations outstanding.

RECOMMENDATION

The City Commission accept the City Auditor's report.

Legislative History

6/29/10 Audit, Finance and Recommended for Approval (2 - 0)
Legislative
Committee

100115_outstanding audit report_20100629.pdf

100116.

Payroll Verification Procedures - Pension and DROP Calculations (B)

Explanation: In accordance with our Annual Audit Plan, the City Auditor's Office completed a review entitled Payroll Verification Procedures - Pension and DROP

Calculations. The primary objective of this audit was to provide reasonable assurance to the City Commission that the processes established to calculate retirees' and DROP participants' monthly pension annuity payments are operating effectively. Our procedures included interviewing key personnel within the Risk Management and Finance Departments who are involved in calculating pension and DROP payment amounts, reviewing City ordinances related to pension and DROP benefit payment calculations, analyzing payroll information supporting benefit calculations and testing management controls.

The Risk Management Department oversees and coordinates all aspects of the retiree process, completing retiree maintenance forms, reviewing applications for pension, calculating pension benefit estimates, entering vested future employee records and forwarding retiree information to the Finance Department's Payroll Division for data entry. The Payroll Division is responsible for entering retiree records into the retiree payroll system, processing monthly pension checks and calculating retiree and DROP participants' final average earnings. We would like to acknowledge the management and members of the Risk Management and Finance Departments for their professional courtesy and cooperation during our review.

As for all of our audits, we conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our conclusion based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our conclusion based on our audit objectives.

Conclusion

Based on the results of our review, we believe the processes established to calculate retiree and DROP participants' monthly pension annuity payments are operating effectively. We did note one isolated instance during our review, which was promptly corrected by management, where a cost of living adjustment was not properly implemented for a retiree's beneficiary. We also noted several issues related to the definition of earnings set forth in the City's Code of Ordinances, utilized to calculate pension annuity payments, which we believe should be evaluated in the future. Management has indicated that a thorough review of the City's pension earnings definitions and possible financial impacts will be conducted with the City's actuary over the next year and communicated to the City Commission. Any adjustments to the pension ordinance would likely require negotiations with affected bargaining units and were not within the scope of this review.

RECOMMENDATION

The City Commission accept the City Auditor's report.

Legislative History

6/29/10 Audit, Finance and Recommended for Approval (2 - 0)
 Legislative
 Committee

100116_payroll verification_20100629.pdf

100117.**Gainesville Regional Utilities - Quarterly Financial Report (B)****RECOMMENDATION**

The City Commission receive the GRU Quarterly Financial Report as of March 31, 2010.

Legislative History

6/29/10 Audit, Finance and Recommended for Approval (2 - 0)
 Legislative
 Committee

GRU 2nd Quarter Financials UNAUDITED.pdf

100118.**Fiscal year 2010 Operating Funds Quarterly Monitoring Report - Quarter Ending March 31, 2010 (B)**

Explanation: The City's General Government Budget Policy requires staff to prepare and submit a quarterly Budget compliance report in substantially the same form as the final budget document, for all major operating funds, including the status of General Fund fund balances to the Audit, Finance and Legislative Committee.

RECOMMENDATION

The City Commission receive the quarterly budget monitoring report for the quarter ended March 31, 2010.

Legislative History

6/29/10 Audit, Finance and Recommended for Approval (2 - 0)
 Legislative
 Committee

100118_quarterly monitoring_rpt_gg_20100629.pdf

EQUAL OPPORTUNITY COMMITTEE, CONSENT

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

CITY MANAGER

091047.**Community Grant Program (B)**

The Community Grant Program is a new program that would provide small grants to non-profit organizations based in the City performing activities that support City goals.

Explanation: At the December 17, 2009 City Commission meeting, staff presented the general concept for a grant program for non-profit organizations based in the City. The intent of the program is to provide small grants to non-profit organizations performing community services that advance City goals.

At the June 3, 2010 City Commission meeting, the Commission approved the grant program in concept and asked staff to work on refinements to the program. Staff has made these refinements and has worked to minimize the administrative burden of the program on those seeking grants as well as the City.

Attached is a copy of the revised Community Grant Program for Commission review including draft application and reimbursement forms. Staff will provide a brief presentation and seek Commission approval of the grant program.

Fiscal Note: If the Commission approves the Community Grant Program, the City Manager will recommend and the City Commission can consider appropriate funding levels as part of the FY 11/12 budget process.

RECOMMENDATION

The City Commission: 1) approve the Community Grant Program; and 2) confirm previous direction for the City Manager to recommend appropriate funding as part of the FY 11/12 budget process.

Alternative Recommendation

The City Commission do not approve the Community Grant Program and provide other guidance to staff as appropriate.

Legislative History

6/3/10 City Commission Approved as Modified (7 - 0)

091047A_Program Guidelines_20100603.pdf

091047B_PPT_20100603.pdf

091047A_Program Guidelines_20100715.pdf

091047B_Program Application_20100715.pdf

091047C_Reimbursement Form_20100715.pdf

100062.**Edward Byrne Memorial Justice Assistance Grant Program FY 2010
Formula Program: Local Solicitation (NB)**

The City Commission will hold a public hearing on the proposed use of \$104,608 from the Edward Byrne Memorial Justice Assistance Grant

(JAG) funds and will 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 \$104,608 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, forensic equipment to support crime scene investigation, supplies for Reichert House Youth Academy and for the Citizens on Patrol Program, and instructional video programming.

Fiscal Note: The \$104,608 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. The award can fund projects beyond a four year period, allowing successful initiatives to receive funding to continue and expand their efforts. 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.

Legislative History

7/1/10 City Commission Continued (5 - 0 - 2 Absent)

GENERAL MANAGER FOR UTILITIES**CITY ATTORNEY****CITY AUDITOR****EQUAL OPPORTUNITY DIRECTOR****COMMITTEE REPORTS (PULLED FROM CONSENT)****EQUAL OPPORTUNITY COMMITTEE**

100129.**Landlord/Tenant as an EO Issue (B)**

Explanation: On June 23, 2010, the EOC discussed landlord/tenant issues and the role of the Office of Equal Opportunity in this matter.

RECOMMENDATION

The City Commission: 1) hear a brief presentation from EO Director Cecil Howard on said matter, and 2) take appropriate action.

Legislative History

6/23/10	Equal Opportunity Committee	Approved as shown above (motion) and referred	City Commission
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100129_presentation_20100715.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****100086.****Florida State Firefighters' Association Firefighter Westin McQueen as Firefighter of the Year (B)****RECOMMENDATION**

The City Commission recognize Gainesville Fire Rescue Firefighter Westin McQueen for his award.

100089.**National Night Out - August 3, 2010 (B)****RECOMMENDATION**

Gainesville Police Department Crime Prevention Officer Sergeant Chuck Reddick to accept the proclamation.

100089_NightOut_20100715.pdf

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

PUBLIC HEARINGS

RESOLUTIONS- ROLL CALL REQUIRED

100137.

FIRE SERVICES SPECIAL ASSESSMENT - TIME CERTAIN 6:45 PM OR AS SOON THEREAFTER AS MAY BE HEARD (B)

A resolution of the City of Gainesville, Florida, relating to the provision of fire services, facilities and programs in the City of Gainesville, Florida; imposing Fire Services Special Assessments against assessed properties located within the City for the fiscal year that begins October 1, 2010; providing for exemptions; approving the assessment roll; providing for the estimated fire services assessed cost; approving the rate of assessment; providing for severability; and providing an immediate effective date.

Explanation: On June 3, 2010 the City Commission adopted Resolution 091050 (the "Initial Assessment Resolution") which set the proposed fire services assessment rate and provided for notice by mail and publication of the proposed rate and public hearing to set the final rate. In adopting the Final Rate Resolution, the Commission will have to determine the Fire Services Special Assessment rate for the fiscal year beginning October 1, 2010, and insert the rate on page 4 in Section 3(c) of the Resolution.

The City Commission at its meeting on June 3 directed the City Manager to provide an assessment roll that includes all properties except for government properties (which are excluded as a matter of law) and an assessment roll that excludes government properties, properties of places of religious assembly, and properties of not-for-profits. The Resolution in Section E exempts government property because they are exempt as a matter of law. In order to exempt properties of places of religious assembly and not-for-profits the City Commission would have to revise the resolution by approving the Revisers page attached to this memo as Exhibit A.

At the meeting of June 3, 2010, several Commissioners inquired about the issue of exempting not-for profit entities and places of religious assembly from the special assessment. Based on established case law, in order for a special assessment to be valid, all properties that receive the benefit of the service, except for properties exempt as a matter of law, must be charged the assessment. In other words, if properties such as, places of religious assembly and not-for-profits, receive the benefit of fire services, they should properly be charged the special assessment. Further, any exemptions require the City to identify other available legal revenues to pay their share of the assessment. The payment of public funds to pay the validly imposed special assessments of

private entities raises significant legal issues. Attached to this memorandum as Exhibit B is the City Attorney's full legal opinion on this matter.

RECOMMENDATION

The City Commission: 1) receive any written objections filed; 2) hear testimony from all interested persons; 3) establish the final rate for the Fire Services Special Assessment; and 4) adopt the proposed Final Assessment Resolution.

100137A_Staff PPT_20100715.PDF

100137B_Consultant PPT_20100715.PDF

100137_Fire Assessment Final Resolution_20100715.pdf

090966.

Updating the Eastside Redevelopment Plan (B)

Explanation: In 2009, the City Commission considered potential expansions to the Eastside CRA Area and, after considering slum/blight studies, adopted resolutions finding blight in two areas adjacent to the existing Eastside Redevelopment Area. Subsequently, the CRA Board requested that staff craft amendments to the Eastside Redevelopment Plan in order to accommodate and recognize the proposed boundary modifications and to thoroughly update the content of the Eastside Redevelopment Plan.

A Community Redevelopment Plan is a very powerful visioning and policy tool, which, if structured properly, can provide great support for redevelopment initiatives. For a number of months, CRA staff worked on comprehensive updates to the Eastside Community Redevelopment Plan, coordinating closely with citizens through the Eastside Redevelopment Advisory Board (ERAB), who provided input and feedback to the proposed revisions. These revisions will bring the plan up-to-date, provide a more dynamic redevelopment policy, and accommodate the proposed boundary expansions to the Eastside Redevelopment Area. The structure of the revised Eastside Plan is modeled in part after the Fifth Avenue/Pleasant Street Redevelopment Plan, which was recently updated by CRA staff and which has been recognized by the Florida Chapter of the American Planning Association as an exemplary neighborhood planning initiative. At the February 4, 2010 meeting, ERAB approved the draft revised Plan and forwarded the document to the CRA. The CRA Board approved the revised Redevelopment Plan at its April 19, 2010 meeting. The proposed Eastside Redevelopment Plan, revised in its entirety, is attached as backup to this agenda.

Pursuant to Florida Statutes, taxing authorities were notified that the CRA Board has approved Redevelopment Plan amendments which include modifying the boundaries of a Redevelopment Area, and that the CRA is recommending the City Commission also approve these changes. The CRA did not receive comments back from the taxing authorities and Alachua County did not notify the CRA or the City that the County has competing policy goals and plans for the public funds the County would be required to deposit to the community redevelopment trust fund under the proposed modification to the Redevelopment Plan.

Fiscal Note: None at this time.

RECOMMENDATION

CRA to the City Commission: 1) adopt a resolution amending the Eastside Redevelopment Plan in its entirety, subject to approval as to form and legality by the CRA/City attorney; and

CRA Executive Director to the City Commission: 1) request the City Attorney prepare ordinances redefining the legal description of the Eastside Redevelopment Area and defining the base value for tax increment calculations; and 2) advertise and hold public hearings to adopt ordinances related to CRA boundaries and the tax increment base value for the newly expanded Eastside Community Redevelopment Area.

Legislative History

4/19/10 Community Approved as Amended (4 - 0 - 3 Absent)
 Redevelopment
 Agency

090966_REDEV PLAN_20100419.pdf

090966_PP_20100419.PDF

090966_ER Plan_20100715.pdf

090966_Resolution_20100715.pdf

100119.

Second Amendment to the FY 2009-2010 General Government Financial and Operating Plan (B)

Explanation: The purpose of this amendment is to accurately reflect and incorporate into the City's FY 2009-2010 General Government budget those transactions and activities that were not anticipated during the budget process.

Fiscal Note: All of the recommended changes are funded either by increases in revenue budgets, decreases in expenditure budgets, or decreases in appropriate fund balances.

RECOMMENDATION

The Audit Finance and Legislative Committee: (1) Review the proposed amendatory budget resolution; and if acceptable, (2) recommend that the City Commission adopt the proposed resolution.

Legislative History

6/29/10 Audit, Finance and Recommended for Approval (2 - 0)
 Legislative
 Committee

100119_budget_resolution_20100629.pdf

100119_attachment_a_20100629.pdf

100139.

Resolution for a Memorandum of Agreement with Florida Department of

Transportation (FDOT) to Maintain Brick Pavers in the Right of Way on West University Avenue at the United Methodist Church Sidewalk between Mile Post 19.429 and mile post 19.448 (B)

This item addresses the maintenance of brick pavers within the FDOT ROW on a portion of West University Avenue.

Explanation: When the United Methodist Church located at West University Avenue and NW 14th Street submitted their plan for redevelopment, the CRA applied their streetscape requirements to include brick pavers within the sidewalk along the West University Avenue right of way. The FDOT included a permit requirement that the City maintain all infrastructure items above what it considers to be standard items via a Memorandum of Agreement.

Several years ago the CRA installed bricks between the concrete sidewalk and the back of curb along West University Avenue. At that time the City entered into a Maintenance Agreement with the FDOT for the maintenance of those bricks. The additional bricks associated with the redevelopment of the United Methodist Church site will not substantially increase the maintenance burden on the Public Works Department.

Fiscal Note: Periodic maintenance and repair costs associated with the brick work will be covered within the existing annual operating budget of the Public Works Department.

RECOMMENDATION

The City Commission: 1) approve the resolution to enter into the Memorandum of Agreement with the Florida Department of Transportation; and 2) authorize the Mayor and Clerk of the Commission to execute the Resolution

100139a_Resolution_20100715.pdf

100139b_MemoOfAgreement_2010-07-15.pdf

100139c_MemoOfAgreementBackup_2010-07-15.pdf

090982.

RESOLUTION OPPOSING THE PROPOSED AMENDMENT 4 TO THE FLORIDA CONSTITUTION COMMONLY KNOWN AS THE "FLORIDA HOMETOWN DEMOCRACY" INITIATIVE (B)

A Resolution of the City Commission of the City of Gainesville, Florida opposing Amendment 4 to the Florida Constitution, commonly known as the "Florida Hometown Democracy" initiative, that would require a voter referendum prior to local government adoption of a comprehensive plan or comprehensive plan amendment; providing directions to the Clerk of the Commission; and providing an immediate effective date.

Explanation: The City Commission, at its meeting of April 1, 2010, requested the City Attorney draft a Resolution opposing the proposed Amendment 4 to the Florida Constitution commonly known as the "Florida Hometown Democracy" initiative.

RECOMMENDATION

The City Commission adopt the proposed Resolution.

Legislative History

6/3/10 City Commission Withdrawn

090982_draft resolution_20100603.pdf

090982_draft resolution_20100715pdf.pdf

ADOPTION READING-ROLL CALL REQUIRED**091002.****5-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS ANNUAL UPDATE (B)****Ordinance No. 0-10-20; Petition No. PB-10-20 CPA**

An ordinance of the City of Gainesville, Florida, amending the Capital Improvements Element of the City of Gainesville 2000-2010 Comprehensive Plan by updating Table 14 "5-year Schedule of Capital Improvements" to reflect projects for the planning period of FY 2010/2011-2014/2015; updating Table 15 "School Board of Alachua County 5-year District Facilities Work Program" to reflect projects for the planning period of FY 09/10-13/14; providing directions to the city manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

Under State law, each local government must submit a financially feasible comprehensive plan annually. This is accomplished by updating the Capital Improvement Element (CIE) to show how level of service (LOS) deficiencies will be corrected and to identify the funding sources for financing the capital projects needed. The ordinance is the annual update of the CIE, specifically the 5-Year Schedule of Capital Improvements and the School Board of Alachua County 5-year District Facilities Work Program ("5-Year School Work Program") in conformance with the provisions of State law and the City's Comprehensive Plan.

The CIE contains information about projects and/or facilities that are needed to: correct existing deficiencies in levels of service (LOS), maintain existing LOS, or address projected LOS deficiencies that will occur during the 5-year planning period. The City's Public Schools Facilities Element requires that the City include the 5-Year School Work Program in the annual update of the CIE.

The capital improvements discussed in the CIE are only related to levels of service adopted in the Comprehensive Plan. Capital improvements are defined as: land, non-structural improvements to land, and structures (including the costs for design, permitting, construction, furnishings and equipment) with a unit cost of \$25,000 or more. The improvement shall have an expected life of at least 2 years.

Several transit and transportation mobility projects that extend beyond the normal five-year timeframe are included within the 5-Year Schedule of Capital

Improvements because of their importance to the City's long term mobility plans for certain portions of the community (in particular, Zone M of the Transportation Concurrency Exception Area). Additionally, the high cost associated with these projects means that they may be phased in over several years as funding becomes available. Their inclusion is to establish the vision for transit and new roadway connectivity and to assist in guiding future development so that it is consistent with that vision.

After public notice was published in the Gainesville Sun on April 6, 2010, the City Plan Board held a public hearing on April 22, 2010. The City Plan Board heard the petition and, by a vote of 6-0, recommended approval with the School Board's amended 5 Year District Facilities Work Program.

Subsequent to the Plan Board hearing, the Public Works Department requested that an additional project be added to the 5-Year Schedule of Capital Improvements. This project is identified as #39 and is an intersection capacity modification at NE 39th Avenue and NE 2nd Street. It was added because the project will not be completed in the current fiscal year and it is fully funded by the TCEA. In addition, the 5-Year Schedule of Capital Improvements was amended to show that the Local Option Fuel Tax (5 cents) is an additional funding source for project #34, which is the extension of SW 40th Boulevard from Archer Road to SW 47th Avenue.

CITY ATTORNEY MEMORANDUM

Florida Statutes set forth the procedure for adoption of an annual update and amendment to the Capital Improvements Element of the Comprehensive Plan. Section 163.3177(3)(b)(2), F.S., requires only a single adoption hearing for this amendment. In addition, pursuant to §163.3187(1)(f), F.S., this amendment may be made at a date other than the two times per year limitation on comprehensive plan amendments when necessary to coincide with the adoption of the City's budget and capital improvements program.

The Plan amendment will not become effective until the State Department of Community Affairs issues a final order determining the adopted amendment to be in compliance in accordance with the Local Government Comprehensive Planning and Land Development Regulation Act, or until the Administration Commission (Governor and Cabinet) issues a final order determining the adopted amendment to be in compliance.

RECOMMENDATION

The City Commission (1) approve Petition No. PB-10-20 CPA, and (2) adopt the proposed ordinance.

091002_staff report_20100715.pdf
091002A_attach 1_5 yr school capital improvement_20100715.pdf
091002B_attach 2_map_location of capital improvements_20100715.pdf
091002C_attach 3_map_proposed route 62_20100715.pdf
091002D_attach 4_map_proposed route 25_20100715.pdf
091002E_attach 5_alachua co sch bd 5 yr dist facility wk prog_20100715.pdf
091002F_100422 cpb minutes_20100715.pdf
091002G_staff ppt_20100715.PDF
091002_draftordinance_20100715.pdf
091002_covermemo w attachments_20100715.pdf

090952.**LAND USE - EAGLESROCK INTERNATIONAL, LLC (B)****Ordinance No. 0-10-12; Petition No. PB-09-177 LUC**

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan Future Land Use Map; by changing the land use category of certain property located at 4123 Southwest 50th Street and more specifically described in this ordinance from the Alachua County land use category of "Low Density Residential (1-4 DU/acre)" to the City of Gainesville land use categories of "Residential Low-Density (up to 12 units per acre)" and "Conservation"; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

The property consists of approximately 2.35 acres and is located approximately three-quarters of a mile west of I-75, and approximately 970 feet (less than one-quarter mile) north of Archer Road. This 2.35-acre property is the southwestern portion of an approximately 31.6-acre property that was annexed into the City in February 2009. The remaining 29.25 acres are being processed under Petition PB-09-143 LUC requesting Planned Use District (for an assisted living facility and related uses) and Conservation land use.

The 2.35-acre property is accessible from Archer Road by SW 50th Street, an unpaved private road. There presently is no access to this property by a public road. The property is vacant, with the exception of an abandoned and dilapidated single-family dwelling.

The most significant environmental features on this property are in its western half with its live oak hammock on the slope and the wetland edge of Lake Kanapaha. Lake Kanapaha is lying almost directly on the Floridan aquifer and it is important to protect the quality of water entering it. Recognizing this, Alachua County placed Lake Kanapaha and the adjacent slope in the Hogtown Prairie Strategic Ecosystem. Planning and environmental staff concluded that the western 1.14 acres of the property is not suitable for future development, and that it should be given the future land use designation of Conservation. Such designation would further the protection of the water quality of Lake Kanapaha and of the Floridan aquifer, further the protection of wetlands on and adjacent to the property, conserve and protect the live oak hammock that

covers the slope to the wetland area below, and would facilitate protection of the Special Flood Hazard Area (100-year flood zone) that is in the western third of the property.

This petition and ordinance propose to amend the City of Gainesville 2000-2010 Comprehensive Plan and Future Land Use Map by changing the land use category from the Alachua County land use category of "Low Density Residential (1-4 DU/acre)" to the City of Gainesville land use categories of "Residential Low-Density (up to 12 units per acre)" on the eastern 1.21 acres of the property and "Conservation" on the western 1.14 acres of the property. The proposed land use designations are supported by the applicant, recommended by City Staff and the Plan Board, and are consistent with the City's Comprehensive Plan goals, objectives, and policies.

After public notice in the Gainesville Sun, the Plan Board held a public hearing on February 1, 2010, and by a vote of 4-0, recommended that the City Commission approve the petition.

A related petition (PB-09-178-ZON) and ordinance propose to rezone the property to City of Gainesville "Single-Family residential" (RSF-4) and "Conservation" (CON) zoning districts.

CITY ATTORNEY MEMORANDUM

The proposed amendment to the Comprehensive Plan is treated as a small scale development activity. After the City Commission adopts the ordinance, it will be filed with the State Land Planning Agency. The State Land Planning Agency does not review or issue a notice of intent for small scale development amendments. Any affected person may file a petition with the State Division of Administrative Hearings to request a hearing to challenge the compliance of a small scale development amendment within 30 days following the City's adoption of the amendment.

Small scale development amendments do not become effective until 31 days after adoption. If challenged within 30 days after adoption, small scale development amendments shall not become effective until the State Land Planning Agency or the Administration Commission issues a final order that the adopted small scale development amendment is in compliance.

RECOMMENDATION

The City Commission (1) approve Petition PB-09-177 LUC and (2) adopt the proposed ordinance.

Legislative History

7/1/10 City Commission Continued (6 - 0 - 1 Absent)

090952_draft ordinance_20100701.pdf
 090952_staff report_20100715.pdf
 090952A_maps_aerial_existing & proposed land use_20100715.pdf
 090952B_aerial map_hogtown prairie ecosystem_20100715.pdf
 090952C_school capacity review_20100715.pdf
 090952D_environmental review-20100715.pdf
 090952E_application & workshop info_20100715.pdf
 090952F_pt1_justification report_20100715.pdf
 090952G_pt2_justification report_20100715.pdf
 090952H_legal description_20100715.pdf
 090952I_100201_cpb mintues_20100715.pdf
 090952J_staff ppt_20100715.PDF
 090952_draft ordinance_20100715.pdf

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

090953.

ZONING - EAGLESROCK INTERNATIONAL, LLC (B)

Ordinance No. 0-10-13; Petition No. PB-09-178 ZON

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning certain property within the City, located at 4123 Southwest 50th Street, as more specifically described in this Ordinance, from the Alachua County zoning district of "Single family, Low Density" (R-1a), 1-4 dwelling units per acre to the City of Gainesville zoning districts of "Single-family residential" (RSF-4), 8 units per acre, and "Conservation" (CON), providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

The property consists of approximately 2.35 acres and is located approximately three-fourths of a mile west of I-75, and approximately 970 feet (less than one-quarter mile) north of Archer Road. This 2.35-acre property is the southwestern portion of an approximately 31.6-acre property that was annexed into the City in February 2009. The remaining 29.25 acres are the subject of Petition PB-09-143 LUC requesting Planned Use District (for an assisted living facility and related uses) and Conservation land use.

The 2.35-acre property is accessible from Archer Road by SW 50th Street, an unpaved private road. There presently is no access to this property by a public road. The property is vacant, with the exception of an abandoned and dilapidated single-family dwelling.

The most significant environmental features on this property are in its western half with its live oak hammock on the slope and the wetland edge of Lake Kanapaha. Lake Kanapaha is lying almost directly on the Floridan aquifer and it is important to protect the quality of water entering it. Recognizing this, Alachua County placed Lake Kanapaha and the adjacent slope in the Hogtown Prairie Strategic Ecosystem. Planning and environmental staff concluded that

the western 1.14 acres of the property is not suitable for future development and that it should be given the zoning district of Conservation. Such classification would further the protection of the water quality of Lake Kanapaha and of the Floridan aquifer, further the protection of wetlands on and adjacent to the property, conserve and protect the live oak hammock that covers the slope to the wetland area below, and would facilitate protection of the Special Flood Hazard Area (100-year flood zone) that is in the western third of the property.

This petition and ordinance propose to rezone certain property from the Alachua County zoning district of Single family, Low Density (R-1a), 1-4 dwelling units per acre, to the City of Gainesville zoning districts of "Single-family residential" (RSF-4), 8 units per acre on the eastern 1.21 acres of the property, and "Conservation" (CON) on the western 1.14 acres of the property. The stated districts are supported by City staff and the applicant, recommended by the Plan Board, and are consistent with the City's Comprehensive Plan goals, objectives, and policies.

After public notice in the Gainesville Sun, the Plan Board held a public hearing on February 1, 2010, and by a vote of 4-0, recommended that the City Commission approve the petition.

A related petition, PB-09-177 LUC, and ordinance propose to change the land use designation on the property from the Alachua County land use category of "Low Density Residential" to the City of Gainesville land use categories of "Residential Low-Density" and "Conservation".

CITY ATTORNEY MEMORANDUM

It is anticipated that the related petition (Petition No. PB-09-177 LUC) and ordinance (Ordinance No. 0-10-12) for the land use change amendment will be scheduled for the same day as the first reading of this petition and ordinance. This ordinance requires two hearings. Should this ordinance pass on first reading, the second and final reading will be held on August 5, 2010. However, this ordinance will not become effective until the land use change amendment to the Comprehensive Plan becomes effective.

RECOMMENDATION

The City Commission (1) approve Petition PB-09-178 ZON and (2) adopt the proposed ordinance.

Legislative History

7/1/10 City Commission Continued (6 - 0 - 1 Absent)

090953_draft ordinance_20100701.pdf
 090953_staff report_20100715.pdf
 090953A_maps_aerial_existing_proposed zoning_20100715.pdf
 090953B_aerial map_hogtown prarie strategic_20100715.pdf
 090953C_school capacity review_20100715.pdf
 090953D_environmental review_20100715.pdf
 090953E_application & workshop info_20100715.pdf
 090953F_pt1_justification report_20100715.pdf
 090953G_pt2_justification report_20100715.pdf
 090953H_legal description_20100715.pdf
 090953I_100201_cpb minutes_20100715.pdf
 090953J_staff ppt_20100715.pdf
 090953_draft ordinance_20100715.pdf

090657.

**PROHIBITING SMOKING AT RTS BUS STOPS AND BUS SHELTERS
(B)**

Ordinance No. 0-10-05

An ordinance of the City of Gainesville, Florida, relating to outdoor smoking at City transit facilities; providing legislative findings, amending Article IV in Chapter 11.5 of the Code of Ordinances; amending 11.5-40 by creating definitions; creating new section § 11.5-41.1, by prohibiting the smoking of tobacco, or any other weed or plant at all RTS bus stops and bus shelters, and within a certain distance from said stops and shelters; amending the titles of Sections 11-5.41 and 11-5.42; creating new section § 11.5-42.1 providing for the posting of signs; amending §2-339 of the Code of Ordinances to permit enforcement by civil citation; providing directions to the codifier; providing for severability; providing a repealing clause; and providing an immediate effective date.

Explanation: The City Commission, at its June 17, 2010 meeting, authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance prohibiting the smoking of tobacco, or any other weed or plant at all RTS bus stops and bus shelters, and within 20 feet from said stops and shelters. The ordinance does not prohibit passengers in vehicles, or people walking by bus stops or bus shelters from smoking, so long as they are actively passing from one destination to another. The ordinance also does not prohibit one who is lawfully occupying private real property within 20 feet of a bus stop or bus shelter from smoking. The ordinance authorizes the City Manager to install "no smoking" signage at RTS bus stops and bus shelters. The ordinance provides that the penalty for a violation of the ordinance is a civil citation and a fine of \$75.00. Nothing in the proposed ordinance will conflict with the prohibition of smoking within 1000 ft. of school zones.

This ordinance requires two readings. Should the Commission pass this ordinance on first reading, second and final reading will be held on August 5, 2010.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

12/17/09	City Commission	Referred (6 - 0 - 1 Absent)	Regional Transit System Advisory Board
6/17/10	City Commission	Approved as Recommended (6 - 0 - 1 Absent)	

090657_bus stop smoking ban_20100617.pdf
090657_draft ordinance_20100715.pdf

090883.**PARKING STANDARDS FOR INTERMEDIATE CARE FACILITIES (B)****Ordinance No. 0-10-11; Petition PB-09-176-TCH.**

An ordinance of the City of Gainesville, Florida, amending Section 30-332(c) of the Land Development Code, related to the parking requirements for hospitals, convalescent and nursing homes and personal care facilities; by creating a separate parking standard for Intermediate Care Facilities (IN-8052); providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

The petition and ordinance amend Section 30-332(c) of the City's Land Development Code, to add a parking space standard for Intermediate Care Facilities. These are health care facilities that provide care to individuals who are disabled, elderly or ill, providing less intensive care than that given at a hospital or skilled nursing facility. Because the patients have more independence and are seen by various medical specialists and visitors, there is more need for parking than traditional nursing homes. The proposed ordinance lists Intermediate Care Facilities as a separate use, with a vehicle parking standard of 1 space per 1.5 beds and a bicycle space standard equaling 5 percent of required number of vehicle parking spaces.

This amendment doubles the current standard of one parking space per 3 beds. By way of example, under the current standard, a 120 bed Intermediate Care Facility would be required to have 40 vehicle spaces. Under the proposed text amendment, a 120 bed Intermediate Care Facility would be required to have 80 parking spaces. A 120 bed facility that houses both a skilled nursing home with 60 beds and an intermediate care facility with 60 beds would be required to have 60 parking spaces (20 for the skilled nursing home use and 40 for the intermediate care facility use.)

Notwithstanding the foregoing, Section 30-332(a)(2) of the Code will continue to allow the minimum number of spaces to be increased by 10 additional spaces or 10% of the required spaces, whichever is greater; and Section 30-332(g) of the Code will continue to allow the minimum number of spaces to be reduced.

After public notice was published in the Gainesville Sun on January 14, 2010, the City Plan Board held a public hearing on February 1, 2010. The City Plan Board heard the petition, and, by a vote of 4-0, recommended approval with a revised parking standard of 1 space per 1.5 beds; representing a compromise between the 1 space per bed requested by the petitioner and the 1 space per 2

beds recommended by the City Staff.

CITY ATTORNEY MEMORANDUM

Should this ordinance pass on first reading, second and final reading will be held on Thursday, August 5, 2010.

RECOMMENDATION

The City Commission (1) approve Petition PB-09-176-TCH and (2) adopt the proposed ordinance.

Legislative History

7/1/10 City Commission Continued (6 - 0 - 1 Absent)

090883_draftordinance_20100710.pdf

090883_staff report_20100715.pdf

090883A_application & statement justification_20100715.pdf

090883B_additional data analysis_20100715.pdf

090883C_100201 cpb minutes_20100715.pdf

090883D_staff ppt_20100715.PDF

090883_draftordinance_20100715.pdf

100071.

VOLUNTARY ANNEXATION NORTH 53RD AVENUE (B)

Ordinance No. 0-10-21

An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area pursuant to Chapter 90-496, Special Act, Laws of Florida, as amended by Chapter 91-382 and Chapter 93-347, Special Acts, Laws of Florida, known as the Alachua County Boundary Adjustment Act; making certain findings; including within the corporate limits of the City of Gainesville, Florida, that certain compact and contiguous area comprised of a portion of City-owned Tax Parcel 07871-000-000, generally located south of tax parcel 07876-002-000 and tax parcel 07876-000-000, west of the city limits, tax parcel 07875-000-000 and NE 15th Street, north of the city limits and the northern boundary of Section 21, Township 09, Range 20, and east of the city limits and tax parcel 07877-000-000; providing for inclusion of the area in Appendix I of the City Charter; providing for land use and zoning regulations; providing directions to the City Manager and Clerk of the Commission; providing a severability clause; and providing an immediate effective date. (B)

Explanation: The adoption of an annexation ordinance is the final stage in the annexation process under the provisions of the Alachua County Boundary Adjustment Act. On February 18, 2010, at a regular City Commission meeting, the City Commission received and accepted the petition for annexation, and determined that the petition bore the signature of the owner of the property that is the subject of this annexation. On April 15, 2010 and May 6, 2010, the City Commission held advertised public hearings and adopted the Urban Services Report as mandated by the Boundary Adjustment Act.

ANNEXATION ORDINANCE

The annexation ordinance proposes to annex a contiguous, compact, unincorporated portion of the reserve area. The Boundary Adjustment Act requires the ordinance to be adopted as a nonemergency ordinance and to include one reasonably compact area.

In the Ordinance the City Commission makes certain findings of fact related to the area proposed for annexation. The area must meet certain standards as required by the Boundary Adjustment Act. In this regard, your attention is drawn to Section 1 of this Ordinance and the presentation by the City Manager.

If adopted on first reading, the second and final reading of this ordinance will be August 5, 2010. Pursuant to the Boundary Adjustment Act, notice of adoption of this ordinance was published for two consecutive weeks prior to first reading.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

100071_North 53rd Annexation_20100715.pdf

100072.

VOLUNTARY ANNEXATION - NORTH 53RD AVENUE (B)

Ordinance No. 0-10-22

An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area pursuant to Chapter 90-496, Special Act, Laws of Florida, as amended by Chapter 91-382 and Chapter 93-347, Special Acts, Laws of Florida, known as the Alachua County Boundary Adjustment Act; making certain findings; including within the corporate limits of the City of Gainesville, Florida, that certain compact and contiguous area comprised of City-owned Tax Parcel 07874-001-001, generally located south of tax parcel 07874-001-000 and tax parcel 07872-008-000, west of tax parcel 07872-008-000 and the vicinity of NE Waldo Road, north of the city limits and NE 53rd Avenue, and east of the city limits and tax parcel 07875-000-000; providing for inclusion of the area in Appendix I of the City Charter; providing for land use and zoning regulations; providing directions to the City Manager and Clerk of the Commission; providing a severability clause; and providing an immediate effective date. (B)

Explanation: The adoption of an annexation ordinance is the final stage in the annexation process under the provisions of the Alachua County Boundary Adjustment Act. On February 18, 2010, at a regular City Commission meeting, the City Commission received and accepted the petition for annexation, and determined that the petition bore the signature of the owner of the property that is the subject of this annexation. On April 15, 2010 and May 6, 2010, the City Commission held advertised public hearings and adopted the Urban Services Report as mandated by the Boundary Adjustment Act.

ANNEXATION ORDINANCE

The annexation ordinance proposes to annex a contiguous, compact,

unincorporated portion of the reserve area. The Boundary Adjustment Act requires the ordinance to be adopted as a nonemergency ordinance and to include one reasonably compact area.

In the Ordinance the City Commission makes certain findings of fact related to the area proposed for annexation. The area must meet certain standards as required by the Boundary Adjustment Act. In this regard, your attention is drawn to Section 1 of this Ordinance and the presentation by the City Manager.

If adopted on first reading, the second and final reading of this ordinance will be August 5, 2010. Pursuant to the Boundary Adjustment Act, notice of adoption of this ordinance was published for two consecutive weeks prior to first reading.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

100072_North 53rd Annexation_20100715.pdf

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

090321.

AMEND THE LAND DEVELOPMENT CODE TO ADD SOLAR GENERATION STATION AS A PERMITTED USE IN THE AGRICULTURE ZONING DISTRICT (B)

Ordinance No. 0-09-66; Petition No. PB-09-77TCH

An ordinance of the City of Gainesville, Florida, amending the Land Development Code of the City of Gainesville, by defining "solar generation station"; by adding "solar generation station" to the list of permitted uses in the Agriculture zoning district (AGR) and the General Industrial zoning district (I-2); by adding "solar generation station" to the list of specially regulated uses and imposing conditions on the use; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

This ordinance defines "solar generation station" and allows such use by right in the Agriculture zoning district subject to certain design, environmental and safety requirements.

Planning staff developed this ordinance with input from GRU Strategic Planning staff in response to the City Commission's approval, on May 7, 2009, of the Community Development Committee's recommendation to allow development of solar fields by right within areas of the City with agricultural zoning.

The land development code currently allows solar power generation as a use by right in the General Industrial (I-2) zoning district under the SIC Code Division E (which includes electric services). To comply with the definitions and rules of construction in the Land Development Code, this ordinance adds "solar

generation station" to the list of permitted uses in the I-2 zoning district so that it will continue to be a permitted use by right.

In addition, city staff currently interprets the Land Development Code to allow homes and businesses to have solar devices that produce power for net metering (primary consumption on-site) as an accessory use to the permitted principal use. In contrast, this ordinance is intended to define a principal use - an electrical energy plant generating solar power primarily for sale and consumption off-premises.

Public notice was published in the Gainesville Sun on June 30, 2009. On July 23, 2009, the City Plan Board heard the Petition and, by a vote of 7-0, recommended the City Commission approve the Petition with one correction and with the request that staff work on language to allow solar power generation as an accessory use to other uses in all districts.

On September 17, 2009, the City Commission heard this Petition and, by a vote of 6-0, approved the Petition.

In addition to this ordinance, in accord with the City Commission's approval on May 7, 2009 of the Community Development Committee's recommendation on Legislative No. 070980, Solar Panels vs. Removing Tree Canopy, there will be a future petition to the Plan Board regarding solar development relative to other pertinent provisions of the Land Development Code.

CITY ATTORNEY MEMORANDUM

This ordinance requires two public hearings. If this ordinance is passed on first reading, second and final reading will be held on Thursday, July 15, 2010.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

9/17/09	City Commission	Approved (Petition) (6 - 0 - 1 Absent)
7/1/10	City Commission	Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

090321_staff revisions_20090917.pdf
 090321B_090507 ccom minutes_20090917.pdf
 090321C_maps_properties agrizoning dist_20090917.pdf
 090321D_solar projects_petitioner appl_20090917.pdf
 090321E_090723 cpb minutes draft_20090917.pdf
 090321F_staff ppt_20090917.PDF
 090321A_staff report_20090917.pdf
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PLAN BOARD PETITIONS

DEVELOPMENT REVIEW BOARD PETITIONS

100120.**Design Plat for ADC Development and Investment Group, LLC (B)**

Petition DB-10-10 SUB: Causseaux Hewett and Walpole, Inc., Agent for ADC Development and Investment Group, LLC. Design Plat review for a subdivision. Zoned I-2 (General Industrial). Located in the 800 Block of NW 53rd Avenue, north side.

Explanation: This is a request for design plat approval of a 67.34 acre parcel into three lots, located in the 800 Block of NW 53rd Street (north side), at the end of a private easement approximately 2,000 feet from NW 53rd Avenue. The property owner wishes to subdivide the parcel into three lots to pursue future development. The subdivision will create three lots, a 100 foot public right-of-way to NW 53rd Avenue and direct access and frontage to the resulting lots through an east/west 60-foot wide access road.

The land use designation of the subject property is Industrial, as well as surrounding properties to the east, west and south. The current zoning designation of the subject property is I-2 (General Industrial District). Also under consideration is a rezoning petition to Planned Development on a portion of the site. The proposed design plat is consistent with both the current and proposed zoning for the property. Given that the subdivision of land does not dictate what the land can be used for as long as the use can meet the dimensional requirement of the zoning, a design plat is always generally consistent with the Comprehensive Plan. While the actual use of the land in a design plat process is not an issue, other aspects of the Comprehensive Plan are important, such as street connectivity, bicycle and pedestrian access, transit services and the protection of environmental resources. It is staff's opinion that all the issues related to the Comprehensive Plan and the Land Development Code have been addressed by the proposed design plat.

Staff's review did find that the establishment of new developable lots with associated rights-of-way and required frontage will result in the encroachment and impact to adjacent wetlands. The applicant has demonstrated compliance with the public interest test and the avoidance and minimization standards necessary to allow impact and mitigation of wetlands. Staff also determined that the resulting lots and associated rights-of-way meet required development standards and are consistent with the Land Development Code. Rights-of-way and access to resulting lots are designed to integrate with the overall roadway network and are consistent and in conformance with the City's Official Roadway designs.

The Development Review Board reviewed the application and expressed concerns about the environmental aspects with specific focus on wetland impacts and availability of water and sewer services to the site. The board considered the options for providing adequate facilities to the site and the associated cost options; the board recommended that those cost options should be made transparent to the general public. The Development Review Board voted 5-0 to recommend approval of the design plat.

Public notice was published in the Gainesville Sun on April 28, 2010. The Development Review Board held a public hearing on May 13, 2010.

Fiscal Note: None.

RECOMMENDATION

Development Review Board to City Commission - The City Commission approve Petition DB-10-10 SUB with staff conditions. The board specifically requests that the costs associated with the provision of utilities, bicycle and pedestrian access and public safety, should be made transparent to the public. Special attention should be paid to GRU's recommendation as to the provision of water and sewer services across private properties.

Staff to City Commission - approve the Development Review Board's recommendation.

Staff to Development Review Board - Approve petition with conditions.

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100120A_staff report_20100715.pdf

100120B_design plat_20100715.pdf

100120C_100513 drb minutes draft_20100715.pdf

100120D_staff ppt_20100715.PDF

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)