

City of Gainesville

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



Meeting Agenda

April 01, 2010

1:00 PM

City Hall Auditorium

City Commission

*Mayor Pegeen Hanrahan (At Large)
Mayor-Commissioner Pro Tem Scherwin Henry (District 1)
Commissioner Lauren Poe (District 2)
Commissioner Jack Donovan (District 3)
Commissioner Craig Lowe (District 4)
Commissioner Thomas Hawkins (At Large)
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

CONSENT AGENDA

CITY MANAGER, CONSENT AGENDA ITEMS

090830.

Bid Award - Construction of a Roundabout at the Intersection of Southwest 6th Street and Southwest 2nd Avenue (B)

This is a request for the City Commission to authorize the bid award in the amount of \$315,559.14 to O'Steen Brothers, Inc. for the Construction of a Roundabout at the intersection of Southwest 6th Street and Southwest 2nd Avenue.

Explanation: On January 26, 2010, the City Purchasing Division solicited bids for the construction of a roundabout at Southwest 2nd Avenue and Southwest 6th Street. Five (5) firms responded with bids. O'Steen Brothers Inc. was the lowest responsible and responsive bidder in the amount of \$274,399.25.

Fiscal Note: Funding for this project in the amount of \$274,399.25 plus a 15% contingency amount for a total of \$315,559.14 is available in the adopted Capital Improvement Plan.

RECOMMENDATION

Recommended Motion: The City Commission: 1) award the bid to O'Steen Brothers, Inc. for the construction of a roundabout at the intersection of Southwest 6th Street and Southwest 2nd Avenue in accordance with approved plans and specifications; 2) authorize the City Manager to execute the contract, subject to approval by the City Attorney as to form and legality; and 3) issue a purchase order in an amount not to exceed \$315,559.14.

090830_Bid Tab_20100401.pdf

090832.

Bid Award - NE Safetea-LU Roadway Improvements Project (B)

This item is a request for the City Commission to authorize the bid award to W. G. Johnson & Son, Inc. for the NE Safetea-LU Roadway Improvements Project for the residential roadway reconstruction of NE 19th Street/Terrace and NE 19th Drive/20th Street between 3rd and 8th Avenues, including the replacement of the guardrail on NE 25th Street in the 300 block, in the amount of \$617,787.82.

Explanation: On January 28, 2010, the City Purchasing Division solicited bids for the NE Safetea-LU Roadway Improvements Project for the residential roadway reconstruction of NE 19th Street/Terrace and NE 19th Drive/20th Street between 3rd and 8th Avenues, including the replacement of the guardrail on NE 25th Street in the 300 block. Seven (7) firms responded with bids. W. G. Johnson & Son was the lowest responsible and responsive bidder in the amount of \$537,206.80.

Fiscal Note: Funding in the amount of \$537,206.80 plus a 15% contingency amount for a total of \$617,787.82 is allocated and identified in the Florida Department of Transportation Local Agency Program (LAP) Agreement for this project.

RECOMMENDATION

The City Commission: 1) award the bid award to W. G. Johnson & Son for the NE Safetea-LU Roadway Improvements Project construction; and 2) authorize the City Manager to execute the contract and any necessary documents, subject to approval by the City Attorney as to form and legality; and 3) issue a purchase order in an amount not to exceed \$617,787.82.

090832_BidTab_20100401.pdf

090842.

Authorize Connect Free Program funding for the One Stop Homeless Center (NB)

This item proposes to request City Commission approval to provide Connect Free Program funding in the amount of \$423,500 to provide water/wastewater extension and services for the One Stop Homeless Assistance Center.

Explanation: Effective October 1, 2001, GRU began collection a 25 percent surcharge on connection charges for customer connection to the water and wastewater system outside of the city limits. On July 28, 2003, the City Commission passed Resolution #030223 specifying that one-half of the surcharge monies from this source would be used to extend water, wastewater and reclaimed water services within the City. Further, the resolution specified the program funding to be allocated to address water and wastewater needs as follows: 1) 20% Public

Health, Safety and Environmental; 2) 20% Affordable Housing; and 3) 60% Programmed Water/Wastewater Extensions. Program funding not expended in the Public Health and Affordable Housing set-asides by the end of each fiscal year is rolled over to the Programmed Extensions set-aside.

In May 2009, the City's Connect Free Committee (CFC), comprised of General Government and GRU staff members, reviewed and evaluated the feasibility of providing the needed connection and services to the project. After reviewing the preliminary plans for the project, the lift station and force main for the One Stop Homeless Assistance Center will be subject to GRU's lift station and force main rebate policy. Under this policy, any rebates obtained from surrounding property owners would be refunded to the Connect Free Program. The rebate period expires after 10 years. In this case, since Connect Free fund will pay for the lift station, then any proceeds from the rebates should be returned to the Connect Free Program to fund on-going projects. The Connect Free Program funding will reduce the funding gap by providing additional revenue needed to move forward with the project. Therefore, the CFC is recommending Connect Free Program funds in the amount of \$423,500 to provide these services for the One Stop Homeless Assistance Center.

Fiscal Note: Funds are available in the Connect Free Program, Programmed Extensions set-aside allocation in the amount of \$423,500.

RECOMMENDATION

The City Commission approve the allocation of Connect Free Program funds in the amount of \$423,500 to provide water and wastewater connection and services for One Stop Homeless Assistance Center.

090874.

Reauthorize Use of Cedar Grove II Foreclosure Funds for City Housing Programs (NB)

This item proposes to request the City Commission to approve the use of the Cedar Grove II Foreclosure Funds to fund program costs related to the implementation of the City's housing programs and services.

Explanation: On September 9, 2002, the City Commission approved the establishment of the Cedar Grove II foreclosure acquisition reserve fund to set aside monies that can be used to acquire foreclosed Cedar Grove II properties at the public sale. The Cedar Grove II project was completed in September 2006. Since that time, the development has remained stable with a minimal foreclosure rate. Therefore, staff proposes to reauthorize the use of the Cedar Grove II Foreclosure funds to fund program costs related to the implementation of the City's housing programs such as housing rehabilitation, new construction, housing counseling, etc. These funds will be used to offset program costs that are not eligible to be paid from federal and state grant programs such as the Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME) and State Housing Initiatives Partnership Program (SHIP).

Fiscal Note: No fiscal impact. Funds in the amount of \$37,303.05 are available in the Cedar

Grove II Foreclosure Fund budget used for related program costs for the various housing programs.

RECOMMENDATION

The City Commission authorize the use of the Cedar Grove II Foreclosure Funds to fund program costs related to the implementation of the City's various housing programs and services.

090877.

Office of Juvenile Justice and Delinquency Prevention 2010 Strategic Enhancement to Mentoring Programs (NB)

Explanation: The U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention has announced available grant funds to units of local government and others to propose evidence-based enhancements that are among moderators of quality mentoring as a promising delinquency prevention technique. The Gainesville Police Department and the Reichert House Youth Academy are preparing a proposal in conjunction with the Grant Office, LLC in Rochester, NY, that would add to and enhance the mentoring programs and activities of the Reichert House Youth Academy. The Academy currently serves approximately 75 youth weekly and engages them in a variety of structured after school programming that support academic and relationship building activities focusing on successful outcomes.

Fiscal Note: Grant funds provided by the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention will make awards between \$200,000 and \$500,000 per award for a project period of 18 to 36 months. The Gainesville Police Department and Reichert House are applying for the maximum award and project period (\$500,000 and 36 months). The award will support staff, training, program enhancement and parental involvement programming. There are no required local matching funds for this grant award.

The Grants Office, LLC is participating in the preparation of the proposal through an award sponsored by CISCO through the International Association of Chiefs of Police (IACP). The Reichert House Youth Academy received the award at the IACP annual convention in 2009. The award provided in-kind services from The Grants Office, LLC in the amount of \$5,000 for grant preparation services.

RECOMMENDATION

The City Commission authorize the City Manager to apply for, accept, and execute the grant award and any other necessary documents, subject to approval by the City Attorney as to form and legality; and approve the expenditures as outlined in the approved grant award.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

CITY ATTORNEY, CONSENT AGENDA ITEMS

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

090881.

City Commission Minutes (B)

RECOMMENDATION *The City Commission approve the minutes of March 4, 2010, March 8, 2010, and March 18, 2010, as circulated.*

- 090881_march 4_minutes_20100304.pdf
- 090881_march 8_minutes_20100308.pdf
- 090881_march 18_minutes_20100318.pdf

090904.

Resignation of Advisory Board-Committee Members (B)

RECOMMENDATION *The City Commission accept the resignations of Dorothy Field from the City Beautification Board, David S. DiGiacomo from the Gainesville Human Rights Board, Paul Grant from the City Beautification Board, and Kali Blount from the Citizens' Advisory Committee for Community Development and Fifth Avenue/Pleasant Street Redevelopment Advisory Board; the Commission extends its appreciation for their services.*

- 090904_Resignations.pdf

090895.

Development Process Workshop (NB)

RECOMMENDATION *The City Commission reschedule the workshop scheduled for April 12 at 1:00 PM to April 26 at 3:00 PM.*

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION**090894.****Late Powerpoint Submittals (NB)****RECOMMENDATION**

The City Commission discuss late powerpoint submittals and confirm that late submittals not recorded on the modification list are acceptable or provide an alternative policy direction.

090893.**Supervisor of Elections Contract (NB)****RECOMMENDATION**

The City Commission refer the issue of a new contract with the Supervisor of Elections to the Audit, Finance and Legislative Committee with an April 1, 2011 referral deadline date.

CITY MANAGER**090834.****SantaFe Village Development of Regional Impact (DRI) (B)**

This is a request for the City Commission to authorize the City Manager to submit a letter to Alachua County outlining the City's comments about the project.

Explanation: The SantaFe Village DRI is located on NW 39th Avenue immediately west of NW 83rd Street. The DRI was originally approved in 1986, and amended in 1993, to include primarily medical related land uses. The owner now proposes land use changes that will add a mix of uses including office, retail, residential and hotel. The proposed change will result in additional traffic that will impact transportation facilities within City limits. The mitigation for the development centers on the provision of transit facilities and service according to the County's adopted capital improvement element; County staff recommended the extension of NW 83rd Street from NW 39th Avenue to Millhopper Road which is an important component to alleviate the impact on transportation facilities within City limits. The County Planning Commission recommended approval without the latter. City staff has drafted a letter to be sent to the Alachua County Manager outlining City support for the County staff's recommendation, highlighting current transit services and plans in the project area that should be considered as part of the mitigation plan for the SantaFe Village DRI. A date has not been set for the petition to be heard by the County Commission.

Fiscal Note: Funding in the amount of \$100 for administrative costs is available in the Public Works FY2010 operating budget.

RECOMMENDATION

Recommended Motion: The City Commission authorize the City Manager to send a letter to the Alachua County Manager outlining the City's comments on the SantaFe Village DRI.

090834_Letter_20100318.pdf

GENERAL MANAGER FOR UTILITIES**CITY ATTORNEY****CITY AUDITOR****EQUAL OPPORTUNITY DIRECTOR****090791.****The Village Mentoring Initiative of the City of Gainesville (B)**

Explanation: The Village Mentoring Initiative of the City of Gainesville would be a coalition consisting of the City of Gainesville, and external business and community organizations, created for the purpose of recruiting dedicated mentors from community advocacy groups, fraternal organizations, community associations, city and county governments, business organizations, and churches to provide one-on-one mentoring to middle and high school students for at least one hour each week. The mentoring initiative is modeled after the program offered by the Alachua County Take Stock in Children program. Take Stock enters contracts with low income and at-risk 7th grade students each year, and provides mentorship, case management, and college scholarships, provided the students follow certain rules, including graduation from high school. Take Stock has offered to administer The Village Mentoring Initiative's program.

The City of Gainesville would be the lead organization of the coalition. We would seek to bring in as many organizational partners as possible, with the understanding that the partners would assist with the purchase of 2-year scholarships from the Florida Pre-Paid Tuition Foundation, and the Santa Fe College Foundation, and members from partnership organizations would serve as mentors in the program.

MAP employees will be eligible to participate in this program for one hour per week with department head approval. Represented employees will be evaluated on a case-by-case basis and may be allowed to participate for one hour per week during their normal working hours, with department head approval as long as there is no fiscal impact on the City. Similar efforts will be made with other governmental and business employers.

Fiscal Note: The cost to operate the program and purchase 2-year college scholarships would be \$3,000 per student. If we started this program with 100 students, the cost would run \$300,000 annually. A fifty-student program would cost \$150,000, and a 25-student program would cost \$75,000. State and federal

grants will be sought, but may not become a reality until the third program year.

RECOMMENDATION

The City Commission: 1) hear a presentation from EO Director Cecil Howard, 2) hear a presentation from Taal Hasak-Lowy, Executive Director, Alachua County School Foundation, 3) adopt the Village Mentoring Initiative of the City of Gainesville; and 4) grant MAP employees one hour per week with department head approval. Represented employees will be evaluated on a case-by-case basis and may be allowed to participate for one hour per week during their normal working hours, with department head approval as long as there is no fiscal impact on the City.

COMMITTEE REPORTS (PULLED FROM CONSENT)

COMMUNITY DEVELOPMENT COMMITTEE

090776.

Cabot-Koppers Superfund Site - Future Land Use (B)

This is a referral by the Community Development Committee (CDC) to the City Commission to direct staff to initiate a petition to the Plan Board to change the land use designation of the Cabot-Koppers Superfund site.

Explanation: On March 8, 2010, the Community Development Committee (CDC) held a Special Meeting to consider the future land use on the Cabot-Koppers Superfund site located at 200 NW 23rd Avenue. A presentation was made to the CDC by Environmental Protection Agency (EPA) representatives and E2, Inc. an EPA consultant retained by the EPA to work with various stakeholders to identify the reasonably anticipated future land uses, and to develop a site reuse strategy to align anticipated uses with remedial design and cleanup activities.

The consultant provided the CDC with an overview of the proposed reuse assessment process and a timeframe for engaging the community and stakeholders in the discussion of future land use and implementation of a reuse framework for future redevelopment associated with the subject property.

Following presentations by EPA, the consultant and citizen input, the Committee deliberated on steps moving forward and determined that a recommendation to the full City Commission to initiate a future land use change to identify an appropriate land use on the subject property on a time schedule that allows the use of the information produced by E2, Inc.

Fiscal Note: No fiscal impact.

RECOMMENDATION

The City Commission: 1) hear a brief presentation from staff; and, 2) authorize staff to initiate a Petition to the Plan Board to identify and recommend the appropriate future land use(s) on the site emphasizing residential with elements of mixed use or some combination thereof, on a schedule that allows the use of information produced by E2, Inc., the EPA's consultant.

Legislative History

2/18/10	City Commission	Approved as Recommended (5 - 0 - 2 Absent)
3/8/10	Community Development Committee	Approved, as shown above

090776_EPA handout_20100308.pdf

090776_EPA Fact Sheet_20100308.pdf

090776_E2 PPT_20100308.pdf

090776a_EPA Handout at CDC_20100401.pdf

090776b_PPT_20100401.pdf

090776c_Plan Staff Recommendation_20100401.pdf

ECONOMIC DEVELOPMENT/UNIVERSITY COMMUNITY COMMITTEE

090824.

City of Gainesville - Strategic Action Plan for Economic Development Five Year Update and Council for Economic Outreach (CEO) - Innovation Gainesville (B)

This item is a recommendation from the Economic Development University Community Committee (EDUCC) requesting the City Commission endorse a five year update to the City's Strategic Action Plan for Economic Development and CEO Innovation Gainesville effort.

Explanation: In August 2004, the City Commission adopted a Strategic Action Plan for Economic Development designed to guide staff efforts in pursuing economic development with community partners. The Plan focuses on Infrastructure, Business Environment, Workforce, Diversified Economy and Quality of Life considerations. Recently, the EDUCC has spent the past few months updating the Plan in line with perceived City Commission priorities and in the context of current economic conditions.

Concurrently, the Council for Economic Outreach (CEO) unveiled its Innovation Gainesville effort. This is a community initiative to strengthen the local economy and make Gainesville a leader in emerging technological fields. This planning effort revolves around Partnership, Communication, Connectivity and Talent Development considerations.

Over the past five years, there have been many positive developments for the City of Gainesville in terms of facilitating the Innovative Economy. The community has established a critical mass of private firms, partnership entities,

physical facilities and economic development mechanisms to take the City to the next level in this regard.

These overlapping planning efforts are designed to fortify the area's Innovative Economy platform and provide a roadmap for further progress over the next several years in concert with the City's private industry, education, non-profit and economic development partners.

Fiscal Note: No fiscal impact at this time.

RECOMMENDATION

EDUCC to the City Commission: 1) hear a brief presentation from City and CEO staff on the respective economic development plans and efforts; 2) approve the five year update to the City's Strategic Action Plan for Economic Development and CEO's Innovation Gainesville effort; 3) direct staff to work to implement these efforts with community partners in subsequent years; and, 4) approve removal of the referral from the Committee's referral list.

Legislative History

3/18/10 City Commission Continued

090824a_Plan & EDUCC Minutes_20100318.pdf

090824b_Innovation G'ville_20100318.pdf

090824c_CEO PPT_20100318.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

090885.

Child Abuse Prevention Month - April 2010 (B)

RECOMMENDATION

Alachua County Child Abuse Prevention Task Force Chair Annie McPherson, Task Force Member Amanda Rodriguez, and Rod Runyons to accept the

proclamation.

090885_ChildAbuseProc_20100401.pdf

090886.

Children's Week - April 11-17, 2010 (B)

RECOMMENDATION

Early Learning Coalition of Alachua County Executive Director Gordon Tremaine and Community Outreach Coordinator Sheryl Eddie to accept the proclamation.

090886_Children'sWeekProc_20100401.pdf

090887.

Administrative Professionals Week April 19-23, 2010 and Administrative Professionals Day April 21, 2010 (B)

RECOMMENDATION

International Association of Administrative Professionals President Susan Jarzen CPS to accept the proclamation.

090887_AdminProfProc_20100401.pdf

090888.

The 40th Anniversary of Earth Day - April 22, 2010 (B)

RECOMMENDATION

Friends of Nature Parks Member Christine Hounsel, Tree Advisory Board Land Manager Alachua Conservation Trust Ivor Kincaide, and Tree Advisory Board Sierra Club Audubon Bob Simons to accept the proclamation.

090888_EarthDayProc-20100401.pdf

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

PUBLIC HEARINGS

RESOLUTIONS- ROLL CALL REQUIRED

090831.

Resolution for the Regional Transit System (RTS) FY2010 Program of Projects (POP) and FY2007-2008 Performance Measures (B)

This item is a request to adopt a Resolution authorizing the filing of an application with the Federal Transit Administration (FTA) and Florida Department of Transportation (FDOT).

Explanation: In order to remain eligible for federal and state funding, the RTS is required annually to submit a POP to the FTA and a budget application for Capital and

Operating projects to the FDOT after seeking public comment. On February 8, 2010, the budget application and RTS Performance Measures for FY2007-FY2008 were published in the Gainesville Sun as required by the FTA. A second meeting notice was advertised on February 16, 2010. A public hearing was held February 23, 2010, and there were no comments from the public.

Fiscal Note: The costs for the POP in the amount of \$16,779,755 are included in the Transportation Improvement Program (TIP) approved by the Metropolitan Transportation Planning Organization (MTPO).

RECOMMENDATION *The City Commission: 1) adopt the Resolution; and 2) approve the POP for FY2010.*

090831_Application_20100401.pdf

090831_Resolution_20100401.pdf

090843.

Resolution and Temporary Construction Easement from the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (B)

This item is a request from the Board of Trustees of the Internal Improvement Fund of the State of Florida (BTITF) for a Resolution approving the granting of a Temporary Construction Easement, located adjacent to SW 8th Avenue between SW 13th Street and SW 12th Street.

Explanation: The City of Gainesville proposes upgrades to existing adjacent right of way improvements, including curbing and sidewalks on SW 8th Avenue from SW 13th Street to SW 9th Street. It is necessary for the City of Gainesville to make upgrades to the existing right of way improvements, including curbing and sidewalks, on SW 8th Avenue from SW 13th Street to SW 9th Street. The BTITF owns Tax Parcel 13140-000-000, located adjacent to SW 8th Avenue between SW 13th Street and SW 12th Street. The BTITF agreed to allow the City of Gainesville temporary use of the portion of the State's property for these right of way improvements for \$1.00, subject to the terms and conditions of the Temporary Construction Easement.

Fiscal Note: Funding for the right-of-way improvements was approved in the College Park/University Heights Area Budget under CPUH account #618-W754-W19.

RECOMMENDATION *The City Commission: 1) adopt the Resolution; and 2) authorize the Mayor to execute, and the Clerk to attest, the Temporary Construction Easement with the Board of Trustees of the Internal Improvement Trust Fund of the State, located adjacent to SW 8th Avenue between SW 13th Street and SW 12th Street on a portion of Tax Parcel 13140-000-000, subject to approval by the City Attorney as to form and legality.*

090843_RESOLUTION_20100401.pdf

090843_Easement_20100401.pdf

090907.**Resolution for a Joint Participation Agreement - Bus Rapid Transit (BRT) Alternatives Analysis (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 \$125,000 in funds for a Bus Rapid Transit (BRT) Alternatives Analysis.

Explanation: Regional Transit System (RTS) and Center for Urban Transportation Research (CUTR) presented the final BRT study to the City Commission on March 4, 2010. Several next steps that were not identified in the previous city staff recommendation were presented. The City Commission advised staff to identify steps that require action in the short term and present those items to the City Commission during the April 1, 2010, City Commission meeting.

The next steps requiring immediate or near term action include the following: submit a request to the Florida Department of Transportation (FDOT) to incorporate BRT design and operations into any Archer Road and Waldo Road corridor improvements; seek local, state and federal funds to complete an Alternatives Analysis for the preferred BRT configuration in accordance with the Federal Transit Administration's (FTA) New and Small Starts process; work with the Metropolitan Transportation Planning Organization (MTPO) to define an overall system plan for BRT, express bus with park and ride lots, fixed-route, demand-response and commuter services and relate those improvements to the Long Range Transportation Plan (LRTP) and Transit Development Plan (TDP); and develop an overall financial plan for future mobility relating to growth management, economic development and sustainability.

FDOT and RTS will enter into a Joint Participation Agreement (JPA) to assist funding of the Alternatives Analysis.

Fiscal Note: FDOT will provide funding in the amount of \$125,000, and no local matching funds are required.

RECOMMENDATION

The City Commission: 1) submit a letter to FDOT to incorporate BRT design and operations into any Archer Road and Waldo Road corridor improvements; 2) 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 \$125,000 in funds for a BRT Alternatives Analysis; 3) authorize RTS to initiate an Alternative Analysis for the preferred BRT configuration as identified in the BRT study; 4) authorize RTS to seek local, state and federal funds to complete the Alternatives Analysis and following phases to comply with the FTA New and Small Starts processes; 5) direct RTS staff to work with the MTPO to define an overall system plan for BRT, express bus with park and ride lots, fixed-route, demand-response

and commuter services and relate the plan to the LRTP and TDP; and 6) authorize RTS to develop an overall financial plan for future mobility relating to growth management, economic development and sustainability.

090907_Resolution_20100401.pdf

090873.

2010 CITY COMMISSION ELECTION RESULTS (B)

A resolution of the City Commission of the City of Gainesville, Florida, accepting the report of the Board of Canvassers for the City of Gainesville, Florida, election held March 16, 2010; and providing an immediate effective date.

Explanation: On March 16, 2010, a city election for the election of the Mayor and Commissioner for District 4 was held.

The Reports of the Board of Canvassers for the City of Gainesville, showing that there will be a run-off election between Craig Lowe and Don Marsh for Mayor and a run-off election between Randy Wells and Penny Wheat for District 4 Seat, is adopted by this resolution of the City Commission.

RECOMMENDATION

The City Commission adopt the proposed resolution.

090873_Election 2010 Results_20100401.pdf

090896.

Adoption of Alachua County Irrigation Ordinance (B)

It is proposed that the City Commission adopt a resolution opting into Alachua County's Landscape Irrigation Ordinance (Ordinance 09-08). The resolution would allow Alachua County to enforce irrigation rules promulgated by the St. Johns River Water Management District (SJRWMD) within the City of Gainesville. This resolution will satisfy requirements put forth by the SJRWMD for the renewal of Consumptive Use Permit for the GRU water system.

Explanation: In order to promote water conservation, the SJRWMD has enacted district-wide landscape irrigation rules which apply to outdoor irrigation of residential and commercial landscaping. These restrictions specify the days of week for which irrigation is allowed and limit the allowable quantities of water applied. These restrictions apply to water that is derived from ground water, surface water, private wells, private pumps, public utilities and private utilities, but does not limit or restrict the use of reclaimed water.

GRU has promoted voluntary compliance with the SJRWMD restrictions. However, to date there has not been active enforcement of these restrictions in Alachua County. In October 2009, Alachua County adopted an ordinance providing for the local implementation of the landscape irrigation rules

promulgated by the SJRWMD. This ordinance will allow Alachua County to enforce these rules within the unincorporated areas of Alachua County. Alachua County has requested that municipalities within the County opt into Ordinance 09-08 so that Alachua County can also enforce these rules within incorporated areas.

One of the conditions for the renewal of the Consumptive Use Permit for the GRU water system by the SJRWMD is that GRU work with Alachua County and the General Government of the City of Gainesville to adopt and enforce an ordinance implementing the SJRWMD landscape irrigation rules. This could be accomplished through either adopting a City ordinance and enforcing it with City staff, or by opting to allow Alachua County to enforce its ordinance within the City. Adoption of this proposed resolution will allow Alachua County to enforce the landscape irrigation rule within the City and will satisfy the City's Consumptive Use Permit requirements.

Fiscal Note: There is no fiscal impact to the City of Gainesville.

RECOMMENDATION *The City Commission adopt a resolution to opt into Alachua County's Landscape Irrigation Ordinance (Ordinance 09-08).*

090896_resolution_20100401.pdf

090896a_resolution_20100401.pdf

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

090643.

AMENDMENTS TO LAND DEVELOPMENT CODE RELATING TO SEXUALLY ORIENTED BUSINESSES (B)

Ordinance No. 0-10-02, Petition PB-09-124-TCH

An ordinance of the City of Gainesville, Florida, amending the Land Development Code related to sexually oriented businesses; by revising the definitions for sexually oriented businesses; by allowing certain types of sexually oriented businesses as uses by right in the Tourist-Oriented Business District (BT), General Business District (BUS) and General Industrial District (I-2); by stating the intent, purpose and findings for the regulation of sexually oriented businesses; by imposing spacing requirements and design restrictions; by allowing for limited retail sales as an accessory use to retail trade establishments; by providing for permitted nonconforming uses; 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 purpose of this ordinance is to address potential legal issues related to how the City allows adult and sexually oriented businesses. The City's current zoning regulations only allow such businesses in the Tourist-Oriented Business District (BT) and there are only a few sites available within the BT zoning

district. The City Commission authorized staff to hire a consultant to review the City's land development regulations related to this issue. In 2008, the City retained Duncan Associates to assist in updating the portions of its zoning ordinance that deal with sexually oriented businesses, or adult entertainment.

The consultant advised that local governments can legitimately regulate sexually oriented businesses differently from businesses that are otherwise similar if the purpose of the regulations is to reduce "negative secondary effects" of such businesses. Measurable secondary effects frequently associated with sexually oriented businesses are reductions in market values of residential and, in some cases, commercial property, as well as increases in certain types of crime. Both types of secondary effects diminish with distance. To minimize these secondary effects, local governments typically limit sexually oriented businesses to specific industrial or commercial zoning districts and then impose additional separation or setback distances between any sexually oriented business and such sensitive uses as residential neighborhoods, places of religious assembly and schools.

One of the challenges that local governments face in developing such regulations is that the desire to separate sexually oriented businesses from these other uses must be balanced with what the courts have held to be a "reasonable opportunity" for such businesses to locate in a community. The courts have made it clear that such a "reasonable opportunity" must be based on zoning by right or something very similar and not through a process that requires issuance of a special use permit, rezoning or other discretionary decision. One of the most difficult parts of the "reasonable opportunity" principle is to determine how much land area or how many sites a community must provide for a "reasonable opportunity" to locate. In First Amendment terms, the issue is typically addressed as one of providing adequate "alternate avenues" for the communication of the lawful speech that is restricted through the zoning or other ordinances.

The consultant has made specific recommendations for amending the provisions of City's Land Development Code to provide "adequate alternative avenues" for businesses protected by the First Amendment as uses by right and including design standards, separation requirements and other provisions to limit the potential negative secondary effects of such businesses on the community.

Compatibility was the major factor considered when determining where to allow sexually oriented businesses to locate. The focus of the compatibility analysis was to restrict the use in areas where the "negative secondary effects" of such businesses would have the most impacts. Those areas include residential areas, places of religious assembly, public and private school, youth associations and parks and recreational areas. Given that a majority of the land area in Gainesville is designated for residential and educational uses, and the overall distribution of other land uses, the City is limited in where sexually oriented business uses would be compatible. Areas designated with mixed use type land use designations were eliminated because those areas would allow residential development and are more pedestrian oriented. Business Automotive and Limited Industrial areas were also eliminated due to the close proximity of

these areas to residential development and their location along major roadways such as 13th Street and Main Street. Tourist-Oriented Business District (BT), General Business District (BUS) and General Industrial District (I-2) were chosen because they provided a reasonable opportunity to locate with the least amount of negative impact on the overall community.

On October 28, 2009, the City Plan Board heard the petition and, by a vote of 7-0, recommended the City Commission approve the petition with several modifications and recommendations from the Plan Board. On January 21, 2010, the City Commission heard the petition, and by a vote of 7-0, approved the petition as modified by staff recommendation.

CITY ATTORNEY MEMORANDUM

Should this ordinance pass on first reading, second and final reading will be held on Thursday, April 15, 2010.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

1/21/10 City Commission Approved (Petition) as Modified (7 - 0)

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 090643A_cpb minutes_20100121.pdf
 090643B_staff report_20100121.pdf
 090643C_zoning recommend_20100121.pdf
 090643D_findings & recommend revision_20100121.pdf
 090643E_BUS & BT 1000 ft-eligible parcels_20100121.pdf
 090643F_I2-1000 ft-eligible parcel_20100121.pdf
 090643G_case law 5-1_20100121.pdf
 090643H_case law 5-2_20100121.pdf
 090643I_case law 5-3_20100121.pdf
 090643J_case law 5-4_20100121.pdf
 090643K_staff ppt_20100121.PDF
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090809.

VOLUNTARY ANNEXATION OF TOWER CENTER (B)

Ordinance No. 0-10-06

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 Tax Parcels 06654-003-000 and 06654-003-001, as more specifically described in this ordinance, generally located south of the vicinity of Newberry Road, west of Interstate 75 and the City limits, north of West University Avenue, and east of Tower Road; providing for inclusion of the area in Appendix I of the City Charter; providing for land use and zoning regulations; providing for persons engaged in any occupation, business, trade or profession within the area;

providing directions to the City Manager and Clerk of the Commission; providing a severability clause; and providing an immediate effective date.

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 November 19, 2009, 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 January 7, 2010 and January 21, 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 April 15, 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.*

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ORDINANCES, 2ND READING- ROLL CALL REQUIRED

090007.

ESTABLISH AND DESCRIBE A HERITAGE OVERLAY DISTRICT (B)

Ordinance No. 0-09-32; Petition No. PZ-09-17TCH

An ordinance of the City of Gainesville, Florida, relating to heritage overlay districts; amending the City Land Development Code by establishing the heritage overlay district designation; by setting forth the purpose, objectives and effect of such designation; by creating heritage overlay district procedures, regulations, and exemptions; by creating a heritage overlay district board; amending Appendix A, Schedule of Fees, Rates and Charges of the Code of Ordinances by creating fees for petitions related to heritage overlay districts; 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

On September 24, 2007, the City Commission directed staff to process a Plan Board Petition to establish a Heritage Overlay District (HOD) designation, describing what can be regulated within a HOD, and describing procedures and criteria for applying the overlay to a particular geographic area.

This ordinance sets forth the criteria that a residential area must meet in order to be designated as a HOD. Those criteria address filing a petition, district boundaries, number of parcels, property owner consent, design standards report, and other factors. If a certain residential area meets those minimum requirements, then the City Commission would consider the request through the standard rezoning process, including application forms, application fees, public notice and public hearings. The ordinance overlaying the HOD designation would set forth the regulatory requirements for that particular HOD.

The Plan Board held public discussions concerning HODs on September 22, 2008 and January 22, 2009. Public notice was published in the Gainesville Sun on April 7, 2009. The Plan Board held a public hearing on the petition on April 23, 2009, and by a vote of 5-1, recommended the City Commission approve the petition. On June 4, 2009, the City Commission heard this petition and by a vote of 7-0, approved the petition with further amendments. The amendments are as follows and were incorporated into this ordinance: (1) The application process includes obtaining approval of a simple majority of homestead property owners within the proposed HOD; (2) the evaluating board consists of heritage overlay district residents across all districts; and (3) color and vegetation have been removed from the list of potentially regulated work items.

In addition, the City Commission directed staff to explore the option of utilizing neighborhood planning program grants and other funding options to assist neighborhoods interested in implementing a heritage overlay district.

In response to the City Commission's direction, staff has amended the Neighborhood Planning Program's Guidelines and Procedures to include the following: Neighborhood Planning Program funds can only be used for certain types of studies and for certain types of capital improvements. Eligible studies are limited to those related to Historic Preservation/Conservation Districts and to Heritage Overlay Districts, as described in the City's Land Development Code. Capital improvement projects are limited to safety and/or beautification projects located in the city right-of-way, on city-owned property, or on common property maintained by a property owners' association. In other words, the projects must be permanent improvements located on public property or on property owner association-maintained common property. These funds cannot be used for operating and/or maintenance expenses.

In addition, City staff realized the petition did not establish the amount of the fees for the heritage overlay district petitions. Staff has included the fees in this ordinance and based the amount of those fees on similar existing fees (for rezonings, text changes, signature verifications, certificates of appropriateness) in Appendix A.

CITY ATTORNEY MEMORANDUM

On March 18, 2010, the City Commission heard and, by a vote of 7-0, approved this ordinance on first reading with the directive to staff to bring forth an amendment to the ordinance on second reading concerning the appointment of board members. Section 30-80.2(b) of the ordinance has been amended to address the concerns stated by the Commission. The amendment provides the City Commission the flexibility to appoint any City resident to the board if it is not possible to appoint three board members who reside in a heritage overlay district or if it is not possible to appoint at least one member from each of the heritage overlay districts.

RECOMMENDATION

The City Commission adopt the proposed ordinance as amended.

Legislative History

6/4/09 City Commission Approved (Petition), as amended (7 - 0)
 3/18/10 City Commission Adopted on First Reading (Ordinance), with instructions (7 - 0)

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 090007A_staff ppt_20090604.PDF
 090007_Scott Gill_20090604.pdf
 090007_staff ppt_20100318.PDF
 090007_draftordinance_2010318.pdf
 090007_draftordinance_201041.pdf

080365.**GAINESVILLE ENERGY ADVISORY COMMITTEE (GEAC) MEMBERS ABILITY TO RUN FOR PUBLIC OFFICE (B)****Ordinance No. 0-10-05**

An ordinance of the City of Gainesville, Florida, repealing obsolete Section 2-357(e) prohibiting members of the Gainesville Energy Advisory Committee, while serving, from becoming candidates for election to any public office; providing directions to the codifier; providing for severability; providing a repealing clause; and providing an immediate effective date.

Explanation: The Gainesville Energy Advisory Committee (GEAC) emerged from a negotiated settlement between the City of Gainesville, Gainesville Regional Utilities Board, and the Gainesville Group of the Sierra Club. An ordinance establishing GEAC as a permanent standing citizens' advisory committee was introduced in 1982. Gainesville Code of Ordinances Section 2-357 includes a provision that restricts members, while serving, from becoming candidates for public office.

This ordinance amends Gainesville Code Section 2-357, by repealing 2-357(e), the provision that restricts members, while serving, from becoming candidates for public office. The City Commission on February 18, 2010, authorized the City Attorney to draft this ordinance.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

9/4/08	City Commission	Referred (6 - 0 - 1 Absent)	City Attorney
2/18/10	City Commission	Approved as Recommended (6 - 0 - 1 Absent)	
3/18/10	City Commission	Adopted on First Reading (Ordinance) (7 - 0)	

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PLAN BOARD PETITIONS**DEVELOPMENT REVIEW BOARD PETITIONS****090844.****Hidden Lake Design Plat, Phase II (B)**

Petition DB-09-88 SUB. Causseaux, Hewett and Walpole, Inc., agent for Land Estates, LLC. Design plat review for Phase II of Hidden Lake Subdivision. Zoned PD (Planned Development). Located at NW 75th Place and NW 21st Way, Parcel No. 07814-002-001

Explanation: This is a request for design plat approval for Phase II of the Hidden Lake Subdivision. Hidden Lake is a residential subdivision located in the 2700 block of SR121 that was annexed into the city in 1992. The original subdivision was approved by Alachua County in January 1983 as a Planned Unit Development at a gross density of 3.22 units per acre. The record indicates that Phase I, which includes 60 lots and associated open space was developed prior to January 8, 1991 on a total of 31 acres.

On August 10, 2006 the applicant submitted an application, Petition 61SUB-06 DB for design plat review, Phase II of the Hidden Lake residential subdivision. The DRB (Development Review Board) considered the petition and recommended approval with conditions. However, the petition was invalidated because it was not presented to the City Commission in a timely manner. A new design plat, Petition DB-09-88 SUB was submitted on November 10, 2009 and was reviewed by the Technical Review Committee. This proposed Phase II includes 18 lots on 8.35 acres at 2.2 units per acre with an overall density of 2.61 units per acre; the allowable density for the total project is 3.22 units per acre. In accordance with the requirements for design plat, the Technical Review Committee determined the proposed design plat is consistent with the Comprehensive Plan and conforms to the City's existing zoning requirements.

A key factor in consideration of the proposed Phase II subdivision is the number of lots proposed. Given some of the prominent characteristics of the area, the existence of sensitive environmental features, wetland areas and an adjacent lake, staff expressed concerns about the initial 28 lots proposed for the Phase II portion. The design to accommodate those lots included a longer cul-de-sac and lots extending into and closer to the environmentally sensitive areas. In keeping with the purpose and intent of the Land Development Code to preserve, conserve, enhance and restore the natural environment, staff determined that it was essential to avoid encroachment into wetland areas and to minimize the

degree of encroachment into the adjacent wetland areas. Staff therefore required a redesign that would be consistent with the avoidance and minimizing criteria in order to undertake mitigation. This resulted in a reduction in the number of lots to 18 but retained the connection to Phase I in support of interconnectivity and a gridded street system.

One condition of the PD is to maintain an area south of the development in its natural state as a buffer between the residential and industrial to the south. Staff examined that area and determined that it contains a natural tributary to the lake which has become degraded over time. It also contains invasive plant species, man made structures and debris which has accumulated over time. In the interest of a more positive outcome to the overall environmental condition of the lake, the adjoining wetlands and the natural area, staff supported a decision to restore the natural system and improve the degraded natural area as part of the mitigation strategy.

The Development Review Board reviewed the design plat and expressed concerns about the environmental factors and the extent of a significant cul-de-sac intrusion into the environmentally sensitive areas. The board also expressed concerns about the inclusion of additional hard surface for sidewalks, and requested that the City Commission grant a wavier for the sidewalk. The board deliberated extensively on the proposed mitigation plan to restore the natural area and potential impacts on the broader environmental systems. The board asked pointed questions of the applicant and the City's Environmental Review Coordination concerning maintenance and guarantees of a successful mitigation. The board voted 6 to 0 to forward a recommendation of approval to the City Commission.

Public notice was published in the Gainesville Sun on January 27, 2010. The Development Review Board held a public hearing on February 11, 2010.

Fiscal Note: None.

RECOMMENDATION

Development Review Board to City Commission - The City Commission approve Petition DB-09-144PDV with staff conditions with a request to remove the sidewalks if possible and to authorize staff to explore the options for a pedestrian connection to the adjacent development to the north.

Development Review Board vote 6-0.

Staff to City Commission - the City Commission approves DRB's recommendation included in the report.

Staff to City Development Review Board - Approve petition with conditions.

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 090844C_alachua cty pd_20100401.pdf
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 090844E_staff ppt_20100401.PDF
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090906.

Appeal of Development Review Board Decision - Highway 441 Super Wal-Mart (B)

This item is an appeal filed challenging the Development Review Board's decision to grant Preliminary Development Plan approval of Petition DB-10-6 SPL for construction of a Wal-Mart retail supercenter with outparcels on property located in the 5800 block on the west side of NW 34th Street.

Explanation: On March 11, 2010, the Development Review Board (DRB) considered Petition DB-10-6 SPL at a public hearing and approved the Petition with staff conditions, by a vote of 3-2. As part of its decision, the DRB granted exceptions from the specific standards for 'build-to line' and 'building wall articulation' as set forth in the Special Area Plan for the Central Corridors. On March 16, 2010, John Hudson, an affected party, filed an appeal to the DRB decision. The appeal alleges that Preliminary Development Plan approval should not have been granted for the following reasons: 1) the project is inconsistent with the intent of the Central Corridors Plan and therefore, does not qualify for exceptions to the 'build-to line' and 'building wall articulation' standards, 2) the project does not meet the 'building orientation' standard and was not granted an exception from that standard, and 3) the project is inconsistent with the City's Comprehensive Plan. Pursuant to the Special Area Plan for the Central Corridors, this appeal shall be heard 'de novo' by the City Commission, who may affirm, amend or reverse the decision of the DRB.

Fiscal Note: None.

RECOMMENDATION

Staff to City Commission: 1) hear presentations from staff, Wal-Mart (the applicant) and John Hudson (the affected party appellant); and 2) affirm or amend the decision of the Development Review Board.

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 090906a_Staff PPT_20100401.pdf
 090906b_DRB Petition 10-6 Rpt_20100401.pdf
 090906c_CityAttorneyMemo_20100401.pdf
 090906d_Wal-Mart Master Plan_20100401.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)