

City of Gainesville

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



Meeting Agenda - Final

January 17, 2013

1:00 PM

MODIFIED AGENDA

City Hall Auditorium

City Commission

*Mayor Craig Lowe (At Large)
Mayor-Commissioner Pro-Tem Lauren Poe (At Large)
Commissioner Thomas Hawkins (At Large)
Commissioner Yvonne Hinson-Rawls (District 1)
Commissioner Todd Chase (District 2)
Commissioner Susan Bottcher (District 3)
Commissioner Randy Wells (District 4)*

Persons with disabilities who require assistance to participate in this meeting are requested to notify the Office of Equal Opportunity at 334-5051 or call the TDD phone line at 334-2069 at least two business days in advance.

CALL TO ORDER**AGENDA STATEMENT****ROLL CALL****INVOCATION****CONSENT AGENDA****CITY MANAGER, CONSENT AGENDA ITEMS**[120650.](#)**Seon Systems Sales, Inc., Contract with Regional Transit System (RTS) (B)**

This item is a request to allow Regional Transit System (RTS) to purchase 20 additional new units, spare and replacement parts to complete the camera system upgrade on RTS buses.

Explanation: On February 2, 2012, the City Commission approved Agenda Item #110625 allowing the City Manager to enter into a contract with Seon Systems Sales, Inc., to upgrade the camera system on RTS buses by purchasing additional new units, spare parts and repair services. The funds available in February 2, 2012, were sufficient to complete all but 20 buses in the fleet at that time. During the installation process, RTS also found several of the existing cameras in need of replacement. RTS has now received additional federal funding to complete the project, which will equip all buses in the RTS fleet with surveillance systems.

Fiscal Note: Funds in the amount of \$110,003 have been provided by federal grants and are available in the RTS budget.

RECOMMENDATION

The City Commission approve staff's recommendation to purchase additional new units, spare and replacement parts and repair services as needed to maintain the fleet.

[120650_Contract_20130117.pdf](#)

[120659.](#)**Purchase of Motorola Radios from CIP Funds for The Gainesville Police Department in Fiscal Year 2013 (B)**

This item requests that the City Commission authorize the purchase of radios for the Gainesville Police Department in the amount of \$341,700 from Motorola Solutions Inc., as a specified source

selection.

Explanation: The Gainesville Police Department would like to purchase the Motorola APX 6000 radios. The radios are compatible with the current GRU Public Safety Dispatch System. The model radio specified is not available on the State of Florida contract. Motorola has direct employees who have specific territories assigned to them in Florida. This purchase does not lend itself to competitive bids so therefore we would like to purchase these radios as a specified source selection. A quote dated 10/10/2012 shows the amount per radio is \$3777.30. This would allow us to purchase approximately 90 radios.

Fiscal Note: Funding in the amount of \$341,700 is available for this purchase from the CIP fund.

RECOMMENDATION

The City Commission: 1) authorize the City Manager to authorize the issuance of a purchase order in an amount not to exceed \$341,700 to Motorola Solutions Inc. for radios as a specified source.

[120659_CapitalImprovementList_20130117](#)

[120676.](#)

Request to Waive Probationary Period of New City Plan Board Member Seth Lane (B)

Explanation: Seth Lane was appointed to the City Plan Board by the City Commission on January 3, 2013 for a term that expires on November 1, 2015. Based on the pertinent background described in his application, staff finds that the 60-day probationary period required of new Plan Board members by Sec. 30-353(a) 5a. of the Land Development Code should be waived. Such waiver by the City Commission is allowed by Sec. 30-353(a) 5c., which states that the City Commission may waive the required probationary period for any appointee to the City Plan Board upon good cause shown and entered into the record of the minutes of the City Commission.

Planning staff notes that Mr. Lane served on the Development Review Board from August 20, 2009 for a term that expired on November 2, 2012 and that included two years as Vice-Chair, and that he has a Bachelor of Architecture degree and a Master of Building Construction degree with a specialization in sustainability.

Staff discussed this request with Mr. Lane, who supports it.

Fiscal Note: None.

RECOMMENDATION

Staff to City Commission - Waive the 60-day probationary period for new Plan Board Member Seth Lane, in accord with Sec. 30-353(a) 5c. of the Land Development Code.

[120676_CPB Seth Lane Request 20130117_.pdf](#)

[120680.](#)

Consolidated Police Officers and Firefighters Retirement Plan Ordinance Amendments and the Establishment of a Police Officers Share Plan Ordinance (B)

Explanation: Over the past eighteen months the City, Gator Lodge 67, Inc. Fraternal Order of Police (FOP), and the North Central Florida Police Benevolent Association, Inc. (PBA) have been engaged in the collective bargaining process with the objective negotiating changes to the City's Consolidated Police Officers and Firefighters Retirement Plan. The goal of the bargaining process was to agree to changes that would help with the sustainability and costs of the pension program. The negotiated changes, which will only apply to the FOP and PBA members of the Plan, include modification in the definition of normal retirement, multiplier, length and components of final average earnings, adjustments of the cost of living allowance, and specific changes mandated by Florida Statutes. The extent and who these various changes apply are summarized in the attached backup that was tentatively agreed to, subject to ratification of the members and approval of the City Commission, by the City's bargaining team, the FOP and the PBA. In addition to the proposed pension plan changes, the FOP and the PBA requested the establishment of a "Share Plan" to provide extra retirement benefits to their members. The Share Plan will provide a single lump sum payment upon retirement to each member based on the number of years they were eligible to receive a share distribution. The Share Plan is allowed under Florida Statute 185 and is funded from excess tax receipts above the adjusted base year amount used to fund current benefit levels. Based on current State statutes, the excess funds can only be used for "extra" benefits and a Share Plan meets this definition of an extra benefit. In order for the FOP and PBA to ratify these changes, the City will need to have the proposed plan amendments and Share Plan prepared in Ordinance form by the City Attorney's Office so that the plan changes can be ratified by the members and approved by the City Commission with an anticipated effective date of April 1, 2013.

Fiscal Note: The first year savings, of approximately \$306,000 to the General Fund will be included in the preparation of the fiscal year 2013-2014 budget. The proposed changes are estimated to save over \$21 million over the amortization period.

RECOMMENDATION

The City Commission authorize: 1) the City Attorney to prepare; and 2) the Clerk of the Commission to advertise the ordinance required to effectuate the negotiated changes to the Consolidated Police Officers and Firefighters Retirement Plan and the establishment of The Police Officer's Share Plan.

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

[120681.](#)

Lease Agreements with Alachua County Library District for Fred Cone Park (B)

This item requests approval and authorization by the Gainesville City Commission for the Mayor to execute two lease agreements with the Alachua County Library District for Fred Cone Park

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

On February 22, 2011, the City and the Library District entered into a Memorandum of Understanding which outlined non-binding concepts in order to further the mutual goal of locating a library branch at Fred Cone Park. In the summer of 2011, a temporary modular library unit was installed at the park. City and Library District staff have been working to finalize terms of both a Ground Lease for the permanent library branch building, as well as for the temporary modular unit. The term for the Ground Lease for the modular unit is two years, based on the date the modular unit was installed, and may be renewed and extended by mutual agreement of the Lessor and Lessee. The Ground Lease for the permanent library structure is fifty (50) consecutive years commencing on the Commencement Date, and upon expiration, the Lease shall be renewed automatically on the same terms and conditions as set forth in this Lease for a period of ten (10) years; beyond, the initial term and renewal term, this Ground Lease may renewed and extended by mutual written agreement of the Lessor and Lessee.

Fiscal Note: The City planned and constructed park improvements and infrastructure at Fred Cone Park, including but not limited to, parking, lighting and utilities. Some of this infrastructure is available to serve the Library and therefore, the Library has agreed to contribute \$149,000 towards such infrastructure. The Lessee shall make payment to the Lessor within 15 days of approval of the Lease by both parties.

RECOMMENDATION

The City Commission: 1) approve the two Ground Leases between the City of Gainesville and the Alachua County Library District: one for the temporary modular library, and a second for the permanent library; and 2) authorize the Mayor to execute and the Clerk of the Commission to attest both Ground Lease agreements, subject to approval by the City Attorney as to form and

legality.

[120681A_MOU_20130117.pdf](#)

[120681B_GrnLsPerm_20130117.pdf](#)

[120681C_GrnLsTmpMod_20130117.pdf](#)

[120704.](#)

Scheduling of Annexation Initiative Workshop (NB)

Explanation: This is a request for the City Commission to schedule a special workshop to discuss annexation strategy.

Fiscal Note: There is no fiscal impact.

RECOMMENDATION

The City Commission approve a workshop to discuss annexation strategy on February 26, 2013 from 5:00PM to 7:00PM in City Hall, Room 16.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

[120728.](#)

Contract for Telecommunications Consulting Services (NB)

Staff recommends executing a contract for telecommunications consulting services with Hike & Co., Inc.

Explanation: GRU has been providing telecommunications services since 1995 under the brand name of "GRUCom." Services provided by GRUCom include interconnection and local access data transport circuits for use by private business enterprises, local, state and federal government agencies, Internet service provider companies (ISPs) and other telecommunications carrier companies. GRUCom personnel directly manage the business relationships with most locally-based private business and government agency customers. However, the primary company contacts and points-of-influence with ISPs and other telecommunication carrier companies are highly decentralized and most business interactions occur almost exclusively outside of the Gainesville area. The process of conducting business in this customer space requires broad experience with an industry-wide national perspective. GRUCom employs the use of specialized consultants in this area of its business dealings.

Hike & Co., Inc. has served as GRUCom's primary telecommunications consultant since 1995, assisting with almost all business development activities. The current contract will expire in January 2013. The consultant has assisted GRUCom through the start-up phase of its Competitive Access Provider and Internet Service Provider businesses and has been instrumental in developing and maintaining successful

business relationships with ISPs and other telecommunication carrier companies and the down-line key customers with whom they have strategic business relationships. The interface the consultant provides between GRUCom and the various agents who represent these ISPs and carrier companies enables GRUCom to respond effectively to the complex and unique issues of the highly competitive telecommunications industry. These ongoing business relationships, and the consultant's historical, documented work output, have been invaluable to GRUCom and have aided in its expansion and sales growth over the years. The consultant's in-depth knowledge of the telecommunications industry coupled with working experience and understanding of GRUCom's operations, strategic plans, customer needs and other pertinent issues has significantly contributed to GRUCom's success.

Fiscal Note: Funds for these services are available in the approved GRUCom capital and operating budgets for FY 2013 and will be requested in subsequent fiscal years of the contract.

RECOMMENDATION

The City Commission authorize the General Manager or his designee to:1) execute a three year contract with Hike and Co., Inc. as a specified sole source, for telecommunications consulting services on an as needed basis, subject to the approval of the City Attorney as to form and legality; and 2) approve the issuance of purchase orders for these services in amounts not exceeding \$75,000 for each year of the contract, subject to final approval of funds.

CITY ATTORNEY, CONSENT AGENDA ITEMS

[120675.](#)

HARRY JONES VS. THE CITY OF GAINESVILLE, FCHR NO.: 201300415 (NB)

Explanation: On December 26, 2012, the City of Gainesville received a Notice of Charge of Discrimination from the Florida Commission of Human Relations. Mr. Harry Jones, a former employee with the City, alleges that he has been discriminated against based on his race, color, sex, and religion.

RECOMMENDATION

The City Commission authorize the City Attorney to represent the City in the case styled Harry Jones vs. the City of Gainesville; FCHR No.: 201300415

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

[120623](#)

City Commission Minutes (B)

RECOMMENDATION

The City Commission approve the minutes of December 6 and 20, 2012, as circulated.

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE, CONSENT

PERSONNEL & ORGANIZATIONAL STRUCTURE COMM, CONSENT

PUBLIC SAFETY COMMITTEE, CONSENT

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE, CONSENT

EQUAL OPPORTUNITY COMMITTEE, CONSENT

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

[120732.](#)

Advisory Board Attendance Appeals (B)

RECOMMENDATION

The City Commission consider the appeal of:

CITY MANAGER

[120416](#)

Solid Waste Collection Contract (B)

This item is a request the City Commission consider an opportunity for WCA (City's contract waste hauler) convert their fleet to Compressed Natural Gas (CNG) and develop a publicly accessible fueling station in return for a five year extension of the current waste and recycling collection contract set to expire September 2016.

Explanation: The current Residential Solid Waste and Recycling Collection contract (Contract) with WCA expires September 30, 2016 and contains a provision to extend up to two additional five year terms. When the RFP was let the City and County expressed interest in having a vendor submit a proposal for utilizing alternative fuel collection vehicles. This alternative was determined to not be feasible at the time.

WCA has approached City staff with a proposal to convert their fleet to CNG and to develop a CNG fueling station that could be open to the public. Staff has had some initial conversations with both WCA and GRU on the possibility of developing a joint venture. WCA has requested in return for converting the fleet and developing the fueling station that the City agree to a five year contract extension at this time in order to recover their capital investment. This would extend the current contract to 2021.

In addition to the benefit of having the fleet converted to CNG and having a publicly accessible CNG fueling station; the solid waste enterprise fund would realize an average yearly savings of approximately \$257,500 for the fuel adjustment surcharge that is currently being paid monthly to WCA.

Some potential drawbacks associated with this proposal are primarily related to the future of solid waste collection and disposal beyond the 2016 term. With the goal of achieving a 75% waste diversion there are decisions that will need to be made on waste handling including collection methods and types of materials collected curbside. With the opportunity to rebid at the end of the current term the City may have more flexibility in selecting alternatives than if we are already tied into a contract extension. This matter is a topic of discussion with WCA and both parties have agreed to develop contract language that could ensure flexibility towards meeting the 75% goal.

For over 20 years the City and Alachua County have joint bid the residential waste collection contract. While WCA has approached the County with a similar proposal they may not agree to extend the term of their contract at this time. If not, the City and County's collection contracts would no longer have common terms and therefore may not be able to continue with the joint bid approach.

Fiscal Note: There is a potential \$1.1 million or more savings related to the fuel adjustment surcharge over the remaining four years of the existing contract term.

RECOMMENDATION

The City Commission 1) hear a staff presentation; and 2) direct the City Manager to pursue negotiations with WCA for a five year contract extension in return for converting their fleet to CNG and providing a publicly accessible CNG fueling station.

Alternative Recommendation

The City Commission 1) hear a staff presentation;

and 2) direct the City Manager to not pursue negotiations with WCA for a five year contract extension at this time.

[120416A_PPT_20130117.pdf](#)

[120416B_Letter_20130117.pdf](#)

[120416A-MOD_COMPLAINTS_FY05-FY12_20130117.pdf](#)

[120416B-MOD_WCA_COMPLAINTS_FY11_20130117.pdf](#)

[120416C-MOD_WCA_COMPLAINTS_FY12_20130117.pdf](#)

[120579.](#)

Report on C. R. Layton United States Army Reserve Center Visioning Session (B)

This item is a request to provide a presentation summarizing the results of the October 23, 2012, Neighborhood Visioning Session on the future of the C. R. Layton United States Army Reserve Center located at 1125 Northeast 8th Avenue.

Explanation: A Neighborhood Visioning Session on the future of the C. R. Layton United States Army Reserve Center located at 1125 Northeast 8th Avenue was held on October 23, 2012. About 60 people were in attendance including a few members of the City Commission. A request was made to provide the full City Commission with a presentation on the results of the Visioning Session. A video of the Neighborhood Visioning Session was prepared and is available on the City web site.

Fiscal Note: There is no fiscal impact associated with the presentation.

RECOMMENDATION

The City Commission: 1) hear a presentation on the results of the October 23, 2012 Neighborhood Visioning Session; and 2) provide any additional guidance as appropriate.

[120579A_Army Reserve PPT_20130117.pdf](#)

[120579B_Draft Report_20130117.pdf](#)

[120579-MOD_MEMO_20130117.pdf](#)

[120579_MOD_CofG Army Reserve PowerPoint_20130117.pdf](#)

GENERAL MANAGER FOR UTILITIES

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE

PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE

PUBLIC SAFETY COMMITTEE

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

COMMISSION COMMENTS (if time available)

RECESS

RECONVENE

PLEDGE OF ALLEGIANCE (5:30pm)

PROCLAMATIONS/SPECIAL RECOGNITIONS

[120683.](#)

Delta Sigma Theta Day - January 26, 2013 (B)

RECOMMENDATION

Delta Sigma Theta Sorority, Inc. Gainesville Alumnae President Wendy Fletcher-Shannon to accept the proclamation.

[120683_DeltaSigmaTheta_20130117.pdf](#)

[120684.](#)

School Crossing Guard Appreciation Day - February 1, 2013 (B)

RECOMMENDATION

Gainesville Police Department Specialty Units Commander Lt. Art Adkins and Supervisor of School Crossing Guards PST Supervisor Robert Huff to accept the proclamation.

[120684_CrossingGuard_20130117.pdf](#)

[120685.](#)**Gainesville SIATech and MYcroSchool National School Choice Week - January 27- February 2, 2013 (B)****RECOMMENDATION***Gerald Zagaiski to accept the proclamation.*[120685_Proc_20130117.pdf](#)**CITIZEN COMMENT (6:00pm) - Please sign on sign-up sheet****PUBLIC HEARINGS****RESOLUTIONS- ROLL CALL REQUIRED**[120718.](#)**Qualified Target Industry (QTI) Refund Resolution - Mobiquity, Inc. (B)**

This item seeks City Commission approval for a QTI contribution for the prospective location of a development center for Mobiquity, Inc. a professional services company providing mobility services to the enterprise market, within the City of Gainesville.

Explanation: Mobiquity, Inc., a professional services company providing mobility services to the enterprise market, is currently considering the creation of up to 260 net new software development jobs within the City limits. If the firm chooses to select Gainesville/Alachua County for this particular project, site location will take place within the City's Enterprise and Innovation Zone.

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

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

In this particular case, Mobiquity, Inc. is indicating that it will create up to 260 net new jobs at an average wage of approximately \$49,000 at the proposed location. This firm has pledged a capital investment of

approximately \$820,000 over two years regarding the new location in addition to the proposed job creation.

Due to the incentive calculated per job (\$6,000 for location in Enterprise Zone and \$2,000 for jobs located in an Enterprise Florida designated High Impact Business Sector) the total incentive would be \$2,080,000. Of this, the City would be asked to provide a 10% match (\$208,000) over a period of four years with an equal 10% match (\$208,000) coming from Alachua County for a total local match of \$416,000.

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

Fiscal Note: If this item is approved, the City Commission agrees to budget and appropriate up to \$208,000 over four years in the event that tax refunds are approved by the state.

RECOMMENDATION

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

[120718A_MOBIQUITYINC_RESOLUTION_20130117.pdf](#)

[120718B_Mobiquity_Application_20130117.pdf](#)

[120718A-MOD_Resolution_20130117.pdf](#)

ADOPTION READING - ROLL CALL REQUIRED

[120524.](#)

LAND USE CHANGE - SMALL SCALE - APPROXIMATELY .04 ACRES OF PROPERTY GENERALLY LOCATED AT 1126 NW 7TH AVENUE (B)

Ordinance No. 120524; Petition No. PB-12-110 LUC

An ordinance amending the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of approximately .04 acres of property generally located at 1126 NW 7th Avenue, as more specifically described in this ordinance, from Public Facilities (PF) to Residential Low-Density (RL); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

This petition/ordinance is a small-scale future land use map amendment that changes the land use designation for approximately .04 acres of

property from Public Facilities (PF) to Residential Low-Density (RL). The property is generally located at 1126 NW 7th Avenue and is a portion of Tax Parcel No. 13861-000-000, which is currently developed with an existing single-family residence.

In 1979, the City of Gainesville acquired the adjacent parcel (Tax Parcel No. 13862-000-000), which originally included the sliver of property under consideration by this petition/ordinance. That parcel was designated with the PF future land use category in 1991 and was zoned PS in 1992. The .04-acre portion was then split and sold in 2009 to the adjacent property owner (Legistar No. 090488) and is now a portion of the tax parcel that is developed with a single-family residence. Although this tax parcel otherwise has a RL future land use designation, the .04-acre portion has retained the PF future land use designation. Amending the land use designation for the .04-acre portion of the property to RL will create a single unified land use designation that is consistent with the current use of the site for residential purposes.

This petition/ordinance is related to Petition PB-12-111 ZON (Legistar No. 120525), which proposes to rezone the .04-acre portion of Tax Parcel No. 13861-000-000 from Public services and operations district (PS) to Single-family residential district (RSF-4).

After public notice was published in the Gainesville Sun on October 9, 2012, the City Plan Board held a public hearing on October 25, 2012, and by a vote of 6-0, recommended approval of this petition.

CITY ATTORNEY MEMORANDUM

This proposed amendment to the Comprehensive Plan is treated as a small-scale development amendment. Within 30 days following the City's adoption of this amendment, any affected person may file a petition with the State Division of Administrative Hearings to request a hearing to challenge the compliance of this amendment with Chapter 163, Florida Statutes.

If challenged within 30 days after adoption, this amendment shall not become effective until the state land planning agency or the Administration Commission issues a final order determining that the adopted amendment is in compliance with Chapter 163, Florida Statutes. If unchallenged, this amendment shall become effective 31 days after adoption.

RECOMMENDATION

The City Commission: (1) approve Petition PB-12-110 LUC and (2) adopt the proposed ordinance.

[120524B_Staff report_20130117.pdf](#)

[120524C_Maps_20130117.pdf](#)

[120524D_Comprehensive Plan GOPs_20130117.pdf](#)

[120524E_Neighborhood Workshop info_20130117.pdf](#)

[120524F_CHW Justification Report_20130117.pdf](#)

[120524G_Petition application_20130117.pdf](#)

[120524H_CPB Minutes_20130117.pdf](#)

[120524I_staff ppt_20130117.pdf](#)

[120524A_draft ordinance_20130117.pdf](#)

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

[120309.](#)

REZONING - VICINITY OF 6600 BLOCK OF STATE ROAD 121 (B)

Ordinance No. 120309; Petition No. PB-12-74 ZON

An ordinance amending the Zoning Map Atlas of the City of Gainesville, Florida, by rezoning approximately 41 acres of certain properties, as more specifically described in this ordinance, located in the vicinity of the 6600 block of State Road 121 from the zoning category of Limited industrial district (I-1) to Business industrial district (BI); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

This ordinance amends the Zoning Map Atlas of the City of Gainesville by rezoning six tax parcels (approximately 41 acres) located in the vicinity of the 6600 block of State Road 121, as more specifically described in the ordinance, from Limited industrial district (I-1) to Business industrial district (BI). This rezoning is consistent with the Comprehensive Plan, as the parcels all have an Industrial Land Use classification, which allows BI zoning.

After public notice was published in the Gainesville Sun on July 10, 2012, the City Plan Board held a public hearing on July 26, 2012, and by a vote of 7-0, recommended approval of this petition. The City Commission held a public hearing on September 20, 2012 and approved the petition by a vote of 6-0.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

9/20/12 City Commission Approved (Petition)

1/3/13 City Commission Adopted on First Reading (Ordinance)

[120309A_staff_report_20120920.pdf](#)

[120309B_Comp_Plan_GOPs_20120920.pdf](#)

[120309C_LDC_20120920.pdf](#)

[120309D_supplemental_docs_20120920.pdf](#)

[120309E_application_workshop_info_20120920.pdf](#)

[120309F_CPB_minutes_20120920.pdf](#)

[120309G_staff_ppt_20120920.pdf](#)

[120309_petition_20120920.pdf](#)

[120309A_draft_ordinance_20120103.pdf](#)

[120313.](#)

TEXT CHANGE - COLLEGE PARK SPECIAL AREA PLAN SIGNS

Ordinance No. 120313; Petition No. PB-12-84 TCH

An ordinance of the City of Gainesville, Florida, amending the Land Development Code Appendix A. Special Area Plans, Section 3. Special Area Plan for College Park, Exhibit B. College Park Special Area Plan by deleting obsolete zoning district references pertaining to sign regulations; 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 petition/ordinance amends the Land Development Code Appendix A, Section 3, Exhibit B. College Park Special Area Plan (SAP) by deleting obsolete zoning district references pertaining to sign regulations.

The College Park SAP regulates properties that are classified as Type I and Type II buildings. The Land Development Code previously regulated Type I and Type II buildings according to specified zoning districts, but Ordinance No. 110863, adopted on July 19, 2012, clarified that the allowable uses for Type I and Type II buildings are those

permitted by the underlying zoning district. Consistent with that update recognizing a mix of zoning classifications on Type I and Type II properties, this petition/ordinance deletes obsolete references to the Mixed-use low intensity (MU-1) and Residential mixed-use (RMU) zoning classifications within the Type I and Type II sign regulations.

Public notice was published in the Gainesville Sun on August 7, 2012. On August 23, 2012, the City Plan Board held a public hearing and, by a vote of 6-0, recommended approval of the petition.

CITY ATTORNEY MEMORANDUM

This ordinance requires two readings.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

1/3/13 City Commission Approved (Petition) and Adopted on First Reading (Ordinance)

[120313B_Saff Report_20130103.pdf](#)

[120313C_College Park SAP sign regs_20130103.pdf](#)

[120313D_Petition Application_20130103.pdf](#)

[120313E_cpb minutes_20130103.pdf](#)

[120313F_staff ppt_20130103.pdf](#)

[120313A_draft ordinance_20130103.pdf](#)

PLAN BOARD PETITIONS

[120638.](#)

Amend the Permitted Uses in the Industrial and Public Facilities Future Land Use Categories (B)

Petition PB-12-134 CPA. City Plan Board. Amend the City of Gainesville Comprehensive Plan Future Land Use Element to change the permitted uses in the Industrial and Public Facilities land use categories.

Explanation: This petition amends the permitted uses in the Industrial and Public Facilities future land use categories described within the Future Land Use Element. These amendments are necessary to improve clarity and to allow more flexibility within these land use categories.

The proposed change to the Industrial land use category will provide clarity by clearly stating that non-industrial uses are allowed when implemented as part of an adopted Planned Development ordinance. The existing Industrial land use category allows non-industrial uses

when they are sensitively designed. However, the term “sensitively designed” is not defined within the Comprehensive Plan or the Land Development Code. This creates a lack of clarity for developers and staff attempting to apply this standard to non-industrial uses within the Industrial land use category. The proposed amendment will allow non-industrial uses within the framework of the Planned Development ordinance process, which is intended to promote overall coordinated building and facility relationships and infill development while eliminating the negative impacts of unplanned and piecemeal development. The proposed changes will provide the flexibility for the City to address changing market conditions within the Industrial land use category. As the City continues to develop the Innovation Economy, flexibility will be needed to meet the challenges of an ever changing marketplace.

The proposed change to the Public Facilities land use category expands the category to include private cemeteries, private utilities, and legal arrangements such as a public-private partnership where the land title is vested in a government and the proposed use serves a public purpose. The existing Public Facilities land use category is limited to identifying land used for administrative and operational government functions and does not contemplate lands with private institutional uses such as cemeteries or private utilities. These changes are necessary to recognize existing public-serving uses such as private utilities and/or cemeteries and to provide opportunities and greater flexibility to pursue public-private partnerships which serve a public purpose.

Staff is also proposing amending the 80 percent lot coverage limitation for Public Facilities designated properties which are located within the urban core areas of the city. The urban core generally includes areas designated with the Mixed-Use High Intensity and Urban Mixed-Use 2 future land use categories and within the areas contemplated for Form Based Code T-zones. There are no lot coverage maximums within these core areas, and the proposed change is necessary to create a consistent urban form and ensure compatibility between public facilities that may be located in these areas and the surrounding urban uses.

Public notice was published in the Gainesville Sun on November 15, 2012. The Plan Board held a public hearing on December 3, 2012.

Fiscal Note: None.

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition PB-12-134 CPA. Plan Board vote 6-0.

Staff to City Commission - The City Commission approve Petition PB-12-134 CPA and include these changes as part of the Evaluation and Appraisal Update of the Comprehensive Plan.

Staff to the Plan Board - Approve Petition PB-12-134 CPA.

Legislative History

1/3/13 City Commission Continued (Petition)

[120638A staff report 20130103.pdf](#)

[120638B Industrial & Public Facilities location map 20130103.pdf](#)

[120638C application 20130103.pdf](#)

[120638D CPB minutes 20130103.pdf](#)

[120638E staff ppt 20130103.pdf](#)

[120638 Letter to City Clerk re Objection to proposed amendment to FLUE 201.](#)

[120652.](#)

Amend the City of Gainesville Comprehensive Plan Public Schools Facilities Element (B)

Petition PB-12-131 CPA. Amend the City of Gainesville Comprehensive Plan Public Schools Facilities Element for the Evaluation and Appraisal process.

Explanation: The purpose of this petition is to amend the Gainesville Comprehensive Plan for the Evaluation and Appraisal process. It will be packaged later in ordinance form for transmittal in April 2013 with other Comprehensive Plan elements.

The Public Schools Facilities Element was adopted in December 2008, and was amended on January 19, 2012 by Ordinance 110173, which made minor revisions to two policies. Most of the various changes proposed by this petition are needed for compliance with Chapter Law 2011-139 (the Community Planning Act), which was enacted by the Florida Legislature in 2011. With respect to public schools, the 2011 legislation considerably altered the requirements for public school planning. The most substantial changes are that school concurrency and the public schools facilities element of a local government comprehensive plan are no longer mandatory. However, intergovernmental coordination on public school planning is still required, and local governments that retain school concurrency must meet the applicable requirements of Chapter 163.3180, Florida Statutes.

Among the proposed changes are streamlined procedures and rules associated with school concurrency review and the reservation of capacity. Notably, the review process is expedited by allowing certification, by the City, of development proposals with impacts that are below a threshold that will be established annually by City and School Board staffs.

References to "permanent program capacity" are modified to read "program capacity" reflecting the requirement in the Community Planning Act that relocatables (portables) included in the inventory of capacity must be considered for school concurrency purposes. References to

the “financially feasible” standard are deleted and the language related to “proportionate share” is amended to establish the “pay and go” option as intended by the Community Planning Act.

Public notice was published in the Gainesville Sun on November 15, 2012. The City Plan Board held a public hearing on December 12, 2012, which was a continuation of the December 3, 2012 meeting.

Fiscal Note: None.

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition PB-12-131 CPA. The Plan Board voted 6-0.

Staff to City Commission - The City Commission approve Petition PB-12-131 CPA.

Staff to City Plan Board - Staff recommends approval of Petition PB-12-131 CPA.

[120652A_staff report_20130117.pdf](#)

[120652B_updated Public Schools Facilities Comp Plan_20130117.pdf](#)

[120652C_Statutory Section on School Concurrency_20130117.pdf](#)

[120652D_Updated Data & Analysis for Public Schools Facilities_20130117.pdf](#)

[120652E_Application_20130117.pdf](#)

[120652F_cpb minutes draft_20130117.pdf](#)

[120652G_staff ppt_20130117.pdf](#)

[120667.](#)

Time Extension for Design Plat for ADC Development and Investment Group, LLC. (B)

Time Extension for Petition DB-11-145 SUB: Causseaux Hewett and Walpole, Inc., Agent for City of Gainesville, property owner, ADC Development and Investment Group, LLC. (Grace Market Place) Design Plat review for a three-lot subdivision. Zoned I-2 (General Industrial) and PD (Planned Development). Located at 820 NW 53rd Avenue (1850 feet northwest of NW 53rd Avenue.

Explanation: This petition is a request to extend the period for filing final plat for the above referenced property by one year, to March 1, 2014. Per Section 30-183(j)(2), prior to expiration, the City Commission may extend the time for filing final plat and may apply appropriate conditions. Failure to gain an extension will render the Design Plat null and void, requiring the applicant to reapply for a new Design Plat.

The property associated with this petition is a 67.34 acre parcel, located at 820 NW 53rd Street (north side), at the end of a private road,

approximately 1,850 feet from NW 53rd Avenue. The property owner filed an application for Design Plat to subdivide the parcel into three lots with a 100-foot public right-of-way to NW 53rd Avenue. The Development Review Board and the City Commission approved the design plat. The City Commission held a formal quasi-judicial hearing on February 16, 2012 and voted to approve the design plat. Per Section 30-183(j) (2), the approval grants the applicant a twelve month period to obtain construction drawing approval and file for final plat. The twelve month period will end on March 1, 2013 and the applicant anticipates that it will not be possible to meet the obligations necessary to file for final plat.

Fiscal Note: None.

RECOMMENDATION

Staff to City Commission:

Approve the request for extension of time to file final plat for Petition DB-11-145 SUB, to March 1, 2014.

[120667A_Final Order for Design Plat Grace One Stop_20130117.pdf](#)

[120667B_Design Plat_20130117.pdf](#)

[120667C_CHW_Grace Market Place extension request letter_20130117.pdf](#)

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

UNFINISHED BUSINESS

COMMISSION COMMENT

CITIZEN COMMENT (If time available)

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