

City of Gainesville

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



Meeting Agenda

April 21, 2011

1:00 PM

City Hall Auditorium

City Commission

Mayor Craig Lowe (At Large)

Mayor-Commissioner Pro Tem Jeanna Mastrodicasa (At Large)

Commissioner Scherwin Henry (District 1)

Commissioner Lauren Poe (District 2)

Commissioner Warren Nielsen (District 3)

Commissioner Randy Wells (District 4)

Commissioner Thomas Hawkins (At Large)

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

CALL TO ORDER

AGENDA STATEMENT

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

ROLL CALL

INVOCATION

CONSENT AGENDA

CITY MANAGER, CONSENT AGENDA ITEMS

100831.

Donation (Disposition) of City Property Tax Parcel #15995-043-000 to Alachua Habitat for Humanity, Inc. (B)

This item requests City Commission authorization to donate one parcel of City-owned land to the Alachua Habitat for Humanity, Inc. to place a new affordable home and sell it to a qualified low-income first-time homebuyer to complete the "Katrina Cottage Project".

Explanation: On January 8, 2007, the City and Santa Fe College (SFC) formed a partnership by which the City Commission, as noted by Legislative File # 060827, approved the award of a \$46,500 grant from the Infill Housing program to the Charles R. Perry Construction Institute at Santa Fe College to construct a 1,000 square-foot residence that would be owned by the City, relocated to a vacant City lot and sold to an income eligible first-time homebuyer. Staff has been working with SFC to finalize the completion of the housing project since its inception. In Mid-2009, SFC invited Alachua Habitat for Humanity, Inc. (Habitat) into the partnership because it needed a licensed general contractor to complete the construction of the home as part of the project.

On July 1, 2009, staff provided a project status report to the Commission which indicated that the SFC house, originally modeled after the "Katrina Cottages" to be constructed by SFC students on the Santa Fe College campus, would be relocated to a City-owned site in the Breezy Acres neighborhood located at 2404 SE 13th Street. Since that time, SFC restructured the project from a 2-bedroom/1 bath house plan to a larger 1250 sq. ft., 3-bedroom/2-bath house

plan. Additionally, SFC invited Habitat to partner in this endeavor. As a result of the change in the house plans and the inclusion of Habitat in the project, multiple meetings occurred between August 2010 and January 2011, in order to reach a memorandum of understanding of the role of the three entities.

As part of the restructure of this project, Mr. Scott Winzeler, a representative for Habitat, recently met with the Assistant City Manager to express interest in procuring a City of Gainesville (the City) lot located in Breezy Acres known as 2404 SE 13th Street at no cost to Habitat. The lot would be used by Habitat for the placement of the modular home currently being constructed by SFC. Mr. Winzeler requested the City consider this lot donation in conjunction with the City and Santa Fe College (SFC) "Katrina Cottage" project. In addition to the lot donation request, Habitat has agreed via a Memorandum of Understanding (MOU) with the City that: (1) Habitat will reimburse the \$46,500 General Fund Revenue to the City; and (2) the City will pay for the transportation of the home to the lot as originally approved on January 8, 2007. The MOU is attached as reference.

Fiscal Note: The \$46,500 to be returned to the City will be reserved in the General Fund for future Infill Housing Program projects.

RECOMMENDATION

The City Commission: 1) declare 2404 SE 13th Street (Tax parcel #15995-043-000) as surplus property; 2) approve the conveyance of 2404 SE 13th Street (Tax parcel #15995-043-000) to Alachua Habitat for Humanity, Inc. to be used for the installation of the SFC home and sold to a qualified low-income first-time homebuyer; 3) approve the Memorandum of Understanding in substantially the form attached, subject to approval by the City Attorney; 4) authorize the City Manager or his designee to execute the Memorandum of Understanding; and 5) authorize the Mayor and/or City Manager (or his designee) to execute all necessary documents to effect the conveyance of this property and the completion of the project, subject to approval by the City Attorney.

100831_MOU_20110421.pdf

100855.

Bid Award - Annual Contract for Citywide Sidewalk Construction/Replacement Services for FY 2011 (B)

This item is a request for the City Commission to authorize the bid award to Florida Concrete Recycling, Inc. for the annual contract, both Option A and Option B, for sidewalk construction/ replacement services for FY 2011.

Explanation: On February 9, 2011, the Purchasing Division solicited bids for the Annual Contract for Citywide Sidewalk Construction/Replacement. Four (4) firms responded with bids. Florida Concrete Recycling, Inc. was the lowest responsible, responsive bidder for both options.

Current funding for new sidewalks dictates the Public Works Department needs to contract for additional labor, equipment and materials in order to attain program goals. Since some of this funding is in the form of Federal grants, an Option "B" was inserted to contain the required Federal verbiage and forms. To address these needs, an annual services bid with two options was prepared to invite quality construction firms to submit proposals for the needed sidewalks. The proposals were received on March 8, 2011.

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

RECOMMENDATION

The City Commission: 1) approve the bid award to Florida Concrete Recycling, Inc., for Annual Sidewalk Construction/Replacement Services for FY 2011; and 2) authorize the City Manager to execute an annual services contract with Florida Concrete Recycling, Inc., and any necessary documents, subject to approval by the City Attorney as to form and legality.

100855_BidAward_20110421.pdf

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

CITY ATTORNEY, CONSENT AGENDA ITEMS

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

100788. Appointments to City Commission Advisory Boards and Committees (NB)

RECOMMENDATION

The City Commission appoint the following:

Mary Litrico to the Development Review Board for a term to expire 11/1/14.

Choppy Hodes II to the Gainesville Energy Advisory Committee for a term to expire 9/30/14.

Marc Smith to the SHIP Affordable Housing Advisory Committee for a term to expire 7/1/13.

Caleb Stewart to the SHIP Affordable Housing Advisory Committee for a term to expire 7/1/13.

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE, CONSENT**100849.****City of Gainesville Fiscal Year 2010 Comprehensive Annual Financial Report, Audited Financial Statements, Auditors' Reports, Auditors' Management Letters and Single Audit Reports, and Management's Written Response (B)**

Explanation: In accordance with the City's contracts for external auditing services with Carr, Riggs & Ingram, LLC and Ernst and Young, Certified Public Accountants, the following reports are presented for review by the Audit, Finance and Legislative Committee:

- 1. The Basic Financial Statements, Supplemental Information and Independent Auditors' Report, Management Letters and Single audit Reports of the City of Gainesville, Florida for the Fiscal Year Ended September 30, 2010; which are presented in the attached Comprehensive Annual Financial Report;*
- 2. The Financial Statements, Supplemental Information and Independent Auditors' Report of Gainesville Regional Utilities for the Fiscal Year Ended September 30, 2010;*
- 3. The Financial Statements and Independent Auditors' Report on the Wild Spaces and Public Places (WSPP) Funds of the City of Gainesville, Florida for the Fiscal Year Ended September 30, 2010;*
- 4. The Financial Statements and Independent Auditors' Report on the Employees' Pension Fund of the City of Gainesville, Florida for the Fiscal Year Ended September 30, 2010;*
- 5. The Financial Statements and Independent Auditors' Report on the Consolidated Police Officers and Firefighters Retirement Plan of the City of Gainesville, Florida for the Fiscal Year Ended September 30, 2010;*
- 6. The Financial Statements and Independent Auditors' Report on the Disability Pension Fund of the City of Gainesville, Florida for the Fiscal Year Ended September 30, 2010; and*
- 7. The Financial Statements and Independent Auditors' Report on the Other Postemployment Benefits Fund of the City of Gainesville, Florida for the Fiscal Year Ended September 30, 2010.*

In the opinion of the independent auditors, the financial statements referred to in items 1, 2 and 3 above present fairly, in all material respects, the financial position and changes in financial position of the City, GRU and the City's Wild Spaces and Public Places Funds for the year ended September 30, 2010, in conformity with generally accepted accounting principles.

In the independent auditors' opinion, the financial statements referred to in items 4, 5, 6 and 7 above present fairly, in all material respects, the net assets and changes in net assets held in trust for benefits for the year ended September 30, 2010, in conformity with generally accepted accounting principles.

As part of the audit process the independent auditors issue "management letter comments" along with several other reports related to internal control structure; compliance with certain provisions of laws, regulations, contracts

and grants, and internal control structure and certain requirements applicable to federal and state financial assistance programs. These reports are presented within item 1 above under the heading of "Single Audit Section."

The auditors' management letter related to General Government indicates that there were no recommendations in the current year. The auditors' management letter and internal control report over financial reporting related to Gainesville Regional Utilities also indicates that there were no recommendations for the current year. This report also provides a status report on the progress made by GRU in implementing management letter recommendations from the previous year.

In accordance with Section 6(b) of Resolution 970187, City Auditor Responsibilities and Administrative Procedures, the City Auditor has reviewed the attached statements and reports to ensure that contractual terms have been fulfilled and transmits these reports with a recommendation for City Commission acceptance.

RECOMMENDATION *The City Commission accept the subject financial report, financial statements, auditors' reports, management letters and single audit reports; and accept management's written response.*

Legislative History

4/4/11 Audit, Finance and Recommended for Approval (2 - 0)
 Legislative
 Committee

100849 CA Transmittal of FY2010 Audited Fin Stmts_20110404.PDF
 100849A_Summary of FY2010 GG_Audit Results_20110404.pdf
 100849B_Summary of FY2010 GRU Audit Results_20110404.pdf
 100849C_FY2010 Comprehensive Annual Financial Report (CAFR)_20110404.pdf
 100849D_GRU Financial Statements - FY2010_20110404.pdf
 100849E_WSPP FY2010 Financial Statements_20110404.pdf
 100849F_Employee's Pension Fund FY2010 Financial Statements_20110404.pdf
 100849G_Consolidated Police and Fire Pension Fund FY2010 Financial Statements_20110404.pdf
 100849H_Disability Pension Fund FY2010 Financial Statements_20110404.pdf
 100849I_Other Postemployment Benefits Fund FY2010 Financial Statements_20110404.

100507.

Funding RTS Routes and Associated ADA Service Outside the City Limits (B)

This item is a request to approve the service rate policy for transit service outside Gainesville City limits.

MODIFICATION - Move to the regular agenda for discussion.

Explanation: The City of Gainesville Regional Transit System (RTS) provides transit services outside Gainesville City limits that are currently under contract with the Board of County Commissioners (BoCC).

On November 7, 2006, the Recreation, Cultural Affairs and Public Works Committee discussed rates for these services and although the Committee

approved forwarding policy language to the City Commission for final approval, there is no record that the policy was adopted by the City Commission.

This item was referred by the City Commission to the Audit, Finance and Legislative Committee on November 4, 2010. On November 30, 2010, a proposed policy including the criteria for the service rate was discussed. The Committee requested that RTS staff bring back to their next meeting a set of formulas which would reflect the full cost of transit service provided outside the Gainesville City limits, including consideration of a possible surcharge for future service enhancement.

On January 27, 2011, a revised policy, which includes depreciation expense and a 10% surcharge for future service enhancement, was presented by RTS staff and discussed by the Committee. An additional item discussed but not recommended for implementation at this time was utilizing the Consumer Price Index (CPI) to reflect increased annual costs from calculation to payment of the service rate.

On February 17, 2011 this item was removed from regular City Commission agenda and sent back to the Audit, Finance and Legislative Committee for further discussion. Main topic of discussion is the surcharge rate.

The current proposed policy calculates an hourly service rate of \$71.37 for FY2012 for transit services outside the City limits.

Fiscal Note: Revenue generated by the service rate will cover any operating expenses associated with the service.

RECOMMENDATION

The City Commission approve the revised service rate policy, which generates a service rate of \$71.37 per hour for fiscal year 2012 for unincorporated portions of Alachua County not covered by other contracts.

Legislative History

11/4/10	City Commission	Referred (7 - 0)	Audit, Finance and Legislative Committee
11/30/10	Audit, Finance and Legislative Committee	Retained in Committee	
1/27/11	Audit, Finance and Legislative Committee	Recommended for Approval	
2/17/11	City Commission	Withdrawn	
4/4/11	Audit, Finance and Legislative Committee	Recommended for Approval (2 - 0)	

100507_RTS Proposed Policy_20101130.PDF
 100507_Revised Formula_20110127.pdf
 100507_spreadsheets_20110217.pdf
 100507_Service Rate Policy_20110217.PDF
 100507_ServiceRates_20110404.pdf

100852.**Quarterly Financial Report - Gainesville Regional Utilities (B)**

RECOMMENDATION *The City Commission receive the GRU Quarterly Financial Report for the period ending 12-31-10.*

Legislative History

4/4/11 Audit, Finance and Recommended for Approval (2 - 0)
 Legislative
 Committee

100852_GRU 2011 First Quarter Financials_20110404.pdf

100853.**Fiscal year 2011 Operating Funds Quarterly Monitoring Report - Quarter Ending December 31, 2010 (B)**

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

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

Legislative History

4/4/11 Audit, Finance and Recommended for Approval (2 - 0)
 Legislative
 Committee

100853_1st Quarter Report_20110404.pdf

100858.**Review of Landlord Permit Revenues (B)**

Explanation: In accordance with our Annual Audit Plan, the City Auditor's Office has completed a Review of Landlord Permit Revenues. The primary objective of this phase of our audit was to evaluate the system of management control over the billing and collection of landlord permit revenues. We previously issued an interim report related to driveway parking plans and departmental performance measurement data. During our review, we interviewed key personnel, analyzed operating data and evaluated management controls.

Based on the results of our review, we believe that opportunities exist for the Code Enforcement Division to strengthen the billing and collection process for landlord permits. Our report, which includes a response from the City Manager, is attached for your review. The report provides several recommendations related to reviewing options for collecting delinquent landlord non-compliance fees, developing a written procedures manual to document the landlord permit process, and utilizing the enhanced functionality of the Master Parcel System to better monitor trends and progress for landlord

permit payments.

We request that the Committee recommend the City Commission accept our report and the City Manager's response. Also, in accordance with City Commission Resolution 970187, Section 10, Responsibilities for Follow-up on Audits, we request that the Committee recommend the City Commission instruct the City Auditor to conduct a follow-up review on recommendations made and report the results to the Audit, Finance and Legislative Committee.

RECOMMENDATION

The City Commission: 1) Accept the City Auditor's report and response from the City Manager; and 2) instruct the City Auditor to conduct a follow-up review on recommendations made and report the results to the Audit, Finance and Legislative Committee.

Legislative History

4/4/11 Audit, Finance and Recommended for Approval (2 - 0)
 Legislative
 Committee

100858_City Auditor's Review of Landlord Permit Revenues_20110404 .PDF

080938.

Streamlining Gainesville Government Report (B)

Explanation: The Audit, Finance and Legislative Committee discussed this issue at their April 4, 2011 regular meeting and made the following recommendation.

RECOMMENDATION

The City Commission refer the issue of Citizen Boards geographic and demographic representation to the EO Director; 2) keep the method of appointing members to Citizen Boards the same except in certain ad hoc situations.

Legislative History

3/30/09 Audit, Finance and Recommended for Approval, as revised
 Legislative
 Committee

5/7/09 City Commission Approved as Recommended (7 - 0)

6/4/09 City Commission Adopted (Resolution) (6 - 0 - 1 Absent)

4/4/11 Audit, Finance and Approved as shown above (See Motion) (2 - 0)
 Legislative
 Committee

080938_revised rules_20090330.PDF

080938_Summary_20090330.PDF

080938_Commission Rules_20090507.pdf

080938_Rules Resolution_20090604.PDF

080938_resolution_20090604.pdf

080938_Matrix_20110404.pdf

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

END OF CONSENT AGENDA**ADOPTION OF THE REGULAR AGENDA****CHARTER OFFICER UPDATES****CLERK OF THE COMMISSION****CITY MANAGER****100773.****Main Street Streetscape (B)**

This item is to discuss options for advancing the Main Street Streetscape and Lighting project.

Explanation: The City Commission requested that staff provide options to accelerate the funding of landscaping and street lighting for the section of North and South Main Street soon to be completed by the Florida Department of Transportation. The adopted FY 11 - 15 Capital Improvement Plan (CIP) identifies \$1.1 million in FY 2015 for Main Street Streetscape. The costs of the project were estimated at \$1.65 million.

Staff has reviewed the accounts associated with several recently completed projects including the SW 6th Street/2nd Avenue Roundabout, SW 23rd Terr/35th Place Roundabout, and the traffic signal replacements and have found that due to savings between estimated costs and actual bided contract costs there is approximately \$1,616,984.73 of gas tax funds available that could be directed to advance the Main Street Streetscape project. This would allow the City Commission to reallocate the \$1.1 million that is identified in FY 2015 to another project.

Alternatives for the expenditure of these funds is to put towards 1) any potential shortfall in funding on Depot Avenue associated with right of way acquisition; 2) advance reconstruction of SE 4 Street; or 3) bring in a currently unfunded project from the Prioritized List of Transportation Projects.

Fiscal Note: Allocate cost savings from completed projects to the Main Street Streetscape project in the amount of \$1,616,984.73.

RECOMMENDATION

The City Commission: 1) approve the reallocation of \$1,616,984.73 to the Main Street Streetscape project to allow work to begin in FY 11; and 2) direct the City Manager to come back at a future meeting with recommendations for the reallocation of the FY 15 \$1.1 million.

Legislative History

4/7/11 City Commission Withdrawn

100773_Presentation_20110421.pdf

100862.**Proposal Award - Selection of Contractors for the City of Gainesville Tennis Complex located at Albert Ray Massey Park (B)**

This item requests the City Commission to approve the award of the Tennis Professional Services Contract to Mike Oransky Tennis, and authorize the City Manager or designee to execute a contract with Mike Oransky Tennis for Professional Tennis Services at City Facilities, including Joyce Oransky Tennis Center and Pro Shop.

Explanation: On October 28, 2010, the City's Purchasing Division issued a "Request for Proposals for Professional Tennis Services at City Facilities, Including Joyce Oransky Tennis Center and Pro Shop (Rebid)," with a closing date of November 23, 2010. On November 23, 2010, the City's Purchasing Department received two (2) proposals from tennis contractors for use of the City's tennis facilities, per the specifications set forth in the Request for Proposal (RFP) developed by the Parks, Recreation and Cultural Affairs Department (PRCA). Department staff has evaluated the qualifications, proposals of the firms, and prices and has recommended the contract be awarded to Mike Oransky Tennis. The other proposal submitted by TLCG Tennis LLC was deemed non-responsive for not meeting minimum requirements.

On January 19, 2011, the City was officially notified by Mr. Jeffrey Braswell, of Scruggs and Carmichael, P. A. that his client, Abdoulaye Touré of TLCG Tennis LLC, wished to lodge a protest of the proposal award. Section 41-582 Section 41-582 of the Purchasing Procedures requires that a timely protest "include all relevant information which the alleged aggrieved party feels is pertinent." The formal, written protest was based solely on the belief that his client met the terms of the RFP. The bid protest was received by the City and reviewed by the City Attorney's Office.

In accordance with the award protest procedure, on January 27, 2011 the Director of PRCA heard the protest, and forwarded his recommendation to City Manager Russ Blackburn. On February 8, 2011, the City Manager issued a letter to Mr. Braswell with supporting documentation denying the protest. Subsequently, on February 14, 2011, within the prescribed period, Mr. Braswell, on behalf of Mr. Touré, filed an appeal of the City Manager's decision. In this appeal Mr. Braswell is presenting additional issues and additional requested remedies which are contrary to procedure (41-581), "The City Commission or designee shall review the decision of the Charter Officer, the record before the Charter Officer, and written or oral argument of the parties involved in the appeal. No new evidence shall be considered and the City Commission may only reverse or modify the decision of the Charter Officer upon a determination that his/her decision was not based on substantial competent evidence or that his/her reasoning or application of the policies, procedures and law was fundamentally flawed."

Fiscal Note: Should the City Commission elect to approve award of the Tennis Professional Services contract, revenues derived from the contract will be deposited into the General Fund, Recreation Division revenue accounts.

RECOMMENDATION

The City Commission: 1) deny TLCG Tennis LLC 's appeal; 2) approve award of the Tennis Professional Services contract to Mike Oransky Tennis; and 3) authorize the City Manager or designee to execute all contract documents with Mike Oransky for Tennis Professional Services, subject to approval by the City Attorney as to form and legality.

Alternative Recommendation

The City Commission turn down the bid award and request the City Staff go back out to bid for Professional Tennis Services at City Facilities, including Joyce Oransky Tennis Center and Pro Shop.

100862A_Memo_20110421.PDF
 100862B_Letter_20110421.pdf
 100862C_Procedures_20110421.pdf
 100862D_Letter_20110421.pdf
 100862E_RFP_20110421.pdf
 100862F_RFP Add#1_20110421.pdf
 100862G_RFP Add#2_20110421.pdf
 100862H_RFP Add#3_20110421.pdf
 100862I_Letter_20110421.pdf

GENERAL MANAGER FOR UTILITIES**CITY ATTORNEY****CITY AUDITOR****EQUAL OPPORTUNITY DIRECTOR****100705.****Affirmative Action Plan (B)**

MODIFICATION - Remove from the agenda.

Explanation: Pursuant to Resolution No. 951377, the Office of Equal Opportunity has now completed the 2011 Affirmative Action Plan and wishes to share the results, goals, and associated action steps with the City Commission.

RECOMMENDATION

The City Commission: 1) hear a summary of the Affirmative Action Plan; and 2) receive the 2011 Affirmative Action Plan as prepared.

Legislative History

3/3/11 City Commission Withdrawn

100705_2011 AA Plan_20110303.pdf
 100705a_2011 AA Plan_20110303.pdf
 100705b_2011 AA Plan_20110303.pdf
 100705c_2011 AA Plan_20110303.pdf
 100705d_2011 AA Plan_20110303.pdf
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 100705h_2011 AA Plan_20110303.pdf
 100705i_2011 AA Plan_20110303.pdf
 100705j_2011 AA Plan_20110303.pdf
 100705k_2011 AA Plan_20110303.pdf
 100705l_2011 AA Plan_20110303.pdf
 100705m_2011 AA Plan_20110303.pdf
 100705_Summary Rpt_20110303.pdf

100706.**Report of Small Business Enterprise Activity for the City of Gainesville (GRU and GG) (B)**

Explanation: Gainesville Charter, Article III, Section 3.08(2) provides that the Equal Opportunity Director "shall make reports, including an annual report, to the charter officers and commission, as appropriate, as to the activities of the year and the need, if any, to revise the city's human relations and equal opportunity ordinances, policies, and programs pertaining to, but not limited to, equal opportunity, affirmative action, local minority business and local small business enterprise procurement program..."

On April 11, the Equal Opportunity Committee heard presentations from Minority Business Development Coordinator Shaad Rehman and Utilities Purchasing Manager Joann Dorval and discussed GGs and GRUs Small Business and Minority Programs and approved this item for presentation to the full City Commission.

RECOMMENDATION

The Equal Opportunity Committee: 1) hear a presentation from EO Director Cecil Howard, on GRUs SBE and GGs SBPP 2010 Reports; and 2) accept the reports.

Legislative History

4/11/11	Equal Opportunity Committee	Approved as Recommended and Referred	City Commission
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100706_SBPP SBE Report_20110303.pdf
 100706_SBE SBPP PPT_20110421t.pdf
 100706_MOD_SBE_PPT_20110421.PDF

COMMITTEE REPORTS (PULLED FROM CONSENT)**ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)**

OUTSIDE AGENCIES**MEMBERS OF THE CITY COMMISSION****100920.****Commissioner Thomas Hawkins - Habitat for Humanity Affordable Tax Increment Financing (B)**

MODIFICATION - New Item added to the agenda - April 20, 2011.

RECOMMENDATION

The City Commission discuss Habitat for Humanity Affordable Tax Increment Financing and take appropriate action.

100920_MOD_Agreement_20110421.pdf

COMMISSION COMMENTS (if time available)**RECESS****RECONVENE****PLEDGE OF ALLEGIANCE (5:30pm)****PROCLAMATIONS/SPECIAL RECOGNITIONS****100863.****City of Gainesville's Citizens' Academy Spring 2011 Graduates (NB)**

Explanation: The City of Gainesville Communications Office offers the Citizens' Academy, dubbed "Gainesville 101," to educate Gainesville citizens on the diverse services their city government provides and inform them on how they can become more involved in their local government.

Participants in this session's Citizens' Academy went behind the scenes of city government operations, met with government officials, toured facilities and asked questions at six weekly sessions. This is the ninth graduation class of the City of Gainesville's Citizens' Academy.

RECOMMENDATION

The City Commission: 1) recognize accomplishments of Gainesville 101 Spring 2011 City of Gainesville Citizens' Academy graduates; and 2) hear brief comments from the class speaker on what they have learned.

100882.**Special Recognition to Police Corporal Bruce Ferris For Winning The Prestigious State Victims Advocate Award (NB)**

Explanation: Detective Corporal Bruce Ferris received a State Victim Advocate Award, presented by Governor Rick Scott, at a presentation in Tallahassee on April 13 at the State Capitol.

RECOMMENDATION

The City Commission hear the Special Recognition of Corporal Ferris.

100878.**Fifth Avenue Arts Festival Days (B)****RECOMMENDATION**

Nkwanda Jah, Cultural Arts Coalition Director, to accept the proclamation.

100878_5thAvenueArtsFest_20110421.pdf

100879.**National Landscape Architecture Month (B)****RECOMMENDATION**

Buford Davis, Gainesville/Ocala Section, Florida Chapter, American Society of Landscape Architects and E.J. Bolduc, Past President, Florida Chapter, American Society of Landscape Architects to accept the proclamation.

100879_NatLandscapeArchitecture_20110421.pdf

100881.**Youth Environmental Summit Day (B)****RECOMMENDATION**

Nkwanda Jah, Cultural Arts Coalition Direction and various youth group representatives to accept the proclamation.

100891_YouthEnvironmentalSummit_20110421.pdf

100891.**Fair Housing Month (B)****RECOMMENDATION**

Cecil Howard, Equal Opportunity Director, to receive the proclamation.

100891_FairHousing_20110421.pdf

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

PUBLIC HEARINGS

100820.

Modification to City of Gainesville Urban Reserve Area and Statement of Services (B)

This item is to hold a public hearing to discuss and adopt the five-year update to the Gainesville Urban Reserve Area and the accompanying Statement of Services.

Explanation: The City of Gainesville Urban Reserve area was initially adopted by the Alachua County Commission in October 1991. A review of the Urban Reserve Area is required every five years under the Alachua County Boundary Adjustment Act (BAA), the Special Act adopted by the State governing annexation in Alachua County. The last review and update was completed in March of 2006. The County initiated the current 5-year update process in January 2011 by sending a letter requesting a written response, indicating whether the City of Gainesville was interested in revising its Reserve Area. The City provided a written response to the County in February 2011, stating our desire to change the currently adopted Gainesville Urban Reserve Area. The site and general vicinity of the Paynes Prairie Sheetflow Restoration project is the proposed addition to Gainesville's Urban Reserve Area.

Under the Alachua County Boundary Adjustment Act, an urban reserve area defines the territory where a municipality is allowed to annex. The reserve area designated for a municipality must meet the following criteria:

- (a) Be adjacent to the municipality;*
- (b) Be urban in character or likely to become urban in character within the next 10 years;*
- (c) Be areas in which population growth should be directed so as to promote efficient delivery of urban services, including police, fire protection, solid waste disposal, potable water, sanitary sewer, drainage or flood control, parks and recreation, housing, street lighting, transportation and other services, and to encourage more concentrated urban development;*
- (d) Shall not contain areas outside the county in which the municipality lies, contain areas within the corporate limits of another municipality, or contain areas within another municipality's reserve area;*
- (e) Shall not contain areas which could be provided with urban services more efficiently by the county or other municipality;*
- (f) Shall not contain areas which cannot reasonably be foreseen to be provided with the urban services provided by the municipality within the next 10 years;*
and,
- (g) Shall not contain areas which the municipality cannot reasonably have the capacity or capital facilities within the next 10 years to provide, at a minimum, the level of services provided by the county to the reserve areas.*

Under the Boundary Adjustment Act, "urban in character" is defined as an area used for residential, urban recreational or conservation parklands, commercial, industrial, institutional, or governmental purposes or an area undergoing

development for any of these purposes including any parcels of land retained in their natural state or kept free of development as greenbelt areas.

Fiscal Note: There is no financial impact.

RECOMMENDATION

The City Commission hold a public hearing and adopt the Statement of Services and the map to be submitted to the Alachua County Commission, the North Central Florida Regional Planning Council and the other municipalities in the County.

Legislative History

4/7/11 City Commission Approved as Recommended (6 - 0 - 1 Absent)

100820_Ltr from Randall Reid_20110407.pdf
 100820A_Ltr from City Mgr_20110407.pdf
 100820B_URA Map_20110407.pdf
 100820C_StatementOfServices_20110407.pdf
 100820D_Ltr_20110407.pdf
 100820E_Presentation_20110407.pdf
 100820E-MOD_Presentation-Page 7.pdf
 100820_Letter_20110421.pdf
 100820-MOD_Criteria_20110421.pdf

RESOLUTIONS- ROLL CALL REQUIRED

100854.

FIRST AMENDMENT TO THE FY 2010-2011 GENERAL GOVERNMENT FINANCIAL AND OPERATING PLAN (B)

Explanation: The purpose of this amendment is to accurately reflect and incorporate into the City's FY 2010-2011 General Government budget those transactions and activities that were not anticipated during the budget process.

Fiscal Note:

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

RECOMMENDATION

The City Commission adopt the proposed resolution.

Legislative History

4/4/11 Audit, Finance and Legislative Committee Recommended for Approval (2 - 0)

100854_FY2011 Amendatory--1st Qtr_20110404.pdf
 100854_FY11 1st Budget Amendment_20110421.pdf

100856.

Resolution to Enter into a Maintenance Agreement with the State of Florida Department of Transportation (B)

This item is a Resolution for approval and authorization to enter into a Maintenance Agreement with the State of Florida Department of Transportation (FDOT), allowing the City of Gainesville to provide maintenance for the proposed 6th Street Rail Trail between SW 2nd Avenue and NW 10th Avenue.

Explanation: The City of Gainesville is proposing to construct the 6th Street Rail Trail between SW 2nd Avenue and NW 10th Avenue under a Local Agency Program (LAP) agreement with FDOT which is funding the construction. Therefore FDOT requires a Maintenance Agreement to be executed prior to construction of these betterments.

Fiscal Note: Funding in the amount of \$10,000 is available in the Public Works FY 2011 operating budget.

RECOMMENDATION *The City Commission adopt the Resolution.*

100855_Resolution_20110421.pdf

100857.

Resolution to Enter into a Maintenance Agreement with the State of Florida Department of Transportation (B)

This item is a Resolution for approval and authorization to enter into a Maintenance Agreement with the State of Florida Department of Transportation (FDOT), allowing the City of Gainesville to provide maintenance for the proposed sidewalk along a portion of NE 19th Place. This sidewalk construction is funded by the FDOT under the "Safe Routes to School" program of FDOT.

Explanation: The FDOT is proposing to fund the construction of a sidewalk along a portion of NE 19th Place under its "Safe Routes to School" program. Although the construction will be within the City's Right-of-Way, since the construction funding is provided by the FDOT, a Maintenance Agreement is required to be executed prior to construction of these betterments.

Fiscal Note: Funding in the amount of \$10,000 is available in the Public Works FY2011 operating budget.

RECOMMENDATION *The City Commission adopt the Resolution.*

100857_Resolution_20110421.pdf

100867.

State Housing Initiatives Partnership (SHIP) Program Local Housing Assistance Plan -State Fiscal Years 2011-2013 (B)

This item requests the City Commission approval of the proposed SHIP Local Housing Assistance Plan covering State Fiscal Years 2011/2012, 2012/2013 and 2013/2014, resolution and required certifications.

MODIFICATION - (Back-up added April 14, 2011)

Explanation: Since 1992, the City of Gainesville has participated in the SHIP Program. To participate in the SHIP Program, the City must prepare and submit a Local Housing Assistance Plan (LHAP) in compliance with Section 420.907, Florida Statutes and Chapter 67-37, Florida Administrative Code. The LHAP describes program activities and management plans for the utilization of funds through public/private partnerships which expand the production and preservation of affordable housing within the city limits of the City of Gainesville. The LHAP addresses affordable housing needs in the community such as homeownership, housing rehabilitation, new construction, downpayment assistance, mortgage foreclosure intervention, and rental housing. The goal of the plan is to provide affordable housing opportunities for income eligible residents within the incorporated areas of the City.

During the development of the LHAP, public input and citizen participation was solicited through a series of meetings held in February 2011. The meetings included participation from housing providers, local lenders, citizens and other groups involved in the provision of affordable housing. At this time, the SHIP Program is not funded; however, the State requires local governments to submit a new LHAP as required by the Florida Statutes. The new LHAP will be in place in the event that the SHIP Program is funded within the period covered by the plan. Thus, there are no proposed changes in the new LHAP as it is designed to continue addressing affordable housing needs in the community. On March 2, 2011, the Florida Housing Finance Corporation (FHFC) conducted a courtesy review of the LHAP, and issued a preliminary approval of the plan as proposed.

Fiscal Note: At this time, the SHIP Program is not funded; however, the Florida Statutes requires local governments to submit a LHAP in the event the SHIP Program is funded within the time period covered for State Fiscal Years 2011/2012, 2012/2013 and 2013/2014.

RECOMMENDATION

The City Commission: 1) approve and adopt the State Housing Initiatives Partnership Program Local Housing Assistance Plan for State Fiscal Years 2011/2012, 2012/2013 and 2013/2014, along with the resolution and required certifications; 2) authorize the submission of the Local Housing Assistance Plan for review and approval by the Florida Housing Finance Corporation; and 3) authorize the Mayor and/or City Manager or his designee to execute all necessary documents related to the Local Housing Assistance Plan, subject to review by the City Attorney as to form and legality.

100867A_Resolution_20110421.pdf

100867B_LHAP_20110421.pdf

100867C_PPT_20110421.pdf

100867B_MOD LHAP_20110421.pdf

100893.

BOARD OF CANVASSERS REPORT - ELECTIONS (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, run-off election held April 12, 2011; and providing an immediate effective date.

MODIFICATION - (Back-up added April 18, 2011)

Explanation: On April 12, 2011, a city run-off election for the election of the Commissioners for District 2 and District 3 was held.

The Report of the Board of Canvassers for the City of Gainesville, showing that Todd Chase was elected to the District 2 Seat and Susan Bottcher was elected to the District 3 Seat, is adopted by this resolution of the City Commission.

RECOMMENDATION *The City Commission adopt the proposed resolution.*

100893_runoff election results_20110421.pdf

ADOPTION READING-ROLL CALL REQUIRED

100777.

LAND USE CHANGE - UNIVERSITY OF FLORIDA EASTSIDE CAMPUS (B)

Ordinance No. 100777, Petition PB-11-10LUC

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by changing the land use category of certain property, as more specifically described in this ordinance, from the land use category of "Residential Low-Density (up to 12 units per acre)" to "Education"; located in the vicinity of 2200 Northeast Waldo Road; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: STAFF REPORT

This proposed small-scale amendment of the Future Land Use Map from Residential Low-Density (up to 12 units per acre) (RL) to Education (E) is for an approximately 2.6-acre property located on the west side of Waldo Road and south of Northeast 23rd Avenue. This property is adjacent to the University of Florida's Eastside Campus on the south (and west), and to both a mobile home park and Northeast 23rd Avenue on the north. To the east and across Waldo Road is the State of Florida's Tacachale residential facility for the developmentally disabled.

The property was previously part of the adjacent mobile home park to the north, but is now vacant and unimproved except for the remains of three very dilapidated and unoccupied wooden houses. No one resides on this 2.6-acre property, which the University of Florida plans to incorporate into its Eastside Campus, subsequent to approval of the requested land use and related zoning changes. The property is within the Eastside Community Redevelopment Area, but it is not within either the Enterprise Zone or a special area plan.

The property was purchased in 2010 for the purpose of expanding UF's Eastside Campus, which is part of the 2005-2015 Campus Master Plan and is included in the 2005-2015 Campus Development Agreement. The application states that "the addition of this parcel as an overflow parking area to the campus...will help alleviate the current shortage of parking. As the total Eastside Campus continues to evolve and redevelop over time, alternate uses will be contemplated that complement the remainder of the site." This property will be incorporated into the Campus Master Plan by the University in a future update of the Master Plan.

The proposed land use change from Residential Low-Density (up to 12 units per acre) to Education is appropriate for the property's planned use as part of the UF Eastside Campus. The Education category states in part that this "category identifies appropriate areas for public and private schools and institutions of higher learning when located outside of neighborhood centers (activity centers)". The current RL land use category is a residential land use category that can allow up to 31 residential units on the 2.6-acre property, but it does not allow institutions of higher learning. This petition is related to Petition PB-11-11 ZON, which is a request for rezoning from MH (12 units/acre mobile home residential district) to ED (Educational services district).

The key issues are that: 1) the proposed small-scale amendment is necessary to bring this UF property into conformance with the City's Comprehensive Plan; 2) compatibility with the adjacent residential property to the north will be ensured by meeting all applicable requirements of the Land Development Code; 3) the proposed Education land use is consistent with Plan East Gainesville, and with the continued development of UF's Eastside Campus; 4) the proposed small-scale land use change from a residential to an institutional use could have a marginal negative impact on the supply of potential affordable housing in Gainesville; and, 5) there are no problems with financial feasibility.

The proposal is consistent with the City of Gainesville adopted comprehensive plan.

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

CITY ATTORNEY MEMORANDUM

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

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

RECOMMENDATION

The City Commission: 1) approve Petition No. PB-11-10LUC; and 2) adopt the proposed ordinance.

100777_draft ordinance_20110421.pdf
 100777_Staff Report_20110421.pdf
 100777A_Appndx A Comp Plan_20110421.pdf
 100777B_Appndx B -Supplmntal Docs_20110421.pdf
 100777C_CPB Application_20110421.pdf
 100777D_CPB 2-24-11 Minutes_20010421.pdf
 100777E_Staff PPT_20110421.pdf
 100777F_Applicant PPT_20110421.pdf

TRANSMITTAL HEARING**100760.****LAND USE CHANGE – GAINESVILLE REGIONAL AIRPORT AUTHORITY (B)****Ordinance No. 100760; Petition No. PB-11-12LUC**

An Ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan Future Land Use Map; by changing the land use category of certain property, as more specifically described in this ordinance, from the land use category of “Conservation” to “Business Industrial”; consisting of approximately 47.8 acres, located in the vicinity of 3801 Northeast Waldo Road; providing directions to the City Manager and the codifier; providing a severability clause; and providing an effective date.

Explanation: STAFF REPORT

This petition is a large-scale land use amendment to change the Future Land Use designation on a 47.8-acre portion of a 48-acre parcel from the Conservation land use category to Business Industrial, leaving a 0.2-acre portion in the Conservation land use category since it serves to buffer an environmentally sensitive area on the neighboring parcel to the south. This parcel is located on NE Waldo Road north of NE 39th Avenue and is bounded by the Gainesville Regional Airport and the Alachua County Fairgrounds.

The subject property has been owned by the City of Gainesville since 1986, and is managed by the Gainesville Regional Airport. It is undeveloped and primarily consists of an open field, used occasionally for horse shows or overflow parking for special events. Amending the 47.8-acre portion of this parcel to the Business Industrial land use category is consistent with Plan East Gainesville, which was accepted by the City Commission in 2003, and the Gainesville Airport Authority's Master Planning Report, which was approved by the City Commission in August 2010 (Legistar number 100233). These plans include the construction of a new airport entry road from Waldo Road, which will be underway in early 2011.

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

CITY ATTORNEY MEMORANDUM

The aboverferenced petition was approved by the Plan Board on February 24, 2011 and the Department of Planning and Development Services has requested the City Attorney's Office to prepare the appropriate ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan.

Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The first hearing is held at the transmittal stage and must be advertised seven days prior to the first public hearing. The second hearing will be held at the adoption stage of the ordinance and must be advertised five days before the adoption hearing.

If adopted at the transmittal hearing, the proposed amendment to the Comprehensive Plan will be transmitted to the State Department of Community Affairs (DCA) for written comment. Any comments, recommendations or objections of the DCA will be considered by the Commission at the second public hearing.

Following second reading, the Plan amendment will not become effective until the DCA issues a final order determining the adopted amendment to be in compliance in accordance with the Local Government Comprehensive Planning and Land Development Regulation Act, or until the Administration Commission (Governor and Cabinet) issues a final order determining the adopted amendment to be in compliance.

RECOMMENDATION *The City Commission: 1) approve Petition No. PB-11-12 LUC; and; 2) adopt the proposed ordinance.*

100760_draft ordinance_20110421.pdf
 100760_staff report_20110421.pdf
 100760A_exhibit A_20110421.pdf
 100760B_exhibit B_20110421.pdf
 100760C_exhibit C_20110421.pdf
 100760D_cpb minutes_20110421.pdf
 100760E_staff ppt_20110421.pdf

100776.

PLANNED USE DEVELOPMENT - HATCHET CREEK TIME EXTENSION (B)

Ordinance No. 100776; Petition No. PB-10-109 CPA

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan Future Land Use Element Policy 4.3.5 for the Hatchet Creek Planned Use District; by deleting policy 4.3.5.f in its entirety; providing directions to the city manager; providing time limitations for PD zoning; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

This is a request to extend the timeframe for which a Planned Development (PD) zoning ordinance must be adopted to implement the Hatchet Creek PUD.

Applicant, East Gainesville Partners ("EGDP"), is requesting that the timeframe be extended to June 30, 2015.

On December 17, 2009 the City adopted Ordinance No. 070210 that regulates the land use of the Hatchet Creek Planned Use Development ("PUD") and certain sections of that Ordinance became Policy 4.3.5 in the Future Land Use Element of the City's 2000-2010 Comprehensive Plan. Policy 4.3.5.f states, "A PD (planned development) zoning ordinance consistent with the PUD must be adopted by the City Commission within 18 months of the effective date of the land use change. The obligation to apply for and obtain PD zoning shall be on the owner/developer. If the aforesaid zoning ordinance is not adopted within the 18-month period, then the overlay PUD shall automatically be null and void and of no further force and effect and the overlay shall ministerially be removed from the Future Land Use Map, leaving the original and underlying land use categories in place. The timely filing of an extension application by the owner/developer to extend the aforesaid 18-month period shall toll the expiration date until final City Commission action on the extension application."

The applicant timely filed for an extension on March 17, 2010, and based on comments from city staff filed an amended application on December 14, 2010. The applicant states that the purpose of the extension is to "allow the property owner and the City to explore a real property exchange in which a portion of the EGDP's property would be conveyed to the City so it could expand the driving range and putting practice area at the Ironwood Golf Course and resolve existing incursions by the city onto EGDP property in exchange for City property that EGDP could use for residential development as part of its Hatchet Creek PD project."

The extension is being processed by deleting policy 4.3.5.f from the Future Land Use Element of the City's 2000-2010 Comprehensive Plan and placing the extension language in the body of the ordinance. This will allow for future time extensions, if any, to be considered by ordinance without the necessity of amending the Comprehensive Plan.

After public notice was published in the Gainesville Sun on February 8, 2011, the City Plan Board held a public hearing on February 24, 2011 and, by a vote of 7-0, recommended the City Commission approve the petition.

CITY ATTORNEY MEMORANDUM

Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The first hearing is held at the transmittal stage and must be advertised seven days prior to the first public hearing. The second hearing will be held at the adoption stage of the ordinance and must be advertised five days before the adoption hearing.

If adopted on first reading, the proposed amendment to the Comprehensive Plan will be transmitted to the State Department of Community Affairs (DCA) for written comment. Any comments, recommendations or objections of the DCA

will be considered by the Commission at the second public hearing.

Following second reading, the Plan amendment will not become effective until the DCA issues a final order determining the adopted amendment to be in compliance in accordance with the Local Government Comprehensive Planning and Land Development Regulation Act, or until the Administration Commission (Governor and Cabinet) issues a final order determining the adopted amendment to be in compliance.

RECOMMENDATION *The City Commission (1) approve Petition PB-10-109 CPA and (2) adopt the proposed ordinance.*

100776_draft ordinance_20110421.pdf

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

100778.

REZONING - UNIVERSITY OF FLORIDA EASTSIDE CAMPUS (B)

Ordinance No. 100778, Petition No. PB-11-11 ZON

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property, as more specifically described in this Ordinance, from the zoning category of "MH: 12 units/acre mobile home residential district" to "ED: Educational services district"; located in the vicinity of 2200 Northeast Waldo Road; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: COMMUNITY DEVELOPMENT STAFF MEMORANDUM

This proposed rezoning from MH (12 units/acre mobile home residential district) to ED (Educational services district) is for an approximately 2.6-acre property located on the west side of Waldo Road and south of Northeast 23rd Avenue. This property is adjacent to the University of Florida's Eastside Campus on the south (and west), and to both a mobile home park and Northeast 23rd Avenue on the north. To the east and across Waldo Road is the State of Florida's Tacachale residential facility for the developmentally disabled. The property was previously part of the adjacent mobile home park to the north, but is now vacant and unimproved except for the remains of three very dilapidated and unoccupied wooden houses. The property is within the Eastside Community Redevelopment Area, but it is not within either the Enterprise Zone or a special area plan.

The property was purchased in 2010 for the purpose of expanding the adjacent Eastside Campus of the University of Florida, which is part of the 2005-2015 Campus Master Plan and is included in the 2005-2015 Campus Development Agreement. The application states that "the addition of this parcel as an overflow parking area to the campus...will help alleviate the current shortage of parking. As the total Eastside Campus continues to evolve and redevelop over time, alternate uses will be contemplated that complement the remainder of the site." This property will be incorporated by the University into the Campus Master Plan in a future update of the Master Plan.

The proposed change from MH to ED zoning is appropriate for the property's planned use as part of the UF Eastside Campus. The ED district was established to identify and locate public educational facilities at appropriate locations throughout the community. Universities are a use by right in the Educational services zoning district. The MH zoning currently on the 2.6-acre property can allow up to 31 residential units, but it does not allow institutions of higher learning. This petition is related to Petition PB-11-10 LUC, which is a request for a small-scale, comprehensive plan amendment from Residential Low-Density (up to 12 units per acre) to the Education land use category.

The key issues are: 1) this proposed rezoning is consistent with the related, proposed land use amendment to Education; 2) compatibility with the adjacent residential property to the north will be ensured by meeting all applicable requirements of the Land Development Code; 3) the proposed Educational facilities district zoning is consistent with the continued development of the University of Florida Eastside Campus, and with Plan East Gainesville; and, 4) the proposed rezoning from a residential to an institutional use could have a marginal negative impact on the supply of potential affordable housing in Gainesville.

The proposal is consistent with the City of Gainesville adopted comprehensive plan.

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

CITY ATTORNEY MEMORANDUM

The petition and ordinance are simultaneously submitted to the City Commission for approval and adoption because city staff and the plan board both recommend approval.

RECOMMENDATION

The City Commission: 1) approve Petition No. PB-11-11 ZON; and 2) adopt the proposed ordinance.

100778_draft ordinance_20110421.pdf
 100778_CPB Staff Report_20110421.pdf
 100778A_Appndx A Comp Plan_20110421.pdf
 100778B_Appndx B Land Dev Cd_20110421.pdf
 100778C_Appndx C Supplmntl Docs_20110421.pdf
 100778D_Appndx D Application & Wkshp Info_20110421.pdf
 100777E_Staff PPT_20110421.pdf
 100778G_Applicant PPT_20110421.pdf

100790.

REZONING – AIRPORT INDUSTRIAL PARK PROPERTY(B)

Ordinance 100790, Petition PB-11-14 ZON

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property, as more specifically described in this Ordinance, from the zoning category of “I-2: General industrial district” to “BI: Business industrial district” and “CON: Conservation district”;

located in the vicinity of southeast corner of Waldo Road and Northeast 49th Avenue intersection; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: STAFF REPORT

This petition request is to rezone two parcels totaling approximately 15 acres in the Airport Industrial Park from I-2 (General industrial district) to BI (Business industrial district; for approximately 7.63 acres of the property) and CON (Conservation district; for approximately 7.35 acres of the property). The two parcels are undeveloped vacant land. Access to the parcels would be from NE 49th Avenue.

The property is located east of Waldo Road along the south side of NE 49th Avenue with the eastern boundary being NE 40th Terrace. The boundary to the south is formed by Little Hatchet Creek.

This request is a referral from the City Commission for staff to initiate a Plan Board petition for the property. The City Commission heard a presentation on August 19, 2010 (based on a June 30, 2010 vote by the Airport Authority to recommend preparation of planning proposals that include this property). The Commission voted unanimously to approve the planning concept for this property and to direct staff to initiate the petition (Legistar Number 100233). In coordination with the agent for the Gainesville-Alachua County Regional Airport Authority, this petition is now being brought forward for consideration.

The proposed Business Industrial and Conservation zoning categories represent a reduction in the total intensity of use that would be allowed on the property as compared to the existing I-2 zoning. The existing I-2 zoning allows heavy manufacturing and industrial uses. However, because this property is located in the Airport Industrial Park, there are restrictive covenants that limit uses to light industrial, light manufacturing, warehousing, and distribution uses. The area of the parcels proposed for the Conservation land use category lacks development potential due to the presence of the 10-year flood channel. There are also significant wetlands in that portion of the parcels. Due to the environmental sensitivity of large portions of the two parcels, the Conservation zoning is more appropriate than I-2 zoning.

The Business Industrial (BI) category is appropriate because it allows for a wider range of office, business and industrial uses than the I-2 zoning would. This broader range will make the property more marketable for development and provide more flexibility. In general, the BI uses are less intense than those allowed in I-2, which is an advantage because of the smaller, developable area on this property due to the flood channel.

The Plan Board discussed the petition and recommended approval with a 7-0 vote.

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

CITY ATTORNEY MEMORANDUM

Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The first hearing is held at the transmittal stage and must be advertised seven days prior to the first public hearing. The second hearing will be held at the adoption stage of the ordinance and must be advertised five days before the adoption hearing.

If adopted on first reading, the proposed amendment to the Comprehensive Plan will be transmitted to the State Department of Community Affairs (DCA) for written comment. Any comments, recommendations or objections of the DCA will be considered by the Commission at the second public hearing.

Following second reading, the Plan amendment will not become effective until the DCA issues a final order determining the adopted amendment to be in compliance in accordance with the Local Government Comprehensive Planning and Land Development Regulation Act, or until the Administration Commission (Governor and Cabinet) issues a final order determining the adopted amendment to be in compliance.

RECOMMENDATION *The City Commission: 1) approve Petition No. PB-11-14ZON and 2) adopt the proposed ordinance on first reading.*

100790_draft ordinance_20110421.pdf
 100790_staff report_20110421.pdf
 100790A_Append A_20110421.pdf
 100790B_Append B_20110421.pdf
 100790C_Append C_20110421.pdf
 100790D_cpb minutes_20110421.pdf
 100790E_staff ppt_20110421.pdf

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

100762.

WALNUT CREEK – TIME EXTENSION FOR PLAT APPROVAL (B)

Ordinance No. 100762

An Ordinance of the City of Gainesville, Florida; amending Condition 5 of Section 3 and Condition 18 of Section 4 of Ordinance No. 071066, by providing for an extension of time to obtain final or conditional approval on property that is zoned “Planned Development District”, commonly known as “Walnut Creek Planned Development Phase II”; generally located in the vicinity of the 2500 block of Northwest 39th Avenue; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: COMMUNITY DEVELOPMENT STAFF MEMORANDUM

City staff has been working with the applicant to finalize the plat for Phase II of the Walnut Creek Planned Development. Due to the economy the development was put on hold, and one of the timeframes in the ordinance has expired, however the timeframe for the Planned Development has not expired. Condition 18 of the ordinance provides a valid period for the Planned

Development through March 19, 2012. It is staff's opinion that Section 3 of ordinance 071066 which amended a previous ordinance (020948) should have allowed the final or conditional plat adoption to be consistent with the valid period of the Planned Development ordinance. In order to correct this inconsistency staff is requesting that the City Commission direct the City attorney to correct the ordinance. It is staff's opinion, that this can be corrected by the City Commission without a full petition to the Plan Board.

CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of March 17, 2011, authorized the City Attorney to draft the appropriate ordinance for extension of time for the Walnut Creek Planned Development.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

3/17/11 City Commission Approved as Recommended (6 - 0 - 1 Absent)

4/7/11 City Commission Adopted on First Reading (Ordinance) (7 - 0)

100762A_Ordinance 071066_20110317.pdf

100762B_Ordinance 020948_20110317.pdf

100762_draft ordinance_20110407.pdf

100762_draft ordinance_20110407.pdf

PLAN BOARD PETITIONS

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)