

# **City of Gainesville**

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



## **Meeting Agenda**

**February 11, 2008**

**1:00 PM**

**City Hall Auditorium**

## **City Commission**

*Mayor Pegeen Hanrahan (At Large)  
Mayor-Commissioner Pro Tem Rick Bryant (At Large)  
Commissioner Jeanna Mastrodicasa (At Large)  
Commissioner Scherwin Henry (District 1)  
Commissioner Ed Braddy (District 2)  
Commissioner Jack Donovan (District 3)  
Commissioner Craig Lowe (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

*"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

### 070870.

#### **E-government Software Solution (B)**

**This item seeks authorization for staff to enter into purchase negotiations with Innoprise Software Incorporated for E-government Software Solution for City Divisions of Building Inspections, Codes Enforcement, and Planning.**

*Explanation: On December 22, 2006, a Request for Proposals (RFP) was made available for distribution to qualified vendors regarding E-government software solutions for City of Gainesville Building Inspections, Codes Enforcement, and Planning.*

*Specifically, the City seeks vendors offering software packages designed to automate and track the operational functions of the aforementioned areas. The package would be inclusive of an internal, employee utilized business processing system and an external, citizen/customer portal. Internally, the software solution is intended to provide an efficient business process and time management tool for staff while building a more seamless response mechanism from amongst the various functional areas (via replacement of existing Building Inspections and Codes Enforcement legacy systems and as a newly implemented Planning system). Externally, the software solution will provide a method by which the citizen/customer can remain more attuned to progress made on various projects and the intent is to provide a more adequate and informative tool for the public's use.*

*The intent of this electronic software solution is to improve efficiencies in the review, evaluation and processing of applications for physical development.*

*Communities across the country have been moving to such a solution in order to provide a higher degree of customer service, to give staff appropriate management tools and to provide a repository for important institutional information regarding the development of the physical environment.*

*Deadline for receipt of proposals was March 12, 2007 with seven firms submitting proposals. During the next four months, staff from Planning, Building, Code Enforcement, Finance and Information Technologies held several meetings to complete the task of evaluating all submittals and submitting their written scores to Purchasing for tabulation so as to arrive at the top three firms to invite for oral presentations. The short list was posted on September 5, 2007 and oral presentations were conducted on October 23, 24, 25, 2007.*

*The three finalist vendors provide similar electronic solutions for the requested scope of work regarding time management and processing needs of staff as well as the ability to communicate more effectively to the general public, with differences in product presentation and formatting. The three finalist vendors were ranked based upon the criteria of: 1) software technology; 2) reasonability and affordability of cost; 3) ability of vendor personnel assigned to task; 4) degree of responsiveness; and 5) technical merits of the proposed solution.*

*The number one ranked vendor, Innoprise Software, Inc., is headquartered in Broomfield, Colorado and is a private company in business since 2001. Innoprise Software, Inc. was incorporated in 2003. This vendor proposes its Community Development System currently being implemented in several communities across the nation and in Florida. The timeline associated with implementation has been stated as approximately six to nine months from contract finalization.*

***Fiscal Note:** Initial implementation funding has been set aside from the Gallagher Insurance settlement (\$200,000) and the Building Inspections Enterprise Fund (\$400,000). The cost associated with purchase of the Innoprise Software, Inc. E-government solution is approximately \$450,000 (this includes the Community Development Suite and related GIS component; professional services associated with implementation; and annual maintenance and hardware) for initial implementation and first year maintenance. Additional annual maintenance and enhancements will be funded out of the balance of budgeted funds for this project.*

**RECOMMENDATION**

*The City Commission: 1) approve the attached vendor ranking for E-government software solutions for Building Inspections, Codes Enforcement, and Planning; and 2) authorize the City Manager to enter into negotiations with the number one ranked vendor, Innoprise Software Incorporated.*

*Alternative Recommendation - A*

*The City Commission deny the attached vendor rankings and direct staff to reactivate the E-government software solution evaluation process.*

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070872.**Establishing the New SHIP Affordable Housing Advisory Committee (NB)**

**This item proposes to create a new SHIP Affordable Housing Advisory Committee (AHAC) pursuant to s. 420.9076 and s. 420.9072.**

*Explanation: During the 2007 legislative session, legislation was passed that required municipalities to re-establish their local affordable housing advisory committees and defined its new duties. Municipalities seeking approval to receive their share of State Housing Initiative Partnership Program (SHIP) funds must adopt an ordinance creating an affordable housing assistance committee as provided in s. 420.9076, Florida Statutes. The governing board of each municipality must appoint the members of the affordable housing advisory committee by resolution. The ordinance adopted pursuant to s. 420.9072 which creates the AHAC committee and the resolution appointing the advisory committee members must provide for 11 committee members and their terms. The AHAC must include:*

- (a) One citizen who is actively engaged in the residential home building industry in connection with affordable housing;*
- (b) One citizen who is actively engaged in the banking or mortgage banking industry in connection with affordable housing;*
- (c) One citizen who is a representative of those areas of labor actively engaged in home building in connection with affordable housing;*
- (d) One citizen who is actively engaged as an advocate for low-income persons in connection with affordable housing;*
- (e) One citizen who is actively engaged as a for-profit provider of affordable housing;*
- (f) One citizen who is actively engaged as a not-for-profit provider of affordable housing;*
- (g) One citizen who is actively engaged as a real estate professional in connection with affordable housing;*
- (h) One citizen who actively serves on the local planning agency pursuant to s. 163.3174;*
- (i) One citizen who resides within the jurisdiction of the local governing body making the appointments;*
- (j) One citizen who represents employers within the jurisdiction; and*
- (k) One citizen who represents essential services personnel, as defined in the local housing assistance plan.*

*"The advisory committee shall review the established policies and procedures,*

*ordinances, land development regulations, and adopted local government comprehensive plan of the appointing local government and shall recommend specific actions or initiatives to encourage or facilitate affordable housing while protecting the ability of the property to appreciate in value. The initial report must be submitted to the City Commission by December 31, 2008 and triennially thereafter. The recommendations may include the modification or repeal of existing policies, procedures, ordinances, regulations, or plan provisions; the creation of exceptions applicable to affordable housing; or the adoption of new policies, procedures, regulations, ordinances, or plan provisions, including recommendations to amend the local government comprehensive plan and corresponding regulations, ordinances, and other policies. At a minimum, the advisory committee shall submit a report to the City Commission that includes recommendations on, and triennially thereafter evaluates the implementation of, affordable housing incentives in the following areas":*

*(a) The processing of approvals of development orders or permits, as defined in s. 163.6164 (7) and (8), for affordable housing projects is expedited to a greater degree than other projects;*

*(b) The modification of impact-fee requirements, including reduction or waiver of fees and alternative methods of fee payment for affordable housing;*

*(c) The allowance of flexibility in densities for affordable housing;*

*(d) The reservation of infrastructure capacity for housing for very-low-income persons, low-income persons, and moderate-income persons;*

*(e) The allowance of affordable accessory residential units in residential zoning districts;*

*(f) The reduction of parking and setback requirements for affordable housing;*

*(g) The allowance of flexible lot configurations, including zero-lot-line configurations for affordable housing;*

*(h) The modification of street requirements for affordable housing;*

*(i) The establishment of a process by which a local government considers, before adoption, policies, procedures, ordinances, regulations, or plan provisions that increase the cost of housing;*

*(j) The preparation of a printed inventory of locally owned public lands suitable for affordable housing; and*

*(k) The support of development near transportation hubs and major employment centers and mixed-use developments.*

*The advisory committee may perform other duties at the request of the local government, including: a) the provision of mentoring services to affordable housing partners including developers, banking institutions, employers, and others to identify available incentives, assist with applications for funding requests, and develop partnerships between various parties; and b) the creation*

*of best practices for the development of affordable housing in the community. The Housing Division is requesting that the City Commission establish a new AHAC by ordinance that will replace the existing Section 14-6 of the City Code of Ordinances which according to its terms was only in effect for two years and sunsetted in 1995.*

*The Housing Division is proposing to provide staff support to the AHAC to ensure City Departments implement integrated strategies involving the work of the advisory committee. The AHAC must be established and appointed by June 30, 2008.*

*In accordance with the new legislation, staff is requesting that the City Manager or his designee, City Attorney and Clerk of the Commission be authorized to take the appropriate action to comply with s. 420.9072 and s. 420.9076, Florida Statutes.*

*Fiscal Note: The program will be funded from the Housing Division SHIP Program budget for each related State fiscal year.*

**RECOMMENDATION**

*The City Commission: 1) authorize the City Attorney to draft and the Clerk to advertise an Ordinance that creates the Affordable Housing Advisory Committee in accordance with s. 420.9072 and s.420.9076, Florida Statutes; 2) authorize the City Manager or designee to present a list of qualified potential AHAC members that comply with s. 420.9072, Florida Statutes to be considered for appointment by resolution of the City Commission, provided any other interested and qualified citizen can apply for appointment through the Office of the Clerk of the Commission; and 3) authorize the City Manager or designee to appoint the Housing Division to administer the AHAC with assistance as needed from the Planning and Development Services Department.*

*Alternative Recommendation A: The City Commission could choose to not approve recommendation Number 2, and have the Clerk of the Commission advertise the committee member vacancies.*

## **GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS**

**070894.**

**Reimbursement for Oversizing of Potable and Reclaimed Water Facilities at Wilds Plantation Unit 4 (NB)**

**Reimburse the developer of Wilds Plantation Unit 4 for the oversizing of Potable Water (PW) and Reclaimed Water (RCW) facilities.**

*Explanation: Wilds Plantation Unit 4 is a development located in the 10000 block of SW 24th Avenue. A PW and RCW distribution system must be constructed to provide service for the project.*

*In order to properly serve adjacent undeveloped parcels GRU is requiring Wilds Development, Inc. to construct oversized PW and RCW pipelines. The Developer's Engineer has accommodated this in the development design. The developer's incremental cost to oversize the PW and RCW distribution systems, for which reimbursement is being sought, is \$300,000.00. The recommended amount of \$300,000.00 includes all design, construction, labor, and materials associated with the PW and RCW system oversizing to satisfactorily complete the work.*

*Fiscal Note: Monies for this project are available in the FY 08/09 Water and Wastewater Capital Improvements Budget.*

**RECOMMENDATION**

*The City Commission authorize the General Manager or her designee to negotiate and execute an agreement for reimbursement to Wilds Development, Inc. for the oversizing of PW and RCW facilities in an amount not to exceed \$300,000.00 subject to approval of the City Attorney as to form and legality.*

**CITY ATTORNEY, CONSENT AGENDA ITEMS**

**CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS**

**070893.**

**City Commission Minutes (B)**

**RECOMMENDATION**

*The City Commission approve the minutes of January 14, 2008, January 28, 2008 (Regular Meetings); and February 4, 2008 (Special Meeting); as circulated.*

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**070897.**

**Resignation of Gainesville Energy Advisory Committee Member Terri Lowery (B)**

**RECOMMENDATION**

*The City Commission accept the resignation of Terri Lowery from the Gainesville Energy Advisory Committee effective immediately and extends its appreciation for her services.*

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**070898.**

**Resignation of Gainesville Human Rights Board Member Erica Briggs (B)**

**RECOMMENDATION**

*The City Commission accept the resignation of Erica Briggs from the Gainesville Human Rights Board*

*effective immediately and extends its appreciation for her services.*

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## **EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**

## **COMMITTEE REPORTS, CONSENT AGENDA ITEMS**

## **EQUAL OPPORTUNITY COMMITTEE, CONSENT**

## **COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS**

### **070754.**

### **Removal of Sidewalks and Crosswalks Adjacent to Eastside Gateway (B)**

*Explanation: On June 26, 2006, CRA staff and Zamia Design Landscape Architecture (Zamia Design) presented a conceptual design for the Gateway project proposed for the old Tacklebox site. The CRA commented that the paved walkways shown surrounding the site on East University Avenue, Hawthorne Road, and East 15th Street appear to invite pedestrian use, which could potentially detract from public safety. The intent of the Gateway is a large landscaped median, not a public park where pedestrian visitation will be encouraged. The CRA then directed staff to remove the sidewalks, which are along state and county roads, from the design. CRA set up a meeting with an FDOT official and City Public Works staff on July 13, 2007 to obtain a preliminary opinion regarding closing the sidewalks and crosswalks. The FDOT official indicated that the closures appeared to be attainable. Zamia Design removed the sidewalks from the design and redesigned the Gateway concept anticipating FDOT approval. CRA staff contacted the Florida Department of Transportation (FDOT) to formally request permission to remove the existing sidewalks when the project undergoes construction. The FDOT issued a letter dated October 8, 2007 stating that it had determined that the "sidewalks adjacent to SR 26 (East University Avenue) and SR 20 (SE Hawthorne Road) shall remain open". A copy of the FDOT letter is included in backup. Given the recent FDOT determination, it appears additional study is needed concerning the balance between public safety and public access to determine the next action step. In the meantime, a design will be created that assumes the sidewalks will remain on the site.*

*Fiscal Note: None*

### **RECOMMENDATION**

*The CRA request that the City Commission refer the sidewalk and crosswalk closures to the Community Development Committee.*

### **Legislative History**

12/17/07      Community      Approved as Amended (6 - 0 - 1 Absent)  
                 Redevelopment  
                 Agency

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**END OF CONSENT AGENDA****ADOPTION OF THE REGULAR AGENDA****CHARTER OFFICER UPDATES****CLERK OF THE COMMISSION****CITY MANAGER****070779.****Bartley Temple Contract Modification (B)**

**This item involves consideration of a request to modify a contract between Bartley Temple United Methodist Church, Inc. and the City of Gainesville.**

*Explanation: In order to upgrade NE 19th Terrace, additional right-of-way (ROW) was needed. Therefore, the City approached the Bartley Temple United Methodist Church and a Contract for Sale and Purchase between Bartley Temple United Methodist Church, Inc., and the City of Gainesville was executed on October 14, 2006 (see attached signed Contract). In exchange for Lot 74 of the Pine Ridge Subdivision, the west ½ of Tax Parcel 10733-073-000 (3,741 square feet), owned by Bartley Temple, the City would petition the Plan Board and City Commission to vacate the right of way known as Northeast 8th Place and would execute a deed granting to Bartley Temple the east ½ of Lots 25, 36, 37, 48, 49, 60, 61, and 72 of the Pine Ridge Subdivision (totaling 16,008 square feet). The ordinance vacating the right of way of Northeast 8th Place was passed and signed on May 14, 2007, adding an additional 3,000 square feet. (See attached Plan A.) The deed conveying the east ½ of Lots 25, 36, 37, 48, 49, 60, 61, and 72 of the Pine Ridge Subdivision to Bartley Temple United Methodist Church, Inc., was executed by the Mayor on November 6, 2007 and awaits the deed from Bartley Temple United Methodist Church, Inc., for Lot 74 in exchange.*

*During the time required for the completion of the contract, Bartley Temple brought in a conceptual parking plan. After discussions with the City staff, Bartley Temple informed the City that there was a misunderstanding between the Bartley Temple and the City. Bartley Temple asserted that it had always been their intent to have a usable parking area upon completion of the land swap. Bartley Temple, therefore requested that the existing contract be amended to include the clearing and grubbing of an area and the provision of a paved entrance drive and parking. Without a contract amendment (or a new contract) there does not appear to be a public interest in the additional request by Bartley Temple.*

*Bartley Temple provided a plan to the City on January 4, 2008, illustrating paved areas, parking spaces and parking areas that it would like the City to provide. In discussions with the Planning Department, Bartley Temple was informed that provision of more than fifteen (15) paved parking spaces and 4,000 square feet of pavement would require formal site plan and stormwater*

review and approval. These areas totaled more than 4,000 square feet; however, it provided the basis for a concept that appears to meet all of the requirements.

Staff has estimated that the cost of clearing and grubbing, and the provision of a paved drive and parking would cost approximately \$60,000. A proposal of \$12,000 has been made to Bartley Temple for the clearing and grubbing, and staff estimates that the drive and parking work described above would cost approximately \$48,000, for a total price of \$60,000. (See attached cost sheet.)

*Fiscal Note:* Additional funding in the amount of \$60,000 for the clearing, grubbing and provision of parking spaces is currently available in the 19th Terrace Construction account.

**RECOMMENDATION**

*Recommended Motion:* If the City Commission concurs that there was a misunderstanding with Bartley Temple, direction should be provided to the City Manager to proceed with the contract modification as requested by Bartley Temple.

*Alternative Recommendation:* The City Commission direct the City Manager to not amend the original contract and proceed with actions that will result in the full execution of the contract.

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**070867.**

**Request for City Commission Contingency Funds from Gainesville Commission on the Status of Women (GCOSW) Sexual Battery Committee (B)**

**This is a request from the Gainesville Commission on the Status of Women Sexual Battery Committee for City Commission Contingency Funds.**

*Explanation:* The GCOSW Sexual Battery Committee is hosting the 27th Annual Conference, Pathways to Healing: from Trauma to Recovery, which will be held on May 22, 2008. A donation from the City of Gainesville will provide scholarships to survivors of violence and to other individuals who would not otherwise be able to attend the Conference. The Conference focuses on child abuse, sexual abuse, domestic violence, sexual harassment, and issues on diversity and hate crimes. The City Commission contributed \$3,000 in March of 2007 in support of this special event.

*Fiscal Note:* The GCOSW Sexual Battery Committee is requesting a total of \$3,000 from the City Commission Contingency Fund. The Fund balance as of January 28, 2008 was \$94,939.

**RECOMMENDATION**

*The City Commission consider the request for funds and take action as appropriate.*

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**070868.**

**Request for City Commission Contingency Funds from University of Florida (UF) Black Student Union - Blackout Weekend 2008 (B)**

**This is a request for City Commission Contingency Funds from the University of Florida Black Student Union for Blackout Weekend.**

*Explanation: The UF Black Student Union is hosting Blackout Weekend 2008 on March 28-29, 2008. A donation from the City of Gainesville will help to enhance the overall awareness among the Gainesville population in regards to blatant and underlying issues in the minority arena. This event serves to uplift our future leaders - high school and college students; and to raise awareness on issues such as economic empowerment, health, voting, education, leadership development and more. A detailed event budget is attached. Funds will be used as needed to offset event costs with a majority of the \$8,000 being used to fund the High School Band Competition portion of the event.*

*Fiscal Note: The UF Black Student Union is requesting a total of \$8,000 from the City Commission Contingency Fund. The Fund balance as of January 28, 2008 was \$94,939.*

**RECOMMENDATION**

*The City Commission Consider the request for funds and take action as appropriate.*

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**GENERAL MANAGER FOR UTILITIES**

**070855.**

**Status Update- Biosolids Land Application Site purchase (B)**

**GRU has been pursuing the purchase of the Whistling Pines Ranch as approved by the City Commission on 7/23/07. Prior to purchase, a Special Exception is being sought from Alachua County to allow the continued land application of biosolids at the Whistling Pines Ranch. Staff will provide an update on the Special Exception process, issues that have been identified through the process, and findings related to the issues raised. We continue to believe that land application of biosolids is a sustainable and cost-effective method for reusing biosolids and want to ensure that the City Commission continues to share that opinion.**

*Explanation: Biosolids is organic material that is a by-product of the wastewater treatment/water reclamation process, composed primarily of cellular mass from the microorganisms that accomplish the biological portion of treatment. Biosolids are treated at both of GRU's water reclamation facilities by a process called aerobic digestion to reduce pathogens, and then land applied. The entire process including land application is highly regulated by the EPA and FDEP, and is beneficial to the farmer, GRU and the environment. Aerobic digestion and land application at the Whistling Pines Ranch is currently being practiced*

as it has been for the last 26 years.

On 7/23/07 the City Commission approved the purchase of the Whistling Pines Ranch to allow the continued land application of biosolids. The approved Purchase and Sale Agreement was contingent on GRU obtaining a Special Exception from Alachua County to allow the continued land application of biosolids on the site. GRU submitted the Special Exception package on 7/30/07 and obtained a positive recommendation from the Alachua County Planning Commission on 10/10/07. The request will ultimately be ruled on by the County Commission at a meeting in February 2008 at the earliest. Since the Special Exception process is taking longer than anticipated, and has generated some public interest and concern, we want to update the City Commission on the status of the Special Exception and Purchase of Whistling Pines Ranch.

We continue to believe that land application of biosolids is environmentally beneficial, safe for the public and the environment, and is a sustainable and cost-effective method for reusing biosolids. Issues identified by the public or reviewing agencies have been investigated and will be addressed during the presentation, which in some cases include additional Best Management Practices (BMPs).

As an alternative, the City Commission could direct Staff to pursue biosolids treatment options that do not include land application.

*Fiscal Note:* Funds are included in GRU's approved FY08 budget to purchase the Whistling Pines Ranch.

**RECOMMENDATION**

The City Commission: 1) Receive a presentation on the status of the purchase of the biosolids land application site. No further action is required for staff to continue pursuit of a required Special Exception from Alachua County and purchase of the Whistling Pines Ranch.

**Legislative History**

1/28/08      City Commission      Withdrawn

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**CITY ATTORNEY**

**CITY AUDITOR**

**EQUAL OPPORTUNITY DIRECTOR**

**COMMITTEE REPORTS (PULLED FROM CONSENT)**

**EQUAL OPPORTUNITY COMMITTEE**

**061163.**

**Equal Opportunity (EO) Policy Revisions (B)**

*Explanation:* The City's Equal Opportunity Policies were adopted by ordinances (991374 and 000240) prior to the adopted charter. There are areas in the policies which have been superceded by the charter or inconsistent with it.

*The EOC heard a presentation October 10, 2007, on the need to make EO policies consistent with the charter. On January 17, 2008, the Committee discussed EO Policy 35 and its redundancy in relation to the charter and other areas of EO policies. After those discussions the EO Committee referred EO Policy Revisions to the City Commission.*

**RECOMMENDATION**

*The Equal Opportunity Committee: 1) request approval from the Commission to authorize the City Attorney to prepare an ordinance adopting the amended Equal Opportunity Policies.*

**Legislative History**

6/26/07	Equal Opportunity Committee	Deferred	
7/25/07	Equal Opportunity Committee	Deferred	
8/15/07	Equal Opportunity Committee	Deferred	
10/10/07	Equal Opportunity Committee	Referred	City Commission

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**ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)****OUTSIDE AGENCIES****070895.****Nomination - Library District Board of Trustees (B)****RECOMMENDATION**

*The City Commission nominate Ms. Filer and Ms. Weaver for consideration for appointment by the Library District Governing Board.*

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**MEMBERS OF THE CITY COMMISSION****070892.****Commissioner Jack Donovan - Green Local Government Standard (B)****RECOMMENDATION**

*The City Commission consider adopting a resolution.*

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**070896.****Commissioner Ed Braddy - Florida Renewable RC&D Council Coordinator (B)****RECOMMENDATION**

*The City Commission hear comments on woody*

*biomass from Mr. Tom Cunilio, Florida Renewable  
RC&D Council Coordinator.*

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**070902.**

**Commissioner Scherwin Henry - RTS Transfer Station (NB)**

**RECOMMENDATION**

*The City Commission discuss naming the new RTS  
Transfer Station.*

**COMMISSION COMMENTS (if time available)**

**RECESS**

**RECONVENE**

**PLEDGE OF ALLEGIANCE (5:30pm)**

**PROCLAMATIONS/SPECIAL RECOGNITIONS**

**070901.**

**United Way "2-1-1" Week - February 11-17, 2008 (B)**

**RECOMMENDATION**

*United Way of North Central Florida Intern Sarah  
Stewart to accept the proclamation.*

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

**PUBLIC HEARINGS**

**ORDINANCES, 1ST READING- ROLL CALL REQUIRED**

**070833.**

**OBSOLETE REFERENCE TO TERMS OF CHARTER OFFICERS (B)**

**Ordinance No. 0-08-03**

**An ordinance of the City of Gainesville, Florida, repealing section 2-142, of the Gainesville Code of Ordinances, relating to terms of the City Manager, the City Attorney, the Clerk of the Commission, and the Internal Auditor; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: At its meeting of January 28, 2008, the City Commission authorized the City*

*Attorney to draft and the Clerk of the Commission to advertise the proposed ordinance repealing section 2-142 of the Code of Ordinances. These provisions relating to terms of four Charter Officers are obsolete and have been superseded by equivalent Charter provisions.*

*Should the Commission adopt this ordinance on first reading, second and final reading of the ordinance will be February 25, 2008.*

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

**Legislative History**

1/28/08            City Commission            Approved as Recommended (6 - 0 - 1 Absent)

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**070857.**

**EQUAL OPPORTUNITY - DEFINITION OF EMPLOYER (B)**

**Ordinance No. 0-08-01**

**An ordinance of the City of Gainesville, Florida, amending section 8-47(c), Gainesville Code of Ordinances, relating to equal employment opportunity; amending the definition of "employer," providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: The City Commission at its meeting of January 14, 2008, authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance changing the threshold for the definition of "employer" based on the number of employees from seven to five employees.*

*Should the Commission adopt this ordinance on first reading, second and final reading of the ordinance will be February 25, 2008.*

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

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**ORDINANCES, 2ND READING- ROLL CALL REQUIRED**

**070208.**

**FOREST RIDGE/HENDERSON HEIGHTS NEIGHBORHOOD -  
RESIDENTIAL PARKING OVERLAY DISTRICT (B)**

**Ordinance No. 0-07-103; Petition No. 78NPD-07PB**

**An ordinance of the City of Gainesville amending the Zoning Map Atlas by rezoning and imposing the Residential Parking Overlay District on certain properties zoned RSF-1 (Single-Family Residential, up to 3.5 dwelling units per acre) or RSF-2 (Single-Family Residential, up to 4.6 dwelling units per acre), consisting of 283 parcels on approximately 140 acres commonly known as the Forest Ridge/Henderson Heights Neighborhood, and located north of Northwest 16th Avenue, south of Northwest 23rd Avenue, east of**

**Northwest 23rd Street, and west of Alfred A. Ring Park, as more specifically described in this ordinance; making findings; providing directions to the City Manager; providing directions to the codifier; providing a severability clause; providing a repealing clause; and, providing an effective date in accordance with the schedule provided herein.**

*Explanation: PLANNING DEPARTMENT MEMORANDUM*

*This is a Petition to apply the Residential Parking Overlay District (RPOD), to the area known as the Forest Ridge/Henderson Heights Neighborhood. Within RPOD's, special parking regulations exist. Those regulations are described in Section 30-56 of the City Code of Ordinances, and include limiting outdoor vehicle parking on each lot to areas shown in a plot plan developed by each property owner and submitted to the City Code Enforcement Division. Section 30-56 also limits the size, type of surface, and type of borders of parking areas.*

*Section 30-56.1 of the City Code of Ordinances allows property owners, whose property meets certain criteria, to coordinate with each other and ask the City to impose these residential parking regulations on their property. The subject parcels meet the criteria and the property owners have followed the procedures required by the City Code of Ordinances.*

*Public notice was published in the Gainesville Sun on July 3, 2007. Letters were mailed to surrounding property owners on July 3, 2007. On July 19, 2007, the Plan Board held a public hearing and by a vote of 4-0 recommended the City Commission adopt the Petition.*

*On August 13, 2007, the City Commission held a public hearing and approved the Petition by a vote of 6-0.*

*CITY ATTORNEY MEMORANDUM*

*This ordinance requires two public hearings. If the ordinance passes on the first reading, second and final reading will be held on February 11, 2008.*

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

**Legislative History**

8/13/07	City Commission	Approved (Petition) (6 - 0 - 1 Absent)
1/28/08	City Commission	Adopted on First Reading (Ordinance) (5 - 0 - 2 Absent)

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**Ordinance No. 0-07-113, Petition No. 74PDV-07PB**

**An Ordinance of the City of Gainesville, Florida; rezoning certain lands in the City, as more specifically described in this Ordinance, from “RMF-8: 8-30 units/acre multiple-family residential district” to “Planned Development” commonly known as “Mallory Square Planned Development” located in the vicinity of the 3600 block, east side of Southwest 34th Street; adopting a development plan report and development plan maps; providing conditions and restrictions; providing for enforcement and penalties; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: COMMUNITY DEVELOPMENT STAFF REPORT*

*This petition proposes a Planned Development (PD) zoning for two parcels on the east side of SW 34th Street in the 3600 block in order to allow for a mixed-use development consisting of residential and non-residential uses. The zoning change is necessary because the current RMF-8 zoning does not allow for the types of non-residential uses being proposed in the PD.*

*Petition 73LUC-07PB, which is a small-scale Future Land Use Map amendment from RM (Residential medium) to MUL (Mixed use Low Intensity (8-30 units per acre)) is related to this petition. The related land use amendment is required for consistency with the PD proposal and to allow for the types of proposed non-residential uses at the site.*

*The two parcels total approximately 8.35 acres, and they are currently vacant with the exception of a small recreational volleyball area. The subject property is located near the Archer Road activity center area, which supplies both shopping and employment opportunities. Significant redevelopment and infill development activities are occurring in proximity to the subject parcels.*

*SW 34th Street, which abuts the parcels, is a major 6-lane arterial also known as State Road 121. There are sidewalks on both sides of the street, and two transit routes service this area (Routes 12 and 35). The property is located in Zone C of the City's Transportation Concurrency Exception Area (TCEA) and one of the PD conditions requires that the developer sign a TCEA Zone C Agreement to mitigate the impact of the associated trips by meeting Concurrency Management Element Policy and 1.1.7 standards.*

*The proposed name for this development is Mallory Square. The associated PD features buildings fronting along SW 34th Street that contain non-residential uses on the ground floor with residential units above. A total of 122 residential units and a maximum of 30,000 square feet of non-residential uses are proposed for the entire project. The project lies within the Idylwild/Serenola Special Area (an area of special environmental concern) and will be subject to the regulations that protect the sensitive environmental conditions existing on site. The Planned Development rezoning will ensure a development that protects the environmental assets on the site such as an endangered vegetative species, as reported by the City of Gainesville Environmental Coordinator, as well as the existence of a high quality hardwood hammock located in the southeastern portion of the project.*

*The Plan Board reviewed the petition and recommends approval with minor changes to the PD conditions. Plan Board voted 6-0 for approval.*

*Public notice was published in the Gainesville Sun on October 3, 2007. The Plan Board held a public hearing on October 18, 2007.*

#### *CITY ATTORNEY MEMORANDUM*

*The City Commission, at its meeting of November 19, 2007, authorized the city attorney's office to prepare and advertise the necessary ordinance amending the planned development known as "Mallory Square Planned Development".*

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

#### **Legislative History**

11/19/07	City Commission	Approved (Petition) with staff conditions, as modified by the City Plan Board (7 - 0)
1/28/08	City Commission	Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

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### **070627.**

#### **PARKING GARAGE VIOLATIONS (B)**

##### **Ordinance No. 0-07-121**

**An ordinance of the City of Gainesville, Florida, amending section 26-2 by providing a definition for owner/vehicle owner; amending section 26-75 of the Gainesville Code of Ordinances by creating a new subsection (d) making it a violation to damage an entrance or exit control device of a municipal parking garage; creating a new subsection (e) making it a violation to enter or exit a municipal parking garage without paying appropriate fees; creating a new subsection (f) providing affirmative defenses for damaging an entrance or exit control device or entering or exiting without paying appropriate fees; creating a new subsection (g) regarding proof of affirmative defenses; amending Appendix A, Schedule of Fees, Rates and Charges, establishing penalties; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: The City Commission at its November 19, 2007 meeting, authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance to make it a violation to enter and/or exit the parking garage without paying fees and to establish a penalty of \$75 for such violation.*

*This ordinance requires two hearings. Should the Commission adopt this*

*ordinance on first reading, second and final reading of the ordinance will be February 11, 2008.*

**RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

**Legislative History**

11/19/07 City Commission Approved as Recommended (4 - 0 - 3 Absent)  
1/28/08 City Commission Adopted on First Reading (Ordinance) (5 - 0 - 2 Absent)  
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**070721.**

**VOLUNTARY ANNEXATION - PRAIRIE VIEW TRUST (B)**

**Ordinance No. 0-07-116**

**An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area pursuant to Chapter 90-496, Special Act, Laws of Florida, as amended by Chapter 91-382 and Chapter 93-347, Special Acts, Laws of Florida, known as the Alachua County Boundary Adjustment Act; making certain findings; including within the corporate limits of the City of Gainesville, Florida, that certain compact and contiguous area comprised of a portion of Tax Parcel 07240-000-000, as more specifically described in this ordinance, generally located south of the vicinity of Archer Road and Interstate 75, west of Interstate 75 and the City limits, north of Williston Road, and east of SW 62nd Avenue and the vicinity of SW 63rd Boulevard; providing for inclusion of the area in Appendix I of the City Charter; providing for land use and zoning regulations; providing directions to the City Manager and Clerk of the Commission; providing a severability clause; and providing an immediate effective date.**

*Explanation: The adoption of an annexation ordinance is the final stage in the annexation process under the provisions of the Alachua County Boundary Adjustment Act. On Monday, September 10, 2007, at a regular City Commission meeting, the City Commission received and accepted the petition for annexation, and determined that the petition bore the signature of the owner of the property that is the subject of this annexation. On November 19, 2007 and November 26, 2007, the City Commission held advertised public hearings and adopted the Urban Services Report as mandated by the Boundary Adjustment Act. The Urban Services Report contained a map detailing the annexation area, which was comprised of four portions of a single parcel labeled Areas A, B, C, and D. The annexation area which is the subject of this ordinance consists only of the areas labeled as Areas C and D. It is anticipated that Areas A and B will be annexed pending receipt of additional petitions for voluntary annexation for contiguous properties.*

**ANNEXATION ORDINANCE**

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

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

*If adopted on first reading, the second and final reading of this ordinance will be February 11, 2008. Pursuant to the Boundary Adjustment Act, notice of adoption of this ordinance was published for two consecutive weeks prior to first reading.*

**RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

**Legislative History**

1/28/08 City Commission Adopted on First Reading (Ordinance) (5 - 0 - 2 Absent)  
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**RESOLUTIONS- ROLL CALL REQUIRED****070879.****Resolution Supporting the Florida League of Cities' Key Priority Issues for the 2008 Legislative Session (B)**

**Key issues were adopted by the League membership at their recent Legislative Conference and address Affordable Housing, Environmental Permits, Growth Management, Local Business Taxes, Local Government Pension Plans, Mobile Home Park Closures, Municipal Indebtedness, Property Tax Reform, Transportation, and Water.**

*Explanation: The Florida League of Cities Board of Directors has adopted an initiative to enhance the Florida Legislature's awareness of the League's priority issues. This plan requests that each of Florida's 412 cities adopt a Resolution that supports the League's key priority issues. The key issues represented in this Resolution address Affordable Housing, Environmental Permits, Growth Management, Local Business Taxes, Local Government Pension Plans, Mobile Home Park Closures, Municipal Indebtedness, Property Tax Reform, Transportation, and Water. Following the adoption of the Resolution, copies will be sent to Governor Charlie Crist, Senate President Ken Pruitt, Speaker of the House of Representatives Marco Rubio, and members of the Alachua County Legislative Delegation.*

*Fiscal Note: None*

**RECOMMENDATION**

*The City Commission: 1) adopt the Resolution; and 2) authorize staff to submit copies of the Resolution to the Governor, President of the Senate, Speaker of the House, and members of the Alachua County Legislative Delegation.*

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**070891.****RESOLUTION ACCEPTING REPORT OF BOARD OF CANVASSERS  
(B)**

**A resolution of the City Commission of the City of Gainesville, Florida, accepting the report of the Board of Canvassers for the City of Gainesville, Florida, election held January 29, 2008; and providing an immediate effective date.**

*Explanation: On January 29, 2008, a city election for the election of commissioners for At-Large Seat 2, District 2 and District 3 was held.*

*The Report of the Board of Canvassers for the City of Gainesville election held January 29, 2008, showing that Thomas Hawkins, Jr. has been elected to the At-Large Seat 2, Jack Donovan has been elected to the District 3 Seat and that there will be a run-off election between Bonnie Mott and Lauren Poe for the District 2 Seat, is adopted by this resolution of the City Commission.*

**RECOMMENDATION**            *The City Commission adopt the proposed resolution.*

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**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)**