

# City of Gainesville

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



## **Meeting Agenda**

**March 19, 2009**

**1:00 PM**

**City Hall Auditorium**

## **City Commission**

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

### 080855.

#### **Bid Award for RTS Creative Services Management Contract (B)**

**This item is a request to approve the bid award for RTS creative services to Group 5 Advertising.**

*Explanation: Regional Transit System (RTS) provides marketing and advertising material to residents and visitors in the RTS service area.*

*On December 23, 2008, RTS issued a Request for Proposal from licensed professionals to provide and manage creative services, including print production, media scheduling (print, television and radio), website maintenance and other necessary documents. Only one (1) proposal, submitted by Group 5, was received by the bid due date of February 4, 2009. That proposal was evaluated based on three (3) primary categories: written proposal, technical qualifications and price. Each category was worth 100 points each to ensure that all aspects of the creative services management were met based on qualifications, rather than on the fact that Group 5 submitted the only proposal and has been the vendor for RTS creative services for the past few years. The written proposal evaluation was based on six (6) weighted criteria: understanding of project scope of work, project approach, project manager, project team, project schedule and proposal organization. Technical qualifications were evaluated based on two (2) major criteria: ability of professional personnel and capability to meet time and budget requirements. Group 5 Advertising met all criteria and was chosen as the best-qualified proposal.*

*Fiscal Note: Funds for this contract in the amount of \$155,000 are available in the RTS FY09 operating budget.*

**RECOMMENDATION**

*Recommended Motion: The City Commission: 1) approve the bid award to Group 5 Advertising; and 2) authorize the City Manager to execute a contract with Group 5 Advertising, and all related documents, subject to approval by the City Attorney as to form and legality.*

080855\_Bid Tabulation\_20090305.pdf

**080856.****Supplier of Traffic Signal Cabinet and Controller Equipment for Gainesville Area Advanced Traffic Management System (B)**

**This item is a request for the City Commission to approve the selection of Naztec, Inc. as the provider of traffic signal cabinets, controllers, software, and workstations for use in the construction and implementation of the City Traffic Management System (TMS).**

*Explanation: After vigorous multi-vendor testing was initiated in 2003, the City of Gainesville Public Works Department selected Naztec, Inc. as its vendor for traffic signal control equipment and software to be utilized in the Traffic Management System. Naztec, Inc. has already supplied this equipment for Phases I and II of the TMS project under a previous Resolution. Public Works would like to continue using Naztec, Inc. for the final two phases. All items under this authorization will be purchased through a competitively bid contract between Naztec, Inc. and Seminole County, Florida, or through a sole source agreement with Naztec. The sole source agreement would be based on proprietary software that Naztec has developed for use in its equipment.*

*Fiscal Note: Funding in a not-to-exceed amount of \$1.75 million is available for Naztec purchases for the remainder of this project in the various TMS project accounts including FDOT-TRIP Grant and Campus Development Agreement Capital Projects Fund.*

**RECOMMENDATION**

*Recommended Motion: The City Commission: 1) approve the selection of Naztec, Inc. as the City's supplier of the traffic signal control equipment and software; 2) authorize the City Manager to execute all necessary documents to complete the Traffic Management System project, subject to approval by the City Attorney as to form and legality.*

080856\_Quote\_20090319.pdf

**080872.****Memorandum of Understanding between the City of Gainesville and Alachua County to construct the Alachua County/City of Gainesville Senior Recreation Center (B)**

**This item involves approval of the Memorandum of Understanding between the City of Gainesville and Alachua County to cooperate in the construction of the Alachua County/City of Gainesville Senior Recreation Center to provide increased programs and services to benefit the impact on the quality of life for seniors in the local community.**

*Explanation: On March 4, 2008, the City Commission approved the ranking of potential sites for a senior recreation center to be built on City park property in the event that funding became available to construct such a facility. Northside Park was chosen as the preferred site, and staff worked with representatives from the Community Coalition for Older Adults, ElderCare of Alachua County, and Alachua County to confirm the suitability of locating a senior recreation center at Northside Park. The site was determined to be feasible for the location of the senior center.*

*On July 28, 2008, the City Commission approved for the City to co-sponsor a grant application with ElderCare of Alachua County for a Senior Center Fixed Capital Outlay Grant. Staff worked with the Community Coalition for Older Adults to coordinate the preparation of the grant application. In addition to serving as the co-applicant, the City would provide the necessary 25% match for the grant in the form of the appraised value of the land where the senior center is to be located. The 2007 certified land value of the Northside Park is \$945,000 or \$30,000 per acre for the entire 31.5-acre site.*

*On July 28, 2008 the City Commission approved the Inter-local Agreement between Alachua County and the City of Gainesville for the distribution of proceeds from the one-half percent sales tax. At the same meeting, the City Commission authorized the submission of an application for a Senior Center Fixed Capital Outlay Grant for the amount of \$2 million from the Florida Department of Elder Affairs and authorized the City Manager to execute all related documents on behalf of the City of Gainesville.*

*In November 2008, the State of Florida awarded \$2 million for the senior center project. On November 4, 2008 the voters of Alachua County approved the ½ cent surtax resulting in the City and Alachua County allocating \$1.5 million each for that two year period total \$3 million for capital construction of the Senior Recreation Center based on the approved Inter-local Agreement.*

*At the December 1, 2008 joint City of Gainesville and Alachua County Commission Meeting, the City and County Commission directed the City of Gainesville staff, Alachua County staff, and Elder Care to work to develop a Memorandum of Understanding (MOU) with a fiscal timetable for financing, purchasing, and all the fiscal management details that need to be included in the MOU and bring it before each Board individually within 45 days for approval.*

*Since December 1, 2008, staff representatives from the City, County and Eldercare in conjunction with their respective attorneys have been collaborating to prepare the various parameters of the MOU. The goal was to define the ownership interests, fiscal management and construction management responsibilities of the City, County and ElderCare during the*

construction of the senior center. During the course of negotiations, it was determined that additional time in excess of the 45-day period was needed to finalize the responsibilities of the City, County and ElderCare in order to satisfy the requirements of the MOU as directed by the City and County Commissions respectively. The MOU has been drafted and reviewed by the City, County and ElderCare Attorneys.

*Fiscal Note: The Inter-local Agreement commits the City and County to provide \$1.5 million each totaling \$3 million from the two-year sales tax proceeds as contributions for the capital costs of constructing the senior center. In addition, the Florida Department of Elder Affairs will provide grant funding in the amount of \$2 million. An in-kind match of 25% will be provided by the City of Gainesville through the appraised land value of the senior recreation center site.*

**RECOMMENDATION**

*The City Commission: 1) approve the MOU; and 2) authorize the Mayor to execute the MOU and all related documents on behalf of the City of Gainesville, pending approval of the City Attorney as to form and legality.*

080872\_DRAFT Agreement\_20090319.pdf

**080877.**

**Meeting Dates for City Commission District Meetings (NB)**

**This item is to schedule special City Commission meetings in each of the four commission districts.**

*Explanation: In the Spring of 2008, the City Commission held a series of special meetings to increase contact and communication with residents. These meetings took place on four different evenings, and in a location within each of the four districts.*

*At the Strategic Planning Workshop held on February 9, 2009, the Commission expressed a desire to host special meetings within each district again this year.*

*Fiscal Note: None*

**RECOMMENDATION**

*The City Commission schedule the following dates for District Meetings: District 1 - May 4th, 2009 @ 6:00 PM (tentative location: Springhill Missionary Baptist Church); District 2 - May 18th, 2009 @ 6:00 PM (location: to be determined); District 3 - June 1st, 2009 @ 6:00 PM (tentative location: Doyle Connor Building); and District 4 - June 15th, 2009 @ 6:00 PM (location: to be determined).*

**080894.**

**Memorandum of Understanding with the St. Johns River Water Management District regarding Financial Assurance for Wetland Mitigation (B)**

**This item is a request for approval of the Memorandum of Understanding with the St. Johns River Water Management District regarding Financial Assurance for Wetland Mitigation.**

*Explanation: This memorandum of understanding is proposed to address, on an interim basis, the requirement that financial assurances (such as a letter of credit) for wetland mitigation for a development project be provided to both the City of Gainesville and to the St. Johns River Water Management District (the "District").*

*By way of background, the Land Development Regulations of the City of Gainesville regulate development activity within surface waters and wetlands. These local regulations are in addition to State law (implemented and enforced by the local water management district) which regulates development activity within surface waters and wetlands. The City regulations and State law are similar, such as when it is found by the City or the State that impacts to wetlands cannot be avoided or minimized development activity may occur within wetlands provided the impacts are offset by appropriate wetland mitigation. The wetland mitigation requirements for both City and State generally require, without limitation, monitoring for success, corrective measures, the provision of financial assurances, and a conservation easement. However, because the City and State wetland regulations are not identical, there is the potential for the City or State to require more or less mitigation than the other. But in many cases, the mitigation plan approved by the City is identical to or included within the mitigation plan required by the water management district.*

*The issue is that even when the mitigation plan is identical, the developer must satisfy both the City and the State requirements, which includes providing financial assurances to both the District and the City to assure financially that the mitigation activities actually occur, are monitored, are corrected (if necessary), and are ultimately successful. Although City regulations (Section 30-302.1(1)(4)b. of the LDC) allow the financial assurance to name the City and the District as joint beneficiaries or be payable jointly; the District rules (Section 12.3.7.4(b) of its Handbook) require the financial assurance to name the District as sole beneficiary or be payable solely to the District and that the original document be retained by the District.*

*Developers object to this duplication of regulation due to the cost to provide such financial assurances to both the District and the City.*

*City Code allows the City to establish an alternative arrangement in writing with respect to the designated beneficiary or payee of the financial assurance, and this MOU is intended to document such an alternative arrangement only with respect to developments for which the District approved mitigation plan is inclusive of the City's approved mitigation plan. Under the terms of this MOU, the District will hold the sole financial assurance for the mitigation activities. The two entities will notify one another of any violations or intended action, but neither will have the right to obligate the other to take enforcement action. The City will retain its ability to require corrective action or to take enforcement action; however, it will not have funds available through the financial*

assurance to do so. If applicable to the mitigation, the City and District will each be provided a separate conservation easement, in order to preserve their respective legal rights to enter the property and to take enforcement action.

City staff will be bringing forward revisions to the City's wetlands regulations in the coming year and anticipates dealing with these duplicative regulatory requirement issues, on a permanent basis, through such revisions. In the meantime, there are a number of development projects that would benefit from the MOU.

This draft MOU has been negotiated with District staff; but will have to be approved by the District Governing Board at its next available meeting.

**Fiscal Note:** In the event the City decided to take compliance or enforcement action on a City approved wetland mitigation plan, the funding would not be available from a developer provided financial assurance (such as a letter of credit) and would instead have to come from city funds.

**RECOMMENDATION**

*Recommended Motion: The City Commission: 1) approve the Memorandum of Understanding with the St. Johns River Water Management District regarding financial assurance for wetland mitigation; and 2) authorize the City Manager to execute and implement same.*

080894\_MOU\_20090319.pdf

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

## **CITY ATTORNEY, CONSENT AGENDA ITEMS**

**080866.**

**Paul and Janet Bliton vs. City of Gainesville; Alachua County Circuit Court; Case No.: 01-09-CA-0807 (B)**

**Explanation:** On February 24, 2009, the City of Gainesville was served with a summons and complaint. The Plaintiffs allege that a diseased tree located on City property fell onto their home causing extensive damage. The Plaintiffs are claiming damages in excess of \$15,000.00.

**RECOMMENDATION**

*The City Commission authorize the City Attorney to represent the City in the case styled Paul and Janet Bliton vs. City of Gainesville; Alachua County Circuit Court; Case No.: 01-09-CA-0807.*

080866\_Paul Bliton\_20090312.pdf

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

**080892.**

**Resignation of Ernesto Rancel Student Member of the Student/Community Relations Advisory Board (B)**

**RECOMMENDATION**

*The City Commission accept the resignation of Student Member Ernesto Rancel from the Student/Community Relations Advisory Board effective immediately and extends its appreciation for his services.*

080892\_Resignation\_20090319.pdf

**080885.****City Commission Minutes (B)****RECOMMENDATION**

*The City Commission approve the minutes of March 5, 2009 (Regular Meeting) and March 9, 2009 (Special Meeting); as circulated.*

080885\_reg\_mar 5, 2009\_20090319.pdf

080885\_sp\_mar 9, 2009\_20090319.pdf

**EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS****COMMITTEE REPORTS, CONSENT AGENDA ITEMS****COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS****END OF CONSENT AGENDA****ADOPTION OF THE REGULAR AGENDA****CHARTER OFFICER UPDATES****CLERK OF THE COMMISSION****CITY MANAGER****GENERAL MANAGER FOR UTILITIES****CITY ATTORNEY****CITY AUDITOR****EQUAL OPPORTUNITY DIRECTOR****COMMITTEE REPORTS (PULLED FROM CONSENT)****ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)**



**OUTSIDE AGENCIES****MEMBERS OF THE CITY COMMISSION****COMMISSION COMMENTS (if time available)****RECESS****RECONVENE****PLEDGE OF ALLEGIANCE (5:30pm)****PROCLAMATIONS/SPECIAL RECOGNITIONS****080881.****Prescribed Burn Awareness Week 2009 - March 8-14, 2009 (B)****RECOMMENDATION***Kent Williges to accept the proclamation.***080882.****Motorcycle Safety Awareness Month - May 2009 (B)****RECOMMENDATION***ABATE of Florida Alachua County Chapter President  
John Short to accept the proclamation.***CITIZEN COMMENT (6:00pm) - Please sign on sign-up sheet****PUBLIC HEARINGS****080883.****Public Utilities Regulatory Policy Act (PURPA) Requirements (B)**

**On December 18, 2008, staff presented the federally required schedule and public participation procedure for consideration of four standards of the Public Utility Regulatory Policies Act of 1978 as amended by The Energy Independence Security Act (EISA) of 2007. At that time, the City Commission adopted the schedule for PURPA proceedings as recommended. The presentation today will provide a brief overview to the City Commission before final determination is rendered at the end of the presentation.**

*Explanation: The Public Utility Regulatory Policies Act of 1978 (PURPA) was initially enacted as part of the National Energy Act by President Jimmy Carter. The Energy Independence Security Act (EISA) of 2007 adds four additional PURPA standards that state commissions and non-regulated utilities must consider. These include (1) Integrated Resource Planning; (2) Rate Design to Promote Energy Efficiency Investments; (3) Smart Grid Investments; and (4) Smart Grid Information.*

*By action taken December 18, 2008, the City Commission met the deadline requirements to begin consideration of Rate Design to Promote Energy Efficiency Investments and Smart Grid Information. There is no timeline imposed for the Integrated Resource Planning Standard or the Smart Grid Investment Standard, but it is staff's recommendation that all four standards be addressed at this time due to their related issues and to aid in budget planning.*

*The PURPA Integrated Resource Planning (IRP) Standard requires that each electric utility shall 1) integrate energy efficiency as a resource into capacity plans, State and regional plans; and 2) adopt policies establishing cost-effective energy efficiency as a priority resource.*

*Staff's recommendation is to not adopt this standard, as there already is an equivalent policy in place: 1) GRU adopted IRP as a planning standard in the early 1990s; and 2) City Commission adopted TRC (Total Resource Cost Test) which expanded the energy efficiency/conservation programs that would be offered by the utility*

*The PURPA Rate Design Modifications to Promote Energy Efficiency Investments Standard states that the rates allowed to be charged by any utility shall 1) align utility incentives with the delivery of cost-effective energy efficiency; and 2) promote energy efficiency investments.*

*Staff's recommendation is to not implement this standard as: 1) Capitalizing expenditures for recovery and rate of return is related to IOUs; 2) GRU's costs are recovered in base rates; 3) Energy efficiency impacts have been considered in rate design; 4) Increasing block and time-of-use rates are in place; and 5) Energy efficiency programs and education are strong focus of utility*

*The standard for Consideration of Smart Grid Investments states that prior to undertaking investments in non-advanced grid technologies, an electric utility must consider investment in a qualified smart grid system based on appropriate factors.*

*Staff's recommendation is to not adopt this standard for the following reasons: 1) GRU already considers the six factors in evaluation of capital projects as prudent utility practice; 2) Subsections B & C are not relevant for GRU, as GRU's rates are set by policy of city commission and do not require state consideration for recovery; and 3) Formal analysis of Smart Grid options and cost of deployment of such a system is complicated by rapidly changing costs and technologies*

*The standard for Smart Grid Information, states that all electricity purchasers shall be provided direct access to information from their electricity provider regarding prices, usage, intervals and projections and sources.*

*Staff's recommendation is to not adopt this standard, as: 1) Implementation would cause rate pressure for all customers, while not all customers may be able to use this service; 2) Staff is continually looking for ways to provide cost-effective information to our customers; and 3) AMI options are reviewed regularly as technology and operational needs change.*

*The following timeline was adopted by the City Commission on December 18, 2008:*

*January 30, 2009 - GRU staff's preliminary recommendation whether to consider adopting these standards will be released and available at the Office of the General Manager at 301 SE 4th Avenue, Gainesville, Florida 32614-7117, or by telephone at 352-393-1000. The GRU staff recommendation will also be available at the Office of the Clerk of the Commission at 200 East University Avenue, Gainesville Florida 32602-0490, or by telephone at 352-334-5015. The Notice (attached) of Hearing will be published in the Gainesville Sun.*

*On, or before February 5, 2009 - members of the general public planning to participate in the hearing must file a Notice of Intent to Participate in Hearing (attached) and may file written testimony and any other information in support of or in opposition to the adoption of the GRU staff recommendation. Notice of Intent may be filed at the meeting.*

*February 5, 2009 - public hearing shall be held at the City Commission meeting, after 6 pm.*

*March 5, 2009 - The General Manager shall issue a final Recommended Decision for Gainesville City Commission consideration*

*March 19, 2009 - The Gainesville City Commission shall issue their decision adopting, modifying or rejecting the Recommended Decision regarding the implementation of the standards discussed above.*

*PURPA requires that all consideration and determination on implementation be completed by December 19, 2009.*

**Fiscal Note:** *The estimated cost for consideration and determination of PURPA requirements is included in the FY 2009-10 Budget.*

**RECOMMENDATION**

*The City Commission receive a presentation reviewing the amended Standards related to (1) Integrated Resource Planning; (2) Rate Design to Promote Energy Efficiency Investments; (3) Smart Grid Investments; and (4) Smart Grid Information and issue a determination finding that adopting any of the four standards is not necessary at this time.*

080883\_publichearing\_20090319.pdf

080883a\_presentation\_20090319.pdf

## ORDINANCES, 1ST READING- ROLL CALL REQUIRED

### 080755.

#### LIVING WAGE (B)

##### Ordinance No. 0-09-09

An ordinance of the City of Gainesville, Florida, creating Article IX, of Chapter 2 of the City of Gainesville Code of Ordinances, establishing a living wage requirement for certain employees of contractors providing selected services to the city; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

*Explanation: At its meeting of February 5, 2009, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance readopting Article IX, Chapter 2 of the City of Gainesville Code of Ordinances allowing the Living Wage Requirements to remain in effect.*

*This ordinance requires two hearings. Should the City Commission pass this ordinance on first reading, second and final reading will be held on Thursday, April 2, 2009.*

#### RECOMMENDATION

*The City Commission adopt the proposed ordinance.*

#### Legislative History

2/5/09 City Commission Approved as Recommended (6 - 0 - 1 Absent)

080755\_Ordinance\_20090205.pdf

080755\_draft ordinance\_20090319.pdf

080755\_GG Living Wage Report\_20090319.pdf

080755\_GRU Living Wage Report\_20090319.pdf

### 080456.

#### REGULATION OF NON-MOTORIZED VEHICLES FOR HIRE (B)

##### Ordinance No. 0-09-06

An Ordinance of the City of Gainesville, Florida, relating to the regulation of non-motorized vehicles for hire; amending Chapter 28 of the Gainesville Code of Ordinances, by establishing "Articles" for the chapter titled Vehicles For Hire; titling existing provisions as "Article I. Motorized Vehicles"; amending § 28-2, Definitions, by modifying the definition of "driver", "vehicle for hire" and by adding a definition for Vehicle for Hire Administrator; creating a new Article II titled as "Non Motorized Vehicles"; providing definitions; providing for non-motorized vehicle regulations, standards, and permit requirements; providing for driver regulations, standards and permit requirements; providing for enforcement; providing penalties; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing

**an immediate effective date.**

*Explanation: PUBLIC SAFETY COMMITTEE REPORT*

*This item was brought up at the October 2, 2008 City Commission meeting by citizen Sarah Poll. The Public Safety Committee discussed this referral at its October 28, 2008 meeting with regard to bike taxi safety on game days and business tax issues.*

*The bike taxis operating in Gainesville are not local businesses and generally come from Orlando and Ocala. These taxis have come to Gainesville on home football game days and for other large events for the past two years. Most services appear to work for donations or tips. Gainesville Police Department officers have worked with the companies informally regarding safety issues, but the attempts have not been successful. A concern is that they are using bike lanes, however, the lanes are four feet wide and the bike taxis exceed that width. Additionally, the bike taxis are not equipped with proper lighting and safety features. GPD staff researched other Florida cities that regulate bike taxis and believe that Orlando's ordinance is a suitable model for Gainesville, if the City decides to regulate bike taxis.*

*The City's Finance Department staff suggests that the City could specify bike taxis under the Vehicle for Hire Ordinance and define them as a vehicle. They would then be subject to the business tax as are other vehicle for hire operators.*

#### **CITY ATTORNEY MEMORANDUM**

*At its November 20, 2008 meeting, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise the proposed ordinance.*

*This proposed ordinance is patterned after the Orlando ordinance regulating taxis and blends into the language of the City's Vehicles for Hire ordinance.*

*This ordinance requires two readings. Should the Commission pass this ordinance on first reading, second and final reading will be held on April 2, 2009.*

#### **RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

#### **Legislative History**

10/2/08	City Commission	Referred (6 - 0 - 1 Absent)	Public Safety Committee
10/28/08	Public Safety Committee	Discussed	
11/20/08	City Commission	Approved as Recommended (4 - 0 - 3 Absent)	

080456a\_OrlandoBikeHireOrd\_20081028.pdf  
080456b\_OrlandoBikeHireCode\_20081028.pdf  
080456\_VFH for non-motorized\_20090319.pdf

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

071066.**PLANNED DEVELOPMENT AMENDMENT - WALNUT CREEK PD  
PHASE II"****Ordinance No. 0-08-14, Petition No. 83PDA-06PB**

**An Ordinance of the City of Gainesville, Florida; amending Ordinance Nos. 991267 and 020948, by adopting a new Development Plan for the undeveloped portion of the property, as more specifically described in this ordinance, commonly known as "Walnut Creek Planned Development Phase II"; generally located in the vicinity of the 2500 block of Northwest 39th Avenue; adopting new development plan maps and a planned development report; adopting additional conditions and restrictions; providing for penalties; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: COMMUNITY DEVELOPMENT STAFF REPORT*

*This is a request to re-establish the Planned Development ordinance for Walnut Creek Phase II, a residential subdivision consisting of 55 lots. Walnut Creek is a single-family residential subdivision, proposed to be developed in two phases. It is located in the 2500 Block, of NW 39th Avenue, south side and extends south to Northwest 31st Avenue (Glen Springs Road). It is bounded on the east by Palm Grove, which is a fully developed single-family residential development, consisting of 107 lots. To the west is Hidden Pines, a single-family residential development, consisting of 76 lots.*

*The subject property consists of approximately 30 acres. It was re-zoned to Planned Development for a single-family residential subdivision called Walnut Creek, Petition 44PDV-00, which was approved by the City Commission on October 9, 2000, by Ordinance 991267. The project included a total of 138 lots to be developed in two phases; the first phase with 73 lots and the second with 65 lots. The applicant received final plat approval for Phase I on May 22, 2003, and proceeded to develop 73 lots. After completion of Phase I, but prior to accepting the infrastructure, the city discovered that the stormwater management system did not function as anticipated. The problems of Phase I had to be corrected prior to or during the implementation of Phase II. The designed solution is to incorporate the management of stormwater from Phase I into the new design for Phase II. The new design proposes 55 lots for Phase II, instead of the initial 65 lots proposed.*

*During the redesign and review process for Phase II, the Planned Development expired resulting in the need to request a re-establishment of the Planned Development for Phase II. The applicant filed a request to re-establish the expired Walnut Creek Planned Development, and to modify the PD layout plan. The main purpose of the modification is to accommodate a redesign of the entire stormwater system for the Walnut Creek Planned Development for public safety and welfare consistent with the Comprehensive Plan and Land Development Regulations.*

*The proposed modification resulted in the following changes in the Planned*

*Development:*

- a. A reduction in the number of lots proposed on Phase II from 65 to 55;*
- b. A change in the language requiring the collection of all surface water run-offs to be contained on site;*
- c. An increase in the size of the area devoted to stormwater;*
- d. A change in the location and size of common areas;*
- e. A change in the direction of the main roadway alignment as it approaches NW 31st Avenue;*
- f. A change in the number of trees to be removed; and*
- g. A change in the layout of lots on the south side, adjacent to Palm Grove Phase 2.*

*Those changes are reflected in Exhibit "C" Development Plan Maps, attached to the proposed ordinance. For informational purposes, the previously approved Planned Development Layout Plan Map is attached to this memorandum as Attachment "I".*

*The City Plan Board conducted a public hearing on February 21, 2008 and considered the request to re-establish the Planned Development with design plat for Phase II of the Walnut Creek Subdivision. The Plan Board heard the petition and expressed concerns about tree preservation, the overall design of individual units, and the need to provide adequate separation from proposed utilities. By a vote of 3-2, the Plan Board denied the Planned Development request.*

*After the Plan Board hearing, staff worked with the applicant to address concerns raised by the Plan Board. The City Commission conducted a public hearing on April 14, 2008 approving the request to re-establish the Planned Development with conditions and authorized preparation of an ordinance for First Reading. The commission also approved the request for Phase II design plat, Petition 156SUB-06DB with conditions, subject to final adoption of the Planned Development ordinance. If the Planned Development Ordinance is adopted, the applicant will proceed to preparing Construction Drawings for staff approval and then Final Plat for City Commission review.*

*CITY ATTORNEY MEMORANDUM*

*The City Commission, at its meeting of April 14, 2008 authorized the city attorney's office to prepare and advertise the necessary ordinance amending the planned development known as "Walnut Creek Planned Development Phase II".*

**RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

**Legislative History**

4/14/08	City Commission	Approved (Petition) with Staff Conditions, as Amended (7 - 0)
3/5/09	City Commission	Adopted on First Reading (Ordinance) (5 - 0 - 2 Absent)

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071066-3\_200804141300.pdf  
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071066\_20080414.pdf  
071066B\_200804141300.pdf  
071066\_draft ordinance 20090305.pdf  
071066\_ppt\_20090305.pdf

**080284.****TOWING AND IMMOBILIZATION (BOOTING) OF MOTOR VEHICLES ORDINANCE (B)****Ordinance No. 0-08-72**

**An ordinance of the City of Gainesville amending Chapter 14.5, Article III of the Gainesville Code of Ordinances relating to towing and authorizing the immobilization of motor vehicles on private property; amending §14-25 by adding definitions; creating a new division 2 of Article III consisting of §14.5-39 through §14.5-45 related to immobilization of vehicles on private property; providing for immobilization; providing exemptions; providing definitions; setting prerequisites for immobilization; setting criteria for permits; requiring authorization of the real property owner; providing for record keeping; requiring visible identification; requiring operator permits and establishing specifications for the permit; setting criteria for immobilization and removal of the immobilization device; requiring signage and setting signage requirements; setting the maximum immobilization charge and setting permit fees; requiring acceptance of various forms of payment; requiring receipts and specifying required information on the receipt; providing for permit revocation; providing for appeal; providing for civil citations; providing a repealing clause and providing an immediate effective date.**

***Explanation: PUBLIC SAFETY COMMITTEE REPORT***

*At the City Commission meeting of October 16, 2008, the Public Safety Committee had recommended to the Commission certain amendments to the roam towing ordinance, allowing tow companies to boot vehicles on private property, but charge only one fee. The City Commission referred the matter back to the Public Safety Committee to: (1) work out the parameters regarding cost; (2) work out the process in general, including drafting an ordinance, and (3) bring the matter back to the City Commission. The Public Safety Committee continued its review of the proposed amendment at its December 15, 2008, and incorporated changes requested by the City Commission.*

*The City Commission, at its January 15, 2009 meeting, authorized the City Attorney to draft and the Clerk of the Commission to an ordinance allowing tow companies to boot vehicles on private property.*

**CITY ATTORNEY MEMORANDUM**

*This proposed ordinance authorizes the immobilization of motor vehicles on*



*private property by immobilization service companies who must obtain a permit from the City. The ordinance generally mirrors the roam towing process, in that it provides for posting of signs, requires employees engaged in immobilization to obtain permits, requires insurance, and subjects violations of this ordinance to a \$125 civil citation. Warning stickers are required to be placed on the immobilized vehicles, and the fee for the removal of the immobilization device (or a boot) is set at \$60. The ordinance, if adopted, would go into effect immediately upon adoption.*

*Upon review of this chapter, the City Attorney's Office also made clarifications and revisions to the Roam Towing division to make these sections consistent with current practice and consistent with each other.*

*This ordinance requires two readings. Should the Commission pass this ordinance on first reading, second and final reading will be held on March 19, 2009.*

**RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

**Legislative History**

8/11/08	City Commission	Referred (7 - 0)	Public Safety Committee
10/16/08	City Commission	Referred (7 - 0)	Public Safety Committee
10/28/08	Public Safety Committee	Continued	
12/15/08	Public Safety Committee	Approved as Recommended	
1/15/09	City Commission	Approved as Recommended (5 - 0 - 2 Absent)	
3/5/09	City Commission	Adopted on Final Reading, as amended (Ordinance) (5 - 0 - 2 Absent)	

080284\_LegistarHist\_20080924.pdf  
 080284\_PeerCitiesHist\_20080924.pdf  
 080284\_CurrentInfoLtr\_20080924.pdf  
 080284a\_TampaOrd\_20081016.pdf  
 080284b\_NoMiamiOrd\_20081016.pdf  
 080284c\_OrlandoOrd\_20081016.pdf  
 080284\_BootingEmail\_20081028.pdf  
 080284\_BootingOrdDraft\_20082808.pdf  
 080284\_BootingDraftOrd2\_20081215.pdf  
 080284\_BootingOrdSum\_20081215.pdf  
 080284\_BootingDraftOrd3\_20090115.pdf  
 080284\_Immobilization ordinance\_20080305.pdf  
 080284\_Notice\_20090305.pdf

**080435.**

**CREATION OF "BI: BUSINESS INDUSTRIAL ZONING DISTRICT" (B)**

**Ordinance No. 0-08-86; Petition No. 104TCH-08 PB**

**An ordinance of the City of Gainesville, Florida, amending the Land Development Code of the City of Gainesville, by creating the "BI: Business Industrial zoning district;" reciting the purpose and objectives; specifying**

**permitted uses; specifying dimensional requirements and additional requirements; providing directions to the codifier; providing a severability clause; and providing an immediate effective date.**

*Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT*

*While working with County staff to implement the business employment center concept of Plan East Gainesville for the Alachua County fairgrounds property, it was determined that a new land use category and zoning district were needed. In consultation with both the City and County Attorneys, it was concluded that the City should develop a land use category and zoning district that would allow a mixture of business and industrial-type uses that would be compatible with the airport hazard zone areas. Staff also felt that the new category and district would offer flexible zoning that could accommodate employment centers in other parts of the community. On October 16, 2008, the City Commission amended the Comprehensive Plan by adding a Business Industrial land use category.*

*This Ordinance No. 0-08-86 creates a new zoning district to implement the Business Industrial and Industrial land use categories. The intent of the "BI: Business Industrial district" is to provide compatible uses near and adjacent to the airport, and to provide a business employment center that allows a variety of uses where employees have access to goods and services without having to leave the business park environment. The district has been designed to accommodate some areas that are currently zoned "I-1: Limited Industrial District", without making existing businesses non-conforming to allow future business-park type uses that require a more organized and unified pattern of development.*

*The district will allow a variety of office, business/retail, research and development, and light industrial uses. The setbacks are designed to provide enough separation from the street for landscaping and to have the building front close enough for the area to be walkable.*

*In addition, with this district, staff is trying to be proactive and respond to some of the comments we have received from economic development professionals. The main comment has been that Gainesville does not have flexible zoning or enough land that will allow larger or expanding companies to locate here. This is the first step in attempting to address this concern.*

*Public notice was published in the Gainesville Sun on September 6, 2008, and the Plan Board held a public hearing on September 22, 2008, and, by a vote of 4-0, recommended the City Commission approve the Petition.*

*On November 6, 2008, the City Commission held a public hearing and, by a vote of 6-0, approved the Petition. After the Petition hearing by the City Commission, planning staff realized that four uses currently allowed in the I-1 and I-2 Industrial Zoning districts were inadvertently omitted from the Petition. Those uses have been included as uses by right in this Ordinance and are as follows:*

*IN 0752 Animal Specialty Services*  
*GN 076 Farm Labor and Management Services*  
*MG 41 Local and Suburban Transit and Interurban Highway*  
*Passenger Transportation*  
*MG 42 Motor Freight Transportation and Warehousing*  
*MG 27 Printing, Publishing and Allied Industries, excluding Gravure*  
*(IN 2754)*

*In addition, given the other assembly uses allowed by right, Places of Religious Assembly and Membership Organizations (MG-86) have been added as uses by right in this ordinance.*

**CITY ATTORNEY MEMORANDUM**

*Should this ordinance pass on first reading, second and final reading will be held on Thursday, March 19, 2009.*

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

**Legislative History**

11/6/08        City Commission        Approved (Petition) (6 - 0 - 1 Absent)  
3/5/09        City Commission        Adopted on First Reading (Ordinance) (5 - 0 - 2 Absent)

080435\_petition\_20081106.pdf

080435\_Business Ind Zoning Dist\_20090305.pdf

**RESOLUTIONS- ROLL CALL REQUIRED**

**080857.**

**Resolution for Local Agency Program Project Agreements (LAPPA) for Construction of Three Stimulus Funding Projects (B)**

**This item is a Resolution authorizing the City Manager to execute LAPPAs between the City of Gainesville and the Florida Department of Transportation (FDOT) for the construction of three Stimulus Funding Projects: 1) 6th Street Rail Trail, 2) NE 8th Avenue Mill & Resurface, and 3) NW 34th Street Sidewalk.**

*Explanation: The City of Gainesville is a FDOT certified local agency. This allows the City to enter into agreements with FDOT for the City to use transportation funding from the Federal Government. The City is requesting to enter into a Local Agency Program project agreements with FDOT for the construction of the three City of Gainesville projects prioritized by the MTPO for Federal stimulus funding.*

*Fiscal Note: The LAP Project Agreements provide the City with funding in the amount of \$2,300,000 for construction costs as follows: 1) 6th Street Rail Trail - \$1,000,000, 2) NE 8th Avenue Mill & Resurface - \$300,000, and 3) NW 34th Street Sidewalk - \$1,000,000.*

**RECOMMENDATION**            *Recommended Motion: The City Commission: 1)*

adopt the Resolution; and 2) authorize the City Manager to execute the LAP Project Agreements for construction of 6th Street Rail Trail, NE 8th Avenue Mill & Resurface, and NW 34th Street Sidewalk.

080857\_Resolution\_20090319.pdf

**080870.**

**Resolution to adopt recommendations and amend the State Housing Initiatives Partnership Program (SHIP) Local Housing Assistance Plan (LHAP) (B)**

**This item requests the City Commission adopt a Resolution amending the State Housing Initiatives Partnership Program (SHIP) Local Housing Assistance Plan (LHAP) for State Fiscal Year (SFY) 2008-2009/2009-2010/2010-2011 to incorporate certain affordable housing recommendations made by the City SHIP Affordable Housing Advisory Committee (AHAC) in their Incentive Review and Recommendation Report that was accepted by the City Commission on December 18, 2008 and further discussed with the SHIP AHAC on February 19, 2009.**

*Explanation: The City Commission received and accepted the SHIP AHAC's Incentives and Recommendations Report (Report) on December 18, 2008, and further discussed the report with the SHIP AHAC on February 19, 2009. The City Commission must adopt a resolution to amend the City's LHAP to incorporate the local housing incentive strategies it will implement as required by Florida Statutes. The incentive recommendations must be incorporated in the LHAP and adopted by resolution by the City Commission by March 31, 2009.*

*The SHIP AHAC's main purpose is to triennially review and evaluate established policies, procedures, ordinances, land development regulations, the adopted comprehensive plan, and eleven affordable housing incentives, and to recommend actions or initiatives to the local governing body to encourage or facilitate affordable housing while protecting the ability of property to appreciate in value. At the February 19, 2009 City Commission Meeting, the City Commission considered all of the recommendations outlined in the Report and approved the items noted as "Approved" below:*

- 1. The processing of approvals of development orders or permits, as defined in s. 163.3164 (7) and (8), for affordable housing projects is expedited to a greater degree than other projects; (Approved)*
- 2. The modification of impact-fee requirements, including reduction or waiver of fees and alternative methods of fee payment for affordable housing;*
- 3. The allowance of flexibility in densities for affordable housing;*
- 4. The reservation of infrastructure capacity for housing for very-low-income persons, low-income persons, and moderate-income persons;*
- 5. The allowance of affordable accessory residential units in residential zoning*

*districts;*

*6. The reduction of parking and setback requirements for affordable housing;*

*7. The allowance of flexible lot configurations, including zero-lot-line configurations for affordable housing;*

*8. The modification of street requirements for affordable housing;*

*9. 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; (Approved)*

*10. The preparation of a printed inventory of locally owned public lands suitable for affordable housing; and*

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

*As requested by the City Commission and at the request of the SHIP AHAC, the City Commission considered additional recommendations in the Report and approved the items noted as "Approved" below:*

*12. Other Affordable Housing Incentives:*

*Energy Efficiency; (Approved)*

*SHIP Staff Support; (Approved)*

*Property Taxes and Insurance;*

*Community Land Trust; and*

*Mobile Homes.*

*The remaining affordable housing incentives were approved for further study. The City Commission approved for the SHIP AHAC to host affordable housing workshops to conduct on-going study of ways to improve affordable housing opportunities in our community, and to recommend specific actions or initiatives to encourage or facilitate affordable housing while protecting the ability of the property to appreciate its value. The housing workshops and forums will include topics on the housing incentives such as:*

*Reduced Impact Fees*

*Flexible Densities*

*Reservation of Infrastructure Capacity*

*Accessory Dwelling Units*

*Reduced Parking & Setback*

*Flexible Lot Configurations*

*Modified Street Requirements*

*Community Land Trusts*

*Inclusionary Zoning*

*Weatherization Programs*

*Attached for reference is a copy of the SHIP AHAC Incentive and Recommendation Report, SHIP AHAC Recommendation Summary, SHIP AHAC Recommendations as approved by the City Commission on February 19, 2009 and Amended LHAP Resolution. The LHAP includes an Incentive Strategy section. It is required to include the SHIP AHAC's recommendations accepted by the City Commission in the Incentive Strategy section of the LHAP by amendment. The City must submit the amended LHAP to the Florida Housing Finance Corporation by May 2, 2009.*

*Fiscal Note: None*

**RECOMMENDATION**

*The City Commission adopt the resolution accepting the State Housing Initiatives Partnership Program (SHIP) Affordable Housing Advisory Committee (AHAC) Incentive and Recommendation Report, approving certain affordable housing incentive recommendations of the SHIP AHAC and amending the State Housing Initiatives Partnership Program (SHIP) Local Housing Assistance Plan (LHAP) for State Fiscal Year (SFY) 2008-2009/2009-2010/2010-2011 to include the approved recommendations of the SHIP AHAC.*

080870\_Resolution\_20090319.pdf

080870\_A Report\_20090319.pdf

080870\_B Amendment\_20090319.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)**

**MODIFICATIONS TO THE AGENDA - MOD SHEET**

**080909.**

**Modifications to the March 19, 2009 City Commission Meeting (B)**

**RECOMMENDATION***Please see attached Modification Sheet.*

March 19, 2009\_MODS.PDF

**NEW ITEMS****080901. State of Florida Legislative Update (B)**

**The City Commission will be provided with an update of legislation filed during the Florida Legislature's 2009 Regular Session.**

*Explanation: The Florida Legislature opened its 2009 regular session on March 3, 2009. Several pieces of legislation have been filed that are expected to have an impact on the City of Gainesville. This update will provide a brief update of such legislation and an opportunity for the City Commission to comment and determine if a statement of support or opposition should be conveyed to the legislature.*

*Fiscal Note: None at this time.*

**RECOMMENDATION**

*The City Commission: 1) receive the legislative update; and 2) determine if issues presented necessitate the support or opposition of the City Commission.*

080901\_PowerPoint\_20090319.pdf

080901\_Report\_20090319.pdf

**080899.****American Recovery and Reinvestment Act (B)**

**The City Commission will receive an update regarding the 2009 American Recovery and Reinvestment Act.**

*Explanation: The City of Gainesville has been closely monitoring the implementation of the 2009 American Recovery and Reinvestment Act (ARRA). Staff from General Government and GRU have been receiving updates regarding the amount of ARRA funding that will be received through direct formula allocations as well as ARRA opportunities that will be made available through State allocations or competitive grant process.*

*At this time, staff will provide the City Commission with an update on funding directed to the City via formula allocations and competitive grants which the City is monitoring and preparing to apply for as they become available.*

*Fiscal Note: At this time, the City of Gainesville is expecting to receive approximately \$7,888,515 through direct formula allocations.*

**RECOMMENDATION**

*The City Commission receive a report from staff.*

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**080904.**

**Mayor-Commissioner Pro Tem Jack Donovan - "Procession for the Future" - Request for Waiver of Fees for Street Closing and Police Escort (B)**

**RECOMMENDATION**

*The City Commission hear a presentation from representatives for the "Procession for the Future" event/parade being held Saturday, March 21, 2009, and take appropriate action.*