

City of Gainesville

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



Meeting Agenda

July 19, 2012

1:00 PM

MODIFIED AGENDA

City Hall Auditorium

City Commission

Mayor Craig Lowe (At Large)

Mayor-Commissioner Pro-Tem Lauren Poe (At Large)

Commissioner Thomas Hawkins (At Large)

Commissioner Yvonne Hinson-Rawls (District 1)

Commissioner Todd Chase (District 2)

Commissioner Susan Bottcher (District 3)

Commissioner Randy Wells (District 4)

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

CALL TO ORDER

AGENDA STATEMENT

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

100283.

Open-Close-Clean Services at City of Gainesville Parks (B)

This item is a request for the City Commission to authorize contract amendments with SuperGlo Cleaning Services for the opening, closing, and cleaning of City of Gainesville parks. The contract will increase from \$58,872 to \$65,972 for FY 11-12 (fourth amendment) due to a need for increased services, and from \$65,972 to \$76,992 for FY12-13 (fifth Amendment) for a full year inclusive of all services needed.

Explanation: The Parks, Recreation and Cultural Affairs Department issued a request for bids in April 2010 for park opening, closing, and cleaning at thirteen (13) City-owned parks. Thirteen (13) vendors attended the mandatory pre-bid conference, with five (5) vendors submitting bids. This was a best-evaluated bid. Staff considered price, past performance of Bidder (references), and sufficient staff available, as well as the technical and written qualifications as described in the City of Gainesville's Professional and Other Services Evaluation Handbook. Based on these criteria, Superglo Cleaning Services was ranked number one at a price of \$58,872.

As per the contract language, the contract was extended in October 2011 for one additional year. A second amendment to the contract was issued in December 2011 to address the need for contractor employees to clearly identify themselves on city-owned property. A third amendment to the contract was

issued in January 2012 adjusting the responsibilities of the contractor at the Downtown Plaza due to the installation of automatic locks on the restrooms. The fourth amendment to the contract is to increase services at two (2) additional parks, Fred Cone and Hogtown Creek Headwaters, to ensure service at these recently constructed Wild Spaces Public Places funded facilities for the balance of FY2011-2012.

Vendor performance has been satisfactory and staff wishes to exercise its option to extend the agreement with SuperGlo for the second, one-year extension authorized by the City Commission in September 2010, for the period of October 2012 through September 2013; the terms for this are included in the fifth amendment to the contract. Inclusive of the prior amendments, the fifth Amendment, which is the second one-year extension, total is \$76,992.

Fiscal Note: Funds for the fourth amendment (the balance of FY11-12) SuperGlo contract services are available in the Department of Parks, Recreation and Cultural Affairs Contractual Services budget; funds for the fifth Amendment (FY12-13 SuperGlo contract services) are available in the PRCA budget, subject to final adoption of the FY 2013-2014 budget.

RECOMMENDATION

The City Commission: 1) approve the fourth contract amendment with SuperGlo for park opening, closing, and cleaning at Fred Cone and Hogtown Creek Headwaters parks; 2) authorize the City Manager or his designee to execute the amendment; and 3) authorize the City Manager or his designee to exercise the option to execute the fifth amendment (a second one-year extension of the agreement with SuperGlo) and all related contractual documents, subject to approval by the City Attorney as to form and legality, and subject to adoption of the final FY13-14 budget.

Legislative History

9/2/10 City Commission Approved as Recommended (6 - 0 - 1 Absent)

100283_Bid Tab_20100902.pdf

100283A_4th Amendment_20120719.pdf

100283B_5th Amendment_20120719.pdf

110903.

Assistance to Firefighters Grant FY2011 Application Modification of Fiscal Note (NB)

This item requests that the City Commission authorize the City Manager to allocate reimbursement funds received from Sprint Nextel toward the match for this grant if awarded.

Explanation: On May 3, 2012, the City Commission approved a recommendation for the City Manager to execute a grant award contract, if awarded, for the FY2011 Assistance to Firefighters Grant (AFG). Gainesville Fire Rescue (GFR) has submitted an application for the grant program for a Community Risk Assessment project. The awarding of the grant requires a 20% match by the

applicant agency. The City's portion of the match is projected to be around \$19,296 and matching funds were originally identified in the GFR FY12 operating budget.

Since that time, Sprint Nextel issued a reimbursement check in the amount of \$13,552.05 to the City of Gainesville for a radio re-banding project. GFR is recommending that these funds be designated toward meeting the grant match requirement.

Fiscal Note: The total cost of the project is estimated at \$96,480; the Federal Share is 80% or \$77,184; and the Applicant Share is expected to be 20% or \$19,296. Matching funds have been identified from the radio re-banding project reimbursement in the amount of \$13,552.05 and the remaining funds from the GFR general fund budget.

RECOMMENDATION

The City Commission authorize the City Manager to:
1) designate the reimbursement funds toward the grant match; and 2) approve the required payments process to apply the reimbursement funds toward the match if the grant is awarded.

Legislative History

5/3/12 City Commission Approved as Recommended (7 - 0)

120099.

Conversion of SW 2nd Street to a two way street between SW 1st Avenue and 2nd Avenue (NB)

This item is a request to convert SW 2nd Street from a one-way street to a two-way street between SW 1st Avenue and 2nd Avenue.

Explanation: SW 2nd Street is a one way northbound street from University Avenue to SW 2nd Avenue. When pedestrian traffic is heavy downtown, the Gainesville Police Department closes SW 2nd Street between West University Avenue & SW 1st Avenue. This closure forces traffic to either make a U'turn at the intersection of SW 1st Avenue and 2nd Street or travel illegally southbound on SW 2nd Street to get to SW 2nd Avenue.

Converting SW 2nd Street to a two-way street between 1st Avenue and 2nd Avenue will address the issues associated with the nightly street closure as well as improve traffic circulation in the southwest portion of downtown. Staff considered converting the entire segment of SW 2nd Street between University Avenue & 2nd Avenue to a two-way street but the intersection geometry and the traffic signalization improvement costs at West University Avenue and 2nd Street make this conversion not practical.

Fiscal Note: Funding in the amount of \$500 for the installation of a stop sign and associated pavement markings is available in the Traffic Operations Division Budget.

RECOMMENDATION

The City Commission: 1) approve the conversion of

SW 2nd Street between 1st Avenue and 2nd Avenue to a two-way street; and 2) authorize the City Manager to implement the changes.

120101.**Security Support for the FY 2012 Republican National Convention (B)**

This is a request for City Commission approval for the Gainesville Police Department to participate in a Mutual Aid Agreement with the City of Tampa for operational assistance in providing security for the 2012 Republican National Convention during the week of August 26, 2012 in Tampa Florida.

Explanation: The City of Tampa was awarded a federal grant to help with security costs connected with the Republican National Convention (RNC). The Gainesville Police Department has been asked to participate in a mutual aid agreement along with other law enforcement agencies across the State of Florida drafted by the City of Tampa. This event has been designated as a National Special Security Event due to the event's significance to the United States and the inherent challenge of ensuring the safety and security of all event participants.

Fiscal Note: As a sub-recipient of the Federal Grant, the Gainesville Police Department will be eligible to receive reimbursement for personnel and other costs subject to the terms of the mutual aid agreement with the City of Tampa and the grant.

RECOMMENDATION

The City Commission: 1) authorize the Gainesville Police Department to participate in the mutual aid agreement for operational assistance in providing security for the 2012 Republican National Convention during the week of August 25, 2012 in Tampa, Florida; and 2) authorize the City Manager to execute the mutual aid agreement and any other necessary documents, subject to approval by the City Attorney as to form and legality.

120101_RNCMutalAidAgree_20120719.pdf

120103.**Invitation to Participate in the Florida Department of Highway Safety and Motor Vehicles Application Process for E-Crash Hardware (NB)**

This is a request for City Commission approval to submit an application to the Florida Department of Highway Safety and Motor Vehicles for participation in the E-Crash application process.

Explanation: The Florida Department of Highway Safety and Motor Vehicles (DHSMV) was awarded a Federal Motor Carrier Safety Administration Grant which allows for the dissemination of laptops/hardware to state law enforcement agencies to be used for the purpose of electronically reporting commercial motor vehicle crashes. Applications will be scored based on agency need, the volume of

commercial motor vehicle crashes reported by an agency, agency size and the agency's plan for implementing an E-Crash program. E-Crash enables the entry of crash data as close to the crash scene as possible, thus assuring completeness, consistency and fewer interpretation errors. It also saves money and resources in reducing all duplicative efforts (i.e., officer's entering data on hard copy forms only to have these data re-entered into the computer). The electronic submission eliminates the need to mail in paper crash forms. The timeliness of the data is now virtually instantaneous and readily available for processing.

Fiscal Note: It is anticipated that the Gainesville Police Department may be eligible to receive up to \$25,000 based on the number of commercial motor vehicle crashes reported annually by GPD.

RECOMMENDATION

The City Commission authorize the City Manager to submit the application to the Florida Department of Highway Safety and Motor Vehicles for consideration and, if approved, execute any other necessary documents, subject to approval by the City Attorney as to form and legality.

120104.

**Federal Law Enforcement Contraband Forfeiture Trust Fund (LECFTF)
Funding for Mounted Unit Operation Budget for FY2013 (B)**

This is a request for approval to fund the Gainesville Police Department's Mounted Unit for Fiscal Year 2013.

Explanation: On October 13, 1997 the City Commission approved the formation of the Gainesville Police Department's Mounted Unit Patrol and authorized funding through the LECFTF. Because FY 12 funds can be rolled over, staff is only requesting an additional \$25,000 to cover the remainder of the expenditures. The total operating cost is approximately \$63,802 which includes funding for stables/boarding, veterinarian services, horse feed, supplies, and training.

Fiscal Note: Funds in the amount of \$25,000 are available in the Federal Law Enforcement Contraband Forfeiture Trust Fund. The expenditure is allowable per Federal 21 USC 881 found in the US Department of Justice 'A Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies.' The balance in this account is \$1,040,429 (unreserved fund balance) based on the City of Gainesville's financial statements dated March 31, 2012.

RECOMMENDATION

The City Commission approve the appropriation of \$25,000 from the Federal Law Enforcement Contraband Forfeiture Trust Fund for the operation of the Mounted Unit for Fiscal Year 2013.

120104_MountedUnitBudget2013_20120719.pdf

120105.**2009 Urban Area Security Initiative Program (UASI) (B)**

This is a request for City Commission approval to accept a Fusion Center server for use during disaster response.

Explanation: The City of Jacksonville Emergency Preparedness Division has completed the purchase of a Fusion Center server for use by the Gainesville Police Department during disaster response. The server and connectivity costs are valued in the amount of \$11,829.10 and were purchased with 2009 Urban Area Security Initiative Program which is funded through the US Department of Homeland Security.

Fiscal Note: The City of Gainesville and the Gainesville Police Department will take title of the server and related connectivity costs (valued at \$11,829.10) when the item is officially transferred to the Department from the city of Jacksonville's Emergency Preparedness Division. The items were purchased with a 2009 Urban Area Security Initiative Program grant funded through the US Department of Homeland Security. The City of Gainesville and the Gainesville Police Department are obligated to adhere to certain duties and obligations with respect to use, control, maintenance, repair and disposition of the equipment. A contract from the City of Jacksonville's Fire and Rescue Department outlining these obligations is provided for review.

RECOMMENDATION

The City Commission authorize the City Manager to:
1) accept the server and related connectivity costs in the amount of \$11,829.10 from the 2009 Urban Area Security Initiative Program through the City of Jacksonville's Emergency Preparedness Division and
2) execute any other necessary documents, pending review by the City Attorney as to form and legality.

120105_JaxServerAgreement_20120719.pdf

120106.**Staffing Study for Gainesville Police Department (NB)**

This is a request for City Commission approval to modify an existing purchase order.

Explanation: The Gainesville Police Department issued an invitation to bid at a cost of \$41,684 for a staffing study of the Gainesville Police Department. With the City's proposed annexation it would be pertinent to have the staffing study included. The Staffing Study is necessary to make sure GPD staffing levels are adequate. The additional expenses would bring the total amount to \$53,234.

1. The Reichert House

The cost for a staffing study of the Reichert House includes 4 days consultant time, one site visit including all personnel, travel, expenses and indirect costs (as required and approved by the US Department of Justice) and is \$7,150 on a

fixed fee, all inclusive basis. A key task will be to gain an in-depth understanding of the operations of the Reichert House through observation of its operation.

2. Proposed Annexation

The cost for a staffing study of the areas that may be annexed includes 3 days consultant time, and one site visit including all personnel, travel, expenses and indirect costs (as required and approved by the U.S. Department of Justice) is \$6630 on a fixed-fee, all-inclusive basis. The same methodology will be used as in the Gainesville Police Department staffing being completed by the Police Executive Research Forum (PERF). It is assumed that patrol workload data will be available in the same format for the areas under annexation consideration.

3. Both Studies

If both studies are to be performed the cost would include 7 days consultant time and one site visit for a total cost of \$11,550.

Fiscal Note: The Gainesville Police Department originally budgeted \$55,000 for a staffing study and the proposed amount falls under this budget amount.

RECOMMENDATION

The City Commission authorize the City Manager to approve the modification of the existing purchase order and to execute any other necessary documents, subject to approval by the City Attorney as to form and legality.

120112.

Bid Award - Regional Transit System (RTS) Paratransit Related Services for ADA Paratransit Passengers (B)

This item is a request to approve rankings for Request for Proposal (RFQ) #RTSX-130000-DS and execute a contract with Transitional Living of North Central Florida doing business as Center for Independent Living of North Central Florida (CIL-NCF) for Paratransit Related Services for the Regional Transit System (RTS) including ADA (Americans with Disabilities) Eligibility/Certification of persons with disabilities, Travel Training of said individuals, Mystery Rider services, and Sensitivity Training for Regional Transit System (RTS) staff in the amount of \$80,000.

Explanation: On May 30, 2012 the City's Purchasing Division solicited Request for Proposals (RFP) for Paratransit Related Services including the certification or re-certification of ADA eligibility applicants, ADA Paratransit Eligibility Determination, ADA Field Certifications, Travel Training, Mystery Rider program, and Sensitivity Training for Regional Transit System (RTS) staff. The RFQ process was implemented in compliance with, and as required by, the Federal Transit Administration (FTA), Florida Statutes and City of Gainesville policies.

Two (2) proposals were submitted by the deadline. The submissions contained

technical and written proposals. An evaluation team consisting of RTS staff evaluated the proposals and is recommending the following ranking:

1. Transitional Living of North Central Florida doing business as Center for Independent Living of North Central Florida (CIL-NCF) doing business as Center for Independent Living of North Central Florida (CIL-NCF)

2. Medical Transportation Management, Inc. (MTM)

RTS desires to enter a contract with Transitional Living of North Central Florida doing business as Center for Independent Living of North Central Florida (CIL-NCF) for a five year period, beginning October 1, 2012. CIL-NCF will provide services as described in RFP #RTSX-130000-DS.

Fiscal Note: Funds in the amount of \$80,000 are available in the RTS FY12 operating budget.

RECOMMENDATION

The City Commission: 1) approve staff's recommended ranking of the two (2) firms; and 2) authorize the City Manager to negotiate and execute a five-year contract for the Regional Transit System (RTS) with the top ranked firm or next ranked firm if those negotiations are not successful, for Paratransit Related Services for Regional Transit System (RTS) including ADA (Americans with Disabilities) Eligibility/Certification of persons with disabilities, Travel Training said individuals, Mystery Rider services, and Sensitivity Training for Regional Transit System (RTS) staff, subject to approval by the City Attorney as to form and legality.

120112_BID_20120719.pdf

120114.

RTS Fall 2012 Transit Service Changes (B)

This is a request for the City Commission to approve the proposed RTS Fall 2012 Service Changes.

Explanation: RTS typically makes transit service changes in August to coincide with the beginning of the fall semester schedule for the University of Florida and Santa Fe College. The following proposed service changes include increasing or decreasing service hours, increasing or decreasing service frequency, modifying route alignments and cancelling/replacing weekend routes. The following service changes have been approved by the University of Florida and Santa Fe College respective to the routes they fund. RTS presented service change proposals to the RTS Citizens Advisory Board on Wednesday May 23, 2012 and during an advertised public meeting on Thursday May 31, 2012 to receive citizen input on the proposed changes.

Fiscal Note: In fiscal year 2012-13, the City of Gainesville will receive \$ 11,252,895 from the University of Florida for service enhancements and \$ 950,179 from Santa Fe

College for service enhancements.

RECOMMENDATION

The City Commission approve the proposed Fall 2012 service changes effective August 19, 2012.

120114A_ProposedServiceChanges_20120719.pdf

120114B_ProposedServiceChangesTable_20120719.pdf

120130.

American Recovery & Reinvestment Act of 2009 (ARRA), Community Development Block Grant Recovery Grant (CDBG-R) #B-09-MY-12-0007 Closeout Report (B)

This informational item is for the City Commission to receive a closeout report for the CDBG-R Grant #B-09-MY-12-0007 in the amount of \$371,003 received from the U.S. Department of Housing and Urban Development (HUD).

Explanation: The City of Gainesville received \$371,033 in CDBG-R Program funding from HUD through the American Recovery and Reinvestment Act of 2009 (ARRA) that was signed into law on February 17, 2009, and appropriated funding for measures that will modernize our nation's infrastructure, enhance energy independence, expand educational opportunities, preserve and improve affordable health care, provide tax relief and protect those in greatest need. The CDBG-R Program funding was a separate allocation from the regular, Community Development Block Grant (CDBG) Program funds that the City of Gainesville receives on an annual basis from HUD.

On July 22, 2009, the City entered into an agreement with HUD for the CDBG-R Program, #B-MY-09-12-0007 in the amount of \$371,003. The CDBG-R funds were allocated for a City public infrastructure project, the Booker T Washington Subdivision Roadway and Drainage Improvement/Eastside Paving project located in the Duval Area Neighborhood. The project scope included the entire scope of the Booker T Washington area and provided roadway pavement restoration/reconstruction with concrete curbs and gutter, including a storm-water management system.

The CDBG-R Grant Expenditure Date is September 30, 2012. The total project cost for the Booker T Washington Subdivision Roadway and Drainage Improvement/Eastside Paving project was \$370,313.80, with \$689.20 expended on administrative expenses for a newspaper publication related to the project for a total grant expenditure of \$371,003. The City's final report to complete the project was submitted to HUD on March 31, 2012. As a result, the CDBG-R Grant is 100% expended and meets the expenditure deadline of September 30, 2012. The CDBG-R grant expenditure detail is provided in Attachment A for reference.

As part of the CDBG-R Grant closeout process, HUD requires for the City to complete and submit close out documents for the CDBG-R Grant, including conducting a public hearing to receive public comment on the CDBG-R Grant closeout. The public hearing for the CDBG-R Grant closeout was conducted by

the Citizens Advisory Committee for Community Development (CACCD) on June 19, 2012. No public comment was received for the CDBG-R Grant closeout. The documents required to close out the CDBG-R Grant include: 1) Federal Reporting - Final Report; 2) Federal Financial Report Form 425; 3) Grant Closeout Agreement; 4) Grantee Closeout Certification and 5) CDBG-R Closeout Checklist. These documents are being prepared for submittal to HUD at this time to complete the close out of the CDBG-R Grant #B-09-MY-12-0007. A copy of the closeout report with the required documents is included in Attachment B for reference.

Fiscal Note: The CDBG-R Program funding in the amount of \$371,003 was a special and separate allocation from the regular, Community Development Block Grant (CDBG) Program funds that the City of Gainesville receives on an annual basis from HUD. There are no future allocations projected by HUD at this time for the CDBG-R Program.

RECOMMENDATION

The City Commission receive the CDBG-R Closeout Report.

120130A_CDBG-R Grant Expenditure Summary_20120719.pdf

120130B_CDBG-R Final Report_20120719.pdf

120131.

U.S. Department of Justice Bulletproof Vest Partnership (NB)

This is a request for City Commission approval to accept grant funds from the U.S. Department of Justice, Bureau of Justice Assistance through the Bulletproof Vest Partnership Program.

Explanation: The U.S. Department of Justice, Bureau of Justice Assistance, invited the City of Gainesville to apply for \$9,123.30 in grant funding through the Bulletproof Vest Partnership Program. The program reimburses law enforcement agencies for up to fifty percent (50%) of the total costs of purchasing bulletproof vests to replace zylon bulletproof vests. The amount the City of Gainesville was eligible to apply for was established by the U.S. Department of Justice. The City submitted an application to the U.S. Department of Justice for the designated amount of grant funding

The U.S. Department of Justice requested the application be submitted by June 27, 2012. This will allow the City of Gainesville to purchase up to \$18,246.60 and be reimbursed for fifty percent (50%) of the cost, up to a maximum of \$9,123.30.

Fiscal Note: The City of Gainesville will be able to purchase up to \$18,246.60 in bulletproof vests and be reimbursed for fifty percent (50%) of the cost up to a maximum of \$9,123.30. The fifty percent (50%) of funding from the Gainesville Police Department is requested to come from departmental State Forfeiture Contraband Funds.

RECOMMENDATION

The City Commission authorize the City Manager to:
1) accept the \$9,123.30 in grant funds; and 2) execute
any other necessary documents, subject to approval by

the City Attorney as to form and legality.

120138.

2012 Strike Out Hunger Food Drive (B)

The purpose of this agenda item is to request the City of Gainesville to co-sponsor and authorize staff participation in the 2012 Strike Out Hunger Food Drive for Gainesville/Alachua County.

Explanation: In 2011, the City of Gainesville and its employees participated in the Strike Out Hunger Food Drive. The food drive was organized by then Alachua County Commissioner Rodney Long who requested the City's participation. The City of Gainesville has been a committed partner in the effort to reduce poverty in Gainesville/Alachua County for a number of years. In addition, the City has been a major partner in the creation and development of the Hunger Abatement Plan for Gainesville/Alachua County. The Strike Out Hunger Food Drive collects food and donations to restock food pantries throughout Gainesville/Alachua County for needy families. Without the annual food drive, many of the local food pantries would run out of food during one of the most critical times of the year, which is the holiday season. Therefore; the Long Foundation, Inc. (hereinafter called the Foundation) is requesting the City's participation in the food drive.

In November 2011, the Strike Out Hunger Food Drive collected nearly 67,000 pounds of food for Gainesville/Alachua County. The food was distributed to non-profit organizations, faith-based organizations and food banks throughout the City and the County. Last year, the City co-sponsored the event, provided meeting spaces for the planning sessions, issued a proclamation and authorized staff to coordinate the event for City employees. The City of Gainesville employees collected over 1,160 pounds of food for last year's food drive. The Alachua County Commission and its staff coordinated the event for the county-wide food drive.

In 2012, the Foundation will be responsible for coordinating and providing the necessary resources to ensure the success of the county-wide food drive. The Foundation is inviting the City Commission to co-sponsor the event, requesting the City Manager to authorize staff to participate in the project, and to issue a proclamation at the October 8, 2012 City Commission meeting. Additionally, the Foundation would like to make a presentation at the Thursday, December 20, 2012 City Commission meeting regarding the outcomes of the 2012 Strike Out Hunger Food Drive, including recognition of the stakeholders and participants.

There is little or no cost to the City other than staff time for scheduling meeting rooms and food pick-up services. The food collected by the City's General Government employees last year was donated to the City's Gainesville's Little Ones (GLO) Program which provides food and gifts for needy families during the holiday season. The GLO Program food weight total was provided to the

County to be included in the Strike Out Hunger Food Drive total weight.

Fiscal Note: At this time, there is little or no cost to the city other than staff time.

RECOMMENDATION

The City Commission approve the request to co-sponsor the Strike Out Hunger event for 2012 and authorize the City Manager to designate staff to assist with the event coordination.

120138A_Email Request from Rodney Long_20120719.pdf

120138B_2012 Strike Out Hunger Proposal_20120719.pdf

120138C_Dec 2011 Strike Out Hunger Outcome PPT_20120719.pdf

120140.

Solving Cold Cases with DNA Analysis (B)

This is a request for City Commission approval for the City Manager to execute a grant award.

Explanation: The Alachua County Sheriff's Office was awarded a federal grant from the U.S. Department of Justice to pay overtime wages and travel costs for law enforcement agencies to evaluate and resolve unsolved homicide, missing person, unidentified human remains and sexual battery cases. A memorandum of understanding has been prepared between the Alachua County Sheriff's Office and the Gainesville Police Department to carry out investigative activities associated with this grant award.

Fiscal Note: The Gainesville Police Department is eligible to bill the Alachua County Sheriff's Office up to \$53,309 for investigative activities associated with this grant award. Investigative activities include overtime and benefit payments for law enforcement detectives, consultant services, up to six (6) in-state trips and up to three (3) out of state trips to interview witnesses and follow up on leads associated with cold cases. A laptop and software, air card and printer will also be purchased for use with this project.

To be eligible for reimbursement the Gainesville Police Department must provide documentation of time worked and policies associated with overtime pay and benefits to the Alachua County Sheriff's Office Grant Administrator. The time period associated with the grant award is December 1, 2010 through September 30, 2012.

RECOMMENDATION

The City Commission authorize the City Manager to accept and execute grant award and any other necessary documents, subject to approval by the City Attorney as to form and legality.

120140_DNAAnalysisMOU_20120719.pdf

120145.

Reschedule City Commission Strategic Planning Retreat (NB)

This is a request to reschedule the City Commission Strategic Planning

Retreat to be held on August 29, 2012 at Boulware Springs.

MODIFICATION: Request to move to regular agenda. 7/19/2012 @ 12:00 Noon. .

Explanation: Each year, the City Commission holds a strategic planning retreat to discuss strategic goals and initiatives. Due to unforeseen circumstances, the June 19, 2012 City Commission Strategic Planning Retreat was cancelled. This is a request to reschedule the City Commission Strategic Planning Retreat to be held on August 29, 2012 at 8:00 AM at Boulware Springs, 3300 SE 15th Street.

Fiscal Note: There is no fiscal impact.

RECOMMENDATION

The City Commission reschedule the Strategic Planning Retreat to be held on August 29, 2012 at 8:00 AM at Boulware Springs.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS**120153.****Automated Transformer Loss Test System (B)**

Staff recommends the purchase of an automated transformer loss test system from Automation Systems & Diagnostics, Inc. for Substation and Relay's Transformer Apparatus Shop.

Explanation: GRU's Substation & Relay department is responsible for ensuring that transformers used in the utility's system are safe, reliable, and energy efficient. The Transformer Apparatus Shop tests equipment using a transformer loss test system which measures energy loss due to operation of the transformer.

The 25 year old system currently in use is obsolete, and parts and service are limited making maintenance of the equipment difficult and costly. In addition, the older model can no longer be used to test many of the utility's newer, large transformers with up to a 2500 kVA.

Utilities Purchasing issued a Request for Proposal to three companies that manufacture automated transformer loss test systems. Three proposals were received and were evaluated and scored based on cost, equipment specifications, proposer's background, references, delivery, maintenance and warranty and local preference. ASD submitted the highest rated proposal. An evaluation summary is attached for your information.

The itemized pricing provided in the proposals allowed for exclusion of some portions of the turn-key system. To reduce the purchase cost of the equipment, the system will be purchased without optional spare parts, turns ratio and winding resistance testing features. In addition, a 12-month warranty negates the need for a service agreement the first year. These modifications reduce the actual purchase price from \$227,875 to \$203,400.

Fiscal Note: Funds for this equipment are available in the FY 2012 budget.

RECOMMENDATION

The City Commission authorize the General Manager, or his designee, to approve the issuance of a purchase order to Automation Systems & Diagnostics, Inc. (ASD) for an automated transformer loss test system in the amount of \$203,400.

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120154.**Website Content Management System Conversion (NB)**

Staff recommends awarding a contract to Ingen Systems Inc. to convert GRU's website (www.gru.com <<http://www.gru.com>>), including all content, application interfaces and interactive elements, to the DotNetNuke Enterprise Edition Content Management System (CMS).

Explanation: GRU internally hosts and maintains all of its website content. Utility management and staff have determined that migrating the website to a content management system would create operational efficiencies and free up critical resources in Information Technology and Marketing & Communications. With a CMS, staff would be able to create, edit, approve and publish content faster and with less effort than is currently possible.

The City of Gainesville website (www.cityofgainesville.org <<http://www.cityofgainesville.org>>) uses a CMS solution provided by the DotNetNuke Corporation. Given the recent consolidation of GRU's and General Government's IT departments and other shifts in technology, it is evident that converting GRU's website to a DotNetNuke solution would be in the best interest of the Utility and the City. Aligning GRU's website infrastructure with the City's would create additional efficiencies for IT staff and better support for all City departments involved. A unified infrastructure also would facilitate the development of future website capabilities.

Transforming GRU's custom-built site to the DotNetNuke Enterprise Edition CMS is a complex and time-consuming undertaking that requires specialized technical expertise. Given GRU's limited internal resources, the best way to accomplish this conversion is to outsource the work to an experienced vendor. A Request for Proposals was sent by Purchasing to 13 prospective vendors, with three firms responding. Two of the three responders did not meet the minimum qualifications as stated in the RFP. Only one responder, Ingen Systems Inc., met the minimum qualifications. Ingen's proposal was evaluated using a predetermined, two-phase process: 1) a written evaluation, which looked at the firm's background, experience, approach, proposed cost, schedule, references and resources; and 2) a webinar presentation and interview, which looked more closely at the firm's proposed approach as well as its communication and project management skills.

Upon completion of the evaluation process, it was determined that Ingen Systems Inc. possesses the experience, skills and attributes needed to successfully convert GRU's website to the DotNetNuke Enterprise Edition CMS.

Ingen demonstrates advanced competency with DotNetNuke installations, has prior work experience that matches the scale and complexity of the GRU website, exhibits a solid understanding of the scope of GRU's project, and offers sound solutions for meeting GRU's conversion, training and support needs.

Fiscal Note: This project is expected to have a one-time cost of approximately \$100,000, including expenses related to vendor travel. Funds are available in the IT Department's FY 2012 and FY 2013 budgets.

RECOMMENDATION

The City Commission: 1) authorize the General Manager, or his designee, to negotiate and execute a contract with Ingen Systems Inc. for services related to converting GRU's website to the DotNetNuke Enterprise Edition CMS, subject to the approval of the City Attorney as to form and legality; and 2) approve the issuance of a purchase order to Ingen Systems Inc. for these services in total amount not to exceed \$100,000, subject to the final appropriation of fiscal year funds.

120163.

Laboratory Information Management System (B)

Staff recommends the purchase of a Laboratory Information Management System from Promium LLC.

Explanation: The Water/Wastewater and Energy Supply Departments use a Laboratory Information Management System (LIMS) to track samples, enter data about the samples, validate and report results, as well as track chemicals and documents as required by the Florida Department of Environmental Protection (FDEP) and the U.S. Environmental Protection Agency (EPA) for operating permits for the Deerhaven and Kelly Generating Station, Kanapaha and Main Street Water Reclamation Facilities, and Murphree Water Treatment Plant.

The current LIMS was implemented in 2000. Due to its age, serviceability is an issue since the software is no longer supported by the vendor without the purchase of an upgrade that would still not provide the functionality required in order for the Utility to meet the strict accreditation standards of a National Environmental Laboratory Accreditation Conference (NELAC)/Florida Department of Health (FDOH) certified laboratory. These functions, such as data entry from outside laboratories, and chemical usage tracking, are now readily available in the newer versions of software now available on the market.

Utilities Purchasing issued a Request for Proposal to 21 companies capable of providing a LIMS system. Six proposals were received and evaluated based on overall cost, functional requirements, references, financial strength and local preference. The four (4) highest ranked firms participated in the second phase of the evaluation where they demonstrated the product's usability, functionality, project approach, and implementation methodology. To assign top ranking,

Phase 1 and 2 scores were combined for a cumulative total. Promium LLC submitted the highest evaluated proposal.

This purchase includes the implementation of a new LIMS software, migrating and archiving historical data, and training staff on the new system. Software upgrades, maintenance support and licensing for five years are included in the purchase amount.

Fiscal Note: Funds for this purchase have been approved in the FY 2012 Information Technology budget as well as requested in the FY 2013 budget, due to the implementation project spanning across both fiscal years. The expenses will be allocated to the following funds: 25% Water, 35% Wastewater, and 40% Electric.

RECOMMENDATION

The City Commission: 1) authorize the General Manager, or his designee, to negotiate and execute a Software License, Consulting Agreement, and Software Support Contract with Promium LLC, for Laboratory Information Management System (LIMS) software including software licenses, installation and support, subject to the approval of the City Attorney as to form and legality; and 2) approve the issuance of a purchase order to Promium LLC for the purchase, implementation, and five years maintenance of LIMS software in an amount not to exceed \$200,000.

120163_ppt_20120719.pdf

CITY ATTORNEY, CONSENT AGENDA ITEMS

110888.

PERMIT EXTENSIONS RELATING TO THE GOVERNOR'S DECLARATION OF A STATE OF EMERGENCY - SECTION 252.363, FLORIDA STATUTES - EFFECT ON AND IMPLEMENTATION BY THE CITY OF GAINESVILLE (B)

Explanation: On July 1, 2011, Section 252.363, Florida Statutes, titled Tolling and extension of permits and other authorizations became law. This Statute states that the declaration of a state of emergency by the Governor tolls the period remaining to exercise the rights under certain permits and development orders for the duration of the emergency plus an additional 6 months.

Just as the City has done with all other statutory created extensions, City staff recommends that the City Commission adopt, by ordinance, procedures to provide clarity in the processing, administration and documentation of the Section 252.363 permit extensions. However, due to the emergency nature of these particular extensions, staff recommends no fee be charged for Section 252.363 permit extensions.

RECOMMENDATION

The City Commission authorize the City Attorney to draft and the Clerk of the Commission to advertise an

ordinance establishing administrative procedures to carry out the development order and building permit extensions authorized by Section 252.363, Florida Statutes.

110888A_Section 252.363 Florida Statutes_20120719.pdf

120051.

FIRE PREVENTION CODE AMENDMENT (B)

***Explanation:** The Fire Chief, City of Gainesville, requests to amend the City Of Gainesville Ordinances to supplement the State of Florida's newly adopted Fire Prevention Code. The State of Florida engages in triennial adoption of the latest edition of the Fire Prevention Code which encompasses NFPA Fire Code 1 and NFPA Life Safety 101. Associated with this process is the opportunity for the City to memorialize any desired amendments. Historically, the City of Gainesville has maintained an elevated standard related to ensuring an adequate water supply for critical firefighting. Due to the sunseting of the City's current ordinances when the State of Florida adopted the new Fire Prevention Code, the City's Code requires revisions to ensure the inclusion of components which afford greater consideration for the installation of automatic fire sprinkler systems. Therefore, the need to reestablish any desired amendments which afford a greater level of fire and life safety protection is now present. Additional revisions will ensure that owners of assembly property maintain a crowd manager on-site during hours of operation and to engage in appropriate fire safety practices. The revisions requested by the Fire Chief, to Chapter 10, Municipal Code of Ordinances, Fire Prevention, will accomplish this goal.*

RECOMMENDATION

The City Commission authorize the City Attorney to draft, and the Clerk to advertise, an ordinance amending Sections 10-10, 10-11, 10-12, 10-13, 10-51, and 10-52 of the City of Gainesville Code of Ordinances to provide for local enhancements to the State of Florida's newly adopted Fire Prevention code

120051A_Fire Prevention Code_20120719.pdf

120129.

HOUSE BILL 503 - PERMIT EXTENSIONS PROVISIONS - EFFECT ON AND IMPLEMENTATION BY THE CITY OF GAINESVILLE (B)

***Explanation:** On May 4, 2012, the Governor signed House Bill 503 (now Chapter 2012-205, Laws of Florida) (HB 503) into law and it became effective on July 1, 2012. Similar to the action taken by the legislature in 2009, 2010 and 2011, HB 503 provides for 2-year permit extensions of certain local government-issued development orders or building permits, including certificates of levels of service which have an expiration date from January 1, 2012 through January 1, 2014. HB 503 states that this extension is in addition to existing statutory permit extensions; however, the total statutory extensions granted cannot exceed four years. A copy of the relevant pages from HB 503 is included in the backup.*

Just as the City did with HB 7207 in 2011, SB 1752 in 2010 and SB 360 in 2009, City staff recommends that the City Commission, adopt by ordinance, procedures to provide clarity in the processing, administration and documentation of the HB 503 permit extensions. However, unlike prior statutory extensions, HB 503 contains the following language:

Section 23. The holder of a valid permit or other authorization is not required to make a payment to the authorizing agency for use of an extension granted under section 73 or section 79 of chapter 2011-139, Laws of Florida, or section 24 of this act. This section applies retroactively and is effective as of June 2, 2011.

While the intent of this language is not entirely clear, staff believes the most conservative approach is not to charge any type of fee for HB 503 permit extensions. Based on staff discussions, this is consistent with the approach that will be recommended by Alachua County staff for its HB 503 permit extensions.

RECOMMENDATION

The City Commission authorize the City Attorney to draft and the Clerk of the Commission to advertise an ordinance establishing administrative procedures to carry out the development order and building permit extensions authorized by House Bill 503.

120129A_Chapter 2012-205 Laws of Florida_20120719.pdf

120144.

CITY OF GAINESVILLE v. CHARLES BURGESS; EIGHTH JUDICIAL CIRCUIT, CASE NO. 2011-CA-5811 (NB)

Explanation: In December 2012, the City filed an ejectment action against Charles Burgess as a result of Burgess' unauthorized possession and use of the City's real property located in the 200 Block of NE 16th Avenue. In settlement of the case, Mr. Burgess agreed to stop his unauthorized possession and use of the City's property. To allow Mr. Burgess vehicular access to his property, the City agreed to grant Mr. Burgess a non-exclusive easement over a portion of City property for ingress and egress only. In consideration of this easement, Mr. Burgess will pay the City one thousand dollars. City policy requires City Commission authorization to grant the easement. If the City Commission approves the City Attorney's recommendation, the lawsuit will be dismissed.

RECOMMENDATION

The City Commission authorize the grant of a non-exclusive easement for purposes of ingress and egress to Charles Burgess and authorize the Mayor to execute the necessary documents.

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

120128.**City Commission Minutes (B)****RECOMMENDATION**

The City Commission approve the minutes of June 7, 2012, June 18, 2012, and June 21, 2012, as circulated.

120128_june 7, 2012_minutes_20120719.pdf

120128_june 18, 2012_minutes_20120719.pdf

120128_june 21, 2012_minutes_20120719.pdf

120165.**Appointments to City Commission Advisory Boards and Committees (NB)****RECOMMENDATION**

The City Commission appoint:

*Kinnon Thomas to the Gainesville/Alachua County
Regional Airport Authority for a term to expire
7/31/15.*

*William Breeze to the Regional Transit System
Advisory Board for a term to expire 6/1/15.*

*Nora Kilroy to the Student Community Relations
Advisory Board for a term to expire 2/26/14.*

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****120162.****Election Town Hall Meeting (NB)****RECOMMENDATION**

*The City Commission schedule an election town hall
meeting on September 10 at 6:00 PM at the Senior
Center, Gainesville Regional Utilities Multi-Purpose,*

or the Thelma Boltin Center.

CITY MANAGER

GENERAL MANAGER FOR UTILITIES

120171.

Sweetwater Branch/Paynes Prairie Sheetflow Restoration Project (B)

A presentation will be made of 100% Construction Drawings for the Public Use Facilities at the Paynes Prairie Sheetflow Restoration Project in accordance with Vertical Capital Projects procedure.

Explanation: The Sweetwater Branch/Paynes Prairie Sheetflow Restoration project design is complete. This project provides substantial benefits: improves water quality, restores wetlands and meets the City's (GRU and stormwater utility) Total Maximum Daily Load regulatory requirements. The project includes a public access component that provides opportunities for passive recreation; hiking, jogging and nature study. Initial construction includes Phase I public use improvements: parking, restroom/entrance, trails, boardwalks, welcome classroom, interpretive signage and security residence. The Prairie Viewing Tower is included as a construction alternate. Additional architectural designs for future public use facilities include a solar viewing tower and visitor center.

Two neighborhood workshops held to present conceptual and preliminary plans to neighboring property owner's generated overwhelmingly supportive comments. The final neighborhood workshop to present final development plans will take place on July 24, 2012 at the Thomas Center at 6:00 pm.

Fiscal Note: The final construction estimates for the Paynes Prairie Sheetflow Restoration water quality and Phase I public use facilities and Security Residence is approximately \$22.1 million. The cost of the Prairie Tower alternate is \$404,000 and will be included if additional funding can be obtained. Grant funding obtained from outside funding partners is \$5.5 million. Cost share and grant applications totaling an additional \$1.7 million are pending. Cost share and grant funding will offset local funding obligations. Funding for construction is included in the GRU Wastewater Capital Improvements FY 12 -FY 14 budget, and in the Public Works Stormwater Capital Improvements FY 12 - FY 14 budget. The Funding needed for future phases including the solar viewing tower and visitor center is estimated at approximately \$2.3 million, and is not included in current budgets.

RECOMMENDATION

The City Commission: 1) Hear a presentation from staff; 2) Approve 100% Construction Drawings.

120171_ppt_20120719.pdf

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE

PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE

PUBLIC SAFETY COMMITTEE

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

COMMISSION COMMENTS (if time available)

RECESS

RECONVENE

PLEDGE OF ALLEGIANCE (5:30pm)

PROCLAMATIONS/SPECIAL RECOGNITIONS

120142.

Parks and Recreation Month - July 2012 (B)

RECOMMENDATION

*Public Recreation and Parks Chair Rita Puentes,
Gainesville/Alachua County Cultural Affairs Board
Chair Carol Velasques Jackson and Nature Centers
Commission Chair Charlie Pedersen to accept the
proclamation.*

120142_ParksRec_20120719.pdf

120143.

Farm-to-Restaurant Month - August 2012 (B)

RECOMMENDATION

Blue Ovens Kitchens President Val Leitner to accept the proclamation.

120143_FarmtoMonth_20120719.pdf

CITIZEN COMMENT (6:00pm) - Please sign on sign-up sheet**PUBLIC HEARINGS****RESOLUTIONS- ROLL CALL REQUIRED****ADOPTION READING-ROLL CALL REQUIRED****120002.****LAND USE CHANGE - VICINITY OF 500 BLOCK OF SE 7TH AVENUE AND 500 BLOCK OF SE 5TH AVENUE (B)****Ordinance No. 120002; Petition No. PB-12-34 LUC**

An ordinance amending the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of property located in the vicinity of the 500 block of SE 7th Avenue and the 500 block of SE 5th Avenue, as more specifically described in this ordinance, from Public Facilities (PF) to Mixed-Use High-Intensity (MUH); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

This petition and ordinance amend the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of property located in the vicinity of the 500 block of SE 7th Avenue and the 500 block of SE 5th Avenue, as more specifically described in the ordinance, from Public Facilities (PF) to Mixed-Use High-Intensity (MUH).

The approximately 2.9 acre property is owned by the City of Gainesville and contains a vacant one-story office building and a two-story warehouse. This property, which was vacated last year when various Gainesville Regional Utilities (GRU) operations and employees relocated, is well-positioned for redevelopment sought by the City, the Gainesville Community Redevelopment Agency (CRA), and GRU. This property is within the Gainesville Innovation Zone and in the Power District. A portion of the property is the site of the proposed redevelopment initiative referred to as the Power District Catalyst Project."

The proposed land use category change will facilitate future redevelopment of the property by expanding the allowable uses of the property from those of the Public Facilities category to those of the Mixed-Use High-Intensity category,

which allows for various non-residential uses in addition to residential uses. This proposed small-scale land use amendment is consistent with the City's infill and redevelopment goals (Future Land Use Element Goal 2, Objective 2.1) and implements the Memorandum of Understanding (Legislative No. 110516A) between the City, GRU and the CRA that was approved by the City Commission on December 15, 2011, regarding redevelopment of the Power District.

After public notice was published in the Gainesville Sun on April 10, 2012, the City Plan Board held a public hearing on April 26, 2012, and by a vote of 5-0, recommended approval of this petition.

CITY ATTORNEY MEMORANDUM

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

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

RECOMMENDATION *The City Commission: (1) approve Petition PB-12-34 LUC and (2) adopt the proposed ordinance.*

120002A_draft ordinance_20120719.pdf
120002B_staff report_20120719.pdf
120002C_comp plan GOPs_20120719.pdf
120002D_supplemental documents_20120719.pdf
120002E_application package_20120719.pdf
120002F_CPB minutes_20120719.pdf
120002G_staff ppt_20120719.pdf
120002H_CRA PPT_20120719.pdf

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

120003.

REZONING - VICINITY OF 500 BLOCK OF SE 7TH AND 500 BLOCK OF SE 5TH AVENUE (B)

Ordinance No. 120003; Pet. No. PB-12-35 ZON

An ordinance amending the Zoning Map Atlas of the City of Gainesville, Florida, by rezoning property located in the vicinity of the 500 block of SE 7th Avenue and the 500 block of SE 5th Avenue, as more specifically described in this ordinance, from Public services and operations district (PS) to Central city district (CCD); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

*Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF
REPORT*

This petition and ordinance amend the Zoning Map Atlas of the City of Gainesville by rezoning property located in the vicinity of the 500 block of SE 7th Avenue and the 500 block of SE 5th Avenue, as more specifically described in the ordinance, from Public services and operations district (PS) to Central city district (CCD).

This approximately 2.9-acre City of Gainesville-owned property includes a vacant one-story office building and a two-story warehouse. The property was vacated last year when Gainesville Regional Utilities (GRU) operations and employees relocated. This property, located in the Traditional City overlay district, is well-positioned for the redevelopment sought by the City of Gainesville, the Gainesville Community Redevelopment Agency (CRA), and GRU. The property is also in the Power District and a portion of the property is the site of the proposed redevelopment initiative referred to as the Power District Catalyst Project."

This rezoning will facilitate future redevelopment of the property by substantially expanding the allowable uses of the property from those of the Public services and operations district (PS) to those of the Central city district (CCD), which allows for various non-residential uses in addition to residential uses. This rezoning will implement the related comprehensive plan amendment land use change (Ordinance No. 120002) and implements the Memorandum of Understanding (Legislative No. 110516A) between the City, GRU and the CRA that was approved by the City Commission on December 15, 2011.

After public notice was published in the Gainesville Sun on April 10, 2012, the City Plan Board held a public hearing on April 26, 2012, and by a vote of 5-0, recommended approval of this petition.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings. Should this ordinance pass on first reading, second and final reading will be held on Thursday, August 2, 2012. This ordinance shall become effective immediately upon final adoption; however, the rezoning shall not become effective until the amendment to the City of Gainesville Comprehensive Plan adopted by Ordinance No. 120002 becomes effective as provided therein.

RECOMMENDATION

The City Commission: (1) approve Petition PB-12-35 ZON and (2) adopt the proposed ordinance.

120003A_draft ordinance_20120719.pdf
120003B__staff report_20120719.pdf
120003C_comp plan GOPs_20120719.pdf
120003D_supplemental documents_20120719.pdf
120003E_application package_20120719.pdf
120003F_CPB minutes_20120719.pdf
120003G_staff ppt_20120719.pdf
120003H_CRA PPT_20120719.pdf

120038.**TEXT AMENDMENT - ALCOHOLIC BEVERAGE PERMITS (NB)****Ordinance No. 120038; Petition No. PB-12-60 TCH**

An ordinance of the City of Gainesville, Florida, amending the Land Development Code; by amending Section 30-67 General provisions for business and mixed use districts to prohibit the issuance of special event permits and temporary game day permits to establishments that are subject to an underage prohibition order relating to underage drinking incidents; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: Because the Plan Board denied the petition related to this ordinance, the City Attorney recommends that the City Commission strike this ordinance from the agenda, and consider the item as a petition under Legistar No. 120146. This is consistent with Section 30-347.1(b)(5)(a) of the Land Development Code. If the City Commission approves the petition, the City Attorney's office will then prepare the appropriate ordinance.

RECOMMENDATION

The City Commission strike the ordinance.

110209.**ROAM TOWING - SUCCESSOR BUSINESSES (B)****Ordinance No. 110209**

An ordinance of the City of Gainesville, Florida, amending the City of Gainesville, Sec. 14.5-27, relating to wrecker operator's permit; by amending the requirements to obtain or renew a wrecker operator's permit; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: On July 7, 2011, the City Commission directed the City Attorney's Office to prepare and advertise draft amendments to the towing ordinance to prevent successor businesses from being able to assume the business operations of a suspended towing company. This issue arose when a towing company transferred ownership to another company owned by the owner's relative in order to circumvent the suspension of the wrecker operator permit due to numerous violations of the City's Towing Ordinances. Based upon the direction of the City Commission, the City Attorney's Office drafted an amendment which would prohibit the issuance or renewal of a wrecker operator permit to a

relative, or current or former business partner of the suspended operator.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings. Should this ordinance pass on first reading, second and final reading will be held on August 2, 2012.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

7/7/11 City Commission Referred (7 - 0) City Attorney
110209_Roam Towing_20120719.pdf

120041.

2012 NON AD VALOREM TAX ASSESSMENT (B)

An ordinance of the City of Gainesville, Florida, providing consent for the entire corporate limits of the City of Gainesville, Florida to be included in the non ad-valorem assessment for the municipal service benefit unit created by Alachua County for certain solid waste management services for the three fiscal years commencing with fiscal year 2012-2013 and extending through fiscal year 2014-2015; providing conditions for the consent; providing that the consent is for the three-year period; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: At its meeting on June 7, 2012, the City Commission authorized the Clerk of Commission to advertise and the City Attorney to draft an ordinance allowing the non ad-valorem assessment for solid waste management by Alachua County to continue inside the city limits for an additional three fiscal years commencing with fiscal year 2012-2013, and extending through fiscal year 2014-2015.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

6/7/12 City Commission Approved as Recommended (7 - 0)
120041_Letter_20120607.pdf
120041A_draft ordinance_20120719.pdf
120041B_Exhibit A_20120719.pdf

110076.

LAND DEVELOPMENT CODE - PROTECTION OF NATURAL AND ARCHAEOLOGICAL RESOURCES (B)

Ordinance No. 110076, Petition No. PB-10-143 TCH

An ordinance of the City of Gainesville, Florida, amending the Land Development Code and amending Appendix A. Fees, Rates, and Charges of the Code of Ordinances, related to regulation of natural resources, archaeological resources and surface waters and wetlands; by amending Section 30-23 (c) definitions; by repealing Section 30-250 (c) Environmental

review; by amending Section 30-275 Applicability and effect of overlay districts; by adding a new Section 30-300 Regulated surface waters and wetlands; by amending Section 30-301 Regulated surface waters and wetlands; by amending Section 30-307 Nature park district; by repealing Section 30-309 Significant ecological communities district and repealing Section 30-309.1 Rezoning to significant ecological communities district; by adding a new DIVISION 4. REGULATED NATURAL AND ARCHAEOLOGICAL RESOURCES and adding new Sections 30-310 generally, 30-310.1 Resources assessment, 30-310.2 Regulation of natural and archaeological resources, 30-310.3 Conservation management areas and management plans, 30-310.4 Avoidance, minimization, mitigation, and monitoring, and 30-310.5 Alternative compliance; by re-numbering existing DIVISION 4. RELIEF AND ENFORCEMENT to DIVISION 5. and amending and renumbering the sections within DIVISION 5; by amending Appendix A. of the City Code of Ordinances related to Fees, Rates and Charges for Environmental Review; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

This ordinance significantly revises the text of the Land Development Code related to regulation of natural and archaeological resources by:

- 1. adding new definitions related to natural and archaeological resource protection;*
- 2. amending the Nature Park District by renaming it to include public conservation/preservation areas and by including new buffering requirements for developments adjacent to a Nature Park;*
- 3. specifying the level of review (Basic, Level 1, and Level 2);*
- 4. adding review requirements for most development applications in order to determine the impacts on natural and archaeological resources;*
- 5. providing several exemptions from review, including: certain small (equal to or less than five acres) parcels of record; bona-fide agriculture/silviculture activities; removal of invasive non-native vegetation on conservation lands; vegetation in park land; activities authorized by a city-approved management plan; existing utility installations, drainage or easement, and road right-of-way; fencing and firebreaks; survey or other required test; text amendment; de minimus impact; and certain strategic ecosystems;*
- 6. requiring that parcels containing strategic ecosystems or significant natural communities not be disaggregated such that there is lesser natural resource protection;*
- 7. setting requirements for natural and archaeological resources assessments;*

8. *setting further regulations for parcels with confirmed regulated natural or archaeological resources (regulated resources include: significant natural communities, listed species, strategic ecosystems, Floridan aquifer high recharge areas, significant archaeological resources, and significant geological resource features);*
9. *providing for conservation management areas and management plans;*
10. *establishing avoidance, minimization, mitigation and monitoring requirements with respect to the regulated natural and archaeological resources;*
11. *amending the Relief and Enforcement provisions of Article VIII, Environmental Management;*
12. *deleting the Significant Ecological Communities section of the Code (Sections 30-309 & 30-309.1); and,*
13. *amending the fees for reviews.*

The manner in which the City addresses the protection of significant ecological communities, particularly with respect to Alachua County-designated Strategic Ecosystems that have been annexed by the City, was referred to the Community Development Committee in October 2007. A staff team subsequently worked for approximately one year to develop draft regulations to protect designated Strategic Ecosystems once they are annexed and to protect other natural and archaeological resources.

On September 24, 2009, the Plan Board heard and unanimously approved Petition PB-09-125. The City Commission heard that petition on December 3, 2009 (Legistar No. 090536) and continued it to an unspecified later date for further work by staff. Petition PB-09-125 was later deemed denied without prejudice (per Sec. 30-347.8 of the Land Development Code) because the petition was not finally acted upon within six months of the filing of the Plan Board's recommendation with the City Commission.

Staff then worked with the City Attorney's Office in developing the current petition (Petition PB-10-143 TCH) and this ordinance. The proposed regulations focus on the preservation of significant natural communities and features through the normal development review process. In addition, Alachua County's land development regulations were reviewed and County staff was consulted in the preparation of these regulations.

Public notice was published in the Gainesville Sun on March 8, 2011. On March 24, 2011, the City Plan Board, by a vote of 5-1, recommended approval of the petition with modifications. As part of the Plan Board's recommendation, they encouraged staff to continue working on the regulations and communicate with stakeholders. Planning staff held a meeting with stakeholders on May 9, 2011. There were additional comments and suggestions for improving the proposed regulations, and many of these have been incorporated into the final version of the proposed ordinance. Planning staff also held a meeting on June

9, 2011 with GRU staff to discuss their concerns about the regulations and explain certain provisions. Additional changes were made to the regulations based on GRU's comments.

On August 4, 2011, the City Commission approved the petition with one modification (by a vote of 6-1) that the threshold for review be raised from 2 acres to 5 acres, except when listed species are present or the parcel contains an archaeological site identified by a Florida Master Site file number. Staff has made that revision in the draft ordinance.

In addition, the City Commission requested (by a vote of 5-2) that, at first reading of the ordinance, staff present a fee-in-lieu mitigation option that focuses more on ecological value of the property rather than market value. In response to this request, staff researched other methods for fee-in-lieu calculations and consulted with professionals from the University of Florida and local land conservation and appraisal firms and was unable to find an alternative valuation methodology that was uniformly accepted, easy or cost effective to undertake. In further consultation with the City Attorney's Office, staff became concerned that, as written, the fee-in-lieu provision is problematic because the fee collected is based solely on real estate market value and would be used for general green space acquisition. In order for such a fee to be legally defensible, the amount of the fee and use of the fee should be rationally related to addressing the loss/destruction of the resource caused by the development. In the opinion of staff it would be burdensome for the City to establish such a fee structure and set up funds and processes to ensure the amount of such fees and their usage was defensible. As a result, staff has not included a fee-in-lieu mitigation option in the draft ordinance. It is the opinion of staff that this is consistent with the purpose and intent of the ordinance, which is to protect resources, and that the ordinance provides other viable mitigation and alternative compliance options for property owners. Staff has also removed the provisions for alternative compliance by use of an Environmental Master Plan, as that concept was not developed enough to provide the requirements of such a Plan, its effect and the criteria by which it would be evaluated and approved or denied. Again, it is the opinion of staff that the ordinance provides other viable mitigation and alternative compliance options for property owners.

In addition, staff evaluated the current review fee structure and recommends reducing the level 1 fee from \$1,000 down to \$500. Staff believes this amount is commensurate with the staff effort required for a level 1 review and in recognition that these reviews are now conducted in-house by the City's environmental coordinator and no longer require the City to contract for more costly reviews by an outside party.

This ordinance was originally scheduled for first reading on June 21, 2012; however, the City Commission continued the first reading to July 19, 2012. In addition, staff was copied on correspondence dated June 14, 2012 from representatives of East Gainesville Development Partners (EGDP) to the City Commission. Staff responded via memorandum to the City Commission, via phone conference with the EGDP representatives and by making further

clarifying revisions to this draft ordinance.

CITY ATTORNEY MEMORANDUM

Should this ordinance pass on first reading, second and final reading will be held on Thursday, August 2, 2012.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

7/7/11	City Commission	Continued (Petition) (7 - 0)
8/4/11	City Commission	Approved as shown above (Petition)
6/21/12	City Commission	Continued (1st Reading) (6 - 0 - 1 Absent)

110076A_exhibit 8_post cpb chgs_20110707.pdf
110076B_staff report_20110707.pdf
110076C_exhibit 1 timeline_20110707.pdf
110076D_exhibit2_envtl petition Table1_20110707.pdf
110076E_exhibit 3_envtl LDC chgs_20110707.pdf
110076F_exhibit 4_remove envtl LDC_20110707.pdf
110076G_exhibit 5_strategic ecosystems map_20110707.pdf
110076H_exhibit 6_sec 30-300_20110707.pdf
110076I_exhibit 7_sec 30-275_20110707.pdf
110076J_cpb minutes.110324_20110707.pdf
110076K_staff ppt_20110707.pdf
110076L_MOD_Fowler Ltr to O Lazzari_20110707.pdf
110076M_MOD_Fowler Ltr to COG_20110707.pdf
110076N_MOD_Supplemental Staff PPT Slides_20110707.pdf
110076A_exhibit 8_post cpb chgs_20110804.pdf
110076B_staff report_20110804.pdf
110076C_exhibit 1 timeline_20110804.pdf
110076D_exhibit2_envtl petition Table1_20110804.pdf
110076E_exhibit 3_envtl LDC chgs_20110804.pdf
110076F_exhibit 4_remove envtl LDC_20110804.pdf
110076G_exhibit 5_strategic ecosystems map_20110804.pdf
110076H_exhibit 6_sec 30-300_20110804.pdf
110076I_exhibit 7_sec 30-275_20110804.pdf
110076J_cpb minutes.110324_20110804.pdf
110076K_staff ppt_combined_20110804.pdf
110076L_Fowler Ltr to O Lazzari_20110804.pdf
110076M_Fowler Ltr to COG_20110804.pdf
110076N_7-6-11 Memo to Comm Hawkins_20110804.pdf
110076 O_responses to GACAR comments_20110804 .pdf
110076_MOD_EC&D.CoG.LDCSuggestions_20080804.PDF
110076-MOD_Memo&Maps(slides)_20110804.pdf
110076B_staff ppt_20120621.pdf
110076A_draft ordinance_20120621.pdf
110076B-MOD_Memo_20120621.pdf
110076C-MOD_Rare Species List_20120621.pdf
110076D-MOD_Map Over 5 acres_20120621.pdf
110076E-MOD_Eastside 5 Acres_20120621.pdf
110076A_draft ordinance_20120719.pdf
110076D_staff ppt_20120719.pdf
110076B_Letter to Mayor and City Commissioners regarding Ord 110076.pdf
110076C_Memo to City Commissioners dated 06-21-12_Response to Comments on Ord

110077.**REZONING - SIGNIFICANT ECOLOGICAL COMMUNITIES
OVERLAY DISTRICT (B)****Ordinance No. 110077; Petition No. PB 11-16 ZON**

An ordinance of the City of Gainesville amending the Zoning Map Atlas by removing the Significant Ecological Communities Overlay District from certain property located generally east of Southeast 24th Street, south of East University Avenue and north of Southeast Hawthorne Road; providing directions to the codifier; providing a severability clause; providing a

repealing clause; and providing an effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

The properties that are the subject of this ordinance are located east of Southeast 24th Street, between East University Avenue and Southeast Hawthorne Road. These eight parcels are contiguous and total approximately 47 acres. The Significant Ecological Communities Overlay zoning district was applied to them by adoption of Ordinance No. 051019 on July 10, 2007.

The proposed removal of the Significant Ecological Communities Overlay District from these properties is necessitated by the related, amended land development regulations proposed by Ordinance No. 110076, which if approved, will amend the Land Development Code to provide additional and updated regulations for the protection of natural and archaeological resources and to delete the Significant Ecological Communities Overlay District.

The City Commission created the Significant Ecological Communities Overlay District in 2004. Although various properties were rezoned between 2005 and 2007 to this overlay district, legal issues pertaining to the district arose. In 2009, staff presented a new concept for environmental protection to the City's Community Development Committee, the City Commission, and to the City and County Commissions at a joint meeting. The concept was approved and staff was directed to develop draft regulations.

Staff presented draft regulations (Petition PB-09-125 TCH) in September 2009 to the Plan Board, which by a 7-0 vote recommended approval to the City Commission. Staff was prepared to present them in December 2009 to the City Commission, but the petition was continued to allow for further review and revision by the City Attorney's office and other City Staff. During 2010, staff worked to revise the draft regulations, which were presented as new Petition PB-10-143 TCH to the Plan Board in February and March of 2011. On March 24th, the Plan Board voted 5-1 to recommend that petition and on August 4, 2011, the City Commission approved the petition. That petition is now Ordinance No. 110076 and is scheduled to be heard at the same meetings as this Ordinance.

Public notice was published in the Gainesville Sun on April 12, 2011. On April 28, 2011, the Plan Board discussed Petition PB-11-16 ZON and recommended approval with a 4-0 vote. However, the Plan Board requested that approval of this Petition PB-11-16 ZON be contingent on the approval of the natural and archaeological resources regulations (PB-10-143 TCH, now Ordinance No. 110076).

On August 4, 2011 the City Commission approved the Petition by a vote of 5-1. Pursuant to Section 6 of this Ordinance, the rezoning is not effective until the date that Ordinance No. 110076 is adopted.

CITY ATTORNEY MEMORANDUM

Should this ordinance pass on first reading, second and final reading will be held on Thursday, August 2, 2012.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

7/7/11 City Commission Continued (Petition) (7 - 0)
8/4/11 City Commission Approved (Petition) (5 - 1 - 1 Absent)
6/21/12 City Commission Continued (1st Reading) (6 - 0 - 1 Absent)

110077A_staff report_20110707.pdf
110077B_append A_exhibit A-1 - A-3_20110707.pdf
110077C_append B_application_20110707.pdf
110077D_cpb minutes 110428_20110707.pdf
110077E_staff ppt_20110707.pdf
110077A_staff report_20110804.pdf
110077B_append A_exhibit A-1 - A-3_20110804.pdf
110077C_append B_application_20110804.pdf
110077D_cpb minutes 110428_20110804.pdf
110077E_staff ppt_20110804.pdf
110077A_draft ordinance_20120621.pdf
110077B_staff ppt_20120719.pdf

110078.

**REZONING - SIGNIFICANT ECOLOGICAL COMMUNITIES
OVERLAY DISTRICT (B)**

Ordinance No. 110078; Petition No. PB-11-17 ZON

An ordinance of the City of Gainesville amending the Zoning Map Atlas by removing the Significant Ecological Communities Overlay District from certain property commonly known as Hatchet Creek PUD generally located south of Northeast 53rd Avenue, east of Northeast 15th Street, north of Northeast 39th Avenue and west of Waldo Road, as more specifically described in this ordinance; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: **PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF
REPORT**

The approximately 368-acre property that is the subject of this rezoning petition is known as the Hatchet Creek PUD located south of Northeast 53rd Avenue, east of Northeast 15th Street, north of Northeast 39th Avenue and west of Waldo Road. It surrounds the City's Ironwood Golf Course. The Significant Ecological Communities Overlay zoning district was applied to this property by Ordinance No. 050160 adopted on November 17, 2005.

The proposed removal of the Significant Ecological Communities Overlay District from this property is necessitated by the related, amended land development regulations proposed by Ordinance No. 110076, which if approved, will amend the Land Development Code to provide additional and updated

regulations for the protection of natural and archaeological resources and to delete the Significant Ecological Communities Overlay District and its regulations.

The City Commission created the Significant Ecological Communities Overlay District in 2004. Although various properties were rezoned between 2005 and 2007 to this overlay district, legal issues pertaining to the district arose. In 2009, staff presented a new concept for environmental protection to the City's Community Development Committee, to the City Commission, and to the City and County Commissions at a joint meeting. The concept was approved and staff was directed to develop draft regulations.

Staff presented draft regulations (Petition PB-09-125 TCH) in September 2009 to the Plan Board, which by a 7-0 vote recommended approval to the City Commission. Staff was prepared to present them in December 2009 to the City Commission, but the petition was continued to allow further review and revision by the City Attorney's office and other city staff. During 2010, staff worked to revise the draft regulations, which were presented as new Petition PB-10-143 TCH to the Plan Board in February and March of 2011. On March 24th, the Plan Board voted 5-1 to recommend approval of that petition and on August 4, 2011, the City Commission approved the Petition. That petition is now Ordinance No. 110076 and is scheduled to be heard at the same meetings as this Ordinance.

Public notice was published in the Gainesville Sun on April 12, 2011. On April 28, 2011, the Plan Board discussed this Petition PB-11-17 ZON and recommended approval with a 4-0 vote. However, the Plan Board requested that approval of this Petition PB-11-17 ZON be contingent on the approval of the new natural and archaeological resources regulations (PB-10-143 TCH, now Ordinance No. 110076).

On August 4, 2011 the City Commission approved this petition by a vote of 5-1. Pursuant to Section 6 of this Ordinance, the rezoning is not effective until the date that Ordinance No. 110076 is adopted.

CITY ATTORNEY MEMORANDUM

Should this ordinance pass on first reading, second and final reading will be held on Thursday, August 2, 2012.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

7/7/11	City Commission	Continued (Petition) (7 - 0)
8/4/11	City Commission	Approved (Petition) (5 - 1 - 1 Absent)
6/21/12	City Commission	Continued (1st Reading) (6 - 0 - 1 Absent)

110078A_staff report_20110707.pdf
110078B_append A_exhibits A-1 - A-3_20110707.pdf
110078C_append B_application_20110707.pdf
110078D_cpb minutes 110428_20110707.pdf
110078E_staff ppt_20110707.pdf
110078A_staff report_20110804.pdf
110078B_append A_exhibits A-1 - A-3_20110804.pdf
110078C_append B_application_20110804.pdf
110078D_cpb minutes 110428_20110804.pdf
110078E_staff ppt_20110804.pdf
110078A_draft ordinance_20120621.pdf
110078B_staff ppt_20120719.pdf

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

110698.

LAND DEVELOPMENT CODE - ENVIRONMENTAL MANAGEMENT, ENVIRONMENTAL OVERLAYS, SUBDIVISION II FLOOD CONTROL DISTRICT (B)

Ordinance No. 110698, Petition No. PB-11-155 TCH

An ordinance of the City of Gainesville, Florida, amending the Land Development Code related to the Flood Control District; by amending Section 30-23 to add definitions; by amending Article VIII. - Environmental Management, Division 3. - Environmental Overlays, Subdivision II. - Flood Control District consisting of Sections 30-280 through 30-299, by repealing certain sections, amending certain sections, and renumbering certain sections; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

*Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF
REPORT*

This ordinance amends Article VIII. Environmental Management, Division 3. Environmental Overlays, Subdivision II. Flood Control District in the Land Development Code by updating nomenclature and clarifying the text. Identified during a pro-active review of the regulations, these amendments will better recognize the best available data and will improve the development review process. The amendments include new definitions, amendments to existing definitions, and improved references to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) or best available data in development review.

Public notice was published in the Gainesville Sun on January 10, 2012. On January 26, 2012, the City Plan Board, by a vote of 4-0, recommended approval of the petition with modifications to the definitions. In addition, staff has moved definitions from Section 30-280 within the Flood Control District subdivision to a more appropriate location within Section 30-23 because of their applicability to other portions of the Land Development Code.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings. Should this ordinance pass on first reading, second and final reading will be held on Thursday, July 19, 2012.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

6/21/12 City Commission Approved (Petition) and Adopted on First Reading
(Ordinance) (5 - 0 - 2 Absent)

110698A_draft ordinance_20120621.pdf

110698B_staff report_20120621.pdf

110698C_text changes to Flood Control Dist regulations_20120621.pdf

110698D_applications for LDC text amendment_20120621.pdf

110698F_staff ppt_20120621.pdf

110698E_cpb minutes-20120621.pdf

110941.

**LAND DEVELOPMENT CODE - ADDING ZONING DISTRICTS TO
THE CORRESPONDENCE OF ZONING DISTRICTS WITH FUTURE
LAND USE CATEGORIES (B)**

Ordinance No. 110941; Petition No. PB-12-17 TCH

An ordinance of the City of Gainesville, Florida, amending the text of the Land Development Code; by adding additional zoning districts to the Correspondence of Zoning Districts with Future Land Use Categories table in Section 30-46; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: **PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF
REPORT**

This ordinance amends the "Correspondence of Zoning Districts with Future Land Use Categories" table in Sec. 30-46 by adding zoning districts to several of the land use categories. This amendment will add flexibility to the impacted land use categories and is consistent with the City of Gainesville Comprehensive Plan.

Public notice was published in the Gainesville Sun on March 6, 2012. On March 22, 2012, the City Plan Board held a public hearing and, by a vote of 7-0, recommended approval of the petition.

CITY ATTORNEY MEMORANDUM

Upon review by staff, this petition appeared to address two unrelated text change amendments. Section 166.041(2), Florida Statutes, requires ordinances to embrace a single subject. Therefore, staff has prepared two ordinances (this ordinance and Ordinance No. 110865) based on Petition No. PB-12-17 TCH.

This ordinance requires two hearings. Should this ordinance pass on first reading, second and final reading will be held on July 19, 2012.

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

6/21/12 City Commission Approved (Petition) and Adopted on First Reading
(Ordinance) (6 - 0 - 1 Absent)

110941A_draft ordinance_20120621.pdf
110941B_staff report_20120621.pdf
110941C_comprehensive plan GOPs_20120621.pdf
110941D_application_20120621.pdf
110941E_cpb minutes_20120621.pdf
110941F_staff ppt_20120621.pdf

110863.**LAND DEVELOPMENT CODE - COLLEGE PARK SPECIAL AREA
PLAN (B)****Ordinance No. 110863; Petition No. PB-12-25 TCH**

An ordinance of the City of Gainesville, Florida, amending Appendix A. Special Area Plans, Section 3. Special Area Plan for College Park, Exhibit B. College Park Special Area Plan; by amending the permitted uses within the Type I - Shopfront/Office/Apartment designation; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

*Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF
REPORT*

This ordinance amends Appendix A. Special Area Plans, Section 3. Special Area Plan for College Park of the Land Development Code by amending the permitted uses of buildings designated Type I - Shopfront/Office/Apartment." Parcels with Type I buildings are shown on the College Park Special Area Plan (SAP) Master Plan & Regulating Plan for New Construction map. Currently, the College Park SAP states the permitted uses for Type I buildings are those uses allowed within the Urban Mixed-Use 1 (UMU-1) zoning district. This amendment is necessary because not all parcels within the College Park SAP overlay zoning district have an underlying UMU-1 zoning. This amendment will clarify that the permitted uses for Type I buildings are those uses permitted by the parcel's underlying zoning district or those uses permitted by an adopted Planning Development (PD) ordinance for the parcel.

Public notice was published in the Gainesville Sun on March 6, 2012. On March 22, 2012, the City Plan Board held a public hearing and, by a vote of 7-0, approved the petition.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings. Should this ordinance pass on first reading, second and final reading will be held on July 19, 2012.

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

6/21/12 City Commission Approved (Petition) and Adopted on First Reading
(Ordinance) (6 - 0 - 1 Absent)

110863A_draft ordinance_20120621.pdf
110863B_staff report_20120621.pdf
110863C _Exhibit A-1_20120621.pdf
110863D_exhibit A-2_20120621.pdf
110863E_exhibit A-3_20120621.pdf
110863F_exhibit A-4_20120621.pdf
110863G_exhibit B-1_20120621.pdf
110863H_cpb minutes_20120621.pdf
110863I_staff ppt_20120621.pdf

110865.

LAND DEVELOPMENT CODE - MIXED-USE ZONING DISTRICTS (MU-1 AND MU-2)(B)

Ordinance No. 110865; Petition No. PB-12-17 TCH

An ordinance of the City of Gainesville, Florida, amending the text of the Land Development Code; by adding an exemption to the minimum density requirements in Section 30-64 Mixed use low intensity district (MU-1); by adding an exemption to the minimum density requirements in Section 30-65 Mixed use medium intensity district (MU-2); providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

*Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF
REPORT*

This ordinance amends the Mixed use low intensity (MU-1) and Mixed use medium intensity (MU-2) zoning districts by adding an exemption to the minimum density requirements. This amendment will make these zoning districts consistent with their respective future land use categories of the City of Gainesville Comprehensive Plan as updated by Ordinance No. 100684 adopted on July 21, 2011.

Public notice was published in the Gainesville Sun on March 6, 2012. On March 22, 2012, the City Plan Board held a public hearing and, by a vote of 7-0, recommended approval of the petition.

CITY ATTORNEY MEMORANDUM

Upon review by staff, this petition appeared to address two unrelated text change amendments. Section 166.041(2), Florida Statutes, requires ordinances to embrace a single subject. Therefore, staff has prepared two ordinances (this ordinance and Ordinance No. 110941) based on Petition No. PB-12-17 TCH.

This ordinance requires two hearings. Should this ordinance pass on first reading, second and final reading will be held on July 19, 2012.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

6/21/12 City Commission Approved (Petition) and Adopted on First Reading
(Ordinance) (6 - 0 - 1 Absent)

110865B_staff report_20120621.pdf
110865C_comprehensive plan GOPs_20120621.pdf
110865D_application_20120621.pdf
110865E_cpb minutes_20120621.pdf
110865F_staff ppt_20120621.pdf
110865A_draft ordinance_20120621.pdf

110672.**REGULATION OF NOISE (B)****Ordinance No. 110672**

An ordinance of the City of Gainesville, Florida, amending Chapter 15 of the Code of Ordinances of the City of Gainesville relating to the regulation of noise; amending Sec. 15-3, Prohibited acts, to provide identical noise restrictions for commercial and noncommercial amplified sounds; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

*Explanation: Recently, the Fifth District Court of Appeal held that Florida Statute Section 316.3045, a state law regulating sounds from motor vehicles, was unconstitutionally overbroad as a content-based restriction on free expression. Montgomery v. State, 2011 WL 4102292 *8 (Fla. 3d DCA 2011). In particular, the Court took issue with the content-based restrictions in Section 316.3045 which exempted sounds from the law's prohibitions if they came from motor vehicles used for commercial or political purposes, but prohibited other types of sounds from motor vehicles, including classical music and religious programming. Because the state failed to show that these content-based restrictions served a compelling state interest or were narrowly drawn to achieve those interests, the court held that the statute was unconstitutional under the First Amendment. Id. at *7-8. The Montgomery court's holding was consistent with State v. Catalano, 2011 WL 1801204 (Fla. 2d DCA 2011), in which the Second District Court of Appeal also found Section 316.3045 to be an unconstitutional content-based restriction of free expression.*

Based on a recent review of the City of Gainesville's noise ordinance and in light of this recent case law, it appears that the City treats some forms of noncommercial speech better than commercial speech under its noise ordinance. Because of the distinction in the City's ordinance between commercial and noncommercial speech, a court may find that the ordinance contains unconstitutional content-based provisions aimed at commercial expression. Therefore, it is recommended that the City Commission adopt the proposed ordinance which amends Sections 15-3(d)(3) and (e)(7) of the City of Gainesville Code of Ordinances.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings. Should this ordinance pass on first

reading, second and final reading will be held on July 19, 2012.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

5/17/12 City Commission Approved as Recommended (7 - 0)

6/21/12 City Commission Adopted on First Reading (Ordinance) (5 - 0 - 2 Absent)

110672b_Draft Ordinance_20120517.pdf

110672a_Draft Ordinance_20120621.pdf

120042.

URBAN SERVICES REPORT - NW ANNEXATION REFERENDUM (B)

Ordinance No. 120042

An Ordinance of the City of Gainesville, Florida, adopting an Urban Services Report which sets forth the plans to provide urban services to areas generally described as follows: Area 1 is generally located west of NW 55th Street, east of Interstate 75, North of Newberry Road and that portion of the North Florida Regional Doctor's Park & Hospital vicinity already within the City Limits and south of NW 23rd Avenue (above road rights-of-way inclusive); Area 2 is generally located west of NW 43rd Street (& that portion west of NW 43rd Street lying between NW 23rd & 29th Avenues east of NW 49th Terrace, including Buck Ridge Unit 2, already in the city limits), east of NW 63rd Street, north of NW 23rd Avenue and south of NW 39th Avenue, excluding tax parcels No. 06111-001-000 and 06111-003-001 located at the southwest corner of NW 39th Avenue and NW 43rd Street (already within the city limits), but including tax parcel No. 06064-000-000 located at the northwest corner of NW 39th Avenue and NW 43rd Street; and Area 3 is generally located west of NW 43rd Street, east of NW 51st Street (shown on the plat of Huntington Phase 6 as recorded in Plat book "S", Page 48 of the public records of Alachua County, Florida), north of the current city limits at tax parcel No. 06061-003-003 and Bellamy Forge Condominiums and south of the current city limits at the south line of the northeast quarter of Section 22, Township 9 South, Range 19 East and the county drainage easement & right of way lying immediately north of Rustlewood as recorded in Plat Book "K", page 52. These areas are proposed for annexation by the City of Gainesville pursuant to Chapter 90-496, as amended, Special Acts, Laws of Florida, known as the Alachua County Boundary Adjustment Act; providing directions to the City Manager, the City Attorney and the Clerk of the Commission; providing a repealing clause; providing a severability clause; and providing an immediate effective date.

Explanation: Prior to the annexation of area into a municipality, the Alachua County Boundary Adjustment Act (Act) requires the municipality to prepare and adopt by nonemergency ordinance a report setting forth plans to provide urban services to the reserve area to be annexed. Once the urban services report is adopted, an annexation ordinance must be considered by the municipal government. In the case of a non-voluntary annexation, the Act then requires a referendum on annexation of the areas be held at the next regularly scheduled election following the final adoption of the annexation ordinance.

The report must generally include the following information:

1) a map or maps of the City and adjacent territory showing the present and proposed municipal boundaries, the present major trunk water mains and sewer interceptors and outfalls, the proposed extensions of such mains and outfalls, and the general land use pattern in the area to be annexed;

2) a statement indicating to what extent services to existing residents would need to be reduced within the next five years because of the annexation; to what extent taxes would need to be adjusted within the next five years to provide services to the areas to be annexed, including services required by the comprehensive plan of the municipality; and to what extent the area to be annexed meets the criteria of Section 9 of the Alachua County Boundary Adjustment Act;

3) a statement setting forth the plans of the City for extending to the area to be annexed each major municipal service performed within the municipality at the time of annexation, including:

a) plans for extending urban services on the date of annexation on substantially the same basis and in the same manner as such services are provided within the rest of the municipality prior to annexation.

b) plans for the extension of existing municipal water and sewer services into the area to be annexed so that, when such services are provided, property owners in the area to be annexed will be able to secure public water and sewer service according to the policies in effect for extending water and sewer lines to individual lots or subdivisions.

c) if extensions of major trunk water mains and sewer mains into the area to be annexed are necessary, set forth a proposed timetable for construction of such mains as soon as possible following the effective date of annexation.

d) set forth the method under which the City plans to finance extension of services into the area to be annexed.

If adopted on first reading, this Ordinance shall be heard on second reading on July 19, 2012. After final adoption by the City Commission, a copy of this Report will be filed with the Alachua County Board of County Commissioners.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

6/7/12 City Commission Approved as Recommended (7 - 0)

7/17/12 City Commission Adopted on First Reading (Ordinance) (7 - 0)

120042A_Annexation Schedule_20120607.pdf
120042B_Map_20120607.pdf
120042_Urban Svcs Report ordinance_20120717.pdf
120042_MOD_staff ppt_20120712.pdf

PLAN BOARD PETITIONS

120139.

Special Event Parking UF Context Area (B)

Petition PB-11-92TCH. City Plan Board. Amend the Land Development Code to add criteria for game day parking as a Special Event Permit on properties in the UF context area.

Explanation: In July 2011, City staff initiated the petition on game day parking to address several concerns raised by citizens and Code Enforcement staff over the years since game day parking was implemented. Those concerns include: illegal curb jumping; illegal alcohol distribution; trash and debris left in the yards; illegal signs; no parking plans; yards being destroyed due to parking resulting in erosion; open fires; charging to park and directing people to park on city streets; overnight parking of RV's in residential areas; tailgating activity; and better enforcement. On July 28, 2011, the Plan Board heard the petition and recommended the City Commission approve the petition with suggested revisions. As staff was working to bring the petition to the City Commission, the Commission at its meeting on August 18, 2011, referred the issue to the Community Development Committee.

The Community Development Committee discussed the issue at its meetings on November 22, 2011, March 27, 2012 and June 11, 2012. During the three meetings the Committee heard from stakeholders on both sides of the issue. After hearing the concerns of stakeholders and staff, the Committee voted to pare down the list of conditions to the minimum necessary to address key neighborhood concerns, while still allowing for this limited activity on the days designated by the City Manager.

The Committee also heard from the University of Florida GatorWell Health Promotion Services regarding their approach to campus game day activities as it relates to alcohol consumption. City communication staff has since met with GatorWell staff to discuss coordination of messaging activities related to UF events and UF event attendees.

The key elements of the Committee's recommendation is to: require a special event permit instead of a business license with no fee change; require the property owner's authorization for the activity; require a parking plan indicating that the parking area is located on private property; and provide procedures for revocation of a permit with a civil citation fee of \$250.

Prior to the Community Development Committee's review of the petition the Plan Board voted 4-0 to approve the petition with modifications. The advertising for this petition before the Plan Board was published in the

Gainesville Sun on July 12, 2011 and the public hearing was held on July 28, 2011.

Fiscal Note: None.

RECOMMENDATION

Community Development Committee to City Commission - Approve the petition conditions as modified.

City Plan Board to the City Commission - Approve the petition as modified.

Staff to the City Commission- Approve the Community Development Committee's recommendation.

120139A_CDC Recommendation_20120719.pdf

120139B_CPB Recommendations_20120719.pdf

120139C_CPB staff report_20120719.pdf

120146.

Prohibition Temporary Outdoor Alcoholic Beverage Sales (B)

Petition PB-12-60TCH. City of Gainesville. Amend the Land Development Code to prohibit the issuance of special event permits and temporary game day permits involving alcoholic beverage sales for establishments (in violation of) under the underage prohibition order in Chapter 4, Article III, City Code of Ordinances.

Explanation: This is a request to amend the land development code to prohibit businesses that are in violation of the underage drinking laws, from getting special event permits to extend their business boundaries. This issue was raised during a discussion with the Public Safety Committee meeting regarding alcohol sales and consumption outdoors in downtown. Based on a request from the Police Department (Captain Ed Posey) regarding bars getting permits to extend their external boundaries for special events after receiving a violation of the underage drinking ordinance, the committee agreed to forward the request to the City Commission. Prior to the City Commission taking action on the issue it was determined that Section 30-67 of the land development code needed to be changed.

On May 3, 2012 the City Manager issued an administrative moratorium on issuing permits under Section 30-67 of the Land Development Code, due to the City Commission actively considering amending this section of the code. The administrative moratorium specifically states that the City will not accept, or take any action on any application for a special permit being sought pursuant to Section 30-67."

The proposed amendment would prohibit any establishment under an underage prohibition order from obtaining any permits for the sale of alcoholic beverages, and would void any permit given prior to the prohibition order for any event occurring 14 or more days after the effective date of the prohibition

order.

On June 28, 2012, the Plan Board heard information from both staff and representatives of 101 Cantina. The representatives of 101 Cantina presented information that the current ordinance is working and there was no need for additional regulations. The City Plan Board voted 5-0 to deny the petition. The majority of the Plan Board members felt that the proposed regulations were too strict, and recommended denial of the petition. As part of the Board's motion to deny the petition, the Board also recommended that the special event permits be age restricted to 21 years and up during all hours of operations if the establishment is under a prohibition order. Both the petition and the ordinance were advertised for the July 19 City Commission meeting; however, because the Plan Board recommended denial of the petition, the City Commission at this time will only consider the petition.

Fiscal Note: None.

RECOMMENDATION

City Plan Board to the City Commission- Deny the petition and consider a 21year old age restriction for special event permits for establishment under a prohibition order.

Staff to City Commission- Approve the petition.

Staff to City Plan Board- Approve the petition.

120146A_CPB 6-28-12 Minutes_20120719.pdf

120146B_Staff 6-28-12 Report_20120719.pdf

120146C_6-28-12 PPt citizen-Ryan Prodoshy_20120719.pdf

120146D_6-28-12 PPt citizen-Cary Meldon, Esq_20120719.pdf

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

UNFINISHED BUSINESS

COMMISSION COMMENT

CITIZEN COMMENT (If time available)

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