

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Meeting Agenda - Final

September 7, 2017

1:00 PM

MODIFIED AGENDA

City Hall Auditorium

City Commission

Mayor Lauren Poe (At Large)

Mayor-Commissioner Pro Tem Harvey Budd (At Large)

Commissioner Helen Warren (At Large)

Commissioner Charles Goston (District 1)

Commissioner Harvey Ward (District 2)

Commissioner David Arreola (District 3)

Commissioner Adrian Hayes-Santos (District 4)

If you have a disability and need an accommodation in order to participate in this meeting, please contact the Office of Equal Opportunity at (352)334-5051 at least two business days in advance. TTY (Text Telephone Telecommunication Device) users please call 711 (Florida Relay Service). For Speech to Speech (STS) relay, please call 1-877-955-5334. For STS Spanish relay, please call 1-877-955-8773. For STS French Creole relay, please call 1-877-955-8707.

1:00pm - CALL TO ORDER - Afternoon Session**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****PROPHET GEORGE YOUNG****ADOPTION OF CONSENT ITEMS - GRU, General Government, Audit & Finance Committee and General Policy Committee Items**[170349.](#)**Joint City/County Commission Special Meeting (NB)****RECOMMENDATION**

The City Commission schedule a joint meeting with the County Commission on October 10, 2017 at 5:00 p.m. regarding Mediation of Transportation Issues.

[160295.](#)**Wild Spaces Public Places Discussion Referral Update to the General Policy Committee (NB)**

This is a request for the City Commission to refer the discussion of the Wild Spaces Public Places Proposed Projects and Implementation to the General Policy Committee.

Explanation: The Voter Referendum on the Wild Spaces Public Places passed on November 8, 2016 and the collection of the ½ cent sales tax began on January 1, 2017. Staff developed a list of the proposed projects to be funded over the 8 year life of the sales tax based on the Parks, Recreation and Cultural Affairs Vision 2020 Master Plan.

At the April 13, 2017 General Policy Committee meeting staff requested support for spending a portion of the 2017 WSPP revenues on time sensitive projects such as shade over playgrounds, including Depot Park and existing CIP projects that are currently underway managed by PRCA staff and other City departments. The approximate spending requests for this fiscal year is \$1,813,043. The City Commission approved these projects at the April 20, 2017 meeting. This is a request to refer the WSPP projects update for continued discussions at the September 14, 2017 General Policy Committee meeting.

Fiscal Note: The Wild Spaces Public Places sales tax was approved by voters for 8 years and is expected to generate \$46,551,152 in revenue to the City.

RECOMMENDATION

The City Commission refer the discussion of the Wild Spaces Public Places Proposed Projects and Implementation to the General Policy Committee.

Legislative History

8/22/16	City Commission	Approved, as shown above
1/5/17	City Commission	Approved, as shown above
1/19/17	City Commission	Approved as Recommended
2/16/17	City Commission	Approved as Recommended
3/6/17	City Commission	Approved, as shown above
3/16/17	City Commission	Approved, as shown above
4/20/17	City Commission	Approved as Recommended

[160295B Project List 20160822.pdf](#)

[160295C WSPP Staff Analysis 20160822.pdf](#)

[160295D Alachua County Backup WSPP 20160822.pdf](#)

[160295A Letter 20160822.pdf](#)

[160295A WSPP Gainesville Interlocal Agrmnt 20170105.doc](#)

[160295B Project List 20170105.pdf](#)

[160295C WSPP Presentation for Joint City County Projects 20170105.pdf](#)

[160295 Interlocal Agreement with Project List 20170119.pdf](#)

[160295 interlocal agreement 20170119.pdf](#)

[160295A Minutes from 8-22-16 Joint Meeting 20170306.pdf](#)

[160295B BOCC WSPP Letter Staff Analysis Project List 20170306.pdf](#)

[160295C Interlocal Between Alachua County and Gainesville WSPP One-Half](#)

[160295A Joint Project Grant Application 20170316.pdf](#)

[160295B WSPP Presentation 20170316.pdf](#)

[MOD 160295 WSPP Gainesville Interlocal Agrmnt 20170420.doc](#)

[160295 interlocal agreement 20170119.pdf](#)

[160295 agreement 20170420.pdf](#)

[160774.](#)**Human Resources Family Leave Policies (NB)**

This is a request for the City Commission to remove the Human Resources Family Leave Policies from the General Policy Committee Referral list.

Explanation: The Human Resources Family Leave Policies (#160774) and Paid Parental Leave (#170195) were made as two separate referrals to the General Policy Committee, despite being identical in language and intent. Staff is presently working under the Paid Parental Leave referral, and would like to recommend that the Human Resources Family Leave Policy be removed from the General Policy Referral list at this time.

Fiscal Note: None

RECOMMENDATION

The City Commission remove the Human Resources Family Leave Policies referral from the General Policy Committee Referral List.

Legislative History

2/16/17	City Commission	Referred to the General Policy Committee
3/9/17	General Policy Committee	Discussed

[160774_PPT_20170223.pdf](#)

[170114.](#)**Gainesville's Urban Forest Ecological Assessment and Next Steps (NB)**

This is a request for the City Commission to refer Gainesville's Urban Forest Ecological Assessment and next steps to the General Policy Committee

Explanation: The University of Florida/IFAS completed an Urban Forest Ecological Assessment for the City of Gainesville in March 2017. This ecological assessment provides a detailed look into some of the economic and ecological values of the City of Gainesville's urban forest. The outcomes from the study can serve as the basis for enhancing the understanding of the urban forest's values, improving urban forest policies, urban forest planning and management, and providing empirical data for the inclusion of trees within environmental regulations. University researchers requests to present the data to City Commissioners and describe next steps, the City of Gainesville's Urban Forest Management Plan.

Fiscal Note: None.

RECOMMENDATION

The City Commission refer the Gainesville's Urban Forest Ecological Assessment and next steps presentation and discussion to the General Policy

Committee.

[170225.](#)

Contract Award to Florida Pest Control & Chemical Co., for Pest Control Services for Regional Transit System (B)

This item is a request to approve the recommended award and execute a contract with Florida Pest Control & Chemical Co., for Pest Control Services for Regional Transit System.

Explanation: The Regional Transit System (RTS) currently has 3 locations as well as the fleet of transit buses that require regular pest control treatment. On June 1, 2017, the City's Purchasing Division solicited an Invitation to Bid (ITB) for Pest Control Services for the Regional Transit System. The ITB process was implemented in compliance with, and as required by, Florida Statutes and City of Gainesville policies.

Two (2) proposals were submitted by the deadline. The lowest bid meeting all requirements and specifications was from Florida Pest Control & Chemical Co.

RTS desires to enter into a contract for five (5) years with Florida Pest Control & Chemical Co., not to exceed \$30,000 annually.

Fiscal Note: Funds in the amount of \$30,000 annually are available in the RTS operating budget.

RECOMMENDATION

The City Commission: 1) award the bid to the lowest responsive, responsible bidder; and 2) authorize the City Manager or his designee to execute a contract, subject to approval by the City Attorney as to form and legality.

[170225A ITB RTS Pest Control Services 20170907.pdf](#)

[170225B ITB Addendum 20170907.pdf](#)

[170225C Florida Pest Control Response 20170907.pdf](#)

[170225D McCall Service Response 20170907.pdf](#)

[170225E Bid Record 20170907.pdf](#)

[170225F Price Summary 20170907.pdf](#)

[170225G Florida Pest Control Letter 20170907.pdf](#)

[170225H McCall Service Inc Letter 20170907.pdf](#)

[170225I Dept Award Recommendation 20170907.pdf](#)

[170225J Award Public Notification 20170907.pdf](#)

[170227.](#)

Transit Services Agreements with Alachua County Board of County

Commissioners (B)

This item is a request to authorize the City Manager to execute the Base Level Transit Services Agreement and the Route 75 Transit Services Agreement for FY18. Both Agreements are between the City of Gainesville Regional Transit System (RTS) and the Alachua County Board of County Commissioners (BoCC).

Explanation: The Agreement between the Regional Transit System (RTS) and the Alachua County Board of County Commissioners (BoCC) for RTS to provide base level public transit services to residents and visitors in the surrounding urbanized area expires on September 30, 2017. The City and County have negotiated a new Agreement for the period of October 1, 2017 through September 30, 2018, for base level transit services, subject to funding and written consent of both parties.

The Agreement between the RTS and the BoCC for RTS to provide public transit services to residents and visitors on Route 75 will expire on September 30, 2017. The City and County have negotiated a new Agreement for the period of October 1, 2017 through September 30, 2018, for Route 75 transit service, subject to funding and written consent of both parties.

In FY17, the County expanded service on several routes including Saturday service on Routes 1, 75, and 711; Holiday service on Routes 10, 43, and 75; and Sunday service for Route 75. These services will be continued in the FY18 agreements.

Fiscal Note: For the Base Level Transit Services Agreement RTS will receive \$422,273 in revenue from the County in quarterly payments. For the Route 75 Transit Services Agreement RTS will receive \$573,165 of revenue from the County in quarterly payments.

RECOMMENDATION

The City Commission: 1) authorize the City Manager or his designee to execute the Base Level Transit Services Agreement with Alachua County Board of County Commissioners (BoCC) for the period of October 1, 2017 through September 30, 2018, subject to approval by the City Attorney as to form and legality; and 2) authorize the City Manager or his designee to execute the Route 75 Transit Services Agreement with Alachua County Board of County Commissioners (BoCC) for the period of October 1, 2017 through September 30, 2018, subject to approval by the City Attorney as to form and legality.

[170227A Draft Base Level Agreement 20170907.pdf](#)

[170227B Draft Route 75 Agreement 20170907.pdf](#)

[170240.](#)**Contract Award to American Janitorial, Inc., for Trash Pick-up and Disposal at Regional Transit System Bus Stops (B)**

This item is a request to approve the recommended award and execute a contract with American Janitorial, Inc., for Trash Pick-up and Disposal at Regional Transit System Bus Stops.

Explanation: The Regional Transit System (RTS) currently has hundreds of bus stops that require regular trash pick-up and disposal services. On June 1, 2017, the City's Purchasing Division solicited an Invitation to Bid (ITB) for Trash Pick-up and Disposal at RTS Bus Stops. The ITB process was implemented in compliance with, and as required by, Florida Statutes and City of Gainesville policies.

Three (3) proposals were submitted by the deadline. The lowest bid meeting all requirements and specifications was from American Janitorial, Inc.

RTS desires to enter into a contract for five (5) years with American Janitorial, Inc., not to exceed \$105,000 annually.

Fiscal Note: Funds in the amount of \$105,000 annually are available in the RTS operating budget.

RECOMMENDATION

The City Commission: 1) award the bid to the lowest responsive, responsible bidder; and 2) authorize the City Manager or his designee to execute a contract, subject to approval by the City Attorney as to form and legality.

[170240A_ITB Trash Pick Up and Disposal at RTS Bus Stops_20170907.pdf](#)

[170240B_American Janitorial Inc Response_20170907.pdf](#)

[170240C_Glen Bellamy-M and L Enterprise Response_20170907.pdf](#)

[170240D_WCA Response_20170907.pdf](#)

[170240E_Bid Record_20170907.pdf](#)

[170240F_Award Recommendation from Dept_20170907.pdf](#)

[170240G_American Janitorial Inc Letter_20170907.pdf](#)

[170240H_Glen Bellamy dba M and L Enterprise Letter_20170907.pdf](#)

[170240I_WCA of Florida Inc Letter_20170907.pdf](#)

[170240J_CC Tab - ITB_20170907.pdf](#)

[170274.](#)**Professional Services Agreement for Comprehensive Pavement Management Plan (B)**

This item is to approve an expenditure of \$120,870.88 and to request City Commission approval of a Professional Services Agreement between the City of Gainesville and Transmap Corporation to provide a comprehensive pavement management plan for FY18, FY19 and FY20.

Explanation: Public Works is requesting funding for a Pavement Management System Street Asset Assessment. The purpose of this assessment is to evaluate every street asset in the City, which would aide in the decision-making process of investing the funds in the most cost-effective manner; by addressing the right roads at the right time, with the right treatment.

Public Works would like to utilize the City of Palm Bay Florida Contract dated September 15, 2016 and extended through December 31, 2017 with Transmap Corporation, Upper Arlington, Ohio, to conduct a comprehensive pavement management assessment. This agreement was competitively awarded and available for other agencies to use. Utilizing this contract provides the Department with the opportunity to quickly move forward with evaluating the streets, in an effort to strategically allocate funding for the FY18, FY19 and FY20 Roadway Resurfacing Program.

Fiscal Note: Funding in the amount of \$120,870.88 is allocated and identified from the Public Works' Roadway Resurfacing Program.

RECOMMENDATION

The City Commission: 1) approve the Agreement with Transmap Corporation for professional services to provide the City with a Comprehensive Pavement Management Plan; 2) authorize the City Manager to execute the Agreement with Transmap Corporation and all related documents, subject to approval by the City Attorney as to form and legality.

[170274A Draft Agreement 20170817.pdf](#)

[170274B Coral Springs Agreement 20170817.pdf](#)

[170274C Coral Springs RFP 20170817.pdf](#)

[170274D Palm Bay Agreement 20170817.pdf](#)

[170274E Transmap Proposal 20170817.pdf](#)

[170278.](#)

Hiatus Usage Certificate (B)

This item is a request for approval and authorization to execute and file a Usage Certificate.

Explanation: Contained in the east side of Southwest 5th Street, lying between Southwest 2nd Avenue and Southwest 3rd Street is an area referred to

as a hiatus. This area of land was created between platted right of way and deeded right of way that did not abut the adjacent platted lands. The platted lands to the east of the hiatus are the Haile Land, Lot 1, Plat Book A, page 54 of the Public Records of Alachua County, recorded on April 6, 1899 and the plat of Bailey's Replat of J.A. Carlisle Land and Carlise Estate, Plat Book C, page 48, recorded on March 10, 1928. This area of the hiatus is approximately 6.9 feet wide on the south end and over the course of 430 feet, tapers to a point. Included with the hiatus as part of the usage area is also a narrow strip between the west edge of the recorded subdivisions and the east edge of the sidewalk which is part of the constructed facilities within the public right of way used by the public. In accordance with the provisions of Section 95.361 (1), Florida Statutes, the usage certificate depicts and describes the right of way in which the City has maintained and kept in repair uninterruptedly for a period of four years or more.

Fiscal Note: Funding in the amount of \$30 for administrative costs is available in the Public Works FY17 operating budget for the document recording fees.

RECOMMENDATION

The City Commission: 1) approve and authorize the Mayor to execute, and the Clerk to attest the Usage Certificates, subject to approval by the City Attorney as to form and legality; and 2) authorize the City Manager or his designee to record the Usage Certificates in the Public Records of Alachua County, Florida.

[170278A Platbook 20170907.pdf](#)

[170278B UsageCertificate 20170907.pdf](#)

[170287.](#)

Revised Rules of City Plan Board, Development Review Board and Historic Preservation Board (B)

This is a request for the City Commission to approve the revised rules of the City Plan Board, Development Review Board and Historic Preservation Board.

Explanation: The City Plan Board, Development Review Board and the Historic Preservation Board operate under rules approved by the City Commission. The Department of Doing, which provides staff support to these boards, has worked with the Office of the City Attorney to develop revised rules for each of the three boards. The revisions are needed for consistency with ordinances from 2013 pertaining to attendance requirements, term limits for board members, and the Land Development Code. The board rules have also been reorganized for clarity and consistency. Drafts of the revised rules were provided to the City Plan Board, Development Review Board, and the Historic Preservation Board. City Commission approval is required for the revised rules to take effect.

Fiscal Note: None

RECOMMENDATION

Staff to City Commission - The City Commission approve the revised Rules of the City Plan Board, the Development Review Board, and the Historic Preservation Board.

[170287A_CPBRules - Draft_20170907.pdf](#)

[170287B_DRBRules - Draft_20170907.pdf](#)

[170287C_HPBRules - Draft_20170907.pdf](#)

[170293.](#)

Request to Accept a Donation of Real Property and Grant a Conservation Easement (B)

This is a request for City Commission approval to accept a donation of real property of Florida Audubon Society, Inc. and Colclough Hill, Inc. in exchange for a Conservation Easement.

Explanation: The City of Gainesville owns approximately five acres, located in the 2200 block of South Main Street which is identified as Colclough Pond Nature Park. This property is operated by and under the control of the Parks, Recreation, and Cultural Affairs Department (PRCA). The Florida Audubon Society, Inc. owns approximately 36.5 acres adjacent to the City owned park. The Society would like to donate their property to the City in exchange for a Conservation Easement over the donation in favor of the Society. They have also requested recognition of the donation through a donation ceremony and placing of donation signage at the entrances to the park.

A title search revealed there is existing property, owned by Colclough Hill, Inc., that seves that property owned by the Society. Contact was made with the sole remaining corporate officer of Colclough Hill, Inc. The Vice President of Colclough Hill, Inc. has agreed to donate their interest in exchange for the same Conservation Easement.

Fiscal Note: Preparation of the signs and all the document recording fees in the Public Records of Alachua County should not exceed \$1,000.

RECOMMENDATION

The City Commission: 1) approve the acceptance of the donation deeds from the Florida Audubon Society, Inc. and Colclough Hill, Inc.; 2) authorize the Mayor to execute Conservation Easements in favor of the Florida Audubon Society, Inc. and Colclough Hill, Inc., subject to the approval of the City Attorney as to form and legality; and 3) acknowledge the donation of the real properties from the Florida Audubon Society, Inc. and Colclough Hill, Inc.

[170293A_Audubon Executed Agreement_20170907.pdf](#)

[170293B_Colclough Hill Executed Agreement_20170907.pdf](#)

[170293C_Audubon Society Map_20170907.pdf](#)

[170305.](#)

Bid Award for Contract for Uniforms for the Gainesville Police Department (B)

This item is a request for the City Commission to authorize the bid award to DGG Uniforms and Apparel, Inc. for uniforms for the Gainesvilles Police Department (GPD) in an amount not to exceed \$163,301.22 per year.

Explanation: This will allow GPD to purchase uniforms meeting desired specifications at an agreed upon price for up to five years.

On June 19, 2017 the Purchasing division issued an Invitation to Bid for uniforms via ITB GPD-170050-GD. On July 19, 2017 GPD received three responsible and responsive bids and one unresponsive bid. The bidding process culminated in a contract being awarded to DGG Uniforms and Apparel. The award is for a total of four years with an optional one-year extension.

Fiscal Note: Funds in the amount of \$163,301.22 per year are available in the Gainesville Police Departments approved general budget.

RECOMMENDATION

The City Commission: 1) authorize the bid award to DGG Uniforms and Apparel for uniforms; and 2) authorize the City Manager or designee to execute a contract and any necessary documents with DGG Uniforms and Apparel for the purchase of uniforms, subject to approval by the City Attorney as to form and legality; and 3) authorize the City Manager or designee to authorize a purchase order for the selected vendor in an amount not to exceed \$163,301.22 per year.

[170305 Bid Tabulation_20170907.pdf](#)

[170075.](#)

EXTENSION OF TOLLING AGREEMENT FOR CITY'S CLAIMS AGAINST JONES EDMUNDS REGARDING THE DESIGN AND ENGINEERING OF CERTAIN ELEMENTS OF THE SWEETWATER BRANCH/PAYNES PRAIRIE SHEETFLOW RESTORATION PROJECT (B)

Explanation: On September 24, 2013, the City discovered that the sediment basin of the Sweetwater Branch/Paynes Prairie Sheetflow Restoration Project,

located at 325 S.W. Williston Road, Gainesville, Florida, was not functioning as intended and as necessary for the Project. Mediation was conducted on April 12, 2017, and a follow-up session is scheduled for October 13, 2017. The City's last tolling agreement with Jones Edmunds, the engineer for the Sweetwater Branch/Paynes Prairie Sheetflow Restoration Project, extended the applicable Statute of Limitations date to September 15, 2017 in order to preserve the City's legal rights. The parties' representatives wish to extend the tolling period to November 13, 2017, to provide time for mediation and any subsequent discussions and work to reach and execute a settlement, or alternatively for the City to prepare and file a complaint in court if a settlement is not reached. In either event, the outcome of the mediation will be reported to the City Commission.

RECOMMENDATION *The City Commission approve the Sixth Amendment to Tolling Agreement.*

Legislative History

6/15/17 City Commission Approved as Recommended

[170075_Fifth Amendment to Tolling Agreement_20170615.pdf](#)

[170075-1_Sixth Amendment to Tolling Agreement_20170907.pdf](#)

[170376.](#)

City/UF Partnership Discussion Update (NB)

This is a request for the City Commission to refer the discussion of the City/UF Partnership to the General Policy Committee.

MODIFICATION - ADDED ITEM

Explanation: In February 2017, the City of Gainesville and the University of Florida entered into a Memorandum of Agreement (MOA) regarding Strategic Collaboration. The MOA for Strategic Collaboration proposed that the City and University enter into a cooperative endeavor, advancing their respective strategic plans in the areas where those plans identify mutually beneficial initiatives in pursuit of shared goals. The MOA provides general guidance in outlining the intention of the City and University to collaborate in new ways. This MOA lays the ground work and precedes a more formal collaborative planning partnership between both entities, in support of Gainesville's strategic plan framework and the University's Strategic Development Plan Staff would like to provide an update to the General Policy Committee on the status of the collaboration to date.

Fiscal Note: None

RECOMMENDATION *The City Commission refer the discussion of the City/UF Partnerships to the General Policy Committee.*

[170048.](#)

Interlocal Agreement for Establishment of an Illicit Discharge Detection and Elimination Program and Stormwater Public Outreach Program (B)

This item is a request for the City Commission to approve and execute an Interlocal Agreement between Alachua County and the City of Gainesville for Establishment of Illicit Discharge Detection/ Elimination and Stormwater Public Outreach Programs

MODIFICATION - ADDED ITEM

Explanation: The City and Alachua County (County), and the Florida Department of Transportation (FDOT) established a tri-party Interlocal Agreement for the joint implementation of the National Pollutant Discharge Elimination System (NPDES) Phase II Municipal Separate Stormwater Systems (MS4) program in the Gainesville Urbanized Area in September of 2001. The agreement created the Gainesville Clean Water Partnership. Upon expiration of the tri-party agreement on September 30, 2012, FDOT and Alachua County mutually agreed to enter into separate Interlocal Agreements with the City for continued collaborative implementation of local NPDES programs. A guiding principal of the Gainesville Clean Water Partnership has been to share information and to minimize duplication of effort, thereby reducing the overall program cost.

The City has served as the administrator of the Gainesville Clean Water Partnership since its inception. The City in its role as program administrator has contracted with the Alachua County Environmental Protection Department to implement Illicit Discharge Detection and Elimination and Public Outreach Programs, and to maintain a stream and rain gage data collection network.

The City seeks to establish an agreement with the Alachua County Environmental Protection Department to continue implementation of NPDES programs over the next five year period. The Illicit Discharge program includes expanded application of the County's Water Quality Code and Hazardous Materials Management Code within the City's municipal boundaries, including inspection of commercial properties for evidence of potential discharge of hazardous materials to the MS4 and for any associated enforcement actions. The agreement will also include investigation and response to citizen complaints regarding violations of non-stormwater discharge to the MS4 and inspections and environmental sampling at high risk areas and removal of sources of pollutant discharge.

Fiscal Note: Over the five year term of the Agreement, the City, will commit up to 55% of the Gainesville Clean Water Partnership revenue or \$1,537,802 to Alachua County for implementation of Illicit Discharge Detection and Elimination, Public Outreach Programs, and for maintenance of a Stream and Rain Gage Network in the Gainesville Urban Area.

RECOMMENDATION

The City Commission: 1) approve the Interlocal

Agreement with Alachua County for Establishment of Illicit Discharge Detection/Elimination, Stormwater Public Outreach and Stream/Rain Gage Programs; 2) authorize the City Manager to execute the Interlocal Agreement with Alachua County and all related documents, subject to approval by the City Attorney as to form and legality.

[170048_IDDE Agreement_20170907.pdf](#)

ADOPTION OF REGULAR AGENDA

GENERAL CITIZEN COMMENT - For items not on the agenda, limited to 3 minutes per citizen and not to exceed 30 minutes total

BUSINESS DISCUSSION ITEMS - GRU and General Government items placed on the agenda by the Charter Officers or moved from Consent.

[170259.](#)

General Fund Revenue Estimates Included in the Proposed Budget for Fiscal Year 2018 (B)

Explanation: In accordance with Section 13(A), Budget Reviews, of Commission Resolution 150127 and our Annual Audit Plan, we completed a review of General Fund revenue estimates for the fiscal year ending September 30, 2018. We evaluated the reasonableness of the forecasted General Fund Revenues and Other Sources of Funds set forth in the Fiscal Year 2017-2018 Final General Government Financial and Operating Plan Budget to be adopted by final resolution by the City Commission on September 21, 2017. We conducted this engagement in accordance with Government Auditing Standards issued by the Comptroller General of the United States. Our report is attached for your review.

RECOMMENDATION

The City Auditor recommends that the City Commission accept the City Auditor's report.

[170259 Gen'l Fund Rev Estimates in Proposed Bdgt for FY18 20170921.pdf](#)

[170354.](#)

Due Diligence for Purchase of Biomass Facility (B)

MODIFICATION - NEW POWERPOINT and ADDITIONAL BACK-UP

Explanation: On April 19, 2017, the City Commission approved a Memorandum of Understanding with Gainesville Renewable Energy Center, LLC (GREC LLC) in which the parties agreed on a purchase price of \$750 million for the City to purchase the GREC biomass facility assets. In the MOU, the parties further agreed to use commercially reasonable efforts to complete negotiations on a purchase and sale agreement by August 24, 2017, close on the purchase/sale by November 24, 2017 and to stay the

pending arbitration between the parties until such time as the parties execute a Purchase and Sale Agreement. The MOU was executed by both parties and became effective on April 24, 2017.

Between April and August 2017, the GREC Manager and General Manager for Utilities negotiated the terms of a draft Asset Purchase Agreement. On August 22, the Utility Advisory Board (UAB) voted to recommend the City Commission approve the APA. On August 24, the City Commission approved the APA and authorized the Mayor to execute same only after staff reports the results of due diligence inquiries to the UAB and the City Commission and the City Commission votes to accept the due diligence results as satisfactory. The APA provides that the City has until Thursday, September 14 to sign the APA.

If the City Commission votes to accept the due diligence results as satisfactory and the Mayor signs the APA on or before September 14, the APA will become binding and effective. If the Commission finds the due diligence results are not satisfactory, the parties can either negotiate further or terminate discussions, the Mayor will not sign the APA and it will not become effective.

City Staff (with assistance of outside consultants and legal counsel, as needed) engaged in five categories of due diligence review, summarized as follows:

1. Permits/consents/approvals: Existing permits, consents and approvals for the biomass facility (as identified in Schedules 4.1(d)-1, 4.1(d)-2 and 4.2(f) of the APA) were reviewed. A memorandum in the back-up to this item addresses transferability and when and who must file the application.

2. Material Contracts: Utilities staff determined which Material Contracts (as identified in Schedule 4.2(b) of the APA) the Utility would consider assuming and reviewed those contracts. A memorandum in the back-up to this item identifies which contracts are necessary for the operation/maintenance of the biomass facility and, of those, which will be assumed by the City and which require a new contract to be negotiated by the City. New or Assumed contracts will not be effective until closing. To enable a transition of ownership and provide operational continuity at closing, the recommendation below requests the Commission find that a non-competitive situation exists and provide advance approval for the General Manager for Utilities to negotiate and execute all such contracts at closing, provided such contracts do not exceed a term of one year from closing.

3. Litigation, UCC filings and Corporate Status: The City Attorney's Office conducted a search for pending litigation, Uniform Commercial Code filings and corporate status for GREC, LLC. A memorandum in the back-up to this item reports the results of those searches.

4. Title to Leased Property: GREC provided an Ownership and

Encumbrance Report issued by First American Title Insurance Company covering the period from September 28, 2009 to July 12, 2017 at 8am. Utilities staff updated that Report by obtaining a Property Information Report issued by Fidelity National Title Insurance Company through August 21, 2017 at 5pm. A memorandum in the back-up to this item reports the results of those searches.

5. Survey of Leased Property: GREC provided a Survey prepared by Eng, Denman & Associates, Inc., dated December 26, 2013. Utilities staff ordered an updated survey from Eng, Denman & Associates, Inc., that is due to be completed on September 6, 2017.

6. Condition of Purchased Assets and Operational Issues: Utilities staff obtained an Independent Engineer's Report dated August 11, 2017 prepared by Burns & McDonnell Engineering Company, Inc., that evaluates the plant, operations and maintenance practices, key contracts and agreements and environmental matters, a copy of the Report is in the back-up to this item. A Phase II of the Independent Engineer's Report (reviewing staffing and operations including the costing of further operating scenarios) will be issued by Burns & McDonnell in late September.

Fiscal Note: As previously presented by Utilities staff, at a purchase price of seven hundred fifty million dollars (\$750,000,000) the estimated reduction in future costs (over the life of the financings) of continuing under the current PPA range from \$524 - \$808 million, as follows: Keep in Standby, \$524 million; Buy and Dismantle, \$698 million; Convert and Run, \$808 million. Closing costs approximately one percent.

RECOMMENDATION

1) Review the results of the due diligence activities and accept the results as satisfactory, thereby directing the Mayor to execute the Asset Purchase Agreement, as approved on August 24, on or before September 14, 2017;

2) authorize the General Manager for Utilities or his designee(s) to apply for and execute any documents necessary to obtain permits, consents and approvals for the operation and maintenance of the biomass facility; and

3) Find that a non-competitive situation exists and provide advance approval for the General Manager for Utilities to negotiate and execute assumptions of existing contracts or new contracts necessary to operate and maintain the biomass facility, provided such contracts do not exceed a term of 1 year from closing and further provided that such contracts are subject to approval as to form and legality by the City Attorney or her designee(s).

[170354A Memo Re Purchase of Biomass Facility 20170907.pdf](#)
[170354B Memo Re Due Diligence Search Litigation 20170907.pdf](#)
[170354 Material Contracts Memo Ver 2 - 20170907](#)
[170354 Permits Memo 20170907](#)
[170354 Due Diligence Pres CCom 20170907](#)
[170361 UAB Recommendations 20170907](#)

[170357.](#)

Mayor Lauren Poe - Mayors' Compact to Combat Hate, Extremism and Bigotry (B)

RECOMMENDATION *The City Commission authorize the Mayor to join the Mayors' Compact group.*

[170357_Mayors' Compact 20170907.pdf](#)

[170358.](#)

Mayor Lauren Poe - Medicaid Payments (B)

RECOMMENDATION *The City Commission discuss Medicaid Disproportionate Share Hospital (DSH) Payments and take action deemed appropriate.*

[170358_Medicaid Payments 20170907.pdf](#)

[170359.](#)

Mayor Lauren Poe - American Flags on Street Poles (NB)

[170360.](#)

Commissioner Adrian Hayes-Santos - "Zero" Waste Discussion (NB)

MODIFICATION - ADDED BACK-UP

RECOMMENDATION *The City Commission refer the "Zero" Waste Discussion issue to the General Policy Committee.*

[170360_Zero Waste Recommendations for the City to Reach Zero Waste Goal](#)

[170277.](#)

Bid Award - SW 6th Street Reconstruction (SW 5th Ave - W. University Ave) (B)

This item is a request for the City Commission to authorize the bid award to Florida Safety Contractors, Inc. for the construction of the SW 6th Street Reconstruction (SW 5th Ave - W. University Ave) Project.

MODIFICATION - ADDED ITEM

Explanation: On June 5th, 2017 the Purchasing Division solicited bids for the SW 6th Street Reconstruction (SW 5th Ave - W. University Ave) Project. A non-mandatory pre-bid conference was held on June 26th, at 8:00 a.m. at City Hall. A total of six (6) vendors attended the conference. All bids were due at 3:00 p.m. on July 18th, 2017. A total of five (5) bids were received.

The Public Works Department recommends awarding this contract to Florida Safety Contractors, Inc. in the amount of \$2,896,000.00 for roadway construction. Decorative street lighting was bid as an alternate item. The installation of street lights to the current standard (Capella Street Lighting) adds an additional \$436,975.00 to the project cost. Florida Safety Contractors, Inc. was determined to be the lowest responsible, responsive bidder as stipulated by the City's competitive bidding process.

As part of the Capital Improvement Plan CIP and SMU funding was allocated for the reconstruction of SW 6th Street from SW 5th Avenue to W. University Avenue. Funding from Tree Mitigation as well as the UF Context Fund for Rail/Trail Improvements has also been designated for this project.

Fiscal Note: The Public Works Department currently has \$1,408,160.00 for this project. The Public Works Department is also recommending the following fund reallocations to fully fund this project:

- \$1,125,000.00 in the N.E. 2nd Street Reconstruction fund (estimated project cost is over \$3.5 million);
- \$500,823.00 unused CIP funds from the N.W. 8th Avenue project; and
- \$379,000.00 unused LOGT Funds from the N.W. 8th Avenue project.

This provides the \$3,412,975.00 necessary to complete this project including Capella Street lights and contingency.

RECOMMENDATION

The City Commission: 1) award the bid to Florida Safety Contractors, Inc. for the construction of the SW 6th Street Reconstruction (SW 5th Ave - W. University Ave) Project; 2) authorize funding to be reallocated as noted in the fiscal note and 3) authorize the City Manager or designee to execute all contract documents and other necessary documents, subject to approval by the City Attorney as to form and legality.

[170277A Bid Record SW 6th Street 20170921.pdf](#)

[170277B Funding_CIP Reallocation 20170921.pdf](#)

COMMITTEE DISCUSSION ITEMS - Items placed on the agenda by the Audit & Finance Committee or General Policy Committee or moved from Consent

OTHER POLICY DISCUSSION ITEMS - If the Commission does not get to these items, they are continued to the next regular Commission meeting or such other regular or special meeting or workshop, as the Commission directs

INFORMATIONAL PRESENTATIONS - Items that do not request or require any Commission action. If the Commission does not get to these items, they are continued to the next regular Commission meeting or such other regular or special meeting or workshop, as the Commission directs.

4:30 - 5:30pm Dinner Break

5:30 - Call to order Evening Session

PLEDGE OF ALLEGIANCE

PROCLAMATIONS/SPECIAL RECOGNITIONS

[170345.](#)

Public Schools Awareness Month - September 2017 (B)

RECOMMENDATION

*League of Women Voters Education Team Chair
Sue Legg, ACCPTA President Khan-Lien Banko
and UF College of Education Council Student
Elizabeth Currin to accept the proclamation.*

[170345 PublicSchoolsAwareness 20170907.pdf](#)

GENERAL CITIZEN COMMENT - For items not on the agenda, limited to 3 minutes per citizen and not to exceed 30 minutes total

BUDGET

ORDINANCES, 1ST READING - ROLL CALL REQUIRED

[170013.](#)

**APPENDIX A - SCHEDULE OF FEES, RATES & CHARGES FY2018
(B)**

Ordinance No. 170013

An ordinance of the City of Gainesville, Florida, amending Appendix A, Schedule of Fees, Rates and Charges of the Code of Ordinances by revising fees, rates and charges for the following: adult performance establishment, escort service and escort licenses; alcoholic beverages; cemetery; controlled vehicular parking area decals/permits; fire/rescue; health and sanitation; home occupation permit; land development code; parks, recreation and cultural affairs; peddlers, solicitors and canvassers; police; registered domestic partnerships; secondhand goods; streets, sidewalks and other public places; taxation; traffic and motor vehicles; utilities relating to solid waste and recyclables; and vehicles for hire; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: **BUDGET AND FINANCE DEPARTMENT STAFF REPORT**

During several public meetings beginning May 2, 2017 and continuing through July 3, 2017, Budget and Finance staff presented the "Budget Workshop for the FY2018-2019 Budget Year" to the City Commission. As presented, the proposed FY2018 and FY2019 revenues included a continuation of the policy of 5% scheduled biennial increases of certain Appendix A fees, rates and charges.

On July 18, 2017, the City Commission adopted Resolution No. 170215, establishing the Proposed Millage Rate. On July 18, 2017, the City Commission adopted Resolution No. 170214, approving the Proposed Tentative General Government Financial and Operating Plan that included the 5% increase in Appendix A fees, rates and charges, with the following exceptions:

a. Reductions to Landlord Permit fees and Westside Pool admission fees as directed by the City Commission.

b. Adjustments to the following Parks, Recreation and Cultural Affairs charges to align with community demands and comparable markets:

i. Damage Deposits

ii. T-Shirt sales

iii. Poster sales

iv. Ticket sales

c. Deletion of Farm and Forest School Days (adult), which is no longer offered.

This ordinance is necessary to implement the increased fees, rates and charges effective October 1, 2017.

CITY ATTORNEY MEMORANDUM

This ordinance requires two readings and will become effective immediately upon approval at second reading. However, the fee

increases will become effective on October 1, 2017, except when a facility was booked prior to the effective date of the ordinance, in which case the City will recognize the fees in place at the time the facility was booked.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

[170013A_draft ordinance_20170907.pdf](#)

[170257.](#)

**REVISIONS TO CHAPTER 27 UTILITIES AND APPENDIX A -
SCHEDULE OF FEES, RATES, AND CHARGES FOR UTILITIES;
ELECTRICITY, WATER, AND SEWERAGE (B)**

Ordinance No. 170257

An ordinance of the City of Gainesville, Florida, amending the Code of Ordinances, relating to Utilities; amending section 27-31 relating to electric system fuel and purchased power for public streetlight and rental outdoor light services; amending Appendix A, Schedule of Fees, Rates and Charges, to revise fees, rates and charges for electricity, water, and sewerage; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: GRU BUDGET AND FINANCE DEPARTMENT MEMORANDUM

In the proposed budget for the combined utilities system, the General Manager for Utilities made recommendations to revise electric, water and sewerage fees, rates and charges as required to meet system revenue requirements for Fiscal Year 2018. This ordinance is necessary to implement the changes to the fees, rates and charges which shall be applied to all monthly bills which are for the first time rendered and postmarked after 12:01 AM, October 1, 2017. Additionally, changes are included in the proposed ordinance to amend provisions of Chapter 27 to reflect those corresponding changes in the code.

CITY ATTORNEY MEMORANDUM

During the budget process in July 2017, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance revising the fees, rates and charges as required to meet system revenue requirements for Fiscal Year 2018.

This ordinance requires two readings. The first reading is scheduled for September 7, 2017. The second reading is scheduled for September 21, 2017. The new and amended fees, rates, and charges shall be applied to all monthly bills which are for the first time rendered and postmarked after 12:01 AM, October 1, 2017.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

[170257_draft ordinance_20170907.pdf](#)

PUBLIC HEARINGS

[170233.](#)

FIRE ASSESSMENT - ANNUAL RATE RESOLUTION (B)

A resolution of the City of Gainesville, Florida, relating to the provision of fire services, facilities and programs in the City of Gainesville, Florida; imposing Fire Services Special Assessments against assessed properties located within the City for the fiscal year that begins October 1, 2017; providing for exemptions; approving the assessment roll; providing for the estimated fire services assessed cost; approving the rate of assessment; providing for severability; and providing an immediate effective date.

Explanation: On July 18, 2017 the City Commission adopted Resolution 170096 (the "Preliminary Rate Resolution") which set the proposed fire services assessment rate and provided for notice by mail and publication of the proposed rate and public hearing to set the final rate. In adopting the Annual Rate Resolution, the Commission will have to determine the Fire Services Special Assessment rate for the fiscal year beginning October 1, 2017.

RECOMMENDATION *The City Commission: 1) receive any written objections filed; 2) hear testimony from all interested persons; 3) approve the assessment roll; 4) establish the annual rate for the Fire Services Special Assessment; and 5) adopt the proposed Annual Assessment Resolution.*

[170233 Annual Rate Resolution_20170907.pdf](#)

[170351.](#)

TENTATIVE MILLAGE RATE - FISCAL YEAR 2017 - 2018 (B)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA; RELATING TO THE LEVY OF GENERAL MUNICIPAL PURPOSE AD VALOREM TAXES FOR THE 2017-2018 FISCAL YEAR BEGINNING OCTOBER 1, 2017 AND ENDING SEPTEMBER 30, 2018; ESTABLISHING A TENTATIVE MILLAGE RATE; SETTING A PUBLIC HEARING; PROVIDING FOR THE PUBLICATION OF NOTICE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Explanation: The City Commission is required by Florida Law to adopt a tentative

millage rate to fund the budget for Fiscal Year 2017-2018.

RECOMMENDATION

The City Commission: 1) hear presentation from City staff regarding the tentative millage rate, the percentage increase in millage over the rolled-back rate and the specific purposes for which ad valorem tax revenues are being increased; 2) hear testimony from all interested persons; 3) discuss the proposed tax increase; and 4) adopt the proposed resolution.

[170351 Tentative Millage Rate FY 2017-2018_20170907.pdf](#)

[170351 Presentation 20170907.pdf](#)

[170344.](#)

TENTATIVE GAINESVILLE REGIONAL UTILITIES BUDGET - FISCAL YEAR 2017-2018 (B)

RESOLUTION NO. 170344

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA, RELATING TO THE TENTATIVE BUDGET FOR THE CITY OF GAINESVILLE D/B/A GAINESVILLE REGIONAL UTILITIES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2017 AND ENDING SEPTEMBER 30, 2018; PROJECTING REVENUES AND ADOPTING A TENTATIVE BUDGET TO PAY FOR PERSONAL SERVICES EXPENSES, OPERATING AND MAINTENANCE EXPENSES AND OTHER EXPENSES, FOR CAPITAL OUTLAY, AND FOR DEBT SERVICE REQUIREMENTS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Explanation: The proposed resolution adopts a tentative budget for the City of Gainesville d/b/a Gainesville Regional Utilities for the fiscal year beginning October 1, 2017 and ending September 30, 2018, to pay for personal services expenses, operating and maintenance expenses and other expenses, for capital outlay and for debt service requirements. The proposed resolution is submitted for adoption by the City Commission.

RECOMMENDATION

The City Commission adopt the proposed resolution.

[170344 Tentative GRU Budget Resolution FY18 Budget 20170907](#)

[170352.](#)

TENTATIVE GENERAL GOVERNMENT FINANCIAL AND

OPERATING PLAN - FISCAL YEAR 2017-2018 (B)

A resolution of the City Commission of the City of Gainesville, Florida; relating to its General Government Budget for the 2017-2018 Fiscal Year Beginning October 1, 2017 and ending September 30, 2018; adopting the Tentative General Government Financial and Operating Plan Budget; and providing an immediate effective date.

Explanation: The Tentative General Government Financial and Operating Plan Budget for Fiscal Year 2017-2018 as prepared by the Budget and Finance Department is hereby submitted for approval by the City Commission

RECOMMENDATION *The City Commission adopt the proposed Resolution.*

[170352_Tentative General Government Budget FY 2017-2018_20170907.pdf](#)

RESOLUTIONS - ROLL CALL REQUIRED

[140937.](#)

Resolution for an Urban and Community Forestry Grant Application and Memorandum of Agreement - Florida Department of Agriculture and Consumer Services (B)

This item involves a request for adoption of a Resolution authorizing the City Manager to execute an Urban and Community Forestry Grant Application and Memorandum of Agreement between the City of Gainesville, Florida and the Florida Department of Agriculture and Consumer Services for the expansion of the Gainesville Greenway Challenge Program.

Explanation: The Florida Department of Agriculture and Consumer Services funds an Urban and Community Forest Grant Program. The purpose of the grant program is to provide financial assistance to initiate or enhance local urban and community forestry programs and to improve the urban environment within the State of Florida.

The grant program requires a 50-50 match and provides up to \$20,000 to local governments for a variety of urban forestry projects including program development or improvement.

If awarded, the funding would be used to fund necessary components of running the Gainesville Greenway Challenge expanded program including staffing, supplies and materials. The Gainesville Greenway Challenge Program utilizes citizen volunteers to remove invasive non-native plants in the city's natural areas and forests.

Fiscal Note: The Urban and Community Forestry Grant Program requires a 50%

match of the total project cost. The total cost of the project is \$26,704. The grant request is for \$13,352. The match of \$13,352 will be provided through the Wild Spaces Public Places 2018 budget. In the PRCA Vision 2020 Master Plan Prioritization List, funds are allocated for improvements and repairs for both active and nature parks. The Wild Spaces Public Places (WSPP) sales tax was approved by voters for eight years and is expected to generate \$46,551,152 in revenue to the City.

RECOMMENDATION The City Commission adopt the Resolution.

Legislative History

5/21/15 City Commission Adopted (Resolution)

[140937_Resolution_20150521.pdf](#)

[140937_2017 Urban and Community Forestry Grant Resolution_20170907.pdf](#)

[170273.](#)

Resolution for Amendment to the Traffic Signal Maintenance and Compensation Agreement with FDOT (B)

This item is a request to amend the Florida Department of Transportation Traffic Signal Maintenance and Compensation Agreement.

Explanation: The Florida Department of Transportation (FDOT) currently compensates the City of Gainesville for maintenance of Intelligent Transportation System (ITS) infrastructure along the State Highway System (SHS). This includes traffic signals, school beacons, blank out signs, travel time detector, within city limits. This increase in compensation reflects new state FY17/18 rates.

Fiscal Note: The Florida Department of Transportation compensates the City annually for Traffic Signal Maintenance. The amount to be reimbursed for State FY17/18 is \$657,470. Last FY16/17 reimbursement \$640,048. The increase of \$17,422 represents a 2.7% increase versus previous year due to increase reimbursement rates for Traffic Signals and Intelligent Transportation System devices.

RECOMMENDATION The City Commission: 1) adopt the Resolution for an Amendment to the Traffic Signal Maintenance and Compensation Agreement with the Florida Department of Transportation; and, 2) authorize the City Manager to execute all necessary documents, subject to approval by the City Attorney as to form and legality.

[170273A_Agreement_20170907.pdf](#)

[170273B_Resolution_20170907.pdf](#)

[170323.](#)

A Resolution of the City Commission of the City of Gainesville, Florida authorizing the issuance of Continuing Care Retirement Community Revenue Refunding Note (Oak Hammock at the University of Florida, Inc. Project) Series 2017A and Continuing Care Retirement Community Revenue Refunding Note (Oak Hammock at the University of Florida, Inc. Project) Series 2017B (B)

Explanation: Oak Hammock at the University of Florida, Inc., a Florida not-for-profit corporation (the "Borrower") has requested the City assist them by the issuance of Continuing Care Retirement Community Revenue Refunding Notes Series 2017A and 2017B (the "Notes".) The purpose of the Notes is to allow the Borrower to refinance the costs of acquiring, constructing and equipping the realty consisting of approximately 136 acres of land at 5100 S.W. 25th Boulevard, Gainesville, Florida and a continuing care retirement community facility containing approximately 800,000 square feet of space including (a) independent living units consisting of two multi-unit apartment buildings, villas and club homes, (b) an assisted living center with residential living suites and memory support units, (c) a health center with private skilled nursing beds, (d) a commons building, (e) related common areas and infrastructure improvements, (f) additional facilities, acquired and/or constructed by the Borrower, and (g) and acquisition or construction of related and appurtenant facilities, fixtures and equipment (collectively, the "Project"), and to finance the costs of issuance. The Project is owned and operated by the Borrower.

Chapter 159, Part II, known as the Florida Industrial Development Financing Act, provides that the City is authorized to serve as the issuer of financing for projects that serve a public purpose consistent with Article VII, section 10 (C) of the Florida Constitution by advancing the economic prosperity and general welfare of the City and that is in the common interest of the citizens of the City.

In addition, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), requires that the governmental unit having jurisdiction over the area in which such a financed project is located must approve the issuance of the notes, either by public hearing or by voter referendum. To satisfy this approval requirement, the Borrower has requested that the Commission hold a public hearing and adopt a resolution approving the issuance of the Notes.

The City's Debt Management Policy sets forth guidelines for the issuance of such financings, including an application and issuance fee.

Although the City will serve as the issuer of the Notes, the Notes do not constitute a debt, liability or obligation, or a pledge of the faith and credit or taxing power, of the City. The Notes shall be payable solely from the revenues and proceeds to be derived by the issuer from payments received under the Financing Agreement entered into among the Issuer, the Lender and the Borrower and the issuer shall be obligated to pay the Notes only from the revenues and proceeds derived by the Issuer from

such payments. The performance by the City, as issuer, of all duties and obligations imposed upon it, the exercise by it of all powers granted to it, the carrying out of all covenants, agreements and promises made by it, and the liability for all warranties and other covenants, shall be limited solely to the revenues and receipts derived from the Financing Agreement, and the City shall not be required to effectuate any of its duties, obligations, powers or covenants except to the extent of such revenues and receipts.

RECOMMENDATION *The City Commission: 1) hold a public hearing; 2) adopt Resolution No. 170323 authorizing issuance of the Continuing Care Retirement Community Revenue Refunding Notes Series 2017A and 2017B and approving of the agreements referenced therein; and 3) authorize the Mayor to execute and the Clerk of the Commission to attest the Resolution and the related Financing Documents (as defined in the Resolution.)*

[170323A draft resolution 20170907.pdf](#)

[170323B Affidavit of Publication 20170907.pdf](#)

[170323C Certificate as to Public Meetings 20170907.pdf](#)

ORDINANCES, 2ND READING - ROLL CALL REQUIRED

[170179.](#)

AMEND REGISTRATION REQUIREMENTS FOR USE OF PUBLIC RIGHTS-OF-WAY COMMUNICATIONS SERVICES PROVIDERS AND WIRELINE USERS (B)

Ordinance No. 170179

An ordinance of the City of Gainesville, Florida repealing and replacing Article VI, Chapter 23, of the City Code and setting forth requirements for the registration, permitting, insurance coverage, indemnification, construction bonds, security funds, force majeure, abandonment, liability, warranties and compensation for placing or maintaining communications service facilities and wireless support structures in the public rights-of-way; providing for severability, repealing clauses; and an effective date.

Explanation: This is the first of several ordinances the City staff will bring forward to address the changing technology and in particular the placement or collocation of wireless telecommunication facilities within the City's rights-of-way. This proposed ordinance, if adopted, would amend Chapter 23, Article VI, Registration Requirements for Use of Public Rights-of-Way by Communications Services Providers and Wireline Users of Rights-of-Way (Registration Ordinance). The current

Registration Ordinance was last amended in 2001. While the current Registration Ordinance does require registration and insurance by a telecommunication provider, it does not include registration for wireless telecommunication providers. The current Registration Ordinance should be amended to sufficiently address the placement and maintenance of wireline and wireless communications facilities or wireless support structures in the City's rights-of-way. Additional property management requirements will provide protection of both public assets and private assets within the rights-of-way. The proposed Registration Ordinance will increase the ability of the City to protect publicly owned rights-of-way and the utilities within it by requiring registrants to provide a map identifying the location of their infrastructure, by requiring the registrant to indemnify the City if the registrant damages property while installing or repairing the facilities. The proposed Registration Ordinance still requires the registrant to maintain insurance but it also requires registrant to provide a construction bond while working in the rights-of-way, and security funds to protect damage to the rights-of-way and to utilities within the rights-of-way. It also provides remedies to the City if a facility is abandoned.

This ordinance will repeal the moratorium on the undergrounding of wireless telecommunication facilities within the public rights-of-way, but not on the above-ground placement of wireless telecommunication facilities within the public rights-of-way. Future ordinances will address that issue.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings and shall become effective September 7, 2017. The ordinance will repeal the moratorium (adopted by Ordinances No. 160401 and 160798) for placement of underground facilities within the public rights-of-way, but not for placement of above-ground facilities in the public rights-of-way.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

7/20/17	City Commission	Adopted on First Reading (Ordinance)
8/17/17	City Commission	Adopted on First Reading (Ordinance)

[170179A_draft ordinance_20170720.pdf](#)

[170179A_draft ordinance_20170817.pdf](#)

[170179A_draft ordinance_20170907.pdf](#)

[160484.](#)

TEXT CHANGE - AMENDING GASOLINE AND ALTERNATIVE FUEL SERVICE STATIONS (B)

Ordinance No. 160484

An ordinance of the City of Gainesville, Florida, amending Section 30-5.13 Gasoline and Alternative Fuel Stations of the Land Development Code (Chapter 30 of the City of Gainesville Code of Ordinances) to provide compatibility requirements; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: STAFF REPORT

Update since first reading: This ordinance was approved by the City Commission on first reading on March 2, 2017. Subsequently, on July 20, 2017, the City Commission adopted Ordinance No. 140817 and Ordinance No. 140818, which substantially amended the Comprehensive Plan and Land Development Code. As a result, this ordinance has been updated to include the associated changes to the section of the Land Development Code that is the subject of this ordinance.

This ordinance amends Land Development Code Section 30-5.13 Gasoline and Alternative Fuel Service Stations to provide compatibility requirements for the siting of these facilities near residentially zoned property.

This ordinance was initiated at the direction of the City Commission at the August 18, 2016, regular City Commission meeting during the discussion of Item #160134, which was a request to construct a gasoline service station with 12 fueling positions near the Greater Duval neighborhood. The Commission directed staff to amend the Transportation Mobility Element of the Comprehensive Plan to include additional flexibility for the placement of fuel pumps when proximate to residential zoned properties and to amend the Land Development Code to address the placement of gasoline stations when abutting residential neighborhoods.

Public notice was published in the Gainesville Sun on October 11, 2016. The City Plan Board held a public hearing on October 27, 2016, and voted 6-1 to recommend that the City Commission approve this text change to the Land Development Code.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings and shall become effective immediately upon adoption.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

3/2/17	City Commission	Approved (Petition) and Adopted on First Reading (Ordinance)
--------	-----------------	--

[160484_Staff report and Exhibits A-F_20161027](#)

[160484A_draft ordinance_20170302.pdf](#)

[160484B_Staff report and Exhibits A-F_20170302](#)

[160484C_CPB minutes_20170302](#)

[160484D_Staff ppt_20170302](#)

[160484A_draft ordinance_20170907.pdf](#)

PLANNING PETITIONS

CITIZEN COMMENT - For items not on the agenda, limited to 3 minutes per citizen and not to exceed 30 minutes total

COMMISSION COMMENT

10:00pm or earlier - Adjourn - If later than 10:00pm, the Commission may waive the rules to extend the meeting or may schedule a date/time to continue the meeting