

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Meeting Agenda - Final

August 21, 2014

1:00 PM

MODIFIED AGENDA

City Hall Auditorium

City Commission

Mayor Ed Braddy (At Large)
Commissioner Lauren Poe (At Large)
Commissioner Helen Warren (At Large)
Commissioner Yvonne Hinson-Rawls (District 1)
Mayor-Commissioner Pro Tem Todd Chase (District 2)
Commissioner Craig Carter (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**

[140099](#)

Agreement with the District Board of Trustees of Santa Fe College (SF) and the City of Gainesville Regional Transit System (RTS) (B)

This item is a request for the City Commission to authorize the City Manager to execute a new Agreement with the District Board of Trustees of Santa Fe College (SF) and the City of Gainesville Regional Transit System (RTS) to provide unlimited access to public transit to Santa Fe students.

Explanation: There is currently an Agreement between the District Board of Trustees of Santa Fe College (SF) and the City of Gainesville Regional Transit System (RTS) to provide unlimited access to public transit to SF students. This Agreement expires on August 15, 2014. The SF Transportation Fee Committee and RTS meet on an annual basis to evaluate the current service and determine the need to modify or add services. RTS staff has negotiated an hourly rate of \$62.94 per hour to cover operating costs for FY15 and \$64.88 for FY16-17.

Current service includes enhancements of City routes 10, 23, 27 and 43. SF also provides funding for routes 39, 62, 76 and 77. The total hours of service are approximately 13,308 hours per year.

SF will pay additional funds from farebox recovery, capital and

operations of Gator locator and deducting FDOT matching grants.

Fiscal Note: The total anticipated revenue from SF will be approximately \$942,986.

RECOMMENDATION

The City Commission authorize the City Manager or his designee to execute an Agreement and related documents between the District Board of Trustees of Santa Fe College (SF) and the City of Gainesville Regional Transit System (RTS) for the period of August 15, 2014, through August 15, 2017, subject to approval by the City Attorney as to form and legality.

[140099A Agreement_20140821.pdf](#)

[140099B Map_20140821.pdf](#)

[140184.](#)

Ranking for Construction Management at Risk with a Guaranteed Maximum Price Services for the SE 4th Street Reconstruction Project (B)

This item is a request for the City Commission to approve the ranking of Construction Management Firms/Teams and authorize a contract for construction management at risk with a guaranteed maximum price services for the SE 4th Street Reconstruction project from SE Williston Road to Depot Avenue.

Modification - Additional language

Explanation: On May 22, 2014, the City's Purchasing Division solicited written statements of qualifications to provide construction management at risk with a guaranteed maximum price services for the SE 4th Street Reconstruction project from SE Williston Road to Depot Avenue (RFQ No. PWDA-140048-FB). Three (3) construction management firms were present at the mandatory pre-proposal meeting. Two (2) construction management firms submitted statements on June 19, 2014. Evaluation of the written submittals resulted in the invitation of two (2) firms to present orally to the evaluators. These presentations held on July 21, 2014 further established the qualifications, project approach, and methodology for the project.

The evaluators rank the firms as follows:

1. Charles Perry Partners, Inc.
2. Oelrich Construction

Fiscal Note: Funding is available through the City of Gainesville's Capital Improvement Plan that provides \$5,900,000 for the project.

RECOMMENDATION

The City Commission: 1) accept the selection of the two (2) most qualified firms in the order of ranking; 2) authorize the City Manager or

designee to initiate contract negotiations and execute a contract for professional services in accordance with Consultants Competitive Negotiation Act (CCNA); 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.

[140184_BidAward_20140821.pdf](#)

[140185.](#)

Ranking for Continuing Professional Geotechnical Services (B)

This item is a request for the City Commission to approve the ranking of Geotechnical Firms/Teams and authorize a contract for continuing professional geotechnical services.

Explanation: On May 21, 2014, the City's Purchasing Division solicited written statements of qualifications to provide continuing professional geotechnical services (RFQ No. PWDA-140045-PJ). Four (4) geotechnical firms were present for the mandatory pre-proposal meeting. Three (3) geotechnical firms submitted statements on June 18, 2014. Evaluation of the written submittals established the qualifications, general project approach, and methodology for the anticipated geotechnical services.

The evaluators rank the firms as follows:

1. Universal Engineering Sciences, Inc.
2. Professional Services Industries, Inc.
3. Terracon Consultants, Inc.

Fiscal Note: Funding will be available through the City of Gainesville's Capital Improvement Plan and/or Stormwater Management Utility at the time of request for services.

RECOMMENDATION

The City Commission: 1) accept the selection of the three (3) most qualified firms in the order of ranking; 2) authorize the City Manager or designee to initiate and execute contracts for continuing professional geotechnical services with all three firms in accordance with Consultants Competitive Negotiation Act (CCNA); 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.

[140185_BidAward_20140821.pdf](#)

[140192.](#)

Authorization to Purchase Equipment for the Gainesville Police Department using State Law Enforcement Contraband Forfeiture Trust Funds (B)

This is a request for City Commission authorization to purchase two radios, installation and accessories for the radios for the traffic unit.

Explanation: This item requests that the City Commission appropriate and expend an amount not to exceed \$10,000 from the State Law Enforcement Contraband Forfeiture Fund for the purchase of two (2) Motorola radios, installation and any accessories needed for the Traffic Safety Team motorcycles. The two radios to be replaced were originally purchased in 2000 and are now obsolete and no longer supported by Motorola.

Fiscal Note: Funding in the amount of \$10,000 is available from the State Law Enforcement Contraband Forfeiture Trust Fund. Based on the Comparative Balance Sheet dated June 30, 2014, the available balance of this account is \$26,820.

RECOMMENDATION

The City Commission authorizes the appropriation of an amount not to exceed \$10,000 from the State Law Enforcement Contraband Forfeiture Trust Fund and issuance of a purchase order to Motorola as sole source.

Alternative Recommendation

The City Commission deny funding at this time.

[140192_RadioAuthorizationMemo_20140821](#)

[140200.](#)

Strategic Plan Quarterly Report - 3rd Quarter of Fiscal Year 2014 (B)

This item provides a report on the progress of the City Commission's Strategic Goals and Initiatives for the 3rd quarter of Fiscal Year 2014.

Explanation: As part of the City of Gainesville Fiscal Year 2013 - 2014 Strategic Planning process, the City Manager prepares a quarterly report on accomplishments related to the City Commission strategic goals and initiatives for each quarter of the fiscal year. This is the third quarter report for Fiscal Year 2014.

Fiscal Note: None

RECOMMENDATION

The City Commission receives a quarterly report from the City Manager on the progress of the City Commission Strategic Goals and Initiatives for the 3rd Quarter of FY 2014.

[140200_FY2014Q3 Report_20140821.pdf](#)

[140218.](#)

State General Appropriations (B)

This is a request for the City Commission to accept the 2015 State General Appropriations for the Tumblin Creek and Gainesville Correctional Institute Homeless Shelter projects.

Explanation: The Tumblin Creek Regional Stormwater Treatment Facility project is funded with Specific Appropriation number 1668A. The total amount in the proposed State budget for Fiscal Year 2014-15 is \$393,357. Public Works will construct a large concrete sediment trap that will have the capacity to settle out and hold several hundred cubic yards of sediment from Tumblin Creek flows. The collected sediment will be removed periodically. This removed sediment will be permitted by the St John's River Water Management District as a credit system similar to the SW 5th Avenue Stormwater Basin. Under this permit, redevelopment in the watershed, included but not limited to Innovation Square, can satisfy their stormwater permitting requirements by purchasing credits from the Tumblin Creek Regional Stormwater Treatment Facility thus recovering a portion of the capital expended on the project.

This project was awarded July 1st and due to the importance of the timing of construction as well as the demand for the stormwater credits from the development community, this item is being presented to the Commission prior to the Agreement with the FDEP being finalized. Construction of this project is tentatively scheduled for the spring of 2015 with stormwater credits being available in the fall of 2015.

The Gainesville Correctional Institute Homeless Shelter project (known locally as the Empowerment Center) is funded with Specific Appropriation number 396A. The total amount in the proposed State budget for Fiscal Year 2014-15 is \$300,000. This is a capital project to include replacing the roofs and painting the building for occupancy. The commercial kitchen will be renovated; equipment will be purchased and installed for a fully operational kitchen to feed the homeless. This project was awarded July 1st and the Department of Children and Family Services is in the process of working on the lengthy process of drafting the agreement to send to the City for legal review. Due to the delay in releasing the agreement, we are requesting this item be approved by the Commission prior to the Agreement being finalized by the Department of Children and Family Services.

Fiscal Note: The City Commission is being asked to accept the 2015 State budget appropriations for the Tumblin Creek project (\$393,357) and the Homeless Shelter project (\$300,000).

RECOMMENDATION

The City Commission: 1) approve acceptance of the 2014-15 State General Appropriations; 2) direct City staff to negotiate all necessary

documents with the appropriate state agencies; and 3) authorize the Mayor or his designee to execute all documents necessary to accept the State appropriations, subject to approval by the City Attorney as to form and legality.

[140218_State Appropriations Excerpts_20140821.pdf](#)

[140230.](#)

Request for Proposals for the Special Magistrate for Code Enforcement (B)

This item involves a request for the City Commission to approve staff's ranking of applicants for Special Magistrate for Code Enforcement services.

Explanation: On June 19, 2014, the City's Purchasing Division received four proposals from candidates for the Special Magistrate for Code Enforcement. On August 7, 2014, the bid evaluation team for the Special Magistrate for Code Enforcement Request for Proposals (RFP) received oral presentations for RFP#: CODE-140041-PJ. Staff evaluated the qualifications of the respondents and ranked the top three; however, the top ranked respondent removed herself from consideration due to a dual-office holding issue. As a result, staff has ranked the remaining two respondents as follows:

1. Attorney Charles B. Koval with Dell Graham, P.A.
2. Attorney Jefferson Braswell with Scruggs & Carmichael, P.A.

The evaluation team is recommending negotiation with the top two respondents, in the order of ranking, Attorney Charles B. Koval with Dell Graham, P.A, as primary Special Magistrate and Attorney Jefferson Braswell with Scruggs & Carmichael, P.A, as alternate Special Magistrate. There will be one contract with the primary Special Magistrate and one contract with the alternate Special Magistrate, in the event of conflict or absence of the primary Special Magistrate. The City Commission will be asked to authorize by Resolution the Special Magistrate(s) for Code Enforcement to act in lieu of the Code Enforcement Board commencing on October 1, 2014, during the evening session of this City Commission meeting.

Fiscal Note: Funding in the amount of \$20,000 is included in the FY2015/16 budget.

RECOMMENDATION

The City Commission: 1) approve the staff recommendation of the ranking of respondents; 2) authorize the City Manager or designee to negotiate with the top two respondents, in the order of ranking, and execute all contract documents for a primary and an alternate Special Magistrate for Code Enforcement, subject to approval by the City Attorney as to form and

legality.

[140230A_RFP_Ranking_20140821.pdf](#)

[140230B_RFP_for_Special_Magistrate_20140821.pdf](#)

[140230C_Springfield_Ineligibility.pdf](#)

[140230D_COG_Code_of_Ordinances_Excerpt_20140821.pdf](#)

[140230E_Florida_Constitution_Excerpt_20140821.pdf](#)

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

[140235.](#)

Contract for Underground Electric Distribution Installation Services (B)

Explanation: The electric and gas distribution systems require installation of underground civil infrastructure such as foundations, conduits, vaults, manholes, enclosures and directional bores. This work is performed throughout the year on an as needed basis dependent upon specific project requirements. GRU uses a contractor to perform these services to augment its workforce and to derive the benefit of specialized equipment not owned by GRU. The contractor provides the labor and furnishes the equipment for the installations. The annual cost for these services is approximately \$1,000,000. In the event of an emergency, the contractor is also required to provide service crews to assist with restoration efforts which better enables GRU to comply with FEMA reimbursement requirements.

An Invitation to Bid was issued and posted on the web by Utilities Purchasing. Of the 25 prospective bidders notified, seven responses were received, including three no bids. Infratech Corporation provided the lowest overall pricing for these services based on historical usage for the past two years. As a result of the new contract, staff estimates cost savings of approximately \$300,000 based on the lower pricing. A summary of the pricing for various service groups is attached for your reference.

Fiscal Note: Funding is included in the proposed Energy Delivery budget for FY15 and will be requested in subsequent year budgets.

RECOMMENDATION

The City Commission: 1) authorize the Interim General Manager, or her designee, to execute a three-year contract with Infratech Corporation for underground electric distribution services for the Energy Delivery Department on an as needed basis, subject to approval of the City Attorney as to form and legality; and 2) approve the issuance of a purchase order for these services for each year of the contract in amounts not exceeding budgeting amounts, subject to the final appropriation of funds for each year of the contract.

[140235 Underground Electric Services Bid Tab 2014.08.21.docx](#)

CITY ATTORNEY, CONSENT AGENDA ITEMS

[140225.](#)

RANDALL R. PREVATT VS. THE CITY OF GAINESVILLE, FLORIDA, A MUNICIPAL CORPORATION, AND JEREMIAH KELLY AND DANIEL ABBOTT, IN THEIR INDIVIDUAL CAPACITIES; EIGHTH JUDICIAL CIRCUIT, CASE NO. 2014-CA-2164 (B)

Explanation: On June 16, 2014, Plaintiff Randall Prevatt filed a Complaint in the Circuit Court of the Eighth Judicial Circuit, in and for Alachua County, Florida against the City of Gainesville and Officers Jeremiah Kelly and Daniel Abbott in their individual capacities. The City and Officer Abbott were served with the Complaint. The Plaintiff alleges injuries as a result of an arrest by Officers Kelly and Abbott. He alleges excessive force was used in the arrest, resulting in a violation of his constitutional rights. He claims to have suffered damages, including pain and suffering, emotional distress and mental anguish. Mr. Prevatt is seeking punitive and compensatory damages.

RECOMMENDATION

The City Commission authorize the City Attorney and/or special counsel if insurance coverage is available to represent the City of Gainesville and the individual officers in the case styled Randall R. Prevatt vs. The City of Gainesville, Florida, a municipal corporation, and Jeremiah Kelly and Daniel Abbott, in their individual capacities; Eighth Judicial Circuit, Case No. 2014-CA-2164.

[140225 Randall Prevatt Consent 20140821.pdf](#)

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE, CONSENT

PUBLIC SAFETY COMMITTEE, CONSENT

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE, CONSENT

EQUAL OPPORTUNITY COMMITTEE, CONSENT

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS**END OF CONSENT AGENDA****ADOPTION OF THE REGULAR AGENDA****CITIZEN COMMENT (not to exceed 30 minutes in length)****CITY COMMISSION COMMENT (if time available)****CHARTER OFFICER UPDATES**[140163.](#)**Introduction of Alachua County Schools Superintendent Dr. Owen Roberts (NB)****RECOMMENDATION**

The City Commission hear remarks from Superintendent Roberts.

[140239.](#)**City Auditor Executive Search Plan (B)**

Modification - Pulled from Consent Agenda and moved to Regular Agenda

Explanation: Brent Godshalk, City Auditor, elected to participate in the City's Deferred Retirement Option Plan (DROP) effective April 3, 2010 and must retire from his position no later than April 2, 2015. In order to hire a new City Auditor prior to Mr. Godshalk's retirement, it is necessary to initiate a search to find suitable candidates to fill this position.

Fiscal Note: The anticipated fiscal impact of the proposed recommendation is \$30,000. This amount includes \$24,000 in search fees and \$6,000 allocated for candidate travel and other expenses. This will be funded through unallocated general fund balance.

RECOMMENDATION

The City Commission (1) approve the Executive Search Plan for the City Auditor position developed by the Human Resources Department, and (2) authorize the Human Resources Department to engage the services of an Executive Search Firm currently on retainer with the City to initiate the search.

[140239_City Auditor Executive Search Plan_20140821.pdf](#)

[140239_City Auditor Job Description_20140821.pdf](#)

CLERK OF THE COMMISSION

CITY MANAGER[120572.](#)**Second Extension to the Agreement for State of Florida Lobbying and Advocacy Services (B)**

This item is a request to extend the Agreement for State of Florida Lobbying and Advocacy Services with William J. Peebles, PA.

ESTIMATED STAFF PRESENTATION 5 MINUTES

Explanation: The agreement dated December 6, 2012, and First Extension dated November 26, 2013, with William J. Peebles, PA. for State of Florida Lobbying and Advocacy Services will expire on November 30, 2014. The agreement allows for two (2) one-year extensions. This is the second request for an extension to this agreement.

Should the City Commission choose not to extend the current agreement, the City Commission can direct staff to issue a Request for Proposals (RFP) for State of Florida Lobbying and Advocacy Services. Staff will need time to go through the RFP process and return for City Commission approval in order to get a new agreement in place by December 1, 2014.

Fiscal Note: Funds in the amount of \$25,000 have been allocated in the FY14-15 General Government and \$25,000 in the FY14-15 GRU budget.

RECOMMENDATION

The City Commission authorize the City Manager to execute the Second Extension to the Annual Agreement with William J. Peebles, PA. for State of Florida Lobbying and Advocacy Services, extending the terms of the agreement from December 1, 2014 to November 30, 2015, subject to final appropriation of funds for FY 2015.

Alternate Recommendation

The City Commission direct staff to issue a Request for Proposals (RFP) for State of Florida Lobbying and Advocacy Services.

Legislative History

12/6/12 City Commission Approved as Recommended

[120572 Intended Award 20121206.pdf](#)

[120572A Draft 2nd Extension 20140821.pdf](#)

[120572B Contract & 1st Extension 20140821.pdf](#)

[060958.](#)**Annexation Transition Agreement Extension (B)**

Discuss the status of the Interlocal Agreement on the Transition of Services Upon Annexation (also referred to as the Annexation Transition Agreement or ATA). ** ESTIMATED STAFF PRESENTATION 20 MINUTES **

Explanation: The City of Gainesville and Alachua County entered into an agreement on March 13, 2007, for transition of services upon annexation by the City of Gainesville within its municipal reserve area. The first amendment to the interlocal agreement was entered into on May 12, 2009. The interlocal agreement is set to expire on September 30, 2014.

The Annexation Transition Agreement is triggered when an annexation results in an unincorporated area population reduction greater than 3% or unincorporated area taxable property value reduction greater than 3%.

Fiscal Note: None

RECOMMENDATION

The City Commission: 1) hear a presentation from staff; 2) authorize the City Attorney to draft and the Mayor to sign a 12 month extension of the Annexation Transition Agreement and submit to the County for consideration; 3) direct the City Manager to enter into negotiations with the County for revisions to the Annexation Transition Agreement; and 4) determine if the Mayor or a City Commissioner should be on the negotiation team.

Legislative History

2/26/07 City Commission Approved as Recommended

[060958_200702261300.pdf](#)

[060958_20070226.pdf](#)

[060958A_ATAFinal_20140821.pdf](#)

[060958B_ATA First Extension Signed_20140821.pdf](#)

[060958C_2014 Annexation Transition Agreement Ext Ppt_20140821.pdf](#)

[130714.](#)

SE 4th Street Reconstruction Project Basis of Design (B)

This item is a request to present the various typical cross section options for the SE 4th Street Reconstruction Project and to request a selection of one typical cross section and authorization to proceed with 60% plans. **ESTIMATED STAFF PRESENTATION 30 MINUTES**

Explanation: SE 4th Street from Williston Road to Depot Avenue is an urban collector roadway with heavy industrial type traffic that traverses both industrial

and residential land uses. The pavement condition is rated between 44 and 79 PCI and is 17' wide. From 2013 data, the ADT for the northern portion is 3,212 with 17% heavy traffic and the southern portion is 2,403 with 20% heavy traffic. There is a 4' sidewalk along the east side that is in poor condition. This project is currently fully funded through the City's adopted Capital Improvement Plan using Local Option Gas Tax. There are two proposed stormwater management facilities located on either side of the creek as well as a reconstructed creek crossing. Staff is presenting a total of seven typical cross sections for the SE 4th Street corridor.

At the March 6, 2014, City Commission Meeting staff was directed to evaluate several different cross sections. The request was to evaluate right-of-way impacts to adjoining properties, cost benefits, and the effect to the safety and welfare of the general public. Staff evaluated seven (7) options on the above criteria, performed several means of public outreach to obtain their input, and provided a recommendation.

Staff is evaluating the possibility of the addition of a right turn lane at the SW Williston Road intersection and the replacement of the existing span wire traffic signal to mast arms utilizing the mast arms presently located at the intersection of South Main Street and Depot Avenue.

Staff is proposing to utilize a Construction Manager at Risk for this project.

Fiscal Note: Funding is available in the FY2013-2017 adopted Capital Improvement Plan in the amount of \$5,993,762.

RECOMMENDATION

The City Commission: 1) hear presentation from staff; 2) approve staff's recommendation for Option #4; and 3) authorize staff to proceed with 60% plans.

Legislative History

3/6/14 City Commission Approved as Amended

[130714B_SE4Street-3D-Video_20140306.docx](#)

[130714A_PowerPoint_20140306.pdf](#)

[130714A_PP_20140821.pdf](#)

[130714B_MAP_20140821.pdf](#)

[130714C_MAP_20140821.pdf](#)

[130714D_MAP_20140821.pdf](#)

[130714E_MAP_20140821.pdf](#)

[130714F_PublicInput_20140821.pdf](#)

[130714G_PublicInput_20140821.pdf](#)

[130714H_PublicInput_20140821.pdf](#)

[130714I_PublicInput_20140821.pdf](#)

[130714_Kincaide_20140821.pdf](#)

[140204.](#)**Bid Award - Annual Grounds Maintenance for City of Gainesville Empowerment Center (B)**

This is a request for the City Commission to award the bid to Oasis Landscape Services, Incorporated for Annual Grounds Maintenance at the City of Gainesville Empowerment Center.

Modification - Pulled from Consent Agenda and moved to Regular Agenda

Explanation: The Facilities Management Division executed a contract with Clean Cut Landscaping on May 1, 2014, after obtaining competitive bids and awarding the low bidder the work for the remainder of the fiscal year. Grounds maintenance is in the work plan for the Facility Management Division for FY 2015.

The Facilities Management Division solicited a decentralized bid from ten (10) vendors for grounds maintenance at the City of Gainesville Empowerment Center. On July 7, 2014, four (4) firms were represented at the pre-bid conference and two (2) submitted bids. Staff recommends awarding the bid to Oasis Landscape Service, Incorporated, the low/qualified bidder, in the amount of \$55,650. The budget for grounds maintenance was not anticipated to exceed \$50,000.

Fiscal Note: Funds are allocated in the One-Stop Homeless Assistance Center Building fund for the Gainesville Empowerment Center. The expenses will be allocated across the occupied facilities at the Gainesville Empowerment Center and the tenant(s) will be billed proportionately by the percentage of the total space that is occupied. The percentage of unoccupied space will remain unallocated and the cost will be paid solely by the City.

RECOMMENDATION

The City Commission: 1) award the bid to Oasis Landscape Service, Incorporated for grounds maintenance at the Gainesville Empowerment Center in the amount of \$55, 650; and 2) authorize the City Manager to execute the contract and any related documents, subject to approval by the City Attorney as to form and legality.

[140204_Bid Recommendation_20140821.pdf](#)

[130814.](#)**Update on the “Empowerment Center” Project (B)**

The purpose of this item is to provide an update to the City Commission on the status of the “Empowerment Center” project.

ESTIMATED STAFF PRESENTATION 15 MINUTES

Modification - Revised and Additional back-up

Explanation: This item supports the City Commission Strategic Initiative 3.1: Continue

Implementation of the 10 Year Plan to End Homelessness.

Nearly ten years ago, the City of Gainesville (City) and the Alachua County Board of County Commissioners (County) began a mission to establish a One Stop Homeless Assistance Center (OSHAC). The establishment of an OSHAC was a major objective in the Ten Year Plan to End Homelessness. In recent months, several major milestones have been achieved while working to accomplish that mission.

On November 19, 2013, the City purchased the former Gainesville Correctional Institute (GCI) complex and an additional 95 acres of conservation land from the State for \$1.3 million. Construction and renovation work has been underway since December on the campus to prepare for a service provider to administer and implement homeless services. Although the complex has yet to be officially named, it is commonly being referred to as the "Empowerment Center."

The Empowerment Center (Center) is a long term project, and there are no other resources allocated from the City or the County for the full development of the Center. The City and County included requests in their State Legislative packet for funds to fully develop the Kitchen and make repairs to the roofs on the remaining dormitories. In addition, the City requested similar funding for the Center from the federal government in the City's Federal Legislative Agenda packet.

On February 4, 2014, the County Commission discussed funding for Homeless Services and their future commitment for funding homeless services at the Center. In addition, the County requested that a governance structure be added to the Joint City and County meeting agenda for March.

On February 6, 2014, the City Commission approved an agreement with the Alachua County Coalition for the Homeless and Hungry (ACCHH) to administer and implement homeless services at the Empowerment Center. The purchase of the Center provides the City and County an opportunity to create an adaptive reuse project that will serve as a best practice model for Human Services in Florida. The development of the Center is a long term project and will require the City and County to continue standing firm in their commitment to the development and planning for human services at the site.

The agreement with ACCHH calls for a yearly allocation of \$308,000 for the services with the intent that one-half be provided by the City and one-half by the County; the agreement acknowledges that funding is subject to annual allocations from the governing bodies. We are in the first year of a three year agreement; if the City or the County does not appropriate money to fund the agreement, the City can terminate the agreement with no less than 24 hours notice to ACCHH. The City and County Commissions have agreed in concept to fund the amount of \$308,000 for the first year of the agreement, and subsequent years are subject to annual budget appropriations by the City and the County.

On March 24, 2014, at a joint meeting of the City and County Commissions, staff received direction to develop an Interlocal Agreement between the City and County to establish a 5 member Governance Board comprised of 2 City Commissioners, 2 County Commissioners, and a 5th member chosen by the other members.

On June 19, 2014, the City Commission approved a draft Interlocal Agreement which was provided to County staff for submission to the County Commission. The draft Interlocal agreement included a three year commitment of funding subject to appropriation, by both the City and the County. In late July, County staff requested amendments to the agreement, including reducing the funding commitment to one year, which are outlined in Attachment A.

In June, the Commission also directed staff to negotiate an amendment to the License Agreement with the ACCHH for the use and rental of the medical building. This amendment is to be brought back to the City Commission for final approval. City staff is still negotiating this with the ACCHH. Additionally, the City granted a request from ACCHH for a 90 day extension on indoor shelter services; this was contingent upon outdoor shelter services under the pavilion starting by June 26, 2014. Per the original agreement, indoor shelter services were due to start on July 1, 2014. With the extension, the indoor shelter services are due to start on or before October 1, 2014.

Since May 5, 2014, ACCHH has been steadily increasing the services provided to the Homeless at the Center including breakfast and dinner meal service, mail services, lending library services, storage, shower services, restroom services, outdoor shelter services and a host of other social services. The number of individuals utilizing these services has been increasing as documented by reports and data submitted by ACCHH (see attachment B). An unintended consequence of good services has been the camping alongside and on City property as well as on the adjacent properties.

The City continues its renovation and construction activities on the facility. The Kitchen area is now completed with the exception of the purchase of the equipment. The State Legislature approved \$300,000 for kitchen equipment, roof repairs and painting for the Center. The Department of Children and Family Services was given the task of negotiating and executing an agreement with the City for the utilization of these state funds. With the exception of Dormitory D, the city is nearly completed with all the renovations and construction activities as outlined in the license agreement with ACCHH. City staff continues to work with ACCHH on the planning and development of the Laundry room and the Kitchen in regards to equipment.

ACCHH has made significant progress managing and coordinating services for the homeless at the Center. Generally speaking, the homeless community has begun to utilize the services at the Center.

While services at the Center have increased, the community discussion on the status of the Ten Year Plan to End Homelessness must begin in order to determine what progress has been made to date, and what services are needed for the future.

Fiscal Note: This is the first year of a three year agreement between the City and ACCHH for the management, coordination and implementation of services. The total amount of the first year agreement is \$308,000. The Interlocal Agreement between the City and County which affirms the intent to jointly fund this project is pending. The Interlocal Agreement clearly states that any and all future funding by either entity is subject to annual budget appropriations from the Gainesville City Commission and the Alachua County Board of County Commissioners.

The City has already allocated over \$1 million dollars in renovation and construction funds to prepare the campus for homeless services.

RECOMMENDATION

The City Commission: 1) hear an update from staff on the status of the Empowerment Center project; 2) hear an update from ACCHH on services and activities at the Empowerment Center; and 3) provide direction to staff on the Interlocal Agreement with the Alachua County Board of County Commissioners.

Legislative History

3/24/14	City Commission	Approved, as shown above
6/5/14	City Commission	Approved, as shown above - See Motion(s)
6/19/14	City Commission	Approved as Amended

[130814A Forum Summary Report 20140324.pdf](#)

[130814B Governance Structure Suggestions 20140324.pdf](#)

[130814C Staff Presentation 20140324.pdf](#)

[130814A Empowerment Center Project PPT 20140605.pdf](#)

[130814B MOD Budget Update 20140605.pdf](#)

[130814 MOD GRACE 20140605.pdf](#)

[130814 Interlocal Agmt with County 20140619.pdf](#)

[130814A County Interlocal Amendments 20140821.pdf](#)

[130814B ACCHH July Update 20140821.pdf](#)

[130814C MOD PPT from ACCHH 20140821.pdf](#)

[130814A Draft Interlocal Agmt with County 20140825.pdf](#)

[130814B Edited Interlocal Agmt from County 20140825.pdf](#)

[130814C Outline of County Edits 20140825.pdf](#)

[130814D ACCHH Update 20140825.pdf](#)

[130814E Empowerment Center PPT 20140825.pdf](#)

[140040.](#)**Telephone Town Hall Meeting (B)**

This is a request to schedule a Telephone Town Hall Meeting on October 8, 2014 and provides staff recommendations on specific parameters of holding a Telephone Town Hall Meeting.

ESTIMATED STAFF PRESENTATION 10 MINUTES

Explanation: As part of the City of Gainesville FY 15/16 Biennial Budget Calendar, the City Commission approved dates for a series of public meetings to gather feedback from residents on the City's strategic priorities. The first Town Hall Meeting was held on February 10, 2014 at the Senior Recreation Center and approximately 70 residents attended. To reach out to a greater number of residents, a Town Hall Meeting was scheduled to be conducted over the phone.

On May 1, 2014, the City Commission heard a presentation on Telephone Town Hall meetings and gave staff direction to come back with a set of recommendations on how a meeting should be conducted in Gainesville. A Telephone Town Hall meeting was scheduled for August 13, 2014 and staff developed a set of recommendations for the Commission to consider.

On June 19, 2014 the Telephone Town Hall item was continued until a later meeting and the City Commission directed staff to reschedule the Telephone Town Hall Meeting. The proposed date for the rescheduled Town Hall Meeting is October 8, 2014.

Fiscal Note: The cost of a Telephone Town Hall meeting is approximately \$4,500 for a one-hour call and is available in the FY2015 Operating Budget.

RECOMMENDATION

The City Commission: 1) receive a presentation from staff with specific recommendations for holding a Telephone Town Hall; 2) provide direction to the City Manager on the preferred logistics of a Telephone Town Hall for the City of Gainesville; and 3) direct the Clerk of the Commission to reschedule the Telephone Town Hall Meeting on October 8, 2014.

Legislative History

6/19/14	City Commission	Continued
7/17/14	City Commission	Approved as Recommended

[140040 Telephone Town Hall Ppt 20140619.pdf](#)

[140040 Telephone Town Hall Ppt 20140821.pdf](#)

GENERAL MANAGER FOR UTILITIES

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**[130769.](#)**Synthetic Drug Ordinance Proposal (B)**

This item requests that the City Commission consider the creation of a City ordinance to prohibit the possession with intent to sale, display for sale, or manufacture of synthetic drugs in Gainesville; to assist in combating the rise in the sale and use of dangerous synthetic substances, to include substances commonly known as “spice” and “bath salts”. **ESTIMATED ORAL STAFF PRESENTATION 10 MINUTES**

Explanation: Synthetic drugs are commonly marketed for sale to young adults and teenagers as a safe legal alternative to marijuana or other controlled substances and the City of Gainesville, along with other cities nationwide, has seen a significant increase in the availability and use of synthetic drugs and substances by young adults and teenagers.

Synthetic cannabinoids, bath salts, and other dangerous chemicals commonly referred to generically as synthetic drugs, and “spice”, are being added by producers and manufacturers to products in an effort to mimic the effects of illegal drugs when ingested into the human body.

Due to the manner in which these substances are marketed, the manufacture or production of synthetic drugs is not regulated by the Federal Drug Administration. Due to the absence of FDA testing and regulation, the long term health effects of synthetic drug products are unknown, have not undergone human clinical testing, and their manufacturing and production process has no regulatory oversight.

According to the American Association of Poison Control Centers, exposure to, or ingestion of synthetic drugs resulted in 2,906 emergency medical calls in 2010; 6,969 calls in 2011; and 1,901 calls in the first three months of 2012 to poison control centers across the US.

At the May 7, 2014 PSC meeting Attorney Shannon MacGillis from the HIDTA (High Intensity Drug Trafficking Area) Office in Jacksonville explained to the Public Safety Committee types of synthetic drugs. The

contents of the package are uncertain and continually changing so the HIDTA encourages Florida cities to regulate the packaging as a first step to regulate the sale of these drugs through State Statute 499.033. The new regulations would be geared for the sellers, not the users.

HIDTA made adjustments to a proposed ordinance that was distributed to the Committee on May 7 and sent it to the City. The City Attorney's Office has reviewed the proposed ordinance and has drafted an ordinance for consideration to include a phrase regarding possession and use of the drugs.

At the July 28, 2014 PSC meeting Assistant City Attorney Lee Libby stated the recommendation from the City Attorney's Office is that the City create a Synthetic Drug Ordinance with civil penalties of up to a \$1,000 fine per package of synthetic drugs on scene and a possible lien on the property where the drugs are being sold.

Fiscal Note: The City would have to provide funds for the expert analysis of seized substances and to hire expert witnesses to testify at hearings regarding the particular substances. Reimbursement of these funds would be sought from the defendant at the time of sentencing if found to have committed the violation.

RECOMMENDATION

The City Commission: 1) direct the City Attorney to finalize the draft ordinance regulating Synthetic Drugs, 2) direct the Clerk of the Commission to advertise an ordinance regulating the sale of these drugs; and 3) remove this item from the Public Safety Committee's Referral List.

Legislative History

4/3/14	City Commission	Approved as Recommended
5/7/14	Public Safety Committee	Discussed
7/28/14	Public Safety Committee	Discussed

[130769_HillsboroughCo_SyntheticDrugOrd_20140403](#)

[130769a_SYNTHETIC ORDINANCE DRAFT_20140728](#)

[130769b_AlternativeSpiceOrdinanceOption_20140728](#)

[130769_SYNTHETIC ORDINANCE DRAFT_20140821](#)

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**[140240.](#)**Celebrate Job Corps 50th Week - August 18 - 22, 2014 (B)****RECOMMENDATION**

Gainesville Job Corp Center Acting Center Director Conney Whitehead, Community Relations Council President Gwendolyn Love and Work Base Learning Coordinator Delphine Jackson to accept the proclamation.

[140240_JobCorps_20140821.pdf](#)**CITIZEN COMMENT (to end at a time certain of 6:30pm or at such later time as allows for 30 minutes of citizen comment)****PUBLIC HEARINGS****RESOLUTIONS- ROLL CALL REQUIRED**[140100.](#)**ACCEPTANCE OF ANTICIPATED US DEPARTMENT OF TRANSPORTATION FAA AIP GRANT NO. 3-12-0028-037-2014 IN THE AMOUNT OF \$1,019,840 (B)**

Resolution No. 140100

A Resolution of the City of Gainesville, Florida, accepting FAA AIP Grant No. 3-12-0028-037-2014 from the U.S. Department of Transportation, Federal Aviation Administration, and authorizing execution by the Mayor and the Clerk of the Commission on behalf of the City of Gainesville; and providing an immediate effective date.

Modification - Revised language and back-up

Explanation: Since the agenda item was submitted, the FAA has approved an increase in the grant amount to include additional landscaping work. The FAA grant amount has been increased from \$1,019,840 to \$1,055,750.

The Gainesville-Alachua County Regional Airport Authority (GACRAA) anticipates an offer from the U.S. Department of Transportation, Federal Aviation Administration (FAA) for AIP Grant No. 3-12-0028-037-2014 in an amount up to \$1,055,750.00, for the following projects at Gainesville Regional Airport: 1) Rehabilitation of the Terminal Entrance and Loop Road system; 2) Design of Commercial Apron expansion (approximately 57,200 square feet), sealcoat for the Commercial Apron (approximately 25,000 square yards), and crack fill the General Aviation Pavement (approximately 35,800 square feet); and 3) Preliminary design for the rehabilitation and improvement of the Airfield Drainage System.

Because the City of Gainesville retains title to the land upon which Gainesville Regional Airport operates, the City of Gainesville, in addition to the GACRAA, must formally accept all federal grant offers. The GACRAA on July 24, 2014, adopted Resolution No. 14-014, which accepted and authorized execution of the anticipated grant offer.

RECOMMENDATION

The City Commission: (1) hear a presentation; and (2) adopt the resolution and authorize the Mayor and City Attorney to execute said Grant Agreement and the City Clerk to certify said Grant Agreement.

[140100A_City Resolution_20140821.pdf](#)

[140100B_GACRAA Resolution_20140821.pdf](#)

[140100C_Assurances_20140821.pdf](#)

[140100D_GACRAA Application_20140821.pdf](#)

[140100E_GACRAA Letter to City_20140821.pdf](#)

[140100A_MOD_20140821.pdf](#)

[140100D_MOD_20140821.pdf](#)

[140100E_MOD_20140821.pdf](#)

[130083](#)

RESOLUTION AUTHORIZING SPECIAL MAGISTRATE(S) AND TERMINATING AUTHORITY OF THE CODE ENFORCEMENT BOARD AND TERMINATING CURRENT TERMS OF THE CODE ENFORCEMENT BOARD MEMBERS (B)

Resolution No. 130083

A Resolution of the City of Gainesville, Florida authorizing special magistrate(s) to conduct code enforcement proceedings related to violations of the City of Gainesville Code of Ordinances; terminating the authority of the code enforcement board; terminating the current terms of the code enforcement board members; providing a repealing clause, and providing effective dates.

Explanation: On August 1, 2013, the City Commission adopted Ordinance No.

121102 which amended Chapter 2, Article V., Division 8 of the City Code of Ordinances to allow Special Magistrate(s) to conduct Code Enforcement proceedings in lieu of an appointed Code Enforcement Board. Per Section 2-376 of the City Code, the "board and special magistrate would not exercise such powers concurrently, but rather the City Commission would by resolution adopted from time to time, specify whether the board or the special magistrate is authorized to exercise such powers." On August 1, 2013, the City Commission adopted Resolution No. 130082 authorizing the Code Enforcement Board to conduct quasi-judicial proceedings.

Since that time, City staff has issued a Request for Proposals and, on this agenda, is recommending the City Commission approve the ranking and authorize the negotiation and execution of a contract(s) with Special Magistrate(s). This Resolution authorizes any Special Magistrate(s) under contract with the City to conduct Code Enforcement proceedings to exercise all authority under the City Code and State Law commencing on October 1, 2014. In addition, this Resolution terminates the authority of the Code Enforcement Board and the current terms of all members of the Board on September 30, 2014.

RECOMMENDATION The City Commission adopt the proposed Resolution.

[130083_draft resolution_20140821.pdf](#)

[130721.](#)

RESOLUTION AMENDING RULES OF THE CITY COMMISSION TO CREATE TWO NEW STANDING COMMITTEES (B)

RESOLUTION NO. 130721

A RESOLUTION AMENDING AND RESTATING IN ITS ENTIRETY THE RULES OF THE CITY COMMISSION IN ORDER TO CREATE A LEGISLATIVE AND ORGANIZATIONAL POLICY COMMITTEE, CREATE A GENERAL POLICY COMMITTEE AND CLARIFY COMMITTEE REQUIREMENTS; PROVIDING A REPEALING CLAUSE AND PROVIDING AN EFFECTIVE DATE.

Explanation: The City Commission, at its July 17, 2014 Regular Meeting, directed the City Attorney to prepare an amendment to the Rules of the City Commission creating a standing "Legislative and Organizational Policy Committee" and a standing committee comprised of the entire City Commission which is referred to in this Resolution as the Standing "General Policy Committee."

RECOMMENDATION The City Commission adopt the proposed Resolution.

Legislative History

2/20/14	City Commission	Referred to the Audit, Finance and Legislative Committee
3/31/14	Audit, Finance and Legislative Committee	Retained in Committee
5/8/14	Audit, Finance and Legislative Committee	Continued
7/1/14	Audit, Finance and Legislative Committee	Approved as Recommended
7/17/14	City Commission	Approved as Amended

[130721- Memo to AF&L Committee dated 5-13-14 Possible Re-Institution of P&130721 draft resolution 20140821.pdf](#)

TRANSMITTAL HEARING - ROLL CALL REQUIRED

[130791.](#)

LAND USE CHANGE - GENERALLY LOCATED ON THE NORTH SIDE OF THE 2800 BLOCK OF SE HAWTHORNE ROAD (B)

Ordinance No. 130791; Petition No. PB-14-11 LUC

An ordinance amending the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of approximately 31.7 acres of property generally located on the north side of the 2800 block of SE Hawthorne Road, as more specifically described in this ordinance, from Alachua County Commercial (COMM) to City of Gainesville Conservation (CON); 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 land use change from Alachua County Commercial to City of Gainesville Conservation pertains to an approximately 31.7-acre property that was voluntarily annexed into the City in December 2013. It is located south of Cone Park and is on the north side of Hawthorne Road (State Road 20) and is to the northeast of the intersection of Hawthorne Road and SE 27th Avenue. The City acquired this property (and other adjacent parcels) in October 2012 as part of the Wild Spaces Public Places land acquisitions. The property is undeveloped, within the Plan East Gainesville area, and contains the convergence of Lake Forest Creek tributaries and degraded but remnant flatwoods and forested wetlands. Benefits of this property include increased green-space and passive recreation on the east side of Gainesville. Maintaining a forested ecosystem in this area sustains improved water

quality in Lake Forest Creek (which runs through Fred Cone Park, the subject property, and ultimately to Newnan's Lake) by allowing the natural system to filter upland runoff. The City acquired the property for the purposes of conservation and passive recreation that are compatible with the protection of natural resources.

This petition/ordinance is related to Petition PB-14-12 ZON/Ordinance No. 130792, which rezones the property from Alachua County Retail Sales and Service (BR) district to City of Gainesville Conservation district.

After public notice was published in the Gainesville Sun on February 11, 2014, the City Plan Board held a public hearing on February 27, 2014, and recommended approval of this petition by a vote of 4-0.

CITY ATTORNEY MEMORANDUM

Section 163.3184, Florida Statutes, sets forth the procedure for amending the Comprehensive Plan. The first hearing is the transmittal stage and must be advertised at least seven (7) days prior to the hearing. The second hearing is the adoption stage and must be advertised at least five (5) days prior to the hearing. Within ten (10) working days after the first hearing, the City must transmit the amendment to the reviewing agencies and to any other local government or state agency that has filed a written request for same. These agencies have 30 days after receipt of the amendment to forward comments to the City. The City must consider any written comments received during the second hearing. If adopted on second reading, the City will forward the amendment within ten (10) working days to the state land planning agency and any party that submitted written comments.

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 not timely challenged, this amendment shall become effective 31 days after the state land planning agency notifies the City that the amendment package is complete. If timely challenged, this amendment shall become effective when the state land planning agency or the Administration Commission issues a final order determining that this amendment is in compliance with Chapter 163, Florida Statutes. No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before this amendment has become effective.

RECOMMENDATION

The City Commission: (1) approve Petition PB-14-11 LUC and (2) adopt the proposed ordinance.

[130791B_Staff report_20140821.pdf](#)
[130791C_Append A_Comprehensive Plan GOP's_20140821.pdf](#)
[130791D_Append B_Supplemental Docs_20140821.pdf](#)
[130791E_Append C_Application_20140821.pdf](#)
[130791F_CPB minutes_20140821.pdf](#)
[130791G_staff ppt_20180821.pdf](#)
[130791A_draft ordinance_20140821.pdf](#)

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

[130792.](#)

REZONING - GENERALLY LOCATED ON THE NORTH SIDE OF THE 2800 BLOCK OF SE HAWTHORNE ROAD (B)

Ordinance No. 130792; Petition No. PB-14-12 ZON
An ordinance amending the Zoning Map Atlas of the City of Gainesville, Florida, by rezoning approximately 31.7 acres of property generally located on the north side of the 2800 block of SE Hawthorne Road, as more specifically described in this ordinance, from Alachua County Retail Sales and Services (BR) district to City of Gainesville Conservation (CON) district; 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 rezoning from Alachua County Retail Sales and Services (BR) district to the City of Gainesville Conservation (CON) district pertains to an approximately 31.7-acre property that was voluntarily annexed into the City in December 2013. It is located south of Cone Park and is on the north side of Hawthorne Road (State Road 20) and is to the northeast of the intersection of Hawthorne Road and SE 27th Avenue. The City acquired this property (and other adjacent parcels) in October 2012 as part of the Wild Spaces Public Places land acquisitions. The property is undeveloped, within the Plan East Gainesville area, and contains the convergence of Lake Forest Creek tributaries and degraded but remnant flatwoods and forested wetlands. Benefits of this property include increased green-space and passive recreation on the east side of Gainesville. Maintaining a forested ecosystem in this area sustains improved water quality in Lake Forest Creek (which runs through Fred Cone Park, the subject property, and ultimately to Newnan's Lake) by allowing the natural system to filter upland runoff.

This petition/ordinance is related to Petition PB-14-11 LUC/Ordinance No. 130791, which amends the City of Gainesville Future Land Use Map from Alachua County Commercial to City of Gainesville Conservation.

The proposed rezoning to Conservation district is consistent with the City's Comprehensive Plan and will implement the related Conservation land use.

After public notice was published in the Gainesville Sun on February 11, 2014, the City Plan Board held a public hearing on February 27, 2014, and recommended approval of this petition by a vote of 4-0.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings. This ordinance shall become effective immediately upon adoption; however, the rezoning implemented by this ordinance shall become effective when the amendment to the City of Gainesville Comprehensive Plan adopted by Ordinance No. 130791 becomes effective as provided therein.

RECOMMENDATION *The City Commission (1) approve Petition PB-14-12 ZON and (2) adopt the proposed ordinance.*

[130792B Staff report 20140821.pdf](#)

[130792C Append A Comprehensive GOPs 20180821.pdf](#)

[130792D Append B Supplemental Docs 20140821.pdf](#)

[130792E Append C Application 20140821 .pdf](#)

[130792F CPB minutes 20140821.pdf](#)

[130792G staff ppt 20140821.pdf](#)

[130792A draft ordinance 20140821.pdf](#)

TRANSMITTAL HEARING - ROLL CALL REQUIRED

[130793.](#)

LAND USE CHANGE - GENERALLY LOCATED NORTHWEST OF MORNINGSIDE NATURE CENTER IN THE 2800 BLOCK OF NE 11TH PLACE (B)

Ordinance No. 130793; Petition No. PB-14-13 LUC

An ordinance amending the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of approximately 40.2 acres of property generally located northwest of Morningside Nature Center in the 2800 block of NE 11th Place, as more specifically described in this ordinance, from Alachua County Low Density Residential to City of Gainesville Conservation (CON); 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 land use change from Alachua County Low Density Residential (1-4 DU/acre) to City of Gainesville Conservation (CON) pertains to approximately 40.2-acres of property that was voluntarily annexed into the City in December 2013. The City acquired this property in April 2012 as part of the Wild Spaces Public Places land acquisitions. The property is undeveloped, within the Plan East Gainesville area, and is located north of the Professional Academies Magnet at Loften W. Travis High School, east of Taccachale, east of the original Cedar Grove single-family neighborhood, and northwest of the City's Morningside Nature Center. Publicly owned, undeveloped and wooded lands are to the east and north of the property. The property is landlocked with the exception of the adjacent cul-de-sac of NE 11th Place at the eastern edge of the Cedar Grove neighborhood.

The City acquired the property for the purposes of conservation and passive recreation compatible with the protection of natural resources. There is a potential for trails through dry areas and/or boardwalks over wet areas to provide public access and recreation. Acquisition of the property contributes to the protection of wildlife and water quality at the City's Morningside Nature Center. The property expands Morningside Nature Center and together with the new State Forest lands just north of Morningside Nature Center, will be jointly managed for conservation and appropriate public use. This property is therefore functionally connected to Morningside Nature Center and to a network of undeveloped land that extends east to Newnan's Lake and south to Payne's Prairie.

This petition/ordinance is related to Petition PB-14-14 ZON/Ordinance No. 130794, which rezones the property from Alachua County Single Family, Low Density district to City of Gainesville Conservation (CON) district.

After public notice was published in the Gainesville Sun on February 11, 2014, the City Plan Board held a public hearing on February 27, 2014, and recommended approval of this petition by a vote of 4-0.

CITY ATTORNEY MEMORANDUM

Section 163.3184, Florida Statutes, sets forth the procedure for amending the Comprehensive Plan. The first hearing is the transmittal stage and must be advertised at least seven (7) days prior to the hearing. The second hearing is the adoption stage and must be advertised at least five (5) days prior to the hearing. Within ten (10) working days after the first hearing, the City must transmit the amendment to the reviewing agencies and to any other local government or state agency that has filed a written request for same. These agencies have 30 days after receipt of the amendment to forward comments to the City. The City must consider any written comments received during the second hearing. If adopted on second reading, the City will forward the amendment within ten (10) working days to the state land planning agency and any party that submitted written comments.

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 not timely challenged, this amendment shall become effective 31 days after the state land planning agency notifies the City that the amendment package is complete. If timely challenged, this amendment shall become effective when the state land planning agency or the Administration Commission issues a final order determining that this amendment is in compliance with Chapter 163, Florida Statutes. No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before this amendment has become effective.

RECOMMENDATION *The City Commission: (1) approve Petition PB-14-13 LUC and (2) adopt the proposed ordinance.*

[130793B_Staff report_20140821.pdf](#)

[130793C_Append A Comprehensive Plan GOPs_20180821.pdf](#)

[130793D_Append B Supplemental Docs_20180821.pdf](#)

[130793E_Appnd C Application_20180821.pdf](#)

[130793F_CPB minutes_20180821.pdf](#)

[130793G_staff ppt_20140821.pdf](#)

[130793A_draft ordinance_20140821.pdf](#)

ORDINANCES, 1ST READING - ROLL CALL REQUIRED

[130794.](#)

REZONING - GENERALLY LOCATED NORTHWEST OF MORNINGSIDE NATURE CENTER IN THE 2800 BLOCK OF NE 11th PLACE (B)

Ordinance No. 130794; Petition No. PB-14-14 ZON

An ordinance amending the Zoning Map Atlas of the City of Gainesville, Florida, by rezoning approximately 40.2 acres of property generally located northwest of Morningside Nature Center in the 2800 block of NE 11th Place, as more specifically described in this ordinance, from Alachua County Single Family, Low Density (RE-1) district to City of Gainesville Conservation (CON) district; 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 rezoning from Alachua County Single Family, Low Density (RE-1)

district to the City of Gainesville Conservation (CON) district pertains to approximately 40.2-acres of property that was voluntarily annexed into the City in December 2013. The City acquired this property in April 2012 as part of the Wild Spaces Public Places land acquisitions. The property is undeveloped, within the Plan East Gainesville area, and is located north of the Professional Academies Magnet at Lofton W. Travis High School, east of Taccachale, east of the original Cedar Grove single-family neighborhood, and northwest of the City's Morningside Nature Center. Publicly owned, undeveloped and wooded lands are to the east and north of the property. The property is landlocked with the exception of the adjacent cul-de-sac of NE 11th Place at the eastern edge of the Cedar Grove neighborhood.

The City acquired the property for the purposes of conservation and passive recreation compatible with the protection of natural resources. There is a potential for trails through dry areas and/or boardwalks over wet areas to provide public access and recreation. Acquisition of the property contributes to the protection of wildlife and water quality at the City's Morningside Nature Center. The property expands Morningside Nature Center and together with the new State Forest lands just north of Morningside Nature Center, will be jointly managed for conservation and appropriate public use. This property is therefore functionally connected to Morningside Nature Center and to a network of undeveloped land that extends east to Newnan's Lake and south to Payne's Prairie.

This petition/ordinance is related to Petition PB-14-13 LUC/Ordinance No. 130793, which amends the City of Gainesville Future Land Use Map from Alachua County Low Density Residential to City of Gainesville Conservation. This rezoning to Conservation district is consistent with the City's Comprehensive Plan and will implement the related Conservation land use.

After public notice was published in the Gainesville Sun on February 11, 2014, the City Plan Board held a public hearing on February 27, 2014, and recommended approval of this petition by a vote of 4-0.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings. This ordinance shall become effective immediately upon adoption; however, the rezoning implemented by this ordinance shall become effective when the amendment to the City of Gainesville Comprehensive Plan adopted by Ordinance No. 130793 becomes effective as provided therein.

RECOMMENDATION

The City Commission (1) approve Petition PB-14-14 ZON and (2) adopt the proposed ordinance.

[130794B Staff report 20140821.pdf](#)
[130794C Append A Comprehensive Plan GOPs 20140821.pdf](#)
[130794D Append B Supplemental Docs 20140821.pdf](#)
[130794E Append C Application 20140821.pdf](#)
[130794F CPB minutes 20140821.pdf](#)
[130794G staff ppt 20140821.pdf](#)
[130794A draft ordinance 20140821.pdf](#)

TRANSMITTAL HEARING - ROLL CALL REQUIRED

[130690.](#)

LAND USE CHANGE - GENERALLY LOCATED ON THE WEST SIDE OF THE 5000 BLOCK OF SW 41ST BOULEVARD (FRED BEAR DRIVE) (B)

Ordinance No. 130690; Petition No. PB-13-124 LUC

An ordinance amending the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of approximately 11.42 acres of property generally located on the west side of the 5000 block of SW 41st Boulevard (Fred Bear Drive), as more specifically described in this ordinance, from Alachua County Heavy Industrial to City of Gainesville Business Industrial (BI); 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 approximately 11.42-acre property was voluntarily annexed into the City on November 4, 2013, by Ordinance No. 130243. The subject property is three parcels situated on the west side of the 5000 block of SW 41st Boulevard. The majority of the site is developed and in service as a waste transfer facility operated by the WCA Waste Corporation. This petition/ordinance will change the property's land use category from Alachua County Heavy Industrial to City of Gainesville Business Industrial (BI) and will allow the continued use of the site as a waste transfer station with the associated parking and fleet vehicle service facilities. This petition/ordinance is related to Petition PB-13-125 ZON/Ordinance No. 130691, which will rezone the property from Alachua County Industrial services and manufacturing (MS) and Planned development (PD) to City of Gainesville Business Industrial (BI).

After public notice was published in the Gainesville Sun on January 7, 2014, the City Plan Board held a public hearing on January 23, 2014, and recommended approval of this petition by a vote of 6-0.

CITY ATTORNEY MEMORANDUM

Section 163.3184, Florida Statutes, sets forth the procedure for amending the Comprehensive Plan. The first hearing is the transmittal stage and must be advertised at least seven (7) days prior to the hearing. The second hearing is the adoption stage and must be advertised at least five (5) days prior to the hearing. Within ten (10) working days after the first hearing, the City must transmit the amendment to the reviewing agencies and to any other local government or state agency that has filed a written request for same. These agencies have 30 days after receipt of the amendment to forward comments to the City. The City must consider any written comments received during the second hearing. If adopted on second reading, the City will forward the amendment within ten (10) working days to the state land planning agency and any party that submitted written comments.

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 not timely challenged, this amendment shall become effective 31 days after the state land planning agency notifies the City that the amendment package is complete. If timely challenged, this amendment shall become effective when the state land planning agency or the Administration Commission issues a final order determining that this amendment is in compliance with Chapter 163, Florida Statutes. No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before this amendment has become effective.

RECOMMENDATION *The City Commission: (1) approve Petition PB-13-124 LUC and (2) adopt the proposed ordinance.*

[130690B Staff report 20140821.pdf](#)

[130690C Append A Comprehensive Plan GOPs 20140821.pdf](#)

[130690D Append B 20140821.pdf](#)

[130690E Append C 20140821.pdf](#)

[130690F CPB minutes 20140821.pdf](#)

[130690G staff ppt 20140821.pdf](#)

[130690A draft ordinance 20140821.pdf](#)

ORDINANCES, 1ST READING - ROLL CALL REQUIRED

[130691.](#)

REZONING - GENERALLY LOCATED ON THE WEST SIDE OF THE 5000 BLOCK OF SW 41ST BOULEVARD (FRED BEAR DRIVE) (B)

Ordinance No. 130691; Petition No. PB-13-125 ZON
An ordinance amending the Zoning Map Atlas of the City of Gainesville, Florida, by rezoning approximately 11.42 acres of property generally located on the west side of the 5000 block of SW 41st Boulevard (Fred Bear Drive), as more specifically described in this ordinance, from the Alachua County zoning districts of Industrial Services and Manufacturing (MS) and Planned Development (PD) to the City of Gainesville Business Industrial (BI) zoning district; 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 approximately 11.42-acre property was voluntarily annexed into the City on November 4, 2013, by Ordinance No. 130243. The subject property is three parcels situated on the west side of the 5000 block of SW 41st Boulevard. The majority of the site is developed and in service as a waste transfer facility operated by the WCA Waste Corporation. This rezoning from Alachua County Industrial Services and Manufacturing (MS) and Planned Development (PD) districts to City of Gainesville Business Industrial (BI) district will implement the related land use change (Petition PB-13-124 LUC/Ordinance No. 130690) and will allow the continued use of the site as a waste transfer station with the associated parking and fleet vehicle service facilities.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings. This ordinance shall become effective immediately upon adoption; however, the rezoning implemented by this ordinance shall become effective when the amendment to the City of Gainesville Comprehensive Plan adopted by Ordinance No. 130690 becomes effective as provided therein.

RECOMMENDATION

The City Commission (1) approve Petition PB-13-125 ZON and (2) adopt the proposed ordinance.

[130691B Staff report 20140821 \(1\).pdf](#)

[130691C Append A Comprehensive Plan GOPs 20140821.pdf](#)

[130691D Append B Supplemental Docs 20140821.pdf](#)

[130691E Append C Application 20140821.pdf](#)

[130691F CPB minutes 20140821.pdf](#)

[130691G staff ppt 20140821.pdf](#)

[130691A draft ordinance 20140821.pdf](#)

[140130.](#)**TEXT CHANGE - EXCLUDING SIMULATED GAMBLING ESTABLISHMENTS FROM LIST OF PERMITTED USES IN ALL APPLICABLE ZONING DISTRICTS (B)**

Ordinance No. 140130; Petition No. PB-14-63 TCH

An ordinance of the City of Gainesville, Florida, amending the Land Development Code to prohibit the operation of simulated gambling establishments, as defined in this ordinance, throughout Gainesville by excluding such use from the list of permitted uses in all zoning districts that otherwise allow amusement and recreation services; by adding new definitions to Section 30-23 Definitions; by amending the list of permitted uses in Sections 30-61. General business district (BUS), 30-62. Automotive-oriented business district (BA), 30-63. Tourist-oriented business district (BT), 30-64. Mixed use low intensity district (MU-1), 30-65. Mixed use medium intensity district (MU-2), 30-65.1. Urban mixed-use district 1 (UMU-1), 30-65.2. Urban mixed-use district 2 (UMU-2), 30-66. Central city district (CCD), 30-67.1. Business industrial district (BI), 30-68. Warehousing and wholesaling district (W), 30-69. Limited industrial district (I-1), 30-70. General industrial district (I-2), 30-75. Public services and operations district (PS); providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: On January 16, 2014, the City Commission approved a temporary moratorium to immediately prohibit the filing, acceptance, or processing of any permit, development order, or any other official action of the City having the effect of permitting or allowing the construction or operation of any simulated gambling establishments (commonly referred to as "internet cafes") within city limits. The City Commission on June 5, 2014, effectuated the moratorium by adopting Ordinance No. 130633, which placed the moratorium into effect until September 18, 2014.

This ordinance will prohibit the operation of simulated gambling establishments, as defined in this ordinance, throughout Gainesville by excluding that use from the list of permitted uses in all zoning districts that otherwise allow "amusement and recreation services." The Gainesville Police Department recommends the prohibition as necessary to preserve the public peace and to safeguard the health, safety, morals and welfare of the community and citizens thereof. Simulated gambling establishments are inherently deceptive and allow users to take part in activities as if they were engaging in gambling activities prohibited by Florida law. It is well documented that gambling can lead to harmful behavior and is often an addictive activity that has an unreasonable adverse effect upon persons that are statistically at risk for gambling addictions and other similar compulsive behaviors. There is also a direct relationship between simulated gambling establishments and disturbances of the peace and good order of the community. Finally, state law (as most recently clarified by the Florida Legislature in 2013) makes simulated gambling establishments unlawful in the State of

Florida. However, enforcement of these state laws by local authorities occurs "after-the-fact" (i.e., after the opening and operation of such establishments) and is often difficult and costly given that a local government cannot readily determine, absent a law enforcement investigation and clear understanding of the state gambling laws, whether such an operation is lawful. Therefore, this ordinance will serve a valid public purpose, will operate in harmony with state law, and will provide the City with a clear and proactive mechanism for prohibiting these establishments.

After public notice was published in the Gainesville Sun on June 19, 2014, the City Plan Board held a public hearing on June 26, 2014, and recommended approval of the petition by a vote of 6-0.

CITY ATTORNEY MEMORANDUM

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

RECOMMENDATION The City Commission: (1) approve Petition No. PB-14-63 TCH and (2) adopt the proposed ordinance.

[140130B_staff report_20140821.pdf](#)

[140130C_Exh A-1_Ordinance - Draft_20140821.pdf](#)

[140130D_Exh A-2_Ord 130633_20140821.pdf](#)

[140130E_Exh B-1_Application_20140821.pdf](#)

[140130F_CPB minutes_20140821.pdf](#)

[140130G_staff ppt_20140821.pdf](#)

[140130A_draft ordinance_20140821.pdf](#)

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

[130912.](#)

APPENDIX A - SCHEDULE OF FEES, RATES & CHARGES - RELATING TO CEMETARY FEES & PARKS, RECREATION & CULTURAL AFFAIRS FEES (B)

Ordinance No. 130912

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 cemetery and parks, recreation and cultural affairs facilities and events; amending sections 18-17 and 18-23 of Chapter 18, Article II, Park regulation of the Code of Ordinances related to registration fees for youth programs and surcharges; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: PARKS, RECREATION & CULTURAL AFFAIRS DEPARTMENT STAFF REPORT

Parks, Recreation and Cultural Affairs is a department that evolved through a series of mergers over the years to create and provide consistent services and programs to our citizens. The Nature Operations Division first merged with the Parks and Recreation Department then the Cultural Affairs Division merged with the Park and Recreation Department to create what is now the Parks, Recreation and Cultural Affairs Department. With that said, there are areas that staff is addressing to establish greater consistency throughout the department. The process for approving fees, fee increases and establishing fees for programs and events is one of these areas.

In working with the City Budget and Finance Office, it was recommended that all departmental fees and charges be included in the biennial ordinance adopted by the City Commission every two years. This past adoption in 2013 did this for the very first time. As with anything new or a change in operation such as including the fee structure in the ordinance, it requires early evaluation and revisions to make certain quality service is achieved. The revisions to the fee ordinance are being recommended to provide greater clarification for staff and the public and to provide overall better service.

The revisions to the Cemetery fees represents contracts with Tacachale and Alachua County for indigent burial services consistent with the existing contractual commitments.

The rental damage fee for centers is needed to create greater consistency throughout the department for damage deposits required when renting facilities such as the Thomas Center.

In instances where Recreation fees are being adjusted, revised, or text added or removed in a fee title, these are cases where changes occurred during the time period the ordinance was being prepared and when it was actually adopted or are requested to better clarify and describe the fee itself. Some revisions are operational changes being requested after the 2013 summer season to provide overall better service to our customers.

The revisions for festival ticket prices and t-shirts sales address changes that will simplify the collection of the fee at an entrance gate or a sales booth such as at the Hoggetowne Medieval Faire where the need to make change hampers the ability to quickly process customers at the entrance gates. In these cases, some fees were rounded up to the nearest dollar and some were rounded down to nearest dollar. In all cases as this, the changes reflect a consistent method that offset each other still yielding the same amount of revenue or greater perhaps. These changes were recommended by the City's Finance personnel who worked the event in the recent past.

Thomas Center fees were added when staff realized these were not included in the ordinance originally.

Lastly, the department has always had the ability to provide reduced rates for early registrations, small incentive discounts for signing up early, etc. These are business incentives designed primarily for youth programs to encourage early registrations. The department requests permission to continue to promote early discount incentives similar to what has occurred in the past.

CITY ATTORNEY MEMORANDUM

If the City Commission approves changes to the fees, then this ordinance requires two hearings and will become effective immediately upon adoption; however, the new fees, rates and charges are not applicable to reservations of parks, recreational or cultural facilities, if the reservation was booked prior to the effective date of this ordinance.

RECOMMENDATION *The City Commission: (1) approve the fee changes and (2) adopt the proposed ordinance.*

Legislative History

7/17/14 City Commission Adopted on First Reading and Approved the Recommendations

[130912A_draft ordinance_20140717.pdf](#)

[130862.](#)

REZONING - UNIVERSITY TOWNE CENTER PLANNED DEVELOPMENT (B)

Ordinance No. 130862; Petition PB-14-21 PDA

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning approximately 18.5 acres of certain property known as University Towne Center Planned Development that is located in the vicinity of the 3100 block of SW 34th Street, as more specifically described in this ordinance, from Alachua County Planned Unit Development (PUD) to City of Gainesville Planned Development District (PD); adopting PD maps, a PD report, and development conditions; providing for enforcement; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

This ordinance rezones approximately 18.5 acres of property known as the University Towne Center Planned Development, located in the vicinity of the 3100 block of SW 34th Street, from an Alachua County zoning district to City of Gainesville Planned Development District (PD). The subject property was rezoned by Alachua County in 1999 and was then annexed into the City by referendum in 2002.

This rezoning was initiated by the property owner/developer for the primary purpose of allowing signage that is consistent with the City of Gainesville sign code, with one exception. In other words, this ordinance will allow the University Towne Center PD to have signage consistent with the sign code and similarly situated developments, but will also allow the PD to have certain signage that developments of this size do not qualify for under the sign code. Specifically, this ordinance will allow the University Towne Center PD, which is a maximum size of 155,000 square feet of floor area, to have "directional signs" to an extent that the sign code only allows for developments larger than 300,000 square feet of floor area. The Plan Board expressed concern about equity issues that may arise from establishing sign conditions for a PD that exceed the allowances of the City's sign code, but ultimately was amenable given that the Land Development Code does permit PDs to propose a unified signage plan if the PD does not intend to use the City's sign code.

After public notice was published in the Gainesville Sun on March 11, 2014, the City Plan Board held a public hearing on March 27, 2014, and by a vote of 5-0 recommended approval of the petition with certain revisions. The City Commission held a public hearing on May 1, 2014, and by a vote of 7-0 approved the petition with the recommended revisions.

CITY ATTORNEY MEMORANDUM

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

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

5/1/14 City Commission Approved (Petition), as amended

[130862A_Staff report_20140501.pdf](#)

[130862B_Exh A_PD Amendment_20140501.pdf](#)

[130862C_Exh B_Supplemental documents-20140501.pdf](#)

[130862D_Exh C_Application_neighborhood workshop_20140501.pdf](#)

[130862E_CPB minutes draft_20140501.pdf](#)

[130862F_staff ppt_20140501.pdf](#)

[130862_Bracken letter_20140501.pdf](#)

[130862_MOD presentation Univ Towne Center_20140501.pdf](#)

[130862A_draft ordinance_20140807.pdf](#)

[130862B_staff ppt_20140807.pdf](#)

[120516](#)

NET METERING PROGRAM (B)

Ordinance No. 120516

An ordinance of the City of Gainesville, Florida, amending the Code of Ordinances relating to net metering for the electric utility; by amending section 27-21 by creating new and amended definitions; by creating a new section 27-37 titled "Net-metering"; by amending Appendix A, Schedule of Fees, Rates and Charges, to establish administrative fees for net-metering customers; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: On October 4, 2012, the City Commission referred the issue of the solar feed-in-tariff to the Regional Utilities Committee (the "RUC"). The RUC discussed solar programs, including net metering, at its meetings on February 19, 2013, and April 17, 2013. The RUC chairperson requested staff bring a recommendation (regarding the net metering program) with alternatives to the City Commission.

At its meeting on August 1, 2013, the City Commission heard a presentation from GRU staff and authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance modifying the net metering program consistent with the Florida Public Service Commission's net metering model. After first reading on August 7, 2014, staff discovered a typographical error in the date in Section 7 of the ordinance. This Section has been revised on Second Reading to reflect the correct date of December 1, 2014.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

8/1/13 City Commission Assigned to the Regional Utilities Committee

[120516 draft ordinance 20140807.pdf](#)

[120516 revised draft ordinance 20140821.pdf](#)

130582.**ELECTRIC SYSTEM FUEL ADJUSTMENT (B)**

Ordinance No. 130582

An ordinance of the City of Gainesville, Florida, amending the Code of Ordinances relating to fuel and purchased power expenses for the city's electric utility by creating new definitions and amending existing definitions in section 27-21; amending the formula used to calculate the monthly electric system fuel and purchased power adjustment and establishing a range for the fuel levelization fund balance, all in section 27-28; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: On June 24, 2013, the Regional Utilities Committee heard a presentation from GRU staff and held a public discussion regarding the

fuel adjustment and associated levelization balance policies. At its meetings on July 18, 2013, and September 19, 2013, the City Commission discussed fuel adjustment levelization policies and the fund balance. At its meeting on January 16, 2014, staff made a presentation to the City Commission on proposed changes to sections 27-21 and 27-28 of the Code of Ordinances and, by a vote of 7-0, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise revisions to the code of ordinances as recommended by staff.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

12/19/13	City Commission	Continued
1/16/14	City Commission	Approved as Recommended

[130582 FA Ordinance Revision Presentation20140116](#)

[130582_draft ordinance_20140807.pdf](#)

PLAN BOARD PETITIONS

[140029.](#)

Amend land use category from Public and Institutional Facilities (PF) to Urban Mixed-Use 2 (B)

Petition PB-14-55 LUC. Eng, Denman & Associates, Inc., agent for Gainesville Community Redevelopment Agency. Amend the City of Gainesville Future Land Use Map from Public and Institutional Facilities (PF) to Urban Mixed-Use 2 (UMU-2: 10 to 100 units per acre; and up to 25 additional units per acre by special use permit). Located west of SE 6th Terrace between SE 4th Avenue and SE 5th Avenue, and west of SE 7th Street between SE 5th Avenue and SE 7th Avenue. Related to PB-14-54 ZON. **ESTIMATED STAFF PRESENTATION 10 MINUTES**

Explanation: This proposed land use change is a small-scale amendment of the Future Land Use Map that pertains to an approximately 7.74-acre, City-owned, developed property that was previously used for Gainesville Regional Utilities operations. It is located west of SE 6th Terrace between SE 4th Avenue and SE 5th Avenue, and west of SE 7th Street between SE 5th Avenue and SE 7th Avenue. The property is on the south edge of downtown Gainesville, four blocks south of East University Avenue and approximately five blocks east of South Main Street. This petition is related to Petition PB-14-54 ZON, which proposes rezoning from Public services and operations district (PS) to UMU-2: 10 to 100 units per acre, and up to 25 additional units per acre by special use permit, urban mixed-use district.

The existing Public and Institutional Facilities (PF) land use limits the

use of the property to administrative, operational, and utility governmental functions; private utilities; cemeteries; and public-private partnerships or other legal arrangements where the land title is vested in a government and the use(s) serve a public purpose. The existing PF land use severely limits the redevelopment potential of this property. The proposed Urban Mixed-Use 2 land use allows a mixture of residential, retail, service and office/research uses, and, if approved, will greatly increase the potential for redevelopment of this property. An essential component of the UMU-2 land use category is orientation of structures to the street and multi-modal character of the area. Retail and office uses must be scaled to fit the character of the area. The maximum building height allowed by UMU-2 is six stories and up to 8 stories by special use permit.

The property is within the Downtown Community Redevelopment Area (CRA) and within the Power District. The Power District includes City-owned property that is generally bounded by SE 4th Avenue on the north, South Main Street on the west, Depot Park and the former RTS fleet maintenance and operations facility on the south, and SE 4th and SE 7th Streets on the east. The CRA Board in December 2013 approved the Power District Redevelopment Plan. This redevelopment plan consists of a general master plan (street and block layout), public works standards, building design standards, and development controls. These development controls include a six-story height limit and a 3-story height limit with a step back for areas that face adjacent residential areas.

Although not part of this land use petition, a separate petition (Petition PB-14-53 TCH that is related to related zoning Petition PB-14-54 ZON) proposes a six-story height limit within the Power District. That petition also proposes, for Power District areas that are adjacent to residentially zoned properties, a three-story height limit at the build-to line, and a 15-foot step back for each subsequent building story.

The proposed small-scale amendment to Urban Mixed-Use 2 is consistent with the City's Comprehensive Plan. The proposed small-scale amendment to Urban Mixed-Use 2 change provides the best land use category for the Power District Redevelopment Plan, and it will greatly increase the potential for redevelopment of the property.

Public notice was published in the Gainesville Sun on May 6, 2014. The City Plan Board held a public hearing on May 22, 2014, and voted 3-2 to approve the petition with the exclusion of the contiguous area south of the McRorie Community Garden to SE 5th Avenue.

Fiscal Note: None.

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition PB-14-55 LUC with the exclusion of the contiguous area south of the McRorie Community Garden to SE 5th Avenue. The Plan Board voted 3-2.

Staff to City Commission - The City Commission approve Petition PB-14-55 LUC as originally proposed.

Staff to City Plan Board - Staff recommends approval of Petition PB-14-55 LUC.

[140029A Staff report 20140821.pdf](#)

[140029B Append A Comp Plan GOPs Exhibit A1 20140821.pdf](#)

[140029C Append B Supplemental Docs Exh B1 B6 20140821.pdf](#)

[140029D Append C Application Exh C-1 20140821.pdf](#)

[140029E Revised Exhibit C-1 20140821.pdf](#)

[140029F CPB minutes draft 20140821.pdf](#)

[140029G Staff PPT 20140821.pdf](#)

[140030.](#)

Rezone from Public services and operations district (PS) to UMU-2: 10 to 100 units per acre, and up to 25 additional units per acre by special use permit, urban mixed-use district (B)

Petition PB-14-54 ZON. Eng, Denman & Associates, Inc., agent for Gainesville Community Redevelopment Agency. Rezone property from Public services and operations district (PS) to UMU-2: 10 to 100 units per acre, and up to 25 additional units per acre by special use permit, urban mixed-use district. Located west of SE 6th Terrace between SE 4th Avenue and SE 5th Avenue, and west of SE 7th Street between SE 5th Avenue and SE 7th Avenue. Related to PB-14-55 LUC & PB-14-53 TCH. **ESTIMATED STAFF PRESENTATION 6 MINUTES**

Explanation: This approximately 7.74-acre, City-owned, developed property was previously used for Gainesville Regional Utilities operations. It is located west of SE 6th Terrace between SE 4th Avenue and SE 5th Avenue, and west of SE 7th Street between SE 5th Avenue and SE 7th Avenue. The property is on the south edge of downtown Gainesville, four blocks south of East University Avenue and approximately five blocks east of South Main Street. This petition is related to Petition PB-14-55 LUC, which proposes a land use change from Public and Institutional Facilities (PF) to Urban Mixed-Use 2 (UMU-2: 10 to 100 units per acre; and up to 25 additional units per acre by special use permit). This petition is also related to Petition PB-14-53 TCH, which proposes text changes to the UMU-2 zoning district that include new proposed Figure 1.3 - District Boundary Map, Figure 2.3 - Street Types and Figure 3.1 - Height Limits, for the Power District.

The existing Public services and operations district (PS) zoning is primarily for utilities, recreation, and public facilities. The existing PS

zoning therefore severely limits the redevelopment potential of this property. The proposed Urban Mixed-Use 2 (UMU-2: 10 to 100 units per acre; and up to 25 additional units per acre by special use permit) mixed-use district zoning allows a mixture of residential, retail, service and office/research uses, and, if approved will greatly increase the potential for redevelopment of this property. An essential component of the UMU-2 zoning district is orientation of structures to the street and multi-modal character of the area. Retail and office uses must be scaled to fit the character of the area. The maximum building height allowed by UMU-2 is six stories and up to 8 stories by special use permit.

The property is within the Downtown Community Redevelopment Area (CRA) and within the Power District. The Power District includes City-owned property that is generally bounded by SE 4th Avenue on the north, South Main Street on the west, Depot Park and the former RTS fleet maintenance and operations facility on the south, and SE 4th and SE 7th Streets on the east. The CRA Board in December 2013 approved the Power District Redevelopment Plan. This redevelopment plan consists of a general master plan (street and block layout), public works standards, building design standards, and development controls. These development controls include a six-story height limit and a 3-story height limit with a step back for areas that face adjacent residential areas.

Related Petition PB-14-53 TCH proposes a six-story height limit within the Power District. That petition also proposes, for Power District areas that are adjacent to residentially zoned properties, a three-story height limit at the build-to line, and a 15-foot step back for each subsequent building story.

The proposed rezoning to UMU-2 is consistent with the City's Comprehensive Plan redevelopment goals. The proposed rezoning to UMU-2 provides the best zoning category to implement the Power District Redevelopment Plan, and it will greatly increase the potential for redevelopment of the property.

Public notice was published in the Gainesville Sun on May 6, 2014. The City Plan Board held a public hearing on May 22, 2014, and voted 3-2 to approve the petition with the exclusion of the contiguous area south of the McRorie Community Garden to SE 5th Avenue.

Fiscal Note: None.

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition PB-14-54 ZON with the exclusion of the contiguous area south of the McRorie Community Garden to SE 5th Avenue.

The Plan Board voted 3-2.

Staff to City Commission - The City Commission approve Petition PB-14-54 ZON. Staff to City Plan

Board - Staff recommends approval of Petition
PB-14-54 ZON.

[140030A Staff report 20140821.pdf](#)

[140030B Append A Comp Plan GOPs Exh A1 20140821.pdf](#)

[140030C Append B Supplemental Docs Exh B1 B6 20140821.pdf](#)

[140030D Append C Application Exh C1 20140821.pdf](#)

[140030E Revised Exhibit C-1 20140821.pdf](#)

[140030F CPB minutes draft 20140821.pdf](#)

[140030G Staff PPT 20140821.pdf](#)

[140030 Power District CRA Rezoning Presentation 2014-08-21.pdf](#)

[140031.](#)

Amend the Land Development Code Section 30-65.2 Urban mixed-use district 2 (UMU-2) to add new proposed Figures for the Power District (B)

Petition PB-14-53 TCH. Eng, Denman & Associates, Inc., agent for Gainesville Community Redevelopment Agency. Amend the Land Development Code Section 30-65.2 Urban mixed-use district 2 (UMU-2) to add new proposed Figure 1.3 - District Boundary Map, Figure 2.3 - Street Types and Figure 3.1 -Height Limits, for the Power District. Related to PB-14-54 ZON. **ESTIMATED STAFF PRESENTATION 4 MINUTES**

Modification - Additional presentation

Explanation: This petition amends Land Development Code Section 30-65.2, Urban mixed-use district 2 (UMU-2) by adding new proposed Figure 1.3 District Boundary Map - Power District, Figure 2.3 - Street Types - Power District, and Figure 3.1 - Height Limits - Power District. This petition also amends the dimensional requirements for the Power District within Section 30-65.2, Urban mixed-use district 2 (UMU-2).

This petition is related to Petition PB-14-54 ZON, which proposes rezoning of an approximately 7.74-acre, City-owned, developed property previously used for Gainesville Regional Utilities operations and located on the south edge of downtown Gainesville, west of SE 6th Terrace between SE 4th Avenue and SE 5th Avenue, and west of SE 7th Street between SE 5th Avenue and SE 7th Avenue. The proposed rezoning is from Public services and operations district (PS) to UMU-2: 10 to 100 units per acre, and up to 25 additional units per acre by special use permit, urban mixed-use district. The 7.74-acre property is the first property within the Power District that is being rezoned to UMU-2. This property is the sole area within the UMU-2 district that will be affected by Figures 1.3, 2.3 and 3.1. Any future rezonings to UMU-2 within the Power District would require revision of these Figures by an ordinance amending the Land Development Code.

The Power District is City-owned property that is generally bounded by SE 4th Avenue on the north, South Main Street on the west, Depot Park and the former RTS fleet maintenance and operations facility on the south, and SE 4th and SE 7th Streets on the east. The CRA Board in December 2013 approved the Power District Redevelopment Plan. This redevelopment plan consists of a general master plan (street and block layout), public works standards, building design standards, and development controls. These development controls include a six-story height limit. Areas adjacent to residentially zoned properties are limited to a maximum of three building stories at the build-to line and a 15-foot step back for each subsequent story. The related, proposed UMU-2 zoning will, if approved, help implement this redevelopment plan. The subject Petition PB-14-53 TCH is needed to modify the UMU-2 zoning district so that it best fits the Power District.

The three Figures proposed by this petition are needed to best implement the UMU-2 rezoning of this 7.74-acre within the Power District.

The proposed Power District building height limits of six stories and of three stories (three-story maximum building height at the build-to line with a step back for areas adjacent to residential areas that are outside of the Power District) are shown in the backup and are further described in the proposed text revision to Sec. 30-65.2 (d). These proposed height limits are consistent with the Power District Redevelopment Plan and are needed for compatibility with adjacent residential areas.

The proposed Storefront Street Type is appropriate for the Power District. The Storefront Street requirements, within Sec. 30-65.2 (e) Public realm requirements of the UMU-2 zoning district, include a 20-foot build-to line (measured from back of curb to face of building).

Public notice was published in the Gainesville Sun on May 6, 2014. The City Plan Board held a public hearing on May 22, 2014, and voted 3-2 to approve the petition with the exclusion of the contiguous area south of the McRorie Community Garden to SE 5th Avenue.

Fiscal Note: None.

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition PB-14-53 TCH and that it conform with the Plan Board motions for Petitions PB-14-55 LUC and PB-14-54 ZON (which excludes the contiguous area south of the McRorie Community Garden to SE 5th Avenue).

The Plan Board voted 3-2.

Staff to City Commission - The City Commission approve Petition PB-14-53 TCH.

Staff to City Plan Board - Staff recommends approval of Petition PB-14-53 TCH.

[140031A_Staff report_20140807.pdf](#)

[140031B_Append A_Application_Exh A1-20140807.pdf](#)

[140031C_Append B_Supplemental Docs_Exh B1_B4_20140807.pdf](#)

[140031D_CPB minutes draft_20140807.pdf](#)

[140031E_staff ppt_20140807.pdf](#)

[140031A_Staff Report_20140821.pdf](#)

[140031B_Append A_Application_Exh A1_20140821.pdf](#)

[140031C_Append B_Supplemental Exh B1_B4_20140821.pdf](#)

[140031D_CPB minutes draft_20140821.pdf](#)

[140031E_Staff Ppt_20140821.pdf](#)

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

[140069.](#)

Presentation and Adoption of the Ten-Year Regional Transit System (RTS) Transit Development Plan (TDP) for FY2015-2024 (B)

This item is a request for the City Commission to hear a presentation and adopt the Ten-Year Regional Transit System (RTS) Transit Development Plan (TDP) for FY2015-2024. **ESTIMATED STAFF PRESENTATION 30 MINUTES**

Explanation: The Florida Department of Transportation (FDOT) requires that a transit system update and submit a ten-year Transit Development Plan (TDP) by September 1st of each year to maintain its eligibility for state transit block grant funds. The TDP outlines the development of transit in a community over a ten-year period with major updates to the plan occurring every five (5) years. This is a major update. The governing board of a transit system must adopt the major update to maintain eligibility for FDOT transit block grant funding. The City Commission acts as the governing board for public transit in the Gainesville urban area.

A copy of the ten-year RTS TDP for FY2015-2024 is on file with the Clerk of the Commission.

Fiscal Note: During fiscal year 2013, the City of Gainesville received \$1,747,550 in FDOT transit block grant funds.

RECOMMENDATION

The City Commission: 1) hear the presentation on the Ten-Year Regional Transit System (RTS) Transit Development Plan (TDP); and 2) adopt the Ten-Year Regional Transit System (RTS) Transit Development Plan (TDP) for FY2015-2024.

[140069A_Presentation_20140821.pdf](#)

[140069B_Plan_20140821.pdf](#)

[140233.](#)

Contract for Executive Search Services (B)

Explanation: When vacancies occur in high level utility positions, Human Resources staff often relies upon the expertise of an executive search firm to assist in recruiting quality applicants on a national level. A firm with knowledge and experience with utility positions helps to identify potential candidates that are well suited to the unique requirements for these positions, creating a greater pool of highly qualified candidates. As the utility workforce ages, competition of high quality utility applicants is expected to increase over time. In addition to enabling GRU to successfully recruit and hire applicants, an established contract for executive search services will expedite the hiring process for high level positions while offering better pricing through a multi-year term contract.

A Request for Proposals (RFP) was issued by GRU Purchasing for a three-year contract for executive search services. The RFP was sent to thirty firms, with seven responding, including one no bid. Proposals were evaluated based on the firm's qualifications and experience, expertise and personnel, methodology and responsiveness, references, cost, schedule and diversity recruiting. Mycoff, Fry & Prouse, LLC, submitted the best evaluated proposal. Mycoff, Fry & Prouse, LLC is an industry expert for electric, natural gas and water utilities. The recruitment fee for executive level positions is \$55,000 and \$65,000 for a general manager position, excluding travel and expenses. The contract may also be used for hiring other City positions on an as needed basis. A tabulation of the scoring is attached for your reference.

Fiscal Note: Funds for these services are available in the FY 2014 GRU budget and will be requested in future fiscal years, subject to final appropriation of funds for each year of the contract.

RECOMMENDATION

The City Commission: 1) authorize the General Manager, or her designee, to negotiate and execute a three-year contract with Mycoff, Fry & Prouse, LLC for executive search services for utility positions, subject to the approval of the City Attorney as to form and legality; and 2) approve the issuance of purchase orders to Mycoff, Fry & Prouse, LLC in amounts not exceeding budgeted amounts for these services for each year of the contract, subject to final appropriation of funds for each year of the contract.

[140233_Exec_Search_Firm_Bid_Tab_2014.08.21](#)

UNFINISHED BUSINESS

COMMISSION COMMENT

CITIZEN COMMENT (If time available)

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