

City of Gainesville

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



Meeting Agenda - Final

June 5, 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

Prophet George Young

CONSENT AGENDA

CITY MANAGER, CONSENT AGENDA ITEMS

[130921.](#)

8th Supplemental Agreement to the Agreement for Professional Design Services for Depot Avenue Corridor Project (B)

This item is a request for the City Commission to approve the supplemental agreement, and any related documents, for Comprehensive Engineering Services, Inc. for Professional Design Services for the Depot Avenue Roadway Project.

Explanation: On April 26, 2006, the City Commission authorized contract negotiations with Comprehensive Engineering Services (CES) for Professional Design Services for the Depot Avenue Transportation Corridor Project. CES has completed design work for Segment 2 and is currently finalizing plans for Segment 4 of the corridor. This supplemental agreement is necessary to implement the increase in the scope of services to include post design services for Segment 2 and lighting design for Segments 2 and 4; the addition of a sub-consultant, 3E Consultants, Inc. is also included.

Fiscal Note: Funding in the amount of \$211,523.88 is allocated and identified from the Depot Avenue Corridor Project funds.

RECOMMENDATION

The City Commission: 1) authorize the City

Manager to execute the Eighth Supplemental Agreement to the contract for Design Services for the Depot Ave Corridor Project, subject to approval by the City Attorney as to form and legality; 2) authorize the City Manager to issue a modified purchase order in an amount not to exceed \$1,856,957.98, which represents the total of the Design and Post Design Services Contract with Comprehensive Engineering Services, Inc.

[130921_Agreement_20140515.PDF](#)

[130921_Agreement_20140605.PDF](#)

[130980.](#)

Ranking for Design Services for Fire Station 1 (B)

This item is a request for the City Commission to approve the ranking of firms for design services for construction of Fire Station 1 on South Main Street.

Explanation: On April 30, 2014, the fire department bid evaluation team for Design Services for Fire Station 1 received oral presentations for RFQ GFRX-11400032-FB. After evaluating qualifications, the evaluators ranked the firms as follows:

1. Bentley Architects & Engineers
2. Brame Heck Architects
3. Architect Design Group

Fiscal Note: Funding is available through the City of Gainesville's FY13-FY17 Capital Improvement Plan.

RECOMMENDATION

The City Commission: 1) accept the selection of the three most qualified firms in the order of ranking; 2) authorize the City Manager or designee to initiate contract negotiations with the No. 1 ranked firm, and if necessary, continue down the list until a successful contract is negotiated or the list exhausted; 3) execute a contract for professional services in accordance with Consultants Competitive Negotiation Act (CCNA); and 4) 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.

[130980_Recommendation of Bid Fire Station 1 Design_20140605.pdf](#)

[130982.](#)

Application for Disability Retirement for Angie V. Bush (B)

Retirement application for Angie V. Bush, Clerk II, Budget & Finance Department for 18.75 years, who has been under the care of a physician for medical reasons.

Explanation: A meeting of the Disability Review Committee was conducted on Thursday, May 8, 2014 to review the application for disability retirement of Angie V. Bush. In reviewing the application and supporting information from her physicians, it is the recommendation of the Disability Review Committee that the City Commission approve the application.

Angie Bush, Clerk II in the City's Budget & Finance Department for 18.75 years, has been under the care of a physician for medical reasons. Information provided to the Committee from her physicians and the City of Gainesville's third party administrator, American General Life Companies, states that Ms. Bush is totally disabled and wholly and continuously unable to perform any and every duty of her employment or of a position to which she may be assigned.

Fiscal Note: The current monthly salary, final average earnings of the employee's 36 highest consecutive months of earnings, and the estimated benefit for this employee has been determined to be: current monthly salary - \$00.00; final average monthly earnings - \$2,511.47; final monthly benefit - \$941.80 (Social Security offset and General Pension Benefit have yet to be determined). These benefits shall become effective retroactively to March 13, 2014, date employee left employment, upon the City Commission's approval and would be paid from the Disability Pension Fund.

RECOMMENDATION

The City Commission approve the submitted application for disability retirement for Angie V. Bush, Clerk II, Budget & Finance Department.

[130982_BushSupport Documents_20140605.pdf](#)

[130985.](#)

Strategic Plan Quarterly Report - 2nd 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 2nd 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 second 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
2nd quarter of FY 2014.

[130985 FY2014Q2 Report 20140605.pdf](#)

[130986.](#)

HVAC Renovation for the Traffic Management Center (B)

This item is to award the competitive bid contract to Shine and Company, Inc. for the renovation of the existing HVAC system and the installation of a Data Center UPS system to allow uninterrupted power for the critical operation of the Traffic Management Center.

Explanation: The Traffic Management Center doubles as the Emergency Operations Center for Public Works, therefore it is important to have an immediate transfer of power from the backup generator to the Emergency Operations Center. The current system is not fast enough to meet the system requirements.

To remedy the problem, Public Works issued an invitation to bid for renovations to the existing HVAC system and the installation of a Data Center UPS system.

Two bidders responded but the low bidder, Climate Control, requested to withdraw its bid prior to award because the electrical subcontractor did not provide the UPS system as specified in the bid documents. The City's purchasing policy permits a withdrawal of bids "by reason of a nonjudgmental mistake . . . but only to the extent it is not contrary to the interest of the City or the fair treatment of other bidders." The mistake was a nonjudgmental error. Public Works has verified the second low bidder, Shine and Company, Inc., is a responsible and responsive bidder. Therefore, withdrawal of the bid should be permitted and the City should award the bid to the second low bidder, Shine and Company, Inc.

Fiscal Note: Funding for this project in the amount of \$132,000 is available in various Traffic Management Center funding sources.

RECOMMENDATION

The City Commission: 1) permit withdrawal of Climate Control's bid; and 2) award the bid to Shine and Company, Inc. for the HVAC Renovation for the Traffic Management Center; and 3) authorize the City Manager to execute the contract and any necessary documents, subject to approval by the City Attorney as to form and legality.

[130986 BidTab 20140605.pdf](#)

[140002.](#)**Edward Byrne Memorial Justice Assistance Grant (JAG) Program
FY2014 Formula Program: Local Solicitation (B)**

This is a request for City Commission approval to accept and execute a Edward Byrne Memorial Justice Assistance Grant.

Explanation: The Edward Byrne Memorial Justice Assistance Grant (JAG) is a direct award based on JAG formula (violent crime and population). The JAG Program funds are provided to a unit of local government that performs law enforcement functions. A funding disparity exists when both a county and a municipality within that county qualify for a direct award, yet the award amount for the municipality exceeds 150% of the county's award amount. The Gainesville Police Department (GPD) and the Alachua County Sheriff's Office must apply together producing a single award. The application must be submitted together along with a joint Memorandum of Understanding (MOU). These funds will be used to support operational teams and activities that work directly with the reduction of violent crimes.

Fiscal Note: Of the \$112,087 total, \$67,546 is a direct award to GPD.

RECOMMENDATION

The City Commission: 1) authorize the City Manager to accept and execute the grant award and any other necessary documents, subject to approval by the City Attorney as to form and legality; 2) approve the expenditures as outlined in the approved grant award; and 3) authorize the execution of the MOU between the City and the County.

[140002A_Memorandum of Understanding_20140605.pdf](#)

[140002B_Byrne Direct Funding_20140605.pdf](#)

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS**CITY ATTORNEY, CONSENT AGENDA ITEMS**[130990.](#)**PATSY LEGETTE VS. CITY OF GAINESVILLE; EIGHTH
JUDICIAL CIRCUIT, CASE NO. 2014-CA-1040 (B)**

Explanation: On May 12, 2014, the City was served with a Summons and Complaint filed by Patsy Legette in the Circuit Court. Patsy Legette alleges that on or about May 31, 2011, she tripped and fell on a tree root between the sidewalk and roadway near the Passage Family Church, located at 2020 NE 15th Street, Gainesville, Florida. Patsy Legette claims to have suffered severe bodily injury resulting in pain and suffering, disfigurement and/or permanent scarring, inconvenience, disability, physical impairment, mental impairment, mental anguish, expensive medical treatment, loss of diminished earning capacity, loss for the

enjoyment of life, and aggravation of any previously existing condition. Ms. Legette seeks money damages in excess of \$15,000.00.

RECOMMENDATION

The City Commission authorize the City Attorney to represent the City in the case styled Patsy Legette vs. City of Gainesville; Eighth Judicial Circuit, Case No. 2014-CA-1040.

[130990_Patsy Legette Consent_20140605.pdf](#)

[130991.](#)

RALPH MCKNIGHT AND DIANE MCKNIGHT, HIS WIFE VS. CITY OF GAINESVILLE; EIGHTH JUDICIAL CIRCUIT, CASE NO. 2014-CA-1164 (B)

Explanation: On May 14, 2014, the City was served with a Summons and Complaint filed by Ralph and Diane McKnight in the Circuit Court. Ralph McKnight alleges that on or about July 6, 2011, he tripped and fell on a tree root between the sidewalk and roadway near the Passage Family Church, located at 2020 NE 15th Street, Gainesville, Florida. Ralph McKnight claims to have suffered severe bodily injury resulting in pain and suffering, disfigurement and/or permanent scarring, inconvenience, disability, physical impairment, mental impairment, mental anguish, expensive medical treatment, loss of diminished earning capacity, loss for the enjoyment of life, and aggravation of any previously existing condition. Plaintiff Diane McKnight has filed a loss of consortium claim. Mr. McKnight seeks money damages in excess of \$15,000.00.

RECOMMENDATION

The City Commission authorize the City Attorney to represent the City in the case styled Ralph McKnight and Diane McKnight, his wife vs. City of Gainesville; Eighth Judicial Circuit, Case No. 2014-CA-1164.

[130991_Ralph and Diane McKnight Consent_20140605.pdf](#)

[140004.](#)

BARBARA SAPP AND JAMES SAPP, HER HUSBAND VS. CITY OF GAINESVILLE AND SCHOOL BOARD OF ALACHUA COUNTY; EIGHTH JUDICIAL CIRCUIT, CASE NO. 2014-CA-1704 (B)

Explanation: On May 19, 2014, the City was served with a Summons and Complaint filed by Barbara and James Sapp in the Circuit Court. Barbara Sapp alleges that on or about November 2, 2012, she tripped and fell on a manhole cover at Citizens Field, located at 1400 NE 8th Avenue, Gainesville, Florida. Barbara Sapp claims to have suffered permanent loss of an important bodily function and/or permanent injury with a reasonable degree of medical probability and/or significant or permanent scarring or disfigurement and/or the aggravation of pre-existing conditions, pain, mental anguish, inconvenience, loss of the capacity for

the enjoyment of life, physical handicap and lost earnings. Plaintiff James Sapp has filed a loss of consortium claim. Ms. Sapp seeks money damages in excess of \$15,000.00.

RECOMMENDATION

The City Commission authorize the City Attorney to represent the City in the case styled Barbara Sapp and James Sapp, her husband vs. City of Gainesville and School Board of Alachua County; Eighth Judicial Circuit, Case No. 2014-CA-1704.

[140004_Barbara and James Sapp Consent_20140605.pdf](#)

[140005.](#)

**PHILLIP MICHAEL JONES V. CITY OF GAINESVILLE,
FLORIDA; EIGHTH JUDICIAL CIRCUIT, CASE NO.
2013-CA-2077 (B)**

Explanation: On November 15, 2011, a City of Gainesville RTS bus struck a bench at a bus stop located in the parking lot of the Oaks Mall at 6419 West Newberry Road. Prior to the accident, the Plaintiff was sitting on the bench waiting for a bus. As the bus proceeded through the bus stop area, it collided with a concrete ash tray that was adjacent to the bench. The ash tray impacted the bench, and the Plaintiff was thrown to the ground.

Mr. Jones sought emergency medical treatment on the day of the accident, and follow-up treatment in the successive months. Multiple MRIs revealed a disk bulge related to the accident that his physician opined would necessitate future surgical intervention. To date, he has incurred medical bills in excess of \$23,000. At trial, Mr. Jones also anticipates presenting claims for lost wages, past and future pain and suffering, loss of earning capacity, and future medical expenses.

Mr. Jones served the City with this lawsuit in May 2013. Both parties engaged in discovery in preparation for trial, and participated in Court-ordered mediation on May 14, 2014. Per the application of Florida's limited waiver of sovereign immunity contained in section 768.28, Florida Statutes, the City's liability and authority to settle claims such as this is limited to \$100,000 per person, and \$200,000 per incident. At mediation, representatives for the City negotiated a settlement of all claims with Mr. Jones and his attorneys in the amount of \$49,000, subject to the approval of the City Commission of the City of Gainesville. It is the recommendation of the City Attorney's Office and the Risk Management Department that the case be settled for that amount.

RECOMMENDATION

The City Commission: 1) approve the terms of the mediated settlement; and 2) authorize the City Attorney to settle the claim of Phillip Michael Jones v. City of Gainesville, Florida; Eighth Judicial Circuit, Case No. 2013-CA-2077 on behalf of the City.

[140005_Jones Settlement_20140605.pdf](#)

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

[140009.](#)

Resignation of Dave Miller from the Public Recreation and Parks Board, David Wasserman from the Bicycle and Pedestrian Advisory Board, Maria Giddings from the City Beautification Board and John Williams from the Pension Review Committee (B)

RECOMMENDATION *The City Commission accepts the resignation of Dave Miller, David Wasserman, Maria Giddings and John Williams, effective immediately.*

[140009_Resignations_20140605.pdf](#)

[140010.](#)

Appointment to City Commission Advisory Boards and Committees (NB)

RECOMMENDATION *The City Commission appoint: Richard Schneider and Frank McGeown to the Board of Adjustment for a term to expire 11/1/2017.*

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

[130925.](#)

GRU Quarterly Financial Report (B)

RECOMMENDATION *The Audit, Finance and Legislative Committee recommends that the City Commission accept the GRU Quarterly Financial Report as of March 31, 2014.*

Legislative History

5/8/14	Audit, Finance and Legislative Committee	Approved as Recommended, as Amended
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[130925-GRU 2014 Second Quarter Financials Final.PDF](#)

[130926.](#)

Fiscal Year 2014 Operating Funds Quarterly Monitoring Report - Quarter Ending March 31, 2014 (B)

Explanation: The City's General Government Budget Policy requires staff to prepare and submit a quarterly Budget compliance report in substantially the same form as the final budget document, for all major operating funds, including the status of General Fund fund balances to the Audit, Finance and Legislative Committee.

RECOMMENDATION

The Audit, Finance and Legislative Committee recommends that the City Commission receive the quarterly budget monitoring report for the quarter ended March 31, 2014.

Legislative History

5/8/14	Audit, Finance and Legislative Committee	Approved as Recommended
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[130926-FY14 2nd Quarter Report-.pdf](#)

EQUAL OPPORTUNITY COMMITTEE, CONSENT

[130822.](#)

Search Firm Criteria and Diversity Goals (B)

Explanation: At the April 17, 2014 City Commission meeting the Commission referred item 130822 Search Firm Criteria and Diversity Goals to the Equal Opportunity Committee. The EOC met on May 13, 2014 and recommended to call a special meeting for May 20, 2014 to discuss Search Firm Criteria at which the EO Director made a report.

RECOMMENDATION

City Commission approve GG and GRU Search Firm Criteria.

Legislative History

4/17/14	City Commission	Referred to the Equal Opportunity Committee
5/20/14	Equal Opportunity Committee	Approved as Recommended

[130822a GRU Executive Search Services_20140605.pdf](#)

[130822b GG Executive Search Services_20140605.pdf](#)

REGIONAL UTILITIES COMMITTEE, CONSENT

[130775.](#)**Property Assessed Clean Energy (PACE) (NB)**

Explanation: At its December 17, 2013 meeting, the Regional Utilities Committee (RUC) requested to hear a presentation on PACE at future meeting. A citizens group of PACE advocates made a presentation to the Committee at its March 13, 2014 meeting and the Committee directed staff to gather additional information to present at a future RUC meeting. At the May 20, 2014 RUC meeting, staff updated the Committee on recent activities. They reported that a follow-up meeting is scheduled with the Alachua County Board of County Commissioners on May 27, 2014, where PACE advocates will recommend formation of an ad hoc committee to examine implementation of a commercial PACE program in Alachua County. The RUC voted to recommend to the Gainesville City Commission that General Government and GRU staff participate as members of an ad hoc committee if the County Commission votes to move forward.

Fiscal Note: None.

RECOMMENDATION

If the Alachua County Board of County Commissioners moves forward with a PACE program, the City Commission support City staff representation on any ad hoc committee created by Alachua County to explore a commercial PACE program.

[130775 Case Study - RUC 20140313](#)

[130775 Comparison PACE to non-ad assess-RUC 20140313](#)

[130775 PACE Econometric-Study-RUC 20140313](#)

[130775 What is Pace - RUC 20140313](#)

[130775 PACE Presentation 20140313](#)

[130775 PACE - County Comm Wkshop Info 20140520](#)

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS**END OF CONSENT AGENDA****ADOPTION OF THE REGULAR AGENDA****CHARTER OFFICER UPDATES****CLERK OF THE COMMISSION****CITY MANAGER**[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***

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.”

On January 12, 2014, the City of Gainesville hosted the first Visioning Session to discuss the future development of the site for other uses. Seventy-nine (79) participants attended the first Visioning Session. There were several common themes that emerged during the small group discussions at the session. Ideas to name the campus were also generated during the session. The City Commission received a full report and presentation on the Visioning session from the Visioning Session Facilitator, Ms. Debbie Mason, on April 17, 2014 (Please see Legislative Item #130869 for the full report).

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 have 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 is also requesting 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 a contract 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 Empowerment 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.

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 4 other members. The agreement will also address a variety of issues as directed by the City and County Commissions at their joint meeting on March 24th. The City Attorney has taken the lead on developing the agreement with input from City and County staff.

The original concept for the OSHAC was a stand-alone building with multiple services including shelter services. The Empowerment Center provides the opportunity to create a Human Services Campus with multiple services for the entire community. The complex consists of fifteen (15) buildings; four (4) of the fifteen (15) buildings have been designated for Homeless Services. However, eleven (11) buildings have yet to be identified for a specific use on the campus. The Center provides an opportunity for the long term development of the first Human Services Campus in Alachua County.

The contract with ACCHH calls for a yearly allocation of \$308,000 for the services; the contract acknowledges that funding is subject to annual allocations from the governing bodies. We are in the first year of a three year contract; if the City or the County decided for any reason not to fund the agreement, there is a 30 day termination clause. The City and County Commissions have approved funding in the amount of \$308,000 for the first year of the contract for the Homeless Services at the Empowerment Center. City staff will be recommending to the City Manager that funding in the amount of \$154,000 be included in the proposed budgets for FY15 and FY16 for Homeless Services at the Empowerment Center. Currently, the City and the County shared the cost of the operation of the OSHAC portion of the Center which includes meal services, case management, referral services, storage, other services deemed appropriate for the day services. Shelter Services are optional services and the provider has agreed to provide services at their cost.

Staff would like to provide an update to the City Commission on the status of the Empowerment Center project including an overview of the building renovations, budget and expenditures, Governance Board, and ACCHH agreement and activities.

RECOMMENDATION

The City Commission hear an update from staff on the status of the Empowerment Center project.

Legislative History

3/24/14 City Commission Approved, as shown above

[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](#)

[130805.](#)

Traffic Management System (B)

This item is to request authorization to purchase traffic management system equipment and service from TrafficCast, Temple, Miovision, and Rhythm Engineering. *ESTIMATED STAFF PRESENTATION 20 MINUTES*

Explanation: The Public Works Department is nearing final completion of the Traffic Management System (TMS) installation. During implementation several value engineering strategies were utilized including selection of newer, less expensive equipment and technologies and utilizing in-house staff in lieu of contractors when possible. These strategies have resulted in cost savings over estimated costs.

A component of the TMS as originally envisioned is the ability to evaluate and monitor performance of existing signal timings along corridors to ensure we are optimizing travel times. Newer technology provides real time arterial travel time systems to monitor corridor performance and adaptive traffic signal control systems. Through various methods, vehicles can now be tracked using roadway sensors with travel times reported to the traffic management system operators as well as the public.

TrafficCast is a Bluetooth based system. The TrafficCast system collects wireless Bluetooth signatures from passing vehicles. In addition, small roadway type signs would be installed to alert motorists of current travel times as detected using the TrafficCast system. These signs are distributed by Temple, Inc.

The Adaptive Traffic Signal Control (ATSC) system utilized by the TMS has the ability to collect data in real time and make adjustments to traffic signal timings using advanced algorithms. In addition to the current traffic signal vendor, Naztec, Inc, staff would like to pilot two additional ATSC systems. The InSync System from Rhythm Engineering attempts to provide two-way arterial coordination as well as minimize side street delay. Most of the complaints that the TMS receives today are regarding side street delay. The Miovision "Spectrum" system is another up and coming adaptive system that staff would like to pilot. If the testing for both pilot projects proves successful, Public Works will likely seek to expand ATSC systems to other locations in the City deemed to justify ATSC. The Rhythm Engineering system will be procured via a competitively bid state contract and the Miovision Spectrum system with

a sole source.

Fiscal Note: Funding is available from the appropriation for the Traffic Management System (TMS) in the CIRB of the 2005 Capital Project Fund, FDOT - TRIP Grant account, Campus Development funds, and 8051 and 8052 annual operating budgets in the amount of approximately \$1,500,000. Following the initial purchase at an estimated cost of \$320,000, additional items will be purchased over multiple years as equipment replacements are needed throughout the Traffic Management System.

RECOMMENDATION

The City Commission: 1) hear a presentation from staff; 2) approve the purchase of the equipment and/or services from the above vendors; and 3) authorize the City Manager to execute all necessary documents, subject to approval by the City Attorney as to form and legality.

[130805 TMS Presentation 20140605.pdf](#)

GENERAL MANAGER FOR UTILITIES

[140006.](#)

Browse and Search Web Application (NB)

The City Commission directed staff to develop a tool that allows the public to search and view emails for the members of the City Commission. This tool will be available to the public beginning May 22, 2014 for all emails collected since March 1, 2014.

Explanation: Earlier this year, the City Commission approved the publishing of City Commissioner emails on the internet. Staff developed the Browse and Search tool to give the public the ability to search emails using a variety of search options, including by Commissioner name, specific date(s), key word or by sender/recipient.

Fiscal Note: None.

RECOMMENDATION

The City Commission receive a demonstration from staff on the internet Browse and Search tool available to the public.

[130871.](#)

Financial Reserves/Debt Service Overview (B)

Explanation: The Commission requested staff provide information regarding use of the Rate Stabilization Fund (RSF), Utility Plant Improvement Fund (UPIF) and Debt Service and how these impact budget decisions. Staff has prepared a presentation to cover these subjects, and how each are used in the FY14 budget.

Fiscal Note: None.

RECOMMENDATION

The City Commission receive a presentation from staff.

Legislative History

4/17/14 City Commission Withdrawn

[130871 Financial Reserves-Debt Service Overview 2014.06.05](#)

[130871 GRU Financial Reserves-Debt Overview Presentation 2014.06.05.pptx](#)

140011.**Financial Opportunities to Mitigate Upward Rate Pressure and/or Reduce Rates (B)**

Explanation: GRU Staff has investigated several alternatives for providing utility rate reduction, many of which are related to GRU's financial transactions. Staff will present the following options with potential for rate reductions for the City Commission's consideration:

1. 1. Options for converting the index on three swap transactions to lock in or obtain savings due to currently favorable financial conditions. Collectively, these transactions have the potential to ensure savings to GRU customers of more than \$1.7 million per year; and
2. 2. A proposal to Gainesville Renewable Energy Corporation (GREC) for GRU to prepay one year of fixed charges in exchange for a discount on those charges. This option would only be executed if savings to customers are realized and the Commission approves the terms of any agreement. The magnitude of savings would be based on any negotiated discount; and
3. 3. Options for issuing new debt and/or restructuring existing debt. These options have the potential to reduce costs to customers by as much as \$18 million per year in the five year horizon, but result in higher debt service payments in years beyond the five year horizon.

Each alternative for rate reduction has some element of risk based on future financial market conditions, counterparty risk, and operating risk in some cases.

Fiscal Note: Each option presented would involve savings, some in the current fiscal year and most in future fiscal years for which budgets have not yet been adopted. The cost to pursue the short term prepay option with GREC, if they are interested, would involve expenditures of up to \$100,000. Funds are available in the current FY14 budget.

RECOMMENDATION

The City Commission receive a presentation from staff and take appropriate action.

[140011 Financial Opportunities 2014.06.05](#)

140015.**Settlement Agreement between Duke Energy Florida, Inc. (Duke)**

**and the City of Gainesville d/b/a Gainesville Regional Utilities (GRU)
for the settlement, release, and acquisition agreement regarding
ownership interest in Crystal River Unit 3 (CR3)**

*CLERK'S NOTE: IT'S ANTICIPATED THAT THE CITY COMMISSION WILL
WAIVE THE RULES TO HEAR FILE #140015 AT A TIME CERTAIN OF 7:00 PM*

Explanation: In 1975, GRU became one of eight minority Owners ("Minority Owners") in Duke's Crystal River Unit 3 nuclear power plant and has an ownership interest of 1.4079 percent. In addition to having an ownership interest in CR3, GRU was also a wholesale purchaser ("Wholesale Purchaser") with a five-year Purchase Power Agreement for 50 MW of a blend of system average power from Duke that expired December 31, 2013.

In February 2013, Duke announced its intention to retire CR3 prior to the license expiration in 2016. The eight municipal Minority Owners and seven Wholesale Purchasers selected the Florida Municipal Power Agency (FMPA) to negotiate on their behalf with Duke concerning the failed CR3 plant.

On August 1, 2013 the City Commission voted to (1) authorize the General Manager, or his designee, to pay FMPA up to a total of \$110,000 for FMPA's efforts on GRU's behalf, inclusive of all amounts already incurred and paid by GRU for the CR3 negotiations with Duke; and (2) authorize the General Manager, or his designee, to execute the Authorization for Increased FMPA Costs and Expenses, agreeing to pay up to \$110,000 to FMPA on GRU's behalf.

After more than a year of negotiations with Duke, the eight municipal minority owners and the seven Wholesale Purchasers have reached a settlement. The resulting settlement is structured as a global settlement agreement intended to resolve all disputes between the Minority Owners, Wholesale Purchasers and Duke in regard to CR3. Each of the Minority Owners and Wholesale Purchasers are seeking approval and execution of the agreement in June 2014.

Fiscal Note: Pursuant to the Settlement Agreement, the terms provide for the following: (1) \$55,000,000 lump sum cash settlement payment to Minority Owners at closing, of which \$9,560,243 will be paid to GRU; (2) Minority Owners allowed to withdraw \$429,560 of the decommissioning funds previously set aside, prior to transfer to Duke, of which \$92,757 will be refunded to GRU; (3) as of Oct 1, 2013, Minority Owners are not responsible for payment of any CR3 related Operating and Maintenance (O&M), Administrative and General (A&G), Capital, or any other CR3-related costs that would otherwise be payable pursuant to the CR3 Participation Agreement, and additionally Duke will refund monies paid subsequent to October 1, 2013, in the amount of \$1,311,402, of which \$219,000 will be refunded to GRU; (4) additional indemnities and release from obligations of undetermined long-term costs; and (5) \$8,400,000 lump sum payment for the Wholesale Purchasers at closing, of which \$618,534 will be paid to GRU. Also, as part of the settlement, all Minority Owners will transfer decommissioning funds to Duke. GRU's portion is about \$11 million as of the April 30, 2014 bank statement.

Please note, all numbers in this document are based upon information received as of May 29, 2014, as provided by FMPA.

RECOMMENDATION

The City Commission (1) authorize the System to transfer all of the City's ownership interests in CR3 to Duke; (2) find and determine that the System's transfer of all such ownership interests in CR3 to Duke will not impair the City's ability to comply during the current or any future fiscal year with the provisions of Section 710 of the City's Utilities System Bond Resolution (the "rate covenant"); (3) as permitted by the City's Utilities System Bond Resolution, authorize the application of the proceeds of the transfer of the City's ownership interests in CR3 either for (i) the acquisition of other property necessary or desirable for the safe or efficient operation of the System or (ii) deposit in the System's Utilities Plant Improvement Fund; (4) approve the draft settlement agreement and authorize the Interim General Manager, or her designee, to execute and deliver the attached settlement agreement documents to Duke with such changes thereto, as long as the settlement agreement documents are in substantially the same form, as the Interim General Manager, or such designee, shall approve as necessary or desirable and in the best interests of the City, such approval to be evidenced conclusively by the execution of such documents, and subject to the approval of the City Attorney as to form and legality; and (5) authorize the Interim General Manager, or her designee, to execute such other documents as may be necessary or desirable to proceed with the transaction authorized above, subject to the approval of the City Attorney as to form and legality, and to take such other actions as may be necessary or advisable to proceed with such transaction in accordance with this City Commission authorization.

[140015 Crystal River 3 2014.06.05](#)

[140015 - 2013 05 30 CR3 Proj 0-03 Draft CR3 Settlement Agreement Summary](#)

[140015 - CR3 \(FMPA\) - Agency Authorization Agmt \(PEF Negotiations\) Gville 20](#)

[140015 - CR3 Settlement Cash Benefits Summary 052314 - GRU 2014.06.05](#)

[140015 CR3 Acquisition Settlement Agreement 2014.06.05](#)

[140015 Crystal River Unit 3 Participation Agmt 07-31-75 - 2014.06.05](#)

[140015 Site-Specific Decommissioning Cost Estimate 2014.06.05](#)

CITY ATTORNEY

CITY AUDITOR**EQUAL OPPORTUNITY DIRECTOR****COMMITTEE REPORTS (PULLED FROM CONSENT)****RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE****PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE****PUBLIC SAFETY COMMITTEE****AUDIT, FINANCE AND LEGISLATIVE COMMITTEE****ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)****OUTSIDE AGENCIES****MEMBERS OF THE CITY COMMISSION**[140014.](#)**Mayor Ed Braddy - Emerging Needs of Gainesville's Senior Population (B)****RECOMMENDATION**

The City Commission hear a presentation from Tony Clarizio of ElderCare of Alachua County and take action deemed appropriate.

[140014_Senior Transportation Needs Presentation_20140605.pdf](#)

[140025.](#)**Mayor Ed Braddy - Committee Assignments (B)****RECOMMENDATION**

The City Commission confirm the Mayor's appointments.

[140025_committee assignments_20140605.pdf](#)

[140026.](#)**Rules of City Commission (B)****RECOMMENDATION**

The City Commission discuss the Rules of the City Commission and take appropriate action.

[140026_CityCommissionRules_20140605.pdf](#)

COMMISSION COMMENTS (if time available)**RECESS****RECONVENE****PLEDGE OF ALLEGIANCE (5:30pm)**

Bob Gasche

PROCLAMATIONS/SPECIAL RECOGNITIONS[140007.](#)**Flag Day - June 14, 2014 (B)****RECOMMENDATION***Gator Detachment of the Marine Corp League Bob Gasche to accept the proclamation.*[140007_FlagDay-20140605.pdf](#)[140008.](#)**National Missing Children's Day - May 25, 2014 (B)****RECOMMENDATION***United States Attorney's Office Gainesville Project Safe Childhood Intern Christina Faliero to accept the proclamation.*[140008_MissingChildren_20140605.pdf](#)**CITIZEN COMMENT (6:00pm)****PUBLIC HEARINGS****RESOLUTIONS- ROLL CALL REQUIRED**[130988.](#)**Resolution to Declare as Surplus and Dispose of City Owned Property (B)****Request to declare as surplus and dispose of City owned properties
-Tax Parcels #13956, #13911, #13913-001**

Explanation: These properties, known as Tax Parcels #13956, #13911, #13913-001 are located along NW 5th Avenue within the Gainesville Community Redevelopment Agency's (CRA) Fifth Avenue Pleasant Street Redevelopment Area (FAS). In August of 2013, the GCRA

agreed in principal to partner with the Gainesville Florida Housing Corporation Inc. (GFHC), the owner of the former Seminary Lane Property, to redevelop the vacant 5.9 acre site. To that end the three City owned parcels which are adjacent to the vacant Seminary Lane site offer the CRA with an opportunity to plan and develop the City owned properties along with the former Seminary Lane property.

In accordance with the Real Property Policies adopted by the City Commission on April 18, 2013 (Resolution No. 100630), this item requests the City Commission adopt a resolution finding and declaring that the properties are surplus. As defined in the Policies, surplus means "property which no longer serves a public purpose, or is in excess of the City's needs, or the sale of which would serve a greater public purpose than the retention of the property." If the Commission adopts the resolution, the Community Redevelopment Agency will develop and/or dispose of the property in a competitive manner, subject to the following conditions: the property will be redeveloped as a mixed-use development with the potential for commercial business development, and low income workforce, affordable, and market-rate housing. The disposition of this property will allow the GCRA the opportunity to develop the three parcels in combination or separately from the vacant 5.9 acre former Seminary Lane site. Subsequent to the disposition of the properties to the GCRA the GCRA will enter into an Option Agreement with the City on the parcels. Upon execution of an option the City shall remove the former Mom's Kitchen structure and remove all debris from the lot. The three parcels along with a parcel owned by the GCRA abut the vacant Seminary Lane property. The GCRA is committed to continuing the effort to improve the quality of life in our neighborhoods for the benefit of all residents; and to redevelop vacant and underused infill properties in our neighborhoods.

Fiscal Note: None

RECOMMENDATION

CRA Board to the City Commission: 1) Adopt the Resolution #130988 declaring City owned tax parcels #13956, #13911, #13913-001 as surplus property to be disposed of for redevelopment as a mixed-use development with the potential for commercial business development, and low income workforce, affordable, and market-rate housing. 2) Authorize the City Manager to negotiate and execute an Option Agreement with the GCRA.

[130988A_Resolution_20140605.pdf](#)

[130988B_Option Agreement_20140605.pdf](#)

ADOPTION READING-ROLL CALL REQUIRED

[130687.](#)

**LAND USE CHANGE - SMALL SCALE - PROPERTY
GENERALLY LOCATED AT 1233 SW 6TH STREET (B)**

Ordinance No. 130687; Petition No. PB-13-122 LUC

An ordinance amending the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of approximately 3.28 acres of property generally located at 1233 SW 6th Street, as more specifically described in this ordinance, from Industrial (IND) to Urban Mixed-Use 2 (UMU-2); 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 REPORT

This petition/ordinance is a small-scale future land use map amendment that changes the land use designation for 3.28 acres of property generally located at 1233 SW 6th Street from Industrial (IND) to Urban Mixed-Use-2 (UMU-2). The subject property is vacant and is located along a designated Central Corridor and is currently regulated by the Central Corridors Special Area Plan. This petition/ordinance is related to Ordinance No. 130689, which will change the zoning on the property from I-1 to UMU-2, and update figures in the UMU-2 zoning district section of the Land Development Code to add the subject property to the Archer Triangle area.

The purpose of the proposed land use amendment (and related rezoning) is to enable the development of a multiple-family residential complex on the property. The property is located within close proximity to the University of Florida and Innovation Square. Development on this parcel would be considered infill. The UMU-2 land use category allows up to 100 dwelling units per acre for residential development, as well as a variety of non-residential uses, which increases the viability of any development efforts on this property in the future, in accordance with the design standards of the City's Comprehensive Plan and Land Development Code. The parcel is nearby to existing public facilities (including potable water, wastewater, transit, solid waste, public roads, recreation, and public schools) that could serve the property in case of development. This may encourage further redevelopment in this core area of the city because of the proximity to the University of Florida, the Santa Fe College downtown campus, the Innovation Square area, and the downtown area.

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 the petition by a vote of 6-0.

CITY ATTORNEY MEMORANDUM

This proposed amendment to the Comprehensive Plan involves a use of 10 acres or fewer and qualifies as a small-scale development amendment. The City Commission may adopt small-scale development

amendments with a single public hearing.

Within 30 days following the City's adoption of this amendment, any affected person may file a petition with the State Division of Administrative Hearings to request a hearing to challenge the compliance of this amendment with Chapter 163, Florida Statutes. If challenged within 30 days after adoption, this amendment shall not become effective until the state land planning agency or the Administration Commission issues a final order determining that the adopted amendment is in compliance with Chapter 163, Florida Statutes. If unchallenged, this amendment shall become effective 31 days after adoption.

RECOMMENDATION *The City Commission: (1) approve Petition No. PB-13-122 LUC and (2) adopt the proposed ordinance.*

[130687A_draft ordinance_20140605.pdf](#)

[130687B_Staff report_20140605.pdf](#)

[130687C_Append A_Comp Plan GOP's_20140605.pdf](#)

[130687D_Append B_Supplemental Docs_20140605.pdf](#)

[130687E_Exh C-2_Application and Neighborhood workshop_20140605.pdf](#)

[130687F_CPB minutes_20140605.pdf](#)

[130687G_staff ppt_20140605.pdf](#)

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

[130689](#)

REZONING PROPERTY GENERALLY LOCATED AT 1233 SW 6TH STREET TO UMU-2 AND ADDING SAID PROPERTY TO THE ARCHER TRIANGLE AREA WITHIN THE UMU-2 ZONING DISTRICT (B)

Ordinance No. 130689; Petition No. PB-13-123 ZON & Petition No. PB-13-126 TCH

An ordinance amending the Zoning Map Atlas and the Land Development Code of the City of Gainesville, Florida, by rezoning approximately 3.28 acres of property generally located at 1233 SW 6th Street, as more specifically described in this ordinance, from Limited Industrial District (I-1) to Urban Mixed-Use District 2 (UMU-2); adding the approximately 3.28 acres of property to the Archer Triangle area as designated within Section 30-65.2 - Urban Mixed-Use District 2 (UMU-2) of the City of Gainesville Land Development Code by adopting the following amended figures: Figure 1.1 District Boundary Map - Archer Triangle and Figure 2.2 Street Types - Archer Triangle; 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 REPORT

This ordinance combines two petitions and rezones approximately 3.28 acres of property from Limited Industrial District (I-1) to Urban Mixed-Use District 2 (UMU-2) and adds the subject property to the Archer Triangle area as designated within the UMU-2 zoning district. The property is generally located at 1233 SW 6th Street and is currently vacant. The surrounding properties are developed with a variety of uses. The property is located along a designated Central Corridor and is currently regulated by the Central Corridors Special Area Plan. Ordinance No. 130687 is related and will amend the future land use map from Industrial to Urban Mixed-Use 2 (UMU-2) for the subject property.

This rezoning (and related land use amendment) will enable the applicant to develop a multiple-family residential complex on the property. The property is in close proximity to both the University of Florida (UF) and Innovation Square. Any proposed development on the site would be considered infill development. The UMU-2 zoning district allows up to 100 dwelling units per acre for residential development as well as a variety of non-residential uses, which increases the viability of any development efforts on this property in the future and supports research and development in the physical, engineering and life sciences in close proximity to the University of Florida main campus.

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 Petition No. PB-13-123 ZON by a vote of 6-0 and Petition No. PB-13-126 TCH by a vote of 6-0.

CITY ATTORNEY MEMORANDUM

This ordinance requires two readings. This ordinance shall become effective immediately upon adoption; however the rezoning implemented by this ordinance shall not become effective until the amendment to the City of Gainesville Comprehensive Plan adopted by Ordinance No. 130687 becomes effective as provided therein.

RECOMMENDATION *The City Commission: (1) approve Petition No. PB-13-123 ZON and Petition No. PB-13-126 TCH and (2) adopt the proposed ordinance.*

[130689A_draft ordinance_20140605.pdf](#)

[130689B_Staff report_20140605.pdf](#)

[130689C_CPB minutes_20140605.pdf](#)

[130689D_staff ppt_20140605.pdf](#)

[140001.](#)

VOLUNTARY ANNEXATION - URBAN SERVICES REPORT OF CITY-OWNED PARCEL LOCATED NORTH OF MORNINGSIDE NATURE CENTER AND EAST OF NORTHEAST WALDO ROAD

(B)

Ordinance No. 140001

An ordinance of the City of Gainesville, Florida, adopting an Urban Services Report that sets forth plans to provide urban services upon the voluntary annexation of City-owned Tax Parcel No. 10862-001-000, which is generally located south of NE 39th Avenue, north of E University Avenue and in the vicinity of Morningside Nature Center, and east of NE Waldo Road, as petitioned for by the property owner pursuant to Chapter 90-496, as amended, Special Act, Laws of Florida, known as the Alachua County Boundary Adjustment Act; providing directions to the City Manager, the City Attorney and the Clerk of the Commission; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: The City of Gainesville has submitted a petition for the voluntary annexation of a City-owned parcel generally located north of Morningside Nature Center and east of NE Waldo Road. The Alachua County Boundary Adjustment Act requires, prior to the adoption of an annexation ordinance, the adoption of an Urban Services Report ordinance setting forth plans to provide urban services to the annexation area. Consequently, this ordinance adopts the Urban Services Report for the subject property.

The City Commission on May 1, 2014, authorized the City Attorney to draft and the Clerk of the Commission to advertise this ordinance.

CITY ATTORNEY MEMORANDUM

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

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

[140001A draft ordinance 20140605.pdf](#)

[130919.](#)

ORDINANCE SETTING 2015 ELECTION DATES AND QUALIFYING DATES (B)

ORDINANCE NO. 130919

AN ORDINANCE OF THE CITY OF GAINESVILLE, FLORIDA, SETTING MARCH 17, 2015 AS THE DATE FOR THE 2015 REGULAR CITY ELECTION AND APRIL 14, 2015 AS THE DATE FOR THE 2015 RUN-OFF ELECTION, IF NECESSARY; SETTING THE DATES FOR QUALIFYING FOR THE 2015 REGULAR

ELECTION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Explanation: The City Commission, at its meeting of May 1, 2014, approved the dates for the 2015 regular city election and run-off election. Section 9-2 of the City Code of Ordinances requires that the dates be set by ordinance adopted no later than July 1 of each year. Section 9-10 of the City Code of Ordinances states the period to qualify as a candidate for the office of Mayor or City Commissioner shall be between the 50th and 46th day prior to the date of the election. This ordinance sets forth the actual calendar dates for 2015 as follows:

Regular election - Tuesday, March 17, 2015

Run-off election (if necessary) - Tuesday, April 14, 2015

Qualifying Period - From noon on Monday, January 26, 2015 to noon on Friday, January 30, 2015.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

5/1/14 City Commission Approved as Recommended

[130919 2015 Election 20140501.pdf](#)

[130846A draft ordinance 20140515.pdf](#)

130586.

CITY OF GAINESVILLE REGISTRY OF PROTECTED PUBLIC PLACES PHASE II-B PROPERTY LISTING (B)

Ordinance 130586

An ordinance of the City of Gainesville, Florida, adding specified real properties owned in fee simple by the City of Gainesville to the City of Gainesville Registry of Protected Public Places; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: This ordinance adds Phase II-B properties to the City of Gainesville Registry of Protected Public Places. The Phase II-B properties are NW 34th Street Property, Colclough Pond Nature Park, Loblolly Woods Nature Park, and Terwilliger Pond Conservation Area. These city-owned properties were acquired or are used for conservation, recreation, or cultural affairs purposes. By adopting this ordinance, the City Commission is deeming these properties worthy of the highest level of protection by which they may not be sold or converted to a use that will result in a loss to the property's conservation, recreation, or cultural value, except by a majority vote of the electors in a city-wide election.

CITY ATTORNEY MEMORANDUM

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

RECOMMENDATION

The City Commission: 1) adopt the proposed ordinance, and 2) direct the Clerk of the Commission to record this ordinance in the public records of Alachua County, Florida.

[130586A_draft ordinance_20140605.pdf](#)

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

[130846.](#)

VACATION OF RIGHT-OF-WAY - UNIVERSITY PLACE BLOCK 6 (B)

Ordinance No. 130846; Petition No. PB-14-39 SVA

An ordinance of the City of Gainesville, Florida, to vacate, abandon and close unimproved right-of-way located in the vicinity of Block 6 of the University Place subdivision, between SW 1st Avenue and SW 2nd Avenue and running east for approximately 210 feet from SW 10th Street, as more specifically described in this ordinance; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

NOTE: Subsequent to first reading of this ordinance, GRU's Land Rights Coordinator notified city staff that utilities that were located within the subject alley have been relocated and GRU has received the necessary replacement utilities easement. Therefore, this ordinance has been modified from the version as it appeared on first reading and no longer includes a utilities easement reservation.

This petition/ordinance will vacate the right-of-way of an unimproved 15-foot wide alley located between SW 1st and 2nd Avenues, and running east for approximately 210 feet from SW 10th Street. The right-of-way lies south of Lots 6-9 and north of Lots 10-13 within Block 6 of the University Place subdivision. The right-of-way is unimproved and is not being used for a public purpose. The remainder of this originally platted alley right-of-way was previously vacated by the City in 1990. The applicant is requesting the right-of-way vacation to allow for the development of a multi-family building on the adjacent properties. The request satisfies the requirements for a street vacation and complies with the appropriate policies of the Comprehensive Plan.

After public notice was published in the Gainesville Sun on April 8, 2014, the City Plan Board held a public hearing on April 24, 2014, and recommended approval of this Petition by a vote of 6-0.

CITY ATTORNEY MEMORANDUM

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

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

5/15/14 City Commission Approved (Petition) and Adopted on First Reading (Ordinance)

[130846A draft ordinance 20140515.pdf](#)

[130846B Staff report 20140515.pdf](#)

[130846C Attach A Application 20140515.pdf](#)

[130846D Attach B Survey 20140515.pdf](#)

[130846E cpb minutes draft.pdf](#)

[130846F staff ppt 20140515.pdf](#)

[130846A MOD draft ordinance 20140605.pdf](#)

[130633.](#)**MORATORIUM ON INTERNET GAMING/GAMBLING BUSINESSES (B)**

Ordinance No. 130633

An ordinance of the City of Gainesville, Florida, enacting a temporary moratorium to 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 internet gaming/gambling business within the city limits, providing a severability clause; providing repealing clauses; and providing an effective date.

Explanation: On January 16, 2014, the City Commission approved a 6-month 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 internet gaming/gambling business (commonly referred to as "internet cafes") within city limits. The purpose of this moratorium is to temporarily prevent the further establishment and proliferation of internet gaming/gambling businesses throughout the City during a period that provides the City with sufficient time to hold public hearings, and adopt, if necessary, an ordinance amending the City of Gainesville Code of Ordinances to prohibit such uses throughout the City. To properly effectuate this temporary moratorium, this ordinance prohibits any official action of the City as described above, unless an application for such official action was properly filed with the City on or before 5:00 p.m. on January 16, 2014.

In order to allow time to draft and process an ordinance to prohibit internet gaming/gambling businesses, this ordinance extends the moratorium through 11:59 Pm on September 18, 2014. This is slightly longer than approved by the City Commission on January 16, 2014, but is necessary to process the subsequent prohibition ordinance.

The Gainesville Police Department recommends the moratorium and subsequent prohibition as necessary to preserve the public peace and to safeguard the health, safety, morals and welfare of the community and citizens thereof. Internet gaming/gambling businesses, as will be further described below, 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 internet gaming/gambling businesses 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 internet gaming/gambling businesses 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 moratorium and subsequent prohibition 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 elimination of these establishments.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

1/16/14	City Commission	Approved as Recommended
5/15/14	City Commission	Adopted on First Reading (Ordinance)

[130633A_HB 155 - Final Bill Analysis_20140116.pdf](#)

[130633B_Chapter 2013-2 Laws of Florida_20140116.pdf](#)

[130633A_draft ordinance_20140515.pdf](#)

PLAN BOARD PETITIONS

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

[130981.](#)

Extension of Time for Townsend Extension (B)

This is a request to extend the development timeframes for the Townsend Planned Development in accordance with the provisions of the Land Development Code.

ESTIMATE STAFF PRESENTATION 5 MINUTES

Explanation: Section 30-219 of the Land Development Code authorizes the City Commission to grant a time extension request for the Townsend Plan Development (PD), for good cause. The PD was approved on August 9, 1999, consisting of 52 acres located in the 2300 block of NW 39th Avenue and extending south to NW 31st Avenue (Glen Springs Road). Since 1999 the following was completed: the master stormwater facility for the entire 52 acres; Phase 4 known as Uptown Village; the infrastructure for Phase I; and a roundabout in the public right-of-way of Glen Springs Road at the entrance of the PD.

The development stalled in 2008 during the real estate collapse leaving portions of the development incomplete. The remaining phase of the project will include the completion of NW 24th Boulevard, providing a connection from NW 39th Avenue to Glen Springs Road (Phase 2) and the development of 63 residential units as part of Phase 3.

The first Certificate of Occupancy was issued on March 29, 2005, and the applicant is requesting that three time limits be extended from this date as specified in the PD. Specifically, the applicant is requesting to extend the overall project completion date; the date to dedicate right-of-way; and the date to complete the construction of 24th Boulevard.

Staff has reviewed the request and finds it to be consistent with City rules and regulations.

Fiscal Note: None

RECOMMENDATION

City Staff to the City Commission- Approve the request to modify Ordinance 980726 Section 4(C) 1 from three years to eleven years; Section 4(C)2 from five years to thirteen years; and Section V from 10 years to 23 years.

Alternative Recommendation

City Staff to the City Commission - Approve the request with timeframes as determined by the City Commission.

[130981A_Petitioner request letter_20140605.pdf](#)

[130981B_PD Documents_20140605.pdf](#)

UNFINISHED BUSINESS

COMMISSION COMMENT

CITIZEN COMMENT (If time available)

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