

# City of Gainesville

City Hall  
200 East University Avenue  
Gainesville, Florida 32601



## **Meeting Agenda - Final**

**September 21, 2017**

**1:00 PM**

**MODIFIED AGENDA**

**City Hall Auditorium**

## **City Commission**

***Mayor Lauren Poe (At Large)***

***Mayor-Commissioner Pro Tem Harvey Budd (At Large)***

***Commissioner Helen Warren (At Large)***

***Commissioner Charles Goston (District 1)***

***Commissioner Harvey Ward (District 2)***

***Commissioner David Arreola (District 3)***

***Commissioner Adrian Hayes-Santos (District 4)***

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

**1:00pm - CALL TO ORDER - Afternoon Session****AGENDA STATEMENT**

*"Citizens are encouraged to participate in City of Gainesville meetings. In general, speakers will be limited to 3 (three) minutes per agenda item. Additional time may be granted by the Mayor or by the City Commission as directed. The City of Gainesville encourages civility in public discourse and requests that speakers limit their comments to specific motions and direct their comments to the Chair. Signs or Props are not permitted in the meeting room. Citizens are encouraged to provide comments in writing to the Clerk of the Commission before meetings and/or during meetings for inclusion into the public record. Citizens may also provide input to individual commissioners via office visits, phone calls, letters and e-Mail, that will become public record. In some instances, i.e., Quasi-Judicial Hearings, these particular contacts may be prohibited."*

**ROLL CALL****INVOCATION****ADOPTION OF CONSENT ITEMS - GRU, General Government, Audit & Finance Committee and General Policy Committee Items**[170347.](#)**City Commission Minutes (B)**

**RECOMMENDATION**      *The City Commission approve the minutes of August 24, 2017.*

[170347 Clarifications and Additions to Minutes\\_20170921.pdf](#)

[170347 Minutes\\_20170921.pdf](#)

[170276.](#)**Bid Award - Annual Services Contract for Right-of-Way Maintenance-Southwest Quadrant (B)**

**This item is a request for the City Commission to approve the bid award to Oasis Landscape Services, Inc. for Right-of-Way Maintenance in the amount of \$123,926.88 for the southwest quadrant of the city.**

*Explanation: The City of Gainesville advertised an invitation to Bid (ITB) for the Annual Contract for Right-of-Way Maintenance for the southwest quadrant of the city. The following firms responded with bids; Oasis Landscape Services, Inc., Southern Lawn Care Mid Florida, Inc., and Taylor Maid, Inc. The lowest and responsive bidder was Oasis Landscape Services, Inc., in the amount of \$123,926.88.*

*Fiscal Note: Funding for the Right-of-Way Maintenance in the amount of \$123,926.88 is identified in the Public Works Department FY 2018 operating budget.*

**RECOMMENDATION**

*The City Commission: 1) authorize the City Manager to execute the contract with Oasis Landscape Services for Right-of-Way Maintenance in the southwest quadrant of the City, subject to approval of the City Attorney as to form and legality; and 2) authorize the City Manager to execute any and all related documents.*

[170276A Agreement-SW 20170907.pdf](#)

[170276B Bid Award-Oasis 20170907.pdf](#)

[170329.](#)

**Fiscal Year 2017 Quarterly Monitoring Report and Fund Review Update - Quarter Ending June 30, 2017 (B)**

*Explanation: The City's General Government Budget Policy requires staff to prepare and submit a quarterly budget monitoring report for all major operating funds, including the status of General Fund fund balances to the Audit and Finance Committee. Along with this report, staff is providing the quarterly update of the available fund status for all General Government funds report.*

**RECOMMENDATION**

*The Audit and Finance Committee recommends that the City Commission receive the quarterly budget monitoring report and the fund review update for the quarter ended June 30, 2017.*

[170329A 3Q17 Quarterly Report 20170921.pdf](#)

[170329B FY17 Q3 All Funds 20170921.pdf](#)

[170330.](#)

**City of Gainesville Fiscal Year 2016 Individual Annual Audited Financial Statements and Independent Auditors' Reports for the Wild Spaces Public Places Funds, Community Redevelopment Agency Funds, Employee's Pension Fund, Police Officers and Firefighters Retirement Plan and the Other Postemployment Benefits Fund (B)**

*Explanation: In accordance with the City's contracts for external auditing services with Carr, Riggs & Ingram LLC, the following reports were presented for review at the September 7, 2017 Audit and Finance Committee meeting:*

1. *The Financial Statements and Independent Auditors' Report on the Wild Spaces and Public Places (WSPP) Funds of the City of Gainesville, Florida for the Fiscal Year Ended September 30, 2016;*

2. *The Financial Statements and Independent Auditors' Report on the*

*Community Redevelopment Agency (CRA) Funds of the City of Gainesville, Florida for the Fiscal Year Ended September 30, 2016;*

*3. The Financial Statements and Independent Auditors' Report on the Employees' Pension Fund of the City of Gainesville, Florida for the Fiscal Year Ended September 30, 2016;*

*4. The Financial Statements and Independent Auditors' Report on the Consolidated Police Officers and Firefighters Retirement Plan of the City of Gainesville, Florida for the Fiscal Year Ended September 30, 2016;*

*5. The Financial Statements and Independent Auditors' Report on the Other Postemployment Benefits Fund of the City of Gainesville, Florida for the Fiscal Year Ended September 30, 2016.*

*In the independent auditors' opinion, the financial statements referred to in items 1 through 5 above present fairly, in all material respects, the net position of Plan assets restricted or held in trust for benefits, and the respective changes in fiduciary net position restricted or held in trust, for the year ended September 30, 2016, in accordance with accounting principles generally accepted in the United States of America.*

*In accordance with Section 8(b) of Resolution 150127, City Auditor Responsibilities and Administrative Procedures, the City Auditor has reviewed the attached statements and reports to ensure that contractual terms have been fulfilled and transmits these reports with a recommendation for City Commission acceptance.*

**RECOMMENDATION**      *The Audit and Finance Committee recommends that the City Commission accept the subject financial report, financial statements, auditors' reports, and management's written response.*

[170330A\\_Wild Spaces Public Places Funds\\_20170921.pdf](#)

[170330B\\_Community Redevelopment Agency Funds\\_20170921.pdf](#)

[170330C\\_Employees' Pension Funds\\_20170921.pdf](#)

[170330D\\_Consolidated Police Officers and Firefighters Retirement Funds\\_2017](#)

[170330E\\_Other Postemployment Benefits Funds\\_20170921.pdf](#)

[170356.](#)

**Contract Award to WW Gay Mechanical Contractor Inc., for HVACR and Air Compressor Preventative Maintenance and Repair Services at Regional Transit System Facilities (B)**

**This item is a request to approve the recommended award and execute a contract with WW Gay Mechanical Contractor Inc., for HVACR and Air Compressor Preventative Maintenance and Repair Services at Regional Transit System Facilities.**

*Explanation:* On June 15, 2017, the City's Purchasing Division solicited an Invitation to Bid (ITB) for HVACR and Air Compressor Preventative Maintenance and Repair Services at Regional Transit System Facilities. The ITB process was implemented in compliance with, and as required by, Florida Statutes and City of Gainesville policies.

One (1) proposal was submitted by the deadline. After review by staff it was determined the bid received from WW Gay Mechanical Contractor Inc., meets all requirements and specifications.

RTS desires to enter into a contract for five (5) years with WW Gay Mechanical Contractor Inc., not to exceed \$58,800 annually for the HVACR and Air Compressor preventative maintenance portion of the contract. Unscheduled repair services that are not included within the scope of the preventive maintenance portion of the contract will be performed at the hourly rates, and materials, parts and equipment at cost plus 10% markup in accordance with the Invitation To Bid and proposal.

*Fiscal Note:* Funds in the amount of \$88,800 annually are available in the RTS operating budget for these services (\$58,800 for the preventative maintenance and \$30,000 for repairs).

**RECOMMENDATION**

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

[170356A ITB for RTS HVACR Services 20170921.pdf](#)

[170356B ITB Addendums 1-4 20170921.pdf](#)

[170356C WW Gay Submittal 20170921.pdf](#)

[170356D Bid Record 20170921.pdf](#)

[170356E Award Public Notification 20170921.pdf](#)

[170356F Bid Tabulation 20170921.pdf](#)

[170396.](#)

**Contract Award to Dude Solutions, Inc. for Phase II ADA Self-Evaluation of Facilities and Public Use (B)**

*Explanation:* Pursuant to Equal Opportunity Policy #6, the Equal Opportunity Director/ADA Coordinator kicked off the Americans with Disabilities Act (ADA) Self-Evaluation Process evaluating its programs, services and activities in July 2016. The Office of Equal Opportunity, in conjunction with all charter officers and departments in General Government and Gainesville Regional Utilities, completed Phase I of the ADA Self-Evaluation Process focused on programs, services and activities in January 2017. The self-evaluation process and recommendations were approved by the city commission which included initiation of a Phase II ADA Self-Evaluation Process focused primarily on facilities and public use.

*The Phase II ADA Self-Evaluation will identify programmatic or physical barriers which prevent access to individuals with disabilities. The Phase II ADA Self-Evaluation will survey and review targeted high traffic General Government and Gainesville Regional Utilities facilities totaling approximately 878,856 square feet, 3 swimming pools, and 13 parks. After initial completion, the Equal Opportunity Director/ADA Coordinator, will assess if the effort can be expanded to include additional facilities, parks and public use areas.*

*The ADA states that its purpose is to provide a “clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities.” Title II under the ADA requires that public entities with 50 or more employees do the following: Designate a responsible employee to coordinate and ensure ADA compliance, provide notice of ADA requirements, establish a grievance procedure, conduct a self-evaluation and develop a transition plan. The city is in compliance with these requirements. The Phase II ADA Self-Evaluation process serves as continued demonstration of the City’s good faith efforts to comply with the Americans with Disabilities Act.*

*In May 2017, a formal solicitation was conducted seeking vendors to provide a self-evaluation and ADA transition plan. The solicitation resulted in one formal response with a projected cost of nearly \$1 million and was rejected based on being over budget. In July 2017, an informal request for quotes and information was sent to various firms yielding two responses. EMG proposed a fee of \$235,741.00 and Dude Solutions, Inc. proposed a fee of \$148, 862.*

*Dude Solutions, Inc. was contracted in July 2016 by the City’s Facilities Department to conduct forecasting and a facilities condition assessment, which includes components necessary for the ADA evaluation and transition plan. Because Dude Solutions has previously gathered much of the information necessary to perform the self-evaluation and ADA transition plan through its current contract with the city, this procurement would qualify as a specified source under the City’s procurement policy.*

*The Equal Opportunity Director/ADA Coordinator seeks to enter into a contract with Dude Solutions, Inc. as they have a solid grasp of all General Government and Gainesville Regional Utilities’ facilities and areas of public use and could quickly mobilize to deliver results.*

*The Equal Opportunity Director/ADA Coordinator worked with the Facilities Manager, Assistant Director of Parks, Recreation and Cultural Affairs, and Procurement Director on this effort.*

*Fiscal Note: The proposed cost is \$148, 862, slightly lower than the proposed budgeted amount of \$150,000 included in the 2017-2018 proposed budget. Fees include project set up, mobilization, assessment data collection and assessment report, set-up, and population of Capital Forecast.*

*Additional funds are available only if the scope of services is expanded to include additional facilities, parks or areas of public use. Dollars from Wild Space Public Places also includes \$50,000 towards ADA compliance over two years, if additional reviews are needed. Gainesville Regional Utilities has previously committed \$80,000 for ADA Compliance, if additional assessments are needed.*

*The proposed award is under budget.*

**RECOMMENDATION**      *The City Commission 1) approve the proposed award; and 2) authorize the Equal Opportunity Director/ADA Coordinator to execute a contract, subject to approval by the City Attorney as to form and legality.*

[170396A\\_RFP #EODX-170032-DS ADA Self-Eval Assessment for Facilities & T](#)  
[170396B\\_PD 9110-0003 Dude Solutions - Facilities Condition Assessment 201](#)

[170325.](#)

**Gainesville Regional Utilities Unaudited Internally Prepared Financial Statements for the Period Ended June 30, 2017 (B)**

*Explanation: The following item is presented for review: Unaudited Internally Prepared Financial Statements for the Period Ended June 30, 2017, including management's discussion and analysis.*

**RECOMMENDATION**      *The City Commission accept the GRU Unaudited Internally Prepared Financial Statements for the period ended June 30, 2017.*

[170325 Interim Financial Statements - Unaudited for PE 6.30.17 20170921](#)

[170326.](#)

**Gainesville Regional Utilities Internally Prepared Actuals to Budget for the Period Ended June 30, 2017 (B)**

*Explanation: The following item is presented for review: Actuals to Budget for the period ended June 30, 2017, internally prepared.*

**RECOMMENDATION**      *The City Commission accept the GRU Internally Prepared Actuals to Budget for the year ended June 30, 2017.*

[170326 GRU Budget to Actuals for PE 6.30.17 20170921](#)

[170327.](#)

**Gainesville Regional Utilities Internally Prepared Supplementary Data for the Period Ended June 30, 2017 (B)**

*Explanation: The following item is presented for review: Supplementary Data for the period ended June 30, 2017, internally prepared.*

**RECOMMENDATION**

*The City Commission accept the GRU Internally Prepared Supplementary Data for the year ended June 30, 2017.*

[170327 GRU Supplementary Data for PE 6.30.17 20170921](#)

[170368.](#)

**Bid Award - Annual Services Contract for Right-of-Way Maintenance-Northeast Quadrant (B)**

**This item is a request for the City Commission to approve the bid award to Oasis Landscape Services, Inc. for Right-of-Way Maintenance in the amount of \$89,779.68 for the northeast quadrant of the city.**

**MODIFICATION - ADDED ITEM**

*Explanation: The City of Gainesville advertised an invitation to Bid (ITB) for the Annual Contract for Right-of-Way Maintenance for the northeast quadrant of the city. The following firms responded with bids: Oasis Landscape Services, Inc., Southern Lawn Care Mid Florida, Inc. and Taylor Maid, Inc. Oasis Landscape Services, Inc. was the lowest responsible and responsive bidder in the amount of \$89,779.68.*

*Fiscal Note: Funding for the Right-of-Way Maintenance in the amount of \$89,779.68 is identified in the Public Works Department FY 2018 Operating budget.*

**RECOMMENDATION**

*The City Commission: 1) authorize the City Manager to execute the contract with Oasis Landscape Services for Right-of-Way Maintenance in the northeast quadrant of the City, subject to approval of the City Attorney as to form and legality; and 2) authorize the City Manager to execute any and all related documents.*

[170368A-MOD\\_Agreement-NE\\_20170921.pdf](#)

[170368B-MOD\\_Award Recommendation-NE\\_20170921.pdf](#)

[170368C-MOD\\_Oasis Bid Response-Northeast\\_20170921.pdf](#)

[170275.](#)

**Lake Forest Creek Professional Services Agreement (B)**

**This item is a request for the City Commission to approve an agreement and any related documents for Amec Foster Wheeler for Professional Services for the Lake Forest Creek Watershed Management Plan.**

**MODIFICATION - ADDED ITEM**



*Explanation: Lake Forest Creek is located in NE Gainesville and is a tributary to Newnans Lake. The scope of the Lake Forest Creek Watershed Management Plan includes development of hydrologic and hydraulic models of the creek system using Gainesville's 2017 LiDAR and hydraulically enhanced digital elevation model. The results of the study will be used to update the FEMA Flood Insurance Rate Maps for this area.*

*The Florida Department of Environmental Protection (FDEP) has announced that the City of Gainesville will receive load allocations for the Newnans Lake Total Maximum Daily Load (TMDL) with a mandatory implementation schedule. Five new water quality improvement projects will be identified in this study. The projects will be ranked and prioritized for implementation. The nutrient load reductions achieved by the projects will be applied toward the regulatory mandate.*

*One or more of the water quality projects identified will also include a flood mitigation element. The flood mitigation project(s) will be added to the Alachua County Local Mitigation Strategy (LMS). Projects included in the LMS are eligible for FEMA funding in the event a Federal disaster is declared in Alachua County.*

*Amec Foster Wheeler is under a continuing contract with the City of Gainesville for professional services for engineering established in accordance with the Consultants Competitive Negotiation Act. A task assignment will be drafted upon City Commission approval of this expenditure.*

*Fiscal Note: Funding in the amount of \$290,920 will be identified in the Stormwater Management Utility and the FDOT NPDES cost share fund.*

**RECOMMENDATION**

*The City Commission: 1) approve the agreement; and 2) authorize the City Manager or designee to execute the appropriate documents subject to approval by the City Attorney as to form and legality.*

[170275A-MOD Proposal 20170921.pdf](#)

[170275B-MOD Executed Agreement 20170921.pdf](#)

[170275C-MOD Memo 20170921.pdf](#)

## **ADOPTION OF REGULAR AGENDA**

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

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

**This is a request for the City Commission to hear the final presentation by Marilyn Berry Thompson, MWW Group on Federal Legislative updates for FY 2017.**

*Explanation: Marilyn Berry Thompson, MWW Group will present an update on crucial issues that have impacted the City over the past year.*

*Fiscal Note: None*

**RECOMMENDATION**

*The Commission hear the final presentation from Marilyn Berry Thompson, MWW Group updates on Federal Agenda.*

[170381\\_MarilynBerryThompsonProc\\_20170921.pdf](#)

[170400.](#)

**Authorization for GRU's General Manager to Apply for Permits and Negotiate and Execute Contracts Related to the Operation and Maintenance of the Biomass Facility (B)**

*Explanation: At the September 7, 2017, City Commission meeting, staff presented the results of the due diligence activities related to the GREC Asset Purchase Agreement (APA), with a recommendation that the City Commission accept the results as satisfactory, thereby directing the Mayor to execute the APA upon satisfactory inspection of the plant after Hurricane Irma passed, as approved on August 24, on or before September 14, 2017.*

*At that same meeting, staff also recommended that the Commission authorize the General Manager for Utilities or his designee(s) to apply for and execute any documents necessary to obtain permits, consents and approvals for the operation and maintenance of the biomass facility and also authorize the General Manager for Utilities or his designee(s) to negotiate and execute (effective at closing) assumptions of existing contracts or new contracts necessary to operate and maintain the biomass facility.*

*Due to conversation about due diligence and the possibility of casualty damage from Hurricane Irma, the City Commission did not approve the three staff recommendations and instead approved a motion that authorized the Mayor to execute the Asset Purchase Agreement only after the General Manager for Utilities, or his designee, does a visual inspection during the weekly walk-through of the GREC facility following Hurricane Irma and confirms that the walk-thru is satisfactory. The General Manager's designee conducted the walk-through on September 12th and found no damages to the biomass facility which change its status and/or overall condition.*

*The Mayor subsequently signed the APA on September 12, 2017, and*

staff is ready to move forward with getting all the necessary contracts and permits in place to allow GRU to operate and maintain the facility. Staff returns today to ask the Commission to make the necessary approvals.

*Fiscal Note:* Staff projects annual expenses of \$5 million to keep the biomass facility in cold storage. This projection includes the costs of NAES and other service contracts necessary for operation and maintenance of the plant.

**RECOMMENDATION**

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

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

[170400 Material Contracts Memo - 20170907](#)

[170400 Permits Memo 20170907](#)

[170375.](#)

**Extension to the Occupancy Terms for the Cade Museum Ground Lease Agreement (B)**

**MODIFICATION - ADDED ITEM**

*Explanation:* On March 16, 2016 the City of Gainesville and the Cade Museum Foundation, Inc. entered into an Amended and Restated Ground Lease Agreement for a portion of Depot Park upon which to construct a structure for the operation of a museum. The terms of this agreement require the Cade Museum Foundation, Inc. to complete construction and take occupancy of the building by October 1, 2017. The contractor is working towards a temporary occupancy by the middle of September. However, due to additional parking lot lighting and finishing materials in the building, a final certificate of occupancy is likely not available until the middle of October. According to the terms of the Ground Lease, if construction has commenced but will not be complete by October 1, 2017, the Lessee may request an extension of time. The Cade Museum Foundation has requested an amendment to the agreement to extend the occupancy requirement to December 1, 2017.

*Fiscal Note:* None

**RECOMMENDATION**

The City Manager to the City Commission:  
Authorize the City Manager to execute an

*amendment to the Ground Lease Agreement between the City of Gainesville and The Cade Creativity Labs, Inc. to extend the terms of occupancy to December 1, 2017 subject to approval by the City Attorney as to form and legality.*

[170375A-MOD\\_PRESENTATION\\_20170918.pdf](#)

[170375B-MOD\\_AMENDMENT\\_EXTENSION\\_OF\\_GROUND\\_LEASE\\_20170918.f](#)

[170375C-MOD\\_AMENDED\\_LEASE\\_20170918.pdf](#)

[170375D-MOD\\_MOU\\_OF\\_LEASE\\_20170918.pdf](#)

[170375E-MOD\\_MOU\\_1ST\\_AMENDEMENT\\_20170918.pdf](#)

[170375F-MOD\\_MOU\\_1ST\\_AMENDMENT\\_2\\_20170918.pdf](#)

[170375G-MOD\\_MOU\\_2ND\\_AMENDMENT\\_20170918.pdf](#)

[170375H-MOD\\_MOU\\_3RD\\_AMENDMENT\\_20170918.pdf](#)

[170375I-MOD\\_MOU\\_ORIGINAL\\_VERSION\\_20170918.pdf](#)

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

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

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

**4:30 - 5:30pm Dinner Break**

**5:30 - Call to order Evening Session**

**PLEDGE OF ALLEGIANCE**

**Payton Kraft**

**PROCLAMATIONS/SPECIAL RECOGNITIONS**

[170397.](#)

**United Nations Day - October 5, 2017 (B)**

**RECOMMENDATION**

*Brian Mitchell to accept the proclamation.*

[170397\\_UnitedNationsProc\\_20170921.pdf](#)

[170399.](#)**Hydrocephalus Awareness Month - September 2017 (B)****RECOMMENDATION**

*Pediatric Hydrocephalus Foundation Payton Kraft and Director FL PHF Sarah Wilson-Kraft to accept the proclamation.*

[170399\\_HydrocephalusAwarenessProc\\_20170921.pdf](#)

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

**BUDGET****ORDINANCES, 2ND READING - ROLL CALL REQUIRED**[170013.](#)**APPENDIX A - SCHEDULE OF FEES, RATES & CHARGES FY2018 (B)**

Ordinance No. 170013

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

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

*Update since first reading: On September 7, 2017, the City Commission approved this ordinance on first reading. City staff continued to review the ordinance and made the following revisions:*

*The land development code was recently amended and, as a result, additional changes have been made to Appendix A to be consistent with the new land development code. Changes were made to pages 8-10 of Appendix A as follows:*

- Line 20, page 8 was revised to change minor plan review to rapid plan review.*
- Lines 29-33, on page 9 were deleted. Appeals to the board of*

*adjustment are now covered under the changes found on lines 6-8 of page 10.*

*- Line 34, on page 9 was changed to remove the term "zoning verification."*

*- Lines 6-8, on page 10 were amended so that fees for all appeals of administrative decisions, plan board decisions, development review board decisions, and historic preservation board decisions are consistent.*

*The City Commission also approved changes to the pool fee structure so that group rate per child for Westside Pool is the same as for the Northeast Pool. That change is found on page 17 of Appendix A.*

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

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

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

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

*i. Damage Deposits*

*ii. T-Shirt sales*

*iii. Poster sales*

*iv. Ticket sales*

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

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

#### *CITY ATTORNEY MEMORANDUM*

*This ordinance requires two readings and will become effective immediately upon approval at second reading. However, the fee increases will become effective on October 1, 2017, except when a facility was booked prior to the effective date of the ordinance, in which case the City will recognize the fees in place at the time the facility was booked.*

**RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

**Legislative History**

9/7/17 City Commission Adopted on First Reading (Ordinance)

[170013A\\_draft ordinance\\_20170907.pdf](#)

[170013A\\_draft ordinance\\_20170921.pdf](#)

**170257.**

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

Ordinance No. 170257

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

*Explanation: GRU BUDGET AND FINANCE DEPARTMENT MEMORANDUM*

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

**CITY ATTORNEY MEMORANDUM**

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

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

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

**Legislative History**

9/7/17      City Commission      Adopted on First Reading (Ordinance)

[170257\\_draft ordinance\\_20170907.pdf](#)

## PUBLIC HEARINGS

[170379.](#)

### **FINAL MILLAGE RATE - FISCAL YEAR 2017 - 2018 (B)**

RESOLUTION NO. 170379

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

*MODIFICATION - NEW POWERPOINT*

*Explanation: The City Commission is required by Florida Law to adopt a final millage rate to fund the budget for Fiscal Year 2017-2018.*

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

[170379\\_Final Millage Rate\\_20170921.pdf](#)

[170379-MOD\\_Final Millage Rate Presentation\\_20170921.pdf](#)

[170348.](#)

### **FINAL GAINESVILLE REGIONAL UTILITIES BUDGET - FISCAL YEAR 2017-2018 (B)**

RESOLUTION NO. 170348

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA, RELATING TO THE FINAL BUDGET FOR THE CITY OF GAINESVILLE D/B/A GAINESVILLE REGIONAL



UTILITIES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2017 AND ENDING SEPTEMBER 30, 2018; PROJECTING REVENUES AND ADOPTING A FINAL BUDGET TO PAY FOR PERSONAL SERVICES EXPENSES, OPERATING AND MAINTENANCE EXPENSES AND OTHER EXPENSES, FOR CAPITAL OUTLAY, AND FOR DEBT SERVICE REQUIREMENTS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

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

[170348 Final GRU Budget Resolution FY18 Budget 20170921](#)

[170380.](#)

**FINAL GENERAL GOVERNMENT FINANCIAL AND OPERATING PLAN FOR FISCAL YEAR 2017-2018 (B)**

RESOLUTION NO. 170380

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA; RELATING TO ITS GENERAL GOVERNMENT BUDGET FOR THE 2017-2018 FISCAL YEAR BEGINNING OCTOBER 1, 2017 AND ENDING SEPTEMBER 30, 2018; ADOPTING THE FINAL GENERAL GOVERNMENT FINANCIAL AND OPERATING PLAN; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

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

[170380 Final General Government Financial and Operating Plan 20170921.pd](#)

**RESOLUTIONS - ROLL CALL REQUIRED**

[170248.](#)

**THIRD BUDGET AMENDMENT TO THE FY 2017 GENERAL GOVERNMENT FINANCIAL AND OPERATING PLAN BUDGET (B)**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA; RELATING TO ITS GENERAL GOVERNMENT BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016 AND ENDING SEPTEMBER 30, 2017; AMENDING RESOLUTION NO. 160305, AS AMENDED BY RESOLUTION NO. 160759 AND RESOLUTION NO.160955, BY MAKING CERTAIN ADJUSTMENTS TO THE GENERAL GOVERNMENT FINANCIAL AND OPERATING PLAN BUDGET; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

*Explanation: The purpose of this amendment is to accurately reflect and incorporate into the City's FY 2017 General Government budget those transactions and activities that were not anticipated during the budget process.*

*Fiscal Note: All of the recommended changes are funded either by increases in revenue budgets, decreases in expenditure budgets, or decreases in appropriate fund balances.*

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

[170248A Resolution - FY17 3rd Qtr Bdgt Amendment 20170921.pdf](#)

[170248B Attachment A - FY17 3rd Qtr Amendatory 20170921.pdf](#)

[170324.](#)

**Resolution for Joint Participation Agreement (JPA) - Service Development Grant Funds for Regional Transit System (RTS) for Routes 33 and 800 (B)**

**This item is a request for adoption of a resolution authorizing the City Manager to execute Joint Participation Agreements between the City of Gainesville and the Florida Department of Transportation to receive Service Development Grant Funds for the operation of Route 33 and Route 800.**

*Explanation: The Florida Department of Transportation (FDOT) allocates service development funds to transit agencies each year. The allocations are given at FDOT discretion on a competitive basis for agency projects that meet FDOT Service Development Grant (SDG) criteria.*

*In the last several years, new major developments have occurred in the west side of Gainesville such as Butler Plaza and Celebration Pointe. Fixed Route 33 is a new route that began operating August 14, 2017. It connects a number of transit-dependent populations (students, seniors, low income individuals) with these major developments and the*

University of Florida (UF). The new route operates Monday to Friday from approximately 7:00 AM to 2:00 AM, and has a 15-minute frequency. Based on observed ridership for similar service, RTS expects this service will average over 20 passengers per hour. RTS and FDOT will each provide \$407,371 for a total of \$814,742 per terms of the JPA. Santa Fe College Student Transportation Fee provides the 50% local match funds for this project.

One of RTS's main objectives is to improve transit alternatives and expand service outside City limits. Fixed Route 800 is a new route that will begin service in spring 2018. The fixed route offers the first "park and ride" (PNR) services during peak hours from the SW area of Gainesville to residents including workers, students, faculty and staff to UF. Service will include 30-40 minute frequency during weekdays from approximately 6:30 AM to 9:30 AM, with trips in mornings and afternoons. Based on observed ridership for similar type of service, RTS anticipates this service will average over 15 passengers per hour. RTS and FDOT will each provide \$69,746 (50/50 match) for a total of \$139,492 per terms of the JPA.

FDOT requires the governing board of each public transit system to adopt a resolution authorizing the acceptance of these funds.

*Fiscal Note:* Matching funds for each JPA and SJPA are identified in the RTS operating budget for FY18 as noted above.

**RECOMMENDATION**            The City Commission adopt the Resolution.

[170324A\\_Draft Resolution 20170921.pdf](#)

[170324B\\_Draft JPA Rt 33 20170921.pdf](#)

[170324C\\_Draft JPA Rt 800 20170921.pdf](#)

[170394.](#)

### **Bond Issuance for Financing Acquisition of the Gainesville Renewable Energy Center (Series A) (B)**

**MODIFICATION - CHANGED TEXT FILE AND NEW BACK-UP**

*Explanation:* Upon the execution and delivery of an Asset Purchase Agreement with Gainesville Renewable Energy Center LLC, the City will have entered into an agreement to purchase the Gainesville Renewable Energy Center ("GREC"), including tangible and intangible assets thereof, at a purchase price of \$750,000,000, subject to certain conditions precedent set forth therein. In order to finance the acquisition of GREC the City must authorize Bonds pursuant to its Amended and Restated Utilities System Revenue Bond Resolution, secured by revenues of the City's Utility System. Certain underwriters and banks have agreed to purchase the Bonds in an amount equal to the purchase price and costs of issuance of one or more series of such Bonds.

The Twenty-Seventh Supplemental Utilities System Revenue Bond Resolution authorizes the sale of the 2017 Series A Bonds to Goldman

Sachs & Co., Merrill Lynch, Pierce, Fenner & Smith Incorporated, Citigroup Global Markets Inc., Barclays Bank, Plc, Wells Fargo Bank, National Association and Samuel A. Ramirez & Co. (collectively, the "Underwriters") in an amount that, when combined with the 2017 Series B Bonds and 2017 Series C Bonds, shall not exceed (\$757,500,000). The 2017 Series A Bonds will be sold at a fixed rate to the Underwriters pursuant to a public bond and sold to the public pursuant to the Official Statement. The Underwriters will agree to purchase the 2017 Series A Bonds pursuant to a Contract of Purchase between the City and the Underwriters.

*Fiscal Note: None.*

**RECOMMENDATION**

The City Commission approve the Twenty-Seventh Supplemental Utilities System Revenue Bond Resolution and thereby approve the issuance and sale of the 2017 Series A Bonds to the underwriters and approve the forms of the Purchase Contract, Preliminary Official Statement, Continuing Disclosure Certificate, Insurance Agreement with a bond insurer to fund a debt service reserve fund, and authorize the execution and delivery thereof, subject to approval of the City Attorney as to form and legality.

This was presented to the UAB on 9/14/17 and they voted 4-1 (member Alford in dissent, members Denslow and Orlando absent) to recommend that the Commission approve.

[170394 27th Supplemental Resolution - 2017 Series A with Exhibits 20170914](#)

[170394 Financing Scenarios Presentation 20170921](#)

[170394 Darin Cooks Opinion 20170921](#)

[170394 Letter from Infinite Energy CFO 20170921](#)

[170403.](#)

**Bond Issuance for Financing Acquisition of the Gainesville Renewable Energy Center (Series B) (B)**

**MODIFICATION - ADDED ITEM**

*Explanation: Upon the execution and delivery of an Asset Purchase Agreement with Gainesville Renewable Energy Center LLC, the City will have entered into an agreement to purchase the Gainesville Renewable Energy Center ("GREC"), including tangible and intangible assets thereof, at a purchase price of \$750,000,000, subject to certain conditions precedent set forth therein. In order to finance the acquisition of GREC the City must authorize Bonds pursuant to its Amended and Restated Utilities System Revenue Bond Resolution, secured by revenues of the City's Utility System. Certain underwriters and banks have agreed to purchase the*

*Bonds in amount equal to the purchase price and costs of issuance of one or more series of such Bonds.*

*The Twenty-Eighth Supplemental Utilities System Revenue Bond Resolution authorizes the direct placement sale of the 2017 Series B Bonds to Wells Fargo Bank, National Association ("Wells Fargo") in a principal amount of up to \$150 million and when combined with the 2017 Series A Bonds and 2017 Series C Bonds shall not exceed (\$757,500,000). The 2017 Series B Bonds will be sold to Wells Fargo as a private placement pursuant to a Purchase Contract between the City and Wells Fargo and will bear interest at variable rate subject to adjustment as provided in such resolution. Wells Fargo as a condition to its purchase of the 2017 Series B Bonds has required that the City enter into a Continuing Covenant Agreement with additional representations, warranties and covenants of the City.*

*Fiscal Note: None.*

**RECOMMENDATION**

*The City Commission approve the Twenty-Eighth Supplemental Utilities System Revenue Bond Resolution and thereby approve the issuance and sale of the 2017 Series B Bonds to Wells Fargo and approve the forms of the Purchase Contract and Continuing Covenant Agreement with Wells Fargo, and authorize the execution and delivery thereof, subject to approval of the City Attorney as to form and legality.*

*This was presented to the UAB on 9/14/17 and they voted 4-1 (member Alford in dissent, members Denslow and Orlando absent) to recommend that the Commission approve.*

[170403 Resolution - 28th Supplemental. Series B 20170921](#)

[170404.](#)

**Bond Issuance for Financing Acquisition of the Gainesville Renewable Energy Center (Seris C) (B)**

**MODIFICATION - ADDED ITEM**

*Explanation: Upon the execution and delivery of an Asset Purchase Agreement with Gainesville Renewable Energy Center LLC, the City will have entered into an agreement to purchase the Gainesville Renewable Energy Center ("GREC"), including tangible and intangible assets thereof, at a purchase price of \$750,000,000, subject to certain conditions precedent set forth therein. In order to finance the acquisition of GREC the City must authorize Bonds pursuant to its Amended and Restated Utilities System Revenue Bond Resolution, secured by revenues of the City's Utility System. Certain underwriters and banks have agreed to purchase the Bonds in amount equal to the purchase price and costs of issuance of one or more series of such Bonds.*

*The Twenty-Ninth Supplemental Utilities System Revenue Bond Resolution authorizes the direct placement sale of the 2017 Series C Bonds to Bank of America, N.A. ("Bank of America") in a principal amount of up to \$115 million and when combined with the 2017 Series A Bonds and 2017 Series B Bonds shall not exceed (\$757,500,000). The 2017 Series C Bonds will be sold to Bank of America as a private placement pursuant to a Purchase Contract between the City and Bank of America and will bear interest at variable rate subject to adjustment as provided in such resolution. Bank of America as a condition to its purchase of the 2017 Series C Bonds has required that the City enter into a Continuing Covenant Agreement with additional representations, warranties and covenants of the City.*

*Fiscal Note: None.*

**RECOMMENDATION**

*The City Commission approve the Twenty-Ninth Supplemental Utilities System Revenue Bond Resolution and thereby approve the issuance and sale of the 2017 Series C Bonds to Bank of America and approve the forms of the Purchase Contract and Continuing Covenant Agreement with Bank of America, and authorize the execution and delivery thereof, subject to approval of the City Attorney as to form and legality.*

*This was presented to the UAB on 9/14/17 and they voted 4-1 (member Alford in dissent, members Denslow and Orlando absent) to recommend that the Commission approve.*

[170404 Resolution - 29th Supplemental - Series C - B of A w-Exhibits 20170921](#)

[170405.](#)

Currently Effective Amended and Restated Utilities System Revenue Bond Resolution (B)

**MODIFICATION - ADDED ITEM**

*Explanation: The City in consultation with Holland & Knight LLP, as Bond Counsel to the City and PFM Financial Advisors LLC, financial advisor to the City has undertaken a comprehensive review of the City's Amended and Restated Utilities System Revenue Bond Resolution (the "Utility System Bond Resolution") and identified amendments to certain provisions of the Utility System Bond Resolution.*

*The amendments set forth in the resolution captioned "Currently Effective Amendatory Resolution" will be effective immediately upon the consent of U.S. Bank National Association as Trustee under the Utility System Bond Resolution, delivery of a certificate by the financial advisor and the delivery of opinions by Bond Counsel and the City Attorney.*

*These amendments are intended cure ambiguities, supply any omissions, cure or correct certain defects and inconsistent provisions and have been determined, based on advice of the financial advisor, to not have a material adverse effect on the interests of Bondholders.*

*Fiscal Note: None.*

**RECOMMENDATION**      *Approve the adoption of the resolution.*

[170405 Currently Effective Amendatory Resolution 20170921](#)

[170395.](#)

### **Prospective Amendments to the Amended and Restated Utilities System Revenue Bond Resolution (B)**

*MODIFICATION - CHANGED TEXT FILE AND NEW BACK-UP*

*Explanation: The City in consultation with Holland & Knight LLP, as Bond Counsel to the City and PFM Financial Advisors LLC, financial advisor to the City has undertaken a comprehensive review of the City's Amended and Restated Utilities System Revenue Bond Resolution (the "Utility System Bond Resolution") and identified amendments to certain provisions of the Utility System Bond Resolution.*

*The amendments set forth in this Resolution, incorporating by reference the Second Amended and Restated Utilities System Revenue Bond Resolution, will become effective upon the consent of the Holders of not less than a majority in principal amount of the Bonds then Outstanding and to the extent required by the terms of any resolution or ordinance or contract or agreement applicable thereto, consent of any credit enhancers, liquidity providers or swap counterparties. These amendments make material amendments to the Utility System Bond Resolution in order to modernize certain provisions of the Utility System Bond Resolution and provide the City with greater future financing flexibility. The City is expected to obtain the consent of the purchasers of the City's Utilities System Revenue Bonds, 2017 Series A, Variable Rate Utilities System Revenue Bonds, 2017 Series B and Variable Rate Utilities System Revenue Bonds, 2017 Series C.*

*Fiscal Note: None.*

**RECOMMENDATION**      *The City Commission approve the adoption of the Resolution.*

[170395 Prospective Amendment Resolution 20170921](#)

## **ORDINANCES, 1ST READING - ROLL CALL REQUIRED**

[160709.](#)

### **ORDINANCE AMENDING SOLID WASTE COLLECTION TIMES**



**FOR CERTAIN ZONES (B)**

Ordinance 160709

An ordinance of the City of Gainesville, Florida, amending the Code of Ordinances relating to solid waste disposal by amending paragraph (e) of section 27-79 to provide for earlier solid waste collection times in certain zones; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

*Explanation: PUBLIC WORKS DEPARTMENT STAFF REPORT*

*Gainesville's Code of Ordinances restricts Commercial Service and Construction and Demolition Debris Franchise haulers to collecting waste Monday through Saturday between the hours of 6:00 a.m. and 9:00 p.m. except in areas of mixed residential and commercial occupancy where collections may begin no earlier than 7:00 a.m. The City Manager or designee may authorize collection on Sunday where special needs of the customer make it necessary. In the event of an emergency, a franchisee may collect at times not allowed by this section, provided the City Manager grants prior approval. Prior approval for an earlier starting time has traditionally been provided to haulers each year on the Friday morning of the Homecoming Parade when thousands of pedestrians converge on University Avenue in the hours prior to the commencement of the parade. The areas where haulers may start collections early that day are usually confined to the first couple of blocks north and south of University Avenue from Main Street to NW 22nd Street. The opportunity to start early in those few blocks gives haulers the chance to empty dumpsters and vacate the area before it becomes congested with vehicular traffic, bicyclists and pedestrians.*

*In consideration of the density and mixed-use nature of the development occurring in parts of the City; and taking into account that these types of areas have difficulty loading and unloading solid waste containers the Solid Waste Division is proposing that the City Commission consider providing flexibility to the starting times listed in the ordinance. Such flexibility would provide the City Manager or designee the ability to determine whether there are operational justifications to allow earlier and/or later collection hours. Exception areas would presumably be designed to grant exceptions to specific commercial areas exhibiting congested daytime environments with high volume of pedestrian and/or bicycle or scooter-type traffic; and would be based upon safety and zoning criteria. The hours could be set by the City Manager or designee following input from business owners and residents of the respective areas. Some areas that might be initially considered would be adjacent to the University of Florida campus zoned UMU-1 and UMU-2 Urban Mixed Use, and areas in the core downtown area zoned CCD Central City District.*

**CITY ATTORNEY MEMORANDUM**

*This ordinance requires two readings. First reading will be held on*



September 21, 2017; second reading will be held on October 5, 2017.

*Fiscal Note: None*

**RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

**Legislative History**

2/16/17 City Commission Approved as Recommended

[160709 Zoning Map 20170216.pdf](#)

[160709 Amend Solid Waste Collection Times 20170921.pdf](#)

[170353.](#)

**SECOND EXTENSION OF MORATORIUM ON CONSTRUCTION OF WIRELESS COMMUNICATION FACILITIES IN PUBLIC RIGHTS-OF-WAY (B)**

Ordinance No. 170353

An ordinance of the City of Gainesville, Florida, readopting and ratifying, in part, Ordinance No. 160401 and Ordinance No. 160798, and extending the time period of the 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 placement of above-ground wireless communication facilities in the public rights-of-way within the city limits; providing a severability clause; providing repealing clauses; and providing an effective date.

*Explanation: Ordinance No. 160401 was adopted by the City Commission on October 20, 2016, imposing a temporary moratorium on construction of wireless communication facilities in the public right-of-way until April 7, 2017. In January 2017, the Florida legislature began considering legislation that would preempt, limit, or provide additional direction to local governments regarding regulation of wireless communication facilities in the public rights-of-way. The proposed legislation was subject to numerous amendments and City staff deemed it ineffective to draft any ordinance until any new legislation was passed. Accordingly, Ordinance No. 160798 was adopted to extend the moratorium until October 7, 2017. The final version of the Advanced Wireless Infrastructure Deployment Act ("Act") was signed by the Governor on June 23, 2017, with an effective date of July 1, 2017. City staff began preparing ordinances that would be consistent with the new Act and would provide for the public health, safety and welfare of the citizens of Gainesville. To that end, the first ordinance, an amendment to Article VI, Section 23 of the City Code, was adopted by the City Commission on September 7, 2017. That ordinance partially repealed the moratorium as to placement of underground wireless communication facilities in the public rights-of-way. City staff anticipates that the next ordinance, an amendment to the City's land development code, will take an additional four months because it will need to be considered by the City's Plan Board, as well as the City*

*Commission. Accordingly, the City staff recommends that the moratorium be extended until December 31, 2017.*

*The extended time period will end on December 31, 2017, or sooner if the City adopts the necessary implementing ordinances.*

**CITY ATTORNEY MEMORANDUM**

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

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

[170353A\\_draft ordinance\\_20170921.pdf](#)

**ADOPTION READING - ROLL CALL REQUIRED**

[160981.](#)

**LAND USE CHANGE - 108 ACRES OF PROPERTY SOUTH OF SW ARCHER ROAD AND WEST OF I-75 (B)**

Ordinance No. 160981; Petition No. PB-17-28 LUC

An ordinance of the City of Gainesville, Florida, amending the Future Land Use Map of the Comprehensive Plan by changing the land use category of approximately 108 acres of property that is generally located south of SW Archer Road, west of Tax Parcel No. 07240-049-000 and the existing City of Gainesville boundary, north of SW 57th Avenue, and east of SW 63rd Boulevard, as more specifically described in this ordinance, from Alachua County Low-Density Residential (RL) to City of Gainesville Single-Family (SF); 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*

*Update since first reading: On July 6, 2017, the City Commission approved this ordinance on first reading. City staff then transmitted this ordinance to the state reviewing agencies in accordance with the statutory expedited review process for comprehensive plan amendments. During the 30-day comment period, the City received letters from the Florida Department of Economic Opportunity, Florida Department of Environmental Protection, North Central Florida Regional Planning Council, St. Johns River Water Management District, Suwannee River Water Management District, Florida Department of Transportation, and Alachua County. The comments received did not identify any adverse impacts to important state resources and facilities within the scope of review of the respective state agencies, and therefore*

*did not necessitate any changes to the ordinance.*

*This ordinance will amend the Future Land Use Map of the Comprehensive Plan by changing the land use category of approximately 108 acres of property that is generally located south of SW Archer Road and west of I-75 from Alachua County Low-Density Residential (RL) to City of Gainesville Single-Family (SF). The subject property was voluntarily annexed into the City on June 1, 2017, by Ordinance No. 160744. Following annexation, the city is required to assign city land use and zoning on the subject property.*

*The 108-acre subject property is generally located south of SW Archer Road, west of SW 50th Terrace, north of SW 57th Avenue, and east of SW 53rd Place. It consists of 11 parcels and is a mix of dispersed single-family residential development (seven of the 11 parcels have residential structures) and undeveloped parcels, and it contains no paved roads. The property abuts SW 47th Way to the east, which is part of the SW 47th Way Extension (which traverses the property and is an important corridor in the Alachua County Mobility Plan). In addition, the property is approximately one mile west of Butler Plaza and 2,200 feet west of SW 45th Street (multi-lane road to Celebration Pointe that is north of Archer Road and on the west side of I-75).*

*Adoption of SF land use (and related RSF-4 zoning) will enable future development of the property that will provide additional single-family housing in southwest Gainesville in close proximity to major arterial roadways (I-75 and Archer Road), large commercial centers (Butler Plaza and Celebration Pointe), and major employment centers (including University of Florida, UF Health, and Veterans Administration Hospitals).*

*This ordinance is consistent with the City's Comprehensive Plan and supports residential development in the urban area. The developer will be required to construct a portion of the SW 47th Way Extension through the property, consistent with the County's Mobility Plan and the County's Capital Improvement Element. The 5-Year Schedule of Capital Improvements in the Capital Improvements Element of the Comprehensive Plan will need to be updated to include future construction of a portion of the SW 47th Way Extension through the property.*

*On April 27, 2017, the City Plan Board held a public hearing and voted to recommend that the City Commission approve this Future Land Use Map amendment.*

*Fiscal Note: None.*

#### **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 days prior to the hearing. The second hearing is the adoption stage and must be advertised at*

least five days prior to the hearing. Within ten 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 written comments to the City, which the City must then consider during the second hearing. If adopted on second reading, the City will forward the amendment within ten working days to the state land planning agency and any party that submitted written comments.

Within 30 days following the City's adoption of the amendment, any affected person may file a petition with the State Division of Administrative Hearings to request a hearing to challenge the amendment's compliance 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) receive letters from the Florida Department of Economic Opportunity, Florida Department of Environmental Protection, North Central Florida Regional Planning Council, St. Johns River Water Management District, Suwannee River Water Management District, Florida Department of Transportation, and Alachua County; and 2) adopt the proposed ordinance.

**Legislative History**

7/6/17 City Commission Approved (Petition) and Adopted on First Reading (Ordinance)

[160981 Staff Report w Appendices A-C 20170427](#)

[160981 petition response 20170427.pdf](#)

[160981A draft ordinance 20170706.pdf](#)

[160981B Staff Report w Appendices A-C 20170706.pdf](#)

[160981C petition response 20170706.pdf](#)

[160981D CPB minutes 20170706.pdf](#)

[160981E Staff PPT 20170706.pdf](#)

[160981 Archer OaksPPT City Commission 20170706.pdf](#)

[160981B State Review Letters 20170921.pdf](#)

[160982](#)

**QUASI-JUDICIAL - REZONING 108 ACRES OF PROPERTY  
SOUTH OF SW ARCHER ROAD AND WEST OF I-75 (B)**

Ordinance No. 160982; Petition No. PB-17-30 ZON

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning approximately 108 acres of property that is generally located south of SW Archer Road, west of Tax Parcel No. 07240-049-000 and the existing City of Gainesville boundary, north of SW 57th Avenue, and east of SW 63rd Boulevard, as more specifically described in this ordinance, from Alachua County Single-Family Low-Density (R-1A) and (R-1C) districts and Single-Family Low-Density (RE-1) district to City of Gainesville Single-Family Residential (RSF-4) 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 ordinance will rezone approximately 108 acres of property that is generally located south of SW Archer Road and west of I-75 from Alachua County Single-Family Low-Density (R-1A) and (R-1C) districts and Single-Family Low-Density (RE-1) district to City of Gainesville Single-Family Residential (RSF-4) district. The property was voluntarily annexed into the City on June 1, 2017, by Ordinance No. 160744. Following annexation, the city is required to assign city land use and zoning on the subject property.*

*The 108-acre subject property is generally located south of SW Archer Road, west of SW 50th Terrace, north of SW 57th Avenue, and east of SW 53rd Place. It consists of 11 parcels and is a mix of dispersed single-family residential development (seven of the 11 parcels have residential structures) and undeveloped parcels, and it contains no paved roads. The property abuts SW 47th Way to the east, which is part of the SW 47th Way Extension (which traverses the property and is an important corridor in the Alachua County Mobility Plan). In addition, the property is approximately one mile west of Butler Plaza and 2,200 feet west of SW 45th Street (multi-lane road to Celebration Pointe that is north of Archer Road and on the west side of I-75).*

*Adoption of RSF-4 zoning, which allows 8 units per acre, will enable future development of the property that will provide additional single-family housing in southwest Gainesville in close proximity to major arterial roadways (I-75 and Archer Road), large commercial centers (Butler Plaza and Celebration Pointe), and major employment centers (including University of Florida, UF Health, and Veterans Administration Hospitals).*

*The rezoning is consistent with the City's Comprehensive Plan and supports residential development in the urban area. The developer will be required to construct a portion of the SW 47th Way Extension through*

*the property, consistent with the County's Mobility Plan and the County's Capital Improvement Element. The 5-Year Schedule of Capital Improvements in the Capital Improvements Element of the Comprehensive Plan will need to be updated to include future construction of a portion of the SW 47th Way Extension through the property.*

*On April 27, 2017, the City Plan Board held a public hearing and voted to recommend that the City Commission approve this rezoning.*

*Fiscal Note: None.*

#### CITY ATTORNEY MEMORANDUM

*This ordinance requires two hearings and shall become effective when the amendment to the City of Gainesville Comprehensive Plan adopted by Ordinance No. 160981 becomes effective as provided therein.*

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

#### Legislative History

7/6/17            City Commission            Approved (Petition) and Adopted on First Reading  
(Ordinance)

[160982\\_Staff Report w Appendices A-C\\_20170427](#)

[160982\\_petition response\\_20170427.pdf](#)

[160982A\\_draft ordinance\\_20170706.pdf](#)

[160982B\\_Staff Report w Appendices A-C\\_20170706.pdf](#)

[160982C\\_petition response\\_20170706.pdf](#)

[160982D\\_CPB minutes\\_20170706.pdf](#)

[160982E\\_Staff PPT\\_20170706.pdf](#)

[160982\\_Quasi-Judicial Form\\_20170706.pdf](#)

[160982\\_quasi-judicial form 3\\_20170706.pdf](#)

[160982\\_Archer OaksPPT City Commission\\_20170706.pdf](#)

[160982\\_MOD\\_Petitioner Form\\_20170706.pdf](#)

## PLANNING PETITIONS

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

## COMMISSION COMMENT

[170409.](#)

**Commissioner Harvey Ward - Post - Irma Discussion (NB)**

**MODIFICATION - ADDED ITEM**

RECOMMENDATION

*The City Commission discuss and take action deemed appropriate.*

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