

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Meeting Agenda

March 3, 2016

1:00 PM

MODIFIED AGENDA

City Hall Auditorium

City Commission

Mayor Ed Braddy (At Large)
Commissioner Harvey Budd (At Large)
Commissioner Helen Warren (At Large)
Commissioner Charles Goston (District 1)
Commissioner Todd Chase (District 2)
Mayor-Commissioner Pro Tem 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 - 1:07 PM**AGENDA STATEMENT****ROLL CALL****INVOCATION****PROPHET GEORGE YOUNG****ADOPTION OF THE CONSENT AGENDA (Including both General Government and Gainesville Regional Utilities items)****CITY MANAGER, CONSENT AGENDA ITEMS****GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS****CITY ATTORNEY, CONSENT AGENDA ITEMS**[150762.](#)

Extension of Tolling Agreement for City's claims against Jones Edmunds regarding the design and engineering of the Sediment Basin of the Sweetwater Branch/Paynes Prairie Sheetflow Restoration Project (B)

Explanation: On September 24, 2013, the City discovered for the first time that the sediment basin of the Sweetwater Branch/Paynes Prairie Sheetflow Restoration Project, located at 325 S.W. Williston Road, Gainesville, Florida, was not functioning as intended and as necessary for the Project. On June 17, 2014, the City placed Jones, Edmunds & Associates, Inc. on notice of the City's claims regarding design and engineering of the sediment basin. Jones Edmunds prepared Sediment Basin Design Modifications that were incorporated into Change Order Request 15 for the Project on or about March 31, 2015. Since June 2014, City staff (from GRU, Public Works, and Legal) have been working with Jones Edmunds to negotiate a settlement of the claims without resort to litigation, as it is anticipated that such litigation will be lengthy and time and cost-intensive for both parties. City staff continues to negotiate in good faith with Jones Edmunds, however a Statute of Limitations (a statutory timeframe within which legal action must be filed) for one the City's claims was set to expire on September 24, 2015. The City entered into a tolling agreement with Jones Edmunds on August 18, 2015 extending the applicable Statute of Limitations date to February 29, 2016, allowing staff to continue its efforts to negotiate and finalize a settlement. Negotiations are still ongoing, including mediation that is being scheduled, and it is necessary to amend the Tolling Agreement to further extend the tolling period until June 30, 2016. In the event staff is unable to finalize a proposed written settlement agreement prior to the

end of the second tolling period, City staff will request the City Commission to authorize the initiation of litigation to pursue the City's claims.

RECOMMENDATION

Approve and ratify the First Amendment to Tolling Agreement that has been signed in order to preserve the City's legal rights.

[150762 First Amendment to Tolling Agreement 20160303](#)

[150780.](#)

CELEBRATION POINTE COMMUNITY DEVELOPMENT DISTRICT NO. 1 VS. HOUSING PARTNERS OF GAINESVILLE, FL, LTD., A FLORIDA LIMITED PARTNERSHIP; FIRST HOUSING DEVELOPMENT CORPORATION OF FLORIDA, A FLORIDA CORPORATION; CHAPMAN ASSOCIATES, LTD., A FLORIDA LIMITED LIABILITY PARTNERSHIP; CITY OF GAINESVILLE, FLORIDA, A MUNICIPAL CORPORATION; BELLSOUTH TELECOMMUNICATIONS, INC., A GEORGIA CORPORATION; ALACHUA COUNTY, FLORIDA, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA; RESERVE AT KANAPAHA II, LTD. A FLORIDA LIMITED PARTNERSHIP; AND JOHN POWER, ALACHUA COUNTY TAX COLLECTOR; EIGHTH JUDICIAL CIRCUIT, CASE NO. 2016-CA-414 (B)

Sponsors: City Attorney

Explanation: On February 22, 2016, the City was served with a Summons to Show Cause and Petition for Condemnation filed by Celebration Pointe Community Development District No. 1. Petitioner alleges that the property as described in the Petition is necessary for the purpose of constructing road improvements to SW 43rd Street and SW 32nd Street. Petitioner is seeking possession of the property as described in the Petition. The City's interest is a utility easement on a small portion of the properties at issue.

RECOMMENDATION

The City Commission authorize the City Attorney to represent the City in the case styled Celebration Pointe Community Development District No. 1 vs. Housing Partners of Gainesville, FL, Ltd., a Florida limited partnership; First Housing Development Corporation of Florida, a Florida corporation; Chapman Associates, Ltd., a Florida limited liability Partnership; City of Gainesville, Florida, a Municipal corporation; Bellsouth Telecommunications, Inc., a Georgia corporation; Alachua County, Florida, a political subdivision of the State of Florida; Reserve at Kanapaha II, Ltd. a Florida Limited partnership; and John Power, Alachua County Tax Collector; Eighth Judicial Circuit, Case No. 2016-CA-414.

[150780 Celebration Pointe Lawsuit 20160303](#)

[150785.](#)**BENJAMIN H. LEE VS. STATE OF FLORIDA, AND THE GAINESVILLE POLICE DEPARTMENT; EIGHTH JUDICIAL CIRCUIT, CASE NO. 2016-CA-0166 (B)**

Explanation: On January 26, 2016, the City was served with a Summons and Petition for Writ of Mandamus filed by Benjamin H. Lee. Mr. Lee alleges that pursuant to his arrest on November 17, 2015 for a misdemeanor possession of drug paraphernalia charge, cash was seized from him pursuant to Florida's Contraband Forfeiture Act. Upon request for a preliminary hearing, the City advised Mr. Lee that the City did not intend to initiate forfeiture proceedings. Mr. Lee requested return of his property but his request was refused as it was being held as evidence in a criminal prosecution. Subsequently, Mr. Lee filed a Motion for Return of Property with the County Court which was denied by Judge Susanne Wilson Bullard. Mr. Lee has filed a Petition for Writ of Mandamus with the Circuit Court requesting review of the County Court's Order denying his motion and seeks immediate return of his property.

RECOMMENDATION

The City Commission authorize the City Attorney to represent the City in the case styled Benjamin H. Lee vs. State of Florida, and The Gainesville Police Department; Eighth Judicial Circuit, Case No. 2016-CA-0166

[150785_Petition for Writ of Mandamus Backup_20160303](#)

[150787.](#)**BERNICE FOSTER, AS PUTATIVE PERSONAL REPRESENTATIVE OF THE ESTATE OF JOHN LEE LITTLE, JR. VS. JAMIE REED, AND PATRIOT TRANSPORTATION HOLDING, INC. D/B/A FLORIDA ROCK & TANK LINES, INC., AND CITY OF GAINESVILLE, A MUNICIPALITY; EIGHTH JUDICIAL CIRCUIT, CASE NO. 2016-CA-325 (B)**

Sponsors: City Attorney

Explanation: On February 24, 2016, the City was served with a Summons and Complaint filed by Bernice Foster, as Putative Personal Representative of the Estate of John Lee Little, Jr. Ms. Bernice Foster alleges that on January 16, 2015, her son John Lee Little, Jr. was involved in an automobile accident with a Florida Rock truck at the intersection of NW 39th Avenue (State Road 222) and NW 19th Street, in Gainesville. John Lee Little, Jr. suffered fatal injuries in the accident. Plaintiff alleges that the City had full authority and duty to control, maintain, and manage the subject intersection and traffic control devices, along with City Park property adjacent to the intersection. Plaintiff alleges that the intersections and surrounding property were designed and maintained so as to create a hazardous condition that contributed to the accident. Plaintiff seeks money damages from Florida Rock's parent company, the driver of the Florida Rock truck, and the City.

RECOMMENDATION

The City Commission authorize the City Attorney to represent the City of Gainesville in the case styled Bernice Foster, as Putative Personal Representative of the Estate of John Lee Little, Jr. vs. Jamie Reed, and Patriot Transportation Holding, Inc. d/b/a Florida Rock & Tank Lines, Inc., and City of Gainesville, a municipality; Eighth Judicial Circuit, Case No. 2016-CA-325.

[150787 John Little Consent 20160303](#)

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS**EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS****COMMITTEE REPORTS, CONSENT AGENDA ITEMS****END OF CONSENT AGENDA****ADOPTION OF THE GENERAL GOVERNMENT REGULAR AGENDA (Read if any, each item added or modified)****UTILITY-RELATED CITIZEN COMMENT (not to exceed 30 minutes in length)****GENERAL MANAGER FOR UTILITIES**

[150788.](#)

Reduction of Purchased Gas Adjustment (PGA) (B)

****This item is informational. Estimated presentation time 5 minutes.****

Explanation: The final fuel expenses and revenues have been posted for Fiscal Year 2015 as well as the first quarter of Fiscal Year 2016. The Purchased Gas fuel levelization balance as of December 31, 2015 was approximately \$1.6 million. The heating season is substantially complete and there have been no unanticipated spikes in fuel costs, as well as continued favorable pricing in the natural gas market. Given these conditions, the General Manager for Utilities has directed that the Purchased Gas Adjustment be reduced beginning in March 2016. The current Purchased Gas Adjustment is \$0.30 per kWh through February 2016 and will be lowered to \$0.23 per kWh in March 2016. Staff will continue to monitor the expenses and loads to determine if additional reductions will be appropriate at any time in the future.

Fiscal Note: None at this time.

RECOMMENDATION

Receive a brief presentation from staff to address the revisions to the fuel cost assumptions, the impact to the Purchased Gas Levelization and the

resulting customer bill reductions.

[150788 PGA Reduction 20160303](#)

UTILITY COMMITTEE REPORTS (PULLED FROM CONSENT)

UTILITY ADVISORY BOARD/COMMITTEE REPORTS. Reports must be placed on the agenda by a Charter Officer, through staff liaison after approval by Board/Committee.

UTILITY-RELATED ITEMS FROM OUTSIDE AGENCIES. Must be submitted by a Charter Officer. Update limited to ten (10) minutes.

UTILITY-RELATED ITEMS FROM MEMBERS OF THE CITY COMMISSION

UTILITY-RELATED COMMISSION COMMENTS (if time permits)

GENERAL GOVERNMENT items of a time-sensitive or important nature or pulled from Consent. Must be submitted or pulled by the Mayor, a City Commissioner or a Charter Officer.

[150751](#)

Spring 2016 Telephone Town Hall Meeting (NB)

This item requests to schedule a Telephone Town Hall meeting on April 5, 2016, and to receive direction on a discussion topic. **ESTIMATED ORAL PRESENTATION 5 MINUTES**

Explanation: As part of the strategic planning process, the City Commission holds special meetings throughout the year to reach Gainesville residents helping to ensure the city's priorities are citizen centered.

The Commission hosted its first Telephone Town Hall meeting, talkGNV, on October 8, 2014, which focused on the Transportation Sales Surtax referendum. A second talkGNV meeting was scheduled for June 8, 2015, to discuss GRU governance. The Commission later postponed the Telephone Town Hall meeting to October 29, 2015, and hosted a discussion focused on the Parks, Recreation, and Cultural Affairs Vision 2020 Master Plan and Funding Options.

Summary reports and audio recordings of previous talkGNV meetings are available on the city's website at <<http://www.cityofgainesville.org/openGNV/talkGNV.aspx>>.

For the spring 2016 meeting, staff has identified a tentative date and time of April 5, 2016, from 6:00 to 7:00 p.m., during which participants will have the opportunity to ask questions, share comments, vote in polls, or just listen to the discussion.

Staff is requesting direction from the City Commission on the topic for the spring 2016 meeting.

Potential discussion topics may be:

- FY2017 budget
- Citizen Centered Gainesville initiative
- Programs and service offerings

Fiscal Note: The cost of a Telephone Town Hall meeting is approximately \$4,500 for a one-hour call. Funding for two meetings is included in the FY2016 budget and one meeting has been held this fiscal year.

RECOMMENDATION

The City Commission: 1) direct the Clerk of the Commission to schedule the Telephone Town Hall meeting on April 5, 2016; and 2) provide direction to the City Manager on a discussion topic.

[140930.](#)

Property Assessed Clean Energy (B)

This is a request for the City Commission to hear a presentation from Alachua County staff on the status of the Property Assessed Clean Energy (PACE) program. **ESTIMATED STAFF PRESENTATION 5 MINUTES**

Explanation: On January 6, 2016, the Community Development Committee heard a presentation on the status of the Property Assessed Clean Energy program (PACE). Alachua County Staff has been working to develop the PACE program locally that is now operational and available countywide.

Buildings account for up to 50% of a community's energy use and approximately 40% of its Greenhouse Gas emissions. Improving efficiency and installing renewable energy generation in commercial and residential buildings help communities reduce their energy costs, conserve energy, and reduce Greenhouse Gas emissions. One of the main barriers to making improvements in energy efficiency or renewable energy production is the up-front cost of these systems. Local governments across the US are recognizing this barrier and are overcoming it by participating in PACE.

What is PACE?

PACE (Property Assessed Clean Energy) eliminates a main barrier of upfront costs by allowing property owners to pay off energy efficient and/or green energy upgrades or wind mitigation improvements through a voluntarily non ad valorem assessment on their property tax bill. To create an economy of scale of service, communities in Florida are joining together via interlocal agreement with Third Party Administrated PACE providers.

What can be funded through PACE?

PACE can be used to fund energy efficiency improvements, wind

resistance measures, and renewable electricity generation including but not limited to solar water heating systems, air sealing and ventilation systems, efficient doors and windows, insulation, “cool” roofs, water heaters, pool pumps, lighting fixtures and controls, storm shutters, wind resistant shingles, high impact windows and doors, photovoltaic systems, EV charging, and small wind turbines.

PACE Providers Approved by Alachua County

*Florida Green Finance Authority / EcoCity Partners.
www.ecocitypartners.com/ <http://ecocitypartners.com/>
(727) 238-7326*

*Clean Energy Green Corridor / Ygrene Energy Fund Florida
www.ygrene.us/fl/green_corridor <https://ygrene.us/fl/green_corridor>
(305) 569-0015*

Fiscal Note: There is no fiscal impact to hearing this presentation.

RECOMMENDATION

The Community Development Committee requests that the City Commission hear a presentation by County staff. No action is required.

Assistant City Manager Paul Folkers provided a brief history of the City’s involvement with the Property Assessed Clean Energy (PACE) program. Alachua County has developed the program, so Mr. Folkers introduced Rachel Wayne of Alachua County’s Office of Sustainability, who gave a detailed presentation of the program. PACE is a Housing and Urban Development (HUD) program that allows residential or commercial property owners to apply for capital from Third Party Administrators (TPAs) to fund a retrofit of their building. The loan is repaid with the property-owners’ property taxes to the lender, via the tax collector and property appraiser. The County feels this program will help residents adopt solar technology, decrease utility fees or insurance premiums, and/or reduce their carbon footprint, among other benefits, and that it will allow for some local job growth in the construction field. Commissioner Wells stated that the County (with the City’s help) should emphasize that this is simply a funding option and encourage citizens to shop for the best financing they can find. The Committee agreed that a brief version of the informational presentation should be brought to the City Commission, letting them know that cities may choose to opt out of involvement, but that the Committee does not recommend opting out. Further, the Committee would like GRU to be part of the contractor review process and that an initial, third party energy audit should be required so that citizens are not oversold on upgrades or equipment they don’t need.

[140930A AC PACE Agenda Item 20160106.pdf](#)

[140930B AC PACE enabling resolution 20160106.pdf](#)

[140930C AC PACE Policy and Procedural Framework 20160106.pdf](#)

[140930D AC PACE Final Responses 20160106.pdf](#)

[140930E AC Interlocal Agmt Green Corr. PACE 20160106.pdf](#)

[140930F PACE presentation 20160106.pdf](#)

[140930 PACE presentation 20160303.pdf](#)

[140930 PACE Presentation 20160414.pdf](#)

140186.

Residency Requirement for Candidates (B)

Explanation: On July 17, 2014 the City Commission referred a discussion of Residency Requirement for Candidates to the Audit, Finance and Legislative Committee. The referral was subsequently transferred to the Legislative and Organizational Policy Committee.

Article II, Section 2.03 of the City Charter outlines the eligibility requirements for each district and at-large candidate. Sec. 9-10(b). of the Code of Ordinances- Qualifications of candidates for city commission further states eligibility requirements in a case where redistricting has occurred.

Committee members asked legal staff to conduct additional research to include legal precedent or case law, what entity or agency would receive complaints, hear the case, and who has ultimate authority. At the May 4, 2015 committee meeting, City Attorney staff presented case law where a judge ruled that subjective intent to be in a place supported by the facts, such as car registration, where one sleeps, school children are zoned to, among others could constitute residence. In the particular case cited, the residency in question was a place of business. The Judge ruled that there was no evidence that the person lived anywhere else, hence their intent to be in a place constituted residence.

Florida law puts the responsibility on the candidate (not the Supervisor of Elections or the City) to ensure that he/she complies with all state and local elections laws. It appears from staff research that challenges to candidacy can come from another candidate or a voter. Staff has not found legal precedent for the City itself to bring suit against a candidate. There are several resources available to candidates and others who are concerned about a potential violation of election laws, including but not limited to:

The Florida Division of Elections: Provides information about state election laws and issues advisory opinions. <<http://www.fec.state.fl.us>>

*The Florida Elections Commission: Investigates sworn complaints alleging violations of state election laws.
<<http://election.dos.state.fl.us/index.shtml>>*

The Court system: Hears legal challenges brought by persons who have standing to challenge a violation of either local or state election laws.

On August 12, 2015, the Committee further discussed this item with Commissioner Warren in attendance. In an effort to more define residency and avoid/prevent issues in future elections, Committee members, and Commissioner Warren discussed a list of criteria to prove residency including drivers' license, utility bills, homestead exemption, credit card bills, school records. Commissioner Warren volunteered to contact other communities to determine their residency qualifications for

candidates and bring back to the Committee for future discussion.

At the November 4, 2015 Legislative and Organizational Policy meeting, Commissioner Warren submitted House Bill 571 Residency of Candidates and Public Officers which was introduced to the legislature in 2014. While the bill was not passed, it did set forth a list of factors that could be used for determining if a candidate meets the residency requirement. The bill explains that there are two alternative interpretations of the term "resident" (page four of the attached bill).

Fiscal Note: None

RECOMMENDATION

The City Commission: 1) Discuss the residency requirement for candidates; 2) Take any action deemed appropriate; and 3) Remove this item from the Legislative and Organization Policy committee referral list.

City Auditor Brent Godshalk introduced the item and advised that Commissioner Poe had been invited to the meeting to discuss the issue. It was the consensus to retain the item in Committee until such time as Commissioner Poe can attend.

Becky Rountree, Administrative Services Director, introduced this agenda item by referring to Article 2 Section 2.03 of the City Charter which outlines the eligibility requirements for each district and at-large candidates, as well as Section 9-10 of the code which discusses qualifications when a redistricting has occurred. Candidates must be a registered voter who lives in their district for not less than 6 months and must continuously reside in their district.

Candidates must sign an affidavit of eligibility when running for office. The Legislative and Organizational Policy Committee members would like to know who the controlling legal authority is for election concerns (sign placements, wording on the signs, eligibility requirements including residency, etc). David Schwartz, Assistant City Attorney, will bring a legal opinion regarding residency to the next committee meeting. Becky Rountree, Administrative Services Director, explained that our Charter requires candidates to be a qualified voter and a resident in their district for not less than 6 months prior to the date the person qualifies to run for office. Residency is self-declared by the candidate. Florida law puts the responsibility on the candidate (not the Supervisor of Elections or the City) to ensure that he/she complies with all state and local elections laws. Challenges regarding a candidates residency can be made by another candidate or a voter. If challenged, the court will make the final determination.

In an effort to define residency and avoid/prevent issues in future elections, committee members discussed a list of criteria to prove residency (a drivers license, utility bill, credit card statements, homestead exemption, school records, etc). Eligibility Article 2.03 will require a Charter change.

Mayor Braddy recommended no action be taken on this agenda item until Commissioner Warren has an opportunity to contact other communities to determine their residency qualifications for candidates prior to an election.

In an effort to define residency and avoid/prevent issues in future elections, the Legislative and Organizational Policy Committee members discussed during the September 9, 2015 meeting a list of criteria to prove residency. Suggested documents included a drivers license, utility bill, credit card statements, homestead exemption, school records, etc. Commissioner Warren requested that the conversation continue after she has had an opportunity to contact other communities to determine their residency qualifications for candidates prior to an election.

Commissioner Warren provided copies of a House bill and a Senate bill to committee members for review. The two bills are used in Tallahassee for state-held offices. The bills outline daily documents to define residency for candidates. The bills demonstrate that documents used for a state-held office are easily transferrable to a city-held offices. Continue the discussion at the next Legislative and Organizational Policy Committee meeting.

Administrative Services Director Becky Rountree introduced Commissioner Helen Warren to discuss the residency requirements for candidates.

Prior to running for office, candidates sign an affidavit stating their residence location. Florida law puts the responsibility on the candidate (not the Supervisor of Elections or the City) to ensure that candidates comply with all state and local elections laws. Residency has been legally defined as where you say you reside. Residency can be challenged by another candidate or voter on an expedited basis through the court.

Commissioner Warren asked whether terminology can be added to our Charter to maintain the integrity for public office. Warren submitted House Bill 571 Residency of Candidates and Public Officers which was introduced to the Legislature in 2014. While the bill was not passed, it did set forth a list of factors that could be used for determining if a candidate meets the residency requirement. The bill explains that there are two alternative interpretations of the term "resident" (page four of the attached bill).

Member of the Legislative and Organizational Policy Committee discussed who could/should vet a candidate's eligibility; and if it is considered discriminating to request ID from candidates to prove their residency. Susan Bottcher and Jim Konish both provided their opinion. Members referred the matter to the City Commission for discussion.

[140186A_ARTICLE II CITY COMMISSION_20150414.pdf](#)

[140186B_Qualifications of Candidates for City Commission_20150414.pdf](#)

[140186A_ARTICLE II CITY COMMISSION_20150504.pdf](#)

[140186B_Qualifications of Candidates for City Commission_20150504.pdf](#)

[140186_Charter Laws Article II_20150812.pdf](#)

[140186_FL Bills Residency Requirements_20151104.pdf](#)

[140186_FL Bills Residency Requirements_20160218.pdf](#)

[150786.](#)

Utility Advisory Board (NB)

Explanation: On February 18th, the City Commission appointed: Michael Selvester, Annie Orlando, Robert Walpole, Darin Cook, David Denslow, Mary Alford and Sandra Campbell with terms to be determined at the March 3, 2016 City Commission meeting.

RECOMMENDATION

The City Commission appoint 4 members for 4 year terms and 3 members for 2 year terms.

RECESS 4:08 PM

PLEDGE OF ALLEGIANCE**PROCLAMATIONS/SPECIAL RECOGNITIONS Placed on Agenda by
Commissioner or Charter Officer**[150771.](#)**Believing in Girls Month - March 2016 (B)****RECOMMENDATION**

*PACE Center for Girls Alachua Development
Manager Valerie Solomon to accept the
proclamation.*

[150771_BelievinginGirlsMonth_20160303.pdf](#)[150783.](#)**Doctor's Day - March 30, 2016 (B)****RECOMMENDATION**

*Alachua County Medical Society Past President
Roslyn Levy and President Arlene Colon to
accept the proclamation.*

[150783_DoctorsDay_20160303.pdf](#)**6:00 P.M.****CITIZEN COMMENT (to end at a time certain of 6:30pm or at such later time as
allows for 30 minutes of citizen comment)****PUBLIC HEARINGS****RESOLUTIONS- ROLL CALL REQUIRED**[150752.](#)**Qualified Target Industry (QTI) Second Amendment to Resolution -
ONESIXTYOVERNINETY, INC. (B)**

**This item seeks City Commission approval for a second amendment to QTI
Resolution previously approved by the City Commission to adjust timing
associated with prospective job creation for the location of a regional
headquarters within the City of Gainesville for
ONESIXTYOVERNINETY, INC, a branding and public relations agency.**

*Explanation: ONESIXTYOVERNINETY, INC., a branding and public relations agency
has established a regional headquarters within the City of Gainesville
that will create 35 branding/advertising jobs and was originally approved
by the City Commission for local QTI participation in August, 2013. An
amended Resolution was approved on January 14, 2014 by the City
Commission to extend the dates associated with the QTI. This 2nd*

Amendment to Resolution keeps the same level of incentive and proposes to extend the date range another year from FY 2015 - FY 2018.

In this particular case, ONESIXTYOVERNINETY, INC. has indicated that it will create up to 35 net new jobs (they have submitted a claim for a portion of their previously approved QTI incentive) at an average wage of approximately \$90,000 at its current location in downtown Gainesville. This firm has pledged a capital investment of approximately \$500,000 over three years regarding the new location in addition to the proposed job creation.

The QTI incentive is a state tool available to Florida communities to encourage job growth in targeted, high value added businesses. Pre-approved applicants creating jobs in Florida receive refunds on the various State taxes they pay including corporate, sales, ad-valorem, insurance premium and other taxes. The QTI incentive is performance based and the firm will only receive funds based upon jobs created and meeting other criteria as required by Florida statute.

Due to the incentive calculated per job (\$6,000 for location in Enterprise Zone and \$2,000 for creation of wages at 200% of the average Alachua County wage) the total incentive would be \$280,000. Of this, the City would be asked to provide a 10% match (\$28,000) over a period of three years with an equal 10% match (\$28,000) coming from Alachua County for a total local match of \$56,000.

The Gainesville Area Chamber of Commerce and its economic development arm, the Council for Economic Outreach (CEO) have worked with ONESIXTYOVERNINETY, INC and recommends approval of this request.

Fiscal Note: If this item is approved, the City Commission agrees to extend the dates regarding the existing appropriation of \$28,000 in the event that tax refunds are approved by the state.

RECOMMENDATION

The City Commission: 1) adopt the Second Amendment to QTI Resolution; 2) authorize the Mayor to execute and the Clerk to attest to the Second Amendment to QTI Resolution regarding ONESIXTYOVERNINETY, INC.; and 3) direct the City Manager to forward the executed Second Amendment to QTI Resolution to Enterprise Florida.

[150752_ONESIXTYOVERNINETY QTI Resolution_20160303.pdf](#)

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

[150162.](#)

TEXT CHANGE - NAMING OF PRIVATE ROADS (B)

Ordinance No. 150162

An ordinance of the City of Gainesville, Florida, amending the Code of Ordinances relating to the designation of street names; by amending Section 23-16 Definitions; by amending Section 23-17 regarding the map of streets within the city; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: This ordinance amends Chapter 23, Article II of the Gainesville Code of Ordinances, which establishes a uniform naming system for all streets within the City. The purpose of this ordinance is to clarify that the City has the authority to designate privately owned roads in the same manner that it designates publicly owned roads.

CITY ATTORNEY MEMORANDUM

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

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

[150162A_draft ordinance_20160303](#)

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

[150540.](#)

PLUM CREEK TIME EXTENSION TO ADOPT PLANNED DEVELOPMENT (PD) ZONING ORDINANCE (B)**Ordinance No. 150540**

An ordinance of the City of Gainesville, Florida, amending Ordinance No. 070447 (as was subsequently amended by Ordinance Nos. 100189 and 110700) to extend the deadline for the property owner/developer to have a Planned Development (PD) zoning ordinance adopted that implements the adopted Plum Creek Planned Use District (PUD) land use overlay; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

NOTE: On first reading of the ordinance, February 18, 2016, the City Commission voted to extend the deadline for the adoption of an implementing PD zoning ordinance until July 26, 2018.

This ordinance will extend the deadline for the property owner/developer to have a Planned Development (PD) zoning ordinance adopted that implements the adopted Plum Creek Planned Use District (PUD). This is the applicant's third requested extension of that deadline. On January 26, 2009, the City Commission adopted Ordinance No. 070447, which, amongst other things, overlaid on certain property the PUD land use

category and provided a timeframe (i.e., within 18 months of the effective date of that ordinance) for which a PD zoning ordinance must be adopted to implement the PUD land use overlay. The first extension occurred on October 21, 2010, when the City Commission adopted Ordinance No. 100189 and extended the deadline for the adoption of an implementing PD zoning ordinance until July 26, 2012. The second extension occurred on May 3, 2012, when the City Commission adopted Ordinance No. 110700 and extended the deadline for the adoption of an implementing PD zoning ordinance until July 26, 2016. Finally, this ordinance will extend that deadline for one additional year until July 26, 2017.

The applicant in their request has stated that Plum Creek is currently working on a proposed PUD amendment and an implementing PD zoning ordinance for the property, which the applicant anticipates submitting in early 2016.

CITY ATTORNEY MEMORANDUM

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

RECOMMENDATION The City Commission adopt the proposed ordinance as amended.

Ralph Hilliard made a presentation.

Ralph Hilliard made a presentation.

Amendment: Extend the expiration date from 2016 to 2018.

[150540 draft ordinance 20160218](#)

[150540 revised draft ordinance 20160303](#)

PLAN BOARD PETITIONS

DEVELOPMENT REVIEW BOARD PETITIONS

[150714.](#)

Design Plat Review for Gainesville Cohousing Cluster Subdivision (B)

Petition DB-15-52 SUB. Fetner Engineering (Alison Fetner), agent for Gainesville Cohousing LLC, owner. Design Plat Review for a Cluster Subdivision. Zoned: RSF-4 (8 units/acre single-family residential district). Located at 4751 NW 27th Avenue. *Estimated Presentation Time - 15 minutes*.

Explanation: The Gainesville Cohousing subdivision is a collaborative design and life style concept, based on community living. The concept is based on a principle that residents have privacy of their own homes on lots much smaller in size than the typical subdivision. The reduction in lot sizes allows for a significant increase in the amount of open space for community gardening, playgrounds and a common house to accommodate social activities. The use of automobiles are minimized

by keeping them on the periphery in order to increase the interaction between the neighbors and create a safe area for children to play; the ultimate goal is to attain a socially integrated community.

The property is located in the northwest quadrant of the City at 4751 NW 27th Avenue. It is surrounded by single-family residential development to the north and south; offices to the east and a recreational area to the west. The property has a single-family land use and a zoning of RSF-4 (Single-family residential, 8 dwelling units per acre) yielding a total of approximately 38 dwelling units. The petitioner is proposing to develop a 24 lot "Cluster Subdivision" on 4.798 acres more-or-less. The cluster subdivision process allows the applicant to request modifications and variations to various aspects of the development standards, including lot area, lot width and depth, minimum yard setback and street widths and layout requirements. The applicant is requesting several modifications as depicted on the design plat.

The City Development Review Board considered the request to approve a design plat of Gainesville Cohousing Cluster Subdivision, at a public hearing held December 22, 2015. The property was posted on December 4, 2015 and public notice was distributed to surrounding property owners on December 9, 2015. By a vote of 7-0, the Development Review Board approved Petition DB-15-52 SUB with staff conditions but modified Condition #2 to allow front setbacks ranging from 5 to 10 feet instead of 10 feet.

Fiscal Note: None

RECOMMENDATION

Staff to City Commission - Approve the Development Review Board's recommendation and staff's modification of the conditions.

Development Review Board to City Commission - The City Commission approve Petition DB-15-52 SUB with staff recommendation but modifying Condition #2 to allow front setbacks ranging from 5 to 10 as depicted on the design plat.

Staff to Development Review Board - Forward a recommendation to the City Commission to approve the design plat, Petition with 18 conditions listed in the report and the TRC comments.

[150714A_Final Staff Report_20160303.pdf](#)

[150714B_Exhibit 1 Modified Subdivision Drawings Submitted after the DRB me](#)

[150714C_DRB Minutes December 22, 2015_20160303.pdf](#)

[150714D_staff ppt_20160303.pdf](#)

SCHEDULED EVENING AGENDA ITEMS

[140384.](#)**GRU Governance and HB 1355 (B)**

Explanation: Representative Keith Perry has submitted HB 1355 which, if passed, will create a separate governing board for GRU. The bill is currently making its way through the Florida House of Representatives and was most recently heard in the House Regulatory Affairs Committee on February 25, 2016.

Fiscal Note: None at this time.

RECOMMENDATION

The City Commission discuss the current version of HB 1355.

Motion: Comm LP moved and Comm RW seconded to place an item on a regular City Commission meeting to refer the issue of a Citizen Rate Advisory Committee to a standing committee. Motion carried 7-0.

Jim Konish and Donald Shepherd spoke to the matter.

Motion: Clerk of the Commission to schedule work-shop for GRU Governance changes in a suitable meeting room.

Jim Konish, Bruce Delaney, Nancy Dearan and Annie Orlando spoke to the matter.

Rep. Perry and Rep. Watson made presentations.

Comm. Hutchinson and Comm. Pinkoson made presentations.

Jim Konish, Dale Bottcher, Ellie Summer, Rob Brinkman, Nancy Deren, Susan Bottcher, Karen Arrington and Dustin Stephanie spoke to the matter.

Motion: Continue to April 2, 2015.

Commissioner Pro Tem Chase moved that the City Commission no longer oppose Perry bill. Died for a lack of second.

Jim Konish and Nancy Deren spoke to the matter.

Lisa Bennett made a presentation.

Jim Konish, Jo Beaty, Annie Orlando, Harvey Budd, Nancy Deren and Paula Stahmer spoke to the matter.

Comm Poe moved and Comm Warren seconded to:

1. Authorize the City Attorney to draft an ordinance that encompasses the recommendation made in the back-up called "Outline of Proposed Advisory Committee". Motion carried 6-1 with Mayor Braddy voting no.

2. Ask the Legislature to place a referendum question on the November 2016 ballot to indicate whether they want to continue with the new governance model implemented in Gainesville or move to an independent governing board. Motion carried 7-0.

Lisa Bennett made a presentation.

Jim Konish, Debbie Martinez, Barbara Sharpe, Jo Beaty, Donald Shepherd, Annie Orlando, Rob Brinkman, Representative Keith Perry and Nathan Skop spoke to the matter.

Clerks Note: Staff directed to reach out to Representative Keith Perry and staff.

Schedule General Policy Committee Meeting: Possible dates are 10/12, 10/13, 10/20, and 11/9.

Motion by Commissioner Wells, seconded by Commissioner Budd to waive the rules and take up Item No. 140384 after Item No. 150310. Motion passed 7-0.

Jim Konish and Kali Blount spoke to the matter.

Motion: a) direct the City Attorney to draft an ordinance creating the Utility Advisory Board with a membership of 7 members appointed by the City Commission that would replace and repeal the Regional Utilities Committee, Gainesville Energy Advisory Committee and the new but not yet formed created advisory committee; b) the Utility Board shall have all members reside within the GRU service territory and receive GRU utility service comprised of the following: 1) a representative of a major business (defined as having 25 or more employees) that is a GRU commercial customer; 2) a person with utility management experience; 3) a person with investment banking/financial or CPA experience; 4) a licensed attorney with business/contract/corporate law experience; 5) a person with engineering experience with two additional citizens with any qualifications the Commission deems relevant or beneficial to the service on the board; and 6) at least a minimum of one citizen be a resident of the GRU service area but not a resident of the City. (Specifically a minimum of one from the county and a minimum of four from the City).

Note: The Clerk was directed to have at a regular meeting the video of the GRU Governance item from the April 2, 2015 meeting.

*Jim Konish, Ray Washington, Joe Wills, Debbie Martinez, Nancy Daren, Jo Beaty, Donald Shepherd and Ernesto Martinez spoke to the matter.
Lisa Bennett made a presentation.*

Jim Konish, Nancy Deren and John Flemming spoke to the matter.

Jim Konish, Paula Stahmer, Donald Shepherd, Frank Lineberger and Armondo Grundy spoke to the matter.

[140384 FMEA Governance Presentation 2014.10.21](#)

[140384 Governance Chart 2014.10.21](#)

[140384 GRU Governance and APPA Workshop 2014.10.21](#)

[140384 GRU Governance Memorandum 2014.10.21](#)

[140384 Utility Governance Changes and Examples_20150121.pdf](#)

[140384 Outline of Proposed Advisory Committee_20150330.pdf](#)

[140384 Lakeland Information_20150330.pdf](#)

[140384 GRUadvisoryboardproposal_20150226.pdf](#)

[140384 draft language to create utility board_20150702.pdf](#)

[140384 GEAC 20151008](#)

[140384 Draft Perry Bill 20151008](#)

[140384 Draft Ordinance Language Util Brd 20151008](#)

[140384 City Charter Article I 20151008](#)

[140384A draft ordinance_20151105.pdf](#)

[140384A revised draft ordinance_20151105.pdf](#)

[140384 Ordinance_20151119.pdf](#)

[140384 HB 1355 20160303](#)

[140384 HB 1355 Rev 2-29-16 20160303](#)

[140384 MOD_STAFF ANALYSIS CS-CS-HB1355_20160303.pdf](#)

UNFINISHED BUSINESS

COMMISSION COMMENT

CITIZEN COMMENT (If time permits)

ADJOURNMENT