

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Meeting Agenda - Final

August 4, 2016

1:00 PM

MODIFIED AGENDA

City Hall Auditorium

City Commission

Mayor Lauren Poe (At Large)

Commissioner Harvey Budd (At Large)

Mayor-Commissioner Pro Tem Helen Warren (At Large)

Commissioner Charles Goston (District 1)

Commissioner Todd Chase (District 2)

Commissioner Craig Carter (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.

CALL TO ORDER - 1:02 PM**AGENDA STATEMENT**

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

ROLL CALL**INVOCATION**

Prophet George Young

ADOPTION OF CONSENT ITEMS - GRU, General Government, Audit & Finance Committee and General Policy Committee Items

[160174.](#)

Regional Transit System (RTS) Procurement of Buses (Federal Assets) and Components from the Central Florida Regional Transit Authority (LYNX) (B)

This item is a request for the City Commission to approve the procurement of buses, paint services and parts inventory from the Central Florida Regional Transit Authority (LYNX).

MODIFICATION - Changed Text File Language.

Explanation: The Regional Transit System (RTS) fixed route fleet consists of 129 transit buses. Nearly 43% (55 buses) of this fleet exceeds their useful life expectancy. RTS purchases new buses when funding is available and acquires used buses and components when it is not.

The Central Florida Regional Transit Authority (LYNX) desires to transfer eleven (11) diesel powered transit buses and components to RTS. In order to maintain service levels and manage fleet costs, RTS would like to acquire these buses. The buses are 2006 and 2007 Gillig buses that are 40' in length. The aforementioned federal assets are in good condition and can be placed into service with minimal maintenance. This is similar to a bus conveyance RTS received from LYNX in 2009, 2010, and 2014.

All 11 buses come equipped with Internal Destination Signs that have an FTA value of approximately \$1,448 each. LYNX desires to transfer the remaining balance of the federal interest totaling \$15,933.30 for these signs to RTS at no cost.

City Commission approval is required to obtain these federal assets in addition to the approval from the FTA. Ten (10) diesel buses are being transferred rather than sold because the fair market value of \$6,500 per bus is in excess of \$5,000 and would have to be remitted to the FTA. The remaining balance of the federal interest in these ten (10) buses totaling \$65,000 would also be transferred to RTS at no cost as an FTA grantee.

One (1) retired bus has been appraised at a value of \$3,600 which includes the value of the components installed on it. RTS will pay LYNX \$3,600 for the full fair market value of this one (1) bus. In addition, Gainesville will pay LYNX \$11,989.32 to paint the exterior of 7 buses. RTS recommends the purchase of the paint services & materials as they are both offered at 35% of fair market value.

Fiscal Note: The Internal Destination Signs and ten (10) Diesel Buses will be transferred to RTS at no cost. The Federal interest remaining in the one (1) Diesel Bus is \$3,600 and would be paid to LYNX by RTS. LYNX has authorized the transfer of the aforementioned assets to RTS pending FTA approval. The cost for painting the buses including materials is \$11,989.32. Funds are available in the FY16 budget for the purchase of the buses and painting services totaling \$15,589.32.

RECOMMENDATION

The City Commission: 1) approve the transfer of eleven (11) Gillig buses and components from Central Florida Regional Transit Authority (LYNX) to the City of Gainesville Regional Transit System (RTS) for a cost of \$3,600; 2) authorize painting services in the amount of \$11,989.32 as part of the aforementioned bus acquisition from Central Florida Regional Transit Authority (LYNX); and 3) authorize the City Manager or his designee to execute any documents necessary to facilitate this transaction, subject to approval by the City Attorney as to form and legality.

[160174_Lynx Bus List_20160804.pdf](#)

[160196.](#)

**CRA - City option Agreement for City owned properties - Tax
Parcels #13956, #13911, #13913-001(B)**

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

On June 5 2014, the City Commission approved to declare the sites as surplus. As defined in the Policies, surplus means “property which no longer serves a public purpose, or is in excess of the City’s needs, or the sale of which would serve a greater public purpose than the retention of the property”.

In March of 2015, the CRA entered an Option Agreement with the Gainesville Florida Housing Corporation Inc. (GFHC), the owner of the former Seminary Lane Property, with the intention to partner on the redevelopment of the vacant 5.9-acre former Seminary Lane site. To that end, the three City owned parcels, which are adjacent to the vacant Seminary Lane site, offer the CRA with an opportunity to plan and develop the City owned properties along with the former Seminary Lane property.

On August 21st, 2014, the City and CRA entered into an Option Agreement for the three sites. This agreement expired on December 31, 2015. The CRA would like to enter into a new Option Agreement with the City of the potential redevelopment of the three sites. The new agreement will be in place for three years with an option to extend additional 3 more years.

The GCRA is committed to continuing the effort to improve the quality of life in our neighborhoods for the benefit of all residents; and to redevelop vacant and underused infill properties in our neighborhoods.

Fiscal Note: None

RECOMMENDATION

City Manager to City Commission: Authorize the City Manager to execute the proposed CRA - City option Agreement for City owned properties - Tax Parcels #13956, #13911, #13913-001.

[160196A_OPTION_TOT_LOT_20160804.pdf](#)

[160196B_OPTION_EXECUTED_20160804.pdf](#)

[160196C_LEGISLATION_DETAILS_20160804.pdf](#)

[160196D_OPTION_PROPOSED_20160804.pdf](#)

160202.

Regional Transit System (RTS) Proposed Fall 2016 Transit Service Changes (B)

This is a request for the City Commission to review and approve the proposed Regional Transit System (RTS) fall 2016 Service Changes.

Explanation: RTS makes transit service changes three times a year. These changes coincide with the semester schedules for the University of Florida (UF) and Santa Fe College (SF). RTS presented these changes for feedback at an advertised public meeting on July 27, 2016 that was jointly held at

the same time as the RTS Citizen Advisory Board (CAB). See back-up for the presentation that was presented.

These proposed service changes will consist of an additional 2,000 hours of service during the 2016-2017 academic year. The projected cost of providing the new enhanced service is approximately \$457,404. RTS staff negotiated the rate of \$64.88 per hour for Monday through Sunday service to cover service operating costs.

Fiscal Note: In fiscal year 2016-17, the City of Gainesville will receive approximately \$13 million from UF for service enhancements and \$1 million from SF for service enhancements.

RECOMMENDATION

The City Commission: 1) approve the proposed fall 2016 service changes effective August 15, 2016; and 2) authorize the City Manager to execute any related documents, subject to approval by the City Attorney as to form and legality.

[160202_Fall 2016 Service_20160804.pdf](#)

[160207.](#)

Release of Phosphate, Mineral, Metal and Petroleum Rights at the Gainesville Hampton Inn (B)

This item requests the approval and authorization to release the phosphate, mineral, metal and petroleum rights reserved by the City at the Hampton Inn property located at 101 SE 1st Street, parcel number 14589-000-000. (B)

Explanation: Section 270.11, Florida Statutes, automatically acts to reserve unto local governments a three-fourths interest in all the phosphate, minerals and metals and an undivided one-half interest in the petroleum on land that is conveyed by the local government. The statute permits these interests to be sold or released upon petition with a statement of reasons for such release. Staff has received such petition from attorney Eric Fisher who is representing a client interested in purchasing the Gainesville Hampton Inn, located at 101 SE 1st Street ("Property"). The title commitment he received does not reflect a release of these subsurface mineral rights and they will not proceed unless they are released.

The City of Gainesville conveyed this property to the current owner by special warranty deed recorded in OR Book 3721, Page 801 in December 2007. Staff concurs with releasing the phosphate, mineral, metal and petroleum reservation on the Property.

Fiscal Note: There is no fiscal impact associated with this item.

RECOMMENDATION

The City Commission: 1) approve the release of phosphate, mineral, metal and petroleum rights

pursuant to Section 270.11, Florida Statutes, for the Gainesville Hampton Inn; and 2) authorize the Mayor to execute, and the Clerk to attest a Release of same, releasing all City interests including the right of entry, in and to the phosphate, minerals, metals and petroleum, subject to approval by the City Attorney as to form and legality.

[160207A_Deed 3721-801_20160804.pdf](#)

[160207B_Map- Hampton Inn_20160804.pdf](#)

[160207C_Release of Subsurface Rights_20160804.pdf](#)

[160207D_Statute 270.11_20160804.pdf](#)

[160214.](#)

Edward Byrne Memorial Justice Assistance Grant Application (JAG countywide - State Solicitation) (NB)

This item involves a request to the City Commission for authorization to accept the Edward Byrne Memorial Justice Assistance Grant funds (State Solicitation)

Explanation: The Edward Byrne Memorial Justice Assistance Grant (State Solicitation) is a competitive grant opportunity consisting of \$101,727 in Federal funding allocated for government entities within Alachua County. The City of Gainesville Police Department will receive \$32,212. The Alachua County Sheriff's Office serves as the Grant Administrator. On July 12, 2016 the Gainesville Police Department presented four programs for consideration by the Policy Board. The programs were the BOLD Program in which training will be provided to at-risk population of 18-25 year old males; the POP Program for overtime details that address street level drugs within the City of Gainesville; the Youth Gang Unit Prevention which will monitor youth gang offenders and enforce the terms of probation; and lastly the Robbery/Retail Fraud Overtime details in the southwest and I-75 corridors to curb robberies and retail fraud.

Fiscal Note: Each application is for a one-year funding cycle that will begin October 1, 2016. The current federal regulations do not require a match for the grant. The grant amounts are: \$10,000 for Robbery/Retail Fraud Detail, \$4,212 for Youth Gang Unit Prevention, \$8,000 for the Brave Overt Leaders of Distinction (B.O.L.D.) Program and \$10,000 for the Problem Oriented Policing (POP) Program. The total amount requested for the Gainesville Police Department for all four programs is \$32,212.

RECOMMENDATION

The City Commission: authorize the City Manager to accept and execute the grant award and all other necessary documents, subject to review by the City Attorney as to form and legality.

[160216.](#)

Voluntary Annexation Petition for Property Owned by WWB Real Estate Investments LLC, the Henderson Land Trust, and the City of Gainesville (B)

This item is a submission of petition for voluntary annexation of multiple parcels, owned by WWB Real Estate Investments LLC, the Henderson Land Trust, and the City of Gainesville. The total annexation area is approximately 90+ acres and is located west of I-75 and north of Williston Road.

Explanation: Thomas W. Williams Jr., Member/Manager of WWB Real Estate Investments LLC, James D. Henderson II and Fred L. Henderson, Co-Trustees for Prairie View Trust, have submitted a petition to the City of Gainesville for voluntary annexation. The annexation area also includes city-owned property. The property is generally located south of Parcel 07240-049-000, the Existing City Boundary, Brooks Estate, and SW Archer Road, west of SW 41st Boulevard, and Interstate I-75, north of SW Williston Road, and east of SW 75th Street.

Staff has reviewed the requirements of the Municipal Annexation or Contraction Act (Chapter 171, Florida Statutes). This area meets the requirements of the Act and is appropriate for annexation.

In order to annex these parcels into the City limits, the owner must submit a petition to the City of Gainesville for voluntary annexation. In addition, as the owner, the Mayor, on behalf of the City, must execute a petition for voluntary annexation.

Fiscal Note: The fiscal impact of a proposed annexation is a combination of revenues and expenditures associated with providing municipal services to property recently annexed into Gainesville's corporate limits.

The potential revenue is calculated based on ad valorem taxes, fire assessment fees, storm water fees, state revenue sharing and a few other sources. The current taxable value of the vacant land is approximately \$10,000; however, the land is being annexed with the intent of future development. The developer is proposing a residential use, with approximately 450 homes at an average market rate of \$250,000. The approximate future value of the real estate could be in the ballpark of \$112,500,000. Based on an assumption that the taxable value could be \$100,000,000 the potential ad valorem tax revenue would be \$450,000 at today's millage rate. Based on a proposed average of 2,500 square feet per home, the potential fire assessment revenue to the city would be approximately \$70,000 per year at the current fire assessment rate. The estimated storm water revenue would be approximately \$45,000 at today's residential rates.

The cost of providing municipal services such as fire rescue, police protection, code enforcement, parks, roadway infrastructure, transit, building inspections, potable water, sanitary sewer, stormwater, electric,

and reclaimed water will be analyzed as the annexation and development process move forward.

RECOMMENDATION

The City Commission: 1) authorize the Mayor, as agent for the City of Gainesville, to sign the petition for voluntary annexation; 2) receive the petition for annexation and make findings that it contains the signature of the property owners or authorized agents; 3) authorize the Mayor to provide notice to the Alachua County Board of County Commissioners; and 4) authorize the City Attorney to prepare and the Clerk of the Commission to advertise ordinances relating to the annexation of the area, if appropriate.

[160216_SignedPetition_20160804.pdf](#)

[160210.](#)

Contract Amendment for Grounds Maintenance Services at various GRU Water/Wastewater Facilities (B)

Explanation: Grounds maintenance is required at GRU's Water/Wastewater facilities including Main Street Water Reclamation Plant, Murphree Water Treatment Plant, Kanapaha Water Reclamation Plant, and adjacent properties. Grounds maintenance includes mowing, shrub and tree pruning, edging, string line trimming, hand weeding and maintaining flower beds, as well as other related services in accordance with each facility's specific requirements. These facilities are located adjacent to or in commercial, public or residential areas, which makes it essential that these facilities are properly maintained for aesthetic and safety reasons.

On June 6, 2013, GRU received authorization from the City Commission to enter into a three year contract (the "Contract") with E.W Reshard, Inc. This Contract is scheduled to expire on September 30, 2016, unless earlier amended. The Contract provides for up to three-years of Contract amendments upon mutual agreement of the parties and negotiation of the contract prices. The contract allows for an annual price adjustment, not to exceed the Consumer's Price Index (CPI) for each year of the Contract. Of note, E.W. Reshard, Inc. has never requested a price increase.

E.W. Reshard, Inc. is a small local, minority-owned business, which has provided good grounds maintenance services and has worked well with GRU staff to maintain GRU's facilities.

This item was presented to the Utilities Advisory Board on July 20, 2016 and they voted unanimously to recommend approval of this contract.

Fiscal Note: Funds are available in the FY 2017 budget and will be requested in subsequent year budgets.

RECOMMENDATION

Staff recommends that the City Commission: 1) authorize the General Manager, or his designee,

to negotiate and execute up to three (3) years of contract amendments with E.W. Reshard, Inc. for grounds maintenance services for various GRU Water/Wastewater facilities, subject to the approval of the City Attorney as to form and legality; and 2) approve the issuance of purchase orders to E.W. Reshard, Inc. in amounts not exceeding \$90,000 for each year of the contract amendment pending final appropriation of funds for each fiscal year.

The Utility Advisory Board recommends approval of this contract.

[160210 E.W. Reshard Inc 2013-079 20160720](#)

[160210 2013-079 Amendment 2 20160720](#)

[160210 2013-079 Agenda Item 20160720](#)

[160247.](#)

Gainesville Creative Series: Design Session (NB)

This is a request for the City Commission to approve August 30, 2016 from 4:00 PM to 7:00 PM to host the Design Session workshop as part two of the three-part Gainesville Creative Series.

MODIFICATION - Changed Text File Language

Explanation: The City Commission together with Charter Officers and organizational leaders participated in the first session of a three-part series called the Gainesville Creative Series, on June 9, 2016 at the Catalyst Building. The Inspire Session was the first part of the series aimed at envisioning the future state of our community. The second part of the Gainesville Creative Series, the Design Session, will build upon the first session to further identify the city's purpose and use this shared determination to launch big ideas.

Together with the Clerk of the Commission, staff has identified August 30, 2016 from 4:00-7:00PM as an available date and time for the City Commission to host part two of the Gainesville Creative Series, the Design Session.

Fiscal Note: Hosting this session will cost less than a few hundred dollars for materials and supplies which is available in the FY2016 operating budget of the Administrative Services Department.

RECOMMENDATION

The City Commission host part two of the Gainesville Creative Series, the Design Session, on August 30, 2016 from 4:00 - 7:00PM.

[160215.](#)

SONIA GEEVARUGHESE VS. CITY OF GAINESVILLE, A MUNICIPAL SUBDIVISION OF THE STATE OF FLORIDA; EIGHTH JUDICIAL CIRCUIT, CASE NO. 2016-CA-1057 (B)

Explanation: On July 13, 2016, the City was served with a Summons and Complaint filed by Sonia Geevarughese. The Complaint alleges that, on March 29, 2012, a City bus operated by a City employee and a bicycle operated by Sonia Geevarughese collided at the intersection of Museum Road and Fraternity Drive on the University of Florida campus. Sonia Geevarughese claims to have suffered permanent injury requiring past and future medical care and attention, disability, mental anguish, pain and suffering, and loss of enjoyment of life. She also claims loss of earnings and loss of future earning capacity. Ms. Sonia Geevarughese seeks money damages in excess of the Court's jurisdictional threshold of \$15,000.00.

RECOMMENDATION

The City Commission authorize the City Attorney to represent the City in the case styled Sonia Geevarughese vs. City of Gainesville, a municipal Subdivision of the State of Florida; Eighth Judicial Circuit, Case No. 2016-CA-1057.

[160215 Sonia Geevarughese Consent 20160804.pdf](#)

[160237.](#)

City Commission Minutes (B)

RECOMMENDATION

The City Commission approve the minutes of July 7, July 13, July 14, July 21 and July 25, 2016.

[160237_Minutes_20160804.pdf](#)

[160254.](#)

Appointments to City Commission Advisory Boards and Committees (NB)

MODIFICATION - Added Item.

RECOMMENDATION

*The City Commission appoint:
Angela Tharpe and Arthur Stockwell to the Gainesville Housing Authority for a term to expire 8/1/20
Jennifer Powell, John Paul Fiore, Wallace Mazon, Greg Larvenz and Jessica Gomez to the Citizens Advisory Committee for Community Development for a term to expire 11/1/19
William Smith and Leslie Ladendorf to the Gainesville/Alachua County Cultural Affairs Board for a term to expire 9/30/19
Sheryl Eddie to the Regional Transit System Advisory Board for a term to expire 9/30/19
Quintina Walker, Leslie Suskin, Jennifer Powell*

and Tavarous Parks to SHIP Affordable Housing Advisory Committee for a term to expire 7/1/19
 John Paul Fiore, Jacquelyne Smith and Daniel Christophy to the City Beautification Board for a term to expire 11/1/19
 Dave Miller to the Nature Centers Commission for a term to expire 11/1/19
 Valery Raymond Student Seat to the Student Community Relations Advisory Board for a term to expire 9/30/17 and Clarinda Choice and Sarah Blanc as Non-voting Administrators from postsecondary educational institutions to the Student Community Relations Advisory Board for a term to expire 9/30/18.

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.

[160234.](#)

Appointments to the Historic Preservation Board, Development Review Board and Gainesville/Alachua County Regional Airport Authority (B)

MODIFICATION - Additional Back-up Added.

RECOMMENDATION

The City Commission discuss appointments to the Historic Preservation Board, Development Review Board and Gainesville/Alachua County Regional Airport Authority and take appropriate action.

[160234a Appointments 20160804.pdf](#)

[160234b Appointments 20160804.pdf](#)

[160234 MODBoardsandCommittees 20160804.pdf](#)

[160063.](#)

Cornerstone (Former GTEC) Expansion (B)

MODIFICATION - Additional Back-up Added.

Explanation: The largest undertakings of the Eastside Redevelopment District include the redevelopment of the Gainesville Technology Entrepreneurship Center (GTEC) area and the former Kennedy Homes site. The sites are located within a quarter mile of each other, about one mile from downtown Gainesville and two miles from the University of Florida.

In May 2015, the CRA Board approved the 100% master plan for the

13.6 acre GTEC site. The master plan is a blueprint for a mixed-use site with up to ten new commercial buildings, which will provide opportunities to retain GTEC graduates on site as well as attract new economic activity to the area. The fully permitted construction documents and approved master plan set is anticipated by July 2016. Staff has been working to foster full development of the site, combining tenant recruitment, marketing and physical improvements for a cohesive economic development strategy. Staff has successfully recruited a viable tenant to locate to the GTEC site in need of 22,700 square feet by spring 2017. Staff reignited communications with the respondents of the 2014 RFP and two firms submitted Letters of Interest for pursuing a public-private partnership with the CRA/City and proposed anchor tenant.

At the June 16th meeting staff presented an overview of a proposed public-private partnership for a first phase expansion at the Cornerstone site; and outlined potential terms, timeline and scope for development. At this meeting staff will present a potential option for the disposition of pads C and D for City Commission approval. Additional items regarding infrastructure work to be completed by CRA and enhanced incentive programs will be presented to the CRA Board for consideration in August.

RECOMMENDATION

City Manager to City Commission Authorize the City Manager to execute the land lease with an option to purchase for pads C and D of the Cornerstone Expansion Master Plan subject to the City Attorney as to form and legality.

Legislative History

6/16/16 City Commission Approved as Amended

[160063 PRESENTATION 20160804.pdf](#)

[160063b LEASE & DEV AGREEMENT 20160804.pdf](#)

[160245.](#)

INCREASE THE SCOPE AND MAXIMUM FEES FOR WINSTON & STRAWN LLP, TO CONTINUE REPRESENTATION OF THE CITY OF GAINESVILLE D/B/A GAINESVILLE REGIONAL UTILITIES (GRU) IN GAINESVILLE RENEWABLE ENERGY CENTER, LLC'S ARBITRATION AGAINST THE CITY D/B/A GRU (B)

Explanation: On March 10, 2016, Gainesville Renewable Energy Center ("GREC") filed an Arbitration Demand with the American Arbitration Association ("AAA"), AAA Case No. 01-16-0000-8157, to resolve a dispute between GREC and GRU concerning GREC's decision not to take a Planned Maintenance Outage in April of 2016. The City Attorney's Office worked with the General Manager for Utilities to select qualified outside counsel to represent the City d/b/a GRU in the arbitration proceedings.

On March 17, 2016, the City Commission approved the retention of Winston & Strawn LLP to represent the City d/b/a GRU in the GREC arbitration. At that time, Winston & Strawn counsel estimated that if the arbitration went to a full two week hearing, the legal expenses could be as high as \$900,000-\$1,000,000.

On June 17, 2016, pursuant to Section 24.1 of the PPA, GREC submitted a Notice of Claim regarding four additional claims against GRU for (1) Shutdown Charges, (2) Available Energy Payments During Startup, (3) Withholding of Previously Paid Amounts, and (4) Purported Payment Decrease. On July 21, 2016, GREC proposed amending their arbitration claim to include the four additional claims to the ongoing arbitration. While it is unknown how many hours of work will be required, Winston & Strawn counsel estimates that if the arbitration is amended to include the four additional claims, the legal expenses could be as high as \$2,300,000-\$2,500,000.00. However, the alternative, GREC bringing these four additional claims as separate arbitration(s), is anticipated to be far more costly.

Fiscal Note: The rates quoted by Winston & Strawn LLP are hourly rates of \$310-\$935. While it is unknown how many hours of work will be required, Winston & Strawn counsel estimates that if the arbitration is amended to include the four additional above-identified claims, the legal expenses could be as high as \$2,300,000-\$2,500,000.00. The City Attorney's Office will remain engaged in this matter, and assist outside counsel, in an effort to contain costs. Funding for outside counsel will be paid either from GRU budgeted funds for legal expenses or from unanticipated cost savings that GRU realizes.

RECOMMENDATION

Authorize the Office of the City Attorney, on behalf of the General Manager for Utilities, to amend the retention letter with Winston & Strawn LLP to provide for the increased scope of representation and increased maximum fees.

[160245_GREC_dispute_20160804.pdf](#)

[160222.](#)

Tree Mitigation Fund Allocation for the NW 1st Avenue Streetscape Project (B)

MODIFICATION - Moved from Consent to Regular Agenda.

Explanation: On May 9th, 2016, the Tree Advisory Board members unanimously voted in favor to support the installation of 51 new street trees and tree related underground infrastructure along NW 1st Avenue, 1600 to 1900 blocks, and dedicate an amount of \$285,000 of Tree Mitigation Fund to that end. The installation of these trees and infrastructure will be part of the NW 1st Avenue Streetscape project.

The NW 1st Avenue Streetscape project is a comprehensive CRA effort to improve and transform the Midtown area, focusing on NW 1st Avenue, between NW 20th Street and NW 16th Street. Project benefits

include utility upgrades and undergrounding, new sidewalks, parking bays, street lights, improved waste management, and financial incentives to private property owners to support exterior improvements to their buildings and sites. Regular shade street trees will be a key element in this project, highly contributing to an enhanced sense of place and renewed street character.

To ensure healthy tree growth within the existing tight right of way and proximity to underground utilities, proposed tree installation includes an underground Silva Cells system and chemically treated Biobarrier root barriers. Forty-nine new Allee Elms and two Madjool Palm trees were selected to be planted along the four urban blocks to create a durable, dramatic effect and beautiful form.

Fiscal Note: The total \$285,000 will be encumbered via the Tree Mitigation Fund account.

RECOMMENDATION

City Manager to City Commission: Approve the Tree Advisory Board recommendation to dedicate an amount of \$285,000 of Tree Mitigation Fund to support tree installation and related infrastructure as part of the NW 1st Avenue Streetscape project.

[160222A TAB MINUTES_20160804.pdf](#)

[160222B TAB Agenda_20150804.pdf](#)

[160222C ESTIMATE_20160804.pdf](#)

[160222D POLICY_20160804.pdf](#)

[160222E LETTERS OF SUPPORT_20160804.pdf](#)

[160210.](#)

Contract Amendment for Grounds Maintenance Services at various GRU Water/Wastewater Facilities (B)

MODIFICATION - Moved from the Consent to the Reglar Agenda.

Explanation: Grounds maintenance is required at GRU's Water/Wastewater facilities including Main Street Water Reclamation Plant, Murphree Water Treatment Plant, Kanapaha Water Reclamation Plant, and adjacent properties. Grounds maintenance includes mowing, shrub and tree pruning, edging, string line trimming, hand weeding and maintaining flower beds, as well as other related services in accordance with each facility's specific requirements. These facilities are located adjacent to or in commercial, public or residential areas, which makes it essential that these facilities are properly maintained for aesthetic and safety reasons.

On June 6, 2013, GRU received authorization from the City Commission to enter into a three year contract (the "Contract") with E.W Reshard, Inc. This Contract is scheduled to expire on September 30, 2016, unless earlier amended. The Contract provides for up to three-years of Contract amendments upon mutual agreement of the parties and negotiation of the contract prices. The contract allows for an annual price adjustment, not to exceed the Consumer's Price Index (CPI) for each year of the Contract. Of note, E.W. Reshard, Inc. has never requested a price

increase.

E.W. Reshard, Inc. is a small local, minority-owned business, which has provided good grounds maintenance services and has worked well with GRU staff to maintain GRU's facilities.

This item was presented to the Utilities Advisory Board on July 20, 2016 and they voted unanimously to recommend approval of this contract.

Fiscal Note: Funds are available in the FY 2017 budget and will be requested in subsequent year budgets.

RECOMMENDATION

Staff recommends that the City Commission: 1) authorize the General Manager, or his designee, to negotiate and execute up to three (3) years of contract amendments with E.W. Reshard, Inc. for grounds maintenance services for various GRU Water/Wastewater facilities, subject to the approval of the City Attorney as to form and legality; and 2) approve the issuance of purchase orders to E.W. Reshard, Inc. in amounts not exceeding \$90,000 for each year of the contract amendment pending final appropriation of funds for each fiscal year.

The Utility Advisory Board recommends approval of this contract.

[160210 E.W. Reshard Inc 2013-079 20160720](#)

[160210 2013-079 Amendment 2 20160720](#)

[160210 2013-079 Agenda Item 20160720](#)

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.

RECESS - 4:16 PM

RECONVENE - 5:30 PM

PLEDGE OF ALLEGIANCE

PROCLAMATIONS/SPECIAL RECOGNITIONS[160232.](#)**Lifeguard Appreciation Day - August 4, 2016 (B)****RECOMMENDATION**

City of Gainesville Pool Supervisor Drew Shimansky, Pool Supervisor Stefan Guire, Lifeguard Harold Pan and Lifeguard Minh Nguyen to accept the proclamation.

[160232 LifeguardAppreciation 20160804.pdf](#)

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

PUBLIC HEARINGS**RESOLUTIONS - ROLL CALL REQUIRED****ORDINANCES, 2ND READING/ADOPTION READING**[150844.](#)**LAND USE CHANGE - 2200 NE WALDO ROAD (B)**

Ordinance No. 150844; Petition No. PB-16-27 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 3.7 acres of property generally located at 2200 NE Waldo Road, as more specifically described in this ordinance, from Residential Low-Density (RL) to Education (E); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT REPORT

This ordinance will amend the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of the subject property from Residential Low-Density (RL) to Education (E). The subject property is 3.7 acres located at 2200 NE Waldo Road, on the west side of Waldo Road and the south side of NE 23rd Avenue. The subject property, which is vacant but was previously developed and used for mobile home sites, comprises the northeastern corner of the approximately 20.75-acre University of Florida East Campus.

The proposed land use change to Education (E) is consistent with the Comprehensive Plan and Plan East Gainesville, is appropriate for use as part of UF's East Campus, and will result in the entire East Campus

having the Education (E) designation. The current Residential Low-Density (RL) land use category does not allow institutions of higher learning.

At a public hearing on March 24, 2016, the City Plan Board recommended approval to the City Commission by a vote of 6-0.

CITY ATTORNEY MEMORANDUM

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

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

RECOMMENDATION The City Commission: (1) approve Petition No. PB-16-27 LUC; and (2) adopt the proposed ordinance.

[150844 Staff report and Appendices A-C 20160324.pdf](#)

[150844_draft ordinance 20160804.pdf](#)

[150844B Staff report and Appendices A-C 20160324](#)

[150844C CPB minutes 20160804](#)

[150844D Staff ppt 20160804](#)

ORDINANCES, 1ST READING - ROLL CALL REQUIRED

[150845.](#)

QUASI-JUDICIAL - REZONING - 2200 NE WALDO ROAD (B)

Ordinance No. 150845; Petition No. PB-16-28 ZON

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning approximately 3.7 acres of property generally located at 2200 NE Waldo Road, as more specifically described in this ordinance, from Mobile Home Residential District (MH) to Educational Services District (ED); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT REPORT

This ordinance will amend the Zoning Map Atlas of the City of Gainesville by rezoning the subject property from Mobile Home Residential District (MH) to Educational Services District (ED). The subject property is 3.7 acres located at 2200 NE Waldo Road, on the west side of Waldo Road and the south side of NE 23rd Avenue. The subject property, which is vacant but was previously developed and used for mobile home sites, comprises the northeastern corner of the approximately 20.75-acre University of Florida East Campus.

The proposed rezoning is appropriate for use as part of UF's East Campus and will result in the entire East Campus being zoned Educational Services District (ED). The current zoning district does not allow institutions of higher learning.

At a public hearing on March 24, 2016, the City Plan Board recommended approval to the City Commission by a vote of 6-0.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings. This ordinance shall become effective immediately upon adoption; however, the rezoning implemented by this ordinance shall become effective when the amendment to the City of Gainesville Comprehensive Plan adopted by Ordinance No. 150844 becomes effective as provided therein.

RECOMMENDATION *The City Commission: (1) approve Petition No. PB-16-28 ZON; and (2) adopt the proposed ordinance.*

[150845_Staff report and Appendices A-C_20160324.pdf](#)

[150845_draft ordinance_20160804.pdf](#)

[150845B_Staff report and Appendices A-C_20160804](#)

[150845C_CPB minutes_20160804](#)

[150845D_Staff ppt_20160804](#)

[150942.](#)

UPDATE OF THE 5-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS IN THE CITY OF GAINESVILLE COMPREHENSIVE PLAN (B)

Ordinance No. 150942; Petition No. PB-16-26 CPA
An ordinance updating Table 14: 5-Year Schedule of Capital Improvements in the Capital Improvements Element of the City of Gainesville Comprehensive Plan; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT REPORT

This ordinance is the state-required annual update of the City's 5-Year Schedule of Capital Improvements, which is found in the Capital Improvements Element of the Comprehensive Plan. This update will reflect the City's capital improvements projects that are scheduled through FY 2019/2020. Capital improvements are defined as: land, non-structural improvements to land, and structures (including the costs for design, permitting, construction, furnishings and equipment) with a unit cost of \$25,000 or more and that have an expected life of at least two years. The capital improvements in the 5-Year Schedule are primarily related to levels of service (LOS) adopted in the Comprehensive Plan and are needed to: correct existing deficiencies in LOS; maintain existing LOS; or deal with projected LOS deficiencies that will occur during the 5-year planning period of FYs 2015/2016 - 2019/2020. Planning staff finds that the proposed 5-Year Schedule is consistent with the various elements of the Comprehensive Plan.

The City Plan Board held a public hearing on April 28, 2016, where it voted to recommend approval of Petition PB-16-26 CPA.

CITY ATTORNEY MEMORANDUM

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

RECOMMENDATION *The City Commission: 1) approve Petition No. PB-16-26 CPA; and 2) adopt the proposed ordinance.*

[150942 Staff report and Exhibits A-1 thru Exhibit A-3 20160428.pdf](#)

[150942A draft ordinance 20160804.pdf](#)

[150942B Staff report and Exhibits A-1 thru Exhibit A-3 20160804](#)

[150942C CPB minutes 20160804](#)

[150942D Staff ppt 20160804](#)

PLANNING PETITIONS

[150694.](#)

Amend the Blues Creek Planned Development zoning (B)

Petition PB-15-115 PDA. EDA Engineers-Surveyors-Planners, Inc., agent for New Generation Home Builders, Inc. Amend the Blues Creek Planned Development (single - family subdivision) as it relates to Unit 5 to modify development standards. Located in the 7000-7800 block of NW 58th Street.

Explanation: On May 19, 2016, the City Commission held a complete formal quasi-judicial hearing on this Petition and orally issued an order denying this Petition by a vote of 4-3. In accordance with Rule 18.C. of the Rules of the City Commission, the City Attorney prepared and presented a written order of denial to the City Commission for its consideration at its next Regular Meeting on June 2, 2016. At the June 2nd meeting, the City Commission took no action on the written order of denial and instead, by a vote of 7-0, approved continuing the hearing to re-open the "Deliberation and vote of the Commission" portion of the formal quasi-judicial hearing on the date certain of August 4, 2016.

This petition proposes to amend the existing Blues Creek Planned Development (PD) and modify the PD Layout Plan to reflect a new Unit 5, Phase 2 subdivision of 44 single-family detached lots. The PD Report, applicant's justification materials, and the Natural Areas Resource Assessment report are contained in the backup. A separate design plat to implement the proposed PD Layout Plan is currently under review and is included for informational purposes only with this petition.

The amendments to the text of the PD include the following:

- Reduction of the residential units depicted in Unit 5
- Addition of new development standards for Unit 5, Phase 2
- Amendment / update of some existing development standards
- Addition of text stating the annexation and zoning history
- Addition of a trip generation note for Unit 5, Phase 2
- Revisions to text to reflect being under the City's jurisdiction
- Setbacks for the proposed Unit 5, Phase 2 subdivision
- Allowance for a lift station as an alternative to the proposed underground sewer crossing to serve Unit 5, Phase 2.
- Addition of a standard concerning encroachment into wetland buffer areas in Unit 5, Phase 2

Amendments to the PD Layout Plan include the following:

- Illustration of 44 new lots proposed as Unit 5, Phase 2 (reduced from the 72 lots currently shown on the PD Layout plan)
- Illustration of conservation areas for Unit 5, Phase 2 (primarily for environmental set-asides)
- Illustration of a proposed 40 foot wide perpetual ingress/egress and public utilities easement to provide private drive access to Lots 37-44 to minimize impervious area and incorporated Low Impact Development (LID) design elements.
- Minor adjustment to the city limits line to correctly reflect the City of Gainesville city limits.
- Addition of the conceptual location of an underground utility crossing between Units 2 and 5 that crosses the area labeled "drainage easement, developed recreation, & conservation area."
- Annotation of the location of Unit 7 as approved by final plat on 6/11/07 by City Resolution 060095

The Blues Creek subdivision is generally located west of NW 43rd Street, south of NW 81st Avenue, and north of NW 69th Lane. The development's western boundary is contiguous with the City of Gainesville city limits in this area. The Unit 5, Phase 2 subdivision comprises an approximately 36.7-acre portion of the entire approximately 300-acre Blues Creek development. The lots within this portion of Blues Creek wrap along the western boundary of the 90.29-acre drainage easement, recreation, and conservation area as shown on the PD Layout Plan included in the backup.

Background

The development of Blues Creek was originally approved as an Alachua County Planned Unit Development (PUD) by Zoning Resolution Z-81-68 that was adopted on July 21, 1981. The County PUD was further amended by a revised Master Plan for Blues Creek adopted and approved by Alachua County dated November 1999. Portions of the overall Blues Creek PUD were annexed by the City of Gainesville by Ordinances 001161, 001162, 001163, 002393, and 040290. These annexations occurred in 2001, 2002, and 2005.

Subsequent to the annexations, the City of Gainesville applied City future land use and zoning designations to the property. The City applied Planned Development (PD) zoning to the property via Ordinances 030472 (adopted 10/27/03) and 041187 (adopted 11/28/05). The Alachua County development regulations and conditions approved by Alachua County through Resolution Z-81-68 and the revised Master Plan for Blues Creek (dated November 1999) were adopted by the City as the regulating documents for the City PD. The various amendments to the overall Blues Creek development are contained in the backup. The Blues Creek PD is mostly built out with the exception of 16 lots within Unit 7 and the remaining portion of Unit 5. Unit 5 is partially completed with 10 single-family detached units (this is Phase 1 of Unit 5); the 1999 Master Plan depicted 82 single-family detached units in Unit 5.

Key Issues

- The applicant is requesting to amend the PD zoning to reduce the number of lots listed in the PD report for Unit 5 from 82 to 54 (10 lots have been previously developed) and revise the approved PD Layout Plan to depict a new layout for a Phase 2, of Unit 5 showing 44 lots.*
- The proposed PD Layout Plan and PD report propose a conceptual utility crossing of Blues Creek via jack and bore below the creek bed. This connection would provide water, sewer, and electric service to Unit 5, Phase 2 from existing utilities within Unit 2 further south. As an alternative, the applicant is requesting the ability to provide sewer service to Unit 5, Phase 2 via a lift station.*
- The proposed Planned Development Amendment and proposed PD Layout Plan complies with the land use policies and requirements of the environmental regulations found in the City's Land Development Code under Sections 30-300 and 30-310.*
- In order to minimize any disturbance to existing wetlands, a narrower 14' paved drive (40' ingress/egress easement) will provide access to lots within the southern portion of Unit 5, Phase 2.*

- All of the buildings within Unit 5, Phase 2 will be equipped with residential sprinkler systems in accordance with Gainesville Fire Rescue requirements.

Fiscal Note: None.

RECOMMENDATION

Staff to City Plan Board - Approve petition.

Legislative History

1/28/16	City Plan Board	Postponed (Petition) to the City Plan Board
5/19/16	City Commission	Approved (Petition)
6/2/16	City Commission	Approved, as shown above

[150694 Staff report 20160128.pdf](#)
[150694A Exh A-1 Proposed PD Report Application Neighborhood Worksh](#)
[150694B ExA-2 Proposed PD Layout Plan 20160128.pdf](#)
[150694C Exh A-3 Natural Areas Resource Assessment 20160128.pdf](#)
[150694D ExA-4 Design Plant 20160128.pdf](#)
[150694E ExB-1 thru Exh B-5 Supplemntal Documents 20160128.pdf](#)
[150694F ExhC-1 Citizen letters regarding Blues Creek PD Amendment 2016](#)
[150694G Exh D eda Blues Creek memo 20160225.pdf](#)
[150694H Exh E GSE Memo 12680 Final Report SS 20160225.pdf](#)
[150694I Exh F Citizen Comments 2-17-16 Blues Crk 20160225.pdf](#)
[150694A Staff report 20160519 .pdf](#)
[150694B Exh A-1 Proposed PD Report Application Neighborhood Worksh](#)
[150694C ExA-2 Proposed PD Layout Plan 20160519.pdf](#)
[150694D Exh A-3 Natural Areas Resource Assessment 20160519.pdf](#)
[150694E ExA-4 Design Plant 20160519.pdf](#)
[150694F ExB-1 thru Exh B-5 Supplemntal Documents 20160519.pdf](#)
[150694G ExhC-1 Citizen letters regarding Blues Creek PD Amendment 2016](#)
[150694H Exh D eda Blues Creek memo 20160519.pdf](#)
[150694I Exh E GSE Memo 12680 Final Report SS 20160519.pdf](#)
[150694J Exh F Citizen Comments 2-17-16 Blues Crk 20160519.pdf](#)
[150694K 160128 and 160228 CPB minutes 20160519 .pdf](#)
[150694L Staff ppt 20160519.pdf](#)
[150694 Blues Creek Letters 1 20160519.pdf](#)
[150694 Blues Creek Letters 2 20160519.pdf](#)
[150694 Blues Creek Letters 3 20160519.pdf](#)
[150694 Blues Creek Letters 4 20160519.pdf](#)
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[150694 Blues Creek Letters 10 20160519.pdf](#)
[150694 Blues Creek Letters 11 20160519.pdf](#)
[150694 Blues Creek EDA Petitioner Powerpoint 20160519.pdf](#)
[150694 applicant forms 20160519.pdf](#)
[150694 MOD Goldman 20160519.pdf](#)
[150694 MOD Blues Creek Master Owners Association Letter 20160519.pdf](#)
[150694 MOD petition form 20160519.pdf](#)

- [150694 MOD petition form 2 20160519.pdf](#)
- [150694 Blues Creek Order 20160602](#)
- [150694 BluesCreekAlternative1 20160804.pdf](#)
- [150694 BluesCreekAlternative2 20160804.pdf](#)
- [150694 BluesCreekAlternative3 20160804.pdf](#)
- [150694 Powerpoint 20160804.pdf](#)
- [150694 AffidavitofLarryRoss 20160804.pdf](#)
- [150694 AffidavitofOneliaLazzari 20160804.pdf](#)
- [150694 AffidavitofPeterWallace 20160804.pdf](#)

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

COMMISSION COMMENT

ADJOURNMENT - 8:01 PM