

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Meeting Agenda - Final

April 3, 2014

1:00 PM

MODIFIED AGENDA

City Hall Auditorium

City Commission

Mayor Ed Braddy (At Large)

Commissioner Lauren Poe (At Large)

Commissioner Thomas Hawkins (At Large)

Commissioner Yvonne Hinson-Rawls (District 1)

Commissioner Todd Chase (District 2)

Commissioner Susan Bottcher (District 3)

Mayor-Commissioner Pro Tem Randy Wells (District 4)

Persons with disabilities who require assistance to participate in this meeting are requested to notify the Office of Equal Opportunity at 334-5051 or call the TDD phone line at 334-2069 at least two business days in advance.

CALL TO ORDER**AGENDA STATEMENT**

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

ROLL CALL**INVOCATION**

Prophet George Young

CONSENT AGENDA**CITY MANAGER, CONSENT AGENDA ITEMS**

[120096.](#)

Emergency Shelter Retrofit for the City of Gainesville/Alachua County Senior Recreation Center (B)

This item involves a request to authorize the City Manager to execute an agreement with the Florida Division of Emergency Management for retrofit of the City of Gainesville/Alachua County Senior Recreation Center to increase the emergency shelter capacity of the facility.

Explanation: The City of Gainesville/Alachua County Senior Recreation Center was completed in 2011. The facility includes emergency shelter capacity which is recognized in agreements the City (as owner of the facility) has with ElderCare (as operator of the facility) and Alachua County (as the Local Emergency Management Agency).

Alachua County currently has a deficit in emergency shelter capacity. The State of Florida provides grant funding to increase emergency shelter capacity and notified Alachua County in March 2014 that funding is currently available but must be encumbered immediately with project completion by December 2014.

A survey of the City of Gainesville/Alachua County Senior Recreation Center identified the ability to increase the emergency shelter capacity of the facility through the installation of exterior envelope protection such as shutters. The current capacity of the facility has been determined by the Florida Division of Emergency Management (FDEM) to be 133. The retrofit will increase the total shelter capacity to 366. FDEM has indicated that \$77,025 in funding is available for this project which is adequate to cover the costs of the project.

Fiscal Note: No matching funds are required. Grant funds are provided on a reimbursement basis. There is an allowance for administrative expenses up to 5% of the total budget.

RECOMMENDATION

The City Commission authorize the City Manager to execute an agreement and any necessary documents with the Florida Division of Emergency Management for retrofit of the City of Gainesville/Alachua County Senior Recreation Center to increase the emergency shelter capacity of the facility, subject to approval by the City Attorney as to form and legality.

Legislative History

8/16/12 City Commission Approved as Recommended

[120096 Interlocal Agreement 20120816.pdf](#)

[120096A Senior Center Interlocal Agreement 20140403.pdf](#)

[120096B Draft Shelter Retrofit Budget & Scope 20140403.pdf](#)

[130765.](#)

Paul Coverdell Forensic Science Improvement Grants Program (NB)

This item is a request for City Commission approval to apply for grant funding from the U.S. Department of Justice, Office of Justice Programs, and National Institute of Justice to be used for the Gainesville Police Department's Forensic Crime Unit for fiscal year 2015.

Explanation: The City of Gainesville Police Department has applied for the Paul Coverdell Forensic Science Improvement Grants Program and the deadline for the application was April 1, 2014. Requests for the competitive funding are limited up to the amount of \$175,000.00. This grant would improve the quality and timeliness of the Latent Print Section by: 1) the reduction in backlog cases expanding and improving our latent print section by going digital through the purchasing of equipment and training; and 2) by hiring a part-time certified latent print examiner and/or using overtime to decrease the backlog of cases.

The Forensic Crime Unit relies heavily on latent fingerprint evidence for identifying individuals who have committed crimes and to provide this evidence to be used for prosecution. Over the last five years, averages

of approximately 13,000 latent fingerprint cards per year have been generated by members of the department.

Fiscal Note: There is no match requirement for this grant.

RECOMMENDATION

The City Commission authorize the City Manager to: 1) accept the grant if awarded from the U.S. Department of Justice Office of Justice Programs for the Paul Coverdell Forensic Science Improvement Grant; and 2) execute any grant documents, subject to approval as to form and legality by the City Attorney.

[130766.](#)

Florida Department of Transportation's Safety Office Statewide Nighttime Seatbelt Enforcement Grant, Speed and Aggressive Driving Grant, Impaired Driving Enforcement Grant and Pedestrian High Visibility Enforcement Grant (B)

This is a request for City Commission approval to apply for four grants through the Florida Department of Transportation Safety Office.

Explanation: The Florida Department of Transportation's Safety Office is sponsoring the Statewide Nighttime Seatbelt Enforcement Grant, Speed and Aggressive Driving Grant, Impaired Driving Enforcement Grant and Pedestrian High Visibility Enforcement Grant. All four grant programs are overtime-only proactive traffic enforcement projects. The Nighttime Seatbelt Enforcement Grant budget requests the purchase of a \$7,800 capital outlay Light Tower. The Impaired Driving Enforcement Grant budget requests the purchase of a \$32,500 capital outlay Chevy Tahoe and the purchase of a \$6,378 Intoxilyzer.

The amount requested through each grant application is as follows:

The Statewide Nighttime Seatbelt Enforcement Grant - \$37,800

The Speed and Aggressive Driving Grant - \$71,011.30

The Pedestrian High Visibility Enforcement Grant - \$40,000

The Impaired Driving Enforcement Grant - \$101,162

Total requested from the Florida Department of Transportation Safety Office - \$249,973.30

Fiscal Note: There is no significant fiscal impact to the city.

RECOMMENDATION

The City Commission authorize the City Manager to apply for, accept, and execute the grant awards subject to approval by the City Attorney as to form and legality and approve the expenditures as outlined in the approved grant awards.

Alternative Recommendation

The City Commission deny staff's request to apply for the grants.

[130766a_FDOTSeatbeltGrantConceptPaper_20140403](#)

[130766b_FDOTAggresvieDrivingGrantConceptPaper_20140403](#)

[130766c_FDOTHighVisibilityPedestrianGrantPaper_20140403](#)

[130766d_FDOTImpairedDrivingReductionGrantPaper_20140403](#)

[130769](#)

Synthetic Drug Ordinance Proposal (B)

This item requests a referral to the Public Safety Committee for consideration of the creation of a City ordinance to prohibit the possession, sale, display for sale, or manufacture of synthetic drugs in Gainesville; to assist in combatting the rise in the sale and use of dangerous synthetic substances commonly known as “spice”.

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

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

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

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

Fiscal Note: None at this time.

RECOMMENDATION

The City Commission refer this proposal to the City's Public Safety Committee for consideration as to whether an ordinance prohibiting the sale, distribution, production, manufacture, or display for sale or marketing of synthetic drugs within the city limits of Gainesville would benefit law enforcement in combatting the increased use and availability of these drugs.

[130769_HillsboroughCo SyntheticDrugOrd_20140403](#)

[130808.](#)

Agreement for Depot Park Remediation Project (B)

This item is a request to execute an Agreement between the City of Gainesville Public Works Department and Environmental Consulting and Technology, Inc. (ECT) to complete remediation services on the Depot Park site.

Explanation: The City and GRU, entered into a contract with Environmental Consulting and Technology, Inc., (ECT) to provide remediation work at Depot Park Phase II Pond & Pump Station Project (Depot Park Phase II). As part of its contracted work responsibilities, ECT has been operating and maintaining the water treatment system (WTS) on Depot Park Site. The operation and maintenance of the WTS was funded by GRU until December 31, 2013. Because Public Works Department is now responsible for the completion of Depot Park Phase II, Public Works Department has agreed to fund the remaining contract costs associated with the WTS operation and maintenance until the completion of the ongoing Depot Park Phase II Pond & Pump Station Project. This project is expected to be completed by June 30, 2014.

Public Works Department desires to continue the City's Agreement with ECT by continuing the City's existing contract with GRU through June 30, 2014 and by changing the contact department to Public Works. The continued operation of the WTS is required during all construction dewatering activities on the project due to the site's contaminated groundwater associated with the former manufactured gas plant (MGP). This requirement is a condition of the City's permit with the Department of Environmental Protection for remediating the site.

Fiscal Note: Funding for this project in the amount of \$159,070.71 is available in the adopted Capital Improvement Plan FY 2013-2017.

RECOMMENDATION

The City Commission: 1) approve the agreement with ECT; 2) authorize the City Manager to execute the contract and any necessary documents, subject to approval by the City Attorney as to form and legality; and 3) issue a purchase order in the amount of \$159,070.71.

[130808_Agreement_20140403.PDF](#)

[130834.](#)

Request to Release Reverter Rights (B)

This item is a request to release the Reverter Right provisions contained in a Special Warranty Deed to Pleasant Place, Inc.

Explanation: Pleasant Place, Inc., is a not-for-profit organization that is dedicated to providing a healthy and safe home for teenage girls who are pregnant and parenting while they finish school. On August 4, 1997, the City of Gainesville conveyed Tax Parcel 14402-000-000 to Pleasant Place, Inc., by Special Warranty Deed recorded in Official Records Book 2131, Page 182 in the Public Records of Alachua County, Florida. This parcel (originally known as the Dunbar Hotel) is located at 732 Northwest 4th Street in the Pleasant Street Historic Neighborhood. Pleasant Place, Inc., was to utilize the property for a transitional residence serving homeless, pregnant teens and teenage mothers and their babies.

The Special Warranty Deed contained the following reverter clauses if the properties failed to be used for a transitional residence serving homeless, pregnant teens and teenage mothers and their babies: 1) Pleasant Place, Inc., was to commence and complete the rehabilitation of the residential building contained in the property within two years; and 2) Pleasant Place, Inc., was to use the facility within ninety days after issuance of the Certificate of Occupancy for the prescribed housing of homeless, pregnant teens and teenage mothers and their babies in compliance with the requirement of the U.S. Department of Housing and Urban Development Supportive Housing Program and the U.S. Department of Housing and Urban Development Home Investment Partnership Program.

Since that time, Pleasant Place, Inc., has met the requirements of the reverter clauses contained in the Special Warranty Deed. In 2012, the Pleasant Place, Inc., experienced financial difficulties; and the property subsequently went into foreclosure. Mr. Andrew Coffey, Eastwood LLC, recently submitted a letter to the City advising of his company's interest in acquiring the property from out of foreclosure from Pleasant Place, Inc.; however, reverter clause #2 contained in the Special Warranty Deed as stated above, created a cloud on the title. As a result, Mr. Coffey is requesting for the City to release the right of reversion contained in the Special Warranty Deed from the City to Pleasant Place, Inc., to complete the acquisition of the property. Since the City has no financial interest in the property, staff recommends issuance of a Quit-Claim Deed, removing the stipulations and clearing the title of the property.

Fiscal Note: None.

RECOMMENDATION

The City Commission: 1) approve the release of the reverter on Tax Parcel 14402-000-000; and 2) authorize the Mayor to execute and Clerk of the Commission attest a Quit-Claim Deed to Pleasant Place, Inc., removing any interest the City may have in Tax Parcel 14402-000-000, subject to approval from the City Attorney as to form and legality.

[130834A Special Warranty Deed 20140403.pdf](#)

[130834B Quit-Claim Deed 20140403.pdf](#)

[130836.](#)**Transfer of Certain Surplus Property over to Alachua County Coalition for the Homeless and Hungry (NB)**

The purpose of this item is to request authorization for the City Commission to authorize the City Manager or his designee, to transfer surplus property to the Alachua County Coalition for the Homeless and Hungry, and to authorize the City Manager to execute an amendment to the Agreement with ACCHH to provide for the terms and conditions of the donation, including limiting use of the donated items to the implementation of homeless services at the Empowerment Center.

Explanation: This item supports the City Commission Strategic Initiative 3.1: Continue Implementation of the 10 Year Plan to End Homelessness.

The City of Gainesville has entered into a contract with ACCHH to administer and implement homeless services at the Empowerment Center. The interim services are scheduled to start on May 1, 2014. ACCHH is in need of office furniture, equipment, electronic devices and a passenger van or sedan in order to start services. The City of Gainesville routinely replaces office furniture, equipment, electronic devices and vehicles once it has been determined that they have expended their useful life cycle for the City. Some of these surplus items and property are routinely purchased by other government agencies, businesses, or is sold at auction on behalf of the City. The revenue generated from the sale of the surplus property is returned to the City's General Fund.

City staff is requesting authorization to allow certain surplus property, such as the items listed above, to be transferred to the ACCHH in support of the City Commission Strategic Initiative 3.1. These donations will help to reduce the start-up costs for ACCHH and allow funds to be focused on services. A similar request is being submitted to the Alachua County Board of County Commissioners by County staff. In addition, City staff has requested a donation from the State to assist the ACCHH with bedding, linen, towels, kitchen equipment and other items to support the opening of the Empowerment Center.

ACCHH will be conducting its own donation campaign to address needs at the Center. The time period for this donation campaign is yet to be determined.

City staff is seeking City Commission approval of this request because it is a unique request that is not clearly contemplated by the City's adopted policy and procedures for the disposal of surplus property. The City's adopted policy and procedures typically limit the methods by which staff can dispose of surplus property to the following: transfer to other City Departments, public auction, sealed competitive bids or donation to another Governmental Agency (if the donation is in furtherance of a

governmental objective). In addition, the policy and procedures require that all surplus items valued at \$10,000 or more shall be sold by written quotations except when sale is by auction. In this case, although the ACCHH is not a governmental agency, this donation will further an important governmental objective in that the ACCHH is under contract with the City to provide homeless services at the City's Empowerment Center. At this time, staff is uncertain exactly what surplus property will be donated to the ACCHH; however, staff will report to the City Commission in the next quarterly update of Strategic Initiative 3.1, the estimated value of the surplus property this was actually donated.

RECOMMENDATION

The City Commission: 1) authorize the City Manager or his designee, to transfer surplus property (of such type and in such amount and value as is determined reasonable by the City Manager) to the Alachua County Coalition for the Homeless and Hungry; and 2) authorize the City Manager to execute an amendment to the Agreement with ACCHH to provide for the terms and conditions of the donation, including limiting use of the donated items to the implementation of homeless services at the Empowerment Center, subject to approval by the City Attorney as to form and legality.

[130840.](#)

Human Resources Policies B-1, Tuition Reimbursement Program; and E-7, Outside Employment and Business Activity (B)

This item is to amend HR Policies B-1 and E-7, to conform to changes negotiated with the CWA.

Explanation: Human Resources Policy B-1, Tuition Reimbursement Program, is amended to increase the amount of per-class book reimbursement from twenty-five dollars (\$25) to fifty dollars (\$50). This modification is intended to mirror the same change that was made to the CWA Labor Agreements.

Human Resources Policy E-7, Outside Employment or Business Activity, is amended to prohibit the use of Personal Critical Leave Bank (PCLB) hours, and preclude establishment of a Leave Bank, for any injury sustained while engaged in outside employment.

Fiscal Note: Policy B-1 funds are currently budgeted for Fiscal Year 2014. There is no fiscal impact for changes to Policy E-7.

RECOMMENDATION

The City Commission approve the revisions to Human Resources Policy B-1, Tuition Reimbursement Program, and Human Resources Policy E-7, Outside Employment or Business Activity.

[130840_HR Policies B1 - E7_20140403.pdf](#)

[130845.](#)

Smart Supervision: Reducing Prison Populations, Saving Money, and Creating Safer Communities (NB)

This item is a request for City Commission approval to apply for grant funding from the U.S. Department of Justice, Office of Justice Programs, and Bureau of Justice Assistance to assist the Gainesville Police Department in implementing evidenced-based supervision strategies and developing innovative new strategies to improve the success rate of the adults being supervised in the community on probation and parole.

Explanation: The City of Gainesville Police Department is requesting to apply for the Smart Supervision: Reducing Prison Populations, Saving Money, and Creating Safer Communities Grants Program by the deadline of April 7, 2014. Recipients of this grant could be awarded up to \$750,000 total for three years. This grant will enable the City of Gainesville to further the success of the BOLD (Brave Overt Leaders of Distinction) Program through continual improvements of educational and employment readiness services and the implementation of character building strategies focused specifically on preventing and reducing recidivism. Two Life Coaches will be hired to assist with the personal and professional development of participants as they continue their education, obtain employability skills, learn important life management skills, and participate in community projects/neighborhood events. The Life Coaches will also develop life plans, maintain files, schedule accountability meetings, and collect data for quarterly reporting requirements. Funding from this grant will also be used for operational expenses, employment assistance, office equipment, and supplies to support the mission and vision of the BOLD Program.

This grant requires the incorporation of a research partner, independent contractor or academic institution, to assist with data collection and analysis, problem assessment, strategy development or monitoring and evaluation performance. The Gainesville Police Department will request that any costs associated with this contractual service be funded by this grant.

Through collaboration with community leaders and partners, the BOLD Program will continue to provide physical/mental health services, financial stability, and substance abuse treatment to prevent and reduce recidivism.

Fiscal Note: There is no match requirement for this grant.

RECOMMENDATION

The City Commission authorizes the City Manager to 1) accept the grant if awarded from the U.S. Department of Justice Office of Justice Programs

for the Paul Coverdell Forensic Science Improvement Grant, and if awarded; 2) execute any grant documents, subject to approval as to form and legality by the City Attorney.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

CITY ATTORNEY, CONSENT AGENDA ITEMS

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

[130844.](#)

City Commission Minutes (B)

RECOMMENDATION

The City Commission approve the minutes of the March 6, City Commission meeting.

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE, CONSENT

PUBLIC SAFETY COMMITTEE, CONSENT

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE, CONSENT

EQUAL OPPORTUNITY COMMITTEE, CONSENT

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

CITY MANAGER

[130826.](#)

Gainesville Fire Rescue Accreditation Status (B)

This item requests that the Commission hear a report from Fire Chief Gene Prince on GFR's recent success becoming an accredited fire rescue agency with the Commission on Fire Accreditation International. *ESTIMATED STAF PRESENTATION 10 MINUTES*

Explanation: During the summer of 2011, the City Manager authorized Gainesville Fire Rescue (GFR) to seek accreditation with the Center for Public Safety Excellence (CPSE) Commission on Fire Accreditation International (CFAI). In October 2011, GFR became an applicant agency with the CFAI and embarked on a series of required business practices designed to provide a critical self-assessment of the organization and its service delivery. On November 1st, 2012, the City Commission formally adopted the GFR Strategic Plan and GFR Standards of Cover developed during the accreditation process and, in February 2013, GFR requested a peer assessor team site visit from the CFAI. The peer assessor team completed their site visit in July 2013 and, after an additional period of performance measurement reporting to CFAI from August 2013 through December 2013, the peer assessor team recommended GFR for accreditation status. On March 11th, 2014, Fire Chief Gene Prince and Assistant City Manager Paul Folkers appeared before the CFAI Commission at the semi-annual accreditation hearings held at the CPSE Excellence Conference. After completing their inquiry regarding several recommendations from the peer assessor team, the Commission voted to award GFR accredited status.

To maintain accredited status, GFR is required to complete quarterly performance reporting for the first year; submit annual compliance reports by January of each year; and, undergo a site visit once every five years.

Fiscal Note: None.

RECOMMENDATION

The City Commission hear the report from Chief Prince.

[130826_GFR Accreditation Presentation_20140403.pdf](#)

[130806.](#)

Charter County and Regional Transportation System Surtax (B)

Section 212.055, Florida Statutes allows charter counties to impose a discretionary sales surtax of up to 1 percent. The Alachua County Board of County Commissioners is considering a 2014 ballot initiative for a 1-cent Charter County Transportation System Surtax. *estimated staff presentation 20 minutes*

Modification - New back-up

Explanation: Section 212.055, Florida Statutes allows charter counties to impose a discretionary sales surtax of up to 1 percent. By law, the proceeds from

the surtax shall be applied to:

- 1) bus and fixed guideway systems;*
- 2) on-demand transportation services; or*
- 3) roads or bridges.*

On February 18, 2014 the Board of County Commissioners approved a motion to distribute funds such that the City of Gainesville would receive 43.24% of revenues. This equates to approximately \$12,970,216 per year. This same motion included an eight year term; bringing the total revenue for Gainesville to approximately \$103,761,728. The County established a deadline of May 1 for municipalities to provide their list of projects as well as a summary of the calculations used in estimating the cost of each project.

To assist in developing a prioritized list of transportation projects, staff has compiled projects from the Transportation Improvement Plan, Transit Development Plan and the Long Range Transportation Plan. The projects are prioritized within categories i.e. transit, preservation of existing system, enhancement of existing system, enhancement to Bicycle/Pedestrian Network, and enhancements - new corridors. Staff has expanded the list and updated cost estimates since the list was originally submitted to the City Commission in September 2013. Roadway projects associated with economic development efforts in the Power District and GTEC area were also added to the list.

Staff is recommending a funding split of 40% on transit capital and operating costs and 60% for roads, bridges, bicycle and pedestrian facilities. In consideration of this split staff has developed an 8 year funding plan for the City Commission's consideration. The cost of this portion of the service is included in the 8 Year Funding Plan. The overall list of transportation priorities and a supplemental list of transit projects is included as backup for consideration.

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

RECOMMENDATION

The City Commission: 1) hear presentation; 2) approve staff's recommended 8 year Transportation Surtax Funding Plan; and 3) authorize the City Manager to forward a copy of the City's 8 Year Transportation Surtax Funding Plan to Alachua County.

Alternative Recommendation:

The City Commission provide the City Manager with input on development of an 8 year Transportation Surtax Funding Plan.

[130806A_SalesTaxProposal_20140403.pdf](#)

[130806B_OverallProjectList_20140403.pdf](#)

[130806C_Map_20140403.pdf](#)

[130806D_Transportation_20140403.pdf](#)

[130806E_ProjectCosts_20140403.pdf](#)

[130806F_Presentation_20140403.pdf](#)

[130806A_MOD_SalesTaxProposal_20140403.pdf](#)

[130807.](#)

Bid Award - Depot Avenue Segment 2 Roadway Reconstruction (B)

This item is a request for the City Commission to authorize the bid award to O'Steen Brothers, Inc., for the Depot Avenue Segment 2 Roadway Project for reconstruction of Depot Avenue between SW 11th Street and Main St, including roundabouts at SW 11th Street, SW 6th Street and Main Street.

Modification - Moved item from Consent to Regular Agenda

Explanation: On January 15, 2014, the city's Purchasing Division solicited bids for the Depot Avenue Segment 2 Roadway Project for reconstruction of Depot Avenue between SW 11th Street and Main Street, including roundabouts at SW 11th Street, SW 6th Street and Main Street. The improvements also include curb & gutter, medians, water, reclaimed water, and wastewater utilities, multi-use trail, drainage system, landscaping and other amenities. GRU is participating in the project in that the roadway contractor will be relocating water, reclaimed water, and wastewater facilities as per the utility work by Highway Contractor Plans and is funding this work. Five (5) firms responded with a bid. O'Steen Brothers, Inc. has been deemed to be the lowest responsible and responsive bidder in the amount of \$6,685,401.13.

Fiscal Note: Funding for this project in the amount of \$6,685,401.13 is available in the adopted Capital Improvement Plan FY 2013-2017 using the County Incentive Grant program, 2009 Bond and Local Option Gas Tax, and GRU's water and wastewater utility budget.

RECOMMENDATION

The City Commission: 1) award the bid to O'Steen Brothers, Inc., for the Depot Avenue Segment 2 Roadway Project construction; and 2) authorize the City Manager to execute the contract and any necessary documents, subject to approval by the City Attorney as to form and legality.

[130807_BidTab_20140403.pdf](#)

[130807-MOD_Depot Avenue Bid Award Presentation_20140402.pdf](#)

[130802.](#)**Charter Officers' Annual Performance Evaluations for the Past Fiscal Year Ending September 30, 2103 (B)**

This is to review the Performance of the Charter Officers for the past fiscal year ending September 30, 2013. *ESTIMATED STAFF PRESENTATION 5 MINUTES*

Explanation: The City Commission evaluates the Performance of the Charter Officers on an annual basis. This review covers the last fiscal year, ending September 30, 2013. Each Charter Officer has provided a report to the City Commission on the accomplishments of his/her areas of responsibility and other supporting documentation.

Every three years, the Human Resources Department provides market pay data collected for each position. The data gathered for Charter Officers in the recent Milliman Compensation Study is provided as backup.

During this same review period, the average pay increase for all other City employees was 1.5%.

Fiscal Note: Salary increases for the Charter Officers are budgeted in a personal services contingency account. The cost to provide a 1.5% increase to the Charter Officers, excluding the Interim General Manager-Utilities, is \$9,886.

RECOMMENDATION

The City Commission review the performance of each Charter Officer and establish appropriate performance ratings and pay increases for 2014 to be effective on Monday of the first full pay period, January 6, 2014.

[130802_2014 Charter Officer Market Data_20140320.pdf](#)

GENERAL MANAGER FOR UTILITIES[130541.](#)**Update on Minimum Flows and Levels Rules and Potential Impact on GRU Consumptive Use Permit (NB)**

Modification - Added item

Explanation: Estimated Staff Presentation 15 Minutes

At a City Commission workshop on January 21, 2014, staff provided an update on FDEP's development of Minimum Flows and Levels (MFLs) for the Lower Santa Fe and Ichetucknee Rivers. We described our concerns with the then proposed rule and were hopeful that our concerns would be addressed. Our specific concerns were that the impacts of groundwater pumping are significantly over-estimated, and compliance with the rule would have significant economic impacts which would ultimately result in substantial rate increases to our customers.

Since that time FDEP has revised the proposed rule in a way that would still provide protection to the springs, but would address many of our concerns. Specifically, the proposed rule would not require existing users (such as GRU) to take actions to meet the MFL recovery criteria until a new groundwater model is developed. This new model is expected to provide much more accurate and reliable results in order to set regulatory criteria and determine what actions will be required to meet these criteria.

As stated in Interim General Manager Kathy Viehe's email to City Commission dated April 1, 2014, the Alachua County BoCC discussed the MFLs at their special meeting on Tuesday April 1, 2014. The BoCC voted to file a legal challenge to the rule. According to the backup information from the BoCC meeting and from the discussions at the meeting, the basis of this challenge is that they object to the provision that existing users (such as GRU) do not have to take action to meet the criteria before the new model is developed. Depending on the outcome of this challenge, a change to the rule could result in significant costs and ultimately rate increases to our customers to meet criterion that we believe is inaccurate and unreliable.

GRU's options are either to do nothing or to legally intervene in this process to ensure that the interests of GRU and our customers are represented and that we understand the costs that may be borne by GRU and its customers.

Fiscal Note: The cost to legally intervene is estimated to be around \$95,000 or less. Adequate funding is allocated in the capital budget. The impact of rule challenge on GRU's rates depends on the outcome and is unknown at this time. However, based on preliminary estimates of costs to comply with the originally proposed rule, the costs could be in the tens of millions of dollars.

RECOMMENDATION *Hear an update from staff.*

Legislative History

12/5/13	City Commission	Withdrawn
1/21/14	City Commission	Discussed

[130541_ppt_20131205](#)

[130541_DWSP presentation bartol gainesville Part 2.20140121.pdf.pdf](#)

[130541_MFLs CCom Workshop Jan 21 Part 1 Overview_20140121.pdf](#)

[130541_MFLs CCom Workshop Jan 21 Part 4 - Rick Hutton.pdf](#)

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE

PUBLIC SAFETY COMMITTEE

[130679.](#)

E-Cigarettes and Clean Air (B)

Explanation: On December 10, 2013, the County Commission adopted an ordinance regulating e-cigarettes. The ordinance prohibits three things:

1. sale of e-cigarettes to minors;
2. use of e-cigarettes at locations where smoking prohibited; and
3. sale of e-cigarettes through self-service merchandising.

The ordinance will apply in the unincorporated area of Alachua County effective on July 1, 2014.

At the February 26th Public Safety Committee meeting, Kathy Nichols, Assistant Director, UF Area Health Education Centers Program provided a presentation on the subject as she did for the County Commission. The Committee voted unanimously to recommend the City Commission move forward creating an ordinance for the City to mirror the County's ordinance. Chief Tony Jones requested the consideration of additional language for the City to prohibit the possession of e-cigarettes by minors, not just the sale to minors. The Committee approved Chief Jones' recommendation.

Since the Public Safety Committee presentation, staff learned that the Florida legislature is considering SB-224 which, if passed, will essentially enact statewide the regulations recommended by staff.

Fiscal Note: None.

RECOMMENDATION

The City Commission: 1) hear a presentation from Kathy Nichols from the University of Florida; and 2) direct the City Attorney to draft and the Clerk of the Commission to advertise an ordinance similar to the Alachua County ordinance regulating e-cigarettes, adding language to prohibit the possession of e-cigarettes by minors.

Legislative History

12/19/13	City Commission	Referred to the Public Safety Committee
2/26/14	Public Safety Committee	Discussed

[130679a AlaCountyECigaretteOrd_20140226](#)

[130679b E-cigPPTPresentation_20140226](#)

[130679 SB224ProposalForECigs_20140403.pdf](#)

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE

[130547.](#)

Issuance of Request for Proposals for an External Investigative Review of Gainesville Regional Utilities (B)

Explanation: On December 5, 2013, the City Commission referred the issue of a special audit of GRU to the Audit, Finance and Legislative Committee (AFLC). On January 29, 2014 the AFLC met and discussed this item. The Committee received extensive public input focused on numerous issues of concern related to past management practices and business decisions primarily related to the multi-year development and implementation of the Power Purchase Agreement (PPA) between Gainesville Renewable Energy Center (GREC), LLC and the City of Gainesville d/b/a Gainesville Regional Utilities (GRU) dated April 29, 2009 and approved by the City Commission on May 7, 2009. There was also considerable discussion regarding the background and financial impact of the "Equitable Adjustment for Change of Law" agreement dated March 16, 2011.

Committee discussions focused on possible actions that could be taken from a management, legal, financial, policy and control perspective to prevent reoccurrence of the actions involved in implementing the GREC PPA and to positively affect the financial outlook of GRU, especially in the area of energy supply and energy delivery.

Committee members agreed to report to the City Commission on February 6, 2014 a joint recommendation for the City to move forward with an external review focusing primarily on GRU past management practices and business decisions related to the implementation and any amendments to the GREC PPA, and including a forward focus on recommendations having positive financial impacts on GRU energy supply and delivery.

On February 6, 2014, after Commission discussion and additional citizen input, the City Commission authorized the City Auditor to prepare an RFP for an external review to address:

- 1) Opportunities for financial and operational benefit to GRU related, but not limited to the GREC PPA; and*
- 2) Recommendations of institutional controls that can be implemented that would help avoid the management discrepancies of the past and help strengthen the working relationship between GRU management and the City Commission.*

RECOMMENDATION

The Audit, Finance and Legislative Committee recommends the City Commission authorize the issuance of a Request for Proposals (RFP) for an external investigative review of Gainesville Regional Utilities (GRU) utilizing the proposed methodology and selection factors.

Legislative History

12/5/13	City Commission	Referred to the Audit, Finance and Legislative Committee
1/29/14	Audit, Finance and Legislative Committee	Recommended for Approval, as amended
2/6/14	City Commission	Approved, as shown above
3/5/14	Audit, Finance and Legislative Committee	Recommended for Approval, as amended
3/20/14	City Commission	Continued

[130547-A-Equitable Adjustment for Change of Law of the Power Purchase Agree](#)

[130547-B-GREC LLC Dispute - Equitable Adjustment Analysis-Outside Attorney](#)

[130547-C-RFP-External Investigative Review of GRU-Agenda Item.PDF](#)

[130547-D-Draft RFP External Investigative Review of GRU.PDF](#)

[130547-E-AFLC REVISED DRAFT RFP EXTERNAL INVESTIGATIVE REVIEW](#)

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)**OUTSIDE AGENCIES****MEMBERS OF THE CITY COMMISSION**

[130860.](#)

Commissioner Todd Chase - Empowerment Center (B)

Modification - Added back-up

RECOMMENDATION

The City Commission discuss the policies at the Empowerment Center in regards to security and background checks and take action deemed appropriate.

[130860_MOD_Sheriff Darnell Letter - Empowerment Center Background Check](#)

[130861.](#)

Mayor Ed Braddy - Glen Springs Project (B)

Modification - Added back-up

RECOMMENDATION

The City Commission discuss the Glen Springs

Project and take appropriate action.

Clerk's Note: This item is anticipated to be heard at 1:00 PM.

[130861_MOD FROGS Presentation Final_20140403.pdf](#)

COMMISSION COMMENTS (if time available)

RECESS

RECONVENE

PLEDGE OF ALLEGIANCE (5:30pm)

PROCLAMATIONS/SPECIAL RECOGNITIONS

[130817.](#)

Children's Week - April 6-11, 2014 (B)

RECOMMENDATION

The Early Learning Coalition of Alachua County CEO Gordon Tremaine and Local Children's Week Coordinator Community Outreach Sheryl Eddie to accept the proclamation.

[130817_ChildrensWeek_20140403.pdf](#)

[130818.](#)

National Service Day of Recognition - April 1, 2014 (B)

RECOMMENDATION

Institute for Workforce Innovation Executive Director Jonathan Leslie and Project Youth Build Program Manager Rachel Gillis to accept the proclamation.

[130818_ServiceDay_20140403.pdf](#)

[130819.](#)

Chestnut Funeral Home Centennial Founders Day - April 13, 2014 (B)

RECOMMENDATION

Chestnut Funeral home Owner Charles S. Chestnut, III, Cynthia Moore Chestnut and Funeral Director Larry Saunders to accept the proclamation.

[130819_ChestnutFuneral_20140403.pdf](#)

[130820.](#)**National Youth HIV and AIDS Awareness Day - April 10, 2014 (B)****RECOMMENDATION**

National Youth HIV & AIDS Awareness Day (NYHAAD) Youth Ambassador Charisse Ahmed to accept the proclamation.

[130820_NYHAAD_20140403.pdf](#)

[130857.](#)**Doctor's Day - March 30, 2014 (B)****RECOMMENDATION**

Alachua County Medical Society President Norman S. Levy and Alachua County Medical Alliance President Roslyn F. Levy to accept the proclamation.

[130857_DoctorsDay_20140403.pdf](#)

CITIZEN COMMENT (6:00pm)**PUBLIC HEARINGS****RESOLUTIONS- ROLL CALL REQUIRED**[130798.](#)**Resolution for 5317 Grant Application (B)**

This item is a request to adopt a Resolution to allow the Regional Transit System (RTS) to apply for a 5317 Grant to purchase ADA paratransit trips in the unincorporated area of Gainesville and paratransit vans to provide ADA service to the disabled citizens of Gainesville.

Explanation: Federal funds are available through the Federal Transit Administration (FTA) and the Florida Department of Transportation (FDOT) to purchase paratransit trips and replacement vans. In the past, a generic Resolution passed by the City Commission authorizing the City Manager or his designee to execute and file applications for such grants was sufficient. FDOT has stated the Resolution must have specific verbiage, in the format approved by their attorney. RTS is requesting that the City Commission pass the Resolution allowing the application to go forward to apply for much needed paratransit trips and paratransit vans to maintain the paratransit fleet.

Fiscal Note: Total project cost is \$30,000. RTS will use capital replacement funds received from MV Transportation for use of city owned vehicles as match money to purchase the needed vehicles. Funds in the amount of \$15,000 are allocated in the RTS ADA budget to provide the 50% match for the trips.

RECOMMENDATION *The City Commission adopt the Resolution.*

[130798_Resolution_20140403.pdf](#)

[130827.](#)

State Housing Initiatives Partnership (SHIP) Program Local Housing Assistance Plan -State Fiscal Years 2014-2016 (B)

This item requests the City Commission approval of the proposed SHIP Local Housing Assistance Plan covering State Fiscal Years 2014/2015, 2015/2016 and 2016/2017, resolution and required certifications.

Explanation: Since 1992, the City of Gainesville has participated in the SHIP Program. To participate in the SHIP Program, the City must prepare and submit a Local Housing Assistance Plan (LHAP) in compliance with Section 420.907, Florida Statutes and Chapter 67-37, Florida Administrative Code. The LHAP describes program activities and management plans for the utilization of funds through public/private partnerships which expand the production and preservation of affordable housing within the city limits of the City of Gainesville. The LHAP addresses affordable housing needs in the community such as homeownership, housing rehabilitation, new construction, downpayment assistance, mortgage foreclosure intervention, and rental housing. The goal of the plan is to provide affordable housing opportunities for income eligible residents within the incorporated areas of the City.

During the development of the LHAP, public input and citizen participation was solicited through a series of meetings held during February 2014 and March 2014. The meetings included participation from housing providers, local lenders, citizens and other groups involved in the provision of affordable housing. Based on public input, there are no new proposed changes to the LHAP, as the housing programs currently being implemented are designed to continue addressing affordable housing needs in the community.

Fiscal Note: It is anticipated that the SHIP Program will be funded within the periods covered by the plan; however, the State has not distributed the annual funding allocations at this time. The Florida Statutes requires local governments to submit a LHAP in the event the SHIP Program is funded within the time period covered for State Fiscal Years 2014/2015, 2015/2016 and 2016/2017.

RECOMMENDATION *The City Commission: 1) adopt the resolution approving the State Housing Initiatives Partnership Program Local Housing Assistance Plan for State Fiscal Years 2014/2015, 2015/2016 and 2016/2017 and required certifications; 2) authorize the submission of the Local Housing Assistance Plan for review and approval by the Florida Housing Finance Corporation; and 3) authorize the*

Mayor and/or City Manager or his designee to execute all necessary documents related to the Local Housing Assistance Plan, subject to review by the City Attorney as to form and legality.

[130827A_Resolution & Exhibits_20140403.pdf](#)

[130827B_LHAP Presentation_20140403.pdf](#)

ADOPTION READING

[130431.](#)

REZONING - TAX PARCEL NO. 07877-001-004 GENERALLY LOCATED AT 820 NW 53rd AVENUE (B)

Ordinance No. 130431; Petition No. PB-13-92 ZON

An ordinance amending the Zoning Map Atlas of the City of Gainesville, Florida, by rezoning approximately 9.78 acres of tax parcel no. 07877-001-004 generally located at 820 NW 53rd Avenue, as more specifically described in this ordinance, from Planned Development District (PD) to General Industrial District (I-2); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT REPORT

This petition/ordinance will rezone an approximately 9.78-acre portion of tax parcel No. 07877-001-004 located in the vicinity of 820 NW 53rd Avenue from Planned Development District (PD) to General Industrial District (I-2). The remainder portion of tax parcel 07877-001-004 has Industrial land use and I-2 zoning. The entire parcel is currently vacant. The property is not located within any special area plan overlay districts; however the property does lie within the Wellfield district. The current PD zoning was put in place by the City, as purchaser under a real estate contract, to allow for the types of uses associated with the GRACE Marketplace OneStop Homeless Assistance Center. Because of protracted litigation and eventual settlement agreement, the City has terminated the contract to purchase this property. The contract contemplates the City will file an application to rezone the property back to the I-2 zoning district. The property is located on the north side of NW 53rd Avenue. Access to the property is from a private easement that is paved from NW 53rd Avenue up to a cement plant, which is located on property to the south of the subject parcel. From that point the access is unpaved into the subject property. All of the property on the east, west and south of the subject parcel is zoned I-2, with Industrial land use. The property to the north is zoned AGR, with Agricultural land use.

Key Issues

- * The proposed rezoning is consistent with the Comprehensive Plan.
- * The current PD zoning designation is being replaced by I-2, the previous zoning designation on the property. The I-2 zoning is

consistent with the surrounding zoning in the area except to the north, which is zoned for Agriculture but is currently vacant.

* The current PD zoning was tailored to a very specific City project, the One-Stop Homeless Assessment Center. As a result of the City no longer purchasing the property for the One-Stop use, the PD provisions are no longer applicable and would serve to restrict potential future industrial development on the overall parcel.

After public notice was published in the Gainesville Sun on October 8, 2013, the City Plan Board held a public hearing on October 24, 2013, and recommended approval of this petition by a vote of 6-0.

CITY ATTORNEY MEMORANDUM

Because this ordinance was initiated by the City of Gainesville and changes the zoning designation for a parcel or parcels of land involving less than 10 contiguous acres, the City Commission shall hold a public hearing and may, upon the conclusion of the hearing, immediately adopt the ordinance. This ordinance shall become effective immediately upon final adoption.

RECOMMENDATION

The City Commission: (1) approve Petition No. PB-13-82 ZON and (2) adopt the proposed ordinance.

[130431B_Staff report_20140403.pdf](#)

[130431C_Exh A-1 Comp Plan G0Ps_20140403.pdf](#)

[130431D_Exh B-1 LDC_20140403.pdf](#)

[130431E_Exh C-1 -C-3 Supplemental Doc_20140404.pdf](#)

[130431F_Exh D-1 Application & Neighborhood workshop_20140403.pdf](#)

[130431G_CPB minutes_20140403.pdf](#)

[130431H_staff ppt_20140403.pdf](#)

[130431A_draft ordinance_20140403.pdf](#)

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

[120991](#)

PROHIBITING MINORS IN ALCOHOLIC BEVERAGE ESTABLISHMENTS (B)

Ordinance No. 120991

An ordinance of the City of Gainesville, Florida, amending Chapter 4, Article I, of the Code of Ordinances of the City of Gainesville related to alcoholic beverages; adding a new Section 4-5.2, Minors Prohibited in Alcoholic Beverage Establishments; providing directions to the codifier;

providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: The City Commission, at its meeting of October 3, 2013, authorized the preparation and advertisement of this Ordinance. The Ordinance adds a section to the Code of Ordinances which prohibits persons under the age of 18 to be present in an alcoholic beverage establishment when not accompanied by a parent or guardian, with limited employment exceptions as provided by state law.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

3/21/13	City Commission	Referred to the Public Safety Committee
4/25/13	Public Safety Committee	Discussed
10/3/13	City Commission	Approved as Recommended
3/20/14	City Commission	Adopted on First Reading (Ordinance)

[120991 MemoOnTeenEventsInBars 20130425](#)

[120991A draft ordinance 20140320.pdf](#)

[120991B Minors Prohibited 20140320.pdf](#)

PLAN BOARD PETITIONS

[130460](#)

Use of Portable Storage Units (PODs) by Commercial Delivery Companies (B)

Petition PB-12-13 TCH: City Plan Board. Amend the Land Development Code to allow Portable Storage Units (PODs) in residential areas for seasonal distribution of packages by commercial delivery service providers. ***ESTIMATED STAFF PRESENTATION 15 MINUTES***

Explanation: This petition is the result of a referral from the City Commission on October 17, 2013 to the City Plan Board to amend the Land Development Code to allow licensed commercial delivery companies to place temporary portable storage units in residential areas. The PODs would be used as a staging area from which to distribute packages to local residents via golf carts. The activity would occur each year from October to January annually within approved neighborhoods. This would occur in conjunction with the use of golf carts on municipal streets which is allowed by Florida Statutes 316.2126 which authorizes the use of golf carts and utility vehicles upon any state, county, or municipal roads located within the corporate limits of a municipality.

The selected neighborhood must be a well-defined area with an existing

centralized area serving the residents; for example a club house, a defined pool area, a community center, a common area for recreational activities, a centralized bicycle, motorcycle or vehicular use area, among others. The intent and merit of the proposal is to facilitate easier and more convenient delivery of packages during the peak delivery season. During regular business hours, a truck would deliver packages to a POD located within the approved residential area. Golf carts would pick-up the stored packages from the POD and deliver them to local residences through a series of short trips. By the end of the business day, the POD would be empty awaiting its next batch of packages for another cycle of golf cart delivery the next day.

A positive aspect of the proposal is that the delivery process is already occurring within the residential areas. The practice will eliminate the use of large trucks driving throughout the neighborhood thus reducing the occurrence of truck accidents with neighborhood children playing in the streets. It will also reduce the amount of carbon emissions from motorized vehicles driving throughout the streets; the process will also facilitate faster and shorter delivery times throughout the neighborhood.

The negative aspects are the unsightly visual impacts of PODS within the neighborhood; undesirable noises associated with loading and unloading of PODS at the site; potential for unkempt areas around the PODS; potential for theft and vandalism of the PODS; potential for the use of larger vehicles not typically used for regular delivery within the neighborhood; over-extending the allowable storage period for PODS; and management, control and placement of the PODS in situations where more than one delivery company utilizes a single neighborhood.

After hearing a presentation from staff and comments from the general public, the Plan Board voted 7 - 0 to approve the petition with two modifications: The first modification increased the base footprint of allowable PODs from 200 to 250 square feet and the second clarifies the condition about signage to require no advertising signs on the property.

Public notice was published in the Gainesville Sun on November 13, 2013. The Plan Board held a public hearing on December 2, 2013.

Fiscal Note: Appendix A Schedule of Fees, Rates and Charges will have to be amended to add a \$250 charge for each permit.

RECOMMENDATION

City Plan Board to City Commission -Approve Petition PB-13-107 TCH with the condition submitted by staff as modified.

Staff to City Commission - Approve Plan Board's recommendation.

Staff to City Plan Board - Approve petition.

Alternate Recommendation

Approve Petition PB-13-107 TCH with the conditions submitted by staff as modified and limiting the use only to Multi-family residential zoning districts.

Legislative History

10/17/13 City Commission Referred to the City Plan Board

[130460A Staff report 20140403.pdf](#)

[130460B Exhibit A FS on Golf Carts 316-2126 20140403.pdf](#)

[130460C Exhibit B Initial PODS Ordinance 20140403.pdf](#)

[130460D Exhibit C Application 20140403.pdf](#)

[130460E CPB minutes 20140403.pdf](#)

[130460F staff ppt 20140403.pdf](#)

DEVELOPMENT REVIEW BOARD PETITIONS**SCHEDULED EVENING AGENDA ITEMS****UNFINISHED BUSINESS****COMMISSION COMMENT****CITIZEN COMMENT (If time available)****ADJOURNMENT (no later than 11:00PM - Mayor to schedule date and time to continue meeting)**