

29 Program for Electric Service” to replace the underutilized “Retained, Expanded or Attracted
30 Load Service Rider” in the current City Code; and

31 **WHEREAS**, the City Commission adopted Ordinance No. 170580 on second reading on
32 January 4, 2018 to accomplish the above described purposes; and

33 **WHEREAS**, after adoption of Ordinance No. 170580, City staff identified scrivener’s
34 errors that require correction; and

35 **WHEREAS**, the City Commission adopts this ordinance for the express purpose of
36 amending and restating Ordinance No. 170580 in order to correct the scrivener’s errors contained
37 therein;

38 **NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
39 **CITY OF GAINESVILLE, FLORIDA:**

40 **Section 1.** Chapter 2, Article V, Division 4 of the Code of Ordinances of the City of
41 Gainesville is hereby repealed in its entirety as follows:

42. ~~**DIVISION 4. GAINESVILLE ENTERPRISE ZONE DEVELOPMENT AGENCY**~~

43 ~~Division 4. Gainesville Enterprise Zone Development Agency~~

44. ~~**Sec. 2-301. Creation of the Gainesville Enterprise Zone Development Agency.**~~

45 ~~There is hereby created the Gainesville Enterprise Zone Development Agency, consisting~~
46 ~~of nine members, which shall carry out the economic development and redevelopment~~
47 ~~purposes of F.S. Ch. 290.~~

48. ~~**Sec. 2-302. Members of the Gainesville Enterprise Zone Development Agency.**~~

49 ~~The members of the Gainesville Enterprise Zone Development Agency shall have the~~
50 ~~following qualifications and be appointed and removed as follows:~~

- 51 (a) ~~Each appointed agency member of such agency shall be at least 18 years of age. Each~~
 52 ~~member shall be an individual of outstanding reputation for integrity, responsibility,~~
 53 ~~and business ability or acumen. At least one member must be represented from each of~~
 54 ~~the following: the local chamber of commerce; local financial or insurance entities; the~~
 55 ~~businesses operating within the enterprise zone area; the residents residing within the~~
 56 ~~enterprise zone; nonprofit community-based organizations operating within the~~
 57 ~~enterprise zone area; the local private industry council; the local code enforcement~~
 58 ~~agency; and the local law enforcement agency. Any person may be appointed as a~~
 59 ~~member if that person resides or is engaged in business, practicing a profession, or~~
 60 ~~performing a service as an officer or director of a corporation or other business entity so~~
 61 ~~engaged, within the City of Gainesville, and are otherwise eligible for such~~
 62 ~~appointment under this section. The importance of minority representation on the~~
 63 ~~agency shall be considered in making appointments so that the agency generally reflects~~
 64 ~~the gender and ethnic composition of the City of Gainesville as a whole.~~
- 65 (b) ~~Within 30 days after the enactment of this section, the City Commission shall, by~~
 66 ~~ordinance, appoint each of the nine board members of the agency. The terms of office~~
 67 ~~of the members shall be for four years, except that, in making the initial appointments,~~
 68 ~~the City Commission shall designate a member to serve for each of the following terms:~~
- 69 (1) ~~Two terms of three years;~~
 - 70 (2) ~~Two terms of two years;~~
 - 71 (3) ~~One term of one year;~~
- 72
- 73 ~~the remaining initial members shall serve for terms of four years. Each term will expire~~
 74 ~~on March 31 of its respective year. No member shall serve more than two consecutive~~
 75 ~~four year terms.~~
- 76 (c) ~~Before assuming the duties of the office, each appointed agency member shall qualify~~
 77 ~~by taking and subscribing to the oath of office required of officials of the city.~~
- 78
- 79 (d) ~~Not less than 30 days prior to the expiration of any member's term, or within 30 days~~
 80 ~~after the creation of a vacancy, the agency shall submit to the city commission the~~
 81 ~~names of at least three qualified candidates. The city commission shall consider these~~
 82 ~~names along with the names of any other applicants, when appointing a member to fill~~
 83 ~~the next ensuing four year term or the remainder of a vacant term.~~
- 84
- 85 (e) ~~Each member shall hold office until a successor has been appointed and has qualified.~~
 86 ~~A certificate of appointment or reappointment of any member shall be filed with the~~
 87 ~~clerk of the city commission, and such certificate shall be conclusive evidence of the~~
 88 ~~due and proper appointment of such member.~~
- 89
- 90 (f) ~~The city commission may remove an appointed member of the agency for inefficiency,~~
 91 ~~neglect of duty, or misconduct in office only after a hearing and only if the member has~~

92 been given a copy of the charges at least ten days prior to the hearing and has had an
 93 opportunity to be heard in person or by counsel.\

94

95 (g) Members of the agency shall receive no compensation for their services, but is entitled
 96 to the reasonable and necessary expenses, including travel expenses, incurred in the
 97 discharge of their duties.

98. ~~Sec. 2-303. Agency bylaws and internal governance.~~

99 The city commission shall designate a chair and vice chair from among the members of
 100 the agency. The agency shall formulate and may amend its own rules of procedure and written
 101 bylaws. Such rules and bylaws, and amendments thereto, shall not be effective until approved
 102 by the city commission. A majority of the agency's appointed board shall constitute a quorum
 103 for the purpose of conducting business and exercising the powers of the agency and for all
 104 other purposes, unless in any case the bylaws shall require a larger number. The agency shall
 105 hold regular meetings as often as it determines necessary to carry out the goals of F.S. Ch. 290,
 106 and shall provide in its bylaws for holding special meetings. All meetings shall be given public
 107 notice and shall be open to the public. In time for submission to the city commission, as
 108 required of all city departments, the agency shall prepare and submit to the city commission for
 109 approval a proposed budget for operation of the agency for the ensuing [ensuing] fiscal year.
 110 The proposed budget shall be prepared in the manner and contain the information required of
 111 all departments. Any funds appropriated by the city commission for operation of the agency
 112 shall be expended only as authorized by a budget approved by the city commission.

113. ~~Sec. 2-304. Employment of an executive director, technical experts, and such other agents
 114 and employees, permanent and temporary.~~

115 The agency may employ an executive director, technical experts, and such other agents
 116 and employees, permanent and temporary, as it may require, the agency may retain its own
 117 counsel and legal staff, or retain the services of the Law Department of the City of Gainesville,
 118 to the extent that such legal services are available. The agency shall file with the city
 119 commission and with the auditor general, on or before March 31 of each year, a report of its
 120 activities for the preceding fiscal year, which report shall include a complete financial
 121 statement setting forth its assets, liabilities, income, and operating expenses as of the end of
 122 such fiscal year. At the time of filing the report, the agency shall publish in a newspaper of
 123 general circulation in the community a notice to the effect that such report has been filed with
 124 the city and that the report is available for inspection during business hours in the office of the
 125 clerk of the commission and in the office of the agency. Prior to December 1 of each year, the
 126 agency shall submit to the department of commerce a complete and detailed written report
 127 setting forth: its operations and accomplishment during the fiscal year; the accomplishments
 128 and progress concerning the implementation of the strategic plan; the number and type of
 129 businesses assisted by the agency during the fiscal year; the number of jobs created within the
 130 enterprise zone during the fiscal year; the usage and revenue impact of state and city incentives
 131 granted during the calendar year; and, any other information required by the department.

132. ~~Sec. 2-305. Gainesville enterprise zone area.~~

133 (a) ~~The area described in subsection (b) below has been found and determined by~~
 134 ~~Resolution No. R-95-6, adopted February 27, 1995:~~

135 (1) ~~To chronically exhibit extreme and unacceptable levels of poverty,~~
 136 ~~unemployment, physical deterioration, and economic disinvestment;~~

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138 (2) ~~That the rehabilitation, conservation or redevelopment of the area is necessary~~
 139 ~~in the interest of public health, safety, and welfare of the residents of the city;~~
 140 ~~and~~

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142 (3) ~~That the revitalization of the area can occur only if the private sector can be~~
 143 ~~induced to invest its own resources to build or rebuild the economic vitality of~~
 144 ~~the area;~~

145

146 ~~Such area shall be the Gainesville enterprise zone area in which the agency shall~~
 147 ~~undertake activities to decrease levels of poverty, unemployment, physical deterioration, and~~
 148 ~~economic disinvestment in accordance with Chapter 3, Division 4 of the Gainesville Code of~~
 149 ~~Ordinances and F.S. Ch. 290.~~

150 (b) ~~The area shall consist of all the territory lying within the boundaries described as~~
 151 ~~follows:~~

152 ~~Area No. 1:~~

153 ~~Commence at the southwest corner of the intersection of N.E. 53rd Avenue and N.E. 15th~~
 154 ~~Street Right of Ways, as the Point of Beginning; thence run South along the west Right of~~
 155 ~~Way (ROW) line of said N.E. 15th Street to the north ROW line of N.E. 39th Avenue; thence~~
 156 ~~run West along said north ROW line to its intersection with the Seaboard Coastline Railroad~~
 157 ~~ROW line; thence run Northwesterly along said Railroad ROW line to its intersection with the~~
 158 ~~south ROW line of N.W. 53rd Avenue; thence run East along said south ROW line and along~~
 159 ~~the south ROW line of N.E. 53rd Avenue to its intersection with the west ROW line of the~~
 160 ~~forementioned N.E. 15th Street, being the Point of Beginning, and close. All lying and being~~
 161 ~~in the City of Gainesville, Florida.~~

162 ~~Area No. 2:~~

163 ~~Commence at the intersection of the northeasterly Right of Way (ROW) line of Walde~~
 164 ~~Road (a/k/a State Road No. 24), and the north City Limits line of the City of Gainesville,~~
 165 ~~(being also a point lying 1708.74 feet north of the south line of Section 14, Township 9 South,~~
 166 ~~Range 20 East), as the Point of Beginning; thence run East to the east line of Section 13,~~
 167 ~~Township 9 South, Range 20 East; thence run South to the south line of Section 24, Township~~
 168 ~~9 South, Range 20 East; thence run West along said south line to the North-South half mile~~
 169 ~~line of Section 25, Township 9 South, Range 20 East; thence run South along said North-South~~
 170 ~~half mile line to the East-West half mile line of said Section 25; thence run West along said~~

171 East West half mile line to the East West half mile line of Section 26, Township 9 South,
 172 Range 20 East; thence run West along said East West half mile line to a point on the northerly
 173 ROW line of N.E. 39th Avenue; thence run Northwesterly along said ROW line to the
 174 centerline of the main entrance road to the Alachua County Fairgrounds property; thence run
 175 Southwesterly to the southeast corner of Section 27, Township 9 South, Range 20 East (also
 176 being the northeast corner of Section 34, Township 9 south, Range 20 East); thence run South
 177 along the east line of Section 34, Township 9 south, Range 20 East to the point of intersection
 178 of said east section line with that ROW known as South Dade Drive; thence run Southwesterly
 179 along said ROW to its intersection with the N.E. 23rd Place; thence run Northwesterly along
 180 said ROW and along a westerly extension of said ROW to the easterly ROW line of Waldo
 181 Road; thence run Westerly to the north ROW line of N.E. 23rd Avenue; thence run West along
 182 said north ROW line to the east ROW line of N.E. 15th Street; thence run North along said east
 183 ROW line to the south ROW line of N.E. 31st Avenue; thence run East along said south ROW
 184 line to the easterly ROW line of the aforementioned Waldo Road; thence run Northeasterly
 185 along said ROW line to a point lying 1708.74 feet north of the south line of Section 14,
 186 Township 9 South, Range 20 East, being the Point of Beginning, and close. All lying and
 187 being in the City of Gainesville, Florida.

188 *Area No. 3:*

189 Commence at a point on the easterly Right of Way (ROW) line of Waldo Road, which
 190 point lies 185 feet more or less (MOL) south of the East West half mile line of Section 34,
 191 Township 9 South, Range 20 East, as the Point of Beginning, said point also being the
 192 southwest corner of that State of Florida Sunland Property; thence run East, North and East
 193 along the south line of said property to the east line of Section 34, Township 9 South, Range
 194 20 East; thence run South along said east line to the north line of Section 3, Township 10
 195 South, Range 20 East; thence run West along said south line to a northerly extension of the
 196 west ROW line of N.E. 25th Terrace; thence run South along said northerly extension and
 197 along the west ROW line of said N.E. 25th Terrace, to the north ROW line of N.E. 5th Place;
 198 thence run West along said ROW to the east ROW line of N.E. 25th Street; thence run South
 199 along said ROW to the north ROW line of N.E. 4th Avenue; thence run East along said ROW
 200 (and along an easterly extension thereof) to the east ROW line of N.E. 25th Terrace; thence run
 201 South along said east ROW to the southernmost ROW line of N.E. 3rd Place; thence run
 202 Easterly along said ROW to the west ROW line of N.E. 26th Terrace;; thence run Southerly
 203 along said ROW to the north ROW line of East University Avenue (a/k/a State Road No. 26);
 204 thence run East along said ROW to the east line of Section 3, Township 10 South, Range 20
 205 East; thence run South along said east line and the east line of Section 10, Township 10 South,
 206 Range 20 East to the north ROW line of Hawthorne Road (a/k/a State Road No. 20); thence
 207 run Southeasterly to a northerly extension of S.E. 27th Street; thence run South along said
 208 northerly extension and along the east ROW of said S.E. 27th Street to the East West half mile
 209 line of said Section 10; thence run West along said East West half mile line to the North South
 210 half mile line of said Section; thence run South along said North South half mile line to the
 211 north line of the south one quarter of said Section 10; thence run West 636.24 feet; thence run
 212 South to the south line of said Section 10; thence run West along said south line to a point
 213 lying 160 feet east of the east ROW line of S.E. 15th Street; thence run North 320 feet (MOL);
 214 thence run West to the west ROW of said S.E. 15th Street; thence run South to the south ROW

215 line of S.E. 24th Place; thence run West along said ROW to the east line of Lot 1 of the Breezy
 216 Acres Addition Subdivision, as recorded in Official Records Book 98, page 679, of the Public
 217 Records of Alachua County, Florida; thence run South to the south line of said subdivision;
 218 thence run West to the west line of Lot 7 of said subdivision; thence run South 109 feet MOL;
 219 thence run West to the west ROW line of the Atlantic CoastLine Railroad ROW; thence run
 220 Northwesterly along said ROW to the south ROW line of S.E. 22nd Avenue; thence run
 221 Westerly along said ROW to the west ROW line of S.E. 4th Street; thence run Northwesterly
 222 along said ROW to the southerly ROW line of S.E. 20th Place; thence run Southwesterly to the
 223 easterly ROW of S.E. 20th Lane; thence follow said ROW to the south ROW line of S.E. 20th
 224 Place; thence follow said ROW and also the northerly ROW of S.E. 19th Place to the westerly
 225 ROW of S.E. 1st Terrace; thence run Northwesterly to the southerly ROW line of Williston
 226 Road (a/k/a State Road No. 331); thence run Southwesterly along said ROW line to the
 227 northerly ROW line of S.E. 16th Avenue; thence run Westerly and Northwesterly along said
 228 ROW line to the east ROW line of South Main Street (a/k/a State Road No. 329); thence run
 229 Northerly along said east ROW line to the south ROW line of S.W. Depot Avenue; thence run
 230 Southwesterly along said south ROW line to its point of intersection with the north ROW line
 231 of the abandoned Seaboard Coastline RailRoad; thence run Southwesterly along said
 232 abandoned ROW line to its intersection with the east ROW line of S.W. 13th Street; thence run
 233 North along said east ROW line to its intersection with the north ROW line of West University
 234 Avenue (a/k/a State Road No. 26); thence run West along said north ROW line to its
 235 intersection with the east ROW line of N.W. 19th Street; thence run North along said east
 236 ROW line to its intersection with the south ROW line of N.W. 5th Avenue; thence run East
 237 along said ROW line to its intersection with the east ROW line of N.W. 13th Street; thence run
 238 North along said ROW line to its intersection with the south ROW line of N.W. 8th Avenue;
 239 thence run East along said south ROW line to its intersection with the east ROW line of North
 240 Main Street (a/k/a State Road No. 329); thence run South along said east ROW line to the
 241 north ROW line of East University Avenue (a/k/a State Road No. 26); thence run East along
 242 said north ROW line to its intersection with the east ROW line of N.E. 7th Street; thence run
 243 North along said east ROW line to its intersection with the south ROW line of N.E. 8th
 244 Avenue; thence run East along said south ROW line to its intersection with the easterly ROW
 245 line of Waldo Road; thence run Northeasterly along said easterly ROW line to a point lying
 246 185 feet (MOL) south of the south line of Section 34, Township 9 South, Range 20 East; being
 247 the Point of Beginning, and close. All lying and being in the City of Gainesville, Florida.

248. ~~Sec. 2-306. Powers.~~

249 ~~The agency hereby created shall have the following powers and responsibilities:~~

- 250 (a) ~~To assist in the development and implementation of the strategic plan;~~
 251
 252 (b) ~~To oversee and monitor the implementation of the strategic plan. The agency shall~~
 253 ~~make quarterly reports to the city commission evaluating the progress in implementing~~
 254 ~~the strategic plan;~~
 255
 256 (c) ~~To identify and recommend to the city commission ways to remove regulatory barriers;~~

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258 (d) — To identify to the city commission or other governments the financial needs of, and
 259 local resources or assistance available to eligible businesses in the zone;

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261 (e) — To review, process, and certify applications for state enterprise zone tax incentives
 262 pursuant to F.S. §§ 212.08(5)(g), 212.08(5)(h), 212.08(15), 212.096, 220.181, and
 263 220.182;

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265 (f) — To provide assistance to businesses and residents within the enterprise zone;

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267 (g) — To promote the development of the enterprise zone, including preparing purchasing,
 268 and distributing by mail or other means of advertising, literature and other materials
 269 concerning the enterprise zone and enterprise zone incentives;

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271 (h) — To borrow money and apply for and accept advances, loans, grants, contributions, and
 272 any form of financial assistance from the federal government or the state, county, or
 273 other public body or from any sources, public or private for the purposes of this act, and
 274 to give such security as may be required and to enter into and carry out contracts or
 275 agreements in connection therewith; and to include in any contract for financial
 276 assistance with the federal government for or with respect to the development of the
 277 enterprise zone and related activities such conditions imposed pursuant to federal laws
 278 as the governing body deems reasonable and appropriate which are not inconsistent
 279 with the purposes of this section;

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281 (i) — To appropriate such funds and make such expenditures as are necessary to carry out the
 282 purposes of the act;

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284 (j) — To make and execute contracts and other instruments necessary or convenient to the
 285 exercise of its powers under this section;

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287 (k) — To procure insurance or required bond against any loss in connection with its property
 288 in such amounts and from such insurers as may be necessary or desirable;

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290 (l) — To invest any funds held in reserves or sinking funds, or any funds not required for
 291 immediate disbursement, in such investments as may be authorized by the act;

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293 (m) — To purchase, sell, or hold stock, evidences of indebtedness, and other capital
 294 participation instruments.

295. ~~Sees. 2-307 — 2-320. Reserved.~~

296 **Section 2.** Section 27-21 of the Code of Ordinances of the City of Gainesville is
 297 amended by repealing the definition of “Retained, expanded or attracted load service rider” as
 298 follows:

299 **Chapter 27 UTILITIES**

300 **ARTICLE II. ELECTRICITY**

301 **Sec. 27-21. Definitions**

302 ~~Retained, expanded or attracted load service rider shall mean at the sole discretion of the city,~~
 303 ~~this rider may be made applicable to nonresidential electric service provided under either of the~~
 304 ~~following retail rate schedules: general service demand, or large power. This rider may only be~~
 305 ~~applied to service that is either retained, expanded or attracted load, as described below:~~

306 ~~(a) Retained load shall be continued service to a previously existing, creditworthy customer~~
 307 ~~facing definite cessation of local operations or a customer having a documented alternative~~
 308 ~~source of electric supply either from relocation, self-generation or a third-party supplier.~~
 309 ~~Retention of such load and/or customer must be determined by the city commission to be in the~~
 310 ~~best interest of the city.~~

311 ~~(b) Expanded load shall be a minimum of 100 kW of additional verifiable service, within the~~
 312 ~~same site, provided to a previously existing customer. The additional load cannot result from~~
 313 ~~load shifted from another site or facility within the city's utility service area. Such expansion of~~
 314 ~~load and/or facilities must be determined by the city commission to be in the best interest of the~~
 315 ~~city.~~

316 ~~(c) Attracted load shall be new service of at least 100 kW that locates within the city's utility~~
 317 ~~service area after having demonstrably considered sites within other feasible locations, not~~

318 ~~within the city's utility service area. Such new service, customer and facilities must be~~
319 ~~determined by the city commission to be in the best interest of the city.~~

320 ~~(d) The determination that approval of this retained, expanded or attracted load service rider is in~~
321 ~~the best interest of the city, shall be based upon the following minimal criteria:~~

322 ~~(1) Application of the rider is demonstratively necessary to either retain, expand, or~~
323 ~~attract electrical load;~~

324 ~~(2) Revenues foregone by the city under this rider, together with the fiscal cost of all~~
325 ~~other financial incentives to be offered by the city to the applicant coincidentally with this rider,~~
326 ~~shall not outweigh the long term quantitative and qualitative benefits to the city's taxpayers and~~
327 ~~utility rate payers.~~

328 ~~(3) The business activity associate with the retained, expanded, or attracted load shall be~~
329 ~~consistent with, but not limited to, the city's goals, objectives and policies regarding the~~
330 ~~following:~~

331 ~~Land Use and Zoning~~

332 ~~Consistency with existing policies and plans~~

333 ~~Ability to obtain requisite approvals if any~~

334 ~~Effect upon recreation~~

335 ~~Sites within target re-development areas~~

336 ~~Environmental Impacts~~

337 ~~Water and air emissions~~

338 ~~Characteristics of solid waste generated and related control methods~~

339 ~~Stormwater~~

340 History of environmental compliance

341 Energy efficiency

342 Economic Development Objectives

343 Improving underemployment

344 Industrial diversification

345 Job creation/retention

346 Workforce enhancement

347 Quality of jobs

348 Employee fringe benefits

349 Impact on existing business

350 Transportation Infrastructure

351 Level of service

352 Public transportation access

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354 **Section 3.** Appendix A of the Code of Ordinances of the City of Gainesville is

355 amended by repealing UTILITIES, (1) *Electricity*, subsection k. as follows:

356 **APPENDIX A – SCHEDULE OF FEES, RATES AND CHARGES**

357 UTILITIES:

358 (1) *Electricity*:

359 k. ~~Retained, Expanded or Attracted Load Service Rider (§ 27-27):~~

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361 ~~1. General Provisions:~~

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363 (A) ~~Customer must make application to the city for service under this~~
 364 ~~Rider and the city must approve such application before service~~
 365 ~~hereunder commences.~~

366 (B) ~~Conditions pertaining to any application of this Rider shall be~~
 367 ~~stipulated to by contract between the city and the customer~~
 368 ~~receiving service hereunder which terms are supplemental to the~~
 369 ~~applicable provisions of this Code of Ordinances. Such contract~~
 370 ~~shall be for a minimum term of ten (10) years.~~

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(C) ~~All terms and conditions under the normally applicable Rate Schedule, either General Service Demand or Large Power, shall apply to service supplied to the customer except as modified by this Rider.~~

2. ~~Application of discount. For service hereunder, a percentage discount shall be applied to the normally applicable Customer Charge, Demand (kW) Charge and Energy (kWh) Charge, inclusive of any other applicable discounts. The maximum discount applicable hereunder for any twelve month period shall be 13.0%. Percentage discounts shall be specified for each of the four twelve month billing periods, beginning with the first monthly billing period for service hereunder and continuing through the forty eighth (48th) billing period. Discounts are not applicable beyond the forty eighth (48th) billing period. Hence:~~

Billing Period	Discount
1st—12th Billing Period	To be negotiated
13th—24th Billing Period	To be negotiated
25th—36th Billing Period	To be negotiated
37th—48th Billing Period	To be negotiated

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Section 4. The Code of Ordinances of the City of Gainesville is amended to add a new Chapter 3 as follows:

Chapter 3 ECONOMIC DEVELOPMENT

Article I. Enterprise Zone

Sec. 3-1. Gainesville Enterprise Zone Area

(a) The area described in subsection (b) below has been found and determined:

(1) To chronically exhibit extreme and unacceptable levels of poverty, unemployment, physical deterioration, and economic disinvestment;

396 (2) That the rehabilitation, conservation or redevelopment of the area is necessary
 397 in the interest of public health, safety, and welfare of the residents of the city;
 398 and

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400 (3) That the revitalization of the area can occur only if the private sector can be
 401 induced to invest its own resources to build or rebuild the economic vitality of
 402 the area;

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404 Such area shall be known as the “Gainesville Enterprise Zone Area” in which the city
 405 shall undertake activities to decrease levels of poverty, unemployment, physical deterioration,
 406 and economic disinvestment in accordance with this Article.

407 (b) The area shall consist of all the land lying within the boundaries described as follows:

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409 ALL THAT AREA LYING WITHIN THE EXISTING CITY OF GAINESVILLE LIMITS
 410 BEING EAST OF WEST 6TH STREET FROM THE SOUTHERLY RIGHT-OF-WAY LINE
 411 OF NW 53RD AVENUE TO THE SOUTHERLY RIGHT-OF-WAY LINE OF SW ARCHER
 412 ROAD; AND ALL THAT AREA LYING EAST OF SW 13TH STREET AND THOSE
 413 PROPERTIES ABUTTING THE WEST LINE OF SW 13TH STREET, ALL BEING
 414 BETWEEN ARCHER ROAD AND THE SOUTHERLY CITY LIMIT LINE EXCLUDING
 415 THE SHANDS HOSPITAL PROPERTY; AND THAT AREA WITHIN THE EXISTING CITY
 416 LIMITS BEING BOTH NORTH OF NE 53RD AVENUE AND EAST OF NE 15TH STREET.

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418 ALSO, THAT PORTION OF AREA NO. 3 OF THE FORMER ENTERPRISE ZONE PER
 419 CITY ORDINANCE NO. 4069, LYING WEST OF WEST 6TH STREET, EAST OF WEST 13TH
 420 STREET, SOUTH OF NW 8TH AVENUE AND NORTH OF ARCHER ROAD (STATE ROAD
 421 NO. 24) AND THAT PORTION OF SAID EXISTING AREA NO. 3 LYING WEST OF NW
 422 13TH STREET, SOUTH OF NW 5TH AVENUE, EAST OF NW 19TH STREET AND NORTH
 423 OF UNIVERSITY AVENUE (STATE ROAD NO. 26).

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425 The area is depicted on the map attached as Exhibit “A” to this ordinance, and made a part
 426 hereof, said map also being on file in the City’s office of Economic Development and
 427 Innovation.

428 Sec. 3-2. Gainesville Enterprise Zone Programs

429 (a) Manufacturing Retention/Expansion Incentive Program for Electric Service

430 (1) Creation and Purpose of Program. There is hereby created an economic
 431 development incentive program known as the “manufacturing retention/expansion incentive
 432 program for electric service.” The purpose of the program is to encourage manufacturing
 433 businesses to stay within or expand within the Gainesville Enterprise Zone Area. The program
 434 provides reimbursement for 20% percent of the Gainesville Regional Utilities (GRU) Customer
 435 Charge, Demand (kW) Charge and Energy (kWh) Charge, after application of any other

436 discounts, paid by the manufacturing business. Each year during the City's budget process,
 437 including the amendatory budget process, the City Commission may, in its sole discretion,
 438 decide whether to fund this program. If the program is funded, new applications will be
 439 processed in order of date and time received and approvals will be limited to the funding, if
 440 any, provided for the program in the city budget.

441 (2) Eligibility. In order to apply for the program, a business must meet the
 442 following requirements:

443 a. Be an existing non-residential customer receiving electric utility
 444 service from GRU;

445 b. Have a minimum annual average electric usage of 400,000 kilowatt
 446 hours per month, calculated as the total kilowatt hours usage during the previous 12 full
 447 months divided by 12;

448 c. Not have any delinquencies in payment of its GRU bill within the 12
 449 months immediately preceding the application date;

450 d. Be engaged in manufacturing (as defined in Sector 31-33 of the North
 451 American Industry Classification System, as same may be updated from time to time)
 452 within the Gainesville Enterprise Zone Area; and

453 e. Must demonstrate that it is actively seeking to relocate its
 454 manufacturing operations outside of the Gainesville Enterprise Zone Area or that it is
 455 seeking to expand (defined as a minimum additional average annual monthly usage of
 456 100,000 kilowatt hours on the same site and not transferred from another site receiving
 457 GRU electric service) its manufacturing operations within the Gainesville Enterprise
 458 Zone Area.

459 (3) Application process. A business that meets the above requirements may
 460 apply for the program by submitting an application on the form provided by the city.
 461 Upon receipt of a complete application, the City Commission will evaluate the
 462 application to determine, in its sole discretion, if:

463 a. All eligibility requirements specified in (2) above are met;

464 b. The business has demonstrated that "but for" the program, the
 465 business would either move its manufacturing operations outside of the
 466 Gainesville Enterprise Zone Area or would not expand its manufacturing
 467 operations within the Gainesville Enterprise Zone Area;

468
 469 c. The manufacturing operations are consistent with the city's Economic
 470 Development Strategic Action Plan on file on the city's Economic Development
 471 and Innovation webpage; and

472

473 d. The manufacturing operations are consistent with the city's
 474 comprehensive plan and are not the subject of any pending citation(s) for
 475 violation of the city's code of ordinances.

476
 477 (4) Program Terms. Approval by the City Commission will be subject to the
 478 following program terms:

479 a. The incentive granted shall be for a term of 4 years, with an
 480 opportunity to request one extension for up to an additional 4 years. The City
 481 Commission may determine, in its sole discretion, to grant or deny the
 482 extension. No applicant may receive more than 8 years of incentive payments
 483 under this program;

484 b. The business shall remain actively engaged in manufacturing (as
 485 defined in Sector 31-33 of the North American Industry Classification System,
 486 as same may be updated from time to time) within the Gainesville Enterprise
 487 Zone Area throughout the term of the incentives;

488 c. The business shall maintain a minimum annual average electric usage
 489 of 400,000 kilowatt hours per month, calculated as the total kilowatt hours
 490 usage during the previous 12 full months divided by 12 throughout the term of
 491 the incentives;

492 d. The business shall submit its invoice for reimbursement to the city
 493 manager or designee after the end of each fiscal quarter (December, March, June
 494 and September.) The invoice shall include copies of the actual GRU bills, that
 495 include the Customer Charge, Demand (kW) Charge and Energy (kWh) Charge,
 496 after application of any other discounts, paid by the business during that fiscal
 497 quarter pursuant to this program. Upon verification of actual amounts paid to
 498 GRU, the city will process the invoice for reimbursement to the business; and

499 e. In order to receive payment under this program, the approved
 500 applicant shall enter into a contract on the form provided by the City that
 501 includes the above program terms, along with other standard contract terms.
 502

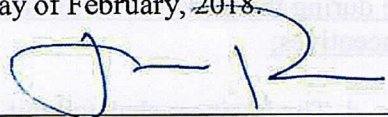
503 **Section 5.** It is the intent of the City Commission that the provisions of Sections 1
 504 through 4 of this ordinance shall become and be made a part of the Code of Ordinances of the
 505 City of Gainesville, Florida, and that the sections and paragraphs of this ordinance may be
 506 renumbered or relettered in order to accomplish such intent.

507 **Section 6.** If any word, phrase, clause, paragraph, section or provision of this
508 ordinance or the application hereof to any person or circumstance is held invalid or
509 unconstitutional, such finding shall not affect the other provisions or applications of this
510 ordinance that can be given effect without the invalid or unconstitutional provision or
511 application, and to this end the provisions of this ordinance are declared severable.

512 **Section 7.** All ordinances or parts of ordinances in conflict herewith are to the extent
513 of such conflict hereby repealed.

514 **Section 8.** This ordinance, as it is expressly adopted to amend and restate Ordinance
515 No. 170580 in order to correct scrivener’s errors, shall become effective retroactively as of
516 January 4, 2018, as that is the date that Ordinance No. 170580 became effective.

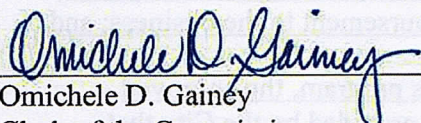
517 **PASSED AND ADOPTED** this 1st day of February, 2018.



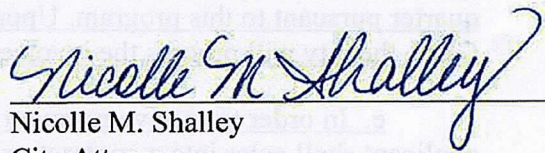
518 _____
519 LAUREN POE
520 MAYOR

521 Attest:

Approved as to form and legality:



523 _____
524 Omichele D. Gainey
525 Clerk of the Commission



523 _____
524 Nicolle M. Shalley
525 City Attorney

526
527 This ordinance passed on first reading this 18th day of January, 2018.

528 This ordinance passed on second reading this 1st day of February, 2018.

