

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Meeting Agenda - Final

August 6, 2015

1:00 PM

MODIFIED AGENDA

City Hall Auditorium

City Commission

Mayor Ed Braddy (At Large)
Commissioner Harvey Budd (At Large)
Commissioner Helen Warren (At Large)
Commissioner Charles Goston (District 1)
Commissioner Todd Chase (District 2)
Mayor-Commissioner Pro Tem Craig Carter (District 3)
Commissioner Randy Wells (District 4)

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

CALL TO ORDER**AGENDA STATEMENT**

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

ROLL CALL**INVOCATION****PROPHET GEORGE YOUNG****ADOPTION OF THE CONSENT AGENDA (Including both General Government and Gainesville Regional Utilities items)****CITY MANAGER, CONSENT AGENDA ITEMS**

[150154.](#)

Traffic Engineering Services Agreement between the City of Gainesville and Alachua County for FY 2016 (B)

This item is an agreement between the City of Gainesville (City) and Alachua County (County) for traffic engineering services in the amount of \$201,164.19 in revenue to the City during FY16.

Explanation: For thirty-seven (37) years, the City of Gainesville and Alachua County have entered into an annual agreement for maintenance of traffic signals and traffic engineering services. Under terms of this agreement, the City of Gainesville maintains and operates all traffic signals, flashing school beacons, and flashing warning beacons in the unincorporated area of Alachua County. In addition, the City assists Alachua County with traffic signal design and construction inspection activities. The agreement was put into place in an effort to prevent duplication of services and has resulted in significant cost savings for both the City and County. The agreement provides a mechanism for the County to reimburse the City for traffic counts, traffic accident studies, and traffic signal design activities the City performs for the County. The County's contribution for traffic signal maintenance is based on the current number of traffic

signals in operation in the unincorporated Alachua County.

Fiscal Note: The County will pay the City \$201,164.19, plus costs for materials for traffic signal maintenance and operation for FY16.

RECOMMENDATION

The City Commission authorize the City Manager to execute the renewal for Traffic Engineering Services between the City of Gainesville and Alachua County for the period of October 1, 2015 to September 30, 2016, subject to approval by the City Attorney as to form and legality.

[150154_Agreement_20150806.pdf](#)

[150155.](#)

Agreement between the City of Gainesville and Keep Alachua County Beautiful for FY2016 (B)

This item is a request for the City Commission to approve the execution of an agreement with Keep Alachua County Beautiful in the amount of \$55,000.

Explanation: Keep Alachua County Beautiful (KACB) is the sponsor of "The Great American Cleanup," "Trash Troopers," and other anti-litter/beautification activities. The Great American Cleanup is traditionally held the second or third Saturday in April of each year and recruits thousands of volunteers to pick up litter, remove graffiti, paint run-down buildings, clean up illegal dump sites, and otherwise beautify Gainesville, the other cities in Alachua County and the unincorporated area of Alachua County. Over 37 tons of litter and debris were removed from public right-of-ways and other areas just within the City of Gainesville, including KACB's efforts to clean up the site referred to as Tent City during the 2015 events associated with the cleanup. In addition, 1.13 tons of household hazardous waste was brought by residents to the clean-up for proper disposal and/or recycling by the County hazardous waste staff.

KACB was certified in 1995 as the local affiliate of Keep Florida Beautiful and Keep America Beautiful. The City of Gainesville has been a KACB member since the certification of this non-profit organization and has supported KACB with an annual contribution of either \$15,000 or \$20,000 for the past eleven years. The City of Gainesville has also provided in-kind services of approximately \$6,000 each year in support of the Great American Cleanup activities.

The Agreement provides:

1. Contribution of up to \$5,903.50 in in-kind services.
2. Payment of \$15,000 to renew the City membership in Keep Alachua County Beautiful. In return, KACB will perform specified cleanup and beautification projects in coordination with the City Solid Waste and

Parks Divisions. These projects include, but are not limited to: "The Great American Cleanup," graffiti removal, tree and shrub plantings, and public education programs for litter and graffiti prevention.

3. Payment of \$10,000 for continued implementation of "The Beautiful Block Program." The Beautiful Block Program is necessary to recruit block captains from targeted neighborhoods and to provide guidance and tools to empower neighborhoods to keep their own blocks clean and beautiful.

4. Payment of \$10,000 for the implementation of the "Gainesville Clean and Green Program." The Gainesville Clean and Green Program consist of the beautification improvements of specific medians to be designated by the City Manager through the Solid Waste Division Manager and other minor beautification projects as developed.

5. Reimbursement up to \$20,000 for coordination of beautification services.

Fiscal Note: Funding in the amount of \$55,000 is available in the adopted Public Works Department, Solid Waste Division FY 2016 operating budget.

RECOMMENDATION

The City Commission authorize the City Manager to execute the contract with Keep Alachua County Beautiful for the period of October 1, 2015 through September 30, 2016, subject to approval by the City Attorney as to form and legality.

[150155_Agreement_20150806.pdf](#)

[150165.](#)

**Professional Federal Lobbying and Advocacy Services Agreement
(B)**

This is a request for renewal of the professional federal lobbying and advocacy services agreement.

Explanation: The City has retained the services of Marilyn Berry Thompson, currently with the firm MWW Group, Inc., as a special lobbyist in Washington, D.C., in connection with matters concerning the City on behalf of its General Government and its Utility.

City of Gainesville's Agreement for Professional Federal Lobbying Services will end on September 30, 2015. This role and the services provided have been extensively and regularly reviewed following their initiation in 1994.

The Lobbyist provides lobbying and advocacy services and monitors U.S. Congress on important legislative matters could affect the City in areas of housing, economic redevelopment, taxation, revenue distribution, transportation, environment, utility regulation, telecommunications, homeland security, and other areas.

The City agrees to compensate the Lobbyist for services not-to-exceed one hundred thirteen thousand dollars (\$113,000) for the City's General Government, and a maximum amount not to-exceed thirty thousand dollars (\$30,000) for Gainesville Regional Utilities, for a combined maximum amount not-to-exceed one hundred forty three thousand dollars (\$143,000) for the City.

The brief Summary of Federal Lobbyist Services provides a more detailed description with selective highlights of over \$70 million in federal relations outcomes and activities in five key areas: 1) Community Development and Parks; 2) Economic Development and Special Projects; 3) Housing and Homeless; 4) Criminal Justice; and 5) and Transportation.

Fiscal Note: There is a maximum charge of \$143,000 in FY2016 for the City and GRU to renew this contract.

RECOMMENDATION

The City Commission approve renewal of the current contract with MWW for FY 2016.

Alternative Recommendation

The City Commission direct staff to advertise for new a Federal Lobbyist for the City and GRU.

[150165 Federal Lobbyist services overview 20150806.pdf](#)

[150170.](#)

Human Resources Policies E-1: Employment, and 06: Probationary Period (B)

This item is to amend HR Policy E-1: Employment and sunset HR Policy 06: Probationary Period.

Explanation: Human Resources Policy E-1: Employment is amended to incorporate the City's probationary policy, which is currently set forth in Human Resources Policy 06: Probationary Policy. Additionally, the probationary policy provisions are amended to cover only regular appointments; contemplate voluntary transfer or voluntary demotion; change "rejecting" to "releasing" employees; include "dependability" as factor in releasing an employee; delete obsolete distinction between original entrance and promotional appointments; include "voluntary transfer or voluntary demotion" among types of probationary appointments; change "shall" to "may" where employees may be returned to prior position if removed during probationary period; expressly state employees may be terminated if not returned to their prior position when removed during probationary period; provide an exception for collective bargaining provisions that supersede the policy; restate "regular" employees; change "a minimum of" to "at least a" six (6) month probationary period; include language enabling a probationary period "up to twelve (12) months" which will be established at the time of the job offer; restate that probationary employees may be terminated; limit probationary periods

that are extended to no more than twelve (12) months total; require Human Resources Director/designee concurrence for extensions of probationary period(s); delete obsolete section on Evaluation of Performance; expressly state an employee may be discharged “at any time” during the probationary period; replace reasons for removal with “for failure to meet probationary standards;” add “or local, state or federal law;” delete obsolete Probationary Employee Evaluation Report verbiage; and delete Eligibility for Employee Benefits verbiage that is covered elsewhere in Policy E-1.

Human Resources Policy 06: Probationary Policy is to sunset as described above.

Fiscal Note: There is no fiscal impact for the changes to HR Policies E-1 and 06.

RECOMMENDATION The City Commission approve revisions to Human Resources Policies E-1 and 06.

[150170A E-1 Employment Policy w 06 Probation Policy 20150806.pdf](#)

[150170B Policy 06 1976 Version with Proposed Changes 20150806.pdf](#)

[150170C Policy 06 Sunset 8-6-15 20150806.pdf](#)

[150180.](#)

Implementation of the Great Eight Model” at the A. Quinn Jones Center (B)

This is a request for the City Commission to approve a Memorandum of Support and Understanding between the School Board of Alachua County and the City of Gainesville for the implementation of the “Great Eight Model” at the A. Quinn Jones Center.

Explanation: The Alachua County School Board and the Gainesville Police Department desire to work in concert in implementing the Reichert House “Great Eight Model” at the A. Quinn Jones Center to assist with behavior support for students grades 6-12 attending the school. The School Board has agreed to employ eight Paraprofessional Behavior Intervention Specialists who will assist with implementation of the Reichert House model at the school. The School Board has also agreed to fund one Reichert House Youth Program Assistant Director who will oversee and coordinate the implementation of the Reichert House “Great Eight” program at the school.

Fiscal Note: The School Board has agreed to reimburse the City for the salary and all benefits of the Reichert House Youth Program Assistant Director, including FICA expense for one year (12 month position) with the maximum cost for this position not to exceed \$76,347.00. Additionally the School Board agrees to pay for training costs associated with this position of up to \$2,000 with total costs to the School Board not to exceed \$78,347.00. Based on this School Board funding, the proposed

Reichert House Youth Program Assistant Director position would be cost neutral to the City.

RECOMMENDATION

The City Commission: 1) accept the School Board offer to fund the Reichert House "Great Eight" model at the A. Quinn Jones; and 2) authorize one FTE to fill this position.

[150180_Great Eight Model at A. Quinn Jones_20150806](#)

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

[150174.](#)

Removal of Items from the RUC Referral List (B)

Explanation: At their July 9, 2015 meeting, the RUC reviewed the outstanding referrals list and determined that some items had been resolved and should come off the list.

#110783 Green Energy Payments: discussed twice in committee; Community Solar, a form of green energy, is being evaluated with item #130957 Power 2020.

#120126 Glen Springs Restoration: discussed at the 8/13/12 meeting; Item is now being addressed in the RCAPW Committee.

#140360 Connection Fees for Non-Profits - this item is being discussed in the Community Development Committee as part of the ConnectFree program.

#140461 Customer Rate Review Committee - Discussed at the 2/12/15 meeting; this item is being merged with the Governance item (#140384).

#140826 GRUCom Expansion - Discussed at the 7/9/15 meeting; currently there is not an adequate return on investment (ROI) to justify the extension of fiber to residential customers beyond the MDU market; GRUCom will continue to review opportunities on a case-by-case basis as requested by developers or owners to ensure an adequate ROI.

RECOMMENDATION

The RUC recommends removal of Items #110783, 120126, 140360, 140461 and 140826 from their outstanding referral list.

[150174 RUC Outstanding Referrals 20150806](#)

CITY ATTORNEY, CONSENT AGENDA ITEMS

[150097.](#)

Christopher Youngs v. City of Gainesville; Presuit claim arising from an accident that occurred in Gainesville, Alachua County, Florida on or about April 13, 2015. (NB)

Explanation: On April 13, 2015, Mr. Youngs was walking westbound in the crosswalk on Center Drive at SW Archer Road. Witnesses stated Mr. Youngs had the walk signal. A Regional Transit System bus was attempting to turn left onto Center Drive on the flashing yellow arrow and struck Mr. Youngs while he was in the crosswalk. He was taken to Shands under a trauma alert in critical condition. Among other injuries, Mr. Youngs suffered bleeding in the brain, fractures in his face, ribs and arm. To date, Mr. Youngs has undergone surgery for his arm. As of May 5, 2015, the sum of his medical bills exceeds \$340,000. If this case were to proceed to trial, the permanent nature of Mr. Youngs' injuries would lead him to seek damages for pain and suffering, mental anguish, inconvenience, loss of capacity for the enjoyment of life, expense of future medical treatment, loss of earnings, and loss of ability to lead and enjoy a normal life.

Due to the nature of the accident and injuries, and with the cooperation of the claimant and his attorney, the City Attorney's Office and Risk Management Department conducted a thorough evaluation and review of this claim. Per the application of Florida's limited waiver of sovereign immunity contained in section 768.28, Florida Statutes, the City's liability and authority to settle claims as this is limited to \$200,000.

Representatives for the City agreed to recommend a settlement in the amount of \$200,000 subject to the approval of the City Commission of the City of Gainesville, and in exchange, Mr. Youngs will provide a full and complete Release to the City including waiving the pursuit of a claims bill to the Legislature. It is the recommendation of the City Attorney's Office and the Risk Management Department that the case be settled for that amount.

Fiscal Impact: Funds are available in the City's General Insurance Fund.

RECOMMENDATION

The City Commission 1) approve the terms of the negotiated settlement; and 2) authorize the City Attorney to settle the claim of Christopher Youngs arising from an accident that occurred on or about April 13, 2015.

[150163.](#)

LANARD ISAAC, INDIVIDUALLY VS. DUVAL AUTOMOTIVE GAINESVILLE, LLC D/B/A MERCEDES-BENZ OF GAINESVILLE VS. CITY OF GAINESVILLE; EIGHTH JUDICIAL CIRCUIT, CASE NO. 2015-CA-1159 (B)

Explanation: On March 27, 2015, Plaintiff Lanard Isaac sued Duval Automotive Gainesville, LLC d/b/a Mercedes-Benz of Gainesville for breach of contract. Mr. Isaac claimed that on November 8, 2014, he was a participant in a golf tournament hosted by the Twenty Pearls Foundation, Inc. that was held at Ironwood Golf Course. The golf tournament featured various "prize holes", including a hole-in-one hole in which a golfer could win a Mercedes-Benz CLA 250 courtesy of Duval

Automotive Gainesville, LLC. Mr. Isaac claims to have hit a hole-in-one on hole 6, and that hole 6 was set up as the designated Mercedes-Benz prize hole. Duval Automotive, however, refused to award the car, arguing that its sponsored hole should have been set up at hole 4 rather than hole 6, and that it only procured insurance for a hole-in-one prize at hole 4.

On July 14, 2015, the City was served with a Summons and Third-Party Complaint filed by Duval Automotive Gainesville, LLC d/b/a Mercedes-Benz of Gainesville in the above-referenced lawsuit. Duval Automotive is seeking indemnification arising out of a breach of express and/or implied contractual obligations, with damages in excess of \$15,000.00. Duval Automotive has asserted this lawsuit against the City despite the fact that the City did not enter into any contract with Duval Automotive, Duval Automotive's insurance carrier, or Mr. Isaac. At no time did the City undertake any contractual obligations to ensure that Duval Automotive's prize hole was set up in accordance with Duval Automotive's insurance coverage.

RECOMMENDATION

The City Commission authorize the City Attorney to represent the City in the case styled Lanard Isaac, Individually vs. Duval Automotive Gainesville, LLC d/b/a Mercedes-Benz of Gainesville vs. City of Gainesville; Eighth Judicial Circuit, Case No. 2015-CA-1159.

[150163_Duval Automotive Consent_20150806.pdf](#)

[150169.](#)

JUAN CARLOS TAMAYO V. CITY OF GAINESVILLE; EIGHTH JUDICIAL CIRCUIT, CASE NO. 2015-CA-2273 (B)

Explanation: On July 16, 2015, the City was served with a Summons and Complaint filed by Juan Carlos Tamayo in the Circuit Court against the City of Gainesville. Juan Tamayo alleges that on or about July 18, 2013, his foot became stuck in an uncovered utility hole while jogging on the sidewalk on SW 23rd Terrace, in Gainesville. Juan Tamayo claims to have been injured in and about his body and extremities, suffered pain therefrom, incurred medical expenses in the treatment of his injuries, and suffered physical handicap, loss of the capacity for the enjoyment of life, and loss of income and earning capacity. Mr. Tamayo seeks money damages in excess of \$15,000.00.

RECOMMENDATION

The City Commission authorize the City Attorney to represent the City in the case styled Juan Carlos Tamayo v. City of Gainesville; Eighth Judicial Circuit, Case No. 2015-CA-2273.

[150169_Juan Tamayo Consent_20150806.pdf](#)

[150221.](#)

RETENTION OF WINSTON & STRAWN LLP OR OTHER

QUALIFIED OUTSIDE LEGAL COUNSEL TO REPRESENT THE CITY IN THE REVIEW OF THE GAINESVILLE RENEWABLE ENERGY CENTER'S POWER PURCHASE AGREEMENT (NB)

MODIFICATION - Added Item to the Consent Agenda

Explanation: The General Manager for Utilities desires to retain outside counsel, familiar with renewable energy power purchase agreements, to represent the City d/b/a GRU in the review of the GREC Power Purchase Agreement. The General Manager has proposed that the City retain Jonathan Birenbaum and Lisa Cottle, of Winston & Strawn LLP, to perform such legal services. The General Manager has worked with Mr. Birenbaum on a previous occasion and believes that Mr. Birenbaum and his firm have extensive expertise in the energy sector which will benefit the City's review and evaluation of the GREC PPA.

The City Attorney's Office assisted the General Manager in confirming that Mr. Birenbaum and Ms. Cottle appear to have relevant qualifications and expertise to render the legal services requested by the General Manager.

To the extent that Winston & Strawn LLP is unable to agree to the City's standard terms of retention, the City Attorney's Office will work with the General Manager to seek other qualified counsel that could provide such legal services to the City.

Fiscal Note: The rates quoted by Winston Strawn, LLP are hourly rates of \$880 for Ms. Cottle and \$1,000 for Mr. Birenbaum. It is unknown at this time how many hours of work will be requested of outside counsel. Funding for outside counsel will be paid either from GRU budgeted funds for legal expenses or from unanticipated cost savings that GRU realizes.

RECOMMENDATION

Authorize the Office of the City Attorney, on behalf of the General Manager for Utilities, to retain Winston & Strawn LLP or other qualified outside legal counsel for representation of the City in review of the GREC PPA.

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

[150178.](#)

City Commission Minutes (B)

RECOMMENDATION

The City Commission approve the minutes of June 4, 10, 18, July 2, 13, 14, 16, 21 and 27.

[150178_Minutes_20150806.pdf](#)

[150178_minutes1_20150806.pdf](#)

[150181.](#)

Resignation of Benjamin J. Meyers from the Board of Adjustment (B)

RECOMMENDATION

The City Commission accepts the resignation of Benjamin J. Meyers, effective immediately.

[150181_ResignationBenMeyers_20150806.pdf](#)

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**COMMITTEE REPORTS, CONSENT AGENDA ITEMS****REGIONAL UTILITIES COMMITTEE, CONSENT****COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS****END OF CONSENT AGENDA****ADOPTION OF THE UTILITIES REGULAR AGENDA (Read if any, each item added or modified)****UTILITY-RELATED CITIZEN COMMENT (not to exceed 30 minutes in length)****TIME CERTAIN**

[150195.](#)

Mayor Ed Braddy - Medicaid Expansion (NB)

MODIFICATION - Powerpoint presentation added.

RECOMMENDATION

The City Commission hear a presentation from Representative Keith Perry on Medicaid Expansion.

[150195_MOD_8.5.15 Medicaid Presentation_20150806.pdf](#)

GENERAL MANAGER FOR UTILITIES

[150173.](#)

Explanation of Customer Billing Cycles and Dunning Practices (B)

*****Estimated Presentation Time 30 Minutes*****

******This item is for informational purposes.******

MODIFICATION - Revised PowerPoint

Explanation: On January 17, 2013, the City Commission referred discussion of late fees and delinquent disconnection practices to the RUC. The item was initially discussed at the September 13, 2013 RUC meeting. Staff brought additional information and alternatives to the December 17,

2013 and March 13, 2014 RUC meetings, and the Committee voted at both meetings to send specific recommendations to the full Commission. Staff presented the specified recommendations at the February 20, 2014 and April 17, 2014 City Commission meetings, where the recommendations were approved.

At their July 2, 2015 meeting, the City Commission requested that staff make a presentation on the customer billing and disconnection practices to address several questions that were raised. Specifically, the City Commission asked to discuss: 1) The general practice and number of days between a primary disconnection and when the rest of the utilities like water are turned off, 2) payment arrangements and how customers are made aware of this option, 3) the feasibility of providing an automatic 7 day extension to all customers.

Fiscal Note: This item is for informational purposes, no fiscal impact.

RECOMMENDATION

The City Commission 1) Receive a brief presentation from staff on various items pertaining to customer billing, payment arrangements and disconnection time frames; and 2) Receive a summary of the City Commission approved changes to the customer service ordinances.

[150173 Billing Cycles-Dunning Practices 20150806 Revised](#)

UTILITY COMMITTEE REPORTS (PULLED FROM CONSENT)

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

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

UTILITY-RELATED ITEMS FROM MEMBERS OF THE CITY COMMISSION

[150177.](#)

Commissioner Craig Carter - Five Member City Commission (B)

RECOMMENDATION

The City Commission discuss a Five Member City Commission and take action deemed appropriate.

[150177 Commission Terms 20150806.pdf](#)

[150177 Copy of ElectionsExpense 20150806.pdf](#)

UTILITY-RELATED COMMISSION COMMENTS (if time permits)

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

[150164.](#)

A Presentation on the Federal Legislative Agenda (B)

This is a request for the City Commission to hear a presentation on federal legislative updates. **ESTIMATED STAFF PRESENTATION 20 MINUTES**

Explanation: The City has retained the services of Marilyn Berry Thompson, currently with the firm MWW Group, Inc., as a special lobbyist in Washington, D.C., in connection with matters concerning the City on behalf of its General Government and its Utility.

City of Gainesville's Agreement for Professional Federal Lobbying Services will end on September 30, 2015. This role and the services provided have been extensively and regularly reviewed following their initiation in 1994.

The Lobbyist provides lobbying and advocacy services and monitors U.S. Congress on important legislative matters could affect the City in areas of housing, economic redevelopment, taxation, revenue distribution, transportation, environment, utility regulation, telecommunications, homeland security, and other areas.

A presentation will be provided by Marilyn Berry Thompson with selective highlights of over \$70 million in federal relations outcomes and activities in five key areas: 1) Community Development and Parks; 2) Economic Development and Special Projects; 3) Housing and Homeless; 4) Criminal Justice; and 5) and Transportation.

Fiscal Note: There is no fiscal impact from this item.

RECOMMENDATION

The City Commission hear a presentation from Marilyn Berry Thompson on federal legislative updates that affect the City of Gainesville and provide policy direction on these issues.

[150164_2016 Federal Agenda_20150806.pdf](#)

[150188.](#)

Alachua County's Proposed Irrigation Efficiency Code (B)

Alachua County has requested the opportunity to make a presentation to the City Commission on the County's proposed Irrigation Efficiency Code. **ESTIMATED COUNTY STAFF PRESENTATION 15-20 MINUTES**

Explanation: Alachua County staff will provide a presentation on the County's proposed Irrigation Efficiency Code. This item was on the July 14, 2015 County Commission agenda. A copy of the July 14, 2015 County Commission agenda item is attached as backup to this agenda item as well as the proposed Irrigation Efficiency Code and the County staff presentation for the August 6, 2015 City Commission meeting. As drafted the proposed Irrigation Efficiency Code would apply in the entire County, including incorporated and unincorporated areas, and is intended to reduce high volume irrigation, improve irrigation efficiency, incentivize the Florida Water Star Program, and increase the quality and workmanship of local landscape irrigation installation contractors.

The County Commission has continued the proposed ordinance to the August 25, 2015 County Commission meeting to allow time for additional outreach to stakeholders. City staff has been in communication with County staff and are continuing to review the impact of the proposed ordinance on the City of Gainesville's development process and governmental operations so the expected impact can be shared with the City Commission.

Fiscal Note: Not yet determined.

RECOMMENDATION

The City Commission hear a presentation from County staff on the proposed Irrigation Efficiency Code.

[150188A Alachua County Irrigation Efficiency Code 20150806.pdf](#)

[150188B Irrigation Presentation 20150806.pdf](#)

[150188C County Irrigation AI 20150806.pdf](#)

[140963.](#)

Medical Unit Response in the City of Gainesville (B)

This referral was a suggestion from Commissioner Warren to the full City Commission for the Public Safety Committee to discuss the impacts of Alachua County Fire Rescue ambulance (aka rescue) response times and to discuss alternatives. *ESTIMATED STAFF PRESENTATION 15 MINUTES*

Explanation: On May 21, 2015, Commissioner Warren made a suggestion to the City Commission that this topic be referred to the Public Safety Committee to discuss the impacts of response times for ambulances operated by Alachua County Fire Rescue to incidents in the City of Gainesville.

Gainesville Fire Rescue staff have prepared a presentation addressing the statutory authority of Alachua County with respect to ambulance transports by pre-hospital care providers; presenting data on response performance by ambulance (aka rescue) units; and offering alternatives for the City of Gainesville to improve response capability for discussion.

Due to the cancellation of the July 15, 2015 Public Safety Committee meeting, this item has been rescheduled for the August 6, 2015 City Commission meeting.

Fiscal Note: There is no fiscal impact at this time.

RECOMMENDATION

The City Commission 1) hear the presentation; 2) determine if further meetings and/or research are required; and 3) provide direction to staff regarding follow-up actions.

Legislative History

5/21/15 City Commission Referred to the Public Safety Committee

[140963_Medical Unit Response in City PPT_20150715](#)

[140963_Medical Unit Response in City presentation_20150806.pdf](#)

[140963_Medical Unit Response in City presentation_20150810.pdf](#)

TIME CERTAIN - 4:00 PM (WAIVE THE RULES TO HEAR ITEM AT 4:00 PM)

[150196.](#)

Fire Assessment on Institutional Properties Including Churches and Non-Profits (B)

This is a discussion item regarding the special assessment for fire services and its application to institutional properties such as churches and non-profit entities. *STAFF PRESENTATION 2 MINUTES*

MODIFICATION - New Back-up added.

Explanation: The City of Gainesville enacted Ordinance No. 070623 on June 9, 2008 which authorized the imposition of Fire Services Special Assessments. The Commission did not implement the fire assessment program until it passed Resolution No. 100137, the first rate resolution, July 15, 2010 for Fiscal Year 2011.

Based on the opinion of the Office of the City Attorney, documented in a memo to the Mayor and Commissioners on June 6, 2008, the Commission has included "places of religious assembly and not-for-profit entities" in the annual fire assessment since Fiscal Year 2011.

In support of activities provided by non-profits that serve a public purpose and improve the quality of life for Gainesville residents, an annual community grant program was implemented to assist eligible organizations in meeting the City's goals to provide services to needy individuals and families.

At the July 27, 2015 City Commission meeting, the Commission began a discussion on the subject of exempting churches and non-profits from the fire assessment. The Commission directed the City Manager to

place a discussion item regarding exemption for churches and non-profits from the fire assessment on the August 6, 2015 Commission agenda.

Fiscal Note: The fiscal impact of not assessing churches and non-profit organizations under the current fire assessment methodology with the proposed Fiscal Year 2016 rate of \$78.00 per factored fire protection unit is a revenue loss of approximately \$115,632. The total fire assessment revenue included in the FY16 budget is \$5.4 million.

RECOMMENDATION *The City Commission discuss the fire assessment as it relates to churches and non-profit organizations and provide direction to staff.*

[150196A-MOD Memo 20150806.pdf](#)

[150196B-MOD Exempt Properties 20150806.pdf](#)

5:30 P.M.

PLEDGE OF ALLEGIANCE (5:30pm)

Mr. Bob Gasche

PROCLAMATIONS/SPECIAL RECOGNITIONS Placed on Agenda by Commissioner or Charter Officer

[150186.](#)

Certificate of Merit Recipients (B)

MODIFICATION - Additional Back-up added.

RECOMMENDATION *The City Commission hear the Special Recognition of:
Gail McCray (Property Manager), Donna Sheppard (Leasing Consultant) and Nathaniel Willis - Eden Park at Ironwood
Darlene Pifalo - Fire Station Donation*

[150186_certificate of merit 20150806.pdf](#)

[150186b_MOD_.pdf](#)

[150182.](#)

Purple Heart Day - August 7, 2015 (B)

RECOMMENDATION *Gator Detachment of the Marine Corp League Bob Gasche to accept the proclamation.*

[150182_PurpleHeartDay 20150806.pdf](#)

[150187.](#)**Jessie Heard Day - August 6, 2015 (B)****RECOMMENDATION***Mr. Jessie Heard to accept the proclamation.*[150187_JessieHeard_20150806.pdf](#)**6:00 P.M.****CITIZEN COMMENT (to end at a time certain of 6:30pm or at such later time as allows for 30 minutes of citizen comment)****PUBLIC HEARINGS****RESOLUTIONS- ROLL CALL REQUIRED**[150175.](#)**Resolution for GRU Electric Operations and Planning Compliance Policy (B)**

Explanation: On February 19, 2009, the City Commission adopted Resolution No. 080804, which affirmed Gainesville Regional Utilities' (GRU) compliance with reliability standards developed by the North American Reliability Corporation (NERC), and delegating administration and oversight of electric compliance to the general manager for utilities or his/her designee.

The resolution included a list of eleven functional registrations, which is how NERC groups functions performed by entities which comprise the bulk electric system. However, NERC has since eliminated one of the functional registrations that had been previously assigned to GRU. Even though there is not a change in GRU's workload associated with the elimination of NERC's functional registration, the list of functional registrations required updates, consistent with NERC.

The listing of functional registrations in the resolution has no bearing on the actual functions determined between NERC and GRU; thus, there is no benefit to maintaining the list in the resolution. While the frequency of changes in functional registrations is relatively low, there is an administrative burden to continually update the resolution every time NERC modifies the list of functional registrations. The resolution contains existing language of "all applicable reliability standards and rules", which sufficiently captures any current or future obligations.

Fiscal Note: Non-compliance with applicable reliability standards may result in monetary penalties.

RECOMMENDATION

The City Commission adopt the amended resolution which supersedes Resolution No. 080804, removing the itemized list of functional registrations.

[150175 Draft Resolution GRU Compliance 20150806](#)

ADOPTION READING-ROLL CALL REQUIRED

[150049.](#)

LAND USE CHANGE - 3800 BLOCK OF SW 37TH BOULEVARD (B)

Ordinance No. 150049; Petition No. PB-15-29 LUC

An ordinance amending the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of approximately 9.9 acres of property generally located in the 3800 block of SW 37th Boulevard approximately 400 feet south of Archer Road, as more specifically described in this ordinance, from Commercial (C) and Residential Medium-Density (RM) to Mixed-Use Low-Intensity (MUL); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

This ordinance will amend the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of approximately 9.9 acres of property generally located in the 3800 block of SW 37th Boulevard approximately 400 feet south of Archer Road from Commercial (C) and Residential Medium-Density (RM) to Mixed-Use Low-Intensity (MUL). The subject property is currently undeveloped and is surrounded by a mix of existing uses, including multi-family and single-family development, a child care facility, and undeveloped land. Approximately 8.25 acres of the subject property currently has a Commercial (C) land use designation and the remaining 1.65 acres is designated Residential Medium-Density (RM).

This ordinance adheres to state law (i.e., Section 163.3177, F.S.) and the Comprehensive Plan (i.e., FLUE Goal 1; Policy 1.2.3; Objective 1.5) in that it discourages urban sprawl, promotes a sustainable development pattern and encourages a mixed-use development at an appropriate location. The existing Commercial (C) land use designation on a majority of the property limits the future development potential to commercial only and does not allow residential use or a mix of residential and non-residential uses, whereas the proposed MUL designation will allow a broad range of residential and non-residential uses, including offices and retail scaled to serve the surrounding neighborhood.

Planning staff recommended approval of this land use change. After public notice was published in the Gainesville Sun on May 12, 2015, the City Plan Board held a public hearing on May 28, 2015, and voted 6-0 to recommend approval of this land use change.

CITY ATTORNEY MEMORANDUM

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

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

RECOMMENDATION

The City Commission: (1) approve Petition No. PB-15-29 LUC; and (2) adopt the proposed ordinance.

[150049B_revised staff report_20150806.pdf](#)

[150049C_Revised Append A_Comprehensive Plan GOPs_20150806.pdf](#)

[150049D_Append B_Supplemental Docs_20150806.pdf](#)

[150049E_Append C_Application_20150806.pdf](#)

[150049F_CPB minutes_20150806.pdf](#)

[150049G_staff ppt_20150806.pdf](#)

[150049A_draft ordinance_20150806.pdf](#)

[150049_petition_20150806.pdf](#)

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

[150049](#)

QUASI-JUDICIAL - REZONING - 3800 BLOCK OF SW 37TH BOULEVARD (B)

Ordinance No. 150050; Petition No. PB-15-30 ZON

An ordinance amending the Zoning Map Atlas of the City of Gainesville, Florida, by rezoning approximately 9.9 acres of property generally located in the 3800 block of SW 37th Boulevard approximately 400 feet south of Archer Road, as more specifically described in this ordinance, from General Business (BUS) and Multiple-Family Medium-Density Residential (RMF-8) to Mixed-Use Low-Intensity (MU-1); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: **PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT**

This ordinance will amend the Zoning Map Atlas of the City of Gainesville by rezoning approximately 9.9 acres of property generally located in the 3800 block of SW 37th Boulevard approximately 400 feet south of Archer Road from General Business (BUS) and Multiple-Family Medium-Density Residential (RMF-8) to Mixed-Use Low-Intensity (MU-1). The subject property is currently undeveloped and is surrounded by a mix of existing uses, including multi-family and single-family development, a child care facility, and undeveloped land. Approximately 8.25 acres of the subject property currently is zoned BUS and the remaining 1.65 acres is zoned RMF-8.

This ordinance adheres to state law (i.e., Section 163.3177, F.S.) and the Comprehensive Plan (i.e., FLUE Goal 1; Policy 1.2.3; Objective 1.5) in that it discourages urban sprawl, promotes a sustainable development pattern and encourages a mixed-use development at an appropriate location. The existing BUS zoning on a majority of the property limits the future development potential to nonresidential use, whereas the proposed MU-1 zoning will allow a broad range of residential and non-residential uses, including offices and retail scaled to serve the surrounding neighborhood.

Planning staff has recommended approval of this rezoning. After public notice was published in the Gainesville Sun on May 12, 2015, the City Plan Board held a public hearing on May 28, 2015, and voted 6-0 to recommend approval of this rezoning.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings and shall become effective when the amendment to the City of Gainesville Comprehensive Plan adopted by Ordinance No. 150049 becomes effective as provided therein.

RECOMMENDATION *The City Commission: (1) approve Petition No. PB-15-30 ZON; and (2) adopt the proposed ordinance.*

[150050B_Revised staff report_20150806.pdf](#)

[150050C_Append A_Comprehensive GOPs_20150806.pdf](#)

[150050D_Append B_Supplemental Docs_20150806.pdf](#)

[150050E_Append C_Application_20150806.pdf](#)

[150050F_CPB minutes_20150806_.pdf](#)

[150050G_staff ppt_20150806.pdf](#)

[150050A_draft ordinance_20150806.pdf](#)

DEPOSITS, AND OTHER PRACTICES (B)

Ordinance No. 120883

An ordinance of the City of Gainesville, Florida, amending Chapter 27 and Appendix A relating to utilities; by amending section 27-7 relating to customer deposits; by amending section 27-14 relating to payment due dates and penalties for late payments; by amending section 27-21 by adding definitions to clarify the customer service regulations; by amending Appendix A, Schedule of Fees, Rates and Charges to revise the service charges for returned payments consistent with state law; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: CUSTOMER AND ADMINISTRATIVE SERVICES STAFF REPORT

On January 17, 2013, the City Commission referred this item to the Regional Utilities Committee (RUC) to discuss late fees and delinquent disconnection practices. GRU staff presented information to the RUC at meetings on September 30, 2013 and February 20, 2014, relating to residential and nonresidential customer service deposits, utility bill payment due dates, penalties for late payments, and the revising of service charges for returned payments consistent with state law. On February 20, 2014, the City Commission approved the recommended changes. On March 13, 2014, the RUC met and agreed to recommend further changes to the City Commission relating to deposits, late payments, and certain definitions. At its April 17, 2014 meeting, the City Commission approved the recommendations as submitted by the RUC.

CITY ATTORNEY MEMORANDUM

On April 17, 2014, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance to amend Chapter 27 of the Code of Ordinances as recommended by the RUC. Since that time the City Attorney's Office has been working with GRU Staff on the global revision of several portions of Chapter 27 which has been time intensive. However, GRU Staff prioritized some of the ordinance revisions due to the effect such revisions are likely to have on GRU's ability to best serve its customers. As a result, the City Attorney's Office divided the global revision of several portions of Chapter 27 into two separate ordinances. The revisions contained within this ordinance represent those changes that were of a more emergent nature to GRU Staff. The revisions that are of a less emergent nature will be presented to the City Commission for approval at a later date. This ordinance requires two hearings.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

1/17/13	City Commission	Referred to the Regional Utilities Committee
2/20/14	City Commission	Approved as Recommended

4/17/14 City Commission Approved as Amended

[2013.09.12 Item 120883 - Attach 1](#)

[2013.09.12 Item 120883 - Attach 2](#)

[Item 120883 Late Fees-Utility Terminations 20131217](#)

[Item 120883 CY11-13 worked delinquent disconnects 20131217](#)

[Item 120883 IOU Deposit Study 20131217](#)

[120883 RUC Recommendations on Cust Billing and Deposits MOD 20140220.r](#)

[120883 RUC Presentation Deposits 20140313](#)

[120883 - Satisfactory Pymt Hist - Cust Deposits 20140417](#)

[120883 Draft Ordinance 20150806.pdf](#)

[140741](#)

Vehicles For Hire Ordinance (B)

Ordinance No. 140741

An ordinance of the City of Gainesville, Florida, amending the Code of Ordinances relating to vehicles for hire; by amending in its entirety Article I. Motorized Vehicles of Chapter 28, Vehicles for Hire; by amending Section 2-339 of Chapter 2 to provide civil penalties for vehicle for hire violations; and by amending Appendix A - Schedule of Fees, Rates and Charges to provide fees for vehicles for hire; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

MODIFICATION - Item continued to August 20, meeting.

Explanation: On March 19, 2015 the City Commission directed the City Attorney to draft an ordinance to provide regulations for Transportation Network Companies (TNCs) and to refine existing regulations for taxicabs based on recommendations of staff and the Public Safety and Economic Development University Community Committees.

The City Attorney's Office prepared draft regulations and City staff circulated the draft regulations to interested stakeholders for review and input. On June 18, 2015, the City Commission heard a presentation on the proposed draft regulations, received public comment and directed the City Attorney to finalize the draft regulations into an ordinance for first reading.

This ordinance deletes the existing vehicle for hire regulations in City Code and creates new regulations that are uniform for all vehicles for hire (inclusive of TNCs, taxicabs and others) and that address the basic health, safety and welfare concerns of the City with respect to vehicle for hire operations.

RECOMMENDATION

The City Commission adopt the proposed

*ordinance.*Legislative History

2/23/15	Public Safety Committee	Discussed
3/19/15	City Commission	Approved as Recommended
6/18/15	City Commission	Discussed
7/16/15	City Commission	Continued

[140741a_VFH Gville Draft_20150223](#)

[140741b_TNC PUBLIC DRAFT_20150223](#)

[140741c_TNC & VFH Presentation_20150223](#)

[140741d_VFH Public Clean Draft_20150223](#)

[140741e_TNC Public Clean Draft_20150223](#)

[140741a_TNC Public Clean Draft_20150319](#)

[140741b_VFH Public Clean Draft_20150319](#)

[140741c_TNC Draft_20150319.pdf](#)

[140741d_VFH Draft_20150319](#)

[140741e_HouseBill817_20150319](#)

[140741f_HouseBill757_20150319](#)

[140741g-MOD_VFH and TNC Presentation_20150319.pdf](#)

[140741h-MOD_VFH Public Draft_20150319.pdf](#)

[140741i_VFH Clean DRAFT_20150319.pdf](#)

[140741j-MOD_DRAFT Gainesville TNC_20150319.pdf](#)

[140741k-MOD_Clean DRAFT Gainesville TNC_20150319.pdf](#)

[140741_draft ordinance version 1_20150618.pdf](#)

[140741_Draft ordinance_20150716.pdf](#)

[140741_revised draft ordinance_20150806.pdf](#)

ORDINANCES, 2ND READING- ROLL CALL REQUIRED**PLAN BOARD PETITIONS**

[150145.](#)

Development plan review for the construction of the Alachua County Public Defender's office building (B)

Petition PB-15-31 SPL. JBrown Professional Group, Inc., agent for Alachua County Board of Commissioners. Intermediate development plan review for the construction of the Alachua County Public Defender's office building. Zoned: PD (Planned Development district). Located at 151 SW 2nd Avenue.*expected presentation time

10 minutes.*

MODIFICATION - Additional Back-up added.

Explanation: This petition requests site plan approval for the construction of a new two story office building within the Alachua County court complex located on the west side of north Main Street between SW 2nd Avenue, SW 3rd Avenue, and SW 2nd St. The new, approximately 21,000 square foot building, will house the offices of the Alachua County Public Defender. The court complex currently is zoned Planned Development (PD) and is subject to the development conditions in the associated PD Ordinance (001607) adopted on September 24, 2001.

This petition must be reviewed by the City Commission due to condition 1 of the PD, which states that future phased development plans require approval from the Plan Board and the City Commission.

The development plan consists of the demolition of the existing surface parking lot and the construction of the building, nine parking spaces, and associated landscaping. The main entrance to the building is located on SW 2nd Avenue and includes a 48'x 30' hardscape plaza adjacent to the public sidewalk. The site plan, landscape plan, and elevations have been provided within the backup materials. The required stormwater facilities and other associated infrastructure improvements necessary to support future phases were constructed in conjunction with the courthouse development in 2001 and subsequent parking lot improvements in 2002.

The PD report includes the general development standards for the overall courthouse complex and are included in the backup materials. The proposed development plan meets the requirements of the PD conditions and PD report.

The City Plan board reviewed the petition and recommended approval. Plan Board vote 6-0.

Public notice was published in the Gainesville Sun on June 9, 2015. The Plan Board held a public hearing on June 25, 2015.

Fiscal Note: None.

RECOMMENDATION

*City Plan Board to City Commission - The City Commission approve petition PB-15-31 SPL.
Staff to City Commission - the City Commission approve Plan Board's recommendation.
Staff to City Plan Board - Approve petition.*

[150145A_staff report_20150806.pdf](#)

[150145B_Append A_Site Plan and PD Docs_20150806.pdf](#)

[150145C_Append B_Supplemental Docs_20150806.pdf](#)

[150145D_Append C_Application and Neighborhood Workshop Info-20150806.p](#)

[150145E_CPB minutes_20150806.pdf](#)

[150145F_staff ppt_20150806.pdf](#)

[150145_MOD_petition_20150806.pdf](#)

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

[150138.](#)

Discussion of a Finding of Necessity Report and Establishing a Northwest Community Redevelopment Agency Area (B)

This item is a request for the City Commission to receive a Finding of Necessity Report and determine whether to create a new Community Redevelopment Agency Area; and if so, determine the area's geographic boundaries.

MODIFICATION - Revised PowerPoint

Explanation: Community Redevelopment Agency (CRA) Areas are special districts with a dedicated funding source that Cities and Counties can use to encourage private investment and development. The primary funding source is Tax Increment Financing (TIF), which annually transfers all or a portion of any increase in property tax revenue within the CRA Area to a trust fund for redevelopment within the CRA Area.

The year that a City or County creates a CRA Area is known as the "base year", and is the year that property tax payments to the applicable taxing authorities (i.e., the City, the County, the School District, the Water Management District, and the Library District) are locked in. As property values and property tax payments increase over time, the additional tax revenue (i.e., the increment revenue) remains within the CRA Area boundaries. This creates a positive feedback cycle that encourages investment within the CRA Area.

In Florida, the State regulates the establishment of CRA Areas. In order to create a CRA Area, state law requires that a city or county make a finding, supported by data and analysis contained in a Finding of Necessity (FON) Report, that the subject property constitutes a "slum area" or a "blighted area", as defined in state statutes.

On April 5, 2012, the City Commission considered conducting a FON Study to determine if certain areas in Northwest Gainesville meet the state definition of a "slum area" or a "blighted area", and therefore are eligible to become a CRA Area. At that meeting, the Commission indicated that, at a minimum, the study should answer the following three questions: 1) Does slum/blight exist in the Study Area? 2) If it does, where does slum/blight exist in the Study Area? and 3) Where should be the boundaries of any CRA Areas within the Study Area?

Additionally, the Commission indicated that it wanted the flexibility to designate an area smaller than the entire Study Area. There are two advantages to having that flexibility. First, it allows the City Commission the option of creating a CRA Area if slum/blight is present in a portion of

the Study Area, but not in the entire Study Area.

The second advantage relates to TIF. Because TIF applies to property tax revenue increases, not existing property tax revenue, TIF does not reduce General Fund revenue. Under TIF, however, up to 95% of property tax revenue increases are transferred to the CRA Area trust fund. As a result, TIF can diminish General Fund revenue growth. For that reason, the City Commission may want the flexibility to designate an area smaller than the entire Study Area, if they are concerned that the potential diminution of General Fund growth is too great if they create a CRA Area over the entire Study Area.

In July 2012, the City Commission approved funding to hire a consultant to conduct and submit the FON Study and Report.

After completing the Request for Proposal process, the City retained Tindale Oliver and Associates, Inc. (TOA) to conduct the study and issue the report. TOA has now completed the study and the report, and the report is on file in the office of the Clerk of the Commission.

The Study Area, shown in Attachment A, contains 1,090 acres, which is approximately 2.7% of the City's ±40,109.7 acres. Generally, the Study Area is bounded on the west by NW 13th Street; on the north by NW 6th Street or by NW/NE 39th Avenue; on the east by NW 6th Street or NE 2nd Street; and on the south by NW/NE 23rd Avenue or NW 16th Avenue. The Study Area includes important residential, retail, educational, institutional, environmental and transportation uses.

The FON Report examines many factors that relate to slum/blight, as defined by the statute. The adequacy of public infrastructure is one of these factors. In this case, the FON examines not only the adequacy of public infrastructure for existing uses, but also its adequacy for redevelopment. In other words, infrastructure may be adequate to serve existing uses, but not to serve or attract new or additional uses, or to attract redevelopment, in general.

Florida Statutes set forth a two-part test to determine if blight exists in an area. The first part requires that the area must contain a "substantial number of deteriorated or deteriorating structures..." The FON Report contains data and analysis indicating the presence of a substantial number of deteriorated or deteriorating structures within the Study Area. Therefore, the Study Area meets the first test.

The second part requires at least two of 14 factors listed in the Statute to be present within the Study Area. The FON Report contains data and analysis indicating the presence of seven of the 14 factors, including "predominance of defective or inadequate street layout, parking facilities, roadways, bridges, or public transportation facilities," "faulty lot layout in relation to size, adequacy, accessibility, or usefulness," "unsanitary or unsafe conditions," "deterioration of site or other improvements," "inadequate and outdated building density patterns," "incidence of crime

in the area higher than in the remainder of the city,” and “fire and emergency service calls to the area proportionately higher than in the remainder of the City.” Therefore, the Study Area also meets the second test.

Furthermore, the FON determined that blight also exists in two sub areas of the Study Area.

Sub Area 1, shown in Attachment A, contains approximately 618 acres (about 1.5% of the City’s total area) and is located primarily along NW 13th Street. As a CRA Area, most of the revenues and expenditures of Sub Area 1 would likely focus on commercial, office and retail redevelopment adjacent to NW 13th Street.

Sub Area 2, shown in Attachment A, contains approximately 472 acres (about 1.2% of the City’s total area) and is generally bounded by NW 6th Street on the west, NE 2nd Street on the east, NW/NE 39th Avenue on the north, and NW/NE 23rd Avenue on the south. Although this area contains several areas that appear ripe for development and/or redevelopment, a CRA on Sub Area 2 would likely focus most of its activities around the planning and development of the 87-acre Koppers Superfund site.

As such, the Commission has the following four options, of which it can choose only one: A) Create a new CRA Area that includes the entire Study Area; B) Create a new CRA Area that includes only Sub Area 1; C) Create a new CRA Area that includes only Sub Area 2; or D) Do not create a new CRA Area.

At two informational public meetings held within the Study Area, nearly all Study Area residents who attended, expressed support for Option A, Create a new CRA Area that includes the entire Study Area.

If the City Commission supports the creation of a CRA Area, staff will return at a future public hearing with a resolution that includes a map and legal description of the area approved by the City Commission.

Fiscal Note: Determining the long-term impact of creating a new CRA Area on potential General Fund growth is difficult. Generally, the more properties within a CRA Area, the greater the impact on (or the greater the reduction of) General Fund growth. In other words, the more properties within a CRA Area, the slower the rate of General Fund growth. For that reason, creating a CRA Area with fewer, rather than more properties, usually reduces potential impacts on General Fund growth.

Currently, ±3,276.5 acres (±8.2%) of the City’s ±40,109.7 acres are within the City’s four CRA Areas. Since most areas are experiencing a lack of growth and investment when they are designated a CRA Area and only the increment of growth is transferred to the CRA trust funds, there is almost no impact on the General Fund when a new CRA Area is first created or during the subsequent three to five years.

Only as growth occurs over time and property values increase, is all or a portion of that increase transferred to the CRA trust funds. Since some of the City's CRA Areas have been established for almost thirty years and have been relatively successful in achieving many of their goals, the amount transferred is now significant. In FY14, the last completed fiscal year; the City transferred ±2.031 million dollars from the General Fund to the four CRA trust funds. Those funds equaled approximately nine percent of the City's total property tax revenue for that fiscal year.

RECOMMENDATION

The City Commission: 1) hear a presentation from the consultant; 2) receive public comments; 3) accept the consultant's report addressing blighted conditions in Northwest Gainesville; 4) determine whether or not to authorize staff to develop and bring to the Commission a resolution that establishes a Northwest Community Redevelopment Agency Area; and 5) if the Commission authorizes staff to develop a resolution that establishes a new Community Redevelopment Agency Area, determine whether the geographic boundaries of the area should include the entire Study Area, Sub-Area 1 or Sub-Area 2.

Alternative Recommendation

The City Commission direct the City Manager or designee to research other redevelopment and/or infrastructure funding alternatives that may be appropriate for the Study Area. Examples of such alternatives include, but are not limited to, Business Improvement Districts, Community Development Districts and increased general fund expenditures.

[150138A_CRA_Study-Area_with_subs_20150806.pdf](#)

[150138B_DRAFT_NW_Gainesville_FON_Report_20150806.pdf](#)

[150138C_CRA_Area_Presentation_20150806.pdf](#)

[150138C-MOD_CRA_Area_Presentation_20150806.pdf](#)

[150179.](#)

Proposed Early Termination of McGurn License Agreement for Use of Parking Garage (B)

The is a request for the City Commission to hear a presentation on the proposed early termination of the existing McGurn License Agreement for Use of Parking Garage. *STAFF PRESENTATION 10 MINS*

Explanation: In the course of reviewing the existing level of encumbrances on the SW

Downtown Parking Garage, staff has determined that early termination of the McGurn License Agreement for Use of Parking Garage is the fiscally and operationally prudent course of action irrespective of any future proposed use of the facility and feels that it is in the public interest for the City Commission to review the matter.

The McGurn License Agreement for Use of Parking Garage was executed in December, 2003 by the City of Gainesville and Kenneth and Linda McGurn. The Agreement is applicable to operations regarding the City's SW Downtown Parking Garage.

Terms of the agreement include: 1) licensing two classes of parking spaces, up to 133 Replacement Spaces given in exchange for McGurn's loss of parking spaces that existed on the Property (current parking garage property) and not to exceed 225 Development Spaces for development projects undertaken by McGurn on property lying within 350 feet of any part of the garage within 25 years from the acquisition of the Property; 2) consideration, the license agreement represented partial consideration in exchange for McGurn conveying the City title to the Property; 3) license period of 99 years following CO issuance on the parking garage; 4) commitment and payment for spaces, terms are \$17.45 per space not to exceed 80% of the prevailing monthly rate; 5) assignment and use of McGurn and City spaces; 6) operation of spaces; 7) Limitations of License; and 8) proposed Early Termination conditions.

Early termination of the existing License Agreement for Use of Parking Garage is being proposed for the public purposes of: 1) canceling out an existing long term growing financial liability; 2) reasserting City control of the parking garage as an asset to potentially spur urban redevelopment; and 3) eliminating existing parking operations challenges relative to administration of the Agreement.

In preliminary conversations, McGurn has indicated a willingness to accept early termination of the Agreement without any future encumbrances upon parking spaces contemplated in the Agreement.

Fiscal Note: The proposed early termination of the McGurn License Agreement for Use of Parking Garage would total approximately \$1,962,000 based upon conditions of the agreement and will require short term utilization of General Fund reserves to make the termination payment.

Taking into consideration total General Fund reserve levels and incorporating the operating results from FY15, staff will assess reserve levels after the transaction to determine how to proceed. These levels may be deemed sufficient so that no further action is required. If in fact reserves need to be augmented, several alternatives are available:

- Utilizing available monies from other funds*
- Deferring certain capital projects scheduled to be funded from the General Fund*
- Financing, on a tax-exempt basis, certain capital projects currently scheduled to be cash funded*

RECOMMENDATION

The City Commission: 1) hear a presentation on

the proposed early termination of the McGurn License Agreement for Use of Parking Garage; and 2) direct staff to develop a financial plan as outlined to execute early termination.

Alternative Recommendation

The City Commission: 1) disapprove early termination of the McGurn License Agreement for Use of Parking garage.

[150179 License Agreement and Amendments 20150806.pdf](#)

[130847.](#)

Lot #10 Proposed Terms (B)

The City Commission to hear a report on proposed terms regarding the development of Lot #10 and provide appropriate direction.

STAFF PRESENTATION 15 MINUTES

MODIFICATION - Additional Back-up added.

Explanation: On March 5, 2015, the City Commission approved staff's recommended ranking of firms regarding an RFP process associated with the development of Lot #10. In addition, staff was authorized to negotiate a Contract for Sale and Purchase, a Disposition and Development Agreement and other related documents with Horizon Hospitality Management, Inc. (HHM).

On May 21, 2015, staff provided the City Commission with an update on the status of negotiations with a focus on the provision of parking to support the proposed development as Use and Urban Form terms are essentially settled. Based upon Commission input staff has provided an option to resolve the provision of parking for the proposed development of Lot #10.

This involves a proposed License Agreement for Use of Parking Garage with HHM for 383 non-exclusive (floating) spaces and a spillover agreement on Lot #13 resulting in the following parking garage space allocation in the parking garage:

<i>Horizon Hospitality Management, Inc.</i>	<i>383 spaces</i>
<i>Alachua County</i>	<i>375 spaces (per Interlocal Agreement)</i>
<i>Palms</i>	<i>97 spaces</i>
<i>Total</i>	<i>855 spaces</i>

Proceeds of the revenue sharing agreement would be utilized to assist with operational costs associated with use of additional parking garage capacity and would consist of an overnight guest rate of \$7 per space to the City for up to 200 spaces and a monthly rate of \$20 per space for the remaining 183 spaces resulting in approximately \$478,000 in projected annual revenue.

Staff recommends that an escalator be built into the arrangement that would raise parking garage revenue to the City to \$30 for monthly lease rate over a 3-5 year period of time (resulting in projected revenue of approximately \$500,000 annually) to ensure movement towards break even on parking garage operations and to ensure adequate funds to provide for timely garage maintenance.

Fiscal Note: The business terms associated with HHM include: 1) an offer of \$760,000 for the purchase of Lot #10 (the appraised market value); and 2) a proposed revenue sharing agreement regarding use of available parking spaces in the City's Downtown Parking Garage.

RECOMMENDATION

The City Commission: 1) hear a presentation on proposed business terms regarding development of Lot #10; and 2) direct staff to incorporate the proposed business terms with Horizon Hospitality Management, Inc. into the appropriate documents subject to approval by the City Attorney as to form and legality.

Alternative Recommendation #1

The City Commission provide alternative direction on proposed business terms with Horizon Hospitality Management, Inc.

Alternative Recommendation #2

The City Commission direct staff to terminate negotiations with Horizon Hospitality Management, Inc. and begin negotiations with the 2nd ranked firm Bedford Lodging.

Legislative History

4/17/14	City Commission	Adopted (Resolution)
3/5/15	City Commission	Approved as Amended
5/21/15	City Commission	Heard

[130847A_3-10-14 Appraisal Lot10_20140417.pdf](#)
[130847B_Resolution for Lot 10_20140417.pdf](#)
[130847C_Exhibit A to Resolution_20140417.pdf](#)
[130847D_Exhibit B to Resolution_20140417.pdf](#)
[130847C-MOD_Exhibit A - Legal Description for Lot 10_20140417.pdf](#)
[130847_Resolution_20140417.pdf](#)
[130847A_Horizon Hospitality Mgmt Proposal_20150305.pdf](#)
[130847B_Horizon Hospitality Mgmt Artist Rendering_20150305.pdf](#)
[130847C_Horizon Hospitality Mgmt_Sample Hotel Conceptual Planning Efforts_](#)
[130847D_Horizon Hospitality Mgmt Gainesville Hotel Oral Ppt Presentation_20](#)
[130847E_Horizon Hospitality Mgmt Economic Impact Analysis_20150305.pdf](#)
[130847F_Horizon Hospitality Mgmt Prototype siteplan drawings_20150305.pdf](#)
[130847G_Bedford Lodging Proposal_20150305.pdf](#)
[130847H_Bedford Lodging Ppt Presentation_20150305.pdf](#)
[130847i_FINAL ADD #1_20150305.pdf](#)
[130847j_FINAL RFP_20150305.pdf](#)
[130847K_Oral Eval Evaluator #1 #2 and #3_20150305.pdf](#)
[130847L_Written Eval Evaluator #1 #2 and #3_20150305.pdf](#)
[130847M_Lot #10-BID TAB_20150305.pdf](#)
[130847N_Proposal Eval Summary_20150305.pdf](#)
[130847o_Memo to City Commission dated 02-12-15_Recordings of Lot 10 RFP](#)
[130847N_MOD_Proposal Eval Summary_20150305.pdf](#)
[130847A_Lot#10 Term Sheet_20150806.pdf](#)
[130847B_Letter_20150806.pdf](#)
[130847_MOD_Lot#10 Term Sheet_20150806.pdf](#)
[130847B-MOD_Email_20150806.pdf](#)

UNFINISHED BUSINESS

COMMISSION COMMENT

CITIZEN COMMENT (If time permits)

ADJOURNMENT (no later than 11:00PM - Mayor to schedule date and time to continue meeting)