

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Meeting Agenda - Final

July 2, 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

MODIFIED AGENDA

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**

[150063.](#)

Ironwood Golf Course Cart Fleet Study (B)

This item requests that the City Commission accept a report from National Golf Foundation and authorize the City Manager to proceed with the bid process for acquisition of a new fleet of golf carts on a 4-year replacement cycle.

Explanation: As part of a strategic evaluation of the current fleet of electric powered golf carts acquired at intervals for use at the Ironwood golf course, the City of Gainesville retained the services of the National Golf Foundation (NGF) to assist in evaluating the cart fleet operations. The goal was to make the best choice to help with long-term economic sustainability of Ironwood Golf Course.

NGF conducted a review to analyze and compare the benefits of both gas- and electric-powered carts at Ironwood within the scope of the course's overall operations. NGF's evaluation included the following: 1) assessment of Ironwood golf cart operation, including golf facility needs, existing usage patterns and customer preferences; 2) comprehensive

financial review of operating a fleet of electric-powered carts vs operating a fleet of gasoline-powered carts. This included the analysis of all revenue, direct expenses and capital needs for each option; 3) comprehensive financial review of leasing a fleet of power carts vs. owning a fleet of power carts. This included the analysis of all revenue, direct expenses and future replacement needs under each option; 4) cross-comparative analysis of all four options (lease gas, lease electric, own gas, own electric).

NGF also conducted an in-person review on site at Ironwood Golf Course, and met with City officials to review and present its findings. The report provides NGF's recommendation for appropriate options, given all financial and operational input.

Fiscal Note: Currently cart purchases are staggered, with approximately 10 carts purchased per year from Ironwood capital surcharge monies. The NGF review calculated the incremental cost of replacing the entire fleet every four years at approximately \$147 per cart per year. This assumes financing the acquisition through an internal loan from the General Fund. Turning the entire fleet over every four years assures a consistent fleet of newer cars, without the issue of some customers getting a new cart and others getting an old cart as is the case today.

RECOMMENDATION

The City Commission: 1) accept the report from National Golf Foundation, and 2) authorize the City Manager to proceed with the bid process for acquisition of a new fleet of golf carts on a 4-year replacement cycle.

[150063_NGF_Report_20150618.pdf](#)

[150068.](#)

Girls Place Referral to the Recreation, Cultural Affairs and Public Works Committee (B)

This item is a request for the City Commission to refer a proposal from Girls Place, Inc. to the Recreation, Cultural Affairs and Public Works Committee (RCAPW).

Explanation: Girls Place, Inc. has been a part of the youth development community since 1985 and currently serves over 600 girls ages 5-18 each year through after school, summer camp, and athletics programs. In 2014, there were over 180 girls who participated in their volleyball leagues. Participation was limited due to available space. Girls Place, Inc. Board of Directors wrote a letter, dated February 26, 2015, to the Director of Parks, Recreation and Cultural Affairs requesting consideration of a partnership with the City of Gainesville to transform the infield of the existing track in Greentree Park into a multi-purpose recreational field in an effort to promote youth development and community health. Girls Place, Inc. proposes to expand their gymnasium, move the multi-purpose field to the infield track area and share Greentree Park's softball facility for their programs. They are prepared to launch a capital

campaign of approximately \$5 million, if approved.

On Wednesday, April 15, 2015 representatives from Girls Place presented their letter and the scope of their project to the Public Recreation and Parks Advisory Board. The Board unanimously supports their proposal.

This partnership would benefit all parties involved; Girls Place, Parks, Recreation and Cultural Affairs, and the community at large by promoting youth development and community health. Furthermore, this type of community agency partnership is included in the PRCA Master Plan, which the City Commission adopted in November 2012.

Fiscal Note: While there is no fiscal impact resulting from discussion of this matter, staff will research potential longer-term affects of the proposal, should the City Commission elect to refer it to the Committee.

RECOMMENDATION The City Commission refer the proposal from Girls Place to the Recreation, Cultural Affairs and Public Works Committee for further consideration.

[150068_ProposalLtr_20150702.pdf](#)

[150076.](#)

COPS Office FY 2015 - Community Policing Development - Microgrant Initiative for Law Enforcement (NB)

This is a request for City Commission approval for the Gainesville Police Department to accept a grant if awarded from the U.S. Department of Justice, Community Oriented Policing Services (COPS).

Explanation: The Gainesville Police Department applied for the U.S. Department of Justice's Community Oriented Policing Services (COPS) grant. The grant deadline was June 19, 2015. The grant awards can be up to \$75,000.

This grant will enable the City of Gainesville Police Department to conduct more open dialogue forums in the community. The grant is incorporating the 4.5 recommendation from the Final Report of the President's Task Force on 21st Century Policing. This recommendation suggests that "Community policing emphasizes working with neighborhood residents to co-produce public safety. Law Enforcement agencies should work with community residents to identify problems and collaborate on implementing solutions that produce meaningful results for the community."

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

RECOMMENDATION The City Commission authorize the City Manager to: 1) accept the grant if awarded, by the U.S.

Department of Justice Office of Justice Programs, COPS ; and 2) if awarded, execute any grant documents, subject to review as to form and legality by the City Attorney.

[150078.](#)

Park Trespass Provisions Referral to the Recreation, Cultural Affairs and Public Works Committee (B)

This item requests the Gainesville City Commission refer discussion of park trespass provisions on City park property to the Recreation, Cultural Affairs and Public Works Committee (RCAPW).

Explanation: The Parks, Recreation and Cultural Affairs Department (PRCA) is responsible for park properties owned or controlled by the City and listed in the City Code of Ordinances Chapter 18 - Parks and Recreation. The Department strives to provide clean and safe parks and programs for children, adults and families to enjoy. Park users who commit criminal acts in City parks and/or repeatedly violate park rules create unsafe conditions for other park users. Staff from PRCA, the City Attorney's office, and Gainesville Police Department have met on a number of occasions to discuss this issue, and would like to seek input and recommendations from the Recreation, Cultural Affairs and Public Works Committee.

Fiscal Note: There is no fiscal impact resulting from discussion of this matter.

RECOMMENDATION

The City Commission refer the discussion of a park trespass ordinance to the Recreation, Cultural Affairs and Public Works Committee for consideration.

[150078_GvlCodeCh18_20150702.pdf](#)

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

CITY ATTORNEY, CONSENT AGENDA ITEMS

[150071.](#)

Gustavo Martinez v. Ryan M. Quinn, individually, and Mark Sullivan, individually; Case No. 1:14-CV-151-MW-GRJ; United States District Court, Northern District of Florida (NB)

Explanation: On November 18, 2013, two Gainesville Police Officers responded to noise complaints at an apartment complex in Gainesville. Upon arriving, they heard yelling and screaming coming from a second balcony of one of the apartments. They proceeded to knock on the door of the apartment the noise was coming from. The door was answered by Gustavo Martinez, an occupant of the apartment who was holding a Monday night football gathering in the apartment.

The version of events diverge at this point. The officers claim that Mr. Martinez pushed one officer back with his fist and attempted to close the door. Mr. Martinez and other witnesses claim that the officers pushed him aside and entered his apartment. In any event, the situation escalated to the point where Mr. Martinez was arrested for Battery on a Law Enforcement Officer, a felony, and Resisting Arrest without Violence, a misdemeanor.

The case against Mr. Martinez was dropped by the State Attorney's Office. A lawsuit against the two officers in their individual capacities for False Arrest, Excessive Force and Unlawful Entry followed. Because the suit alleged the two officers acted under color of State law, the City was obligated to provide a defense for the officers and also to pay any judgment that might be entered against them. Due to the facts of the case the City had to provide separate counsel for each officer.

Mr. Martinez, a law student, alleged that he suffered physical injuries, as well as emotional distress and reputational damage. He paid legal fees as well as other costs associated with the arrest in excess of eight thousand dollars. He will also have to address this arrest with the Florida Board of Bar Examiners prior to his admission to the Florida Bar.

At mediation in the case, a negotiated settlement was reached, subject to approval by the City Commission. Based on the facts of the case, it is the recommendation of the City Attorney's Office, outside counsel and the Risk Management Department that the City pay \$20,000 for settlement of the lawsuit against Officer Quinn and \$20,000 for settlement of the lawsuit against Officer Sullivan.

RECOMMENDATION

The City Commission 1) approve the terms of the mediated settlement agreement; and 2) authorize the City Attorney to settle the claims of Gustavo Martinez arising from an incident that occurred on or about November 18, 2013.

[150116.](#)

**IMPASSE RESOLUTION WITH THE GATOR LODGE #67, INC.,
FRATERNAL ORDER OF POLICE (B)**

MODIFICATION - NEW ITEM

Explanation: Collective bargaining negotiations between the City of Gainesville and Gator Lodge #67, INC., Fraternal Order of Police (FOP) have reached an impasse. A request has been made by FOP to the Public Employees Relations Commission (PERC) for an appointment of a special magistrate to begin the impasse resolution process pursuant to Florida Statute Section 447.403(2)(a).

Once PERC appoints a special magistrate, the special magistrate will hold hearings to define the areas of dispute, determine facts relating to the dispute, and render a decision on any and all unresolved contract

issues. Within 15 days after the close of the final hearing, the special magistrate is required to issue a recommended decision to PERC and the parties. Each recommendation of the special magistrate is deemed approved by both parties unless specifically rejected in writing by either party within 20 days after the party received the recommended decision.

If either party does not accept, in whole or in part, the recommended decision of the special magistrate, the City Manager will submit a copy of the special magistrate's findings of fact and recommended decision to the City Commission within 10 days after the rejection. The parties are required to submit their recommendations for settling the disputed impasse issues to the City Commission. The City Commission is then required to conduct a public hearing at which the parties must explain their positions with respect to the rejected recommendations of the special magistrate. Thereafter, the City Commission must take such action as it deems to be in the public interest, including the interest of the public employees involved, to resolve all disputed impasse issues.

Following the resolution of the disputed impasse issues by the City Commission, the parties must reduce to writing an agreement which includes those issues agreed to by the parties and those disputed impasse issues resolved by City Commission's action. The agreement must be signed by the City Manager and FOP's bargaining agent and submitted to the City Commission and FOP members for ratification. If such agreement is not ratified by all parties, the City Commission's action shall take effect as of the date of such action for the remainder of the first fiscal year which was the subject of negotiations; however, the City Commission's action shall not take effect with respect to those disputed impasse issues which establish the language of contractual provisions which could have no effect in the absence of a ratified agreement, including, but not limited to, preambles, recognition clauses, and duration clauses.

RECOMMENDATION The City Commission authorize the City Attorney to represent the City in the impasse resolution process with the Gator Lodge #67, INC., Fraternal Order of Police.

[150116_Notice of Impasse_20150702.pdf](#)

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

[150091](#)

Appointment to City Commission Advisory Boards and Committees (NB)

RECOMMENDATION The City Commission appoint:
Harvey A. Lewis to the Pension Review Committee for a term to expire 7/31/2020
Laura A. NeSmith to the Art in Public Places Trust for a term to expire 9/30/2018

*Faye Williams to the SHIP Affordable Housing
Advisory Committee for a term to expire 7/1/2017.*

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA 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)

GENERAL MANAGER FOR UTILITIES

[140384.](#)

GRU Governance - Draft Language to Create a Utility Advisory Board (B)

Explanation: On April 2, 2015, the City Commission directed the City Attorney to draft ordinance language to create a utility advisory board based on the model discussed by the Commission and bring the draft back to the Commission for review and input prior to an ordinance being finalized and advertised for first and second reading.

The draft provides for the creation, authorization, staffing and funding of a utility advisory board to advise and make recommendations to the City Commission regarding all aspects of the governance of the city's water, wastewater, electric, gas and telecommunication utilities. This utility advisory board would replace the existing Energy Advisory Committee and the Regional Utilities Committee.

RECOMMENDATION

The City Commission hear a presentation from the City Attorney's Office and discuss any desired revisions to the proposed draft.

Legislative History

10/21/14	General Policy Committee	Approved, as shown above
1/21/15	General Policy Committee	Approved as shown above (See Motion)
2/26/15	City Commission	Discussed
3/30/15	City Commission	Continued
4/2/15	City Commission	Approved, as shown above

[140384 FMEA Governance Presentation 2014.10.21](#)
[140384 Governance Chart 2014.10.21](#)
[140384 GRU Governance and APPA Workshop 2014.10.21](#)
[140384 GRU Governance Memorandum 2014.10.21](#)
[140384 Utility Governance Changes and Examples 20150121.pdf](#)
[140384 Outline of Proposed Advisory Committee 20150330.pdf](#)
[140384 Lakeland Information 20150330.pdf](#)
[140384 GRUadvisoryboardproposal 20150226.pdf](#)
[140384 draft language to create utility board 20150702.pdf](#)

[150093.](#)

GRU Emergency Operations Management (B)

****This Item is Informational.****

****Presentation Time Approximately 20 Minutes****

MODIFICATION - ADDED POWERPOINT PRESENTATION

Explanation: Staff will give a presentation on GRU's Emergency Operations Management.

Fiscal Note: None

RECOMMENDATION

The City Commission hear a presentation on GRU's Emergency Operations Management.

[150093_MOD_GRU Emergency Operations Mgt Pres. 20150702.](#)

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

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.

[150092.](#)

Appointments to the Gainesville Human Rights Board (B)

RECOMMENDATION

The City Commission discuss appointments to the Gainesville Human Rights Board and take appropriate action.

[150092_HRBAppointment_20150702.pdf](#)

[150100.](#)

Appointments to the Public Recreation and Parks Board (B)**RECOMMENDATION**

The City Commission discuss appointments to the Public Recreation and Parks Board and take appropriate action.

[150100_PRPBAppointment_20150702.pdf](#)

[150099.](#)

Ground Lease for Cade Museum at Depot Park (B)

This is a request for the City Commission to authorize execution of the Cade Museum lease agreement.

Explanation: The Cade Museum was selected in a 2013 RFP process to locate a new 45,000 sq ft museum for creativity and invention on an approximately 2.155 acre parcel at the western edge of Depot Park along Main Street. CRA staff has been working with Cade Museum representatives to develop terms for a long term agreement for the site. At the December 18, 2014 meeting the City Commission extended the deadline for the execution of a final development and disposition agreement until June 30, 2016. The final development agreement will outline the terms for shared maintenance at the site, requested infrastructure assistance and other items related to operations of the site as the project is further developed.

The Cade Museum has requested that a long term lease be executed ahead of completion of a final development agreement so that the museum may be eligible to apply for a significant Cultural Facilities grant sponsored by the Florida Department of State, Division of Cultural Affairs, Florida Council on Arts and Culture.

The negotiated lease has a 50 year term with payment of \$1 per year, and the lease may be renegotiated at the end of the initial 50 year term. The lease indicates that Phase I construction must begin by April 1, 2016 and be completed by July 1, 2017. The lease also stipulates that as a remediated Brownfield site, there will be restrictive covenants outlining construction restrictions on the property.

The Cade Museum is in the process of raising funds for building construction and has raised \$5.1 million of the \$7 million needed to complete Phase I of the museum. They are very actively pursuing the remaining funding needed for Phase I of construction and plan to hold a

groundbreaking in October and to begin construction later this winter.

Fiscal Note: The proposal received from the Cade Museum includes requests for infrastructure improvements at the site from the City and CRA and a \$150,000 landscape/hardscape building allowance from the CRA. These requests will be the subject of negotiations and will be brought back to the CRA Board and City Commission at a later date.

RECOMMENDATION

City Manager to City Commission: 1) Authorize execution of lease agreement between the City of Gainesville and the Cade Museum subject to approval by the City Attorney as to form and legality.

[150099A Presentation 20150702.pdf](#)

[150099B Lease 20150702.pdf](#)

[150102.](#)

School Resource Officer Funding for Fiscal Year 2016 (B)

This is a request for the City Commission to authorize a contract for the School Resource Officer Program. **ESTIMATED STAFF ORAL UPDATE 7 MINUTES**

Explanation: The City's contract with the School Board of Alachua County (SBAC) for School Resource Officers expires September 30, 2015. The SBAC has indicated they are only allocating Safe School Funding from the State to fund all School Resource Officers in the school system. This amount is reported to be \$807,342. The SBAC allotted \$1,084,778 total funding in FY 2014/15 for these programs. The total reduction County-wide is not yet known. The SBAC has indicated that they do not intend to supplement this funding with other sources. If there is a reduction in funding, the Commission will have the option to continue the current level of service provided by GPD and fund the deficit with undesignated revenue, or reduce that level of service.

Fiscal Note: Fiscal impact to be determined pending the negotiation of a contract.

RECOMMENDATION

The City Commission: hear an update on the School Resource Officer Program; 2) authorize the City Manager or his designee to negotiate a contract with the School Board of Alachua County for the School Resource Officer Program; and 3) instruct staff to bring the negotiated contract to the City Commission final approval.

[150102a_SRO Current Contract 20150702](#)

[150102b_SRO Letter From School Board 20150702](#)

[140636.](#)

Selection of Candidates to be Interviewed for the Equal Opportunity

Director Position (B)

This is a request for the City Commission to select candidates to move forward in the Equal Opportunity Director interviews process.

Explanation: Cecil Howard, Equal Opportunity Director, resigned from his employment with the City effective January 31, 2015. In order to hire a new Equal Opportunity Director, the City Commission authorized the Human Resources Department to engage the services of an Executive Search Firm to initiate a search to fill the position.

The Mercer Group conducted a search and will present resumes of the most highly qualified candidates to be considered for interviews.

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

RECOMMENDATION

The City Commission: 1) select candidate(s) to move forward in the Equal Opportunity Director Interview process; and 2) authorize The Mercer Group to invite the selected candidate(s) to participate in the process.

Legislative History

1/15/15 City Commission Approved as Amended

[140636_EO Job Description_20150115.pdf](#)

[140636_EO Recruitment Ad_20150416.pdf](#)

[140636A_EO Dir Summary List_20150702.pdf](#)

[140636B_EO Dir Candidate Alston_20150702.pdf](#)

[140636C_EO Dir Candidate Ellis_20150702.pdf](#)

[140636D_EO Dir Candidate Elmore_20150702.pdf](#)

[140636E_EO Dir Candidate Saffo_20150702.pdf](#)

[140636F_EO Dir Candidate Smith_20150702.pdf](#)

[140636G_EO Dir Candidate Thomas_20150702.pdf](#)

[150101.](#)

Comissioner Helen Warren - Discussion of Informal Workshop (NB)

RECOMMENDATION

The City Commission discuss having informal workshops and take action deemed appropriate.

5:30 P.M.

PLEDGE OF ALLEGIANCE (5:30pm)

Mr. Bob Gasche

**PROCLAMATIONS/SPECIAL RECOGNITIONS Placed on Agenda by
Commissioner or Charter Officer**[150096.](#)**Certificate of Merit Recipients (B)****RECOMMENDATION**

The City Commission hear the Special Recognition of Gail McCray (Property Manager) and Donna Sheppard (Leasing Consultant) - Eden Park at Ironwood Marcia Cornwell (President & CEO) - Bread of the Mighty Food Bank Renae Clements (Philanthropist, City Volunteer & Former Director of Girls Club of Alachua County).

[150096 Merits 20150702.pdf](#)[150122.](#)**Gainesville High School Freshman Peyton Dees - State of Florida representative at the Congress of Future Medical Leaders in Boston, MA (NB)****MODIFICATION - NEW ITEM****RECOMMENDATION**

The City Commission recognize Gainesville High School Freshman Peyton Dees.

[150087.](#)**Independence Day - July 4, 2015 (B)****RECOMMENDATION**

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

[150087_IndependenceDay_20150702.pdf](#)[150088.](#)**Parks, Recreation and Cultural Month - July 2015 (B)****RECOMMENDATION**

Public Recreation & Parks Board Chair Elisabeth Manley, Gainesville/Alachua County Cultural Affairs Board Secretary Leslie Ladendorf and Nature Centers Commission Board Representative Amy Carpus to accept the proclamation.

[150088_CulturalMonth_20150702.pdf](#)

[150125.](#)**Esther Harris Day - June 22, 2015 (B)**

MODIFICATION - NEW ITEM

RECOMMENDATION*Mrs. Esther Harris to accept the proclamation.*[150125_EstherHarris_20150702.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**[150079.](#)

RESOLUTION APPROVING AN INTERLOCAL AGREEMENT AND APPROVING THE ISSUANCE OF HEALTH CARE FACILITIES REVENUE BONDS BY THE CITY OF JACKSONVILLE FOR PURPOSES OF SECTION 147 OF THE INTERNAL REVENUE CODE (B)

RESOLUTION NO. 150079

A RESOLUTION OF THE CITY OF GAINESVILLE, FLORIDA, APPROVING THE EXECUTION OF AN INTERLOCAL AGREEMENT WITH THE CITY OF JACKSONVILLE, FLORIDA (THE "ISSUER"); APPROVING FOR PURPOSES OF SECTION 147 OF THE INTERNAL REVENUE CODE THE ISSUANCE BY THE ISSUER OF ITS HEALTH CARE FACILITIES REVENUE BONDS (BROOKS REHABILITATION), IN ONE OR MORE TAX-EXEMPT OR TAXABLE SERIES, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$130,000,000, TO FINANCE, REIMBURSE OR REFINANCE THE COSTS OF THE ACQUISITION, CONSTRUCTION, INSTALLATION AND EQUIPPING OF CERTAIN HEALTH CARE FACILITIES TO BE LOCATED WITHIN THE JURISDICTION OF THE CITY OF GAINESVILLE, FLORIDA, AND OTHER HEALTH CARE FACILITIES LOCATED OUTSIDE THE CITY OF GAINESVILLE, FLORIDA, OF WHICH NOT TO EXCEED \$2,000,000 WILL BE ISSUED FOR THE PURPOSE OF PROVIDING FUNDS TO MAKE A LOAN TO GENESIS HEALTH, INC., A FLORIDA NOT FOR PROFIT CORPORATION, TO FINANCE, REIMBURSE OR REFINANCE A PORTION OF THE COSTS OF THE ACQUISITION AND

INSTALLATION OF SUCH HEALTH CARE FACILITIES TO BE LOCATED IN THE CITY OF GAINESVILLE, FLORIDA; AND PROVIDING AN EFFECTIVE DATE.

MODIFICATION - ADDITIONAL BACK-UP (Exhibit C)

Explanation: The City of Jacksonville, Florida (the "Issuer"), intends to issue Health Care Facilities Revenue Bonds in an amount not to exceed \$130,000,000 (the "Bonds") and to lend a portion of the proceeds not to exceed \$2,000,000 to Genesis Health Inc., a Florida not for profit corporation, (the "Borrower") to finance, reimburse or refinance the costs of the acquisition and installation of certain health care facilities located in the City of Gainesville (the "Gainesville Project") and other health care facilities located outside of the City of Gainesville, Florida.

The Gainesville Project consists of the purchase of existing business assets (capital improvements, fixtures, furnishings, equipment and related personal property) used to provide home health services, located at 4615 NW 53rd Avenue, Suite C, Gainesville, Florida.

Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), requires that the governmental unit having jurisdiction over the area in which the Project to be financed is located must approve the issuance of such bonds, either by public hearing or by voter referendum.

The Borrower has requested that the Commission hold a public hearing and adopt a resolution approving the issuance of the bonds in order to satisfy the public approval requirement of Section 147(f) of the Code and enter into an Interlocal Agreement with the City of Jacksonville, Florida, consenting to Jacksonville's issuance of bonds for a project within the City limits of Gainesville.

Neither the provisions, covenants or agreements contained in the Interlocal Agreement or any obligations imposed upon Gainesville, nor the Bonds issued pursuant to the Interlocal Agreement, shall constitute an indebtedness or liability of the City of Gainesville. The Bonds when issued, and the interest thereon, shall be limited and special obligations of Jacksonville payable solely from certain nongovernmental revenues and other nongovernmental amounts pledged thereto.

RECOMMENDATION

The City Commission: 1) hold a public hearing; 2) adopt the proposed Resolution; and 3) authorize the Mayor to execute and the Clerk of the Commission to attest the Resolution and the Interlocal Agreement referenced therein; and 4) Direct the Clerk to record the executed Interlocal Agreement in the Public Records of Alachua County.

[150079 draft resolution 20150702.pdf](#)

[150079 MOD draft resolution 20150702.pdf](#)

[150028.](#)

Resolution for Traffic Signal Maintenance and Compensation Agreement (B)

This item is a request to enter into the newest Florida Department of Transportation Traffic Signal Maintenance and Compensation Agreement.

Explanation: The Florida Department of Transportation (FDOT) currently compensates the City of Gainesville to maintain their traffic signals within city limits. The updated agreement will now compensate the city for school flashers, beacons and blank out signs, but also changes how any future painted steel mast arm intersections will be maintained.

Current FDOT policy states that any intersection not within the ten mile range of the coast will be constructed as a span wire intersection. There are occasions when traffic signals in our area get reconstructed. If the City requests these signal reconstructions to be mast arm the City must agree to pay the cost difference for capital construction.

The new agreement divides mast arm maintenance into two categories, preventative maintenance, and periodic maintenance. Under the new agreement, the City will be responsible for preventative maintenance and FDOT for periodic maintenance. If any new mast arms are requested to be painted, the City becomes responsible for both preventative and periodic maintenance. The City has had a policy requiring mast arms to be painted black.

Periodic maintenance includes repair of cracks, removal and/or repair of grout pads, resetting of anchor bolts and repair or replacement of deteriorated anchor bolt and nuts. Mast arms that the Department determines to be at the end of its useful life will be replaced by the Department so long as documented preventative maintenance and any applicable periodic maintenance was satisfactorily performed.

Fiscal Note: The Florida Department of Transportation compensates the City annually for Traffic Signal Maintenance. The amount to be reimbursed for FY 15 is \$443,436.00 which is an increase of \$198,404.38 (80.97%) from FY 14. The City's Capital Improvement Plan for FY 15, 16 & 17 includes \$60,000 each year for capital maintenance of mast arms.

RECOMMENDATION

The City Commission: 1) adopt the Resolution for Traffic Signal Maintenance and Compensation Agreement with the Florida Department of Transportation; and 2) authorize the City Manager to execute all necessary documents, subject to approval by the City Attorney as to form and legality.

[150028A Agreement 20150702.pdf](#)

[150028B ExhibitA 20150702.pdf](#)

[150028C ExhibitB&C 20150702.PDF](#)

[150028D Resolution 20150702.pdf](#)

ORDINANCES, ADOPTION/SECOND READING-ROLL CALL REQUIRED

[140932.](#)

LAND USE CHANGE - 1220 NW 39TH AVENUE (B)

Ordinance No. 140932; Petition No. PB-15-20 LUC

An ordinance of the City of Gainesville, Florida, amending the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of approximately 0.33 acres of property generally located at 1220 NW 39th Avenue approximately 360 feet east of NW 13th Street, as more specifically described in this ordinance, from Office (O) 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 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 0.33 acres of property from Office (O) to Mixed-Use Low-Intensity (MUL). The subject property is currently developed and is generally located at 1220 NW 39th Avenue approximately 360 feet east of NW 13th Street. The property owner has requested the land use change in order to open a retail toy store, which is not allowed under the current land use and zoning.

The current Office land use category allows professional and service uses, medical uses, compound and residential uses, and appropriate ancillary uses, but it does not allow retail stores. This land use change to MUL will allow a broad range of non-residential and residential uses, including offices and retail scaled to serve the surrounding neighborhood, and it will increase the allowable residential density by 10 units per acre (the Office land use category allows up to 20 units per acre). The proposed land use change is consistent with the City's Comprehensive Plan and will support infill and redevelopment by broadening the range of permitted uses for this property. The allowance of low-intensity non-residential uses will allow for a greater range of redevelopment opportunities for this site that is near the intersection of two, four-lane arterial roadways.

After public notice was published in the Gainesville Sun on April 7, 2015, the City Plan Board held a public hearing on April 23, 2015, and voted 6-0 to recommend approval of this ordinance.

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 enters 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- 20 LUC; and 2) adopt the proposed ordinance.

[140932A draft ordinance 20150702.pdf](#)

[140932B staff report 20150702.pdf](#)

[140932C Append A Comprehensive Plan GOPs 20150702.pdf](#)

[140932D Append B Supplemental docs 20150702.pdf](#)

[140932E Append C Application 20150702.pdf](#)

[140932F CPB minutes 20150702 .pdf](#)

[140932G staff ppt 20150702.pdf](#)

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

[140933.](#)

QUASI-JUDICIAL - REZONING - 1220 NW 39TH AVENUE (B)

Ordinance No. 140933; Petition No. PB-15-21 ZON

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning approximately 0.33 acres of property generally located at 1220 NW 39th Avenue approximately 360 feet east of NW 13th Street, as more specifically described in this ordinance, from Office Residential District (OR) to Mixed Use Low Intensity District (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 STAFF REPORT
This ordinance will rezone approximately 0.33 acres of property from Office Residential District (OR) to Mixed Use Low Intensity District (MU-1). The subject property is currently developed and is generally*

located at 1220 NW 39th Avenue approximately 360 feet east of NW 13th Street. The property owner has requested the rezoning in order to open a retail toy store, which is not allowed under the current zoning.

The intent of the MU-1 zoning district is to allow coordinated developments designed to offer a mixture of residential, convenience-type retail, professional, and consumer service uses primarily for residents of mixed-use and adjacent residential neighborhoods. The district is intended to reduce the length and number of vehicular trips by providing for basic needs within close proximity to residential areas, by encouraging pedestrian access, and by the combining of trips. The current OR zoning allows a much narrower range of non-residential uses, and does not allow retail sales (but does allow sales offices without warehousing, showrooms or retail space).

The proposed rezoning is consistent with the City's Comprehensive Plan, supports infill and redevelopment, and supports economic development by broadening the range of permitted uses for this property located near the intersection of two, four-lane arterial roadways.

After public notice was published in the Gainesville Sun on April 7, 2015, the City Plan Board held a public hearing on April 23, 2015, and voted 6-0 to recommend approval of this ordinance.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings. This ordinance shall become effective immediately upon adoption; however, the rezoning implemented by this ordinance shall become effective when the amendment to the City of Gainesville Comprehensive Plan adopted by Ordinance No. 140932 becomes effective as provided therein.

RECOMMENDATION

The City Commission: 1) approve Petition No. PB-15-21 ZON; and 2) adopt the proposed ordinance.

[140933A draft ordinance 20150702.pdf](#)

[140933B staff report 20150702.pdf](#)

[140933C Append A Comprehensive. Plan GOPs 20150702.pdf](#)

[140933D Append B Supplemental docs. 20150702.pdf](#)

[140933E Append C Application 20150702.pdf](#)

[140933F CPB minutes 20150702 .pdf](#)

[140933G staff ppt 20150702.pdf](#)

[130141](#)

ORDINANCE TO PERMIT VENDING BOOTHS ON CERTAIN PUBLIC PROPERTY ON UNIVERSITY OF FLORIDA HOME FOOTBALL GAME DAYS (B)

Ordinance No. 130141

An ordinance of the City of Gainesville, Florida, amending the Gainesville Code of Ordinances related to peddlers, solicitors and canvassers; by amending Section 2-339 to create penalties for certain violations; by amending Chapter 19, Article IV Vending Booths and Itinerant Vendors to permit and regulate football game day vending booths; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date..

Explanation: The City Commission, at its February 20, 2014 meeting, directed the City Attorney to draft, and the Clerk to advertise, an ordinance amending Chapter 19 of the Code of Ordinances to permit vending booths on designated public property or City right-of-way on University of Florida football game days.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

6/20/13	City Commission	Referred to the Community Development Committee
8/14/13	Community Development Committee	Approved as shown above (See Motion)
12/11/13	Community Development Committee	Approved, as shown above - See Motion(s)
2/20/14	City Commission	Approved as Recommended

[130141A Chapter 19 20130814.pdf](#)

[130141B Maps 20130814.pdf](#)

[130141 Area Maps 20131211.pdf](#)

[130141A Chapter 19 20140220.pdf](#)

[130141B Area Maps 20140220.pdf](#)

[130141 draft ordinance 20150702.pdf](#)

ORDINANCES, ADOPTION/2ND READING- ROLL CALL REQUIRED

[140296.](#)

**Living Wage Ordinance - requirements for regular City employees.
(B)**

Ordinance No. 140296

An ordinance of the City of Gainesville, Florida amending Article IX of Chapter 2 of the City Code of Ordinances relating to Living Wage, by adding a Section 2-618 on requirements for City employees; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: The City's Living Wage Ordinance requires contractors and subcontractors, who employ 50 or more employees, to provide a living wage to employees who perform specified services pursuant to contracts valued at more than \$100,000. The living wage is determined annually, and is currently \$11.6587/hour with health insurance coverage and \$12.91/hour without health insurance coverage.

At its February 3, 2015 meeting, the Legislative and Organizational Policy Committee directed staff to seek City Commission authorization to expressly extend a living wage to City employees by ordinance. This ordinance will codify the City's longstanding practice of providing a living wage to regular employees of the City. Indeed, when the Living Wage Ordinance was created in 2003, it provided in part, "WHEREAS, the City has set an example by providing a living wage to City employees as determined consistent with budgetary, pay plan and bargaining unit considerations..."

On April 16, 2015, the City Commission directed the City Attorney to draft and the Clerk to advertise this Ordinance.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

7/22/14	City Commission	Referred to the Legislative and Organizational Policy Committee
2/3/15	Legislative and Organizational Policy Committee	Discussed
4/16/15	City Commission	Approved as Recommended
6/18/15	City Commission	Adopted on First Reading (Ordinance)

[140296A Article IX Living Wage Requirements 20150203.pdf](#)

[140296B Original Ordinance- Living Wage 20150203.pdf](#)

[140296C Living Wage History 20150203.pdf](#)

[140296 February 3 Committee Minutes 20150416.pdf](#)

[140296 draft ordinance 20150618.pdf](#)

[140692.](#)

TEXT CHANGE - ROOFTOP SOLAR PHOTOVOLTAIC POWER SYSTEMS (B)

Ordinance No. 140692; Petition No. PB-14-156 TCH

An ordinance of the City of Gainesville, Florida, amending the Land Development Code relating to rooftop solar photovoltaic power systems; by amending Section 30-23 to add a definition; by amending Section 30-343 to allow rooftop solar photovoltaic power systems in all zoning districts; and by amending Section 30-112 to provide regulations for

installation of such systems on structures on the local register of historic places; providing directions to the codifier; 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 Land Development Code to allow installation of rooftop solar photovoltaic power systems in all zoning districts. It also adds a definition of rooftop solar photovoltaic power systems and provides regulations concerning the installation of these systems on structures subject to historic preservation/conservation. To date, the City has administratively allowed the installation of rooftop solar photovoltaic power systems in all zoning districts. However, the Land Development Code does not currently contain any clear statements concerning this and does not contain a definition of these systems.

This ordinance results from an interlocal agreement (Legistar # 140483) with Alachua County (who has partnered with Broward County under the U.S. Department of Energy Rooftop Solar Challenge Agreement entitled Go SOLAR-Florida) to encourage installation and expedite permits for rooftop solar photovoltaic power systems.

After public notice was published in the Gainesville Sun on January 6, 2015, the City Plan Board held a public hearing on January 22, 2015, and recommended approval of the petition by a vote of 6-0.

CITY ATTORNEY MEMORANDUM

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

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

6/18/15 City Commission Approved (Petition) and Adopted on First Reading (Ordinance)

[140692B_Staff report_20150618.pdf](#)

[140692C_ Exh A-1_ Proposed LDC text changes_20150618.pdf](#)

[140692D_ Exh B-1_ Interlocal agreement_20150618.pdf](#)

[140692E_ Exh C-1_ Application_20150618.pdf](#)

[140692F_ CPB minutes_20150618_.pdf](#)

[140692G_ staff ppt_20150618.pdf](#)

[140692A_ draft ordinance_20150618.pdf](#)

PLAN BOARD PETITIONS

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

UNFINISHED BUSINESS

COMMISSION COMMENTS

CITIZEN COMMENTS (If time permits)

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