

# City of Gainesville

City Hall  
200 East University Avenue  
Gainesville, Florida 32601



## **Meeting Agenda - Final**

**February 19, 2015**

**1:00 PM**

**MODIFIED AGENDA**

**City Hall Auditorium**

## **City Commission**

***Mayor Ed Braddy (At Large)***  
***Commissioner Lauren Poe (At Large)***  
***Commissioner Helen Warren (At Large)***  
***Commissioner Yvonne Hinson-Rawls (District 1)***  
***Mayor-Commissioner Pro Tem Todd Chase (District 2)***  
***Commissioner 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****ADOPTION OF THE CONSENT AGENDA (Including both General Government and Gainesville Regional Utilities items)****CITY MANAGER, CONSENT AGENDA ITEMS**[140571.](#)**Consolidated Police Officers and Firefighters Retirement Plan Ordinance Amendments (B)**

**This item requests the City Commission authorize the City Attorney to draft an ordinance to modify the DROP provisions of the Consolidated Police Officers and Firefighters Retirement Plan.**

*Explanation: The City recently completed pension negotiations with the Collective Bargaining Units (CBUs) that represent the members of the consolidated Police Officers and Firefighters Retirement Plan resulting in significant savings in the cost of this benefit. Thereafter, the International Association of Firefighters (IAFF) requested to open up the plan to discuss a Deferred Retirement Option Program (DROP) for members who are vested members of the General Employee's Retirement Plan. The current DROP provision requires members to complete their DROP within thirty years of service. The service includes all City service, including service time credited to the non-public safety plan. It also allows entry into the DROP at either twenty-five years of service or when the member's age plus years of service equal seventy (Rule of 70). While this does allow the majority of the plan's members participate in the DROP, it leaves a small portion of those members unable to take advantage of the DROP largely due to the inclusion of the General*

*Pension Plan's service in the thirty year total service. The CBU's and staff recognize and acknowledge the value of the DROP and have tentatively agreed to establish an additional DROP provision for these members.*

*In general, subject to ratification by the applicable CBU and City Commission, those members who are also vested members of the General Employee's Pension Plan (at least five years of service in the General Plan) would be allowed to participate in the DROP for a maximum of five years if they enter before twenty five years of Consolidated Pension Plan service and exit the DROP on or before thirty-five years of total service.*

**RECOMMENDATION**      *The City Commission: 1) Authorize the City Attorney to prepare; and 2) Authorize the Clerk of the Commission to advertise the ordinance required to effectuate the negotiated changes to the Consolidated Police Officers and Firefighters Retirement Plan.*

[140571 DROP 20150219.docx](#)

[140702.](#)

### **Application for Disability Retirement for Charles G. Crampton (B)**

**This is a request for the City Commission to approve the disability retirement application for Charles G. Crampton, Power Systems Control Specialist, Senior, GRU - Systems Control for 17.25 years, who has been under the care of a physician for medical reasons.**

*Explanation: A meeting of the Disability Review Committee was conducted on Wednesday, January 21, 2015 to review the application for disability retirement of Charles G. Crampton. In reviewing the application and supporting information from his physicians, it is the recommendation of the Disability Review Committee that the City Commission approve the application.*

*Charles G. Crampton, Power Systems Control Specialist, Senior, GRU - Systems Control for 17.25 years, has been under the care of a physician for medical reasons. Information provided to the Committee from his physicians and the City of Gainesville's third party administrator, American General Life Companies, states that Mr. Crampton is totally disabled and wholly and continuously unable to perform any and every duty of his employment or of a position to which he may be assigned.*

*Fiscal Note: The current monthly salary, final average earnings of the employee's 36 highest consecutive months of earnings, and the estimated benefit for this employee has been determined to be: current monthly salary - \$1,261.89 (employee eligible for early retirement); final average monthly earnings - \$5,163.75; adjusted monthly disability benefit - \$519.61 Social Security Offset has yet to be determined. Benefit shall become effective August 25, 2014, upon the City Commission's approval and would be*

*paid from the Disability Pension Fund.*

**RECOMMENDATION**

*The City Commission approve the submitted application for disability retirement for Charles G. Crampton, Power Systems Control Specialist, Senior, GRU-Systems Control.*

[140702\\_Crampton Disability Plan Application\\_20150219.pdf](#)

**GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS**

**CITY ATTORNEY, CONSENT AGENDA ITEMS**

**CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS**

**EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**

**COMMITTEE REPORTS, CONSENT AGENDA ITEMS**

**LEGISLATIVE AND ORGANIZATIONAL POLICY COMMITTEE, CONSENT**

[140511.](#)

**"At Will" Positions (B)**

**This item seeks City Commission approval to remove an agenda item from the Committee's referral list.**

*Explanation: After discussion, the committee members of the Legislative and Organizational Policy Committee have determined that no further action is needed and recommends this referral be removed from the Legislative and Organizational Policy Committee's referral list. Minutes from the January 20, 2015 committee meeting are attached as back-up.*

**RECOMMENDATION**

*The City Commission remove "At Will" Positions from the Legislative and Organizational Policy Committee's referral list as requested by the Committee.*

**Legislative History**

12/2/14	Legislative and Organizational Policy Committee	Continued
1/20/15	Legislative and Organizational Policy Committee	Referred to the City Commission

[140511A\\_AT WILL positions\\_20150120.pdf](#)

[140511B Peer City Comparisons\\_20150120.pdf](#)

[140511\\_Jan 20 2015 Meeting Minutes\\_20150219.pdf](#)

**RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE, CONSENT**[130508.](#)**Strategic initiative 6.3: Identify Steps of Implementation for the Parks, Recreation & Cultural Affairs Master Plan and Continued Acquisition of Conservation land (NB)**

**This item requests that the City Commission authorize the Mayor to send a letter to the Trust for Public Land Regional Office requesting technical advice and assistance with the City's efforts to develop a program to fund implementation of the Parks, Recreation and Cultural Affairs Master Plan.**

*Modification - Added to the Consent Agenda*

*Explanation: At the February 12, 2015 meeting, the Committee voted to recommend that the City Commission authorize the Mayor to send a letter to the Trust for Public Land (TPL) Regional Office located in Tallahassee, Florida, requesting technical advice and assistance with the Commission's Strategic Initiative 6.3 to develop a program to fund implementation of the Parks, Recreation and Cultural Affairs Master Plan. TPL provides professional technical services to state and local government executives, boards and public agencies that need to research and evaluate recreation and conservation funding options.*

**RECOMMENDATION**

*The City Commission authorize the Mayor to send a letter to the Trust for Public Land Regional Office requesting technical advice and assistance with the City's efforts to develop a program to fund implementation of the Parks, Recreation and Cultural Affairs Master Plan.*

**Legislative History**

11/19/13	City Commission	Referred to the Recreation, Cultural Affairs and Public Works Committee
1/8/15	Recreation, Cultural Affairs and Public Works Committee	Approved as shown above (See Motion)

[130508A Master Plan Presentation 20150108 .pdf](#)

[130508B Achievements List 20150108.pdf](#)

[130508C Master Plan Prioritization List 20150108.pdf](#)

[130508D Master Plan Recommendations 20150108.pdf](#)

[130508 Rev Master Plan Project List 20150212.pdf](#)

**COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS****END OF CONSENT AGENDA**

**ADOPTION OF THE GENERAL GOVERNMENT REGULAR AGENDA (Read if any, each item added or modified)**

**GENERAL GOVERNMENT-RELATED CITIZEN COMMENT (not to exceed 30 minutes in length)**

**CLERK OF THE COMMISSION**

**CITY MANAGER**

[120521.](#)

**NW 8th Avenue Follow-Up (B)**

**This item is a follow-up to the December 4, 2014 presentation to the City Commission regarding the NW 8th Avenue project as requested by the Commission.**

*Explanation: On December 4, 2014 the City Commission approved Option #4 which included four travel lanes and wide sidewalks. The Commission requested staff to come back with the cost and feasibility of installing radar speed detectors, research crosswalk options, and to explore 4 lane options with creative solutions for pedestrian and bicycle facilities.*

*Fiscal Note: Approximately \$3,565,000 is available and unencumbered for the construction of this project. Construction cost estimates start at \$3.4 Million for Option #4.*

**RECOMMENDATION**

*The City Commission: 1) receive staff presentation; 2) select an Option for Section B to proceed to final plans; and 3) select pedestrian crossing accommodations.*

**Legislative History**

10/30/12	City Commission	Completed
5/2/13	City Commission	Approved, as shown above - See Motion(s)
12/5/13	City Commission	Approved, as shown above
12/4/14	City Commission	Approved as Amended

[120521 Presentation 20121030.pdf](#)  
[120521 Hudson letter 20121101.pdf](#)  
[120521 citizens 20121101.pdf](#)  
[120521-MOD Presentation 20130502.pdf](#)  
[120521 Presentation 20131205.pdf](#)  
[120521-MOD Feedback Summary 20131205.pdf](#)  
[120521 MOD pics 20131205.pdf](#)  
[120521A TrafficStudy 20141204.pdf](#)  
[120521B 2011Report 20141204.pdf](#)  
[120521C Cost Estimate Package 20141204.pdf](#)  
[120521D Presentation 20141204.pdf](#)  
[120521E Harvard Study 20141204.pdf](#)  
[120521F OptionSlidesPowerPoint 20141204.pdf](#)  
[120521D MOD-Presentation 20141204.pdf](#)  
[120521 MOD 8th Ave citizen petition 20141204.pdf](#)  
[120521G MOD-Cost Estimate Opt 5+6 20141204.pdf](#)  
[120521H-MOD Options 5 and 6 20141204.pdf](#)  
[120521 citizen comment 20150115.pdf](#)  
[120521A Presentation 20150219.pdf](#)  
[120521B Cost Estimates 20150219.pdf](#)  
[120521 Signatures 20041204.pdf](#)

## 130625.

### **Diverse Interview Panels (B)**

#### *Modification*

*Explanation: At the City Commission April 17, 2014 meeting, the EO Director recommended the establishment of racially diverse interview panels and the Commission approved to establish diverse interview panels for supervisory position interviews.*

*During the course of discussion at the January 15, 2015 City Commission meeting, the EO Director recommended the use of the word "racial" when referring to interview panels. The Commission requested the EO Director re-send information regarding diverse interview panels.*

*On February 5, 2015 the City Commission recommended this item be brought up again for discussion at an upcoming Commission meeting.*

#### **RECOMMENDATION**

*The City Commission: 1) hear an update on the initial recommendation by former EO Director and hear a report on the practice and standard of other municipalities for the utilization of diverse interview*

panels; 2) receive the recommendation to add back the word "racial" when referring to interview panels; and 3) take action deemed appropriate.

Legislative History

1/14/14	Equal Opportunity Committee	Heard
3/6/14	City Commission	Approved, as shown above
3/11/14	Equal Opportunity Committee	Approved as shown above (See Motion)
4/17/14	City Commission	Approved, as shown above

[130625 PPT 20140306.pdf](#)

[130625 MOD MemoCommission 20140417.pdf](#)

[130625 MOD memo comments 20140417.pdf](#)

[130625 Mod Comments to EO Rec 20140417.pdf](#)

[130625 MOD RACIALLY DIVERSE INTERVIEW PANELS 20150219.pdf](#)

[140727.](#)

**REQUIRING RACIALLY DIVERSE INTERVIEW PANELS IN SELECTION PROCESSES FOR REGULAR APPOINTMENTS INVOLVING SUPERVISOR POSITIONS AND ABOVE (B)**

*Modification*

*Explanation: At the March 6, 2014 City Commission Meeting, the Equal Opportunity Director presented recommendations as part of his Annual Hiring Report for FY13 (Legistar Item # 130625). One of his recommendations to the City Commission was to "[e]stablish racially diverse panels for all interviews for supervisor position and above." At this same meeting, the City Commission requested the Charter Officers to provide written comments on the Equal Opportunity Director's recommendations.*

*At the March 11, 2014 Equal Opportunity Committee Meeting, the Equal Opportunity Director presented a new recommendation with regard to diverse interview panels. To alleviate the concern of making appointments to interview panels based on race, instead of recommending racially diverse interview panels, the Equal Opportunity Director recommended that he or a member of the Equal Opportunity staff be placed on the interview panels.*

*The Equal Opportunity Director's recommendations, as well as the Charter Officers' memoranda commenting on these recommendations, came before the City Commission again on April 17, 2014. With regard to diverse interview panels, the City Attorney, General Manager, City Manager, and Clerk supported advising the City's hiring managers that, when inviting qualified persons to serve on an interview panel, they are fully encouraged to have diverse representation on the panels. However, the City Attorney's Office advised that it is not legally defensible for the City to make assignments (e.g., you are assigned to*



serve on this hiring panel) based on race, gender or some other protected characteristic. After discussion, the City Commission approved the establishment of diverse panels for supervisory positions and above, but it did not require the interview panels to be racially diverse.

On November 6, 2014, the City Commission approved revisions to Human Resources Policy E-1, Employment. In relevant part, the revisions provided: "When interview panels are used during selection processes for regular appointments involving supervisor positions and above, diverse interview panels shall be utilized."

At its meeting on January 15, 2015, the City Commission requested the City Attorney and Equal Opportunity Director to again place the matter of requiring racially diverse interview panels in selection processes for regular appointments involving supervisor positions and above on a City Commission meeting agenda for February. Since this matter was previously considered by the City Commission, it requested the Charter Officers to provide the City Commission their memoranda commenting on the Equal Opportunity Director's Recommendations as part of his Annual Hiring Report for FY13 (Legistar Item # 130625), specifically as it relates to requiring racially diverse interview panels.

Accordingly, these memoranda are attached as backup to the agenda item, and the matter of racially diverse interview panels is before the City Commission for consideration. Because it is not legally defensible for the City to make assignments (e.g., you are assigned to serve on this hiring panel) based on race, gender or some other protected characteristic, the City Attorney's Office recommends that the City Commission maintain its current human resources policy as it relates to diverse interview panels and take no action to require "racially" diverse interview panels.

**RECOMMENDATION**

The City Commission (1) hear a presentation by the City Attorney's Office; and (2) take no action to revise the current human resources policy as it relates to the use of diverse interview panels in selection processes (Human Resources Policy E-1, Employment).

[140727\\_Employment Policy E-1\\_20150219.pdf](#)

[140727\\_Comment to EO Rec\\_20150219.pdf](#)

[140727\\_Memo Comments\\_20150219.pdf](#)

[140727\\_MemoCommission\\_20150219.pdf](#)

[140727\\_MOD\\_Memo Requiring Racially Diverse Panels\\_20150219.pdf](#)

[140711.](#)

**Purchase of a Mobile Stage for Cultural and City Programming Use  
(B)**

**This item involves a request to authorize the purchase of a mobile stage that will serve as a replacement stage for Bo Diddley Community Plaza events during the upcoming Plaza renovations. The stage will also offer a much-needed venue to provide cultural and other programming at locations throughout the City where suitable facilities for this programming are not currently available.**

*Explanation: Starting March 1, 2015 the Bo Diddley Community Plaza will be shut down for renovations and improvements. It is estimated that this work will take place over a one year period. Throughout the year the Plaza is scheduled up to a hundred times for events and programs. The City has identified Lot 10, located between SW 2nd and 1st Streets, for a temporary location for these events and programs such as the Farmers Market. Although the lot is big enough to serve as a temporary site for events and programs, this does not address programs or events that would require a stage.*

*The purchase of a mobile stage would provide a suitable performance venue. The "Free Fridays" Concert Series, Downtown Festival and Art Show, Jest Fest, Farmer's Market and other citizen-produced rental events would be able to utilize this stage during the Bo Diddley Plaza closure. This would also allow the annual programming occurring throughout the year, continuing to help support the downtown businesses.*

*After the Plaza is re-opened, the mobile stage will offer a much-needed resource to extend cultural programming to other areas of our City such as parks and recreation centers as well as in neighborhoods that are currently culturally underserved. As the City Parks, Recreation & Cultural Affairs Department is also the Local Arts Agency for all of Alachua County, outreach programs could also potentially serve other Alachua County communities.*

*Another major benefit of a mobile stage is that it can go virtually anywhere, be set up in minutes and provide programming throughout our community. It can function not only for cultural programming such as concerts, festivals, theatre and dance but also for community events such as ground breakings, dedications, speaker engagements, children's programs, employee rallies and public meetings.*

*In addition to serving as a resource for City programming, mobile stages can be rented to non-profit and profit organizations and other communities thus providing an effective source of revenue while facilitating the needs of current events and encouraging the growth of future events that enrich our citizenry. The cost for a mobile stage purchase is approximately \$145,000 and the useful life expectancy is 20+ years.*

*Fiscal Note: \$40,000 is available in the Parks, Recreation and Cultural Affairs 107 Special Projects Fund balance. The remaining funds would come from the unreserved General Fund balance. A portion of the revenues generated from the rental use would go to pay back the special projects*

account (used for cultural programming and events) and the remaining would be placed in the fund balance.

**RECOMMENDATION**

The City Commission 1) authorize the City Manager to purchase a mobile stage; and 2) authorize the City Manager or designee to execute purchase-related documents, subject to approval by the City Attorney as to form and legality.

[140711A\\_Example\\_20150219.pdf](#)

[140711B\\_CompFLCities\\_20150219.pdf](#)

[140686.](#)

**Appropriation of Unobligated Fund Balance of the Gainesville Police Department's State Law Enforcement Contraband Forfeiture Trust Fund (NB)**

**This item requests that the City Commission approve the appropriation of \$30,000 of unobligated fund balance in the Gainesville Police Department's State Law Enforcement Contraband Forfeiture Trust Fund for use on authorized equipment, training, special programs and crime prevention activities.**

*Modification - Moved from Consent Agenda to Regular Agenda.*

*Explanation: This item is to request \$30,000 for the Gainesville Police Department to be spent on training, equipment and special programs most specifically the Summer Heatwave program this summer. A portion of the funds will be utilized for the Summer Heatwave program as well as Police Explorer program and Reichert House Youth summer program. The remaining funds will be used for police equipment and training. Funds may be used for school resource officer, crime prevention, safe neighborhood, drug abuse education, or drug prevention programs or such other law enforcement purposes as the governing body of the municipality deems appropriate.*

*Fiscal Note: The Gainesville Police Department requests the City Commission appropriate \$30,000 from State Law Enforcement Contraband Forfeiture Trust Fund for funding for the categories of Equipment, Training, Special Programs and Crime Prevention. The funds for this project are available in the State Law Enforcement Contraband Forfeiture Trust Available balance is \$54,519 as of December 31, 2014.*

**RECOMMENDATION**

The City Commission approve the appropriation of \$30,000 from the State Law Enforcement Contraband Forfeiture Trust Fund for future expenditures of Equipment, Training, Special Programs and Crime Prevention needs.

[140726.](#)

**Approval and Authorization to Approve a Lease Agreement and**

## Temporary License Agreement (B)

### **This item is a request to Approve and Authorize the Execution of a Lease Agreement and License Agreement with Steamers, Inc., a Florida Corporation.**

*Modification - Moved from Consent Agenda to Regular Agenda and additional back-up added.*

*Explanation: After the previous tenants at the city-owned Bethel Station indicated they would not be renewing their lease, the CRA acting as agent on behalf of the City, sought a new tenant. This restaurant opportunity was widely advertised and interested parties were directed to submit online responses. Eleven responses were received prior to the deadline on December 8, 2014. A seven-member CRA evaluation team invited the top candidates for in-person interviews and evaluated and ranked the top four respondents. The top-ranked respondent, Arthur H. Guy, president of Steamers Inc., a Florida Corporation was invited to begin lease negotiations for the site.*

*Steamers, Inc. was a very popular restaurant located at 1618 NW 1st Avenue, owned by Arthur H. Guy from 2000-2005. The original Steamers business was sold in 2005, and since that time Mr. Guy has been operating a successful tempeh products business known as Arto Moro Tempeh Company, which is located in East Gainesville and which produces tempeh products for numerous local and regional restaurants and grocery stores.*

*Mr. Guy proposes to serve the affordable curry rice dishes and loose meat sandwiches that the original Steamers restaurant was known for as well as some new offerings suited to the Downtown Plaza location. The Bethel Station was renovated specifically for restaurant use in 2010 and does not require any additional improvements.*

*The proposed lease, after negotiations is for a term of five years, and due to planned closure and renovations of the Downtown Plaza, waiving the first two months of rent and providing a discounted base rental rate of \$850.00 per month for the remainder of the first year or until construction is completed and the Downtown Plaza is reopened. Immediately following the reopening of the renovated Downtown Plaza, a market base rental rate of \$1,200 per month with three percent annual increases would be implemented.*

*Renovation of the Downtown Plaza is planned to begin in March 2015 and the entire Plaza with the exception of the Bethel Station location will be fenced off with construction fencing.*

*During this construction the Bethel Station restaurant will be the only part of the Plaza that is accessible to the public of the Downtown Plaza and therefore, the tenant has requested a temporary license agreement for private use/control of the Right of Way and parking spaces adjacent to the area covered by the lease agreement effective only for the*

*duration of construction. After the construction has been completed and the Plaza has been reopened, the license agreement will become ineffective and the Right of Way will again be open to the public and under the sole control of the City.*

*CRA staff believes it would be in the best interest of the City to approve the Lease and License Agreement with Steamers, Inc.*

*Fiscal Note: Total revenue anticipated over the five year lease term is \$68,744.20 excluding sales tax, property taxes, and utilities. Total revenue for the temporary license agreement would be \$600.00.*

**RECOMMENDATION**

*The City Commission: Approve the Lease Agreement and License Agreement with Steamers, Inc. for the space available at 104 SE 1st Avenue and Authorize the City Manager to execute the Lease Agreement and temporary License Agreement with Steamers, Inc., subject to approval by the City Attorney as to form and legality.*

[140726\\_Final Bethel Station Lease\\_20150219.pdf](#)

[140726\\_License Agreement for Bethel\\_20150219.pdf](#)

[140726A-MOD\\_Bethel Station Tenant Selection\\_20150219.pdf](#)

[140726B-MOD\\_Bethel Station Responses\\_20190219.pdf](#)

**CITY ATTORNEY**

**CITY AUDITOR**

**EQUAL OPPORTUNITY DIRECTOR**

**GENERAL GOVERNMENT COMMITTEE REPORTS (PULLED FROM CONSENT)**

**LEGISLATIVE AND ORGANIZATIONAL POLICY COMMITTEE REGULAR AGENDA**

**GENERAL GOVERNMENT ADVISORY BOARDS/COMMITTEE REPORTS.** Reports must be placed on the agenda by Charter Officer, through staff liaison after approval by Board/Committee.

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

**GENERAL GOVERNMENT-RELATED ITEMS FROM MEMBERS OF THE CITY COMMISSION**

**GENERAL GOVERNMENT-RELATED COMMISSION COMMENTS (if time permits)**

**GAINESVILLE REGIONAL UTILITIES ITEMS OF A TIME-SENSITIVE OR IMPORTANT NATURE OR PULLED FROM CONSENT. Must be submitted or pulled by the Mayor, a City Commissioner or a Charter Officer.**

**RECESS**

**RECONVENE**

**PLEDGE OF ALLEGIANCE (5:30pm)**

**PROCLAMATIONS/SPECIAL RECOGNITIONS**

[140719.](#)

**Narcolepsy Awareness Day - March 7, 2015 (B)**

RECOMMENDATION

*Narcolepsy Network Barbara Kerkhoff to accept the proclamation.*

[140719 Narcolepsy 20150219.pdf](#)

**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**

[140683.](#)

**Declaring a Portion of Right-of-Way as Surplus - SE 3rd Street (B)**

**This item is a request to adopt a Resolution declaring a portion of Southeast 3rd Street as surplus approving and authorizing the selling that portion to the adjacent property owner.**

*Explanation: On July 1, 1974, the City Of Gainesville acquired the east forty (40.0) feet of Tax Parcel 14569-000-000, owned at that time by Alachua County Abstract Company. From the amount of the State Documentary Tax paid on the deed in 1974, it was determined the City paid approximately \$28,650 for the acquisition. The conveyance is contained in Official Records Book 894, page 766. This acquisition was used to provide additional right of way for the widening of Southeast 3rd Street and installation of a sidewalk and utilities between Southeast 2nd Avenue and Southeast 2nd Place. Through the chain of title, the property which was owned by Alachua County Abstract Company is now owned by USTWO, LLC, identified as Tax Parcel 14569-000-000 and located at the east half of the block containing Union Street Station. USTWO has requested to purchase a portion of the right of way to be*

utilized as the set-back requirement of development. Staff recommends having the portion of right of way appraised, subject to an overall utility easement and the sale to the adjacent property owner, USTWO, LLC.

*Fiscal Note:* An appraisal of the requested portion of right of way is estimated to cost approximately \$2,000 and is available in the 2015 Public Works operation budget. This would be reimbursed from the proceeds of the potential sale.

**RECOMMENDATION**

*The City Commission:* 1) adopt a Resolution declaring of a portion of the Southeast 3rd Street right of way, lying between Southeast 2nd Avenue and Southeast 2nd Place, as surplus; 2) direct staff to have that portion of right of way appraised, subject to an overall utility easement; and 3) authorize the City Manager to execute a Contract for Sale consistent with the Resolution.

[140683A Resolution 20150219.pdf](#)

[140683B ExhibitA Boundary 20150219.pdf](#)

[140683C Exhibit B Aerial 20150219.pdf](#)

[140684.](#)

**Resolution and Perpetual Easement Request from Florida Department of Transportation (B)**

**This item involves the request from Florida Department of Transportation (FDOT) for a Resolution and Perpetual Easement, located at the intersections of Northeast 14th and 15th Streets and Southeast 14th and 15th Streets, adjacent to State Road 26, East University Avenue.**

*Explanation:* FDOT plans renovations to the traffic signals on East University Avenue in the vicinity of Northeast 14th and 15th Streets and Southeast 14th and 15th Streets. The City maintains Northeast and Southeast 14th and 15th Streets as public right of way. As part of the project, FDOT is requiring the grant of a perpetual easement(s) for the area of the traffic signals and appurtenances. FDOT also requires the adoption of a resolution, associated with the easement.

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

**RECOMMENDATION**

*The City Commission:* 1) adopt the Resolution approving a Perpetual Easement, subject to approval by the City Attorney as to form and legality; and 2) authorize the Mayor to execute and the Clerk to attest the Perpetual Easement subject to approval by the City Attorney as to form and legality.

[140684A Resolution 20150219.pdf](#)

[140684B Easement 20150219.pdf](#)

[140684C EasementFDOT 20150219.pdf](#)

[140685.](#)

**Resolution and Perpetual Drainage Easement Request from Florida Department of Transportation (B)**

**This item involves the request from Florida Department of Transportation (FDOT) for a Resolution and Perpetual Drainage Easement, located on Southwest 43rd Street, south of Southwest 24th Avenue.**

*Explanation: FDOT plans renovations in the area of Butler Plaza to Archer Road, Southwest 37th Boulevard, and Southwest 43rd Street. FDOT has drainage rights from Archer Road to the Butler retention ponds. Because of FDOT's right to discharge stormwater to the Butler retention ponds, FDOT is requiring the grant of a Perpetual Drainage Easement under Southwest 43rd Street for the connection of retention ponds on both sides of Southwest 43rd Street. FDOT also requires the adoption of a resolution, associated with the easement.*

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

**RECOMMENDATION**

*The City Commission: 1) adopt the Resolution approving a Perpetual Drainage Easement, subject to approval by the City Attorney as to form and legality; and 2) authorize the Mayor to execute and the Clerk to attest the Perpetual Drainage Easement subject to approval by the City Attorney as to form and legality.*

[140685A Resolution 200150219.pdf](#)

[140685B Map 20150219.pdf](#)

[140682.](#)

**Resolution Supporting Dual Naming a portion of NE 49th Avenue after PFC Joshua M. Islam (B)**

**This is a request for the City Commission to adopt a resolution to dual name a portion of NE 49th Avenue between Waldo Road and NE 40th Terrace in memory of PFC Joshua M. Islam.**

*Modification - Will be heard at 6:30pm*

*Explanation: Staff received a Petition from Joel Islam requesting the dual naming of NE 49th Avenue between Waldo Road and NE 40th Terrace in memory of PFC Joshua M. Islam. The request to dual name NE 49th Avenue after PFC Joshua M. Islam meets the criteria established in the Policy for Honorary Street Naming Dual Naming City Streets in that PFC Islam*



served our country in the US Marine Corps with distinction and gave his life in that service. NE 49th Avenue is located in close proximity to Florida Food Service which is a business owned and operated by a member of PFC Islam's family. Staff recommends the dual name be 'PFC Josh. Islam Way'.

*Fiscal Note:* The fiscal impact associated with this request is \$500 for the cost of materials and labor and is currently available in the Public Works operating budget.

**RECOMMENDATION**

The City Commission adopt the Resolution supporting the request to dual name a portion of NE 49th Avenue between Waldo Road and NE 40th Terrace as 'PFC Josh Islam Way'.

[140682A\\_AdminPolicy29\\_20150219.pdf](#)

[140682B\\_Resolution\\_20150219.pdf](#)

[140682C\\_Petition\\_20150219.pdf](#)

## ORDINANCES, 1ST READING- ROLL CALL REQUIRED

[140495.](#)

### **TEXT AMENDMENT - FIRE PREVENTION AND PROTECTION CODE (B)**

Ordinance No. 140495

An ordinance of the City of Gainesville, Florida, amending the Code of Ordinances relating to fire prevention and protection; amending Section 2-339 related to civil citations for fire prevention and protection; amending Sections 10-9 through 10-13 to provide for local amendments to the Florida Fire Prevention Code; amending Sections 10-15 through 10-18 to update provisions related to emergency access to gated developments and restricted access occupancies; amending Sections 10-36, 10-38, 10-40, and 10-41 to update provisions related to false fire alarms; amending Sections 10-50 and 10-51 to update provisions related to assembly occupancy safety; amending Sections 10-61, 10-63, 10-64, 10-66, and 10-68 to update provisions related to open and outdoor burning; amending Appendix A. Schedule of Fees, Rates and Charges related to Fire/Rescue; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

*Explanation:* FIRE OFFICIAL STAFF REPORT

*The Fire Chief, City of Gainesville, requests to amend the City of Gainesville Code of Ordinances to supplement the State Fire Marshal's adoption of the latest edition of the Florida Fire Prevention Code. The State of Florida engages in triennial adoption of the latest edition of the Florida Fire Prevention Code, which encompasses NFPA Fire Code 1*

and NFPA Life Safety 101. Associated with this process is the opportunity for the City to memorialize any desired amendments that afford a greater level of fire and life safety protection. Historically, the City of Gainesville has maintained an elevated standard related to ensuring an adequate water supply for critical firefighting, fire alarm reduction, open burning and assembly occupancy safety. Due to the sunset of the City's current ordinances when the State of Florida adopted the revised Florida Fire Prevention Code, the City's Code requires revisions to ensure the inclusion of such components.

#### CITY ATTORNEY MEMORANDUM

*This ordinance requires two readings and shall become effective immediately upon adoption.*

**RECOMMENDATION**            *The City Commission adopt the proposed ordinance.*

#### Legislative History

12/4/14            City Commission            Approved as Recommended

[140495A\\_Proposed\\_Revisions\\_to\\_Fire\\_Code\\_20141204.pdf](#)

[140495A\\_draft\\_ordinance\\_20150219.pdf](#)

### 130769.

#### **PROHIBITING SYNTHETIC DRUGS (B)**

Ordinance No. 130769

An Ordinance amending the Code of Ordinances of the City of Gainesville, Florida to prohibit synthetic drugs; by creating Section 17-6 relating to the sale of synthetic drugs and drug paraphernalia and providing for enforcement and penalties; by amending Section 2-339 to specify a penalty class and amount; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

*Explanation: The City Commission, at its meeting of August 21, 2014, directed the City Attorney to draft an ordinance to combat the rise in the sale and use of dangerous synthetic drugs, including substances commonly known as "spice" and "bath salts" by prohibiting the possession with intent to sell, display for sale, or manufacture of synthetic drugs in Gainesville.*

*This ordinance provides for civil penalties of a fine for each package of synthetic drugs and a possible lien on the offender's property, as well as other forms of legal action or enforcement methods.*

**RECOMMENDATION**            *The City Commission adopt the proposed ordinance.*

#### Legislative History

4/3/14            City Commission            Approved as Recommended

5/7/14	Public Safety Committee	Discussed
7/28/14	Public Safety Committee	Discussed
8/21/14	City Commission	Approved as Recommended

[130769\\_HillsboroughCo\\_SyntheticDrugOrd\\_20140403](#)

[130769a SYNTHETIC ORDINANCE DRAFT 20140728](#)

[130769b\\_AlternativeSpiceOrdinanceOption\\_20140728](#)

[130769 SYNTHETIC ORDINANCE DRAFT 20140821](#)

[130769 MOD presentation 20140821.pdf](#)

[130769 draft ordinance 20140219.pdf](#)

## ORDINANCES, 2ND READING- ROLL CALL REQUIRED

[140657.](#)

### **TRANSITIONING THE DISABILITY BENEFITS CURRENTLY PROVIDED TO CITY EMPLOYEES FROM THE DISABILITY PLAN TO THE EMPLOYEES PENSION PLAN (B)**

Ordinance No. 140657

An ordinance of the City of Gainesville, Florida, amending Chapter 2, Article VII, Divisions 5 (Employees Pension Plan) and 6 (Disability Plan) of the Code of Ordinances of the City of Gainesville to transition the disability benefits currently provided to employees under the Disability Plan to the Employees Pension Plan; by amending Sections 2-523(c)(2) and 2-526 to add the disability benefits currently provided to employees under the Disability Plan to the Employees Pension Plan; by amending Section 2-524 to provide for city funding of disability benefits; by amending Section 2-546 to close the Disability Plan; by amending Section 2-549(c) to provide for procedures for termination of the Disability Plan; by amending Section 2-550(e) to stop future eligibility in the Disability Plan; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

*Explanation: The City Commission, at its meeting of December 18, 2014, authorized the preparation and advertisement of this Ordinance. This Ordinance transitions the disability benefits currently provided to non-public safety City employees under the Disability Plan to the Employees Pension Plan. To accomplish this transition, this Ordinance amends the Employees Pension Plan to add the disability benefits currently provided to employees under the Disability Plan to the Employees Pension Plan as of February 20, 2015, amends the Disability Plan to stop future eligibility in the Disability Plan as of February 19, 2015, and amends the Disability Plan to provide for procedures for termination of the Disability Plan.*

**RECOMMENDATION**

The City Commission adopt the proposed ordinance.

**Legislative History**

2/5/15 City Commission Adopted on First Reading (Ordinance)

[140657 draft ordinance 20150205.pdf](#)

**PLAN BOARD PETITIONS**

[140576](#)

**Amend the Oak Hammock Planned Development (B)**

**Petition PB-14-132 PDA**. eda engineers-surveyors-planners, inc., agent for Oak Hammock. Amend the Oak Hammock Planned Development (PD) to: update the PD layout plan, amend the phasing schedule, and amend square footage allowances. Located at 5100 SW 25th Blvd. \*Expected presentation time 5 minutes\*

*Explanation: This petition requests amendment of the Oak Hammock at the University of Florida planned development (PD), which is a PD for a continuing care retirement community that was approved by the Board of County Commissioners on February 8, 2000 by Resolution Z-00-4. It was annexed into the City in 2003, and was amended by City of Gainesville Ordinance No. 040665 on June 13, 2005. This planned development is on an approximately 136-acre property located south of SW Williston Road (State Road 331) at 5100 SW 25th Boulevard. The Oak Hammock at the University of Florida planned development has Office land use and PD zoning, and is within the Idylwild/Serenola Special Study Area.*

*The current PD has an expiration date of February 3, 2016. This planned development has substantially completed the internal project infrastructure and has constructed approximately 75 percent of the total number of units allowed by the current PD ordinance. This proposed PD amendment is primarily for an extension of the build out date to 10 years from February 3, 2016.*

*The proposed 10-year extension of the build-out date, 11,400 square-foot increase in allowable area of the PD's principal building, and a 6-unit decrease in the number of home sites coupled with a 13-unit increase in the number of skilled nursing units reflect market changes (slowdown of development due to the economic recession that began in 2008, and increased demand for long term care facilities and services since PD approval in 2000). The existing Planned Development (Ordinance No. 040665) and the associated PD layout map (Zoning Master Plan approved by County Resolution Z-00-4 in 2000) need to be updated to reflect: the current state of the PD regarding completed infrastructure improvements; the units constructed; and consistency changes to bring the PD under applicable City of Gainesville regulations.*

Public notice was published in the Gainesville Sun on November 17, 2014. The City Plan Board held a public hearing on December 3, 2014, and voted 4-0 to approve the petition.

*Fiscal Note: None.*

**RECOMMENDATION**

*City Plan Board to City Commission - The City Commission approve Petition PB-14-132 PDA as recommended by staff. The Plan Board voted 4-0.*

*Staff to City Commission - The City Commission approve Petition PB-14-132 PDA as recommended by staff and the City Plan Board.*

*Staff to City Plan Board - Staff recommends approval of Petition PB-14-132 PDA as recommended by staff.*

[140576A\\_Staff report\\_20150219.pdf](#)

[140576B\\_Append A\\_PD Amendment\\_20150219.pdf](#)

[140576C\\_Append B\\_Supplemental Docs\\_20150219.pdf](#)

[140576D\\_Append C\\_Application\\_Neighborhood Wkshop\\_20150219.pdf](#)

[140576E\\_CPB minutes\\_20150219.pdf](#)

[140576F\\_staff ppt\\_20150219.pdf](#)

## DEVELOPMENT REVIEW BOARD PETITIONS

## SCHEDULED EVENING AGENDA ITEMS

[140730.](#)

Proposed Bill on GRU Governance (B)

*Modification*

*Explanation: At the January 29th Alachua County Legislative Delegation Hearing, State Representative Keith Perry presented a proposed bill on GRU Governance. Two members of the local legislative delegation (Senator Bradley and Representative Perry) voted to support the filing of the proposed bill. Representative Watson voted against filing the proposed bill and Representative Porter was absent from the hearing.*

*Local bills require approval of the State Legislature (through its established Local Bill Policies and Procedures) and, as currently drafted, the proposed bill also requires approval by the electors of the City of Gainesville at a referendum vote on March 1, 2016, upon which the bill would become effective.*

*Upon cursory review of the proposed bill, a time sensitive issue*

presented itself concerning the City's current search process for a General Manager for Utilities (which is on this agenda). Namely, the proposed bill (in lines 200-207) prohibits any current or former City employee from serving as the interim or first selected CEO/General Manager that will report to the newly created "Gainesville Regional Utilities Commission." In practical terms, that means that if the City Commission proceeds to hire a General Manager for Utilities and the bill is approved by the Legislature and the referendum vote, the City Commission will be left with no choice but to terminate the employment of the General Manager in March/April 2016, as by the terms of the bill that position will cease to exist as a Charter Officer reporting to the City Commission and the person that was hired by the City Commission (being a current or former City employee) will be prohibited from being employed by the new "Utilities Commission" as either the interim or first selected CEO/General Manager.

While the outcome of the state legislative vote and the referendum vote cannot be predicted at this time, the City Manager, Interim General Manager for Utilities and City Attorney, believe it is prudent for the City (as the hiring entity) to disclose the existence of this bill to the candidates that the City Commission selects for interviews, if any, for the General Manager for Utilities position.

In addition to this time sensitive issue, in reviewing the proposed bill, the City Manager, Interim General Manager for Utilities and City Attorney have identified a number of other key fiscal, legal and operational issues that the City Commission may wish to be informed of in considering what action/position, if any, the Commission desires to take with respect to the bill or if the City Commission desires to modify the City's 2015 State Legislative Agenda which currently states "The City of Gainesville opposes any state legislation that alters the governance of Gainesville Regional Utilities (GRU). The governance of GRU is set forth by the charter of the City of Gainesville. Any modification to that governing structure should be by the elected city officials of Gainesville and the voters of the City of Gainesville in accordance with that charter."

**RECOMMENDATION**

The City Commission: 1) Direct the Human Resources Department to disclose the existence of the proposed bill on GRU Governance and provide a copy of the bill to the candidates for the General Manager for Utilities position that are selected for interview, if any, by the City Commission; and 2) consider whether to direct the City Manager, Interim General Manager for Utilities and City Attorney to provide information on the key legal, fiscal and operational issues in the proposed bill, to assist the City Commission in considering what action/position, if any, the City Commission desires to take with respect to the proposed bill or the City's 2015 State Legislative Agenda.

[140730\\_proposed GRU Governance bill\\_20150219.pdf](#)

[130621.](#)

## **Selection of Candidates for General Manager-Utilities and Approve Special Meetings (B)**

### *Modification*

*Explanation: Kathy Viehe has been serving as Interim General Manager-Utilities since November 15, 2013. In order to hire a new General Manager, 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.*

*Mycoff, Fry & Prouse conducted a search and has provided resumes of the most highly qualified candidates for consideration.*

*Selected candidates will be interviewed on March 24th by the full Commission. Candidates will have individual interviews with Commissioners on March 25th. Candidates will also meet the Charter Officers and GRU Executive Staff, and get a tour of the Utility and Gainesville. The interview process is expected to take approximately seven hours each day, depending on the number of candidates selected. A public reception will also be scheduled for the evening of March 24th. A special meeting will be requested for the evening of March 25th should the Commission be ready to select a candidate at that time. They may choose to defer the selection of the General Manager-Utilities to the April 2nd regularly scheduled City Commission meeting.*

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

### **RECOMMENDATION**

*The City Commission: 1) select at least three (3), but no more than seven (7), candidates to move forward in the selection process; 2) authorize Mycoff, Fry & Prouse to invite the selected candidates to participate in the interview process; 3) approve a special meeting for General Manager-Utilities interviews on March 24th at 8:00 a.m., including the public reception that evening; and 4) authorize the H. R. Department to work with the Clerk of Commission to schedule a special meeting on March 25th to select the General Manager-Utilities, and authorize the Mayor to negotiate a contract with the successful candidate.*

### **Legislative History**

1/16/14	City Commission	Approved as Recommended
2/20/14	City Commission	Approved, as shown above
6/25/14	City Commission	Discussed

7/17/14 City Commission Approved as Recommended

[130621 GM-Utilities Executive Search Plan 20140220](#)

[Item No130621 General Manager Utilities Job Description 20140220](#)

[103621 GM Search Mycoff Contract10-01-11 to 09-30-14-20140220](#)

[130621 GM-Utilities Draft Executive Search Plan for Discussion 20140625](#)

[130621 General Manager Utilities Job Description 20140625](#)

[130621 GM-Utilities Executive Search Plan 20140717](#)

[130621 General Manager Utilities Job Description 20140717](#)

[130621 General Manager Candidate List 20140219](#)

[130621 Bielarski Resume - GM Search 20150219](#)

[130621 Dickerson Resume - GM Search 20150219](#)

[130621 McGarrah Resume - GM Search 20150219](#)

[130621 Miller Resume - GM Search 20150219](#)

[130621 Stone Resume - GM Search 20150219](#)

[130621 Williams Resume - GM Search 20150219](#)

## UNFINISHED BUSINESS

## COMMISSION COMMENTS

[140729.](#)

**Mayor Ed Braddy - Re-imagining Economic Development in the City (NB)**

RECOMMENDATION

*The City Commission discuss and take action deemed appropriate.*

## CITIZEN COMMENTS (If time permits)

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