

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Meeting Agenda - Final

June 1, 2017

1:00 PM

MODIFIED AGENDA

City Hall Auditorium

City Commission

Mayor Lauren Poe (At Large)

Mayor-Commissioner Pro Tem Harvey Budd (At Large)

Commissioner Helen Warren (At Large)

Commissioner Charles Goston (District 1)

Commissioner Harvey Ward (District 2)

Commissioner David Arreola (District 3)

Commissioner Adrian Hayes-Santos (District 4)

If you have a disability and need an accommodation in order to participate in this meeting, please contact the Office of Equal Opportunity at (352)334-5051 at least two business days in advance. TTY (Text Telephone Telecommunication Device) users please call 711 (Florida Relay Service). For Speech to Speech (STS) relay, please call 1-877-955-5334. For STS Spanish relay, please call 1-877-955-8773. For STS French Creole relay, please call 1-877-955-8707.

1:00pm - CALL TO ORDER - Afternoon Session**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 CONSENT ITEMS - GRU, General Government, Audit & Finance Committee and General Policy Committee Items**[170071.](#)**City Commission Minutes (B)****RECOMMENDATION**

The City Commission approve the minutes of May 4, May 16, and May 17, 2017.

[170071_CCOM Minutes_20170601.pdf](#)[170071_CCOM Minutes_20170601.pdf](#)[160535.](#)**Florida Department of State, Division of Cultural Affairs General Program Support, Local Arts Agency Grant (NB)**

This item requests approval by the City Commission for the Department of Parks, Recreation and Cultural Affairs (PRCA) to accept, if awarded, a Local Arts Agency (LAA) grant from the Florida Division of Cultural Affairs.

Explanation: Since being designated as the Local Arts Agency (LAA) for Alachua County in 1985, the City of Gainesville Parks, Recreation and Cultural Affairs Department, Cultural Affairs Division, has regularly applied to the

Florida Department of State, Division of Cultural Affairs (DCA) for a general program support grant in the LAA category. The Department qualifies as a Level III organization and can apply for the highest level of funding, \$150,000. Staff has worked to prepare a general program support grant request for the June 1st deadline, requesting grant funds for FY 2018 - 2019 in the LAA category. If awarded, the grant period is July 1, 2018 to June 30, 2019. A panel review of applications will be scheduled for September 2017 with final recommendations announced in June 2018.

Though this grant is for general program support, a detailed outline of how the funds will be spent is required with the application. If funded, the grant award for FY 2018 - 2019 will be applied to initiatives that will build local arts agencies' capacity. The grant will provide funding for the "352ArtsRoadmap" cultural master plan implementation for the City of Gainesville and Alachua County and related marketing initiatives. It will also provide support for the Thomas Center Galleries' exhibitions curation and marketing; and artists' performance fees for the spring Jest Fest.

Fiscal Note: The FY 2018 - 2019 General Program Support \$150,000 grant requires a 1:1 match. The funding match will be met with the PRCA operating budget. No additional funds will be necessary to facilitate this request.

RECOMMENDATION

The City Commission: 1) approve the request for the Department of Parks, Recreation and Cultural Affairs (PRCA) to accept the grant if awarded, from the Florida Department of State, Division of Cultural Affairs; and 2) authorize the City Manager or designee to execute the grant award agreement and other grant related documents, subject to approval by the City Attorney as to form and legality.

[160998.](#)

Reallocate Capital Improvement Project Funds for Fire Station 2 HVAC (NB)

This is a request for City Commission approval to reallocate a portion of Capital Improvement Project funding.

Explanation: HVAC and condensation issues have resulted in the growth of mold at Gainesville Fire Rescue (GFR) Station 2 located at 2210 SW Archer Road. This is a complex problem that Facilities Management and GFR have worked to evaluate. After reviewing the overall problem and consulting with an HVAC engineer, a solution was identified to address or eliminate the problem.

There is a need to remediate the mold and install a system specifically engineered to eliminate the conditions that promote the mold growth on a longer-term basis. The engineered system will be more energy

efficient, will introduce conditioned fresh air into the building to provide positive interior air pressure, reduce condensation and provide a longer term fix which may be for the duration of the building's remaining useful life. The total estimated cost is \$317,000.

Based on initial projections in January, the City Commission took immediate action and approved \$120,000 of general fund fund balance. At that time, the engineering was complete for the HVAC system but did not account for the cost of the remediation, electrical work, on-site housing of the firefighters during construction, sealing of the exterior masonry walls nor construction management project oversight. An additional \$197,000 is needed to fully fund this project.

Staff has been able to reallocate existing funding from other projects within Facilities Management and GFR in the amount of \$160,000 leaving an additional needed balance of approximately \$37,000. Based on the exigent need to complete the HVAC work at Fire Station 2, staff recommends reallocation of a portion of the funding previously approved for Fire Station 5 in the amount of \$37,000. Staff is proceeding with a contract to commence the project; however, if the reallocation of the \$37,000 is not approved, some of the work may need to wait until FY 18.

..Fiscal Note

The total estimated cost of the project is \$317,000 with \$120,000 from general fund fund balance, \$160,000 from existing Facilities Management and GFR funding and \$37,000 from a reallocation of Capital Improvement Project funds from Fire Station 5.

Fiscal Note: The total estimated cost of the project is \$317,000 with \$120,000 from general fund fund balance, \$160,000 from existing Facilities Management and GFR funding and \$37,000 from a reallocation of Capital Improvement Project funds from Fire Station 5.

RECOMMENDATION

The City Commission approve the reallocation of \$37,000 of Capital Improvement Project funding currently budgeted for Fire Station 5 to the installation of an engineered HVAC system at Fire Station 2.

[170005.](#)

Ratification of Amendments to the Agreement between the Communications Workers of America (Non-Supervisory Unit) for January 1, 2016-December 31, 2018 (B)

This item is a request for the City Commission to ratify amendments to the three year collective bargaining agreement between the City and the CWA Bargaining Unit.

Explanation: At its December 15, 2016 regular meeting, the City Commission provided direction to staff aimed at establishing a 'Living Wage' for all employees, to be set at \$12.25 per hour. Currently, that rate applies to all non-represented employees, and all represented employees not covered by the Communications Workers of America bargaining units. Only the Communications Workers of America, Non-Supervisory bargaining unit has pay plans with pay range minimums that are lower than \$12.25 per hour. The Living Wage for employees of the CWA Non-Supervisory unit is presently governed by ordinance in Chapter 2, Article IX. As provided by ordinance, the current Living Wage rate is \$11.8269 per hour (health benefit wage) and \$13.08 per hour (non-health benefit wage).

State law requires that certain changes to terms and conditions of employment for represented employee groups be bargained, one of which is wages. The CWA and the City have an agreement that is effective through December 31, 2018. Accordingly, the change to the Living Wage required mutual consent to renegotiate terms of the Agreement. The CWA agreed to negotiate the Living Wage provision, the result of which is amendments to Article 34 - Wages.

The amendments to the Agreement between the CWA and the City were ratified by the CWA on May 9, 2017. The amendments will be effective for the remainder of the term of the Agreement, through December 31, 2018.

Fiscal Note: The cost impact of the Living Wage adjustments for CWA employees is estimated to be approximately \$14,500 for nine months and was included in FY 17 budgeted payroll. The full year impact of just under \$20,000 will be included in the FY 18 budget.

RECOMMENDATION

The City Commission ratify amendments to the Agreement between the CWA Non-Supervisory Bargaining Unit and the City of Gainesville.

[170005A_CWA Non-Supv 2016-2018 Living Wage Amendment Strikethrough](#)
[170005B_CWA Non-Supv 2016-2018 Living Wage Amendment Clean 2017051](#)

[170006.](#)

Ratification of Amendments to the Agreement between the Communications Workers of America (Supervisory Unit) for January 1, 2016-December 31, 2018 (B)

This item is a request for the City Commission to ratify amendments to the three year collective bargaining agreement between the City and the CWA Bargaining Unit.

Explanation: The 2016-2018 CWA Supervisory Labor Agreement includes language that mandates employees participating in the Supervisor Progression through Training Program (SPTTP) receive wage increases solely in

accordance with the terms of the SPTTP.

An unintended consequence of this mandate is that supervisory employees who are required to participate in the SPTTP and whose base rate of pay is equal to or greater than 75% of their pay grade range will not receive any performance based pay increases for the duration of their participation in the SPTTP (typically a 3 year commitment). This circumstance was not foreseen when the program was constructed and it is in conflict with management's desire to appropriately compensate employees in leadership roles. The proposed change will allow the few employees so affected to earn annual performance based increases in the same manner as supervisors who are not in the SPTTP. The distribution of the earned pay increase will differ to the extent that half the increase will be embedded in the SPTTP participant's base salary and the remaining half will be paid in lump sum.

State law requires that certain changes to terms and conditions of employment for represented employee groups be bargained, one of which is wages. The CWA and the City have an agreement that is effective through December 31, 2018. Accordingly, the change to wages required mutual consent to renegotiate terms of the Agreement. The CWA agreed to negotiate the Wage provision, the result of which is amendments to Article 34 - Wages.

The amendments to the Agreement between the CWA and the City were ratified by the CWA on May 9, 2017. The amendments will be effective for the remainder of the term of the Agreement, through December 31, 2018.

Fiscal Note: Only one employee was adversely affected by the mandate in FY17. The unbudgeted salary increase has been projected to be \$787.69 plus overhead. In FY18 two employees will be so affected but the funding for those salary increases will be included in that year's personal services budget.

RECOMMENDATION

The City Commission ratify amendments to the Agreement between the CWA Non-Supervisory Bargaining Unit and the City of Gainesville.

[170006A_CWA Supervisory 2016-2018 2017 Wage Amendments Strikethrough](#)

[170006B_CWA Supervisory 2016-2018 2017 Wage Amendments Clean_20170](#)

[170050.](#)

SW 6th Street Project - 5th Supplemental Agreement to the Professional Design Services Agreement (B)

This item is a request for the City Commission to approve the supplemental agreement and any related documents for professional design services for the SW 6th Street Project by Comprehensive Engineering Services, Inc.

Explanation: On October 18, 2012, the City Commission authorized contract negotiations with Comprehensive Engineering Services (CES) for professional design services for the SW 6th Street Project (legislative file #120445.) CES is currently finalizing plans for the project, which spans from West University Avenue to SW 5th Avenue. The fifth supplemental agreement includes services that were unanticipated during the early stages of design, such as the realignment with the restriping project south of SW 5th Avenue, coordination and drainage modifications to accommodate the Ingenuity Building (on the southwest corner of SW 4th Avenue and SW 6th Street), and an alternative decorative lighting review (at the CRA's request). This amendment also encompasses limited post design services and an extension through the end of construction.

Fiscal Note: Funding in the amount of \$54,455.39 is allocated and identified from the SW 6th Street CIP funds.

RECOMMENDATION

The City Commission authorize the City Manager or designee to execute the supplemental agreement and other necessary documents for professional design services for the SW 6th Street Project by Comprehensive Engineering Services, Inc., subject to approval by the City Attorney as to form and legality.

[170050A_Exhibit A_20170601.pdf](#)

[170050B_Original Agreement_20170601.pdf](#)

160936.

Amendments to Towing or Immobilizing Vehicles on Private Property Ordinance Chapter 14.5 Article III (NB)

This item requests authorization for the City Attorney to draft an ordinance revision adding new amendments to the ordinance.

Explanation: The amendments will clarify Division 1 (towing of vehicles on private property) and Division 2 (immobilization of vehicles on private property) in an effort to eliminate the multiple interpretations of the current document; simplifying the administration and enforcement of this chapter.

Fiscal Note: There is no fiscal impact to the City Of Gainesville.

RECOMMENDATION

The City Commission authorize the City Attorney to draft an ordinance amending Sections 14.5-25 Definitions, 14.5-27 tow operator permit and trespass tow service permit; violations (c), 14.5-30 Authorized fees and charges (b), 14.5-41 Permit required; prerequisites to immobilization on private property and responsibilities of immobilization service; exceptions (d), 14.5-42 Operator permits;

application requirements; violations (a), 14.5-43 Immobilization; criteria and requirements for immobilizing vehicles; release of vehicle; maximum fee (d).

[160937.](#)

Amendments to Vehicle for Hire Ordinance Chapter 28 Article II (B)

This item requests authorization for the City Attorney to draft an ordinance revision adding new amendments to the ordinance.

Explanation: The amendments will more closely align Article I (motorized vehicles for hire) and Article II (non-motorized vehicles for hire), simplifying the administration and enforcement of this chapter. The amendments include requiring non-motorized vehicles for hire companies to follow similar procedures to motorized vehicles for hire in obtaining company licenses and permitting of operators; enforcement provisions; and costs of licensing.

Fiscal Note: There is no fiscal impact to the City Of Gainesville.

RECOMMENDATION

The City Commission authorize the City Attorney to draft an ordinance amending Sections 28-30 Definitions, 28-34 Rates to be displayed, 28-35 Vehicle safety and equipment standards (b) and (c)(4)d, 28-36 Driver permit, 28-37 Prohibited conduct (g), 28-39 Revocation; appeal, and Appendix A Schedule of fees, rates and charges; and adding Sections 28 Company license, Application for company license, License verification and issuance, Company issued driver authorization, Display of driver authorization, Enforcement rules, regulations and complaints.

[160936_VFH Chapter 28 Article 2 Revision_20170504](#)

[161013.](#)

Memorandum of Agreement Combined Alachua Drug Enforcement Team (CADET) Initiative North Florida High Intensity Drug Trafficking Areas (B)

This item is a request for City Commission approval of the Memorandum of Agreement for overtime reimbursement.

Explanation: This request is to approve reimbursement from the High Intensity Drug Trafficking Areas (HIDTA) Program to the Gainesville Police Department. This is subject to the availability of annually appropriated funds by the Office of National Drug Control Policy (ONDCP) for payment of personnel expenses (overtime). As a member of the

Alachua County Combined Drug Taskforce Unit, the Gainesville Police Department is eligible for reimbursement of funds from the HIDTA program that are expended for overtime. The mission of the CADET Initiative shall be to pursue, disrupt and dismantle major drug organizations.

The HIDTA program provides financial assistance to assist law enforcement organizations with protracted multi-jurisdictional investigations. Reimbursement of overtime costs will be at the rate of 1 ½ times the hourly rate of the state/local officers, up to a maximum rate per fiscal year of \$17,725. The agreement will be in effect from January 1, 2017 until December 31, 2020 or until funding is no longer available.

Fiscal Note: The City will receive overtime reimbursements associated with the aforementioned. This is for officers working on specific cases for HIDTA.

RECOMMENDATION

The City Commission : 1) authorize the City Manager to enter into the agreement subject to approval of the City Attorney as to form and legality; and 2) approve GPD to seek overtime reimbursement.

[161013 HIDTA MOA CADET Initiative 20170518](#)

[170008.](#)

Memorandum of Understanding - United States Marshals Service Regional Fugitive Task Force (B)

This item is a request for City Commission approval of the Memorandum of Agreement for overtime reimbursement.

Explanation: This request is to approve reimbursement from the U.S. Marshals Service-Regional Fugitive Task Force to the Gainesville Police Department. Subject to the availability of Asset Forfeiture funding, the Gainesville Police Department is eligible for reimbursement of funds from the U.S Marshals Service that are expended for overtime, travel, training, purchase or lease of police vehicles, fuel supplies or equipment in direct support of state and local investigators.

The primary mission of the task force is to investigate and arrest, as part of joint law enforcement operations, persons who have active state and federal warrants for their arrest. The intent of the joint effort is to investigate and apprehend local, state and federal fugitives, thereby improving public safety and reducing violent crime.

Reimbursement of overtime costs will be at the rate of 1 ½ times of the hourly rate of the state/local officers, up to a maximum rate per fiscal year of \$18,042 per officer. Participating agencies may withdraw their participation from this MOU after providing 30 days advanced written notice to the RFTF Chief Inspector.

Fiscal Note: The City will receive overtime reimbursements associated with the aforementioned. This is for officers assigned specifically to this unit.

RECOMMENDATION

The City Commission: 1) authorize the City Manager to enter into the agreement subject to approval of the City Attorney as to form and legality; and 2) approve GPD to seek reimbursement in accordance with the terms and conditions of the MOU.

[170008_US Marshalls MOU 2017_20170518](#)

[170009.](#)

Cost Reimbursement Agreement - Federal Bureau of Investigation (FBI), Safe Streets Task Force (B)

This item is a request for City Commission approval of the Cost Reimbursement Agreement for overtime reimbursement.

Explanation: This request is to approve reimbursement from the FBI to the Gainesville Police Department. Subject to the approval of the necessary funding, the Gainesville Police Department is eligible for reimbursement of funds from the FBI for overtime payments made to the officers assigned full-time to the task force.

The primary mission of the task force is to detect, investigate and arrest, and prosecute crimes against the United States, thereby improving public safety and reducing violent crime.

Reimbursement of overtime costs will be at the rate of 1 ½ times of the hourly rate of the local officers, up to a maximum amount per fiscal year of \$17,753 per officer. Participating agencies may withdraw their participation from this Agreement either by mutual agreement or after providing 30 days advanced written notice by the terminating party to the other party.

Fiscal Note: The City will receive overtime reimbursements associated with the aforementioned. This is for officers assigned specifically to this unit.

RECOMMENDATION

The City Commission approve GPD to seek reimbursement in accordance with the terms and conditions of the Cost Reimbursement Agreement for the term of the agreement.

[170009a_2017 State & Local OT Reimbursements_20170518](#)

[170009b_Cost Reimbursement Agreement FBI and GPD_20170518](#)

[170092.](#)

SONIA GEEVARUGHESE v. CITY OF GAINESVILLE; CASE NO. 2016-CA-1057; EIGHTH JUDICIAL CIRCUIT, IN AND FOR ALACHUA COUNTY, FLORIDA (NB)

Explanation: On March 29, 2012, Ms. Sonia Geevarughese, a student at the University of Florida, was riding her bicycle westbound in the designated bicycle lane on Museum Road, on the campus of the University of Florida. A Regional Transit System bus was also traveling west on Museum Road, and stopped at a marked bus stop immediately east of the intersection with Fraternity Row to allow passengers to disembark. Ms. Geevarughese rode up from behind the bus, on the right side of the bus, as the bus departed the bus stop. Ms. Geevarughese intended to continue westward on Museum Road past the intersection with Fraternity Row. The driver of the bus did not see Ms. Geevarughese, and proceeded to turn right onto Fraternity Row. Consequently, the bus came into contact with Ms. Geevarughese's bicycle handlebar, and she was propelled to the ground, landing on her right shoulder. Ms. Geevarughese sought medical attention after the accident at the University of Florida's Infirmary. Her parents were notified, and immediately travelled from South Florida to bring her home to receive medical care.

Among other injuries and damages, Ms. Geevarughese suffered injuries to her right shoulder and may have suffered a concussion and related complications. Including the emergency care, diagnostic tests, follow-up medical care, and physical therapy and rehabilitation, Ms. Geevarughese claimed medical bills totaling in excess of \$45,000.00. If this case were to proceed to trial, the past medical bills would be only a part of the damages Ms. Geevarughese would seek to recover. She would also seek damages for future medical expenses, pain and suffering, mental anguish, inconvenience, and loss of capacity for the enjoyment of life.

During the course of discovery, counsel for the City conducted witness interviews and took the deposition of Ms. Geevarughese. A complete review of the applicable medical records was performed. Per the application of Florida's limited waiver of sovereign immunity contained in section 768.28, Florida Statutes, the City's liability and authority to settle claims such as this is limited to \$200,000.00 per person and \$300,000.00 per incident. Court-ordered mediation was conducted, and a negotiated settlement was achieved. Representatives for the City agreed to recommend a total settlement in the amount of \$27,500.00, subject to the approval of the City Commission of the City of Gainesville. In exchange, Ms. Geevarughese will provide a full and complete Release to the City. It is the recommendation of the City Attorney's Office and the Risk Management Department that the case be settled for that amount.

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

RECOMMENDATION

The City Commission 1) approve the terms of the mediated settlement agreement; and 2) authorize the City Attorney to settle the claim of Sonia Geevarughese arising from an accident that

occurred on or about March 29, 2012.

ADOPTION OF REGULAR AGENDA

GENERAL CITIZEN COMMENT - For items not on the agenda, limited to 3 minutes per citizen and not to exceed 30 minutes total

BUSINESS DISCUSSION ITEMS - GRU and General Government items placed on the agenda by the Charter Officers or moved from Consent.

[170044.](#)

**Presentation Providing Update on Department of Doing including Thomas Center B Remodel and Citizen Centered Initiatives (B)
Estimated Presentation Time 10 minutes**

Explanation: The Blue Ribbon Report recommended the creation of the Department of Doing. In September 2016 the City hired the first Department of Doing employee. Since that time the department has made great progress in moving forward the vision for citizen centered delivery of service from the Planning and Building Divisions.

The modifications to the Thomas Center are complete. A June 15th celebration is planned to mark the occasion. The changes to the building have elicited extremely positive responses from citizens and city employees working or visiting the facility.

The Planning Division recently unveiled Open Counter, a chat function, and a new project map to assist our citizens, property owners and business owners in interacting with city staff.

The Building Division is now utilizing electronic plan review for all building permits.

Fiscal Note: None

RECOMMENDATION *The City Commission receive update.*

[170044A_Staff PPT_20170601](#)

[170070.](#)

Employee Health Insurance Internal Service Fund Replenishment (B)

This item involves a request for the City Commission to approve transferring \$1,167,000 from the General Insurance Internal Service Fund and \$833,000 from GRU funds to replenish the fund balance of the Employee Health Insurance Internal Service Fund.

Explanation: The City maintains an internal service fund to provide employee health benefits which receives premium payments from the employer and employees of all City departments, including GRU, as well as the CRA. It pays out based on actual claims expenses for health care costs, including hospitalization, physician and specialist care, and prescription medications.

The City's Risk Management department constantly monitors this fund and the benefits provided and over the past few years several modifications to the plan were made to help control the growth in claims cost experience, such as raising deductibles and instituting a separate prescription drug deductible.

As part of the five-year financial forecast, staff evaluated the rates required over the next few years to maintain the fiscal health of this fund and determined that, without a replenishment of fund balance, the premiums would need to increase by an amount which could reach 20% per year. This would result in increases to employees' premiums between \$40 and \$147 per month depending on the plan selected (single to family). A \$147 per month rate change for family coverage would reduce take home pay (assuming a 2% raise) for all employees making below \$71,000 per year.

A one-time cash infusion of \$2 million will allow this fund to maintain a reasonable reserve without requiring premium increases in excess of 10% per year.

So far this fiscal year, the plan's costs have moderated, however the nature of health care claims is such that they are difficult to project and will vary significantly from month to month. If the fund experiences a similar loss in FY2017 as it experienced in FY2016, the unrestricted net assets will be fully depleted.

Fiscal Note: The General Insurance fund has an excess fund balance of \$3 million (above reserves of \$8.6 million) due to positive trends in workers compensation experience. This fund balance was generated from General Government savings, while GRU does not add to or deduct from this fund's equity position. Transferring \$1,167,000 from the General Insurance fund to the Employee Health Insurance fund would leave sufficient excess fund balance in the fund while moderating required premium increases.

GRU staff has indicated that a transfer of \$833,000 from the utility funds to the Employee Health Insurance fund could be absorbed within their FY17 budget.

RECOMMENDATION

The City Commission approve a one-time cash infusion of \$2 million to the Health Insurance fund shared between General Government and GRU based on pro rata premiums paid in FY 2016. This is composed of \$833,000 to be paid from GRU's FY 2017 budget and \$1,167,000 to be

transferred from the General Insurance fund.
Staff should continue to monitor both funds for fiscal health and trends and adjust rates and benefits annually as necessary to maintain the health of the funds.

[170070_Health Insurance Analysis_20170615.pdf](#)

[170041.](#)

**Replacement of Liquidity Agreements for the Variable Rate Utilities System Revenue Bonds, 2008 Series B and 2012 Series B, approval of Reoffering Memorandums related thereto, and extension of Credit Agreement for Utilities System Commercial Paper Notes Series D.
(B)**

****This item was presented to the UAB on 5-17-17.****

Explanation: On January 28, 2008 the City adopted Resolution No. 070862 authorizing the issuance of \$90,000,000 of 2008 Series B Variable Rate Utilities System Bonds. In conjunction with the issuance of the bonds, a Standby Purchase Agreement (SBPA) was entered into providing liquidity support for the issue.

The current version of the SBPA expires July 7, 2017. The provider of the agreement, Bank of Montreal, has decided to exit this line of business in its entirety. To replace this agreement the City, through its Financial Advisor, Public Financial Management (PFM), solicited proposals for an alternate Credit Facility. Nine banks responded to the Request For Information (RFI):

Bank of America
U.S. Bank
Barclays Bank PLC
State Street
Sumitomo Mitsui Banking Corporation
JP Morgan
RBC
Citi Bank, and
Wells Fargo

Based on a review of evaluative criteria including but not limited to facility fees, proposed term, long- term and short- term bank ratings, trading history and performance of the bank and other fees and expenses, Barclays Bank PLC was selected as the best responder. Over the next nine months GRU has two additional liquidity facilities set to expire: a Letter of Credit Agreement provided by State Street Bank on our Utilities System Commercial Paper Notes, Series D that expires on August 28, 2017 and a Standby Letter of Credit Agreement provided by Sumitomo Mitsui Banking Corporation, acting through its New York Branch on our Variable Rate Utilities System Revenue Bonds, Series 2012 B that expires by its terms on January 12, 2018. Given the favorable pricing numbers we received through the Series 2008 Series B

RFI process, it was determined that it would be in the City's best interest to explore the opportunity to replace or renew these agreements at the same time, prior to their formal expiration date. Replacing or renewing all three liquidity agreements at the same time will allow for efficiencies in the preparation of a disclosure document related to the 2008 Series B and 2012 Series B Bonds. This synergy of processes saves time, effort and significant expense on the part of the City and our financing team. Therefore, discussions were held with the institutions that responded to the original RFI for the 2008 Series B Bonds regarding the potential for providing liquidity support for the Utilities System Series D Taxable Commercial Paper Notes and the 2012 Series B Bonds. Based on the results of these discussions, the recommendation is to extend State Street as the provider of the Letter of Credit for the Series D Taxable Commercial Paper Program and replace Sumitomo Mitsui Banking Corporation with Citi Bank as the provider of liquidity support on the 2012 Series B Bonds.

Fiscal Note: The table titled "Cost Comparison", which is attached to this agenda item, outlines the comparison between costs associated with the current liquidity support agreements and those with the proposed renewals /replacements.

Based on fee changes alone, the proposed renewals and replacements will save GRU \$64,470 per year for three years compared to the current fee levels for these facilities. It is important to note that this savings amount does not include the "avoided" legal and disclosure costs that would be incurred if the facilities were replaced through separate, distinct processes based on the current expiration dates. Additionally, though they did not submit a proposal to provide liquidity support, Goldman Sachs did submit an offer to reduce remarketing fees for the following variable rate debt issues they currently service:

2006 Series A

2008 Series B

Series C Tax Exempt Commercial Paper

Series D Taxable Commercial Paper

The annual savings from these reduced remarketing fees is expected to be just under \$26,000.

RECOMMENDATION

Staff recommends that the City Commission:

- 1) Approve the selection of the following liquidity support providers: Barclays for the 2008 Series B Bonds, Citi Bank for the 2012 Series B Bonds, and extension of the credit facility provider of State Street for the Series D Taxable Commercial Paper program,*
- 2) Approve the terms and conditions set forth in the respective draft Credit Agreements, related fee letters, and Reoffering Memorandums, and extension of the credit facility for State Street for the Series D Taxable Commercial Paper Program, each in substantially the form submitted to the Commission and with such changes thereto as the officer executing the same may approve as*

necessary or desirable and in the best interests of GRU, such approval to be evidenced by the execution and delivery thereof, and subject to the approval of the City Attorney as to form and legality and

3) authorize the Clerk of the Commission, General Manager, Chief Financial Officer, and other Authorized Officers to execute the Credit Agreements with the respective liquidity support agreements and amendments to extend the term of the credit facility with State Street for the Series D Taxable Commercial Paper Program, subject to approval of the City Attorney as to form and legality.

UAB

At their May 17, 2017 regular meeting, the UAB voted 7-0 in favor of advising the City Commission to approve the staff recommendation.

[170041 2008 Series B Fee Letter 20170601](#)

[170041 2008 Series B Stand-By PBA 20170601](#)

[170041 2012 Series B Fee Letter 20170601](#)

[170041 2012 Series B Stand-By PBA 20170601](#)

[170041 First Amendment to Credit Agreement - GRU - Commercial Paper \(201](#)

[170041 First Amendment to Fee Letter - GRU - Commercial Paper \(2017\) 2017](#)

[170041 Cost Comparison 20170601](#)

[170041 Liquidity Facility Repl. Pres. 20170601](#)

[170041_reofferingmemo2008B_20170601](#)

[170041_reofferingmemo2012B_20170601](#)

[160905.](#)

RETENTION OF GRAY ROBINSON FOR WIRELESS TELECOMMUNICATIONS ADVICE (B)

MODIFICATION - ADDED POWERPOINT PRESENTATION

Explanation: In June 2016, the Public Works department received two applications for rights-of-way use permits from a company named Mobilitie. Mobilitie requested the permit to place 75' wooden poles in two separate locations. While the applications were incomplete and were denied because they were incomplete, the applications made staff aware that the City's current ordinances were not sufficient to address the new infrastructure needs associated with small cells and DAS. The City Attorney's office retained the law firm of Gray Robinson to assist the City in reviewing and updating its ordinances relative to wireless telecommunication facilities.

Upon a review of the City's ordinances with Gary Resnick, attorney with Gray Robinson, it was determined that a moratorium should be enacted while the City studied the needed changes to update its ordinances.

The moratorium was adopted by the City Commission effective October 6, 2016 and subsequently a City staff workgroup was formed to study and make recommendations to the City Commission. The staff workgroup includes representatives from the City's planning staff, public works staff, building department, GRU electric, GRU telecommunications and City Attorney's office. During the workgroup meeting with Gary Resnick, it was determined that the following ordinances needed amending to keep current with new FCC rulings, Florida law, and new technology: Chapter 23, Article III, Utility Installations within the Public Rights-of-Way, Chapter 23, Article VI, Registration Requirements for Use of Public Rights-of-way by Communications Service Providers and Other Wireline Users of Rights-of-Way, Chapter 14.5, Article VI, Cable Television, Section 30-98 of the Land Development Code, and Section 10.14 of the City of Gainesville Engineering Design and Construction Manual.

The moratorium was adopted effective through April 6, 2017. While the City's moratorium was in place, several additional issues arose that need both staff and legal expertise. First the FCC issued a Public Notice inviting comments for a rule-making proceeding addressing access by small cell and DAS technology to local government rights-of-way. The City retained Gray Robinson to file comments on that proceeding. Second, the state legislature approved a bill (that is now pending the Governor's signature) that would require the City to accept wireless communication facilities on its utility poles, with limited compensation and allow new poles in its rights-of-way to accommodate small cell and DAS technology. Third, several companies have approached GRU asking to utilize City utility poles for installation of horizontal attachments that would eventually allow for wireless telecommunication. Finally, GRU's pole attachment policies and procedures are beginning to expire and will need to be updated. Because of these additional issues, staff recommended and the City Commission adopted Ordinance 160798 extending the moratorium through October 7, 2017.

After the staff workgroup met, GRU had an additional meeting with Mr. Resnick to discuss issues that are important to GRU Electric and GRUCom. During the subgroup meeting, it was determined that not only did GRU's policies and agreements for pole attachments need updating, but the City should look at the future of its utility system keeping in mind the growing demand for use of the City's poles within its rights-of-way. The City has recently had requests from two companies to collocate on City poles. These two companies are in addition to the four existing companies already collocated with horizontal attachments on City poles. As the technology changes, GRU anticipates many more requests which may have a significant burden on GRU's infrastructure and may impair the City's obligations to serve its electric and fiber customers.

The City Attorney's office originally retained Gray Robinson to assist the City with the moratorium and the ordinance amendments. The fee was not to exceed \$20,000.00. The retention was updated to include an additional ten hours relating to reviewing and evaluating GRU's policies for pole attachments. Additionally, on February 16, 2017, the City

Commission authorized the City Attorney to retain Gray Robinson to provide a response to the FCC on behalf of Gainesville. Such comments were filed with the FCC on March 8, 2017. The fee for that service was \$2,500. To date, the City has paid \$26,831.00 to Gray Robinson.

Because of the numerous issues raised by the changes in wireless telecommunication technology, it is anticipated that additional legal services will be required. City staff recommends that the City Commission authorize the continued retention of Gray Robinson, to assist City staff and the City Commission in updating its ordinances, policies, and agreements. Mr. Resnick's hourly rate is \$325.00 per hour (a discounted rate for the City). Staff anticipates that the cumulative fees for the additional services would not exceed \$100,000.00. In the event the total additional fees exceed \$100,000.00, City staff will seek approval of the City Commission prior to additional expenditures.

Fiscal Note: In addition to the City's regulation of its rights-of-way and effective operations of GRU and GRUCom, the code provisions, agreements and policies referenced have a significant revenue impact to the City. The City receives communications services taxes (CST) from communications providers that provide services in the City, can charge a pass-through provider fee to other communications companies that use the rights-of-way but do not pay CST, and may charge rent for use of other City property by communications providers. In addition, the City, through GRU, may charge pole attachment fees and fees for utility pole work to accommodate such communications facilities. Updating these codes, agreements and policies will include review to ensure that the City is charging communications providers taxes and fees consistent with Florida law.

RECOMMENDATION

The City Commission authorize the City Attorney to retain the law firm of Gray Robinson to assist staff in amending ordinances and policies regarding telecommunication facilities in an amount not to exceed \$100,000.00

[160905 - Gary Resnick's Bio - 20170601.pdf](#)

[160905 MOD PowerPoint Presentation 20170601.pdf](#)

COMMITTEE DISCUSSION ITEMS - Items placed on the agenda by the Audit & Finance Committee or General Policy Committee or moved from Consent

UTILITY ADVISORY BOARD COMMITTEE

[160846.](#)

Commission's Decision to Purchase GREC (NB)

Explanation: At their May 17, 2017 regular meeting, the Utility Advisory Board discussed the Commission's decision to offer \$750,000,000 for the GREC Biomass facility and the Purchase Power Agreement. A majority of the Board members continue to believe that \$750,000,000 is too high

a price based on the analysis of Goldman Sachs and the fact that some of the expected values of arbitration were not factored into the price. Since this decision will affect GRU rate payers for the next 30 years, they believe it is prudent for the commission to revisit their decision and give the new Commissioners time to vet the MOU and draft contract and the Commission should vote again on whether to offer \$675,000,000 in the draft contract. The Board voted 4-2, with Mary Alford and Michael Selvester in dissent and Robert Walpole absent, to ask the Commission to reconsider the purchase price.

Fiscal Note: If GREC accepts, the price will be reduced by \$75 million dollars.

RECOMMENDATION

The UAB recommends:

- 1) the City Commission repeal their vote to purchase the GREC Biomass facility for \$750,000,000 and
- 2) take another vote to offer \$675,000,000 in the draft contract and under the current MOU.

Staff recommends:

- 1) continuing to "cooperate in good faith to negotiate a Purchase and Sale Agreement" as constructed in the MOU.

Legislative History

3/16/17 City Commission Heard

[160846 GREC GRU History 20160316](#)

[160846 GREC MOU - Signed Final 20170503](#)

[160846 - Draft GREC APA 20170517](#)

[160846_statement1_20170601](#)

[160846_statement2_20170601](#)

[160846_statement3_20170601](#)

OTHER POLICY DISCUSSION ITEMS - If the Commission does not get to these items, they are continued to the next regular Commission meeting or such other regular or special meeting or workshop, as the Commission directs

INFORMATIONAL PRESENTATIONS - Items that do not request or require any Commission action. If the Commission does not get to these items, they are continued to the next regular Commission meeting or such other regular or special meeting or workshop, as the Commission directs.

4:30 - 5:30pm Dinner Break

5:30 - Call to order Evening Session

PLEDGE OF ALLEGIANCE

PROCLAMATIONS/SPECIAL RECOGNITIONS[170082.](#)**Special Recognition for Gainesville Regional Utilities for the Water Fluoridation Quality Award (B)**

RECOMMENDATION *The City Commission hear the Special Recognition and Rick Davis to accept the award.*

[170082_Water Fluoridation Quality Award_20170601.pdf](#)

[170081.](#)**National Week of Making - June 16 - 22, 2017 (B)**

RECOMMENDATION *Active Streets Alliance Executive Director Joseph Floyd, Cade Museum Development Director Leslie Ladendorf, Hippodrome Theatre Managing Director Jessica Hurov and The Tech Toybox President Mark Davidson to accept the proclamation.*

[170081_WeekofMaking_20170601.pdf](#)

GENERAL CITIZEN COMMENT - For items not on the agenda, limited to 3 minutes per citizen and not to exceed 30 minutes total

CITY COMMISSION WAIVE THE RULES TO HEAR THIS ITEM AT A TIME CERTAIN OF 6:30PM

[160975.](#)**Recommendations of the Citizen Committee for Implementing the Strategic Framework (B)**

This item requests that the City Commission receive a presentation and adopt the recommendations of the Citizen Committee for Implementing the Strategic Framework.

Explanation: On December 15, 2016, the City Commission adopted the Strategic Plan Framework, a lasting blueprint to guide us towards our best Gainesville, a New American City. Vital to a successful implementation of the Framework is the continued engagement of citizens and community stakeholders.

On February 16, 2017, the Commission adopted a Resolution establishing a citizen advisory committee to assess and prioritize the community's more than 450 big ideas generated during the Gainesville Creative Series over several months throughout 2016 and early 2017.

The committee consisted of fourteen (14) citizen members appointed by the City Commission, participated in seven (7) staff-facilitated workshops, and worked diligently over sixty (60) days. The City Commission directed the committee to identify 12-15 big ideas which would further support implementing the Strategic Plan Framework.

Today, the Committee brings forth recommendations for the Commission's discussion.

Fiscal Note: None

RECOMMENDATION

The City Commission: 1) receive a presentation; and 2) accept the recommendations of the Citizen Committee for Implementing the Strategic Framework.

[160975A-MOD_Presentation_20170601.pdf](#)

[160975B-MOD_Report_20170601.pdf](#)

PUBLIC HEARINGS

RESOLUTIONS - ROLL CALL REQUIRED

[160496.](#)

Resolution Approving the Special Events Fee Waiver and Support Policy (B)

This item involves a request for the adoption of a Resolution of the City Commission approving the Special Events Fee Waiver and Support Policy.

Explanation: At the August 4, 2016 City Commission meeting, the issue of City co-sponsorship of special events came up for discussion under City Commission comment. To address this issue, City staff developed a policy to address these requests. Prior to this fee reductions, fee waivers and co-sponsorships for events and programs have been handled on a case-by-case basis. At the November 17, 2016 and March 2, 2017 City Commission meetings, the City Commission heard a presentation from City staff on the draft policy and provided input and guidance, directing staff to finalize the policy and return to the City Commission with a resolution for adoption of the policy.

Fiscal Note: Revenues generated through applications, permits, rentals and related fees help offset administration/operating costs and are generally deposited in the general fund and are calculated each year as anticipated revenues. An increase in the number of fee reductions, fee waivers and or/Support Grants may result in a decline in anticipated revenues and an increase in operating costs for certain departments.

RECOMMENDATION

The City Commission adopt the resolution.

Legislative History

11/17/16 City Commission Approved, as shown above
 3/2/17 City Commission Approved as Recommended

[160496 Special Events Fee Waiver Policy 20161117.pdf](#)

[160496A Special Events Fee Waiver Policy final draft 20170302.docx](#)

[160496B Graph 2014-2016 Events Revenue 20170302.pdf](#)

[160496A Resolution Special Events Fee Waiver 20170601.pdf](#)

[160496B Special Events Fee Waiver and Support Policy Exhibit A 20170601.pdf](#)

160525.

**Resolution Determining the Necessity and Public Purpose for the
 Condemnation of Two Parcels of Land (B)**

**A Resolution to determine the necessity and public purpose for the
 condemnation of two parcels of land associated with the Southeast
 4th Street Renovation project.**

Explanation: Staff has been negotiating land rights along SE 4th Street for the CIP Reconstruction Project. To date, staff has acquired all necessary land rights with the exception of two remaining parcels.

Bobby J. Powell, Sr. owns Tax Parcel 16038-000-000, located at 917 Southeast 4th Street (Parcel 3). The parcel is 78.4 feet wide by 136 feet deep and is a rental property, not the homestead of the owner. Numerous attempts were made to contact Mr. Powell at his place of business but no correspondence was received in return. On November 2, 2016, an agreement and copy of the appraisal was personally delivered to his receptionist at his place of business with a request to respond. No response has been received. The required land rights of this parcel are 702 square feet for right of way and 220 square feet for construction easement. The appraised value for all the required land rights was \$3,706 as of October 25, 2016. The last offer to purchase the land rights, delivered to Mr. Powell, was for \$5,400. Letter of best and final offer was hand delivered on February 15, 2017. No formal response has been received to date.

Lawrence J. Hamilton is the owner of Tax Parcel 16037-000-000, located at 923 Southeast 4th Street (Parcel 5). The parcel is 68 feet wide and 136 feet deep and a rental property, not the homestead of the owner. Mr. Hamilton has been very cooperative and has met with staff and discussed the proposed acquisition numerous times. The land rights required from Mr. Hamilton are 651 square feet of right of way and 211 square feet of construction easement. On October 21, 2016 the land rights appraised at \$2,663. In early negotiations and in an attempt to close on the required land rights, in August of 2016 an offer was given to Mr. Hamilton for \$5,000. This amount was based on an appraisal

from other properties in the general area and allowed for the cost of installing a fence to provide privacy for his tenants. The Project Manager and Public Works Director met with Mr. Hamilton on January 26, 2017 to discuss the project scope and specific impacts to the parcel. No response was heard in the following weeks. A letter with best and final offer was mailed on April 6th with no response received to date.

If the resolution for condemnation is not approved, the roadway design would need to be revised to omit approximately 500 linear feet of the concrete sidewalk and cycle track along the east side of the corridor between SE 8th Place and SE 9th Place. To address the gap in multimodal facilities, an uncontrolled crossing with pedestrian activated rectangular rapid flashing beacons could be placed on the north side of the SE 8th Place intersection and south side of the SE 9th Place intersection to provide a continuous route for pedestrians and cyclists. The net cost of this would likely be a relatively minor deduction due to reduction of concrete but addition of signage and striping. This alternative would increase the likelihood of pedestrian and vehicular incidents by introducing additional conflict points. The existing right of way and proposed roadway alignment do not allow for reducing the sidewalk width as there is not enough room between back of proposed curb and the existing right of way to accommodate the 6' minimum sidewalk width in this area.

Fiscal Note: The funding needed for the cost of the land rights acquisition is available in the Southeast 4th Street Capital Project account.

RECOMMENDATION

The City Commission: 1) approve the resolution authorizing condemnation of Parcels 3 and 5; and 2) authorize the City Manager or his designee to execute any applications, agreements, or any other related documents and take any other actions necessary to complete the Eminent Domain process, subject to the approval of the City Attorney as to form and legality.

Legislative History

12/15/16 City Commission Adopted (Resolution) and Approved the Recommendation

[160525A RESOLUTION 20161215.pdf](#)

[160525B Map City Parcels 20161201.pdf](#)

[160525 resolution 20161215](#)

[160525A Resolution 20170601.pdf](#)

[160525B Parcel Map 20170601.pdf](#)

[160525C Legal Description 201700601 Powell.pdf](#)

[160525D Legal Description 20160601.pdf](#)

[170056.](#)

Reimbursement Resolution Related to the Technology & ERP

Project and the Fire Station One Project (B)

This item involves a request for the City Commission to adopt the proposed resolution, which provides the opportunity for the City to issue tax-exempt debt to fund the expenditures related to the Technology & ERP Project and Fire Station One Project.

Explanation: The FY 2017 Adopted Budget included the issuance of \$9.25 million in debt to fund the Technology & ERP Project and Fire Station One Project. In order to have flexibility in the timing of the debt issue without delaying the projects, while staying in compliance with Treasury regulations for issuance of tax-exempt debt for the purposes of reimbursing previously incurred project costs, a reimbursement resolution must be adopted by the City Commission within 60 days from the date the cost was incurred. To date no costs have been incurred related to the portions of these projects anticipated to be funded through debt issue.

Fiscal Note: Adoption of this resolution will allow the City to issue up to \$9.25 million of tax-exempt debt for expenditures related to the Technology & ERP Project and the Fire Station One Project.

RECOMMENDATION *The City Commission adopt the proposed reimbursement resolution.*

[170056_Resolution_20170615.pdf](#)

ORDINANCES, 1ST READING - ROLL CALL REQUIRED

[160676.](#)

TEXT CHANGE - UPDATE AIRPORT HAZARD ZONING REGULATIONS (B)

Ordinance No. 160676; Petition PB-16-186 TCH

An ordinance of the City of Gainesville, Florida, amending the Land Development Code (Chapter 30 of the City of Gainesville Code of Ordinances) to update Airport Hazard Zoning Regulations; by deleting definitions from Section 30-23 Definitions; by amending Appendix F - Airport Hazard Zoning Regulations; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

MODIFICATION - CHANGED TEXT FILE LANGUAGE TO CONTINUE THE ITEM TO JUNE 15TH

RECOMMENDATION *The City Commission continue item until June 15, 2017.*

[160676 Staff report and Appendices A-B 20170126](#)
[160676A draft ordinance 20170601.pdf](#)
[160676B interlocal agreement 20170601.pdf](#)
[160676C Staff report and Appendices A-B 20170601](#)
[160676D 170126 CPB minutes 20170601](#)
[160676E Staff PPT 20170601](#)

[160988.](#)

ORDINANCE SETTING 2018 ELECTION DATES AND QUALIFYING DATES (B)

ORDINANCE NO. 160988

AN ORDINANCE OF THE CITY OF GAINESVILLE, FLORIDA, SETTING MARCH 20, 2018 AS THE DATE FOR THE 2018 REGULAR CITY ELECTION AND MAY 1, 2018 AS THE DATE FOR THE 2018 RUN-OFF ELECTION, IF NECESSARY; SETTING THE EARLY VOTING DATES FOR THE 2018 REGULAR CITY ELECTION AND 2018 RUN-OFF ELECTION, IF NECESSARY; SETTING THE DATES FOR QUALIFYING FOR THE 2018 REGULAR ELECTION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Explanation: The City Commission, at its meeting of May 4, 2017, approved the dates for the 2018 regular city election and run-off election. Section 9-2 of the City Code of Ordinances requires that the dates be set by ordinance adopted no later than July 1 of each year. Section 9-10 of the City Code of Ordinances states the period to qualify as a candidate for the office of Mayor or City Commissioner shall be between the 50th and 46th day prior to the date of the election. This ordinance sets forth the actual calendar dates for 2018 as follows:

Regular election -Tuesday, March 20, 2018

Run-off election (if necessary) - Tuesday, May 1, 2018

Qualifying Period - From noon on Monday, January 29, 2018 to noon on Friday, February 2, 2018.

Pursuant to an ordinance amendment last fall, dates for early voting must be included in the ordinance setting the election dates. The dates for early voting were inadvertently not included in the Clerk's recommended election dates. This ordinance includes early voting dates of Saturday, March 10, 2018 to and including Saturday, March 17, 2018 for the general election and early voting dates of Saturday, April 21, 2018 to and including Saturday, April 28, 2018 for the run-off election, if necessary.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

5/4/17 City Commission Approved as Recommended

[160988 2018 Election 20170504.pdf](#)

[160988 2018 Election Dates 20170601.pdf](#)

ORDINANCES, 2ND READING - ROLL CALL REQUIRED

[160744.](#)

VOLUNTARY ANNEXATION - 108 ACRES OF PROPERTY SOUTH OF SW ARCHER ROAD AND WEST OF I-75 (B)

Ordinance No. 160744

An ordinance of the City of Gainesville, Florida, annexing approximately 108.3 acres of privately-owned property that is generally located south of SW Archer Road, west of Tax Parcel No. 07240-049-000 and the existing City of Gainesville boundary, north of SW 57th Avenue, and east of SW 63rd Boulevard, as more specifically described in this ordinance, as petitioned for by the property owners pursuant to Chapter 171, Florida Statutes; making certain findings; providing for inclusion of the property in Appendix I of the City Charter; providing for land use plan, zoning, and subdivision regulations, and enforcement of same; providing for persons engaged in any occupation, business, trade, or profession; providing directions to the Clerk of the Commission; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: This ordinance, at the request of the property owners of the subject property, will annex into the corporate limits of the City of Gainesville approximately 108.3 acres of privately-owned property that is generally located south of SW Archer Road, west of Tax Parcel No. 07240-049-000 and the existing City of Gainesville boundary, north of SW 57th Avenue, and east of SW 63rd Boulevard, as more specifically described in this ordinance. At the request of the property owners seeking annexation into the City of Gainesville, the City Commission on March 2, 2017, received and accepted a petition for voluntary annexation of the property and directed the City Attorney to prepare an annexation ordinance.

Municipal annexation in Florida is governed by the Municipal Annexation or Contraction Act (the "Act"), which is found in Chapter 171, Florida Statutes. Section 171.044, F.S., sets forth the requirements and procedure for voluntary annexation, whereby property owners may voluntarily request a municipality to include their property within the corporate limits of that municipality. Besides various procedural requirements, Section 171.044, F.S., sets forth the following substantive requirements for voluntary annexations: 1) the proposed annexation

area must be "contiguous" to the municipality; 2) the proposed annexation area must be "reasonably compact"; and 3) the annexation must not create any "enclaves."

Contiguous

Section 171.031, F.S., of the Act defines "contiguous" as follows: "a substantial part of a boundary of the territory sought to be annexed by a municipality is coterminous with a part of the boundary of the municipality. The separation of the territory sought to be annexed from the annexing municipality by a publicly owned county park; a right-of-way for a highway, road, railroad, canal, or utility; or a body of water, watercourse, or other minor geographical division of a similar nature, running parallel with and between the territory sought to be annexed and the annexing municipality, shall not prevent annexation under this act, provided the presence of such a division does not, as a practical matter, prevent the territory sought to be annexed and the annexing municipality from becoming a unified whole with respect to municipal services or prevent their inhabitants from fully associating and trading with each other, socially and economically."

When used in the context of municipal annexation, a Florida District Court of Appeal has articulated further that "contiguous" means "touching or adjoining in a reasonably substantial...sense." City of Sanford v. Seminole County, 538 So. 2d 113 (Fla. 5th DCA 1989).

Reasonably Compact

The Act requires voluntary annexations to be "reasonably compact," and defines "compactness" in Section 171.031, F.S., as: "concentration of a piece of property in a single area and precludes any action which would create enclaves, pockets, or finger areas in serpentine patterns. Any annexation proceeding in any county in the state shall be designed in such a manner as to ensure that the area will be reasonably compact."

The Act provides no further definitions or explanation of the "reasonably compact" requirement (with the exception of defining "enclave" as discussed below; 'enclave' is mentioned in the Act both within the definition of 'compactness' and as a stand-alone provision of the Act). However, case law from Florida's mid-level courts (i.e., Florida District Courts of Appeal; no cases on point from the Supreme Court of Florida) provide further elaboration on the "reasonably compact" requirement. Specifically, case law has defined the term "pocket" (which is included in the statutory definition of "compactness") as meaning "a small isolated area or group" when viewed "in relationship to the overall scope and configuration of the parcel in question and the surrounding municipal property," or meaning a voluntary annexation may not leave a small isolated unincorporated area "in a sea of incorporated property." City of Center Hill v. McBryde, 952 So. 2d 599 (Fla. 5th DCA 2007); City of Sanford v. Seminole County, 538 So. 2d 113 (Fla. 5th DCA 1989). Further, the term "serpentine" (which is also included in the statutory definition of "compactness") has been defined to mean "winding or turning one way and another," meaning voluntary annexations may not

be shaped in a finger pattern that are winding or turning. City of Sanford v. Seminole County.

Enclave

Section 171.031, F.S., of the Act defines "enclave" as: "(a) any unincorporated improved or developed area that is enclosed within and bounded on all sides by a single municipality; or (b) any unincorporated improved or developed area that is enclosed within and bounded by a single municipality and a natural or manmade obstacle that allows the passage of vehicular traffic to that unincorporated area only through the municipality."

General Purpose of Municipal Corporation

A Florida Court of Appeal has described that, as a city considers any particular annexation of land, it is helpful to consider the general purpose and goals of a municipal corporation as follows: "the legal as well as the popular idea of municipal corporation in this country, both by name and use, is that of oneness, community, locality, vicinity; a collective body, not several bodies, a collective body of inhabitants-that is, a body of people collected or gathered together in one mass, not separated into distinct masses, and having a community of interest because residents of the same place, not different places. So, as to territorial extent, the idea of a city is one of unity, not of plurality; of compactness or contiguity, not separation or segregation." City of Sanford v. Seminole County.

Discussion

It is the opinion of city staff that the procedural and substantive requirements for voluntary annexation described in Section 171.044, F.S., have been met as follows: First, the annexation area is "contiguous" to the city limits because a substantial part of a boundary of the annexation area is coterminous with a part of the city boundary, and is touching or adjoining the city limits in a reasonably substantial sense. Second, the annexation area is "reasonably compact" because it is a reasonable concentration of property in a single area and does not create any enclaves, pockets, or finger areas in serpentine patterns. This annexation would not result in a pattern of land that is winding or turning, and would not create any small isolated unincorporated area that is left in a sea of incorporated property when viewed in relationship to the overall scope and configuration of the annexation area and surrounding municipal property. Third, this annexation would not create any "enclaves" because the annexation would not result in any unincorporated property that is either enclosed and bound on all sides by the city limits; or enclosed within and bounded by the city limits and a natural or manmade obstacle that allows the passage of vehicular traffic to that unincorporated area only through the city.

Therefore, and in light of the general purpose of municipal incorporation described above and the fact that a property owner has voluntarily requested to be annexed into the City of Gainesville, city staff recommends adoption of this voluntary annexation ordinance.

The City Commission must decide, based on the map of the annexation area, the opinion and testimony of city staff, and other competent substantial evidence included in the record, whether the proposed annexation meets the essential requirements of the applicable state annexation law as described herein.

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

3/2/17	City Commission	Approved as Recommended
5/18/17	City Commission	Adopted on First Reading (Ordinance)

[160744A Letter of Transmittal 20170302](#)

[160744B 06943-002-000 20170302](#)

[160744C 06944-000-000 20170302](#)

[160744D 06944-001-000 20170302](#)

[160744E 06949-000-000 20170302](#)

[160744F 06949-001-000 20170302](#)

[160744G 06949-002-000 20170302](#)

[160744H 06951-000-000 20170302](#)

[160744I 06952-000-000 20170302](#)

[160744J 06952-001-000 20170302](#)

[160744K 06952-002-002 20170302](#)

[160744L 06952-003-000 20170302](#)

[160744M Annexation Map-Archer rd 20170302](#)

[160744 draft ordinance 20170518.pdf](#)

[160744B Staff PPT 20170518](#)

[160682.](#)

VACATION OF PUBLIC RIGHT-OF-WAY - PORTION OF SOUTH SIDE OF SW 5TH AVENUE LYING BETWEEN SW 11TH DRIVE AND SW 10TH DRIVE (B)

Ordinance No. 160682; Petition PB-16-181 SVA

An ordinance of the City of Gainesville, Florida, to vacate, abandon, and close a certain portion of public right-of-way on the south side of SW 5th Avenue lying between SW 11th Drive and SW 10th Drive, as more specifically described in this ordinance; providing directions to the Clerk of the Commission; providing a severability clause; providing a repealing

clause; and providing an effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

This ordinance vacates a public right-of-way that is an approximately 10'x150' portion of SW 5th Avenue (south side) lying between SW 11th Drive and SW 10th Drive. The property is located in the University Heights Special Area and University Heights Historic District-South. According to the applicant, the purpose of the request is to allow three relocated historic structures to be closer to the sidewalk; to match a previous vacation of public right-of-way located in the vicinity of SW 5th Avenue; and to allow for a more efficient placement of point of service locations for GRU.

The criteria for the vacation of public streets or public places are found in both Policy 10.2.1 of the Transportation Mobility Element of the Comprehensive Plan and Section 30-192 of the Land Development Code. Specifically, Policy 10.2.1 of the Transportation Mobility Element states that the City shall not close or vacate streets except under the following conditions: A) the loss of the street will not foreclose reasonably foreseeable future bicycle/pedestrian use; B) the loss of the street will not foreclose non-motorized access to adjacent land uses or transit stops; C) the loss of the street is necessary for the construction of a high density, mixed-use project containing both residential and non-residential uses or creating close proximity of residential and non-residential uses; and D) there is no reasonably foreseeable need for any type of transportation corridor for the area.

Section 30-192 of the Land Development Code states that, in order to vacate public right-of-way, the City Commission shall find that: A) the public street or public place no longer serves a public purpose; or B) the vacation of the public street or public place is in the public interest. In making this determination, Section 30-192 requires the City Commission to consider the following criteria in determining whether the vacation is in the public interest: A) whether the public benefits from the use of the subject right-of-way as part of the city street system; B) whether the proposed action is consistent with the Comprehensive Plan; C) whether the proposed action would deny access to private property; D) the effect of the proposed action upon public safety; E) the effect of the proposed action upon the safety of pedestrians and vehicular traffic; F) the effect of the proposed action upon the provision of municipal services including but not limited to emergency service and waste removal; G) the necessity to relocate both public and private utilities; and H) the effect of the proposed action on the design and character of the area.

The City Plan Board, on February 23, 2017, held a public hearing and voted to recommend that the City Commission approve Petition PB-16-181 SVA.

CITY ATTORNEY MEMORANDUM

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

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

5/18/17 City Commission Approved (Petition) and Adopted on First Reading (Ordinance)

[160682 Staff report and Exh A-B 20170223](#)

[160682 draft ordinance 20170518.pdf](#)

[160682B Staff report and Exh A-B 20170518](#)

[160682C CPB minutes 20170518](#)

[160682D Staff PPT 20170518](#)

[160740.](#)

AMENDMENT TO ELECTIONS CODE RELATING TO THE DESIGNATION OF THE REGISTRATION AND QUALIFYING OFFICER (B)

Ordinance No. 160740

An ordinance of the City of Gainesville, Florida, amending Chapter 9 of the Code of Ordinances relating to elections; amending Section 9-6 as it relates to the designation of the registration and qualifying officer; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: The City Commission at its meeting of February 16, 2017 approved the Interlocal Agreement for Election Services. The Agreement provides that the Clerk of the Commission is designated as the registration and qualifying officer for City elections. This amendment addresses this provision of the Agreement and also provides that the City may contract with the Supervisor of Elections to take back these duties. This ordinance requires two hearings and shall become effective immediately upon adoption.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

2/16/17 City Commission Approved, as shown above

5/18/17 City Commission Adopted on First Reading (Ordinance)

[160740 Election Services Agreement 20170216.pdf](#)

[160740 election agreement 20170216.pdf](#)

[160740 Elections Agreement 20170216.pdf](#)

[160740 draft elections ordinance 20170518.pdf](#)

[160951.](#)**WRITTEN INVESTMENT PLAN - ORDINANCE AND POLICY
(B)**

ORDINANCE NO. 160951

An Ordinance of the City of Gainesville, Florida, amending Sections 2-226, 2-227 and 2-438 regarding the director of finance and investment of funds of the City; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: Section 218.415, Florida Statutes, requires that investment activity by a local government must be consistent with a written investment plan adopted by the governing body. After reviewing Government Finance Officers Association recommendations and other cities' investment ordinances, Finance Department staff proposes amending the City's Code of Ordinances to update the allowable types of investments and clarify that the Finance Director or his/her delegated subordinates have authority to invest funds of the City. In addition, Finance Department staff proposes updating the City's Investment Policy and obtaining City Commission approval of same. The ordinance requires two hearing and shall become effective immediately upon final adoption. The Policy will become effective upon Commission approval.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

5/18/17 City Commission Adopted on First Reading and Approved the Recommendations

[160951_Written Investment Plan - Ordinance and Policy_20170518.pdf](#)

[160951A_City Investment Policy 2017_20170518.pdf](#)

PLANNING PETITIONS[160769.](#)**Sexual Offender Treatment Center (B)**

Petition PB-17-13TCH. City of Gainesville. Amend the Land Development Code (Chapter 30 of the City of Gainesville Code of Ordinances) by deleting the definition of Rehabilitation Centers and adding a definition of Sexual Offender Treatment Centers; by deleting Rehabilitation Centers as a permitted use in the code; and by adding Sexual Offender Treatment Centers as a permitted use by Special Use Permit in the following districts: General Business District (BUS), Mixed-Use Medium Intensity District (MU-2), Central City District (CCD), Business Industrial District (BI), and Medical Services District (MD).

Estimated Presentation Time is 15 minutes

Explanation: This petition addresses how the City should regulate social service treatment type facilities, specifically where sexual offender treatment and counseling would be allowed through-out the City. During the May 19, 2016 City Commission meeting, the City Commission heard from several citizens from the Oakview Neighborhood regarding concerns about a court-ordered counseling services for sexual offenders locating in their neighborhood near childcare centers. The City Commission referred this issue to the General Policy Committee for discussion on May 26, 2016. The consensus of the General Policy Committee was to amend the ordinance to make it clear where sexual offender treatment would be allowed.

The City's Land Development Code, as it relates to this issue, has not been updated for over twenty years. The existing code is based on outdated concepts and does not address many of the issues that concern neighborhoods. Based on the Code today, businesses providing service to people with some type of behavioral disorder, mental health, drug abuse, alcohol abuse, disability or similar problem (sexual offender) are all classified as being similar.

Staff's proposal to the City Plan Board proposed addressing sexual offender treatment as a separate and distinct use from the other types of counseling. The City Plan Board voted to deny the petition. The board expressed concerns about whether it was fair to separate out this use from the other uses, the lack of any evidence or studies that indicate that the individuals seeking treatment committed crimes in the vicinity of the counseling facility or neighborhoods where they were receiving treatment. Some members of the Board wanted to study the issue further, others did not and the Board voted 6-0 to deny the petition.

Fiscal Note: None

RECOMMENDATION

City Plan Board to the City Commission - deny the petition

Staff to the City Commission - approve the petition

Alternative Recommendation

Hear a presentation from staff on different options and approve the petition as presented or modified.

[160769 Staff report and Exhibits 1-4 20170323](#)

[160769 Staff report and Exhibits 1-4 20170427](#)

[160769A Revised Ordinance - Sexual Offender Treatment Centers 20170427](#)

[160769B Kyle Bender PPT 20170427](#)

[160769A Current Petition Proposal 20170601](#)

[160769B Alternative Recommendation 20170601](#)

[160769C Staff report and Exhibits 1-4 20170601](#)

[160769D Revised Ordinance - Sexual Offender Treatment Centers 20170601](#)

[160769E Kyle Bender PPT 20170601](#)

[160769F CPB minutes draft 20170601](#)

[160769G Staff PPT 20170601](#)

[160885.](#)

Petition DB-15-114 SUB. EDA Engineers-surveyors-planners, Inc., agent for New Generation Home Builders Inc. Design plat review for a subdivision of Blues Creek Unit 5, containing 44 lots on 36.7 acres. Zoned: PD for single-family residential. Located in the 7000-7800 Block of NW 58th Street (B)

Explanation: This petition implements the last phase (single family subdivision) of the Blues Creeks Planned Development in accordance with regulations adopted by the City Commission on March 2, 2017. This request for design plat approval subdivides a 36.7 acre parcel into 44 single-family lots with a combination of public and private road plus additional parcels for environmental protection, stormwater management, common areas, landscaping, utilities and other amenities. The property is located in the 7000 - 8000 Block of NW 58th Street with a proposed density of 1.2 units per acre.

The Blues Creek development was originally approved by Alachua County as a Planned Unit Development and portions of it were subsequently annexed into the City of Gainesville during the period 2001 to 2005. After annexation the development was regulated by the City of Gainesville as a Planned Development based on the originally approved Alachua County Planned Unit Development Resolution. Since its annexation into the City, the development has experienced several amendments, the last being Ordinance 150694, adopted by the City Commission on March 2, 2017. This last amendment focused primarily on the remaining undeveloped portion of the Blues Creek development, which is a triangular area sandwiched between the western boundaries of the City limits and a 90.2 acre drainage and conservation area to the east. The essential elements of the last amendment include a reduction in the number of lots; modification of the development standards to match the environmentally sensitive nature of the area; establishing options for utility service through a new lift station and/or an underground sewer crossing below the bed of the Blues Creek; creation

of a private roadway system to serve the southernmost lots; and establishing a minimum size for lot within the subdivision.

The Development Review Board by a vote of 7-0 approved Petition DB-15-114 SUB with staff comments and conditions at a public hearing held on March 28, 2017

Fiscal Note: None

RECOMMENDATION

Development Review Board to City Commission - The City Commission approve Petition DB-15-114 SUB with staff comments and condition.

Staff to City Commission - Approve the Development Review Board's recommendation.

Staff to Development Review Board - Forward a recommendation to the City Commission to approve the design plat, Petition with the comments and conditions listed in the report and the TRC comments.

[Final Staff Report Unit 5 Phase 2 Petition DB-15-114 SUB](#)

[Attachment B - Application and Other Supporting Documents Full Doc](#)

[Attachment C PD Ordinance and other Regulations Full Documents](#)

[Attachment D Subdivision Drawings](#)

[Attachment E – Full Documents Submitted by the Applicant for DRB](#)

[160885A_PD Ordinance_20170601](#)

[160885B_Subdivision Drawings_20170601](#)

[160885C_DRB Minutes 03282017_20170601](#)

[160885D_Staff PPT_20170601](#)

[160885_Blues Creek PPT_edd_20170601.pdf](#)

[160885_Petitioner Request_20170601.pdf](#)

[160885_petition form_20170601.pdf](#)

[160885_MOD_Petition Form_20170601.pdf](#)

CITIZEN COMMENT - For items not on the agenda, limited to 3 minutes per citizen and not to exceed 30 minutes total

COMMISSION COMMENT

10:00pm or earlier - Adjourn - If later than 10:00pm, the Commission may waive the rules to extend the meeting or may schedule a date/time to continue the meeting