

# City of Gainesville

City Hall  
200 East University Avenue  
Gainesville, Florida 32601



## **Meeting Agenda - Final**

**February 18, 2016**

**1:00 PM**

**MODIFIED AGENDA**

**City Hall Auditorium**

## **City Commission**

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

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

**CALL TO ORDER****AGENDA STATEMENT**

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

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

[150658.](#)

**Continuation of Employee Bus Pass Program (B)**

**This item is a request for the City Commission to approve the continuation of the Employee Bus Pass Program and authorize the City Manager to execute service agreements with local agencies for the Employee Bus Pass Program.**

*Explanation: The Employee Bus Pass Program was created to alleviate traffic and parking problems, particularly at the University of Florida (UF) and Downtown. The program has been in effect since January 24, 2000, with UF employees being the first to participate. The program now represents approximately 30,000 employees from UF, Santa Fe College (SF), the City of Gainesville, Alachua County, Shands Hospital, North Florida and South Georgia Veterans Health System (VA), CareerSource, Oaks Mall, Fluor Federal Solutions LLC, and Skanska.*

*RTS desires to continue the Employee Bus Pass Program.*

*Fiscal Note: At the rate of \$7.50 per employee per year, revenue in the amount of \$219,982.50 will be collected for the continuation of this program.*

**RECOMMENDATION**

*The City Commission: 1) approve the continuation of the Employee Bus Pass Program through*

January 2017; and 2) authorize the City Manager or his designee to execute service agreements with local agencies for the Employee Bus Pass Program, subject to approval by the City Attorney as to form and legality.

[150658\\_Employee Pass Report FY15\\_20160218.pdf](#)

[150719.](#)

**Settlement of Worker's Compensation Claim - Howard Richardson (NB)**

**This item involves the full and final settlement of Mr. Richardson's workers' compensation claim(s), which will include all future medical and indemnity payments. The total settlement amount is \$45,500.00 and represents a significant cost advantage to the city.**

*Explanation:* While employed by RTS, Mr. Richardson received injuries to his neck which led to ongoing medical treatment and surgery. As a result of his injuries, the present potential exposure to the City in future medical treatment, indemnity payments is significant given his life expectancy.

The City Attorney's Office, the Risk Management Department, RTS, Special Counsel and our Worker's Compensation servicing agent all concur as to the full and final settlement of this claim. The total amount \$45,500.00, includes future medical costs and future indemnity payments.

*Fiscal Note:* The settlement of this case in the amount of \$45,500.00 will be paid out of the General Insurance Fund.

**RECOMMENDATION**

The City Commission authorizes Special Counsel to prepare and execute the appropriate documents for a lump-sum settlement of the Worker's Compensation claim of Mr. Richardson in the amount of \$45,500.00.

[150739.](#)

**Northeast Pool Liner Replacement (B)**

**The Northeast Pool Liner is no longer functional and needs to be replaced. City staff is seeking City Commission approval to enter into a Settlement Agreement with Natare, the company that installed the pool liner.**

*Explanation:* There is an immediate need to replace the pool liner at the Northeast Pool to restore the pool to operation as soon as possible. The old liner has deteriorated and is no longer serviceable. City staff is seeking City Commission approval of a settlement agreement with Natare. The settlement agreement proposes that the City pay Natare up to \$75,000 towards the costs of installing a new pool liner. The settlement

*agreement is a compromise of a claim on the warranty for the liner and would result in Natatec installing a new liner with Natatec and the City sharing costs. After review by Natatec and the City, no definitive causes have been identified for deterioration of the liner.*

*The warranty states that the Natatec materials shall retain their integrity as a watertight membrane and not peel, flake, crack, tear or delaminate. When the system was first installed in 2008, Natatec made the City aware that it is typical for the membrane system to experience some shrinking and stretching in the first year of operation. During the summer of 2008, wrinkles began developing in the pool. Natatec was contacted and agreed to inspect the pool on a warranty basis to determine the cause of the wrinkles. The pool was drained and technicians inspected the liner thoroughly although no specific cause for the wrinkles was determined.*

*After multiple issues with the pool liner and many attempts to repair it, on February 10, 2015 the City provided correspondence to Natatec requesting that Natatec replace the Northeast Pool liner under Natatec's ten-year warranty. Thereafter, on April 20, 2015, the City provided correspondence to Natatec in follow-up to its February 10, 2015 correspondence for warranty. On July 30, 2015, Natatec responded to the City's warranty claims and in follow-up to calls in April, May, and early June regarding the issues raised by the City. On September 17, 2015, the City renewed its request. Natatec then requested that the pool be drained so they could inspect the liner. City staff coordinated with Natatec to schedule a date over the winter when the pool has fewer users.*

*On January 5, 2016 the pool was completely drained. On January 11, 2016 Natatec and an independent consultant hired by the City inspected the Northeast Pool. Both Natatec and the City's consultant concur that the pool liner must be replaced. These inspections did not identify any definitive causes for the pool liner deterioration. Several meetings, both in person and by telephone, have taken place since that time in an effort to reach a settlement agreement on the warranty claim to replace the pool liner.*

*The pool is currently sitting empty with a dewatering system operating 24-hours per day to ensure the pool shell does not "float" due to ground water intrusion. The contracted user groups have been displaced and the City is not able to provide swimming space to the public at this time since Northeast Pool is City's only year round pool.*

*In order for the pool liner replacement work to proceed with Natatec, the City Commission would need to approve the settlement agreement. If the City Commission does not approve the settlement agreement, City staff will pursue having the work done through another vendor and seek authorization to file a lawsuit against Natatec.*

*If the settlement agreement is approved, staff expects work on the pool*

to take 4 - 6 weeks which would allow the pool to re-open for the busy spring and summer swim seasons. Installation of a pool liner through another vendor would result in a longer pool closure based on availability of the vendor to commence the work. Natare has crews and resources ready to commence installation of a new pool liner upon approval of a settlement agreement.

*Fiscal Note:* The settlement agreement proposes that the City pay Natare up to \$75,000 for installation of a new pool liner. Funds allocated for pool improvements are available in the City's capital improvement program. The City would be responsible for preparing the pool for installation of the new pool liner and having a pressure test performed which can be done with City staff and other contracted resources. The cost to install a new pool liner through another company is estimated at \$150,000 - \$180,000.

**RECOMMENDATION**

The City Commission authorize the City Manager to execute a settlement agreement with Natare for resolution of the warranty claim in an amount not to exceed \$75,000 for installation of a new liner at Northeast Pool with a 10-year warranty.

[150739\\_Northeast-Pool-Liner\\_report\\_20160218.pdf](#)

## GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

## CITY ATTORNEY, CONSENT AGENDA ITEMS

[150736.](#)

**ASPEN AMERICAN INSURANCE COMPANY, A/S/O DR. SAMY F. BISHAI, D/B/A SEMINOLE BOWL VS. GAINESVILLE REGIONAL UTILITY; EIGHTH JUDICIAL CIRCUIT, CASE NO. 2016-CA-180 (B)**

*Explanation:* On February 2, 2016, Aspen American Insurance Company caused a Summons and Complaint to be served on the City's General Manager for Utilities in the above-referenced case. Of course, Gainesville Regional Utilities is not a proper party to the lawsuit and the General Manager is not authorized to receive service of process on behalf of the City, but it is anticipated that the Plaintiff will have an opportunity to correct these deficiencies. As to the substance of the Complaint, the Plaintiff alleges that it paid \$202,910.00 to its insured as a result of damage sustained to the insured bowling alley's electrical system caused by lightning strikes. Plaintiff claims that the utility pole installed by Gainesville Regional Utilities was missing a ground connection resulting in the damage to the electrical system. Plaintiff is seeking money damages, interest and court costs.

**RECOMMENDATION**

The City Commission authorize the City Attorney to represent the City in the case styled Aspen American Insurance Company, a/s/o Dr. Samy F. Bishai, d/b/a Seminole Bowl vs. Gainesville

*Regional Utility; Eighth Judicial Circuit, Case No. 2016-CA-180.*

[150736 Aspen American Ins. Consent 20160218](#)

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

[150743.](#)

**City Commission Minutes (B)**

**RECOMMENDATION**

*The City Commission approve the minutes of January 21, January 25, February 4, and February 8, 2016.*

[150743\\_Minutes\\_20160204.pdf](#)

**EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**

**COMMITTEE REPORTS, CONSENT AGENDA ITEMS**

**AUDIT AND FINANCE COMMITTEE, CONSENT**

**EQUAL OPPORTUNITY COMMITTEE, CONSENT**

**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**

[150742.](#)

**Appointments to the Utility Advisory Board (B)**

**RECOMMENDATION**

*The City Commission appoint members to the Utility Advisory Board.*

[150742\\_UtilityAdvisoryBoardApps\\_20160218.pdf](#)

**CITY MANAGER**

[150662.](#)**2017 Federal Legislative Agenda (B)**

**This is a request for the City Commission to approve the Federal Legislative Agenda. \*\*ESTIMATED STAFF PRESENTATION 5 MINUTES\*\***

*Explanation: The City Commission annually adopts the Federal Legislative Agenda. The legislative agenda is a compilation of the City's main priority needs for the upcoming legislative session and provides delegation members with comprehensive information in order for them to focus their efforts on specific legislative priorities and initiatives related to the City. The Omnibus Act signed by President Obama set the final details for funding.*

*This year's Federal Agenda will list the top priorities relevant to the City's federal funding objectives and interests -- from Housing and Urban Development (HUD) and Community Development to Transportation, Commerce and the Economic Development Administration, the Environmental Protection Agency, Energy, Labor and Education and Job Training, and Mental Health and Welfare.*

*Unlike earlier bills, which have brought almost \$30 million to Gainesville-area projects, the bill includes no site-specific earmarks/project authorizations, as they no longer exist. Congressional members and their staff are working with our Federal Lobbyist and Intergovernmental Affairs Coordinator to produce precise language that, if adopted, will provide special recognition and potential discretionary funding to City projects that reflect a unique level of public-private collaboration.*

*Fiscal Note: There is no fiscal repercussion for discussing this item.*

**RECOMMENDATION**

*The City Commission: 1) discuss and prioritize the projects listed in the draft 2017 Legislative agenda; and 2) and approve the 2017 Federal Legislative Agenda for presentation in Washington, D.C.*

**Legislative History**

1/21/16 City Commission Continued

[150662\\_2017 DRAFT Legislative Agenda\\_20160121.pdf](#)

[150662\\_2017 DRAFT Legislative Agenda\\_20160218.pdf](#)

[150568.](#)**Citizen Centered Gainesville Implementation Update**

**This item is a request for the City Commission to hear a presentation on the implementation efforts related to Citizen Centered Gainesville and approve funding for implementation in FY2016. \*\*ESTIMATED STAFF PRESENTATION 15 - 20 MINUTES\*\***

*MODIFICATION - New PowerPoint*

*Explanation:* On December 3, 2015 the Blue Ribbon Advisory Committee on Economic Competitiveness presented its final report to the City Commission, which outlined recommendations to create a citizen centered city government. The City Commission approved the report unanimously and directed staff to come back with an outline of initial steps to implement report recommendations. Those initial steps were presented to the Commission on December 17, 2015 and a consensus to move forward with implementation was reached.

*The purpose of this item is to provide detail on the implementation and update the Commission on the progress made towards those initial steps, as well as to request one-time funding to make resources available during FY2016. While there are some components of the initiative that do not require funding, other aspects of implementation will have a fiscal impact. Currently, there is no explicit funding budgeted for the Citizen Centered Gainesville initiative. However, staff has identified resources within the existing budget, which may be reallocated for the purposes of Citizen Centered Gainesville.*

*Staff would also like to request to supplement existing resources with a one-time funding request. The appropriation of additional resources is necessary to ensure that initiatives can move forward unhindered in the current fiscal year. For instance, there are several components of the recommendations that require or are expected to require funding in the near term including: training and development for city staff, conducting outreach efforts to citizens to enhance communication and participation, redesigning the physical space of city facilities, testing city website usability, and obtaining expertise to develop and optimize technological platforms. If new funding is allocated for Citizen Centered Gainesville and remains at the end of FY16, the Commission may choose to have remaining funds roll back into the reserve balance.*

*Going forward into FY2017, it is anticipated that initiatives related to Citizen Centered Gainesville will be requested as part of the regular budget process.*

*Fiscal Note:* Staff requests a one-time appropriation of \$100,000 from the CIRB 2005 capital projects fund unallocated interest earnings to implement certain capital-related Citizen Centered Gainesville initiatives in FY2016. An additional \$50,000 will be appropriated from the Building Code Inspection Fund for Thomas Center lobby capital improvements. Staff also requests the allocation of \$100,000 from the General Fund unappropriated Fund Balance. These combined actions would result in \$250,000 in total resources being made available to execute Citizen Centered Gainesville initiatives in the current fiscal year.

**RECOMMENDATION**

*The City Commission: 1) receive a presentation from staff; and 2) approve the allocation of resources from the CIRB 2005 capital projects fund unallocated interest earnings, Building Code Inspection Fund and General Fund unappropriated*



*Fund Balance to implement Citizen Centered  
Gainesville initiatives in FY2016.*

Legislative History

12/3/15      City Commission      Approved, as shown above  
12/17/15     City Commission      Heard

[150568A-MOD Memo 20151203.pdf](#)

[150568B-MOD Draft Report 20151203.pdf](#)

[150568-MOD Citizen Centered Gainesville Roadmap PPT 20151217.pdf](#)

[150568-MOD PPT 20160218.pdf](#)

## CITY ATTORNEY

## CITY AUDITOR

[150657.](#)

### **Audit of City of Gainesville Policy and Procedures related to the FDLE Affidavit about former GPD Officer J. McAdams (B)**

*Explanation: The City Auditor was tasked by the City Commission on December 17, 2015 to conduct an audit of the compliance with the City of Gainesville's Policies and Procedures related to matters brought to the City's attention after a report was issued by the Florida Department of Law Enforcement.*

*The objective of the engagement was to assess the compliance of involved parties with the City of Gainesville policies and procedures. The Charter Officers met on December 21, 2015 and agreed on the scope. The audit is now complete and available for review and discussion.*

**RECOMMENDATION**      *The City Auditor recommends that the City Commission accept the City Auditor's report.*

Legislative History

12/17/15      City Commission      Referred to the City Auditor  
12/22/15      City Commission      Referred to the City Auditor

[150657 Final Report 20160218.pdf](#)

## EQUAL OPPORTUNITY DIRECTOR

## GENERAL GOVERNMENT COMMITTEE REPORTS (PULLED FROM CONSENT)

## COMMUNITY DEVELOPMENT COMMITTEE

[140930.](#)

### **Property Assessed Clean Energy (B)**

**This is a request for the City Commission to hear a presentation from Alachua County staff on the status of the Property Assessed Clean Energy (PACE) program. \*\*ESTIMATED STAFF PRESENTATION 5 MINUTES\*\***

*Explanation: On January 6, 2016, the Community Development Committee heard a presentation on the status of the Property Assessed Clean Energy program (PACE). Alachua County Staff has been working to develop the PACE program locally.*

*County efforts included a solicitation seeking Third Party Administrators (TPAs) for a PACE program. Currently one TPA is confirmed and is offering its program in Alachua County and all municipalities; a second is in negotiation. General Government and GRU staff have been monitoring the development of a PACE program. County staff will provide a presentation and be available for questions.*

*Fiscal Note: There is no fiscal impact to hearing this presentation.*

**RECOMMENDATION**

*The Community Development Committee requests that the City Commission hear a presentation by County staff and provide policy direction to City staff, if needed.*

**Legislative History**

4/16/15	City Commission	Referred to the Community Development Committee
1/6/16	Community Development Committee	Discussed

[140930A\\_AC PACE Agenda Item\\_20160106.pdf](#)

[140930B\\_AC PACE enabling resolution\\_20160106.pdf](#)

[140930C\\_AC PACE Policy and Procedural Framework\\_20160106.pdf](#)

[140930D\\_AC PACE Final Responses\\_20160106.pdf](#)

[140930E\\_AC Interlocal Agmt Green Corr. PACE\\_20160106.pdf](#)

[140930F\\_PACE presentation\\_20160106.pdf](#)

[140930\\_PACE presentation\\_20160218.pdf](#)

## **RECREATION, CULTURAL AFFAIRS and PUBLIC WORKS COMMITTEE**

[140739.](#)

### **Welcoming City (B)**

**The Recreation, Cultural Affairs and Public Works (RCAPW) Committee requests the City Commission hear a citizen presentation regarding civic interest in having Gainesville named as a “Welcoming City.” \*\*\*ESTIMATED PRESENTATION TIME: 5-7**

**MINUTES\*\*\***

*Explanation: At the February 5, 2015 City Commission meeting, the City Commission approved a referral to the Recreation, Cultural Affairs & Public Works Committee on Gainesville potentially becoming a “Welcoming City”. Welcoming cities support locally-driven efforts to create more welcoming, immigrant-friendly environments that maximize opportunities for economic growth and cultural vitality and position communities as globally competitive, 21st century leaders. Led by Welcoming America and launched in June 2013, the Initiative convenes U.S. city and county governments to share good ideas, develop new tools, and receive recognition for efforts to create more welcoming communities that improve the quality of life and economic potential for all residents.*

*The RCAPW Committee initially discussed this topic on March 12, 2015 and continued discussion with representatives from Welcome America on November 12, 2015. On January 14, 2016, citizen stakeholders gave the Committee a presentation on the work they have done to organize the non-profit, Welcoming Gainesville, Inc., and how they hope to proceed. They have provided a draft resolution that they would like to send to the City Commission.*

*Fiscal Note: There is no fiscal impact from hearing this presentation.*

**RECOMMENDATION**

*The Recreation, Cultural Affairs and Public Works Committee recommends the City Commission hear a presentation from Welcoming Gainesville, Inc. and discuss next steps.*

**Legislative History**

2/5/15	City Commission	Referred to the Recreation, Cultural Affairs and Public Works Committee
3/12/15	Recreation, Cultural Affairs and Public Works Committee	Approved as shown above (See Motion)
11/12/15	Recreation, Cultural Affairs and Public Works Committee	Discussed

[140739A Program Overview 20150312.pdf](#)

[140739B Commitment Form 20150312.pdf](#)

[140739C Welcoming Cities Report 20150312.pdf](#)

[140739A Getting Started - Local Gov 20151112.pdf](#)

[140739B WCC Framework 20151112.pdf](#)

[140739 Welcoming City Draft Resolution 20160114.pdf](#)

[140739A Welcoming City Resolution 20160218.pdf](#)

[140739B Welcoming Gainesville Presentation 20160218.pdf](#)

**LEGISLATIVE and ORGANIZATIONAL POLICY COMMITTEE**

[140186.](#)

### Residency Requirement for Candidates (B)

*Explanation: On July 17, 2014 the City Commission referred a discussion of Residency Requirement for Candidates to the Audit, Finance and Legislative Committee. The referral was subsequently transferred to the Legislative and Organizational Policy Committee.*

*Article II, Section 2.03 of the City Charter outlines the eligibility requirements for each district and at-large candidate. Sec. 9-10(b). of the Code of Ordinances- Qualifications of candidates for city commission further states eligibility requirements in a case where redistricting has occurred.*

*Committee members asked legal staff to conduct additional research to include legal precedent or case law, what entity or agency would receive complaints, hear the case, and who has ultimate authority. At the May 4, 2015 committee meeting, City Attorney staff presented case law where a judge ruled that subjective intent to be in a place supported by the facts, such as car registration, where one sleeps, school children are zoned to, among others could constitute residence. In the particular case cited, the residency in question was a place of business. The Judge ruled that there was no evidence that the person lived anywhere else, hence their intent to be in a place constituted residence.*

*Florida law puts the responsibility on the candidate (not the Supervisor of Elections or the City) to ensure that he/she complies with all state and local elections laws. It appears from staff research that challenges to candidacy can come from another candidate or a voter. Staff has not found legal precedent for the City itself to bring suit against a candidate. There are several resources available to candidates and others who are concerned about a potential violation of election laws, including but not limited to:*

*The Florida Division of Elections: Provides information about state election laws and issues advisory opinions. <<http://www.fec.state.fl.us>>*

*The Florida Elections Commission: Investigates sworn complaints alleging violations of state election laws.  
<<http://election.dos.state.fl.us/index.shtml>>*

*The Court system: Hears legal challenges brought by persons who have standing to challenge a violation of either local or state election laws.*

*On August 12, 2015, the Committee further discussed this item with Commissioner Warren in attendance. In an effort to more define residency and avoid/prevent issues in future elections, Committee members, and Commissioner Warren discussed a list of criteria to prove residency including drivers' license, utility bills, homestead exemption,*

credit card bills, school records. Commissioner Warren volunteered to contact other communities to determine their residency qualifications for candidates and bring back to the Committee for future discussion.

At the November 4, 2015 Legislative and Organizational Policy meeting, Commissioner Warren submitted House Bill 571 Residency of Candidates and Public Officers which was introduced to the legislature in 2014. While the bill was not passed, it did set forth a list of factors that could be used for determining if a candidate meets the residency requirement. The bill explains that there are two alternative interpretations of the term "resident" (page four of the attached bill).

*Fiscal Note: None*

**RECOMMENDATION**

*The City Commission: 1) Discuss the residency requirement for candidates; 2) Take any action deemed appropriate; and 3) Remove this item from the Legislative and Organization Policy committee referral list.*

**Legislative History**

7/17/14	City Commission	Referred to the Audit, Finance and Legislative Committee
11/18/14	Audit and Finance Committee	Retained in Committee
4/14/15	Legislative and Organizational Policy Committee	Continued
8/12/15	Legislative and Organizational Policy Committee	No Action Taken
9/9/15	Legislative and Organizational Policy Committee	No Action Taken
11/4/15	Legislative and Organizational Policy Committee	Referred to the City Commission
1/21/16	City Commission	Continued

[140186A\\_ARTICLE II CITY COMMISSION\\_20150414.pdf](#)

[140186B\\_Qualifications of Candidates for City Commission\\_20150414.pdf](#)

[140186A\\_ARTICLE II CITY COMMISSION\\_20150504.pdf](#)

[140186B\\_Qualifications of Candidates for City Commission\\_20150504.pdf](#)

[140186\\_Charter Laws Article II\\_20150812.pdf](#)

[140186\\_FL Bills Residency Requirements\\_20151104.pdf](#)

[140186\\_FL Bills Residency Requirements\\_20160218.pdf](#)

**GENERAL GOVERNMENT ADVISORY BOARD/COMMITTEE REPORTS. Reports must be placed on the agenda by a 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.**

**5:30 P.M.**

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

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

[150737.](#)

**Special Recognition for Gainesville High School Marching Band 2015 Class 3A Champion Mr. Bill Pirzer, Director, Gainesville High School Students Alex Maruniak and Eric Geunes Cambridge “Top in the World” and “Top in the Country” Honors and Eastside High School Student Sophia Eikenberry Perfect Score on the National ACT College Entrance Exam (B)**

**RECOMMENDATION**

*The City Commission hear the Special Recognitions.*

[150737\\_Recognitions\\_20160218.pdf](#)

[150735.](#)

**Bet on Vets! Month - February 15 - March 15, 2016 (B)**

**RECOMMENDATION**

*University of Florida Bateman Case Study Competition Team Faculty Advisor Deanna Pelfrey, and Team Members Emily Davis, Erin Wronka and David Jolley to accept the proclamation.*

[150735\\_BetonVets\\_20160218.pdf](#)

**6:00 P.M.**

**CITIZEN COMMENT (to end at a time certain of 6:30pm or at such later time as allows for 30 minutes of citizen comment)**

**PUBLIC HEARINGS**

**RESOLUTIONS- ROLL CALL REQUIRED**

**ORDINANCES, 1ST READING- ROLL CALL REQUIRED**

[150540.](#)

**PLUM CREEK TIME EXTENSION TO ADOPT PLANNED DEVELOPMENT (PD) ZONING ORDINANCE (B)**

Ordinance No. 150540

An ordinance of the City of Gainesville, Florida, amending Ordinance No. 070447 (as was subsequently amended by Ordinance Nos. 100189 and 110700) to extend the deadline for the property owner/developer to have a Planned Development (PD) zoning ordinance adopted that implements the adopted Plum Creek Planned Use District (PUD) land use overlay; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

*Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT*

*This ordinance will extend the deadline for the property owner/developer to have a Planned Development (PD) zoning ordinance adopted that implements the adopted Plum Creek Planned Use District (PUD). This is the applicant's third requested extension of that deadline. On January 26, 2009, the City Commission adopted Ordinance No. 070447, which, amongst other things, overlaid on certain property the PUD land use category and provided a timeframe (i.e., within 18 months of the effective date of that ordinance) for which a PD zoning ordinance must be adopted to implement the PUD land use overlay. The first extension occurred on October 21, 2010, when the City Commission adopted Ordinance No. 100189 and extended the deadline for the adoption of an implementing PD zoning ordinance until July 26, 2012. The second extension occurred on May 3, 2012, when the City Commission adopted Ordinance No. 110700 and extended the deadline for the adoption of an implementing PD zoning ordinance until July 26, 2016. Finally, this ordinance will extend that deadline for one additional year until July 26, 2017.*

*The applicant in their request has stated that Plum Creek is currently working on a proposed PUD amendment and an implementing PD zoning ordinance for the property, which the applicant anticipates submitting in early 2016.*

**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**

12/3/15            City Commission            Approved as Recommended

[150540\\_draft ordinance\\_20160218](#)

## **ORDINANCES, 2ND READING- ROLL CALL REQUIRED**

[150284.](#)

### **CITY AUDITOR - ORDINANCE DESCRIBING RESPONSIBILITIES AND ADMINSTRATIVE PROCEDURES (B)**

Ordinance No. 150284

An ordinance of the City of Gainesville, Florida, amending the Code of Ordinances relating to the duties of the City Auditor; by creating Chapter 2. Administration, Article III. Officers and Employees, Division 3. - City Internal Auditor; providing for duties of internal auditor; providing for authority as to subordinates; providing for a committee to assist the internal auditor and commission in selection of external auditor; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

*Explanation: The City's internal auditor advised the Audit and Finance Committee that Charter Section 3.05 and Resolution No. 970187, both relating to the functions, policies, and procedures of his office, were outdated and should be revised. The Audit and Finance Committee recommended and the City Commission approved the City Attorney and City Auditor draft the requested changes and bring them back by resolution and/or ordinance.*

*Section 3.05 of the City Charter states the basic duties of the City internal auditor and includes "shall perform all other duties assigned by the Commission."*

*The revisions requested by the City's internal auditor are consistent with the Charter and reflect other appropriate duties. These revisions can be accomplished by the adoption of this ordinance and by adoption of a Resolution regarding the auditor's procedures and a Resolution amending the city commission rules. Resolutions Nos. 150127 and 150297 are companions to this ordinance, and will be brought to the Commission at its February 4, 2016 meeting.*

*This ordinance more specifically describes the functions of the internal auditor to include financial and performance audits; attestation engagements; and also designates the internal auditor as the City's*



*inspector general. Additionally, pursuant to Section 218.391, Florida Statutes, the ordinance establishes a committee to assist the City Commission in selecting an external auditor.*

*This ordinance requires two readings and will become effective immediately upon approval at second reading.*

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

**Legislative History**

2/4/16            City Commission            Adopted on First Reading (Ordinance)

[150284A\\_draft ordinance\\_20160204.pdf](#)

[150596.](#)

**ORDINANCE CORRECTING LEGAL DESCRIPTION  
ATTACHED TO VOLUNTARY ANNEXATION ORDINANCE NO.  
001162 (B)**

Ordinance No. 150596

An ordinance of the City of Gainesville, Florida, amending Ordinance No. 001162 to delete and replace, nunc pro tunc, the incorrect legal description mistakenly attached to Ordinance No. 001162 as Exhibit "A" with the correct legal description attached to this ordinance; providing directions to the City Manager; providing directions to the Clerk of the Commission; providing a severability clause; providing a repealing clause; and providing an effective date.

*Explanation: The City Commission at its meeting on May 14, 2001, adopted Ordinance No. 001162, which voluntarily annexed into the corporate limits of the City of Gainesville an approximately 128-acre area of land generally located north of NW 69th Lane and Blues Creek Unit-2, west of NW 52nd Terrace, NW 50th Street and the Blues Creek Subdivisions, and east of Section 9, Township 9S, Range 19E. It was recently discovered by the City Surveyor that Ordinance No. 001162 had an incorrect legal description of the annexed area mistakenly attached as an exhibit. This ordinance amends Ordinance No. 001162 to provide the correct legal description of the annexed area. All other provisions of Ordinance No. 001162 remain in full force and effect.*

**CITY ATTORNEY MEMORANDUM**

*This ordinance requires two hearings and will become effective immediately upon adoption. However, the corrective legal description is being made effective as of May 14, 2001, nunc pro tunc.*

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

Legislative History

2/4/16 City Commission Adopted on First Reading (Ordinance)

[150596A draft ordinance 20160204.pdf](#)

**PLAN BOARD PETITIONS****DEVELOPMENT REVIEW BOARD PETITIONS****SCHEDULED EVENING AGENDA ITEMS****TIME CERTAIN OF 6:30 PM**

[150745.](#)

**Mayor Ed Braddy - Mayor's Community Response Council  
Recommendations (B)**

*MODIFICATION - New PowerPoint*

**RECOMMENDATION**      *The City Commission hear a presentation and  
take action deemed appropriate.*

[150745 presentation 20160218.pdf](#)

[150745 MOD MCRC Recommendations -- CCOM Pres 20160218.pdf](#)

**TIME CERTAIN OF 7:00 PM**

[150524.](#)

**Proposed Charter Amendment for GRU Governance (B)**

*Explanation: At the direction of the City Commission, the City Attorney drafted a proposed charter amendment that would create a new governing board for GRU. The draft was presented to the RUC at their October 8, 2015 meeting where it was discussed and revised. The RUC discussed and further revised the draft amendment at their November 12 and December 10, 2015 meetings and will now report on the current version to the full commission.*

**RECOMMENDATION**      *The City Commission hear a report on the revised  
draft of the proposed charter amendment from the  
RUC, and discuss the issue further.*

Legislative History

12/10/15 Regional Utilities Discussed  
Committee

[150524 Draft Charter Amendment 20151112](#)

[150524 Charter Amendment Revised Draft 20160114](#)

[150524 Draft 1-19-16 Charter Amendment Ordinance 20160218](#)

[150724.](#)

### **Alachua County Stormwater Management Manual (B)**

**This is an informational item for staff to present an overview of the proposed Stormwater Management Manual Ordinance that Alachua County has undertaken. \*\*ESTIMATED PRESENTATION 10 MINUTES\*\***

*Explanation: Alachua County intends to adopt an ordinance related to Stormwater Quality. This ordinance has the potential to impact the way the City Of Gainesville conducts business and reviews and approves development plans.*

*Alachua County staff held a kickoff workshop concerning Stormwater Quality on January 27, 2016. The purpose was to explain the Alachua County Priority Water Goal to increase the recharge of clean water into local aquifers, springs, and surface waters.*

*Alachua County has contracted with consultants to assist with the development of a stormwater manual to address the water quality concerns associated with stormwater. The manual will provide updates for water quality treatment criteria to be implemented county-wide and additional treatment options to improve water quality.*

*The schedule is to have the initial draft of the manual available in March 2016, development of the manual through May 2016, with Board of County Commission public hearings beginning in June 2016. Stakeholders, including municipalities, have raised concerns about the proposed schedule, feeling that it does not provide adequate time for stakeholder involvement, analysis, and input.*

*The proposals impact on the City depends on whether the County approves an ordinance that applies County-wide. It may also create permitting, compliance and enforcement coordination issues with the County, municipalities, and water management districts.*

*Alachua County staff will provide a presentation on this initiative.*

*Fiscal Note: There is no fiscal note associated with this agenda item at this time.*

#### **RECOMMENDATION**

*The City Commission receive a presentation from Alachua County staff on the County plans to develop a Stormwater Management Manual.*

[150724A Alachua County Stormwater Quality Initiative 20160218.pdf](#)

[150724B Stormwater Quality Workshop presentation 20160218.pdf](#)

[150068.](#)**Girls Place Referral to the Parks, Recreation and Cultural Affairs  
(B)**

**This item involves a proposal from Girls Place, Inc., for consideration of a partnership with the City of Gainesville to transform the infield of the existing track in Kiwanis Challenge Park into a multi-purpose recreational field, and place the land adjacent to Greentree Park on the Land Acquisition List. \*\*STAFF AND GIRLS PLACE PRESENTATION 15 MINUTES\*\***

*MODIFICATION - Revised PowerPoint*

*Explanation: Girls Place, Inc., has been a part of the youth development community since 1985 and currently serves over 600 girls ages 5-18 each year through after school programs, summer camp, and athletics. In 2014, there were over 180 girls who participated in their volleyball leagues. Participation was limited due to available space. Girls Place, Inc., Board of Directors wrote a letter, dated February 26, 2015, to the Director of Parks, Recreation and Cultural Affairs (PRCA) requesting consideration of a partnership with the City of Gainesville to transform the infield of the existing track in Kiwanis Challenge Park into a multi-purpose recreational field in an effort to promote youth development and community health. If approved, Girls Place, Inc., plans to expand their gymnasium, move the multi-purpose field to the track area at Kiwanis Challenge Park and share Greentree Park's softball facility for their programs. These two parks are contiguous. They are prepared to launch a capital campaign of approximately \$5 million, if approved. This partnership would benefit all parties involved; Girls Place, Inc., Parks, Recreation and Cultural Affairs, and the community at large by promoting youth development and community health. As part of the PRCA Master Plan, there is a desire to form partnerships with other agencies in providing parks, recreation, and cultural affairs programming and services for the community.*

*On Wednesday, April 15, 2015 representatives from Girls Place, Inc., presented their letter and the scope of their project to the Public Recreation and Parks Advisory Board. The Board unanimously supports their proposal. On July 2, 2015, the City Commission referred this matter to the Recreation, Cultural Affairs and Public Works (RCAPW) Committee for further discussion.*

*On September 10, 2015 the RCAPW Committee heard a brief report regarding the proposal from Girls Place, Inc. to transform the infield into a multi-purpose recreational field in an effort to promote youth development and community health. The Committee approved the concept of the proposal and asked for a public meeting to be conducted. If there was no opposition then this proposal was asked to go to the City Commission for approval. A public meeting was held, one on October 21st with 100% support. On October 24th, staff received a call from a concerned citizen which led to a second public meeting on December*

8th. There was both positive support as well as concerns shared at the December meeting.

Simultaneously in an unrelated matter, the Ridgeview Baptist Church parcel, which is adjacent to Greentree Park, became available for sale. By acquiring this parcel the City would add an additional 1.88 acres of open greenspace to the southeast corner of Greentree Park. The Public Works Land Rights Coordinator worked with the owners and had the property appraised. Based on this, the church is willing to accept the appraised value.

On January 14, 2016, the RCAPW Committee voted to: 1) continue to support the concept of Girls Place, Inc. paying for the construction of a multipurpose recreation field; 2) move the proposal forward to the City Commission for review with a draft Tree Mitigation Plan; 3) recommend adding the Ridgeview Church parcel to the land acquisition list; and 4) recommend purchasing the property.

On January 20, 2016, the Public Parks and Recreation Board met and discussed the proposal to partner with Girls Place, Inc. as well as to review the acquisition of the 1.88 acres adjacent to the park. The board approved the proposal and recommended the land be added to the land acquisition list and encouraged the City Commission to acquire the property.

On January 27, 2016, staff met with neighbors at the park to identify possible locations for tree replanting. Three dry retention areas have been identified as excellent sites, two within the park and one slightly south of the park on the corner of NW 19th Street and 31st Place.

*Fiscal Note:* There is no fiscal impact resulting from Committee discussion of the proposal from Girls Place, Inc. The Ridgeview Church property is appraised at \$154,000 and if approved for acquisition, funds are currently available from the Greenspace and Community Improvement fund.

**RECOMMENDATION**

*The City Commission: 1) approve the proposal and enter into an Agreement with Girls Place, Inc. for the construction and use of a multipurpose field on the interior of the track at Kiwanis Challenge Park, while working to save as many trees on the interior as possible; 2) PRCA staff develop a tree mitigation plan with neighborhood input; 3) add the Ridgeview Baptist Church parcel to the land acquisition list; and 4) authorize the City Manager to sign the land purchase agreement, subject to approval by the City Attorney as to form and legality, and 5) provide any other necessary direction to staff.*

**Legislative History**

7/2/15	City Commission	Referred to the Recreation, Cultural Affairs and Public Works Committee
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9/10/15 Recreation, Cultural Discussed  
Affairs and Public  
Works Committee

[150068\\_ProposalLtr\\_20150702.pdf](#)

[150068\\_Girls Place Proposal\\_20150910.pdf](#)

[150068A\\_Map Ridgeview Girls Place\\_20160114.pdf](#)

[150068B\\_Girls Place and Ridgeview Property Presentation\\_20160114.pdf](#)

[150068C\\_Girls Place Presentation\\_20160114.pdf](#)

[150068A\\_MOD\\_Girls Place Presentation\\_20160218.pdf](#)

[150068B\\_PRCRCA Presentation\\_20160218.pptx](#)

[120722.](#)

### **Strategic Initiative 6.5: Recreation Master Plan (B)**

**This item provides the City Commission an update on the funding formula and master plan project list. \*\*estimated presentation 10 - 15 minutes\*\***

*Explanation: At the November 15, 2012 meeting, the City Commission approved the Parks, Recreation and Cultural Affairs Master Plan and directed staff to return to the Commission at a later date with funding option scenarios. Since adoption of the master plan, staff and the Commission have worked to identify a funding source to implement the master plan.*

*On August 10, 2015, an overview of the Master Plan was presented at the Joint City/County Commission meeting. To further research, deliberate and make recommendations on the feasibility of a sales tax focused on funding parks, recreation, culture and conservation land acquisition, both commissions voted to establish a Joint Task Force consisting of two commissioners from each body and one representative from the League of Cities.*

*At the September 16, 2015 Meeting of the Joint Task Force, the County polling results were presented to gauge public interest on reauthorizing the Wild Spaces Public Places ballot initiative. After the presentation, all municipalities in Alachua County were asked to respond to proposed ballot language: "Shall Alachua County be authorized to: extend the Alachua County Forever Program to acquire and improve environmentally sensitive lands to protect drinking water sources, water quality, and wildlife habitat; and to create improve and maintain park and recreational facilities in all cities and the County by a levy of one-half percent sales tax for ten years starting January 1, 2017."*

*On October 15, 2015, Mayor Braddy shared the letter from the County requesting input on the proposed ballot language whereby the City Commission recommended that the sales tax be proposed for five years rather than ten.*

*At the November 30, 2015 Meeting of the Joint City/County Task Force, the responses from the municipalities were discussed and the task force voted 4-1, the following language: "To recommend to the Board of County Commissioners a Ballot initiative that says: Shall Alachua County be authorized to: extend the Alachua County Forever Program to acquire and improve environmentally sensitive lands to protect drinking water sources, water quality, and wildlife habitat; and to create improve and maintain park and recreational facilities in all cities and the County by a levy of one-half percent sales tax for eight years starting January 1, 2017. If passed, the funds will be shared under the State default formula unless and until a separate split is negotiated under an Interlocal Agreement."*

*On December 8, 2015, the Board of County Commission adopted the ballot language and discussed the topic again at the Florida League of Cities meeting on December 15, 2015. The timeline was presented and each municipality was asked to submit its prioritized project list by February 15, 2016 and if interested, to negotiate with the County Manager a different formula than the state default formula.*

*The total cost of Master Plan projects is \$72,530,000 plus \$2,794,750 in ongoing maintenance costs for new facilities; \$3,389,900 for land acquisition and \$2,900,000 for Project Management to implement the plan for a total cost of \$81,614,650.*

*The Recreation, Cultural Affairs and Public Works Committee will discuss this item on February 11, 2016 and provide recommendations to the City Commission.*

*City staff has been meeting with County staff and will return to the City Commission at a later date regarding the distribution of funds from the sales tax.*

**RECOMMENDATION**

*The City Commission approve the City's prioritized project list and the list of potential City/County partnership projects for transmission to the Board of County Commissioners after receiving recommendations from the Recreation, Cultural Affairs and Public Works Committee, based on their February 11, 2016 meeting.*

**Legislative History**

1/3/13	City Commission	Referred to the Recreation, Cultural Affairs and Public Works Committee
6/5/13	Recreation, Cultural Affairs and Public Works Committee	Discussed
7/30/13	Recreation, Cultural Affairs and Public Works Committee	Approved as shown above (See Motion)

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9/23/13	Recreation, Cultural Affairs and Public Works Committee	Discussed
11/25/13	Recreation, Cultural Affairs and Public Works Committee	No Action Taken
1/27/14	Recreation, Cultural Affairs and Public Works Committee	No Action Taken
2/24/14	Recreation, Cultural Affairs and Public Works Committee	Discussed

[120722 PowerPt 20130605.pdf](#)

[120722 PowerPt 20130730.pdf](#)

[120722 Funding PowerPt 20130923.pdf](#)

[120722A Master Plan PowerPt 20131125.pdf](#)

[120722B WSPP PowerPt\(1\) 20131125.pdf](#)

[120722 WSPP PowerPt 20140127.pdf](#)

[120722 Master Plan PowerPt 20140224.pdf](#)

[120722 Correspondence 20151207.pdf](#)

[120722A RCAPW Master Plan PPT 20160211.pdf](#)

[120722B Master Plan Ranked Project List 20160211.pdf](#)

[120722C Master Plan List for County 20160218.pdf](#)

[127022D Wild Spaces Public Places Proposed Partnership Projects for BoCC](#)

[120722E County Manager Letter 20160211.pdf](#)

[120722A Master Plan PPT 20160218.pdf](#)

[120722B Master Plan Ranked Project List 20160218.pdf](#)

[120722C Master Plan List for County 20160218.xlsx](#)

[127022D Wild Spaces Public Places Proposed Partnership Projects for BoCC](#)

[120722E County Manager Letter 20160218.pdf](#)

## UNFINISHED BUSINESS

## COMMISSION COMMENT

## CITIZEN COMMENT (If time permits)

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