

# City of Gainesville

City Hall  
200 East University Avenue  
Gainesville, Florida 32601



## **Meeting Agenda - Final**

January 15, 2015

1:00 PM

**MODIFIED AGENDA**

**City Hall Auditorium**

## **City Commission**

*Mayor Ed Braddy (At Large)*  
*Commissioner Lauren Poe (At Large)*  
*Commissioner Helen Warren (At Large)*  
*Commissioner Yvonne Hinson-Rawls (District 1)*  
*Mayor-Commissioner Pro Tem Todd Chase (District 2)*  
*Commissioner Craig Carter (District 3)*  
*Commissioner Randy Wells (District 4)*

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

## CALL TO ORDER

## AGENDA STATEMENT

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

## ROLL CALL

## INVOCATION

## ADOPTION OF THE CONSENT AGENDA (Including both General Government and Gainesville Regional Utilities)

## CITY MANAGER, CONSENT AGENDA ITEMS

[140572.](#)

### **Application for Disability Retirement for Michael O. Gardiner (B)**

**This is a request for the City Commission to approve the disability retirement application for Michael O. Gardiner, Facilities Maintenance Coordinator, GRU.**

*Explanation: A meeting of the Disability Review Committee was conducted on Thursday, December 11, 2014 to review the application for disability retirement of Michael O. Gardiner. In reviewing the application and supporting information from his physicians, it is the recommendation of the Disability Review Committee that the City Commission approve the application.*

*Michael O. Gardiner, Facilities Maintenance Coordinator in GRU - Facilities Maintenance for 17.25 years, has been under the care of a physician for medical reasons. Information provided to the Committee from his physicians and the City of Gainesville's third party administrator, American General Life Companies, states that Mr. Gardiner is totally disabled and wholly and continuously unable to perform any and every duty of his employment or of a position to which he may be assigned.*

*Fiscal Note: The current monthly salary, final average earnings of the employee's 36 highest consecutive months of earnings, and the estimated benefit for*

*this employee has been determined to be: current monthly salary \$1,871.61 (employee eligible for early retirement); final average monthly earnings \$5,710.47; adjusted monthly disability benefit \$248.23; the Social Security Offset has yet to be determined. Benefit shall become effective November 8, 2014, upon the City Commission's approval and would be paid from the Disability Pension Fund.*

**RECOMMENDATION**      *The City Commission approve the submitted application for disability retirement for Michael O. Gardiner, Facilities Maintenance Coordinator, GRU-Facilities Maintenance.*

[140572A\\_Gardiner FINAL general disability NLOD 20141218.pdf](#)

[140572B\\_Gardiner App DRC Signs 20141218.pdf](#)

[140575.](#)

**State Homeland Security Grant Program Subrecipient Agreement 2014 (NB)**

**This item requests that the City Commission authorize the City Manager to enter into a contract with the State of Florida Division of Emergency Management to support equipment maintenance for Gainesville Fire Rescue's Hazardous Materials Team.**

*Explanation: Gainesville Fire Rescue's (GFR) Hazardous Materials Team has regional responsibilities for eleven counties and is classified as a State Type I Team providing a response capability with personnel and testing equipment for hazardous materials incidents within one hour. Through prior agreement, GFR was designated as one of 21 teams providing a statewide response network to hazardous materials emergencies. Funding for maintenance of specialized detection equipment to support these capabilities is supplemented through a variety of homeland security and emergency services grants; one of these is the State Homeland Security Grant Program (SHSGP) offered through the State of Florida Department of Financial Services. Reimbursement funding offered for the 2014 program just recently approved includes up to \$15,000 for sustainment of detection equipment. Funding will be used to renew a maintenance agreement for maintaining wireless chemical detection equipment, supplies, and calibration gases.*

*Fiscal Note: The City will receive up to \$15,000. There is no match required.*

**RECOMMENDATION**      *The City Commission authorize the City Manager or designee to enter into a contract with the State of Florida Division of Emergency Management, subject to approval of the City Attorney as to form and legality.*

[140585.](#)

**Environmental Solutions for Communities Grant Application (NB)**

**This item involves a request to accept an Environmental Solutions for Communities Grant from the National Fish and Wildlife Federation (NFWF), if awarded, to support invasive non-native plant removal in eight city nature parks.**

*Explanation:* The City of Gainesville Parks, Recreation and Cultural Affairs (PRCA) Department submitted an application for an Environmental Solutions for Communities Grant from the National Fish and Wildlife Federation on December 10, 2014 for funding that becomes available June, 2015 and extends for a two-year period. The proposed project will fund an invasive non-native plant removal project for City of Gainesville Nature Parks. Specifically this grant application, if successful, will fund: 1) a dedicated Project Coordinator for two years; 2) a hydraulic dump trailer; 3) a portion of staff salaries directly associated with the project; and 4) four backpack sprayers for herbicide application.

*Fiscal Note:* The City is requesting \$60,890 in grant funds from NFWF. A match is required for this grant. PRCA will meet the match requirements using a combination of funds in its FY14-15 operating budget as well as in-kind funding. No additional funds will be necessary to facilitate this request.

**RECOMMENDATION**

The City Commission: 1) approve the request to accept a grant, if awarded, from the National Fish and Wildlife Federation; and 2) if the grant is awarded, 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.

[140586.](#)

**Contract Award to SheilaShine Cleaning Service, Inc., for Janitorial Services for Regional Transit System (RTS) Facilities (B)**

**This item is a request to approve the recommended award and execute a contract with SheilaShine Cleaning Service, Inc., for Janitorial Services for Regional Transit System (RTS) Facilities.**

*Explanation:* On November 25, 2014, the City's Purchasing Division solicited Invitation to Bids (ITB) to provide janitorial services for the Regional Transit System (RTS) facilities. The ITB process was implemented in compliance with, and as required by, the Federal Transit Administration (FTA), Florida Statutes and City of Gainesville policies.

Twelve bid responses were submitted by the deadline. The lowest bid was from SheilaShine Cleaning Service, Inc., and was found to be responsive and responsible. RTS desires to enter into a contract with SheilaShine Cleaning Service, Inc., for five (5) years.

*Fiscal Note:* Funds in the amount of \$307,500 have been provided by federal grants and are included in the RTS budget.

**RECOMMENDATION**

*The City Commission authorize the City Manager or his designee to execute a contract with SheilaShine Cleaning Service, Inc., for Janitorial Services for the Regional Transit System (RTS) Facilities, subject to approval by the City Attorney as to form and legality.*

[140586A\\_ITB\\_20150115.pdf](#)

[140586B\\_ITBAddendum1\\_20150115.pdf](#)

[140586C\\_ITBAddendum2\\_20150115.pdf](#)

[140586D\\_ITBAddendum3\\_20150115.pdf](#)

[140586E\\_ITBAddendum4\\_20150115.pdf](#)

[140586F\\_ITBAddendum5\\_20150115.pdf](#)

[140586G\\_Proposal\\_20150115.pdf](#)

[140586H\\_BidTab\\_20150115.pdf](#)

[140586I\\_Agreement\\_20150115.pdf](#)

[140589.](#)

**Annual Maintenance Fees and Licenses for the Gainesville Police Department's Records Management System - Request for Purchase Order to SunGard Public Sector (NB)**

**This item requests that the City Commission authorize the issuance of a purchase order not to exceed \$155,000 for annual maintenance fees and licenses for Gainesville Police Department's Records Management System.**

*Explanation: SunGard is the manufacturer of the Records Management System used throughout the Police Department. The Department has been using this service for 11 years (or since 2003). The annual maintenance fees allow GPD to maintain total integration of the current records management system data and also the integrity of the Master Name Data Base.*

*Fiscal Note: Funds in the amount of \$155,000 are available from the General Fund to pay for the annual maintenance.*

**RECOMMENDATION**

*The City Commission authorize the City Manager to execute a purchase order to SunGard Public Sector, a sole source vendor, in the amount not to exceed \$155,000 for payment of the annual maintenance fees and licenses.*

[140590.](#)

**Budget Calendar (NB)**

**The City Commission approve dates for discussion of the FY2016 budget.**

*Explanation: Staff requests the City Commission approve dates to discuss items related to the FY2016 budget. Topics of discussion will include an update to the Five-Year Capital Improvement Plan Fire Assessment, Strategic Planning Retreat, Town Hall Meetings and the GRU and General Government Budgets.*

*For the last several years, the City Commission has held Community Forum/Town Hall meetings to discuss various topics and services with citizens. In October 2014, the City Commission held it first Telephone Town Hall meeting which had positive results. For FY2015, staff proposes two Town Hall Meetings, one face-to-face and one by telephone.*

*Staff requests the City Commission approve the following dates:*

*March 2, 2015 6:00pm-8:00pm - Community Forum (location to be determined)*  
*April 6, 2015 6:00pm-8:00pm - Update to the Capital Improvement Plan of FY2015-2019*  
*June 8, 2015 6:00pm-7:30pm - Telephone Town Hall Meeting*  
*June 10, 2015 8:00am-5:30pm - Strategic Planning Retreat (location to be determined)*  
*July 13, 2015 10:00am-6:00pm - GRU/General Government Budgets*  
*July 14, 2015 10:00am-6:00pm - GRU/General Government Budgets*  
*July 21, 2015 10:00am-6:00pm - GRU/General Government Budgets, Adopt Preliminary Fire*

*Assessment Rate, by resolution*

*July 22, 2015 5:00pm-9:00pm - GRU/General Government Budgets*  
*July 27, 2015 5:00pm-9:00pm - Adopt Tentative Budgets, Set Tentative Millage,*

*by resolution*

*September 10, 2015 6:00pm - Adopt Final Fire Assessment Rate, Adopt Ordinances on 1st*

*reading related to Fee or Rate Changes*

*(if any), hold 1st Public*

*Hearing to Adopt Budgets and Set*

*Millage Rate for FY2016*

*September 17, 2015 6:00pm - (Regular City Commission meeting) Adopt Ordinances on*

*2nd reading related to Fee or Rate*

*Changes (if any), 2nd Public*

*Hearing to Adopt Budgets and Set*

*Millage Rate for FY2016*

*Staff suggests the City Commission set the Preliminary Fire Assessment Rate immediately after the budget discussion on July 21, 2015, which will require the City Commission to waive the rules to hear the Resolution before 6:00pm.*

*Truth in Millage or TRIM requirements set forth in State Statutes require that various taxing authorities hold their public hearings on different*

dates and/or times in order to allow taxpayers to attend each hearing and provide feedback if desired. Taxing Authorities that cross multiple jurisdictions are given first priority on setting their public hearing dates. As a result, the City of Gainesville is required to set their public hearing dates in September so as not to conflict with the County, the School Board, the Library District and the Water Management Districts. In the event a conflict arises, staff will submit a revised schedule for September 2015 requesting alternative special meeting dates. These potential conflicts will not be known until July 2015.

*Fiscal Note:* All costs associated with these meetings are included in the FY2015 Operating Budget.

**RECOMMENDATION**

The City Commission: 1) approve the dates requested by staff; and 2) waive the City Commission Rules to hear the Resolution to approve the Preliminary Fire Assessment Rate before 6:00pm on July 21, 2015.

[140595](#).

**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 \$212,680.50 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 2016; 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.

[140595 Report 20150115.pdf](#)

[140600.](#)**Approval and Authorization to Purchase Right of Way (B)**

**This item is a request to approve and authorize the purchase of approximately 2 acres of Right of Way from ADC Development & Investment Group, LLC.**

*Explanation: In May of 2009, the City purchased property which is being utilized for the Fleet Maintenance Facility and Public Works Material Storage Yard. Currently the only access to the facility is from the north by way of State Road 121 to Northwest 67th Place, to Northwest 18th Drive, to Northwest 65th Place, and finally to Northwest 16th Street and the facility location. Additional right of way was acquired to provide access from the south by way of US 441 or Northwest 13th Street (State Road 20/25) to Northwest 55th Place, to an extension of Northwest 16th Street but this right of way has not been improved. Although this right of way would allow access to the Facility from the south it does not provide a left turn out onto Northwest 13th Street for heavy equipment when leaving the facility. An internal review by staff indicates that access from Northwest 53rd Avenue by way of the concrete plant easement access crossing four privately owned parcels would allow a shorter route, saving trip time and money accessing the facility. The owners of these properties have been contacted and are willing to negotiate with the City to provide the needed right of way.*

*The first major hurdle is to acquire an extension of the 100 foot easement access from ADC Development & Investment Group, LLC. The portion of property to be acquired from ADC is 100 feet wide and approximately 850 feet long or approximately 2 acres. ADC has agreed to sell the right of way for the appraised value of \$45,000.*

*Fiscal Note: Sufficient funds are available in the Fleet Management Fund Internal Service Fund to cover this purchase.*

**RECOMMENDATION**

*The City Commission: 1) approve the acquisition of approximately 2 acres of Right of Way from ADC Development & Investment Group, LLC; 2) authorize the City Manager to execute a Purchase Contract and all related documents necessary to purchase the property, subject to approval by the City Attorney as to form and legality; and 3) appropriate funds from Net Assets of the Fleet Management Internal Service Fund.*

[140600A Draft ADC Contract 20150115.pdf](#)

[140600B Maps 20150115.pdf](#)

[140603.](#)

**Ratification of Agreement between the Police Benevolent Association (PBA) Bargaining Unit and the City of Gainesville for October 1, 2014 through September 30, 2017 (B)**



**This item is to ratify a three-year successor agreement between the City and the PBA Bargaining Unit.**

*Explanation:* This Agreement has been reached through negotiations between the PBA Bargaining Unit and the City of Gainesville and was ratified by the PBA Bargaining Unit on December 18, 2014. This Agreement extends the current Collective Bargaining Agreement through September 30, 2017.

A copy of the Agreement is on file in the Office of the Clerk of the Commission. After January 15, 2015, the Agreement will be on file in the Human Resources Department.

*Fiscal Note:* There is no fiscal impact for the first year of the agreement, in that the 0% is consistent with what has been budgeted. Monies for the second year are consistent with the FY16 plan that was approved by the Commission, and the amount for FY17 is consistent with the long term (FY15 - FY19) five-year forecast.

**RECOMMENDATION**

The City Commission ratify the Agreement between the PBA Bargaining Unit and the City of Gainesville, extending the Agreement through September 30, 2017.

[140603A\\_PBA\\_2014-2017\\_underline-strikethrough\\_20150115.pdf](#)

[140603B\\_PBA\\_2014-2017\\_20150115.pdf](#)

[140603C\\_Changes\\_to\\_PBA\\_Agreement\\_2014-2017\\_20150115.pdf](#)

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

[140631.](#)

**Request for Waiver of PTO Cap During Calendar Year 2015 (NB)**

*Explanation:* Interim General Manager Kathy Viehe participates in the City's PTO leave system. Under this system, employees with 15 to 20 years of service (the range that Ms. Viehe falls into) accrue 9.14 hours of leave time per pay period. Employees in this range are allowed to accumulate no more than 240 hours per year. In accordance with HR Policy L-3, hours in excess of this cap at the employee's anniversary date are transferred into the employee's Critical Leave Bank to be used only in cases of injury/illness of the employee or the employee's immediate family.

When Ms. Viehe became the Interim General Manager, her work load and responsibility increased and she has been unable to use enough PTO hours to avoid going over the cap. She is requesting that she be allowed to retain any excess hours in her PTO (estimated to be 68.56) at her anniversary date so that these hours can be used in 2015. This waiver would not change her retirement benefit or payout.

**RECOMMENDATION**

The City Commission waive the Paid Time Off (PTO) cap in 2015 for the Interim General

Manager so that any hours in excess of the 240 hour cap (estimated to be 68.56 hours) can be used in 2015 after a new general manager has been hired.

## CITY ATTORNEY, CONSENT AGENDA ITEMS

[140612.](#)

**ONE STOP CHEVRON #5, 1024 W. UNIVERSITY AVENUE, GAINESVILLE, FL 32601 V. CITY OF GAINESVILLE AND GAINESVILLE REGIONAL UTILITIES (GRU); EIGHTH JUDICIAL CIRCUIT, CASE NO. 2014-SC-4234 (B)**

*Explanation:* On December 24, 2014, the City received a copy of a Statement of Claim filed by One Stop Chevron #5 in Small Claims Court against the City of Gainesville and GRU. One Stop Chevron #5 is contesting the application of the municipal utility tax (also known as the Public Service Tax) on different charges on the utility bill. One Stop Chevron #5 is claiming damages less than \$5,000.00.

**RECOMMENDATION**

The City Commission authorize the City Attorney to represent the City in the case styled One Stop Chevron #5, 1024 W. University Avenue, Gainesville, FL 32601 v. City of Gainesville and Gainesville Regional Utilities (GRU); Eighth Judicial Circuit, Case No. 2014-SC-4234.

[140612\\_One Stop Chevron Consent\\_20150115.pdf](#)

[140601.](#)

**CURLEE BROWN, SR. V. CITY OF GAINESVILLE, A MUNICIPALITY OF THE STATE OF FLORIDA, AND GAINESVILLE REGIONAL TRANSIT SYSTEM; EIGHTH JUDICIAL CIRCUIT, CASE NO. 2014-CA-4267 (B)**

*Explanation:* On December 22, 2014, the City was served with a Summons and Complaint filed by Curlee Brown, Sr. in the Circuit Court against the City of Gainesville and Gainesville Regional Transit System. Curlee Brown alleges that on January 10, 2011 while a passenger on a RTS bus, he slipped and fell before securing his seat. Curlee Brown claims to have suffered bodily injury, past and future; resulting pain and suffering in the past and the future; disability and physical limitations in the past and the future; loss of enjoyment of life; loss of capacity for the enjoyment of life; loss of wages; loss of ability to earn wages in the future; medical expenses in the past and the future including, but not limited to, the cost of hospitalization, medical and surgical treatment; mental anguish in the past and the future; and aggravation of pre-existing conditions. Mr. Brown seeks money damages in excess of \$15,000.00.

**RECOMMENDATION**

The City Commission authorize the City Attorney to represent the City in the case styled Curlee

*Brown, Sr. v. City of Gainesville, a municipality of the State of Florida, and Gainesville Regional Transit System; Eighth Judicial Circuit, Case No. 2014-CA-4267.*

[140601\\_Curlee Brown Consent\\_20150115.pdf](#)

[140635.](#)

**JOHN F. MULLER VS. ALICIA ANTONE AND GAINESVILLE POLICE DEPARTMENT; EIGHTH JUDICIAL CIRCUIT, CASE NO. 2014-SC-4119 (B)**

*Explanation: On December 30, 2014, the City received a copy of a Statement of Claim filed by John F. Muller in Small Claims Court against Alicia Antone and Gainesville Police Department. Mr. Muller complains of the Gainesville Police Department not responding to his letters in reference to a loitering complaint on May 21, 2013.*

**RECOMMENDATION**

*The City Commission authorize the City Attorney to represent the City in the case styled John F. Muller vs. Alicia Antone and Gainesville Police Department; Eighth Judicial Circuit, Case No. 2014-SC-4119.*

[140635\\_John Muller Consent\\_20150115.pdf](#)

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

[140624.](#)

**City Commission Minutes (B)**

**RECOMMENDATION**

*The City Commission approve the minutes of November 20, December 4, December 18, 2014 and January 5, 2015.*

[140624\\_minutes-20150115.pdf](#)

[140624\\_1-5-15\\_minutes\\_20150115.pdf](#)

[140637.](#)

**Resignation of Mairead Slaughter from the Development Review Board, Carl Ramey from the Gainesville Human Rights Board, William Russell Anderson from City Beautification Board, John Snyder from the Public Recreation and Parks Board and Daniel Rodriguez from the City Beautification Board (B)**

**RECOMMENDATION**

*The City Commission accepts the resignation of Mairead Slaughter, Carl Ramey, William Russell Anderson, John Snyder and Daniel Rodriguez, effective immediately.*

[140637\\_Resignation\\_20150115.pdf](#)

## EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

## COMMITTEE REPORTS, CONSENT AGENDA ITEMS

[140627.](#)

### Community Development Committee Request to Consolidate Referrals (B)

**This item seeks City Commission approval of the Committee's recommendation to remove/consolidate four pending referrals and create a new agenda item as a replacement.**

*Explanation: The Community Development Committee has four pending referrals that the Committee recommends their removal as per attached back-up at its regularly scheduled meeting on December 3, 2014.*

#### I. REMOVE

1. Referral #130596, Affordable Housing Issues,
2. Referral #140070, Commissioner Yvonne Hinson-Rawls-Proposal for Affordable Housing,
3. Referral #130506, Strategic Initiative 6.1-Ensure the quality and broad distribution of affordable housing throughout the City, and
4. Referral #130958, Small Affordable Apartments;

#### II. ADD Replacement Referral

*Add a new replacement referral entitled Achievable Housing be created with the purpose of advancing Strategic Initiative 6.1: Ensure the quality and broad distribution of affordable housing throughout the City.*

*With respect to the four removed items being merged into newly created replacement referral entitled Achievable Housing for the purpose of advancing Strategic Initiative 6.1. The Community Development Committee's examination of Issues Related to the Provision of Affordable Housing, this item involves a request from the Community Development Committee to replace Affordable Housing related referrals to the Community Development Committee (CDC) with one new replacement referral. During the last year, the City Commission has referred several affordable housing related items to the CDC to analyze and discuss. The Committee has received information from several City departments, realtors, builders, researchers, private nonprofit organizations and the Gainesville Housing Authority.*

*In an effort to have a thoughtful and comprehensive discussion about the topics, staff conducted research and prepared an analysis to ground the Committee's discussion in facts through the following methodology:*

1. Graphically depict where affordable housing is located within the City;

2. Graphically depict where assisted housing is located throughout the City;
3. Explain Inclusionary Zoning and how and when to effectively apply this regulatory tool;
4. Identify the existing programs in place for home ownership;
5. Identify the common issues/barriers to home ownership;
6. Provide an analysis of the Westchester County, New York court case; and
7. Provide an overview of various, potentially affordable, housing types (micro, containers, etc.).

Specifically, the CDC addressed the following questions:

1. Is affordable housing dispersed throughout the City?
2. Would inclusionary zoning be an effective tool to disperse affordable housing in Gainesville?
3. What are the impediments to affordable housing?
4. What are the best tools to address the impediments to affordable housing?

Based on the information provided, the Committee determined that: 1) generally, affordable housing is dispersed throughout the City, although additional work needs to be done, and 2) inclusionary zoning, as a regulatory tool, is not necessary based on a variety of parameters.

In addition, based on information provided by staff and several nonprofit housing providers, the Committee determined that the greatest impediments to providing affordable homeownership are obtaining credit and obtaining an adequate, stable income. The City, the County, and several Nonprofit Organizations offer programs and training to help individuals improve their credit ratings.

The CDC also reviewed the Westchester County, New York court case. That case focuses on the use of United States Department of Housing and Urban Development (HUD) funds; and whether or not Westchester County and HUD have each followed all applicable rules. Like Westchester County, the City also receives HUD funds through the CDBG and HOME programs. To participate in those programs, the City is periodically required to develop a report called an Assessment of Fair Housing (AFH). HUD is in the process of finalizing the rules regarding AFH's. The City will soon issue a Request for Proposals to hire a consultant to complete the AFH, which will address all applicable fair housing issues required by Federal Rules, mentioned in the Westchester County case, or discussed by the CDC.

*Fiscal Note: None*

**RECOMMENDATION**

The City Commission approve the Community Development Committee's recommendation to: 1) remove the four housing items Referral #130596 Affordable Housing Issues, Referral #140070 Commissioner Yvonne Hinson-Rawls Proposal for Affordable Housing, Referral #130506 Strategic

*Initiative 6.1, and Referral #130958 Small Affordable Apartments; and 2) add a new replacement referral entitled Achievable Housing be created with the purpose of advancing Strategic Initiative 6.1: Ensure the quality and broad distribution of affordable housing throughout the City.*

[140596\\_CDC Minutes for 12-3-14\\_20150107.pdf](#)

[140632.](#)

### **Community Development Committee Removal of Referral (B)**

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

*Explanation: The Community Development Committee has determined that no further action is needed and recommends this referral be removed as per attached back-up from the Community Development Committee's December 3, 2014 Minutes recommends.*

*- Removal 121111 Inter-city Bus Travel*

*With respect to the Inter-city Bus Travel, on December 3, 2014 the Community Development Committee was briefed on this item from Planning and Development Services Director Steve Dush and the Committee heard discussion of an update report from the Regional Transit System staff Department Marketing and Communications Supervisor Chip Skinner and Transit Planning Chief Matt Muller. The Committee deliberated and after discussion, a motion was made by Commissioner Wells and was approved unanimously to request the City Commission remove this item from the Community Development Committee referral list.*

**RECOMMENDATION**

*The City Commission remove the Inter-city Bus Travel agenda item from the Community Development Committee's Referral List as requested by the Committee.*

[140596\\_CDC Minutes for 12-3-14\\_20150107.pdf](#)

## **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**

[140625.](#)**2015 City Commission Election (NB)****RECOMMENDATION**

*The City Commission: 1) Select a City Commission representative for the Canvass Board; 2) Select a citizen representative for the Canvass Board; 3) Formalize Supervisor of Elections Office, Millhopper Library and Cone Park Library as early voting sites for 2015 calendar; and 4) Approve early voting on Monday - Saturday from 9:00 am - 5:00 pm at all three locations.*

**CITY MANAGER**[140615.](#)**Appointment of City Commissioner for Annual Meetings of Elected Officials regarding Coordination of Land Use and School Facilities Planning (NB)**

**This is a request for the City Commission to appoint a member of the Commission to represent the City at the Annual Meetings of Elected Officials. \*\*ESIMATED STAFF PRESENTATION 5 MINUTES\*\***

*Explanation: The City of Gainesville needs to appoint a City Commissioner to represent the City at the annual meetings of elected officials regarding the coordination of land use and school facilities planning. This is required by the Updated Interlocal Agreement for Public School Facility Planning among the School Board of Alachua County (SBAC), Alachua County Board of Commissioners, and the Commission or Council of Alachua, Archer, Gainesville, Hawthorne, High Springs, LaCrosse, Micanopy, Newberry and Waldo. As described in the interlocal agreement, the meetings are an opportunity to discuss issues of mutual concern regarding coordination of land use and public school facilities planning, including population and student growth, development trends, school needs, off-site improvements, and joint use opportunities. The meetings are to be attended by one or more official representatives from the School Board, the County Commission, each municipality that is a party to the agreement, and a representative from the North Central Florida Regional Planning Council.*

*The next annual meeting of the Elected Officials is scheduled for January 29, 2015.*

*Staff recommends that the City Commission appoint one of the City Commissioners as the representative to attend the Annual Meetings of Elected Officials regarding the coordination of land use and school facilities planning.*

*Fiscal Note: None*



**RECOMMENDATION**

*The City Commission appoint a member of the City Commission to represent the City at the Annual Meetings of Elected Officials.*

[140619.](#)

**Koppers Superfund Settlement Funds (NB)**

**This item involves a request for the City Commission to consider reinvesting the Koppers Superfund Settlement Funds into the public infrastructure for the areas surrounding the Koppers Superfund Site including the Stephen Foster Neighborhood. \*\*ESIMATED STAFF PRESENTATION 10 MINUTES\*\***

*Explanation: This item supports the City Commission Strategic Initiative 6.2: Develop a community partnership for long-term clean-up and revitalization of the Cabot/Koppers Superfund site and surrounding neighborhoods.*

*On November 20th, the City Commission authorized the Mayor to execute a Settlement Agreement between the City of Gainesville and Beazer East, Inc. to settle the City's claim arising from money the City spent in order to ensure that the actions taken at the Koppers Superfund site will be adequately protective of the City's drinking water supply. The total value of the Settlement Agreement is approximately \$945,000, which includes a cash payout to the City of \$674,500 and in kind services. The in-kind services include some stormwater improvements, provision of property for a future bike path, and removal of soils from the material storage yard. Staff is seeking direction from the City Commission on investing the settlement funds into improvements in the area surrounding the Koppers Superfund site including the Stephen Foster Neighborhood. The settlement funds would allow GRU and the Public Works Department to address some immediate needs in the area.*

*The off-site remediation included improvements that have greatly enhanced the appearance of the community. The settlement funds provide an opportunity for the City to reinvest back into the community surrounding the site. Two projects staff is proposing to undertake with the funds are repaving of the roads and replacement of galvanized steel water lines within the remediated area in the Stephen Foster Neighborhood. The roads in this area are in need of repaving and Public Works would like to begin the repaving process as soon as feasible. Several of the water lines within the neighborhood are galvanized steel pipes that were originally installed when the neighborhood was built. Replacement of these lines will help to improve water pressure, reduce the cost and disruption associated with maintaining the older lines, and eliminate the need for GRU to replace the lines in the future. Staff will coordinate water line replacement with the road repaving in order to minimize disruption and maximize efficiency. The estimated costs for the road repaving and water line*



replacement are shown below.

Road Repaving	\$424,500
Water Line Replacement	\$250,000
Repair Total	\$674,500

*Fiscal Note:* There is \$674,500 available in the settlement funds that can be used for projects in the areas surrounding the Koppers Superfund Site.

**RECOMMENDATION**      The City Commission authorize staff to utilize the settlement funds for the road and water line upgrades in the areas surrounding the Koppers Superfund Site.

[140626.](#)

### **Transportation Improvements (B)**

**The City Commission requested staff present a discussion item outlining “What Now for Transportation” subsequent to the failure of the Transportation Surtax. \*\*ESTIMATED STAFF PRESENTATION 5 MINUTES\*\***

*Explanation:* Staff has prepared a comparison of projects identified on the Transportation Surtax list with projects contained in the funded portion of the Capital Improvement Plan.

Potential funding sources for unfunded projects include future revenue from the local option gas tax. Based on estimated costs of approved projects and bonding commitments there is approximately half a million dollars a year available after FY 18 for transportation projects. The City is also collecting Transportation Mobility Area Program (TMPA) fees from new development projects that are being used to fund transportation projects such as SW 40th Boulevard, sidewalks, and transit improvements. Additionally, there are a number of competitive grants or the State Infrastructure Bank Loan Program available through the Florida Department of Transportation (FDOT). These require approval of the Metropolitan Transportation Planning Organization and inclusion in the FDOT's Work Program. There have been federal TIGER grants available through Federal Highway Administration (FHWA) for regional multi-modal projects that are considered 'shovel ready'. The only project the City has that would qualify as being regionally significant based on past grant guidance is West 62nd Boulevard; however, this project is not 'shovel ready'.

The Federal Transit Administration (FTA) and the FDOT are also potential funding sources for transit related expenditures. Typically the FDOT requires a local match and provide funding on a three year declining contribution basis.

There are existing and proposed Eastside service enhancements that need to be decided as soon as possible. Routes 2 and 24 are currently funded by grants that will expire this year. The cost to continue these

routes is \$120,000. Proposed enhancements to Routes 6 and 15 have been awarded grants for FY15 & 16 from FDOT; however, a local match is required of \$125,000. RTS staff recommends that funds from the Route 6 and 15 grants be moved to fund the 3rd year of Routes 2 and 24. The FDOT staff is open to this option.

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

**RECOMMENDATION**

*The City Commission: 1) hear a staff presentation; 2) direct staff to request the FY 15&16 Florida Department of Transportation grant funds allocated to Route 6 and 15 be reallocated to continue a third year for Route 2 and 24 enhancements; 3) authorize the City Manager to execute all documents associated with this reallocation of funds, subject to approval by the City Attorney as to form and legality; 4) authorize staff to continue pursuing grant opportunities for senior service transportation; and 5) provide other direction as appropriate.*

[140626A Project List Comparison 20150115.pdf](#)

[140626B RTS Weekday Routes Map 20150115.pdf](#)

[140636.](#)

**Equal Opportunity Director Executive Search (B)**

**This is a request for the City Commission to initiate a search for an Equal Opportunity Director. \*\*ESTIMATED STAFF PRESENTATION 10 MINUTES\*\***

*Explanation:* Cecil Howard, Equal Opportunity Director, resigned from his employment with the City of Gainesville effective January 31, 2015. In order to hire a new Equal Opportunity Director, it is necessary to initiate a search to find suitable candidates to fill this position.

*Fiscal Note:* The anticipated fiscal impact is \$20,250. This amount includes \$13,250 in search fees and \$7,000 allocated for candidate travel and other expenses. This will be funded through unallocated general fund balance.

**RECOMMENDATION**

*The City Commission: 1) approve the Equal Opportunity Director Job Description; 2) authorize the Human Resources Department to engage the services of an Executive Search Firm on retainer with the City to initiate the search; and 3) discuss the appointment of an Interim Equal Opportunity Director and take action as appropriate.*

[140636 EO Job Description 20150115.pdf](#)

[140633.](#)

**License Agreement with the State of Florida Department of**

**Agriculture (B)**

**This item is a request to approve and authorize a License Agreement with the State of Florida Department of Agriculture for use of property associated with the Empowerment Center.**

*Explanation: On December 3, 2014, the City of Gainesville acquired property which is now referred to as the Empowerment Center from the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida. This facility is being used to assist the homeless providing food, shelter, showers, laundry, and minor medical attention. Some of the homeless choose to camp on the property surrounding the facility. Since the property the City owns does not provide an area large enough to contain the camps, the homeless have been camping on property under the control of the Department of Agriculture. The Department of Agriculture does not object to the homeless camps on their property but would like to enter into a License Agreement to cover that use. In exchange for the use of approximately ten acres, the Department of Agriculture would like legal access over the northerly twenty feet of the Empowerment Center for their private use. Their use would be associated with the logging of timber at some point in the future. Staff believes approval of the License Agreement for a period of fifty years would be in the best interest of both parties.*

*Fiscal Note: There are no funds associated with this License Agreement*

**RECOMMENDATION**

*The City Commission: 1) approve the License Agreement with the State of Florida Department of Agriculture for a period of fifty years; and 2) authorize the City Manager to execute the License Agreement, subject to the approval of the City Attorney as to form and legality.*

[140633\\_License Agreement\\_20150115.pdf](#)

[140587.](#)

**Construction Management at Risk with a Guaranteed Maximum Price Services for the Fire Station Number One Project (B)**

**This is a request for the City Commission to approve the recommended ranking of firms for Construction Management at Risk with a Guaranteed Maximum Price Services for the Fire Station Number One Project.**

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

*Explanation: On September 30, 2014, the City's Purchasing Division solicited written statements of qualifications to provide construction management at risk with guaranteed maximum price services for the Fire Station Number one construction project to be located on the east side of South Main Street in the 500 block (RFP #GFDX-150023-PJ). Eight (8) construction management firms submitted written statements of qualifications on*

November 5, 2014. Evaluation of the written statements resulted in the invitation of four (4) firms to present orally to the evaluators. These presentations were held on December 4, 2014 and further established the firms' qualifications, project approach and methodology for the project.

The evaluators rank the firms as follows:

- 1) Gilbane Building Company
- 2) Parrish-McCall Constructors
- 3) Wharton-Smith, Inc.
- 4) Charles Perry Partners, Inc. (CPPI)

*Fiscal Note:* Funding is available through the City of Gainesville Capital Improvement Plan that provides \$6,000,000 for the project.

**RECOMMENDATION**

The City Commission: 1) approve the evaluation team's ranking of the Construction Management Firms; 2) authorize the City Manager or designee to initiate contract negotiations with the qualified firms in accordance with the Consultant's Competitive Negotiations Act (CCNA); and 3) authorize the City Manager or designee, upon successful negotiations, to execute an agreement for Construction Management at Risk with a Guaranteed Maximum Price Services for the Fire Station Number One Project, subject to approval from the City Attorney as to form and legality, in an amount not to exceed the budgeted amount for such services.

[140587\\_Evaluation Ranking\\_20150115.pdf](#)

[140650.](#)

**CareerSource North Central Florida Update (NB)**

**This item is a request for the City Commission to receive a brief update from CareerSource North Central Florida on the local labor market, job creation activities and a proposal to relocate the Career Center.**

*Modification - Added item to the agenda.*

*Explanation:* CareerSource North Central Florida (CSNCFL) is the local workforce investment board for Alachua and Bradford Counties. The 37 member Board is comprised of over 50% business owners and also includes economic development, education (public and private), Vocational Rehabilitation, Department of Children and Families, Veteran representation, Housing Authority, County Commissioners from both Alachua and Bradford County and other representing various populations, many with significant barriers to employment. Workforce Boards are created by federal law. The Workforce Innovation and Opportunity Act was passed in 2014, which replaced the prior law known

as the Workforce Investment Act. This new law now requires local boards to include plans for entrepreneurship and micro-enterprise services in our state approved plan. The new law will go into effect in 2016 after implementation regulations are established. Boards all over the country (including ours) are weighing in now with comment on the DOL implementation planning process.

CSNCFL has enjoyed great success in the past few years at bringing in additional funding to our community, beyond the \$3 to \$4 million dollar federally funded (state pass through) annual formula funds our region is allocated from the state's roughly \$350 million, which goes to all 24 regional workforce boards. Since 2011 we have been awarded almost \$27 million in additional grants directly from the Department of Labor Education and Training Administration. Our regional workforce board (RWB 9) is the sixth smallest in the state of Florida, yet we enjoy more jobs per person than all others. This past November we have 6,910 people in our system showing as unemployed with 9936 jobs showing as available. This is the first year since before the recession we have had more jobs than unemployed people in our system (including those receiving re-employment assistance dollars and those who are not). Additionally we have many others that are under-employed also looking for better jobs to achieve a livable wage. Workforce development is a counter cyclical industry. When the economy improves, our funding decreases as the unemployment rate declines. For this reason we work hard to bring in these extra grant funds and appreciate the community's volunteer Board Members that guide the expenditure to meet the needs of our employers. The model in place focuses on business owners and employers as our customer and the job seeker is the resource we develop to meet the need of those customers. This (and many specific activities we will present) helps to create more jobs of higher salaries for our job-seekers.

Last year the CSNCFL system served over 36,000 people in Alachua and Bradford Counties. Between 3000 and 4000 visits take place at the Career Center at 4800 SW 13th Street each month. While this location has been long-standing, the Board has always wished to move it closer into town and be more accessible to those needing services. CSNCFL will provide a presentation on the local labor market, its job creating activities and a proposal to relocate its Career Center between UF and downtown Gainesville in Alachua County. CSNCFL would like to partner more closely with the City of Gainesville in many ways, which will be discussed.

The CSNCFL vision is "Everybody Works. Growing Business and Jobs through a Skilled Workforce."

*Fiscal Note:* None

**RECOMMENDATION**

The City Commission receive a brief update from CareerSource North Central Florida on the local labor market, job creation activities and a proposal to relocate the Career Center.

**CITY ATTORNEY****CITY AUDITOR**

**It is anticipated that the City Commission will waive the Rules to hear this item first in the afternoon.**

[130547.](#)

Update on Navigant Consulting Investigative Review (B)

*Explanation: On October 16, 2014, the City Commission reviewed a proposed contract with Navigant Consulting, Inc. for professional investigative review services and authorized the City Auditor to execute the contract, subject to approval of the City Attorney as to form and legality. The resulting executed contract has a not to exceed amount of \$180,000 for services performed plus estimated expenses totaling \$9,000. The contract provides for additional fees in the event that unforeseen conditions are encountered which might necessitate additional hours or cost, with a requirement for Navigant Consulting to advise the City Auditor in writing of the circumstances and to request an increase in the maximum fee before additional time is expended or additional fees are incurred.*

*Navigant Consulting has been busy working on this project since execution of the contract. To date, they have had numerous meetings with City/GRU staff, elected officials and citizens. They have also gathered and begun their analysis of hundreds of gigabytes of data in the form of e-mails, memos and documents they believe are relevant to their investigative review. They have recently advised the City Auditor in writing of circumstances they believe necessitate an increase to the maximum fee set forth in the current contract which will be discussed during today's meeting.*

**RECOMMENDATION**

*The City Commission receive an update on the status of the investigative review being completed by Navigant Consulting, Inc. and consider an increase to the maximum fee set forth in the current contract.*

**Legislative History**

12/5/13	City Commission	Referred to the Audit, Finance and Legislative Committee
1/29/14	Audit, Finance and Legislative Committee	Recommended for Approval, as amended
2/6/14	City Commission	Approved, as shown above
3/5/14	Audit, Finance and Legislative Committee	Recommended for Approval, as amended

3/20/14 City Commission Continued  
4/3/14 City Commission Approved as Recommended  
6/19/14 City Commission Approved as Recommended  
10/16/14 City Commission Approved as Recommended

[130547-A-Equitable Adjustment for Change of Law of the Power Purchase Agre](#)

[130547-B-GREC LLC Dispute - Equitable Adjustment Analysis-Outside Attorney](#)

[130547-C-RFP-External Investigative Review of GRU-Agenda Item.PDF](#)

[130547-D-Draft RFP External Investigative Review of GRU.PDF](#)

[130547-E-AFLC REVISED DRAFT RFP EXTERNAL INVESTIGATIVE REVIEW](#)

[130547-F - Memo from Godshalk to Commission.pdf](#)

[130547-G -Proposal Evaluation Summary 6-19-14.pdf](#)

[130547 MOD H Powerpoint Presentation 20140619.pdf](#)

[130547I MOD Navigant Proposal 20140619.pdf](#)

[130547J MOD Navigant Cost Proposal 20140619.pdf](#)

[130547K MOD EnerVision Proposal 20140619.pdf](#)

[130547L MOD Windham Brannon Proposal 20140619.pdf](#)

[130547M MOD Windham Brannon Cost Proposal 20140619.pdf](#)

[130547A Contract - Navigant - Professional Investigative Review Services 201](#)

[130547B RFP No. CAUD140037-DH Issued April 10 2014 20141016.pdf](#)

[130547C Addendum 1 Dated April 30 2014 20141016.pdf](#)

[130547D Navigant Response May 7 2014 20141016.pdf](#)

[130547E Navigant Cost Proposal May 7 2014 20141016.pdf](#)

[130547F Navigant Power Point for Oral Interview June 10 2014 20141016.pdf](#)

[130547 RayWashingtonLetter 20141016.pdf](#)

[130547 speech 20141016.pdf](#)

[130547 Navigant Contract - Additional Fee Request 20150115.pdf](#)

## **EQUAL OPPORTUNITY DIRECTOR**

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

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

## **PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE**

## **PUBLIC SAFETY COMMITTEE**

## **AUDIT, FINANCE AND LEGISLATIVE COMMITTEE**

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

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

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

[140642.](#)

**Commissioner Yvonne Hinson-Rawls - Parent Emissary Update and Request (NB)**

RECOMMENDATION

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

[140656.](#)

**Commission Yvonne Hinson-Rawls - Diversity Survey and Analysis (B)**

*Modification - Added item*

RECOMMENDATION

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

[140656\\_MOD Diversity Survey Presentation.20150115pdf.pdf](#)

[140656\\_MOD Diversity Survey Results\\_20150115.pdf](#)

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

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

**RECESS**

**RECONVENE**

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

**PROCLAMATIONS/SPECIAL RECOGNITIONS**

[140616.](#)

**Special Recognition For Springhill Missionary Baptist Church (NB)**

**This is a request for the City Commission to hear a special**



**presentation to Reverend Adrian Taylor and the congregation of the Springhill Missionary Baptist Church.**

*Explanation: Police Chief Tony Jones would like to present a plaque to Reverend Adrian Taylor and the congregation of the Springhill Missionary Baptist Church for their generosity to employees of the Gainesville Police Department during the construction of the new GPD Headquarters Building.*

*Reverend Taylor and his congregation allowed GPD to hold many department events in their church during the three years that the new headquarters building was under construction.*

*Fiscal Note: None.*

**RECOMMENDATION**      *The City Commission hear a special presentation from Police Chief Tony Jones to Springhill Missionary Baptist Church for their continuing support of the Gainesville Police Department.*

[140629.](#)

**Gainesville SIATech and MYcroSchool National School Choice Week - January 26-30, 2015 (B)**

**RECOMMENDATION**      *MYcroSchool Executive Board President Gerald Zagaiki (Zag) to accept the proclamation.*

[140629\\_SchoolChoice\\_20150115.pdf](#)

[140630.](#)

**Gator Midget Cheerleader Day - January 15, 2015 (B)**

**RECOMMENDATION**      *PRCA Gator Midget Cheerleaders Head Coach Beverly Perry, Assistant Coach Lauren Harris, Coach Trainee Katlynn Ford and Team Mom Rosalee Alston-Rivers to accept the proclamation.*

[140630\\_GatorMidgetCheer\\_20150115.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**

[140597.](#)

**Resolution Adopting Written Policies and Procedures to Monitor the**

### **Requirements of Section 148 of the Internal Revenue Code for Gainesville Regional Utilities Bond Issues (B)**

A resolution to adopt written policies and procedures to monitor the requirements of section 148 of the internal revenue code and to ensure that all nonqualified bonds of the issuer are remediated according to the requirements under the internal revenue code and regulations; providing other details with respect thereto; and providing an effective date.

*Explanation: The IRS has modified Form 8038-G, Information Return for Tax-Exempt Governmental Obligations, which is a form governmental entities are required to submit when issuing tax-exempt debt. The modification requires the issuer to answer two questions:*

- *Has the issuer established written procedures to ensure that all nonqualified bonds of the issue are remediated according to requirements under the IRS Code;*
- *Has the issuer established written procedures to monitor the requirements of Section 148 of the Code?*

*The procedures referred to under IRS Code requirements are processes which are already in practice at GRU. They include such steps as:*

- *Obtaining written certifications from underwriters as to the offering prices of tax-exempt bonds;*
- *Maintaining accounting procedures for tracking the investment and expenditures of bond proceeds;*
- *Reviewing proposed contracts with non-governmental organizations with respect to bond-financed facilities which could result in private use of facilities to ensure that limits on private business use are not exceeded;*
- *Preparing and submitting applicable arbitrage, yield restriction and rebate compliance reports;*
- *Taking remedial steps if actions cause the interest on tax-exempt bonds to become includable in the gross income of holders of the bonds.*

*Fiscal Note: There is no fiscal impact related to the adoption of the policies other than the opportunity to reduce potential penalties.*

**RECOMMENDATION**

*The City Commission adopt the proposed resolution.*

[140597 GRU Resolution and Policy Modifications 20150115](#)

### **ADOPTION READING - ROLL CALL REQUIRED**

[140381.](#)

**LAND USE CHANGE - SMALL SCALE - PROPERTY GENERALLY LOCATED WITHIN THE 1900 BLOCK OF THE NORTH SIDE OF NW 53RD AVENUE AND WITHIN THE 1700 BLOCK OF THE SOUTH SIDE OF NW 53RD AVENUE. (B)**

Ordinance No. 140381; Petition No. PB-14-96 LUC

An ordinance amending the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of approximately 0.89 acres of property generally located within the 1900 block of the north side of NW 53rd Avenue and within the 1700 block of the south side of NW 53rd Avenue, as more specifically described in this ordinance, from Office (O) and Commercial (C) to Public and Institutional Facilities (PF); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

*Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT REPORT*

*This petition/ordinance will change the land use category for approximately 0.89 acres of land, consisting of two parcels owned by the City, from Office (O) and Commercial (C) to Public and Institutional Facilities (PF). An associated zoning ordinance will change the zoning district to Public Services and Operations District (PS).*

*One parcel (tax parcel 07882-014-001) is approximately 0.83 acres, located within the 1900 block of the north side of NW 53rd Avenue, currently vacant, and has an Office (O) land use designation and a General Office District (OF) zoning designation. No development is proposed for this parcel in the near future. Gainesville Regional Utilities (GRU) does plan to construct a Power Delivery System (PDS) on the property in 2019. The other parcel (tax parcel 07883-003-000) is approximately 0.06 acres, located within the 1700 block of the south side of NW 53rd Avenue, contains a lift station, and has a Commercial (C) land use designation and a General Business District (BUS) zoning designation. This parcel was originally a part of the larger Home Depot parcel. No development is proposed for this parcel.*

*This ordinance is consistent with the Comprehensive Plan and will assign the most appropriate land use designations on the subject property, which will more accurately reflect the total acreage of various types of land in the city.*

*After public notice was published in the Gainesville Sun on September 9, 2014, the City Plan Board held a public hearing on September 25, 2014, and recommended approval of this petition by a vote of 5-0.*

**CITY ATTORNEY MEMORANDUM**

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

*Within 30 days following the City's adoption of this amendment, any affected person may file a petition with the State Division of Administrative Hearings to request a hearing to challenge the compliance of this amendment with Chapter 163, Florida Statutes. If*

*challenged within 30 days after adoption, this amendment shall not become effective until the state land planning agency or the Administration Commission issues a final order determining that the adopted amendment is in compliance with Chapter 163, Florida Statutes. If unchallenged, this amendment shall become effective 31 days after adoption.*

**RECOMMENDATION**            *The City Commission: (1) approve Petition No. PB-14-96 LUC and (2) adopt the proposed ordinance.*

[140381\\_draft ordinance\\_20150115.pdf](#)

[140381B\\_Staff report\\_20150115.pdf](#)

[140381C\\_App A Comprehensive Plan GOP\\_20150115.pdf](#)

[140381D\\_App B Supplemental Documents\\_20150115.pdf](#)

[140381E\\_App C Application Neighborhood Wkshp\\_20150115.pdf](#)

[140381F\\_CPB minutes\\_20150115.pdf](#)

[140381G\\_staff ppt\\_20150115.pdf](#)

[140382.](#)

**QUASI-JUDICIAL - REZONING - PROPERTY GENERALLY LOCATED WITHIN THE 1900 BLOCK OF THE NORTH SIDE OF NW 53RD AVENUE AND WITHIN THE 1700 BLOCK OF THE SOUTH SIDE OF NW 53RD AVENUE (B)**

Ordinance No. 140382; Petition No. PB-14-97 ZON

An ordinance amending the Zoning Map Atlas of the City of Gainesville, Florida, by rezoning approximately 0.89 acres of property generally located within the 1900 block of the north side of NW 53rd Avenue and within the 1700 block of the south side of NW 53rd Avenue, as more specifically described in this ordinance, from General Office District (OF) and General Business District (BUS) to Public Services and Operations District (PS); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

*Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT REPORT*

*This petition/ordinance will rezone approximately 0.89 acres of land, consisting of two parcels owned by the City, from General Office District (OF) and General Business District (BUS) to Public Services and Operations District (PS). An associated ordinance (Ordinance No. 140381) will change the land use category to Public and Institutional Facilities (PF).*

*One parcel (tax parcel 07882-014-001) is approximately 0.83 acres, located within the 1900 block of the north side of NW 53rd Avenue,*

currently vacant, and has a General Office District (OF) zoning designation. No development is proposed for this parcel in the near future. Gainesville Regional Utilities (GRU) does plan to construct a Power Delivery System (PDS) on the property in 2019. The other parcel (tax parcel 07883-003-000) is approximately 0.06 acres, located within the 1700 block of the south side of NW 53rd Avenue, contains a lift station, and has a General Business District (BUS) zoning designation. This parcel was originally a part of the larger Home Depot parcel. No development is proposed for this parcel.

This ordinance is consistent with the Comprehensive Plan (following the adoption of Ordinance No. 140381) and will assign the most appropriate zoning district on the subject property, which will more accurately reflect the total acreage of various types of land in the city.

After public notice was published in the Gainesville Sun on September 9, 2014, the City Plan Board held a public hearing on September 25, 2014, and recommended approval of this petition by a vote of 5-0.

#### CITY ATTORNEY MEMORANDUM

This ordinance requires one hearing. This ordinance shall become effective immediately upon adoption; however, the rezoning implemented by this ordinance shall become effective when the amendment to the City of Gainesville Comprehensive Plan adopted by Ordinance No. 140381 becomes effective as provided therein.

#### RECOMMENDATION

The City Commission: (1) approve Petition No. PB-14-97 ZON and (2) adopt the proposed ordinance.

[140382B\\_Staff report\\_20150115.pdf](#)

[140382C\\_App A\\_Comprehensive Plan GOPs\\_20150115.pdf](#)

[140382D\\_App B\\_Land Developments\\_20150115.pdf](#)

[140382E\\_App C\\_Supplemental Documents\\_20150115.pdf](#)

[140382F\\_App D\\_Application Neighborhood Wkshp\\_20150115.pdf](#)

[140382G\\_CPB minutes\\_20150115.pdf](#)

[140382H\\_staff ppt\\_20150115.pdf](#)

[140382\\_draft ordinance\\_20150115.pdf](#)

## ORDINANCES, 1ST READING- ROLL CALL REQUIRED

[140463.](#)

### QUASI-JUDICIAL - HISTORIC PROPERTY TAX EXEMPTION - 207 NE 7th STREET (B)

Ordinance No. 140463

An ordinance of the City of Gainesville, Florida, finding that property located at 207 NE 7th Street, Gainesville, Florida, as more specifically

described in this ordinance, qualifies for an ad valorem tax exemption for historic properties; granting an exemption from ad valorem tax for certain improvements beginning January 1, 2015, and continuing for 10 years under certain conditions; authorizing the Mayor and the Clerk of the Commission to sign the Historic Preservation Property Tax Exemption Covenant between the property owner and the City; providing a severability clause; providing a repealing clause; and providing an effective date.

*Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT REPORT*

*Chapter 25, Article IV, of the Code of Ordinances authorizes the City Commission to grant ad valorem tax exemptions for historic properties pursuant to Florida law. In order to approve a property for such exemption, the Historic Preservation Board (HPB) and the City Commission must determine that a particular property is eligible for the property tax exemption (i.e., historical designation or contributing property) and that it has been improved consistent with the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.*

*The process for a property owner to receive a historic preservation property tax exemption entails two steps. First, the property owner submitted Part 1 (Preconstruction Application) of the Historic Preservation Property Tax Exemption Application for the restoration/rehabilitation of a contributing residential building in the Northeast Residential Historic District. Part 1 was approved by the HPB on January 6, 2009, with a finding that the property was eligible for the exemption and that the proposed improvements met the required standards.*

*Second, the applicant completed the restoration/rehabilitation work and submitted Part 2 of the property tax exemption application (Final Application for Review of Completed Work). Staff inspected the completed work and found the work meets the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings as well as the City's Guidelines for Rehabilitating Historic Buildings. On October 7, 2014, the HPB approved Part 2 with a finding that the eligible property has been improved consistent with the required standards; the HPB recommended the City Commission approve same. The renovations eligible for the tax exemption total \$707,228.74. However, pursuant to City Code and State Statute, the actual amount of the exemption will be determined by the County Property Appraiser.*

**CITY ATTORNEY MEMORANDUM**

*This ordinance requires two hearings and shall become effective immediately upon adoption; however, the ad valorem tax exemption shall be effective as of January 1, 2015.*

**RECOMMENDATION**

*The City Commission: 1) approve Part 2 of the*

*Historic Preservation Property Tax Exemption Application; and 2) adopt the proposed ordinance.*

[140463A draft ordinance 20150115.pdf](#)

[140463B Staff Report 20150115.pdf](#)

[140463C HPB 141007 Minutes and HPB 140906 Minutes 20150115.pdf](#)

[140463D Code of Ordinances Article IV 20150115.pdf](#)

[140463E staff ppt 20150115.pdf](#)

## ORDINANCES, 2ND READING- ROLL CALL REQUIRED

[140297.](#)

### **WAIVE VEHICLE FOR HIRE FEES FOR A PERIOD OF 12 MONTHS (B)**

Ordinance No. 140297

An ordinance of the City of Gainesville, Florida, amending Appendix A, Schedule of Fees, Rates and Charges of the Code of Ordinances by revising fees, rates and charges for Vehicles for Hire; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing a retroactive effective date.

*Explanation: At the November 20, 2014 City Commission meeting, the Commission directed the City Attorney to draft and the Clerk to advertise an ordinance waiving the Vehicle for Hire (VFH) fees for one year, beginning January 1, 2015.*

*As proposed, the ordinance would affect City fees that are unique to VFH operations. It would not affect business taxes that must be paid by all businesses including VFH operators, or fees charged by other entities with authority to do so such as the Gainesville/Alachua County Regional Airport Authority.*

*The ordinance waives the following fees for the period of January 1, 2015 through December 31, 2015:*

*Franchise fee/per year (section 28-5) .....319.25  
Medallion/permit (biennially - per vehicle) .....29.00  
Individual driver permit fee (new, transfers and renewals) .....23.00  
Individual driver permit fee (duplicates for lost, stolen or destroyed) .....12.50  
Late penalty, annual report, payment not timely filed, incomplete or inaccurate (section 28-5), per month .....29.00*

*Beginning January 1, 2016, the collection of the fees shall resume. The ordinance also deletes an unnecessary reference to fees charged by the Airport Authority.*

*Fiscal Note: Vehicle for hire fees generated City revenue of \$15,779.25 in FY 14.*

**RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

**Legislative History**

9/18/14	City Commission	Referred to the Public Safety Committee
11/6/14	City Commission	Approved as Recommended
11/20/14	City Commission	Approved as Recommended
12/18/14	City Commission	Adopted on First Reading (Ordinance)

[140297a Shared Use Mobility Rideshare IMLA Webinar Presentation 2014091](#)

[140297b AlligatorNewsArticleOnUber 20140918](#)

[140297c JacksonvilleUberArticle 20140918](#)

[140297a VFHPowerPoint 20141029](#)

[140297b MatrixOtherCitiesStates 20141029](#)

[140297c AustinTXCouncilMinsTransComp 20141029](#)

[140297d AustinDraftTranComps 20141029](#)

[140297e AustinMonitorArticle 20141029](#)

[140297f AustinRidesharingArticle 20141029](#)

[140297g TexasTribuneArticle 20141029](#)

[140297h ColoradoLegislationTransComps 20141029](#)

[140297i VirginiaTempOrderToOperate 20141029](#)

[140297j DetroitInterimOperatingAgreement 20141029](#)

[140297k VirginiaGovNewsRelease 20141029](#)

[140297l HoustonTranCompFAQ 20141029](#)

[140297m HoustonVFHMythsFacts 20141029](#)

[140297n HoustonVFHUsersGuide 20141029](#)

[140297o LincolnTransCompArticle 20141029](#)

[140297pTampaUberArticle 20142019](#)

[140297q TallahasseeUberArticle 20141029](#)

[140297r GainesvilleVFHOrd 20141029](#)

[140297-MOD Appendix A Excerpt 20141120.pdf](#)

[140297 draft ordinance 20141218.pdf](#)

**140369.**

**QUASI-JUDICIAL REZONING - PARCEL LOCATED ON  
NEWBERRY ROAD GENERALLY WEST AND SOUTH OF NW  
39TH ROAD AND EAST OF NW 43RD STREET (B)**

Ordinance No. 140369, Petition No. PB-14-52 ZON

An ordinance amending the Zoning Map Atlas of the City of Gainesville, Florida, by rezoning approximately 5.0 acres of property located on Newberry Road generally south and west of NW 39th Road and east of



NW 43rd Street, as more specifically described in this ordinance, from Single-Family Residential (RSF-4) district to Mixed-Use Low-Intensity (MU-1) district; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

*Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT REPORT*

*This ordinance will rezone approximately 5.0 acres of undeveloped property from Single-Family Residential (RSF-4) district to Mixed-Use Low-Intensity (MU-1) district. The subject property is located on Newberry Road generally south and west of NW 39th Road and east of NW 43rd Street, on the north side of Newberry Road west of NW 39th Road and east of SW 43rd Street. The parent parcel is owned by Holy Faith Catholic Church, with the church sanctuary and ancillary buildings located north of the subject property.*

*Properties immediately to the west and east of the subject property are developed with office uses, including medical offices, a bank, general offices, and an insurance office. The area immediately to the south across Newberry Road is developed with medical offices. Property to the east of the subject property has General Office (OF) zoning; to the south (across Newberry Road), Planned Development (PD) zoning; to the west, Corporate Park (CP) zoning and the Triangle Special Area Plan associated with the CP zoning. Other surrounding areas have Single-Family and Office zonings.*

*The existing RSF-4 zoning allows single-family dwellings (up to a maximum density of 8 units per acre). The requested MU-1 zoning district will allow a mixture of residential (with a density limit of 8-30 units per acre) and non-residential uses with a building height of up to 5 stories. The requested MU-1 zoning district will allow many non-residential uses, including but not limited to convenience-type retail, food stores, gas stations, auto and home supply stores, home furnishings, apparel stores, and professional and consumer services. In addition, alcoholic beverage establishments and hotels/motels would be allowed by Special Use Permit.*

*City staff recommended against the adoption of this ordinance's associated petition in a report dated September 25, 2014. On September 25, 2014, a public hearing was held by the City Plan Board, which acts as the local planning agency pursuant to Section 163.3174, Florida Statutes, where it voted 3-2 to recommend against the adoption of this ordinance. On November 6, 2014, the City Commission held a public hearing regarding this ordinance's associated petition and voted to approve the petition and to authorize the City Attorney to prepare this ordinance.*

**CITY ATTORNEY MEMORANDUM**

*This ordinance requires two hearings. This ordinance shall become effective immediately upon adoption; however, the rezoning implemented by this ordinance shall become effective when the*

*amendment to the City of Gainesville Comprehensive Plan adopted by Ordinance No. 140368 becomes effective as provided therein.*

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

**Legislative History**

11/6/14      City Commission      Approved (Petition), as amended  
1/5/15      City Commission      Adopted on First Reading (Ordinance)

[140369A Staff report 20141106.pdf](#)

[140369B Exh A Comp Plan GOPs 20141106.pdf](#)

[140369C Exh B Maps 20141106.pdf](#)

[140369D Exh C Enviornmental Report 20141106.pdf](#)

[140369E Exh D LDC Code 20141106.pdf](#)

[140369F Exh E Application Neighhd Workshp 20141106.pdf](#)

[140369G CPB minutes 20141106.pdf](#)

[140369G Revised CPB minutes 20141106.pdf](#)

[140369H staff ppt 20141106.pdf](#)

[140369 petition 20141106.pdf](#)

[140369 draft ordinance 20150105.pdf](#)

[140501.](#)

**BUTLER DEVELOPMENT MASTER SIGNAGE PLAN (B)**

Ordinance No. 140501, Petition PB-14-106 PDA

An ordinance of the City of Gainesville, Florida, adopting a Master Signage Plan to regulate signage within the Butler Development, a Planned Development (PD) zoning district that consists of approximately 267 acres generally located north of SW Archer Road, south of SW 24th Avenue, east of SW 40th Boulevard, and west of SW 34th Street; providing for enforcement; 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 adopt a Master Signage Plan to regulate signage within the Butler Development, a Planned Development (PD) zoning district that consists of approximately 267 acres generally located north of SW Archer Road, south of SW 24th Avenue, east of SW 40th Boulevard, and west of SW 34th Street. On November 21, 2013, the City Commission adopted Ordinance No. 121108 rezoning Butler Development to PD. PD is a zoning district that may be adopted with customized land development regulations, such as a unified signage plan. The customized regulations are intended to promote and address unique and innovative development that is not provided for in the Land*

*Development Code, but is nevertheless consistent with and promoted by the City of Gainesville Comprehensive Plan and is otherwise in accordance with law. Accordingly, Butler Development PD Ordinance No. 121108 included certain custom signage regulations but also included a provision that allows the Developer to submit, as it is now doing, a Master Signage Plan in lieu of the PD signage regulations, subject to review and approval by the City Commission. The standards by which the City Commission must review this Master Signage Plan are outlined below in the City Attorney memorandum and are the same for any signage regulations included in a PD.*

*The Butler Development Master Signage Plan proposes signage that exceeds the current parameters of the City's adopted sign code. A table included in the backup compares the proposed Master Signage Plan to: 1) the City's adopted sign code, 2) the current signage entitlements under Butler Development PD Ordinance No. 121108, and 3) Alachua County's Transit Oriented Development (TOD) sign regulations adopted in coordination with the Celebration Pointe development. In addition, the backup includes a Planning Staff report that describes the unique size, location and complexity of the overall Butler PD Development and analyzes the Butler Development Master Signage Plan and how it will regulate signage within the PD in a unique and innovative manner that is consistent with the purpose and objectives of the PD zoning district as well as the Comprehensive Plan.*

*On October 23, 2014, the City Plan Board held a public hearing and provided comments regarding the Butler Development Master Signage Plan.*

#### **CITY ATTORNEY MEMORANDUM**

*When adopting signage regulations, and specifically when adopting signage regulations for a particular PD, the City Commission must base its review and approval on several legal criteria. Section 163.3202, Florida Statutes, requires each municipality to adopt and enforce signage regulations. However, unlike general zoning regulations that are presumed to be constitutional as long as such regulations are adopted with a rational basis (i.e., low legal scrutiny), the 1st Amendment to the U.S. Constitution places a greater burden on governments when adopting signage regulations. As such, governments may only adopt signage regulations that are reasonable and narrowly tailored to directly promote substantial government interests, which for signage regulations courts have found to be preserving and protecting the public safety, aesthetic qualities, and economic vitality of a community. In addition, the Equal Protection Clause of the 14th Amendment to the U.S. Constitution requires governments, generally, to treat similarly situated classes of individuals the same unless the government has a rational basis for differential treatment.*

*In addition to the constitutional and statutory framework outlined above,*

*the City's Land Development Code also provides criteria for the City Commission's consideration when adopting signage regulations for a PD. Sections 30-213 and 30-214 allow signage regulations to be included within a PD if such signage regulations are promoted by the Comprehensive Plan and are unique and innovative and/or take into account specialized design characteristics to preserve and protect neighborhood character, environmental concerns and other concerns unique to the immediate area.*

*In sum, the City Commission may adopt this ordinance if it finds that the Master Signage Plan: 1) is reasonable and narrowly tailored to promote public safety, aesthetic qualities, and economic vitality, 2) is promoted by the Comprehensive Plan and, as compared to the City's general signage regulations, is unique and innovative and/or designed to preserve and protect neighborhood character, environmental concerns and other concerns unique to the immediate area, and 3) does not treat similarly situated classes of individuals, if any, differently without a rational basis to do so.*

*This ordinance requires two hearings and shall become effective immediately upon adoption at second reading.*

**RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

**Legislative History**

1/5/15 City Commission Approved (Petition) and Adopted on First Reading (Ordinance), as amended

[140501B Staff report 20150105.pdf](#)

[140501C\\_ Exh A-1\\_ Unified Signage Plan\\_20150105.pdf](#)

[140501D\\_ Exh A-2\\_ Butler Plaza Master Sign Plan Analysis\\_20150105.pdf](#)

[140501E\\_ Exh A-3\\_ Application and Butler Plaza PD Environ Graphics Master Pl](#)

[140501F\\_ CPB minutes\\_20150105.pdf](#)

[140501G\\_ staff ppt\\_20150105.pdf](#)

[140501\\_ draft ordinance\\_20150105.pdf](#)

[140501A\\_ revised draft ordinance\\_20150115.pdf](#)

[140501B\\_ revised Page 17 of Exhibit A\\_20150105.pdf](#)

**PLAN BOARD PETITIONS**

**DEVELOPMENT REVIEW BOARD PETITIONS**

**SCHEDULED EVENING AGENDA ITEMS**

**UNFINISHED BUSINESS**

**COMMISSION COMMENT**

**CITIZEN COMMENT (If time permits)**

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