

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Meeting Agenda - Final

December 15, 2016

1:00 PM

MODIFIED AGENDA

City Hall Auditorium

City Commission

Mayor Lauren Poe (At Large)

Commissioner Harvey Budd (At Large)

Mayor-Commissioner Pro Tem Helen Warren (At Large)

Commissioner Charles Goston (District 1)

Commissioner Todd Chase (District 2)

Commissioner Craig Carter (District 3)

Commissioner Adrian Hayes-Santos (District 4)

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

1:00pm - CALL TO ORDER - Afternoon Session**AGENDA STATEMENT**

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

ROLL CALL**INVOCATION****ADOPTION OF CONSENT ITEMS - GRU, General Government, Audit & Finance Committee and General Policy Committee Items**

[160595.](#)

Continuation of Blue Cross Blue Shield of Florida, Inc (Florida Blue) as the provider of Specific Stop-Loss Carrier for the City Group Health Plan (B)

This item involves a request for the City Commission to approve the continuation of Blue Cross Blue Shield of Florida, Inc. as the provider through their subsidiary, High Mark Insurance, of specific stop-loss insurance for the City's Group Health Plan and modify the Stop-loss attachment point and broaden the coverage.

Explanation: The City maintains a self-funded health plan for its employees, retirees and their family members. The health plan utilizes a risk transfer tool to mitigate the impact of large claims. Specific Stop-Loss insurance is the risk transfer tool that the group health plan utilizes to cover the cost of large claims. Under a specific stop-loss policy, the City's group health plan is responsible only for a fixed dollar amount of a covered members annual claims costs, after that specified amount has been paid, all subsequent claims costs are reimbursed to the City.

Florida Blue was awarded the stop-loss business for three years beginning with Plan Year beginning January 1, 2015. Under current purchasing policies, if the annual cost rises more than 10%, the City Commission will have to approve the new pricing. After a very modest renewal in 2016 of around two percent, the City's health plan suffered an

adverse claims year that necessitated a significant rate increase of 37%. When the premium notice was sent, staff asked for alternative deductibles and asked Florida Blue to look at the City's loss ratio to date and the projected claims for the remainder of this year and into next plan to determine if the policy parameters were sufficient to protect the health plan.

Currently, the City has a 12/12 contract for stop loss insurance. This means that a claim must be incurred and paid within the policy period. Given the plan's expected claims and those that are maturing during the last quarter, it would be in the best interest of the plan to expand the incurred period to 24 months. This means that any claims incurred within the last 24 months and paid during the 2017 plan year would be credited to the stop loss attachment point. This is broader coverage than the current policy and since the incurred period is significant longer than current, it is staff's belief that increasing the stop loss deductible to \$300,000 to help offset the additional cost is in the plan's long-term best interest. Similar self-insured plans of our size tend to have deductibles in the \$350,000 - \$500,000 range. Even with these modifications the premium would still increase the premium by approximately thirty percent (30%).

There are currently three identified claims whose current projected cost for plan year 2017 are estimated at or above the \$350,000 and increasing the incurred period will likely broaden the number of paid claims in 2017 that will exceed the deductible.

It is staffs belief that it is necessary to continue to purchase specific stop loss insurance to protect the City's health plan against large claims. Given the underwriter's projections and recommendation, it is also staff's belief that increasing the incurred period to 24 months is in the plan's best interest. In an effort to reduce the premium cost, the plan should increase the deductible to \$300,000 per member claims.

RECOMMENDATION

The City Commission: 1)approve the specific stop loss coverage with a 24/12 benefit look back period and a \$300,000 deductible as offered by Florida Blue with for the plan year beginning January 1, 2017, ; 2) authorize issuance of a purchase orders in an amount sufficient to cover applicable charges for the policy and 3) authorized the City Manager to execute the document necessary to complete the purchase subject to approval of the City Attorney as to form and legality.

[160595_Stop Loss Renewal Email_20161215.pdf](#)

[160595A_Stop Loss Renewal_20161215.pdf](#)

[160563.](#)

Human Resources Policy L-7: Leave Bank (B)

This is a request for the City Commission to approve revisions HR Policy L-7: Leave Bank.

Explanation: Human Resources Policy L-7: Leave Bank is amended to standardize the maximum amount of service credit that may be donated to a dying or recently deceased employee, and to clarify what leave may be donated to a dying or recently deceased employee.

Policy L-7 currently requires that an employee have at least “80% of the credited service needed for normal service retirement” to be eligible to receive donated leave in order to achieve normal retirement eligibility. Recent changes to the City’s defined benefit plans resulted in three different ‘years of service’ requirements - twenty years, twenty-five years, and thirty years - depending on the plan and date of hire. As such, the “80%” requirement now means sixteen, twenty, or twenty-four years of service. In order to standardize the amount of credited service among all employee groups, staff recommends modifying the requirement to read “Utilization of donated vacation, sick leave, PTO or PCLB in this manner is limited to those situations in which the employee, at the time the authorization to create a Leave Bank is given, had all but two years or less of the credited service needed for normal service retirement...”

In 2012, 2013 and 2014, the City’s defined benefit plans were modified, in part, to comply with statutory limits on the use of accrued leave in the calculation of retirement benefits. Therefore, Section II of Policy L-7 has been revised to align with these limits. Specifically, only leave that may be applied to pension service credit or included as ‘earnings,’ as defined in the donating employee’s pension plan, may be donated.

Fiscal Note: There is no fiscal impact for the changes to HR Policy L-7.

RECOMMENDATION The City Commission: approve revisions to Human Resources Policy L-7.

[160563 HR Policy L-7 Leave Bank 20161215.pdf](#)

[160578.](#)

Final Extension Term to Construction Management Agreements (B)

Explanation: In 2012, the Gainesville Community Redevelopment Agency (CRA), acting both on its own behalf and as an agent for the City of Gainesville, issued a Request for Statement of Qualifications (RFQ) to obtain construction management professional services for Minor Projects.

For those CRA sponsored projects and improvements on City property, or property for which the City as a license/permit to contract or maintain, (“City projects”) the City is the contract party and the City Commission the approving authority.

At the conclusion of the RFQ process, the CRA and City executed

Continuing Services Agreements with five construction management firms: Oelrich Construction Inc., The Brentwood Company Inc., and Charles Perry Partners, Inc. (CPPI), Gray Construction and Foresight Construction. These are three-year (3) agreements with an option for the CRA and City to renew for two (2) additional one-year periods. The expiration terms vary by firm but generally expire end of 2016 or early 2017 and there is one renewal period left on the current agreements.

CRA has been meeting with an interagency team from City Purchasing, Facilities, Equal Opportunity, Parks, Recreation and Cultural Affairs, Public Works and GRU. Representatives from each area intend to move forward collaboratively on a joint RFQ for Construction Management Continuing Services to be managed by City Purchasing. The goal would be to contract with a list of qualified CM firms under a single contract that could be utilized by all areas and promote the participation of small, local and diverse firms.

In these meetings the team discussed barriers to participation on CM projects due to the bonding and insurance requirements for projects over certain dollar thresholds. CRA staff suggested working together to create more opportunities for small, local and diverse contractors by creating two new contractual opportunities; 1) continuing services contracts for general contractor's <\$300,000 and 2) continuing services for mechanical, electrical and plumbing services contracts <\$300,000. By creating these new contractual opportunities the team could begin to work with more small, local and diverse contractors in an effort to promote their participation on city projects, and help them build a "book of business" in the government contracting environment. The team has begun reviewing bid documents for these three solicitations and is receiving feedback from each area in an effort to ensure a fair and equitable process that encourages diverse participation.

Over the summer, the CRA was invited to the Promotion of Minority Owned and Minority Oriented Opportunities Special Committee meeting to report progress on these efforts as part of an overall update on the City's efforts.

City Purchasing has agreed to lead these efforts and a new Purchasing Manager has been hired. Along with this transition the Manager is in the process of hiring additional positions to assist in the current and future workload. The Department is not currently in a position to lead three solicitations of this size and scope at this time. GRU Purchasing has other commitments that prevent these contracts as being a high priority for their office at this time.

CRA staff is currently utilizing CPPI, Inc. on the NW 1st Avenue projects, Oelrich Construction on Depot Park-related projects and The Brentwood Company on the Cornerstone expansion and infrastructure work. The desire is to execute the final renewals on those three contracts so these critical projects can continue. Exercising this renewal will allow time for the team to complete their reviews and for City Purchasing to staff up

and plan for the management of these solicitations in 2017.

At the November 21, 2016 CRA Board meeting, Staff's recommendation for the 2nd Amendment to Construction Management Agreements for CPPI, Inc., Oelrich Construction and The Brentwood Company was approved as presented, subject to review as to form and legality by the CRA Attorney. The recommendation is to also approve the same contract for CRA work on City-owned property.

Fiscal Note: None.

RECOMMENDATION

City Manager to City Commission: Approve the 2nd Amendment to Construction Management Agreements for CPPI, Inc., Oelrich Construction and The Brentwood Company as presented, subject to review as to form and legality by the CRA Attorney.

[160578a_OELRICH ORIGINAL_20161215.pdf](#)

[160578b_OELRICH FIRST AMENDMENT_20161215.pdf](#)

[160578c_OELRICH 2ND AMENDMENT_20161215.pdf](#)

[160578d_CPPI ORIGINAL_20161215.pdf](#)

[160578e_CPPI FIRST AMENDMENT_20161215.pdf](#)

[160578f_CPPI 2ND AMENDMENT_20161215.pdf](#)

[160578g_BRENTWOOD ORIGINAL_20161215.pdf](#)

[160578h_BRENTWOOD FIRST AMENDMENT_20161215.pdf](#)

[160578i_BRENTWOOD SECOND AMENDMENT_20161215.pdf](#)

[160549.](#)

Fiscal year 2016 Budget Monitoring Report - Year-End Preliminary Results (B)

Explanation: The City's General Government Budget Policy requires staff to prepare and submit a preliminary fiscal year 2016 year-end budget monitoring report, including the status of General Fund fund balances to the Audit and Finance Committee.

RECOMMENDATION

The Audit and Finance Committee recommends that the City Commission receive the year-end preliminary report for the fiscal year 2016.

[160549A FY16 Year End All Funds Report 20161129.pdf](#)

[160549B FY16 Year End Preliminary Rpt for 12 Months End 9-20-16 20161139](#)

[160511.](#)

Gainesville Regional Utilities DRAFT Unaudited Internally Prepared Financial Statements for the Year Ended September 30, 2016 (B)

Explanation: The following item is presented for review: DRAFT Unaudited Internally Prepared Financial Statements for the year ended September 30, 2016, including management's discussion and analysis.

RECOMMENDATION

The Audit and Finance Committee recommends the City Commission accept the GRU DRAFT Unaudited Internally Prepared Financial Statements for the year ended September 30, 2016.

[160511 GRU DRAFT Unaudited Financial Statements YE 9-30-2016 20161129.](#)

[160550.](#)

Gainesville Regional Utilities Internally Prepared Budget to Actuals and Supplementary Data for the Year Ended September 30, 2016 (B)

Explanation: The following item is presented for review: Budget to Actuals and Supplementary Data for the year ended September 30, 2016, internally prepared.

RECOMMENDATION

The Audit and Finance Committee recommends the City Commission accept the GRU Internally Prepared Budget to Actuals and Supplementary Data for the year ended September 30, 2016.

[160550A GRU Budget to Actuals Statements YE 9-30-2016 20161129.pdf](#)

[160550B GRU Supplementary Data for YE 9-30-2016 20161129.pdf](#)

[160599.](#)

Joint Meeting with UF Student Senate (NB)

RECOMMENDATION

The City Commission approve the meeting for January 10, 2017 at 7:30pm.

[160597.](#)

**JEROME FULLER VS. THE CITY OF GAINESVILLE, FLORIDA
A MUNICIPAL CORPORATION; COURT CASE NO.
1:16-CV-304 (B)**

Explanation: On December 1, 2016, the City was served with a Summons and Complaint filed by Jerome Fuller for false arrest and imprisonment against the City. In 2013, Mr. Fuller was arrested for aggravated battery by a Gainesville Police Department Officer. The charges were later dropped by the State Attorney's Office. Mr. Fuller claims to have suffered economic injuries, pain and suffering, embarrassment, humiliation, and loss of the capacity for the enjoyment of life. Mr. Fuller is seeking compensatory damages, and attorney's fees and costs.

RECOMMENDATION

The City Commission authorize the City Attorney and/or special counsel if insurance coverage is available to represent the City in the case styled

Jerome Fuller vs. The City of Gainesville, Florida a municipal corporation; Court Case No. 1:16-CV-304.

[160597 Jerome Fuller Consent 20161215.pdf](#)

[160605.](#)

Gainesville Regional Utilities Budget Calendar (NB)

Explanation: Staff requests the City Commission approve the following dates to discuss GRU's FY 2018/2019 Budget:

07/11/2017	10am-6pm	GRU Budget
07/13/2017	10am-6pm	GRU Budget
07/18/2017	1:30pm-5:30pm	Joint GRU/GG Budget (previously approved for GG)

RECOMMENDATION *Approve the dates requested by staff.*

ADOPTION OF REGULAR AGENDA

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

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

[160574.](#)

Gainesville Creative Series Update - Adoption of Strategic Plan Framework (B)

This is a request for the City Commission to receive an update of the Gainesville Creative Series and to adopt the new strategic plan framework.

Explanation: Adopted by the City Commission in December 2015, the Blue Ribbon Report recommends "Change 3: Our 'Get It Done' Plan" as an integral component of the city's redesign to become a more citizen-centered local government. In fact, the report identifies a need to have "one citizen-centric strategic plan for the city - a unified document that directly guides resource expenditures, financial planning, workforce development, policy decisions, collective bargaining and service delivery to the citizens of Gainesville."

In early 2016, we launched the Gainesville Creative Series, intended to redesign the way in which we develop and implement the city's strategic plan, the leading guide of our organization. The Gainesville Creative Series was aimed at envisioning the future state of Gainesville

collaboratively with our community.

Launching the series in January, during Phase 01: Inspire we conducted more than 40 user interviews with the City Commission and staff and became immersed through 20-plus tours of city service areas. Thus, enabling users of the city's strategic plan to guide the development of how we approach crafting, implementing, and monitoring progress towards success. Per the plan's user experiences, we distilled three critical insights to guide our efforts, including increasing and broadening citizen engagement and participation, enhancing collaboration internally and with community stakeholders, and restructuring and aligning the plan development and budget allocation processes.

Through community outreach between March and April, the city connected with more than 2,200 citizens during a six-week period via community events and meetings, a telephone town hall forum, and our first-ever texting platform to connect to an online survey. This connection period helped set the stage by encouraging citizens to identify and share their biggest priorities for the community.

In early spring, we facilitated nine collaborative planning workshops with the leadership team and organizational leaders and concurrently began participating in the Strategic Redevelopment Plan with the University of Florida. Phase 01 culminated in the Inspire Session, hosted on June 9th at the Catalyst Building. Here the City Commission together with charter officers and department directors identified a shared purpose for the city, its people.

We launched Phase 02: Design by bringing together community leaders, citizens, and key stakeholders on August 30th at the Alachua County Library Headquarters. At the Design Session, the community rallied around the city's shared purpose, began imagining what Gainesville could be, and concluded the day by posing big questions the city could ask and collaboratively answer to tackle its greatest challenges.

Through Phase 03: Lead, city staff developed and aligned organizational priorities and objectives with the feedback and future vision shared by the community through the spring survey and Design Session. We also continued to actively participate in UF's planning process, identifying future collaboration opportunities to support mutual success. On October 13th and 27th, through the General Policy Committee, the Commission provided feedback and coalesced around the vision for future Gainesville, four guiding questions to set the path, and our approach to create an environment for implementation.

Beginning in November, we brought back the framework to the community for further affirmation and have begun collecting and defining more big ideas to collaboratively answering these four guiding questions.

Today, you will see the culmination of the past several months of greater citizen engagement and participation, enhanced collaboration internally

and with community partners like UF, and a complete redesign through the deployment of a new strategic plan framework.

Fiscal Note: None

RECOMMENDATION

The City Commission 1) receive an update on the Gainesville Creative Series, and 2) adopt the new strategic plan framework.

[160574A Framework 20161215.pdf](#)

[160574B Presentation 20161215.pdf](#)

IT IS ANTICIPATED THE CITY COMMISSION WILL WAIVE THE RULES AND HEAR FILE #160264 (LIVING WAGE) ITEM IN THE EVENING.

[160264.](#)

Living Wage Paid to City Employees (B)

This is a request for the City Commission to discuss the City's Living Wage paid to City Employees. **ESTIMATED STAFF PRESENTATION 30 MINUTES**

MODIFICATION - NEW POWERPOINT

Explanation: In March 2003, the City Commission adopted Ordinance Number 020663 creating Article IX of Chapter 2, establishing a living wage requirement for certain employees of contractors providing selected services to the City. The ordinance applies to all contractors or subcontractors who employ 50 or more persons and who provide covered services purchased by the City under a single contract over \$100,000. The living wage specified in the ordinance was set at \$8.70/hour for those offering health benefits and \$9.95/hour for those not offering health benefits. The living wage is based on the federal poverty guidelines for a family of four as determined by the U. S. Department of Health and Human Services (DHHS) and published in the Federal Register. The ordinance requires an adjustment annually in accordance with publication of the new federal poverty guidelines. The current living wage rate is \$11.6827/hour (health benefit wage) and \$12.93/hour (non-health benefit wage).

In July 2015, the City's Living Wage Ordinance was amended to codify the City's longstanding practice of providing a living wage to regular employees of the City.

On November 19, 2015 the City Commission referred to the Legislative and Organizational Policy Committee a discussion of the City's Living Wage and how it impacts the City and those that contract with the City.

On April 12, 2016 the Legislative and Organizational Policy Committee discussed the City's Living Wage and continued the discussion to a future date.

On September 22, 2016, the General Policy Committee discussed the City's Living Wage. Staff was instructed to defer changes related to contractors to a future date. A discussion of the Living Wage for City employees was referred back to the City Commission.

Fiscal Note: The annual cost of adjusting the Living Wage to \$12.00 hourly for City Employees is \$28,212 for Regular (permanent) Employees; and \$300,603 for All Employees.
The annual cost of adjusting the Living Wage to \$12.25 hourly for City Employees is \$58,310 for Regular (permanent) Employees; and \$369,695 for All Employees.

RECOMMENDATION

The City Commission discuss and provide direction to staff: (1) which City employee groups will be covered by the City's Living Wage; (2) how annual adjustments to the base hourly rate should be made; (3) the base hourly rate of the Living Wage paid to City Employees; and (4) Direct the City Manager to negotiate changes with affected unions.

NOTE: The City has three employee groups: (1) Regular (Budgeted Headcount a/k/a Permanent), (2) Temporary, and (3) Temp-Seasonal/Temp-Intern. The Living Wage currently applies to Regular (Permanent) employees only.

[160264 Staff Analysis Living Wage 20160929.pdf](#)

[160264A Staff Analysis Living Wage Adjustment for City Employees 2016110:](#)

[160264B PPT 20161103.pdf](#)

[160264A PPT Living Wage Adjustment 20161117.pdf](#)

[160264B LW Staff Analysis 20161117.pdf](#)

[160264-MOD Living Wage Adjustment for City Employees 20161215.ppt](#)

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

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

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

4:30 - 5:30pm Dinner Break

5:30 - Call to order Evening Session

PLEDGE OF ALLEGIANCE**PROCLAMATIONS/SPECIAL RECOGNITIONS**[160581.](#)**Martin Luther King, Jr. Hall of Fame Day - January 8, 2017 (B)***MODIFICATION - NEW BACK-UP*

RECOMMENDATION *Honorable Rodney Long to accept the proclamation.*

[160581_MLKHallofFame_20161215.pdf](#)[160582.](#)**King Celebration 2017 - January 8-16, 2017 (B)***MODIFICATION - NEW BACK-UP*

RECOMMENDATION *Honorable Rodney Long to accept the proclamation.*

[160582_KingCelebration2017_20161215.pdf](#)

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

PUBLIC HEARINGS**RESOLUTIONS - ROLL CALL REQUIRED**[160498.](#)

Resolution and Perpetual Easement Request for Florida Department of Transportation from the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (B)

This item involves the request for adoption of a Resolution and grant of a Perpetual Easement from the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (BTITF) to the Florida Department of Transportation (FDOT) at the request of the City of Gainesville.

FDOT is requesting a perpetual easement at five (5) locations along the north side of Archer Road. These locations are at the east and west sides of North South Drive, the east and west sides of Center Drive and at the entrance to Shands Teaching Hospital. The easement is for the installation of mast arm signal poles to replace the existing span wire

traffic signals at these intersections. The base of the mast poles will be located outside of the current Florida Department of Transportation right of way. Because the City is managing the project, FDOT has asked the City to submit the upland easement application.

The BTITF requires the adoption of a resolution, associated with the request for an easement.

Fiscal Note: There is no cost associated with this request.

RECOMMENDATION *The City Commission: 1) adopt the Resolution; and 2) authorize the Mayor or his designee to make application for the Perpetual Easement.*

[160498 Legals & Sketches 20161201.pdf](#)

[160498A Resolution 20161215.pdf](#)

[150714.](#)

Gainesville Cohousing Conditional Final Plat (B)

MODIFICATION - REVISED BACK-UP AND NEW POWERPOINT

Explanation: This is a request for conditional final plat approval for a 24 lot single-family subdivision, referred to as the Gainesville Co-housing development. The development concept is based on a principle of collaborative design and a life style that allow residents to have the privacy of their homes on lots that are smaller than typical subdivision lots, which allows for more communal open spaces that can be used for gardening, playground, and common gathering places. The design plat for the development was approved by the Development Review Board on December 22, 2015 and by the City Commission on March 3, 2016. The City's technical review staff has reviewed the applicant construction drawing and found them to be consistent with the design plat approved by the City Commission. Approval of the resolution for the conditional final plat will allow the applicant to fund the infrastructure improvement on a cash basis instead of a bond. After the infrastructure improvements have been constructed and approved by staff the conditional final plat will be converted to and recorded as a Final Plat.

Fiscal Note:

None

RECOMMENDATION *Staff to the City Commission - the City Commission adopt Resolution 150714.*

[150714A_Final Staff Report_20160303.pdf](#)
[150714B_ Exhibit 1 Modified Subdivision Drawings Submitted after the DRB me](#)
[150714C_DRB Minutes December 22, 2015_20160303.pdf](#)
[150714D_staff ppt_20160303.pdf](#)
[150714_Gainesville Co Housing Conditional Final Plat Resolution_20161215](#)
[150714A_Gainesville Co Housing Plat_20161215](#)
[150714A_MOD_Title Opinion Final Plat_20161215](#)
[150714B_MOD_Staff ppt_20161215](#)

160525.

Exchange of Real Property with Reeb Inc., - SE 4th Street Road Improvement Project (B)

This item is a request to declare as surplus and approve an exchange of properties for the SE 4th Street Road Project with Reeb, Inc. aka Kirk P. Reeb. (B)

Explanation: The SE 4th Street Road Improvement Project requires right-of-way from four (4) parcels owned by Kirk Reeb, Inc., a.k.a. Kirk P. Reeb. In lieu of a cash payment, Mr. Reeb has requested a land swap of four City owned parcels; two parcels that are unbuildable and adjacent to parcels owned by Mr. Reeb; and two parcels acquired for the road project but only partially needed for right of way. In addition, Mr. Reeb is requesting the vacation of a portion of SE 3 Terrace (a paper street) located south of Southeast 14 Lane and north of State Road 331. A recent appraisal quoted the value of Industrial property at \$3.50 a square foot. This would make the value of the property the City is requiring from Mr. Reeb valued at \$8,287. The assessed value of the City owned property is \$13,100 making a difference of \$6,473 in favor of Mr. Reeb.

The alternative is for the City to file condemnation proceedings to acquire the property for the road project. The potential cost for pursuing this alternative could exceed the approximately \$6,500 cost differential associated with the property exchange. Therefore, Staff believes the exchange of property for the requested land rights would be in the best interest of the City. Staff is proposing to exchange City owned parcels 15709-000-000, 15712-000-000, 15954-007-000 & 15718-003-000, lessing out the needed right of way, for the right of way needed from the four parcels required from Mr. Reeb. (Please see attached maps.)

The SE 4th Street project is currently in the final stages of design with remaining tasks including the final coordination of utility adjustments, landscape design of the two stormwater parks, and design of the boardwalk to avoid the removal of several large trees along the west side of the corridor near Sweetwater Branch. A public meeting was held on October 12th with strong turnout from adjacent residents and business owners. Construction is currently scheduled to begin in April of 2017. This schedule is contingent on land rights for five additional

parcels.

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

RECOMMENDATION

The City Commission: 1) adopt a Resolution to declare City-owned property, as further described therein, as surplus and waive the competitive bidding process, 2) authorize the City Manager to execute the contracts for the purchase and sale of real property, and 3) authorize the Mayor to execute the deeds for the City conveyance to Reeb, Inc. a.k.a. Kirk P. Reeb and accept the deeds from Reeb, Inc. a.k.a. Kirk P. Reeb for the SE 4th Street Road Improvement Project.

[160525A RESOLUTION 20161215.pdf](#)

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

[160447.](#)

**FOURTH BUDGET AMENDMENT TO THE FY 2015-2016
GENERAL GOVERNMENT FINANCIAL AND OPERATING
PLAN BUDGET (B)**

Resolution No. 160447

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA; RELATING TO ITS GENERAL GOVERNMENT BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2015 AND ENDING SEPTEMBER 30, 2016; AMENDING RESOLUTION NO. 150271, AS AMENDED BY RESOLUTION NO. 150744, 160024 AND RESOLUTION NO. 160258, BY MAKING CERTAIN ADJUSTMENTS TO THE GENERAL GOVERNMENT FINANCIAL AND OPERATING PLAN BUDGET; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Explanation: The purpose of this amendment is to accurately reflect and incorporate into the City's FY 2015-2016 General Government budget those transactions and activities that were not anticipated during the budget process.

Fiscal Note: All of the recommended changes are funded either by increases in revenue budgets, decreases in expenditure budgets, or decreases in appropriate fund balances.

RECOMMENDATION

The City Commission adopt the proposed resolution.

[160447A Resolution - FY16 4th Budget Amendment 20161129.pdf](#)

[160447B Attachment A - FY16 4th Qtr Amendatory 20161129.pdf](#)

[160447 draft resolution 20161215.pdf](#)

ORDINANCES, 1ST READING - ROLL CALL REQUIRED[160313.](#)**AMENDING THE CODE OF ORDINANCES RELATING TO
COMPENSATION IN THE EVENT OF CATASTROPHIC
CONDITIONS AND MUTUAL AID (B)**

ORDINANCE NO. 160313

An ordinance of the City of Gainesville, Florida, amending the Code of Ordinances related to employee benefits; by deleting Chapter 2, Article VII, Division 2 titled Compensation in the Event of Catastrophic Conditions and Mutual Aid Assistance; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: The City Commission, at its meeting of September 15, 2016, authorized the City Attorney to draft an ordinance deleting Chapter 2, Article VII, Division 2; titled Compensation in the Event of Catastrophic Conditions and Mutual Aid Assistance.

The manner in which the City compensates exempt City employees for hours worked during incident response will now be set forth in Human Resources Policy Number C-4, a copy of which is included in the back-up to this agenda item.

RECOMMENDATION *The City Commission: 1) adopt the proposed ordinance.*

[160313A Chapter 2 Article VII Division 2 20160915.pdf](#)

[160313B Policy 20160915.pdf](#)

[160313A draft ordinance 20161215.pdf](#)

[160313B.pdf](#)

[160398.](#)**LAND USE CHANGE - BETWEEN THE 1300 - 1800 BLOCK OF
TOWER ROAD (75TH STREET) AND THE 1800 BLOCK OF SW
20TH AVENUE (B)**

Ordinance No. 160398; Petition No. PB-16-107- LUC

An ordinance amending the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of approximately 157 acres of property that is generally located between the 1300-1800 block of Tower Road (75th Street) and the 1800 block of SW 20th Avenue, as more specifically described in this ordinance, from Alachua County Medium High Density Residential (8-14 DU/acre) and

Low Density Residential (1-4 DU/acre) to City of Gainesville Mixed-Use Medium Intensity (12-30 units per acre) (MUM), Mixed-Use Low Intensity (8-30 units per acre) (MUL), Residential Medium-Density (8-30 units per acre) (RM), Residential Low-Density (up to 12 units per acre) (RL), and Single-Family (up to 8 units per acre) (SF); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

MODIFICATION - ADDITIONAL BACK-UP

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

This petition for a large-scale amendment of the Future Land Use Map pertains to an approximately 157-acre, undeveloped property that was voluntarily annexed into the City on June 16, 2016 by Ordinance No. 150912. It is generally surrounded by developed residential areas (single-family, duplexes, and multi-family (including 4-plexes, and it abuts UF's radio tower property to its north. The majority (approximately 134.53 acres) of the property is between SW 75th Street/Tower Road which it fronts on its west side (across from which are single-family neighborhoods and Oak Hall School), and SW 20th Avenue to the southeast. The remainder of the property (approximately 22.2 acres) is on the south side of SW 20th Avenue and east of the Portofino, single-family residential development, west of I-75, and north of the City's Split Rock Conservation Area. This part of the property is both undeveloped and wooded, whereas the larger, northern part of the property is undeveloped but has mostly been logged.

The proposed large-scale amendment is consistent with the City's Comprehensive Plan and supports mixed use development and residential development of a vacant property within an urbanized area. Because this proposed comprehensive plan amendment allows for future development that exceeds the DRI (Development of Regional Impact, Section 390.06, F.S.) threshold for multi-use development, Future Land Use Element Policy 3.4.4 and Policy 10.8.1 of the Transportation Mobility Element (TME) pertain, which require large developments to address their regional impacts.

The City is required to place City land use (and zoning) on annexed property. This petition is related to Petition PB-16-108 ZON, which proposes rezoning from Alachua County Multiple-family, medium-high density district (R-2A), and Single family, low density district (R-1a) to City of Gainesville MU-2: 12-30 units /acre mixed use medium intensity, MU-1: 8-30 units/acre mixed use low intensity, RMF-7: 8-21 units/acre multiple-family residential district, RMF-5: 12 units/acre single-family/multiple-family residential district, and RSF-4: 8 units/acre single-family residential district.

On September 22, 2016, the City Plan Board held a public hearing on the Petition and, by a vote of 4-1, recommended the City Commission

approve the Petition.

Fiscal Note: None.

CITY ATTORNEY MEMORANDUM

Section 163.3184, Florida Statutes, sets forth the procedure for amending the Comprehensive Plan. The first hearing is the transmittal stage and must be advertised at least seven days prior to the hearing. The second hearing is the adoption stage and must be advertised at least five days prior to the hearing. Within ten working days after the first hearing, the City must transmit the amendment to the reviewing agencies and to any other local government or state agency that has filed a written request for same. These agencies have 30 days after receipt of the amendment to forward written comments to the City, which the City must then consider during the second hearing. If adopted on second reading, the City will forward the amendment within ten working days to the state land planning agency and any party that submitted written comments.

Within 30 days following the City's adoption of the amendment, any affected person may file a petition with the State Division of Administrative Hearings to request a hearing to challenge the amendment's compliance with Chapter 163, Florida Statutes. If not timely challenged, this amendment shall become effective 31 days after the state land planning agency notifies the City that the amendment package is complete. If timely challenged, this amendment shall become effective when the state land planning agency or the Administration Commission issues a final order determining that this amendment is in compliance with Chapter 163, Florida Statutes. No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before this amendment has become effective.

RECOMMENDATION *The City Commission: (1) approve Petition No. PB-16-107 LUC; and (2) adopt the proposed ordinance.*

[160398_Staff report and Appendices A-C_20160922](#)

[160398_draft ordinance_20161215.pdf](#)

[160398B_Staff report and Appendices A-C_20161215](#)

[160398C_CPB minutes_20161215](#)

[160398D_Staff ppt_20161215](#)

[160398E_Al. Co and Citizens comments_20161215](#)

[160398_MOD_petition form_20161215.pdf](#)

[160398 & 160399_MOD_PPT_WestPark_CC_20161215.pdf](#)

[160399.](#)

**QUASI-JUDICIAL - REZONING - BETWEEN THE 1300 - 1800
BLOCK OF TOWER ROAD (75TH STREET) AND THE 1800**

BLOCK OF SW 20TH AVENUE (B)

Ordinance No. 160399; Petition No. PB-16-108 ZON

An ordinance amending the Zoning Map Atlas of the City of Gainesville, Florida, by rezoning approximately 157 acres of property that is generally located between the 1300-1800 block of Tower Road (75th Street) and the 1800 block of SW 20th Avenue, as more specifically described in this ordinance from Alachua County Multiple-family, medium-high density district (8-14 units per acre) (R-2A), and Single-family low density district (1-4 units per acre) (R-1A) to City of Gainesville Mixed use medium intensity district (12-30 units per acre) (MU-2); Mixed use low intensity district (8-30 units per acre) (MU-1); Multiple-family medium density residential district (8-21 units per acre) (RMF-7); Residential low density district (up to 12 units per acre) (RMF-5), and Single-family residential district (up to 8 units per acre) (RSF-4); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

MODIFICATION - ADDITIONAL BACK-UP

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

This zoning petition pertains to an approximately 157-acre, undeveloped property that was voluntarily annexed into the City on June 16, 2016 by Ordinance No. 150912. It is generally surrounded by developed residential areas (single-family, duplexes, and multi-family (including 4-plexes, and it abuts UF's radio tower property to its north. It also abuts undeveloped, wooded property that is on the east side of the UF property. The majority (approximately 134.53 acres) of the property is between SW 75th Street/Tower Road which it fronts on its west side (across from which are single-family neighborhoods and Oak Hall School), and SW 20th Avenue to the southeast. The remainder of the property (approximately 22.2 acres) is on the south side of SW 20th Avenue and east of the Portofino, single-family residential development, west of I-75, and north of the City's Split Rock Conservation Area. This part of the property is both undeveloped and wooded, whereas the larger, northern part of the property is undeveloped but has mostly been logged.

The proposed rezoning is consistent with the City's Comprehensive Plan and supports mixed use development and residential development of a vacant property within an urbanized area. Because this proposed rezoning (and related comprehensive plan amendment) allows for future development that exceeds the DRI (Development of Regional Impact, Section 390.06, F.S.) threshold for multi-use development, Future Land Use Element Policy 3.4.4 and Policy 10.8.1 of the Transportation Mobility Element (TME) pertain, which require large developments to address their regional impacts.

The City is required to place City land use and zoning on annexed property. This petition is related to Petition PB-16-107 LUC, which proposes a large-scale comprehensive plan amendment from Alachua County Medium High Density Residential (8-14 DU/acre) and Low Density Residential (1-4 DU/acre) to City of Gainesville Mixed-Use Medium-Intensity (12 - 30 units per acre) (MUM), Mixed-Use Low-Intensity (8 - 30 units per acre) (MUL), Residential Medium-Density (8-30 units per acre) (RM), Residential Low-Density (up to 12 units per acre) (RL), and Single-Family (up to 8 units per acre) (SF).

On September 22, 2016, the City Plan Board held a public hearing on the Petition and, by a vote of 4-1, recommended the City Commission approve the Petition.

Fiscal Note: None.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings and shall become effective when the amendment to the City of Gainesville Comprehensive Plan adopted by Ordinance No. 160398 becomes effective as provided therein.

RECOMMENDATION The City Commission: (1) approve Petition No. PB-16-108 ZON; and (2) adopt the proposed ordinance.

[160399 Staff report and Appendices A-C 20160922](#)

[160399 draft ordinance 20161215.pdf](#)

[160399B Staff report and Appendices A-C 20161215](#)

[160399C CPB minutes 20161215](#)

[160399D Staff ppt 20161215](#)

[160399E Al. Co and Citizens comments 20161215](#)

[160399 MOD petition form 20161215.pdf](#)

[160398 & 160399 MOD PPT WestPark CC 20161215.pdf](#)

ORDINANCES, 2ND READING - ROLL CALL REQUIRED

PLANNING PETITIONS

[160408.](#)

ORDER OF THE CITY COMMISSION - APPEAL OF HISTORIC PRESERVATION BOARD'S DECISION IN PETITION HP-16-89 (B)

Explanation: Petition HP-16-89, filed by property owner Carl Nelson ("Petitioner"), sought an after-the-fact Certificate of Appropriateness ("COA") for the installation of an aluminum fence on property located at 301 NW 2nd Street in the Pleasant Street Historic District. On August 31, 2016, the Petitioner was issued a Notice of Violation for installing a 60-inch high

aluminum fence on his property without applying for or receiving a COA in accordance with the City of Gainesville Land Development Code. The Petitioner then applied for a COA, and on October 4, 2016, the Historic Preservation Board held a quasi-judicial hearing for Petition HP-16-89 and voted to approve the petition with the following two conditions: 1) the installed fence shall be altered to make it measure a height of no more than 40 inches, and 2) the Petitioner shall apply to the City for a COA for any future additions or alterations to the fence, including any installation of gates. Pursuant to Section 30-112(d)(7) of the Land Development Code, Petitioner appealed the Historic Preservation Board's decision to the City Commission. Accordingly, on December 1, 2016, the City Commission held a de novo quasi-judicial hearing for Petition HP-16-89 whereby it voted to amend the decision of the Historic Preservation Board. Section 30-112 of the Land Development Code requires the City Commission's order to be reduced to writing. Therefore, the members of the City Commission that were present and voted at the hearing on December 1, 2016, should vote to ratify the written order as an accurate reflection of the City Commission's decision.

RECOMMENDATION *The City Commission ratify the written order.*

[160408 Staff report and Exh 1-4 20161004](#)

[160408A Staff report and Exh 1-4 20161201](#)

[160408B Approved COA and Appeal Letter 20161201](#)

[160408C Staff ppt 20161201](#)

[160408 Order 20161215.pdf](#)

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

COMMISSION COMMENT

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