

# City of Gainesville

City Hall  
200 East University Avenue  
Gainesville, Florida 32601



## **Meeting Agenda - Final**

**November 5, 2015**

**1:00 PM**

**MODIFIED AGENDA**

**City Hall Auditorium**

## **City Commission**

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

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

## CALL TO ORDER

## AGENDA STATEMENT

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

## ROLL CALL

## INVOCATION

## PROPHET GEORGE YOUNG

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

## CITY MANAGER, CONSENT AGENDA ITEMS

[150335.](#)

**Grant an Easement to Lisa Brooks - Alachua Habitat for Humanity, Inc. (B)**

**This item is a request to approve and authorize the execution of an easement to Lisa Brooks.**

*Explanation: On August 6th, 2013, the City Of Gainesville conveyed Tax Parcel 15853-003-000, located at 1761 Southeast 4th Street to Alachua Habitat for Humanity, Inc. The deed contained a reverter clause, stipulating that within two years Habitat had to construct a residential structure and market the property to a first time homebuyer and low income family. Habitat has since met the requirements of the stipulation. The deed of conveyance from the City lessed out the west twenty feet to be retained for future right of way. Since the retainage of the twenty feet is not platted right of way but retained as City owned property, it has created a "cloud" on the title. In order for the title company to issue a Title Insurance Policy, they are requesting an ingress/egress easement be granted to the homebuyer, Lisa Brooks, over the south fifteen feet of the twenty feet retained by the City. Staff believes the grant of the easement would be in the best interest of the City and property owner.*

*Fiscal Note: The administrative cost is less than \$100 and will be covered in the Public Works Department's annual operating budget.*

**RECOMMENDATION**

*The City Commission: 1) approve the grant of an Ingress/Egress Easement to Lisa Brooks; and 2) authorize the Mayor to execute, and the Clerk to attest the Easement, subject to approval by the City Attorney as to form and legality.*

[150335 Ingress and Egress Easement 20051001.pdf](#)

[150427.](#)

**Human Resources Policies 23: Job Vacancy, Layoff, Transfer, Recall, Length of Service; NEW E-5: Layoff and Recall; and NEW E-6: Separation from Service; C-3: Changes in Employee Status Affecting Compensation (B)**

**This is a request for the City Commission approval to sunset HR Policy 23: Job Vacancy, Layoff, Transfer, Recall, Length of Service; implement HR Policy E-5: Layoff and Recall; implement HR Policy E-6: Separation from Service; and amend HR Policy C-3: Changes in Employee Status Affecting Compensation.**

*Explanation: Human Resources Policy 23: Job Vacancy, Layoff, Transfer, Recall, Length of Service is sunset as described below:*

*Human Resources Policy E-5: Layoff and Recall is implemented to provide governing language for the layoff and recall processes that are currently set forth in Policy 23: Job Vacancy, Layoff, Transfer, Recall, Length of Service; to codify existing, long term practices of the City, and to delete obsolete language.*

*Human Resources Policy E-6: Separation from Service is implemented to provide governing language for Separation from Service practices that are currently set forth in Policy 23: Job Vacancy, Layoff, Transfer, Recall, Length of Service.*

*Human Resources Policy 06: Probationary Policy is to sunset as described above.*

*Human Resources Policy C-3: Changes in Employee Status Affecting Compensation is amended to allow greater flexibility in setting the pay rate of a reclassified employee, and to enable equity adjustments.*

*Fiscal Note: There is no fiscal impact for the changes to HR Policies 23, E-5, and E-6. Equity adjustments made pursuant to changes to C-3 will be incorporated into subsequent departmental budgets.*

**RECOMMENDATION**

*The City Commission approve revisions to Human Resources Policies 23, E-5, E-6 and C-3.*

[150427A Policy 23 Job Vacancy Layoff Transfer Recall Length of Service \(Sun:](#)  
[150427B E-5 Layoff and Recall \(11-5-15\) 20151105.pdf](#)  
[150427C E-6 Separation from Service Policy \(11-5-15\) 20151105.pdf](#)  
[150427D C-3 Changes in Employee Status Affecting Compensation \(11-5-15\)](#)

[150429.](#)

**Air Rights Easement onto Capital Assets Group II, LLC (B)**

**This item is a request to approve and authorize an Air Rights Easement onto Capital Assets Group II, LLC.**

*Explanation:* Public Works has received a request from Capital Assets Group II, LLC, owner of Heritage Oaks Apartments, located south of Northwest 3rd Avenue and between Northwest 12th Street and Northwest 12th Terrace. A two story garage apartment on Northwest 12th Street has an encroachment of the upper unit into the right of way of 1.7 feet. The Managing Member, John L. Fleming, is requesting an Air Rights Easement to alleviate title concerns.

*Fiscal Note:* The administrative cost is less than \$100 and will be covered in the Public Works Department's annual operating budget.

**RECOMMENDATION**

The City Commission approve and authorize the Mayor to sign and the Clerk to attest an Air Rights Easement onto Capital Assets Group II, LLC, subject to approval of the City Attorney as to form and legality.

[150429A Air Rights Easement 20151105.pdf](#)  
[150429B GoogleEarth Image 20151105.pdf](#)

[150430.](#)

**Declare as Surplus and Authorization of a Special Warranty Deed - Butler Properties Land Trust (B)**

**This item is a request to declare a portion of right of way as surplus and approve and authorize the execution of a Special Warranty Deed onto Mary Jane Fredrickson as successor Trustee of the S. Clark Butler Properties Land Trust dated December 10, 1998.**

*Explanation:* On July 14, 2009 and as part of the 2008 annexation to the City, the County by Resolution 09-64, recorded in Official Records Book 3899, page 1107 of the Public Records of Alachua County Florida, conveyed all the roads within the annexation area to the City. Included in the Resolution of roads lying southerly of Southwest 20th Avenue, were Southwest 37th Boulevard/Southwest 33rd Place that lies between Southwest Archer Road and Southwest 42nd Street. A portion of the intersection of Southwest 37th Boulevard and Southwest 33rd Place no longer serves a public purpose as right of way. Public Works has

received all the right of way deeds and easements for drainage associated with the Butler Development Planned Development and believe it to be in the best interest of the City to convey this portion of abandoned right of way to Mary Jane Fredrickson as successor Trustee of the S. Clark Butler Properties Land Trust dated December 10, 1998.

*Fiscal Note:* The administrative cost is less than \$100 and will be covered in the Public Works Department's annual operating budget.

**RECOMMENDATION**

The City Commission: 1) declare a portion of right of way at the intersection of Southwest 37th Boulevard and Southwest 33rd Place as surplus; 2) approve a Special Warranty Deed onto Mary Jane Fredrickson as successor Trustee of the S. Clark Butler Properties Land Trust dated December 10, 1998; and 3) authorize the Mayor and Clerk of the Commission to execute the Special Warranty Deed, subject to approval from the City Attorney as to form and legality.

[150430A\\_Legal Description and Sketch\\_20151105.pdf](#)

[150430B\\_Sketch\\_20151105.pdf](#)

[150430C\\_SpecialWarrantyDeed\\_20151105.pdf](#)

[150431.](#)

**Approval and Authorization of a Quitclaim Deed - Butler Properties Land Trust (B)**

**This item is a request to approve and authorize the execution of a Quitclaim Deed onto Mary Jane Fredrickson as successor Trustee of the S. Clark Butler Properties Land Trust dated December 10, 1998.**

*Explanation:* On March 22, 2011, Alachua County conveyed onto the City the rights of way and stormwater basins associated with the 2008 southwest annexation. The deed in Official Records Book 4028, page 504 of the Public Records, contained a couple of scrivener's errors.

Regarding Tax Parcel 6816-005-000, the deed referenced the parcel was acquired in Official Records Book 3265, page 980. It was actually acquired in Book 3163, page 820. The deed also failed to less out and except a portion of the parcel that had been conveyed in a prior deed to S. Clark Butler Properties Land Trust on November 11, 2015 in Official Records Book 3265, page 980.

Regarding Tax Parcel 6810-009-000, the deed referenced the parcel was acquired in Official Records Book 1997, page 2982. It was actually acquired in Book 1797, page 672. Also contained in the deed, Section 10 was referenced which should have been Section 14.

Alachua County has issued and recorded a Corrective County Deed which is recorded in Official Records Book 4355, page 635 to clear the

title onto the City. A Quitclaim Deed from the City is required by the title company to clear the title to Mary Jane Fredrickson as successor Trustee of the S. Clark Butler Properties Land Trust.

*Fiscal Note:* The administrative cost is less than \$100 and will be covered in the Public Works Department's annual operating budget.

**RECOMMENDATION**

The City Commission: 1) approve a Quitclaim Deed onto Mary Jane Fredrickson as successor Trustee of the S. Clark Butler Properties Land Trust to clear title to certain property; and 2) authorize the Mayor and Clerk of the Commission to execute the Quitclaim Deed, subject to approval from the City Attorney as to form and legality.

[150431A\\_Quit Claim Deed\\_20151105.pdf](#)

[150431B\\_DEED3163-802\\_20151105.pdf](#)

[150431C\\_DEED3265-980\\_20151105.pdf](#)

[150431D\\_DEED4028-504\\_20151105.pdf](#)

[150431E\\_DEED4355-635\\_20151105.pdf](#)

[150451.](#)

**Florida Department of Transportation's Safety Office Grant Awards (NB)**

**This is a request for City Commission approval to accept three grants through the Florida Department of Transportation Safety Office.**

*Explanation:* The Florida Department of Transportation's Safety Office is sponsoring the City of Gainesville Safe Gator Program, City of Gainesville Motorcycle/ Scooter Safety and Education Program and City of Gainesville Speed and Aggressive Driving Program. All three grant programs are overtime-only education and proactive traffic enforcement projects.

The amount to be awarded through each grant application is as follows:  
 The Speed and Aggressive Driving Grant - \$40,000  
 The Safe Gator Program- \$29,300  
 Motorcycle and Scooter Safety Program - \$49,060  
 Total amount to be awarded from the Florida Department of Transportation Safety - \$118,360

*Fiscal Note:* There is no significant fiscal impact to the City.

**RECOMMENDATION**

The City Commission authorize the City Manager to accept, and execute the grant awards subject to review by the City Attorney as to form and legality and approve the expenditures as outlined in the approved grant awards.

*Alternative Recommendation*

*The City Commission declines the three proposals in the total amount of \$118,360 and advise staff accept these funds.*

[150464.](#)

**Supplemental Joint Participation Agreements (SJPA) for Florida Department of Transportation Service Development Grant Funds for Regional Transit System (RTS) Projects (B)**

**This item requests that the City Commission authorize the City Manager to execute SJPAs for Department of Transportation Service Development Grant Funds for Regional Transit System (RTS) projects.**

*Explanation: This item supports City Commission Strategic Initiative 5.1: Promote an integrated transportation system that is safe and accessible to all users and supportive of the city's economic development and sustainability efforts.*

*The Florida Department of Transportation (FDOT) allocates service development funds to transit agencies each year. The allocations are given at FDOT discretion on a competitive basis for agency projects that meet FDOT Service Development Grant (SDG) criteria. These funds require a 50% match from the agency.*

*FDOT requires the governing board of each public transit system to adopt a Resolution authorizing the agency to enter into a Joint Participation Agreement for the acceptance of these funds. Many projects are eligible to receive additional funding from FDOT in future years, so the Resolution provides authorization for the City to execute any Supplemental Joint Participation Agreements (SJPA) for the purpose of scope changes and/or funding adjustments in support of the project.*

*On September 20, 2012, the City adopted Resolution #120301 and approved a Joint Participation Agreement authorizing RTS to receive FDOT SDG project funds for the Route 76 in the amount of \$65,000 (Year 1 total of \$130,000). FDOT increased the funding amount by \$56,000 in Year 2 bringing the project total to \$242,000. For Year 3 funding, FDOT increased the funding amount by \$72,000 bringing the project total to \$386,000 in accordance with the SJPA. The Santa Fe College Student Transportation Fee provides the 50% local match funds for this project.*

*On December 5, 2013, the City adopted Resolution #130423 and approved a Joint Participation Agreement authorizing RTS to receive FDOT SDG project funds for the Route 41 in the amount of \$90,000 (Year 1 total of \$180,000). In Year 2, the project was modified to change the funding from Route 41 to Route 46; the funding amount has*



remained the same for this project through Year 2. The Year 3 funding for Route 46 will remain the same in accordance with the SJPA. The University of Florida Student Transportation Fee provides the 50% local match funds for this project.

On December 5, 2013, the City adopted Resolution #130422 and approved a Joint Participation Agreement authorizing RTS to receive FDOT SDG project funds for the Routes 2 and 24 in the amount of \$60,000 (Year 1 total of \$120,000). FDOT increased the funding amount by \$60,000 in Year 2 bringing the project total to \$240,000. For Year 3 funding, FDOT increased the funding amount by \$125,880 bringing the project total to \$491,760 in accordance with the SJPA. The University of Florida Student Transportation Fee provides the 50% local match funds for this project.

*Fiscal Note:* Matching funds for each JPA and SJPA are identified in the RTS operating budget for FY16 as noted above.

**RECOMMENDATION**

The City Commission authorize the City Manager or his designee to execute SJPAs for the aforementioned projects, subject to review and approval by the City Attorney as to form and legality.

[150464A Route 76 SJPA Year 3 20151105.pdf](#)

[150464B Route 76 Resolution 120301 20151105.pdf](#)

[150464C Route 76 SJPA Year 2 20151105.pdf](#)

[150464D Route 76 JPA Year 1 20151105.pdf](#)

[150464E Route 41 SJPA Year 3 20151105.pdf](#)

[150464F Route 41 Resolution 130423 20151105.pdf](#)

[150464G Route 41 JPA Year 2 20151105.pdf](#)

[150464H Route 41 JPA Year 1 20151105.pdf](#)

[150464I Route 2 & 24 SJPA Year 3 20151105.pdf](#)

[150464J Route 2 & 24 Resolution 130422 20151105.pdf](#)

[150464K Route 2 & 24 JPA Year 2 20151105.pdf](#)

[150464L Route 2 & 24 JPA Year 1 20151105.pdf](#)

[150467.](#)

**Ratification of Agreement between the Amalgamated Transit Union (ATU) bargaining unit and the City of Gainesville for October 1, 2015 through September 30, 2018 (B)**

**This item is to ratify a three year successor agreement between the City and the ATU bargaining unit.**

*Explanation:* This Agreement has been reached through negotiations between the ATU bargaining unit and the City of Gainesville, and was ratified by the ATU bargaining unit on October 21, 2015. This Agreement extends the



current Collective Bargaining Agreement through September 30, 2018.

A copy of the Agreement is on file in the Office of the Clerk of the Commission. After November 05, 2015 the Agreement will be on file in the Human Resources Department.

*Fiscal Note:* The cost impact of the FY16 raises is included in FY16 budgeted payroll for RTS. Monies for the second and third year are consistent with the City's long term financial forecast.

**RECOMMENDATION**            The City Commission ratify the Agreement between the ATU bargaining unit and the City of Gainesville extending the Agreement through September 30, 2018.

[150467A\\_Changes to ATU Agreement \(2015-2018\)\\_20151105.pdf](#)

[150467B\\_ATU Labor Agreement, strikethrough\\_20151105.pdf](#)

[150467C\\_ATU Labor Agreement, clean\\_20151105.pdf](#)

## GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

[150478.](#)

### **Contract for Independent Assessment of NERC Cyber Security Program (B)**

*Explanation:* As presented during the February 2, 2015 City Commission meeting, GRU continues to prepare for the NERC cyber security standards, which go into effect on April 1, 2016. These critical infrastructure protection (CIP) standards will help to ensure that GRU's ability to deliver reliable energy is not interrupted by cyber-attacks, which are becoming an increasing threat in today's world. Furthermore, failure to demonstrate adequate compliance to the CIP standards may result in significant fines from NERC.

In order to assure GRU's compliance readiness for April 1, 2016, it is recommended that an assessment be performed by an experienced and knowledgeable consulting firm to evaluate GRU's processes and procedures against the CIP standards and provide recommendations for improvement. Additionally, the consultant will perform a vulnerability assessment of GRU's technical systems to determine the state of readiness for the compliance date. As this is new territory for GRU, it is anticipated that there may be several areas where additional analysis may be needed. Consequently, the difference between the requested amount and the bidder's quoted amount for services will be held in reserve as a contingency.

A Request for Proposals (RFP) was issued and posted on GRU's web page by Utilities Purchasing. Of the 18 prospective proposers notified, seven responses were received, including two non-responsive submittals and one no bid. AESI provided the best evaluated proposal. Their cost for these services is \$54,630 with \$5,250 estimated for travel

and expenses. The resulting contract will be in place through December 31, 2016. A summary of the evaluation is attached for your reference.

*Fiscal Note:* Funding is included in the Energy Delivery budget for FY16 and will be requested in subsequent years if needed.

**RECOMMENDATION**

The City Commission: 1) authorize the General Manager, or his designee, to execute a contract with AESI Acumen Engineered Solutions International, Inc. for independent assessment of North American Electric Reliability Corporation's (NERC) cyber security program, subject to approval of the City Attorney as to form and legality; and 2) approve the issuance of purchase order for these services in an amount not to exceed \$80,000.

[150478 RFP2016-002 Recommendation 20151105](#)

## CITY ATTORNEY, CONSENT AGENDA ITEMS

[150428.](#)

### **OCTAVIA ROBINSON VS. CITY OF GAINESVILLE, FLORIDA; EIGHTH JUDICIAL CIRCUIT, CASE NO. 2015-CA-3161 (B)**

*Explanation:* On October 7, 2015, the City was served with a Summons and Complaint filed by Octavia Robinson. Octavia Robinson alleges that she was involved in an automobile accident with a City vehicle on December 21, 2013 at the intersection of NW 6th Street and SR 26, in Gainesville. Octavia Robinson claims to have suffered bodily injury including a permanent injury to the body as a whole, pain and suffering of both a physical and mental nature, disability, physical impairment, disfigurement, mental anguish, inconvenience, loss of capacity for the enjoyment of life, aggravation of an existing condition, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money and loss of ability to lead and enjoy a normal life. Ms. Octavia Robinson 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 Octavia Robinson vs. City of Gainesville, Florida; Eighth Judicial Circuit, Case No. 2015-CA-3161.

[150428 Octavia Robinson Consent 20151105.pdf](#)

[150432.](#)

### **RUTHIE ARAD VS. CITY OF GAINESVILLE; EIGHTH JUDICIAL CIRCUIT, CASE NO. 2015-CA-3231 (B)**

*Explanation:* On October 7, 2015, the City was served with a Summons and Complaint filed by Ruthie Arad in the Circuit Court. Ruthie Arad alleges

that on or about January 3, 2014, she tripped and fell on a City sidewalk on SW 31st Drive. Ruthie Arad claims to have suffered bodily injury and resulting pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of ability to earn money, and aggravation of a previously existing condition. Ms. Arad 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 Ruthie Arad vs. City of Gainesville; Eighth Judicial Circuit, Case No. 2015-CA-3231.

[150432 Ruthie Arad Consent 20151105.pdf](#)

[150439.](#)

**PATRICIA BRADLEY MCNAIR, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF DONTE MANDEL BRADLEY-FAULK, AND TERRELL BRADLEY, AND RODRICK THOMPSON VS. JAMIE REED, AND PATRIOT TRANSPORTATION HOLDING, INC. D/B/A FLORIDA ROCK & TANK LINES, INC., AND CITY OF GAINESVILLE, A MUNICIPALITY; EIGHTH JUDICIAL CIRCUIT, CASE NO. 2015-CA-1619 (B)**

*Explanation: On October 13, 2015, the City was served with a Summons and Amended Complaint filed by Patricia Bradley McNair, as Personal Representative of the Estate of Donte Mandel Bradley-Faulk, and Terrell Bradley, and Rodrick Thompson. Ms. Patricia Bradley McNair, Terrell Bradley, and Rodrick Thompson allege that on January 16, 2015, Donte Mandel Bradley-Faulk, Terrell Bradley, and Rodrick Thompson were involved in an automobile accident with a Florida Rock truck at the intersection of NW 39th Avenue and NW 19th Street, in Gainesville. Terrell Bradley and Rodrick Thompson sustained injuries as a result of the accident. Donte Mandel Bradley-Faulk's injuries were fatal. Plaintiffs allege that the City failed to properly maintain or position the foliage, shrubs, vegetation, trees, fence and metal boxes at the subject intersection. In addition, they claim that the City failed to eliminate the flashing traffic lights at the intersection during the night hours and that the City failed to move the stop bar on the roadway closer to the subject intersection. Plaintiffs seek money damages.*

**RECOMMENDATION**

The City Commission authorize the City Attorney to represent the City of Gainesville in the case styled Patricia Bradley McNair, as Personal Representative of the Estate of Donte Mandel Bradley-Faulk, and Terrell Bradley, and Rodrick Thompson vs. Jamie Reed, and Patriot Transportation Holding, Inc. d/b/a Florida Rock & Tank Lines, Inc., and City of Gainesville, a

municipality; Eighth Judicial Circuit, Case No. 2015-CA-1619.

[150439 Patricia McNair Consent 20151105.pdf](#)

[150446.](#)

**ELIZABETH HUTTO VS. CITY OF GAINESVILLE; EIGHTH JUDICIAL CIRCUIT, CASE NO. 2015-CA-2281 (B)**

*Explanation:* On October 14, 2015, the City was served with a Summons and Complaint filed by Elizabeth Hutto. Elizabeth Hutto alleges that she was a passenger in a vehicle involved in an automobile accident with a City vehicle on June 22, 2011 near the intersection of NE 8th Avenue and NE 25th Street, in Gainesville. Elizabeth Hutto claims to have suffered bodily injury including a permanent injury to the body as a whole, pain and suffering of both a physical and mental nature, disability, physical impairment, disfigurement, inconvenience, loss of capacity for the enjoyment of life, aggravation of an existing condition, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money and loss of ability to lead and enjoy a normal life. Ms. Elizabeth Hutto 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 Elizabeth Hutto vs. City of Gainesville; Eighth Judicial Circuit, Case No. 2015-CA-2281.

[150446 Elizabeth Hutto Consent 20151105.pdf](#)

[150447.](#)

**ELIZABETH SYLVESTER VS. CITY OF GAINESVILLE; EIGHTH JUDICIAL CIRCUIT, CASE NO. 2015-CA-2282 (B)**

*Explanation:* On October 14, 2015, the City was served with a Summons and Complaint filed by Elizabeth Sylvester. Elizabeth Sylvester alleges that she was involved in an automobile accident with a City vehicle on June 22, 2011 near the intersection of NE 8th Avenue and NE 25th Street, in Gainesville. Elizabeth Sylvester claims to have suffered bodily injury including a permanent injury to the body as a whole, pain and suffering of both a physical and mental nature, disability, physical impairment, disfigurement, inconvenience, loss of capacity for the enjoyment of life, aggravation of an existing condition, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money and loss of ability to lead and enjoy a normal life. Ms. Elizabeth Sylvester 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 Elizabeth Sylvester vs. City of Gainesville; Eighth Judicial Circuit, Case No. 2015-CA-2282.

[150447 Elizabeth Sylvester Consent 20151105.pdf](#)

[150481.](#)

**RICKEY KING VS. CITY OF GAINESVILLE; EIGHTH JUDICIAL CIRCUIT, CASE NO. 2015-CA-3608 (B)**

*Explanation: On October 27, 2015, the City was served with a Summons and Complaint filed by Rickey King. Rickey King alleges that he was involved in an automobile accident with a City RTS bus on September 18, 2014 on North Main Street, in Gainesville. Rickey King claims to have suffered bodily injury and resulting pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment. Mr. Rickey King 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 Rickey King vs. City of Gainesville; Eighth Judicial Circuit, Case No. 2015-CA-3608.*

[150481 Rickey King Consent 20151105.pdf](#)

[150482.](#)

**CHAD SMITH VS. THE CITY OF GAINESVILLE; EIGHTH JUDICIAL CIRCUIT, CASE NO. 2015-CA-3459 (B)**

*Explanation: On October 27, 2015, the City was served with a Summons and Complaint filed by Chad Smith. Chad Smith alleges that on November 12, 2013, while riding his bicycle, he struck a RTS bus wheelchair ramp at the intersection of NW 13th Street and University Avenue, in Gainesville. Chad Smith claims to have suffered bodily injury and resulting pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and/or aggravation of a previously existing condition. Mr. Chad Smith 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 Chad Smith vs. The City of Gainesville; Eighth Judicial Circuit, Case No. 2015-CA-3459.*

[150482 Chad Smith Consent 20151105.pdf](#)

[150485.](#)

**MEAGAN LAMOTHE VS. GAINESVILLE REGIONAL TRANSIT SYSTEM; EIGHTH JUDICIAL CIRCUIT, CASE NO. 2015-CA-3399 (B)**

*Explanation: On October 26, 2015, the City was served with a Summons and*

*Complaint filed by Meagan Lamothe. Meagan Lamothe alleges that on June 17, 2014, while riding her bicycle, she was struck by a RTS bus. Meagan Lamothe claims to have suffered bodily injury and resulting pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of a previously existing condition. Ms. Meagan Lamothe 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 Meagan Lamothe vs. Gainesville Regional Transit System; Eighth Judicial Circuit, Case No. 2015-CA-3399.*

[150485 Meagan Lamothe Consent 20151105.pdf](#)

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

## **EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**

## **COMMITTEE REPORTS, CONSENT AGENDA ITEMS**

## **COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS**

## **END OF CONSENT AGENDA**

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

## **UTILITY-RELATED CITIZEN COMMENT (not to exceed 30 minutes in length)**

## **GENERAL MANAGER FOR UTILITIES**

[150513.](#)

### **Third Amendment to Employment Agreement - Russ Blackburn (B) MODIFICATION - ADDED ITEM AND WAIVE RULES**

*Explanation: To provide for the orderly and effective end to the employment relationship between City Manager Russ Blackburn and the City of Gainesville, it is recommended that the City Commission approve the Third Amendment to Mr. Blackburn's Employment Agreement with the City as provided in the back up to this agenda item, as well as support the transition plan, as presented in the attached correspondence authored by the Mayor and Mr. Blackburn.*

*Fiscal Note: Wages and benefits will be paid from the Personal Services Budget of the City Manager's Office.*

**RECOMMENDATION**      *The City Commission (1) approve Third*

*Amendment to the Employment Agreement between the City and City Manager Russ Blackburn; and (2) support the transition plan as presented.*

[150513A\\_3rd Amendment to Employment Agreement\\_20151105.pdf](#)

[150513B- Letter\\_20151105.pdf](#)

[150513C- Transition Plan\\_20151105.pdf](#)

[150514.](#)

### **SELECT AN INTERIM CITY MANAGER**

**MODIFICATION - ADDED ITEM AND WAIVE RULES**

*Explanation: If the City Commission approves the Third Amendment to the Employment Agreement between the City and City Manager Russ Blackburn, an Interim City Manager will need to be appointed effective November 6, 2015 at 5:01 p.m.*

*Fiscal Note: Wages and benefits will be paid from the Personal Services Budget of the City Manager's Office.*

**RECOMMENDATION**

*The City Commission (1) select an Interim City Manager; and (2) authorize the Mayor to negotiate an agreement with the selected candidate.*

[150479.](#)

### **City of Gainesville/GRU Annual Employee Awards Program (B)**

This is an Informational Item

**\*\*Estimated Presentation Time 15 Minutes\*\***

*Explanation: Our employees are our greatest resource, and they consistently perform their important duties every day of the year under sometimes demanding conditions. For many years, TEAM and the City's leadership recognized its brightest stars at the annual employee rally. In an effort to make this recognition more meaningful and to allow employee's families to participate, the recognition program was changed to a separate ceremony in 2008. Since then, the event has grown in significance and appreciation by both management and those being recognized.*

*Employees are recognized in three categories: Departmental awards, Team awards and At-Large awards. TEAM members will share the results of this year's ceremony, which was held on October 13, 2015.*

*Fiscal Note: None*

**RECOMMENDATION**

*The City Commission hear a presentation on the 2015 City of Gainesville/GRU Annual Employee Awards Program hosted by TEAM from Event*



Coordinators Scott Holowasko and Michelle Vickers.

[150479 TEAM Awards Presentation 20151105](#)

[150479 Employee Awards 2015 Program 20151105](#)

## UTILITY COMMITTEE REPORTS (PULLED FROM CONSENT)

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

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

## UTILITY-RELATED ITEMS FROM MEMBERS OF THE CITY COMMISSION

## UTILITY-RELATED COMMISSION COMMENTS (if time permits)

**GENERAL GOVERNMENT items of a time-sensitive or important nature or pulled from Consent.** Must be submitted or pulled the Mayor, a City Commissioner or a Charter Officer.

[150475.](#)

**Appointments to the Gainesville Human Rights Board, City Plan Board, Development Review Board and Board of Adjustment (B)**

**RECOMMENDATION**

*The City Commission discuss appointments to the Gainesville Human Rights Board, City Plan Board, Development Review Board and Board of Adjustment and take appropriate action.*

[150475 Appointments 20151105.pdf](#)

[150463.](#)

**Proposed Amendments to the Interlocal Agreement Creating the North Central Florida Regional Planning Council (B)**

**The North Central Florida Regional Planning Council has provided proposed amendments to the Interlocal Agreement creating the North Central Florida Regional Planning Council. \*\*ESTIMATED PRESENTATION 5 MINUTES\*\***

*Explanation: During previous discussions, the City Commission expressed concerns about proposed changes to the representation and dues for members of the North Central Florida Regional Planning Council. The North Central Florida Regional Planning Council has provided proposed amendments for member jurisdiction consideration and approval. The proposed*

amendments provide for one representative for counties and cities fewer than 100,000 in population and three representatives for counties and cities with 100,000 or more in population. Provisions are also provided for the appointment of additional representatives "if requested to do so by the Council" and that "the Council shall make such requests in such a manner as to ensure broad representation throughout the Region, with consideration being given to proper representation (1) from both counties and cities, and (2) from rural as well as urban areas.

A representative of the North Central Florida Regional Planning Council will be present to discuss the proposed amendments.

*Fiscal Note:* Member jurisdictions pay annual dues for membership in the North Central Florida Regional Planning Council. The proposed amendments provide that the Council will establish the member unit dues assessment by July 1 each year for the subsequent year.

**RECOMMENDATION**            The City Commission hear comments from a representative of the North Central Florida Regional Planning Council about the proposed amendments to the Interlocal Agreement and take action as appropriate.

[150463A\\_Ltr from NCFRPC to Mayor\\_20151105.pdf](#)

[150463B\\_Interlocal agreement\\_20151105.pdf](#)

[150463C\\_RPC Interlocal Agreement 2015-signatures.rev\\_20151105- a.pdf](#)

[150463D\\_Final RPC Interlocal Agreement 2015-signatures\\_20151105.pdf](#)

[150494.](#)

**Mayor Ed Braddy - Jasmin Hall EO Case. (NB)**

**RECOMMENDATION**            The City Commission hear comments regarding Jasmin Hall's case.

**5:30 P.M.**

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

**MR. BOB GASCHE**

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

[150471.](#)

**World Pancreatic Cancer Day - November 13, 2015 (B)**

**RECOMMENDATION**            Amy Osteryoung to accept the proclamation.

[150471\\_PancreaticCancer\\_20151105.pdf](#)

[150472.](#)**Veterans Day - November 11, 2015 (B)****RECOMMENDATION**

*Gator Detachment of the Marine Corp League Bob Gasche to accept the proclamation.*

[150472\\_VeteransDay\\_20151105.pdf](#)

[150473.](#)**National American Indian Heritage Month - November 2015 (B)****RECOMMENDATION**

*Americans Indians Chapter Gainesville Chapter NSDAR Co Chair Marwin A. Smith to accept the proclamation.*

[150473\\_IndianHeritage\\_20151105.pdf](#)

[150474.](#)**Hunger Awareness Month - November 2015 (B)****RECOMMENDATION**

*Rodney Long to accept the proclamation.*

[150474\\_HungerAwareness\\_20151105.pdf](#)

[150495.](#)**Veterans Day - November 11, 2015 (B)****RECOMMENDATION**

*Department of Veterans Affairs Chief of Community Affairs at the Honor Center Ms. Vianne Marchese to accept the proclamation.*

[150495\\_VeteransDay\\_20151029.doc](#)

**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**[150379.](#)**Public Hearing to Approve the Campus Development Agreement for the University of Florida Campus Master Plan, 2015 - 2025 (B)**

**In accordance with Subsection 1013.30, Florida Statutes, the University of Florida must enter into an Agreement with their host local government(s) that addresses level-of-service requirements, deficiencies and campus impacts on public services and facilities.**

**The host local government must adopt the Agreement in a manner consistent with the requirements of Chapter 163.3225. \*Estimated Staff Presentation 5 Minutes\***

*MODIFICATION - ADDED ITEM.*

*Explanation: The University Comprehensive Master Plan process established in Subsection 1013.30 of the Florida Statutes is intended to facilitate coordination between universities and their host local governments. Subsection (1) states "This section contains provisions for campus planning and concurrency management that supersede the requirements of part II of chapter 163, except when stated otherwise in this section. These special growth management provisions are adopted in recognition of the unique relationship between university campuses and the local governments in which they are located. While the campuses provide research and educational benefits of statewide and national importance, and further provide substantial educational, economic, and cultural benefits to their host local governments, they may also have an adverse impact on the public facilities, services and natural resources of host governments. On balance, however, universities should be considered as vital public facilities of the state and local governments. The intent of this section is to address this unique relationship by providing for the preparation of campus master plans and associated campus development agreements." The University of Florida Board of Trustees (UFBOT) adopted the final campus master plan on June 4, 2015 and the Plan became effective on July 19, 2015. At the same June meeting, the UFBOT approved the draft Campus Development Agreement (CDA) for final negotiations and execution with the City of Gainesville and Alachua County.*

*At this time, formal adoption of the CDA by the City must be executed in a manner consistent with Chapter 163.3225 Florida Statutes, which requires two public hearings. The current DCA expires in December 2015 and established development thresholds and provided funding to the City and the County to mitigate the impacts of development authorized by the CDA. The University of Florida has not exceeded this gross square footage(GSF), and Exhibit "A" of the proposed 2015-2025 CDA lists 2,021,975 GSF as the remaining amount of net new building area, and 1,715 net new parking spaces as the new maximum thresholds for net new development. Given that UF has development which has provided mitigation, no additional funds for mitigation are proposed.*

*Fiscal Note: None*

**RECOMMENDATION**

*Recommended Motion: The City Commission: continue second public hearing to November 19, 2015 at 6:00 pm or as soon thereafter as the matter may be heard, at City Commission Auditorium, 200 E. University Avenue.*

*Alternative Recommendation: The City Commission approve the Campus Development*

*Agreement and authorize the City Manager and Clerk of the Commission to execute the agreement.*

Legislative History

10/15/15 City Commission Heard

[150379A\\_Campus\\_Development\\_Agreement\\_2015-2015\\_Final\\_20151015.pdf](#)

## RESOLUTIONS- ROLL CALL REQUIRED

## ADOPTION READING-ROLL CALL REQUIRED

[150305.](#)

### LAND USE CHANGE - 5021 AND 4911 W UNIVERSITY AVENUE (B)

Ordinance No. 150305; Petition No. PB-15-73 LUC

An ordinance amending the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of approximately 2.84 acres of property generally located at 5021 and 4911 W University Avenue, as more specifically described in this ordinance, from Conservation (CON) to Single-Family (SF); 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 amend the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of the subject property from Conservation (CON) to Single-Family (SF). The subject property is 2.84 acres of property located at 5021 and 4911 W University Avenue, on the south side of unimproved W University Avenue and at the western edge of the Clear Lake single-family neighborhood. It is adjacent to the City's Clear Lake Nature Park to the west and to the City's Sugarfoot Prairie Conservation Area to the south. A single-family residence is located to the east of the subject property, and to the north, across unimproved W University Avenue, is a single-family residence and a townhome development (Mill Pond). The southerly one-half to two-thirds of the property is within regulated wetlands of the Hogtown Creek basin, and therefore is substantially constrained with respect to additional development potential.*

*Two single-family houses are located on the subject property, one on each of the two lots that make up the 2.84-acre property. These single-family houses are currently deemed legally nonconforming uses because although they existed prior to the property's annexation into the City in 1992, they do not conform to the maximum density allowed on the current Conservation land use designation (i.e., maximum density of 1 unit per 5 acres). This ordinance (together with the related rezoning*

ordinance) will make the single-family houses legally conforming uses.

*This ordinance is consistent with the City's Comprehensive Plan and supportive of urban infill. The proposed Single-Family land use is consistent with the Single-Family land use to the east and north, and is compatible with the Conservation land use to the south and west, and the Residential Low-Density land use to the north.*

*At a public hearing on August 27, 2015, the City Plan Board recommended approval to the City Commission by a vote of 6-0.*

#### 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-15-73 LUC; and (2) adopt the proposed ordinance.*

[150305B\\_Staff report\\_20151105.pdf](#)

[150305C\\_Append A Comp Plan GOPs\\_20151105.pdf](#)

[150305D\\_Append B Suppl Docs Exh B-1 thru Exh B-4\\_20151105.pdf](#)

[150305E\\_Append C Application\\_20151105.pdf](#)

[150305F\\_CPB minutes\\_20151105.pdf](#)

[150305G\\_staff ppt\\_20151105.pdf](#)

[150305A\\_draft ordinance\\_20151105.pdf](#)

[150306.](#)

#### **QUASI-JUDICIAL - REZONING - 5021 AND 4911 W UNIVERSITY AVENUE (B)**

Ordinance No. 150306; Petition No. PB-15-74 ZON

An ordinance amending the Zoning Map Atlas of the City of Gainesville, Florida, by rezoning approximately 2.84 acres of property generally

located at 5021 and 4911 W University Avenue, as more specifically described in this ordinance, from Conservation (CON) to Single-Family Residential District (RSF-1); 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 amend the Zoning Map Atlas of the City of Gainesville by rezoning the subject property from Conservation (CON) to Single-Family Residential District (RSF-1). The subject property is 2.84 acres of property located at 5021 and 4911 W University Avenue, on the south side of unimproved W University Avenue and at the western edge of the Clear Lake single-family neighborhood. It is adjacent to the City's Clear Lake Nature Park to the west and to the City's Sugarfoot Prairie Conservation Area to the south. A single-family residence is located to the east of the subject property, and to the north, across unimproved W University Avenue, is a single-family residence and a townhome development (Mill Pond). The southerly one-half to two-thirds of the property is within regulated wetlands of the Hogtown Creek basin, and therefore is substantially constrained with respect to additional development potential.*

*Two single-family houses are located on the subject property, one on each of the two lots that make up the 2.84-acre property. These single-family houses are currently deemed legally nonconforming uses because although they existed prior to the property's annexation into the City in 1992, they do not conform to the maximum density allowed on the current Conservation land use designation (i.e., maximum density of 1 unit per 5 acres). This ordinance (together with the related land use change ordinance) will make the single-family houses legally conforming uses.*

*This ordinance is consistent with the City's Comprehensive Plan and supportive of urban infill. The proposed RSF-1 zoning is consistent with the RSF-1 zoning to the east and north, and is compatible with the Conservation district zoning to the south and west, and the residential Planned Development (PD) zoning to the north.*

*At a public hearing on August 27, 2015, the City Plan Board recommended approval to the City Commission by a vote of 6-0.*

**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. 150305 becomes effective as provided therein.*

**RECOMMENDATION**

*The City Commission: (1) approve Petition No. PB-15-74 ZON and (2) adopt the proposed*



ordinance.

[150306B\\_Staff report\\_20151105.pdf](#)

[150306C\\_Append A Comp Plan GOPs\\_20151105.pdf](#)

[150306D\\_Append B Supplemental Docs Exh B-1 thru Exh B-5-20151105.pdf](#)

[150306E\\_Append C\\_Application-20151105.pdf](#)

[150306F\\_CP B minutes\\_20151105.pdf](#)

[150306G\\_staff ppt\\_20151105.pdf](#)

[150306A\\_draft ordinance\\_20151105.pdf](#)

## ORDINANCES, 1ST READING- ROLL CALL REQUIRED

### TIME CERTAIN FOR FILE #140384 OF 8:00 PM

[140384.](#)

#### GRU GOVERNANCE - UTILITY ADVISORY BOARD CREATION (B)

Ordinance No. 140384

An ordinance of the City of Gainesville, Florida, amending the Code of Ordinances to repeal the existing Energy Advisory Committee and create a new Utility Advisory Board to assist with governance of the City's electric, gas, telecommunications, water and wastewater utilities; by repealing the text within the existing Division 7. of Article V. Boards, Commissions and Committees of Chapter 2 Administration and replacing it with text that creates the Utility Advisory Board; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

TIME CERTAIN - 7:00 PM

*Explanation: At the October 8, 2015 Regional Utility Committee (RUC) meeting, the RUC reviewed a draft ordinance creating a utility advisory board. The RUC recommended that the City Commission move forward with the draft ordinance but that the composition of the membership of the board be changed. The RUC recommended that the board be comprised of nine members appointed by the City Commission. The membership would include: (1) a representative of a major business, (2) a person with utility management experience; (3) a person with investment banking/financial or CPA experience; (4) a licensed attorney with business/contract/corporate law experience; (5) a person with engineering experience; (6) and (7) two City Commissioners; (8) one County Commissioner; and (9) one person with any qualifications the commission deems relevant or beneficial to service on the board.*

*At the October 12, 2015 City Commission General Policy Committee meeting, the Commission discussed the draft ordinance and the RUC recommended changes. The Commission determined to proceed with*

*the utility advisory board ordinance however, the Commission changed the advisory board composition. The advisory board would have seven members appointed by the City Commission instead of nine. The Commission determined that the composition of the utility advisory board would be: (1) a representative of a major business, (2) a person with utility management experience; (3) a person with investment banking/financial or CPA experience; (4) a licensed attorney with business/contract/corporate law experience; (5) a person with engineering experience; and (6) and (7) two persons with any qualifications the Commission deems relevant or beneficial to service on the board. The Commission also determined that a minimum of one board member must reside outside of the City's limits.*

*The draft ordinance incorporates the changes made by the City Commission at its October 12, 2015, General Policy Committee meeting.*

#### CITY ATTORNEY MEMORANDUM

*This ordinance requires two hearings and shall become effective immediately upon adoption at second reading. At second reading of this ordinance, the City Attorney's office will also place a Resolution on the agenda that revises the Rules of the City Commission by eliminating the Regional Utilities Committee.*

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

#### Legislative History

10/21/14	General Policy Committee	Approved, as shown above
1/21/15	General Policy Committee	Approved as shown above (See Motion)
2/26/15	City Commission	Discussed
3/30/15	City Commission	Continued
4/2/15	City Commission	Approved, as shown above
7/2/15	City Commission	Referred to the Regional Utilities Committee
9/17/15	City Commission	Discussed
10/12/15	General Policy Committee	No Action Taken

[140384 FMEA Governance Presentation 2014.10.21](#)  
[140384 Governance Chart 2014.10.21](#)  
[140384 GRU Governance and APPA Workshop 2014.10.21](#)  
[140384 GRU Governance Memorandum 2014.10.21](#)  
[140384 Utility Governance Changes and Examples\\_20150121.pdf](#)  
[140384 Outline of Proposed Advisory Committee\\_20150330.pdf](#)  
[140384 Lakeland Information\\_20150330.pdf](#)  
[140384 GRUadvisoryboardproposal\\_20150226.pdf](#)  
[140384 draft language to create utility board\\_20150702.pdf](#)  
[140384 GEAC 20151008](#)  
[140384 Draft Perry Bill 20151008](#)  
[140384 Draft Ordinance Language Util Brd 20151008](#)  
[140384 City Charter Article I 20151008](#)  
[140384A draft ordinance\\_20151105.pdf](#)  
[140384A revised draft ordinance\\_20151105.pdf](#)

[150512.](#)

**Utility Governance Alternatives (NB)**

*MODIFICATION - ADDED ITEM*

*Explanation: At the October 12, 2015 General Policy Committee Meeting, in addition to directing the City Attorney to draft an ordinance creating a Utility Advisory Board for the November 5th City Commission Meeting, the City Commission also expressed interest in having a further discussion on pursuing utility governance alternatives, including a non-binding referendum question, a City Charter Amendment or a local bill (such as that currently proposed by Representative Perry). To that end, at the request of the Commission, the Mayor invited both Representative Perry and Representative Watson to come share their thoughts and perspectives on this topic with the City Commission.*

**RECOMMENDATION**            *Discuss utility governance alternatives.*

[150304.](#)

**QUASI-JUDICIAL - HISTORIC PROPERTY TAX EXEMPTION -  
420 NE 5th STREET (B)**

Ordinance No. 150304

An ordinance of the City of Gainesville, Florida, finding that property located at 420 NE 5th 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, 2016, 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 May 7, 2013, 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 August 4, 2015, 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 \$258,934.71. However, pursuant to City Code and State Statute, the actual amount of the exemption will be determined by the County Property Appraiser.*

*The renovations include both interior and exterior work. The exterior work included: a rear porch addition with a roof pitch to match the existing porch of the house; the house exterior was stripped and painted; missing architectural details (railing and gingerbread) was replaced or restored; new brick skirting was added to the perimeter foundation of the house; and an existing freestanding garage was demolished and a new garage was constructed with a 1/2 story apartment. The interior improvements included: rebuilding the masonry fireplace and installing a salvaged historic mantle; existing original trim was reused and supplemented with either new wood or salvaged material; original and historically appropriate doors were installed; living*

room ceiling was removed and became vaulted and exposed the stained glass window at the south gable; and the house received new wiring, plumbing, HVAC and all new finishes.

#### 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, 2016.*

**RECOMMENDATION**      *The City Commission: 1) approve Part 2 of the Historic Preservation Property Tax Exemption Application; and 2) adopt the proposed ordinance.*

[150304A draft ordinance 20151105.pdf](#)

[150304B staff report 20151105.pdf](#)

[150304C Exh1 Part 1 Application and Backup Material 20151105.pdf](#)

[150304D Exh2 Rehabilitaion Costs and Receipts-20151105.pdf](#)

[150304E Exh3 Photos 20151105.pdf](#)

[150304F Exh4 Application 20151105 .pdf](#)

[150304G HPB minutes 20151105 .pdf](#)

[150304H staff ppt 20151105.pdf](#)

#### [150350.](#)

#### **VACATION OF PUBLIC RIGHT-OF-WAY - 207 FEET OF UNIMPROVED ALLEY BETWEEN SW 7TH TERRACE AND SW 6TH STREET, SOUTH OF SW 4TH AVENUE (B)**

Ordinance No. 150350; Petition PB-15-63 SVA

An ordinance of the City of Gainesville, Florida, to vacate, abandon, and close an unimproved alley public right-of-way that extends for 207 feet between SW 7th Terrace and SW 6th Street, south of SW 4th Avenue, as more specifically described in this ordinance; reserving a utilities easement; providing a severability clause; providing a repealing clause; and providing an effective date.

**Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT**

*This ordinance vacates an unimproved alley public right-of-way that extends for 207 feet between SW 7th Terrace and SW 6th Street, south of SW 4th Avenue, as more specifically described and shown in the ordinance. The subject alley was originally part of a larger public right-of-way that was dedicated to the public by a plat; however, the City in 1972 vacated all of that public right-of-way except the portion that is the subject of this ordinance. The public right-of-way to be vacated is 22 feet wide and approximately 207 feet in length, and is not improved or used for public access. Currently, large trees and site improvements*

*(parking areas) exist within or closely adjacent to the subject alley. Vacation of this public right-of-way will allow for the future redevelopment of a unified city block, which may not occur as proposed without the vacation. Authorization from the abutting property owners is included with the application.*

*Staff recommends approval of this vacation of public right-of-way, based on criteria for the vacation of public streets or public places found in Section 30-192 of the Land Development Code, and on the enumerated criteria found in Policy 10.2.1 of the Transportation Mobility Element. After public notice was published in the Gainesville Sun on July 7, 2015, the City Plan Board held a public hearing on August 27, 2015, and by a vote of 5-0 recommended approval of this request to vacate the subject public right-of-way.*

#### CITY ATTORNEY MEMORANDUM

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

**RECOMMENDATION**            *The City Commission: 1) approve Petition No. PB-15-63 SVA; and 2) adopt the proposed ordinance.*

[150350B\\_staff report\\_20151105.pdf](#)

[150350C\\_ExA-1\\_Authorization from property owners\\_20151105.pdf](#)

[150350D\\_ExB-1\\_Survey\\_20151105.pdf](#)

[150350E\\_Maps\\_20151105.pdf](#)

[150350F\\_ExF-1TRC Comments-20151105.pdf](#)

[150350G\\_CPB minutes\\_20151105 .pdf](#)

[150350H\\_staff ppt\\_20151105.pdf](#)

[150350A\\_draft ordinance\\_20151105.pdf](#)

#### [150395.](#)

#### **DEFINING AND ALLOWING MEDICAL MARIJUANA DISPENSARIES IN CERTAIN ZONING DISTRICTS (B)**

Ordinance No. 150395, Petition PB-15-80 TCH

An ordinance of the City of Gainesville, Florida, amending the Land Development Code (Chapter 30 of the City of Gainesville Code of Ordinances) to allow Medical Marijuana Dispensaries, as defined in this ordinance, as a permitted use in certain zoning districts; by amending Section 30-23 to add definitions; by amending the following zoning districts to add Medical Marijuana Dispensaries as a permitted use by right: Office Residential District (OR), General Office District (OF), General Business District (BUS), Mixed-Use Low Intensity District (MU-1), Mixed-Use Medium Intensity District (MU-2), Urban Mixed-Use District 1 (UMU-1), Urban Mixed-Use District 2 (UMU-2),

Central City District (CCD), Medical Services District (MD), and Corporate Park District (CP); providing directions to the codifier; 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 amend the Land Development Code to define and allow "Medical Marijuana Dispensaries" in certain zoning districts. In 2014 the Legislature of the State of Florida enacted the "Compassionate Medical Cannabis Act of 2014" (codified in Section 381.986, Florida Statutes), which authorizes physicians licensed under Chapter 458 or Chapter 459 of the Florida Statutes to order low-THC cannabis for specified patients. Amongst other restrictions, the Compassionate Medical Cannabis Act of 2014 provides that a physician may only order low-THC cannabis for a patient suffering from cancer or a physical medical condition that chronically produces symptoms of seizures or severe and persistent muscle spasms and only if no other satisfactory alternative treatment options exist for that patient. "Low-THC Cannabis," as defined in this ordinance in accordance with the Compassionate Medical Cannabis Act of 2014, means a plant of the genus Cannabis, the dried flowers of which contain 0.8 percent or less of tetrahydrocannabinol and more than 10 percent of cannabidiol weight for weight.*

*In accordance with the Compassionate Medical Cannabis Act of 2014, Florida Statutes and Chapter 64-4 of the Florida Administrative Code, the City has the authority to provide zoning regulations for the dispensing of low-THC cannabis permissible under the Act. This ordinance will allow within certain zoning districts the dispensing of low-THC cannabis strictly in accordance with and as limited by the Compassionate Medical Cannabis Act of 2014.*

*The City Plan Board on September 24, 2015, held a public hearing and voted to recommend adoption of this ordinance.*

**CITY ATTORNEY MEMORANDUM**

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

**RECOMMENDATION**

*The City Commission: 1) approve Petition No. PB-15-80 TCH; and 2) adopt the proposed ordinance.*



[150395B\\_Staff report\\_20151105.pdf](#)

[150395C\\_Append A Application-20151105.pdf](#)

[150395D\\_Append B Supplemental Docs Exh B-1 thru Exh B-3-20151105.pdf](#)

[150395E\\_CPB minutes\\_20151105.pdf](#)

[150395F\\_staff ppt\\_20151105.pdf](#)

[150395A\\_draft ordinance\\_20151105.pdf](#)

## ORDINANCES, 2ND READING- ROLL CALL REQUIRED

### PLAN BOARD PETITIONS

[150418.](#)

Rezone from UMU-2 (10-100 units/acre and up to 25 additional units/acre by special use permit, urban mixed-use district) to PD (Planned development district) (B)

**Petition PB-15-69 PDV.** City Plan Board. Rezone property from UMU-2 (10-100 units/acre and up to 25 additional units/acre by special use permit, urban mixed-use district) to PD (Planned development district) to allow a restaurant with a drive-through. Located at 1206 W. University Avenue. \*Expected presentation time 10 minutes\*

MODIFICATION - ADDED POWERPOINT PRESENTATION

*Explanation: This is a request to rezone .64 acres of land from UMU-2 (10-100 units/acre and up to 25 additional units/acre by special use permit, urban mixed-use district) to PD (Planned development district). The applicant is proposing to construct a restaurant with a drive-through facility on the subject property; however, a drive-through facility is prohibited in the UMU-2 zoning district. The proposed PD rezoning will allow eating places with or without a drive-through facility on the subject property, as well as other uses appropriate for the surrounding area. It will also allow the applicant to use flexible design standards that are unique to the subject property and consistent with the City's Comprehensive Plan.*

*The property is the former Texaco gas station that was demolished in 2004. The property is located on the north side of West University Avenue (SR 26), between NW 12th Street and NW 12th Terrace. A tax parcel that contains a single-story, residential structure abuts on the north, along with the University Heights - North Historic District. W. University Avenue (SR 26) abuts on the south. NW 12th Street abuts on the east. NW 12th Terrace abuts on the west.*

*The proposed PD rezoning is consistent with the City's Comprehensive Plan because it will allow a mixture of retail, service, research and office uses that the underlying Urban Mixed Use (UMU-2: 10-100 units per acre; and up to 25 additional units per acre by special use permit) land*

use on the property supports. According to Future Land Use Element, Policy 4.1.1, one of the essential components of the UMU-2 land use district is the multi-modal character of the area. Therefore, by allowing multi-modal transportation facilities (i.e., sidewalks, bike racks, parking spaces and drive-throughs) the proposed PD rezoning is also consistent with the intended character of the UMU-2 land use district.

Public notice was published in the Gainesville Sun on September 8, 2015. The City Plan Board held a public hearing on September 24, 2015 and voted 3-2 to approve the petition with conditions.

*Fiscal Note: None.*

**RECOMMENDATION**

*City Plan Board to City Commission - The City Commission approve Petition PB-15-69 PDV with the proposed PD Report and PD Layout Plan Map, subject to the conditions in the staff report and Appendix E (Technical Review Committee Conditions), with the provision that driveways and interior circulation can be adjusted at development plan review, if necessary, and subject to final development plan review by the City Plan Board.*

*The City Plan Board voted 3-2.*

*Staff to City Commission - The City Commission approve the City Plan Board recommendation.*

*Alternative Recommendation - The City Commission approve the City Plan Board recommendation with final development plan review by staff in accordance with the City Land Development Code.*

[150418A\\_staff report\\_20151105.pdf](#)

[150418B\\_Append A\\_Comp Plan Exh A-1 Exh A-2\\_20151105.pdf](#)

[150418C\\_Append B\\_LDC Exh B-1 Exh B-2\\_20151105.pdf](#)

[150418D\\_Append C Supplemental Docs\\_20151105.pdf](#)

[150418E\\_Append D Application\\_Neighborhood Workshop\\_20151105.pdf](#)

[150418F\\_Append E TRC Conditions\\_20151105.pdf](#)

[150418G\\_CPB minutes draft\\_20151105.pdf](#)

[150418H\\_staff ppt\\_20151105.pdf](#)

[150418 PB-15-69 PDV\\_MOD\\_City Commission Presentation\\_11-5-15.pdf](#)

## DEVELOPMENT REVIEW BOARD PETITIONS

## SCHEDULED EVENING AGENDA ITEMS

**UNFINISHED BUSINESS**

**COMMISSION COMMENTS**

**CITIZEN COMMENT (If time permits)**

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