

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Meeting Agenda - Final

October 6, 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****Prophet George Young****ADOPTION OF CONSENT ITEMS - GRU, General Government, Audit & Finance Committee and General Policy Committee Items**[160321.](#)**Approval of the Regional Transit System (RTS) Title VI Program (B)**

This item is a request to approve the RTS Title VI Program and its subsequent submission to the Federal Transit Administration (FTA) for final review and approval.

Explanation: Triennially, recipients of Federal Transit Administration (FTA) financial assistance must demonstrate that the appropriate governing entity has reviewed and approved their Title VI program. Title VI is a federal statute that provides that no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. The requirements for each recipient are dependent on whether they are a state entity, Metropolitan Planning Organization, or transit provider. RTS must meet the requirements of transit providers that are located in an Urbanized Area of less than 200,000 people.

The costs for the Title VI program are largely dependent on the extent to which RTS must provide translation services to the general public. Historically, this has been minimal and the most frequently requested

language, Spanish, has been and can continue to be handled internally. Recent United States Census data, however, obligates RTS to provide similar services to Chinese individuals as well.

Fiscal Note: RTS estimates translation services at \$400 for printed material, \$75-\$150 for written/in-person translation services, and \$1.50 a minute for phone translation services. Funding for this program is available in the RTS FY16/17 operating budget.

RECOMMENDATION The City Commission approve the Regional Transit System (RTS) Title VI program.

[160321_RTS Title VI Program_20161006.pdf](#)

[160369.](#)

Surplus Sales (NB)

Explanation: Throughout the year, obsolete, scrap and surplus materials are identified as surplus property by GRU departments. Examples of surplus property sales include conveyer belts, electronics, generators and other unusable equipment or materials. Staff is seeking approval to sell surplus property with a value greater than \$25,000 in FY17 if such surplus items are identified. This will allow GRU to respond quickly and efficiently to opportunities in the utility market place. In FY 16, there was one sale of a generator for \$22,750.

The City Purchasing Policy states that the sale of surplus property shall be through the method appropriate to reaching prospective buyers. All GRU surplus property is reviewed and approved for disposition by GRU's Investment Recovery Committee which is comprised of staff from Administrative Services, Finance, Environmental, Utilities Stores and Purchasing. Disposition methods include transfer to other City departments, competitive bidding, public auction or donation to a nonprofit or government agency. The public auction used is specifically for public agencies, allowing items to be sold with no expense to GRU. All sales are handled by GRU Purchasing to adhere to purchasing policies and procedures and ensure a fair and competitive process that garners the greatest return.

This item was presented to the Utility Advisory Board at their September 14, 2016 meeting.

Fiscal Note: The sale of all surplus material will be applied to GRU's general fund in accordance with auditing requirements.

RECOMMENDATION Staff recommends that the City Commission: 1) declare GRU's obsolete, scrap and surplus materials as surplus property; and 2) authorize staff to sell or dispose of such property for FY17 in a manner which generates the greatest benefit through established procedures.

The Utility Advisory Board approved staff's

recommendation by a vote of 7-0.

[160370](#)

Amendment to Contract for the Sale of Scrap Metals (NB)

Explanation: In accordance with GRU's Investment Recovery Guidelines, Utilities Stores staff aggregates scrap metals that are returned to the warehouse in order to recover part of the initial cost of the materials. The scrap metals recovered are separated into the six categories listed below. The amount to be received by GRU is based upon indices published by the American Metal Market (AMM), London Metal Exchange (LME) or Commodity Exchange (COMEX) depending upon the metal.

*Scrap Steel (galvanized and non-galvanized (AMM)
Street Lights (AMM)
Scrap Iron (mixed ductile and cast iron) (AMM)
Aluminum Wire and Cable (LME)
Bare Copper Wire and Cable (COMEX)
Insulated Copper Wire and Cable (COMEX)*

The amount recovered each year in the sale of scrap metals varies based on the actual amount of scrap materials returned to the warehouse. Over the past three years of the contract, \$224,662.83 has been received as a result of scrap sales.

The City Commission approved a contract with Trademark Metals Recycling, LLC on September 5, 2013 for the sale of surplus scrap metals. The terms of the initial contract include a two year extension of the term based upon mutual agreement of the parties. Trademark Metals Recycling, LLC has performed well during that time and as a partner has proposed some changes to pricing indices that favor GRU over the original contract due to changes in the scrap market when it declined.

This item was presented to the Utility Advisory Board at their September 14, 2016 meeting.

Fiscal Note: This contract will allow for recovery of funds for those metals designated as scrap for FY 2017-2018.

RECOMMENDATION

Staff recommends that the City Commission: 1) declare scrap materials that become available as surplus; and 2) authorize the General Manager, or his designee, to amend the contract with Trademark Metals Recycling, LLC through September 30, 2018 for the sale of surplus scrap metals, subject to the approval of the City Attorney as to form and legality.

The Utility Advisory Board voted 7-0 to approve staff's recommendation.

[160383.](#)**State of Homelessness in Gainesville (NB)**

This item is to request the City Commission to refer the OG Report on Homelessness to the General Policy Committee for their discussion and policy direction.

Explanation: The City of Gainesville and Alachua County Board of County Commission staff funded a Consultant Firm in the amount of \$3,750 to conduct a review of the Status of Homelessness in Gainesville- Alachua County including a review of the Continuum of Care Process for the City and the County. The Continuum of Care is responsible for submitting the Federal Application to HUD for funding for our Region. The Continuum of Care is responsible for managing federal funds for Alachua, Levy, Bradford, Gilchrist and Putnam Counties. The OG Report has been issued and staff would like to discuss the report and the proposed action plan developed by the City, County and the North Central Florida Alliance for Homeless and Hungry which is responsible for the CoC.

Fiscal Note: At this time no Funding is being requested to address the Action Plan

RECOMMENDATION

The City Commission refer the OG Report and the proposed action plan to the General Policy Committee.

[160407.](#)**Federal and State Legislative Priorities (NB)**

This is a request for the City Commission to refer a discussion of the Federal and State Legislative Priorities to the General Policy Committee.

Explanation: The City Commission adopts the Federal and State legislative agendas annually. The legislative agendas are a compilation of the General Government's and Gainesville Regional Utilities' priority needs for the upcoming State and Federal legislative sessions. The agendas provide delegation members with comprehensive information in order for them to focus their efforts on specific legislative priorities and initiatives related to the city. Federal and State funding request forms have been submitted from various City departments for consideration.

Fiscal Note: None

RECOMMENDATION

The City Commission refer this item to the General Policy Committee meeting.

[160385.](#)**EEOC CHARGE - RANDAL C. ROBERTS; EEOC CHARGE No. 510-2016-02922 (NB)**

Explanation: On September 8, 2016, the City of Gainesville received a Notice of Charge of Discrimination from the U.S. Equal Employment Opportunity Commission. Mr. Roberts, a current City employee, alleges discrimination because of his age in violation of the Age Discrimination in Employment Act (ADEA).

RECOMMENDATION

The City Commission authorize the City Attorney to represent the City in the case styled Randal C. Roberts v. City of Gainesville; EEOC CHARGE No. 510-2016-02922.

[160400.](#)

MARY NUGENT VS. GAINESVILLE RAPID TRANSIT SYSTEM, A MUNICIPAL CORPORATION OF THE STATE OF FLORIDA; EIGHTH JUDICIAL CIRCUIT, CASE NO. 2016-CA-2861 (B)

Explanation: On September 13, 2016, the City was served with a Summons and Complaint filed by Mary Nugent. Mary Nugent alleges that she sustained injuries while a passenger on a RTS bus on June 7, 2015, in Gainesville. Mary Nugent 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, lost wages and suffered aggravation of a previously existing condition. Ms. Mary Nugent 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 Mary Nugent vs. Gainesville Rapid Transit System, a Municipal Corporation of the State of Florida; Eighth Judicial Circuit, Case No. 2016-CA-2861.

[160400_Mary Nugent Consent_20161006.pdf](#)

[160406.](#)

SARA RUPPANNER VS. CITY OF GAINESVILLE; EIGHTH JUDICIAL CIRCUIT, CASE NO. 2016-CA-2869 (B)

Explanation: On September 14, 2016, the City was served with a Summons and Complaint filed by Sara Ruppanner. The Complaint alleges that, on August 19, 2015, a City bus operated by a City employee struck Sara Ruppanner while she was in a crosswalk at the intersection of Center Drive and Museum Road on the University of Florida campus. Sara Ruppanner claims to have suffered bodily injury and resulting pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, and expense of hospitalization, medical and nursing care and treatment, loss of earnings and loss of ability to earn money. Ms. Sara Ruppanner 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 Sara Ruppanner vs. City of Gainesville; Eighth Judicial Circuit, Case No. 2016-CA-2869.

[160406 Ruppanner 20161006.pdf](#)

[160428.](#)

OTIS ANDERSON V. BYLYNN HATCHER; COURT CASE NO. 1:16-CV-168 (B)

MODIFICATION - Added Item

Explanation: On September 23, 2016, Officer Hatcher received a Civil Rights Complaint filed by Otis Anderson. Mr. Anderson was arrested in 2015 for sale or possession with intent to sell a controlled substance and for resisting arrest without violence. Mr. Anderson claims to have sustained injuries during the course of the arrest. Mr. Anderson is seeking compensatory damages.

RECOMMENDATION

The City Commission authorize the City Attorney and/or special counsel if insurance coverage is available to represent the individual officer in the case styled Otis Anderson v. Bylynn Hatcher; Court Case No. 1:16-CV-168.

[160428 Otis Anderson Consent 20161006.pdf](#)

[160416.](#)

City Commission Minutes (B)

RECOMMENDATION

The City Commission approve the minutes of August 30, September 1, September 8, September 13 and September 15, 2016.

[160416_minutes_20160915](#)

[160442.](#)

Resignation of Brian Smith from the Historic Preservation Board (B)

MODIFICATION - Added Item

RECOMMENDATION

The City Commission accepts the resignation of Brian Smith, effective immediately.

[160442_ResignationBrianSmith_20161006.pdf](#)

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.

[160379.](#)

Proposal Award - Selection of Contractors for the Operation of Joyce Oransky Tennis Center and Pro Shop and Provide Tennis Lessons at various City of Gainesville Tennis Facilities (B)

This item requests the City Commission approve the award of the Tennis Professional Services Contract to Jonesville Tennis LLC dba Gainesville Tennis, and authorize the City Manager or designee to execute a contract with Jonesville Tennis LLC dba Gainesville Tennis for Professional Tennis Services at various City Facilities, including the Joyce Oransky Tennis Center and Pro Shop.

MODIFICATION - Additional Back-up

Explanation: On July 13, 2016, the City's Purchasing Division issued a "Request for Proposals for Operation of Joyce Oransky Tennis Center and Pro Shop and Provide Tennis Lessons at All City of Gainesville Tennis Facilities," with a due date of August 10, 2016. On August 10, 2016, the City's Purchasing Department received two (2) proposals from tennis contractors for the use of the City's tennis facilities, per the specifications set forth in the Request for Proposal (RFP) developed by the Parks, Recreation and Cultural Affairs Department (PRCA). An evaluation panel, consisting of three department staff, along with a Senior Buyer to facilitate the process, met on Wednesday, August 17, 2016 to evaluate the proposals using the Scope of Services outlined in the RFP and the information submitted by the contractors in their proposals. Based on what the City is looking for in way of program services, and what was submitted in the proposals, it was decided to use only written and technical evaluations to arrive at a ranking of the proposals and make a recommendation of award to the City Commission.

PRCA staff contacted the Alachua County Parks/Open Space Superintendent who oversees Mr. Porter's contract at the Jonesville Tennis Center (JTC) and the feedback staff received indicates that the County has an excellent partnership with Mr. Porter and a high regard for his ability to operate a successful tennis operation. In addition to a verbal recommendation, the County Park Superintendent has given Mr. Porter a letter of recommendation which was included in Mr. Porter's proposal.

PRCA staff recommends the contract be awarded to Jonesville Tennis LLC dba Gainesville Tennis.

Fiscal Note: Should the City Commission elect to approve award of the Tennis Professional Services contract, revenues derived from the contract will be deposited into the General Fund, Parks, Recreation and Cultural Affairs revenue accounts.

RECOMMENDATION

The City Commission: 1) approve award of the Tennis Professional Services contract to Jonesville Tennis LLC dba Gainesville Tennis; and 2) authorize the City Manager or designee to execute all contract documents with Jonesville Tennis LLC dba Gainesville Tennis for Professional Tennis Services, subject to approval by the City Attorney as to form and legality.

[160379A_RFP for Tennis Center_20161006.pdf](#)

[160379B_Tennis Bid Documents_20161006.pdf](#)

[160379C_Tennis Written Evaluations_20161006.pdf](#)

[160379D_Tennis RFP Award_20161006.pdf](#)

[160379-MOD_Draft Contrat_20161004.pdf](#)

160374.**Funding for the Community Weatherization Coalition (B)**

MODIFICATION - Moved Item, Revised Text File Language, New and Revised Back-up.

Explanation: At the September 14, 2016 Utility Advisory Board Meeting, the Community Weatherization Coalition (CWC) presented their proposed budget and stated that they will present their budget the City Commission at the October 6, 2016 meeting. They asked the Board to recommend that the City Commission provide the requested funding in the amount of \$77,375.00. After hearing the CWC's presentation and having a discussion with GRU staff, the Board voted 7-0 to recommend that no GRU funds be spent on the CWC.

RECOMMENDATION

Hear a presentation from GRU staff on GRU's history with the CWC. Hear a presentation from the CWC on their budget request.

With regard to the CWC's budget request, staff recommends that:

- 1) GRU continue to administer DEED grant funds, estimated to be \$31,181 in FY17 and \$32,714 in FY18;*
- 2) GRU provide no other direct funding to CWC for FY17 given current budget constraints;*
- 3) Staff continue to provide the CWC with Energy Efficiency Kits for each GRU customer they survey.*

The UAB recommends that:

- 1) No GRU funds be provided to the CWC.*
- 2) The CWC work with the City to find an alternative funding source.*

[160372 UAB_CWC presentation 20160914](#)

[160374 UAB CWC Presentation 20161006 Rev.2](#)

[160374 CWC 2016 grant report 20161006](#)

[160374 CWC APPA Funded DEED Project 2 year budget 20161006](#)

[160374 CWC CCom Financial Presentation 20161006](#)

[160374 CWC Draft 2017 budget 20161006](#)

[160374 CWC.Retrofit.Case.Study 20161006](#)

[160435.](#)

RETENTION OF WINSTON & STRAWN LLP, TO REPRESENT THE CITY OF GAINESVILLE D/B/A GAINESVILLE REGIONAL UTILITIES IN MEDIATION WITH GAINESVILLE RENEWABLE ENERGY CENTER, LLC (NB)

MODIFICATION - Added Item

Explanation: On March 10, 2016, Gainesville Renewable Energy Center ("GREC") filed an arbitration demand with the American Arbitration Association ("AAA"), AAA Case No. 01-16-0000-8157, to resolve a dispute between GREC and the City of Gainesville d/b/a Gainesville Regional Utilities ("GRU") concerning GREC's planned maintenance outage in April of 2016. On March 17, 2016, the City Commission approved the retention of outside counsel to represent the City in the arbitration. The outside counsel, Winston & Strawn LLP, has experience in PPA related litigation and AAA arbitration.

On June 17, 2016, pursuant to Section 24.1 of the PPA, GREC submitted a Notice of Claim disputing GRU's withholding of payment arising from the following four operational issues: (1) shutdown charges, (2) available energy payments during startup, (3) withholding of previously paid amounts, and (4) payment decrease for failure of GREC to meet operating level. GREC amended its arbitration demand to include the four additional issues. In addition, a sixth issue has arisen in the course of the arbitration, resulting in GRU disputing GREC's reporting of availability. On August 4, 2016, the City Commission approved increasing the scope of representation and fee cap for Winston & Strawn LLP to include the additional claims.

Rule R-9 of the AAA Commercial Arbitration Rules and Mediation Procedures requires mediation of disputes that exceed \$75,000. However, since mediation is only a useful tool if both parties are willing to participate in good faith to resolve the disputes, the rule allows either party to provide notice that they are unilaterally opting-out of mediation. To date neither party has opted-out.

Winston & Strawn and the City Attorney's Office have encouraged good faith efforts to resolve the issues in the current arbitration, as well as to address other issues that have arisen or are anticipated to arise in future daily operational management of the PPA. To this end, GREC has

recently agreed to participate in a facilitated mediation to discuss and potentially resolve issues of importance to both parties.

The PPA is a complex, long-term contract that requires daily operational management by both GREC staff and GRU staff. As evidenced by the six disputes that have arisen over the past year, there are operational issues that are not addressed in great detail in the PPA and absent the parties willingness to resolve these operational issues, future arbitrations are likely. Each party to any such dispute, even if they believe their arguments to be the most compelling, should consider that arbitrations are time consuming and expensive (the current arbitration is anticipated to cost GRU over \$2.5 million in outside counsel fees, a significant amount of time of 3 in-house counsel for GRU and the actual costs of mediation) and in the end, each party is bound by the decision made by a single person, the arbitrator.

A successful mediation, or other mutual resolution efforts, would allow the parties to exercise control over the outcome of the issues (rather than having to accept the decision rendered by an arbitrator), would greatly reduce the expected costs of the current arbitration process and could address other operational issues that lack clarity in the PPA in order to provide certainty in dealing with those issues in the future and reducing the need for future arbitrations.

If the mediation leads to resolution of the arbitration claims or addresses other PPA operational issues that could be memorialized in an amendment to the PPA or other document, any such agreements will be presented to the City Commission and will be subject to the approval by the City Commission and by the City Attorney, as to form and legality. If the parties are unable to resolve the arbitration claims through the mediation process, then the arbitration will proceed and the arbitrator's decision will be binding on the parties pursuant to Section 24 of the PPA.

The parties are currently discussing the location of the mediation, dates and selection of the mediator. At the time of writing this agenda item, New York City or Washington, DC are being considered, as alternatives to the City's first choice of Gainesville and GREC's first choice of Boston. The dates being considered are in late October.

Fiscal Note: Winston & Strawn LLP has agreed to cap their legal fees at \$50,000.00 for preparation of a mediation memo for the mediator, one (1) day of mediation preparation and one (1) day of mediation with GREC. In addition, GRU will be billed for costs of the mediation (to be split with GREC), as well as travel costs for Winston & Strawn and GRU staff attending the mediation. Legal services above those anticipated above will be billed at regular hourly rates. Funding for expenses related to the mediation will be paid either from GRU budgeted funds for legal expenses or from unanticipated cost savings that GRU realizes.

RECOMMENDATION

City Commission (1) authorize the Office of the City Attorney, on behalf of the General Manager for Utilities, to retain Winston & Strawn LLP for

representation of GRU in mediation with GREC; and (2) authorize the General Manager or his designee, to negotiate with GREC potential resolution of any and/or all claims or issues related to the PPA on terms mutually agreeable to the parties, subject to final approval of the City Commission and subject to approval by the City Attorney as to form and legality.

[160430.](#)

Election Agreement (B)

MODIFICATION - Moved Item to the Regular Agenda, Back-up Added and Revised Text File Language

Explanation: The following changes are needed to finalize the agreement for execution.

RECOMMENDATION

The City Commission authorize the City Attorney to draft and the Clerk of the Commission to advertise an ordinance to:

1) Extend the period between the regular and run-off election from 4 to 6 weeks for all City of Gainesville Spring Regular Elections starting in 2018.

2) Change City of Gainesville early voting criteria to coincide with State Law.

[160430 electionagreement 20161006](#)

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.

[160267.](#)

Murphree Water Treatment Plant Electrical Upgrade (B)

****This item is informational.****

Explanation: The Murphree Water Treatment Plant (WTP) is the sole source of drinking water for 189,000 people on a daily basis. The treatment equipment used to produce drinking water is primarily powered by electricity. The electrical equipment for the most critical water treatment equipment was installed with the original plant in 1975. The equipment has reached the end of its functional life and spare parts are not readily available for this equipment. Several electrical components have recently failed resulting in time intensive and expensive repairs. GRU must replace and upgrade the power system components to ensure reliable and safe drinking water service to its customers. In March 2015, the City Commission authorized GRU to negotiate an engineering services contract with CH2MHill Engineers, Inc. CH2MHill was selected to complete the engineering services for this project in accordance with the Consultants' Competitive Negotiation Act. The design of the electrical system upgrade is approaching completion; therefore staff is presenting the process for evaluating and selecting a contractor to construct the new electrical facilities and equipment.

The project will address reliability of the Murphree WTP. The scope will include replacement of large electrical equipment and conductors that are original to the Murphree WTP. There are two major factors that provide complication to this project; Operational Sequencing and site soil conditions.

Operational Sequencing is one of the most critical keys to this project's success. The plant is split into two components, the treatment process and the high service/distribution pumping facilities. The treatment processes cannot be shut down for more than 6-8 hours without the risk of shutting down the pumping systems that supply water to all of GRU's customers. Each of the 180 + pieces of process equipment that is powered from the existing motor control centers will be taken off-line one-by-one and moved to the new motor control center equipment. It is critical that each piece of equipment be tested for several days for reliability before another complimentary piece of process equipment is removed from service. This creates an intensive and highly sensitive scheduling consideration in the construction phase. This undertaking is comparable to completely rewiring every light fixture, outlet, and switch in a residential home while occupied.

The site soil conditions are the second complicating factor in the electrical upgrade project. The Murphree WTP was built in a swampy area with high groundwater tables. Although the elevation of the plant is higher than most places in Gainesville, the site soil conditions are not conducive to excavation. This project includes construction of a 3,500 sq ft electrical building and a significant amount of new concrete duct bank (a grouping of electrical conduits or pipes) that must be excavated through poor soil conditions.

In summary, this project is an extensive undertaking which will impact every part of the treatment and pumping processes at the Murphree WTP. The risk during the project includes interruptions to customers'

drinking water supply; impacting daily life for 189,000 people. The concern for public safety is paramount and the cost of a plant failure could be exorbitant. Therefore, this project will require a skilled general contractor and electrical contractor that will work seamlessly as a team with GRU's plant and engineering staff. The contractor must understand the water treatment plant environment and the risks their work poses to all GRU customers. It will also be important for the contractor to be aware of the site conditions and plan accordingly to safely and efficiently accomplish the work. In order to assure we have the best team possible to approach this project, staff will evaluate the bids based on criteria other than price, including experience and safety. In accordance with City policies, a 5% preference will be given to small and service disabled veteran businesses and a 5% preference will be given to local businesses as required by the Local Preference Ordinance.

The anticipated schedule for issuing the Invitation to Bid and completing construction is as follows:

September 2016 - Issue ITB

November 2016 - Receive and Evaluate proposals

January 2017 - UAB and CC Approval to award construction contract

February 2017 - Begin Construction on electrical system upgrade

Spring 2019 - Complete construction of the electrical system upgrade

This item was presented to the Utility Advisory Board at their August 17, 2016 meeting.

Fiscal Note: The engineer's cost estimate at the 90% design deliverable is 10-12 million dollars for this project. The project construction has been planned in the water system capital budget to be spread over 3 years; FY17, FY18, and FY19. The FY17 capital budget includes 4.7 million dollars in anticipation of the project moving forward. The new electrical system upgrade will relieve the upward pressure on the Operation and Maintenance budget for the Murphree Water Treatment Plant by providing new equipment that is more reliable and requires less maintenance.

RECOMMENDATION

Hear a presentation from staff.

[160267 CH2M Elec Eval Facilities Asmt 2016.08.17](#)

[160267 Murphree Water Plant Elec Upgrade Pres 20160817](#)

[160267 CH2M Elec Eval Facilities Asmt 20160901](#)

[160267 Murphree Water Plant Elec Upgrade Pres 20160901](#)

4:30 - 5:30pm Dinner Break

5:30 - Call to order Evening Session

PLEDGE OF ALLEGIANCE

PROCLAMATIONS/SPECIAL RECOGNITIONS

[160418.](#)**Fire Prevention Week - October 9-15, 2016 (B)**

RECOMMENDATION *Gainesville Fire Rescue Fire Chief Jeff Lane, Assistant Fire Chief Steve Hesson and Risk Reduction Specialist Krista Ott to accept the proclamation.*

[160418_FirePreventionWeek_20161006.pdf](#)

[160419.](#)**National Pulled Pork Day - October 12, 2016 (B)**

RECOMMENDATION *Sonny's BBQ Public Relations and Events Coordinator Montana Smith to accept the proclamation.*

[160419_PulledPorkDay_20161006.pdf](#)

[160420.](#)**Entrepreneurship Month - October 2016 (B)**

RECOMMENDATION *GAIN Chairman Emeritus Dug Jones to accept the proclamation.*

[160420_EntrepreneurshipMonth_20161006.pdf](#)

[160421.](#)**Manufacturing Month - October 2016 (B)**

RECOMMENDATION *Chamber's Advanced Manufacturing Council Chair Ryan Loftus to accept the proclamation.*

[160421_ManufacturingMonth_20161006.pdf](#)

[160422.](#)**Character Counts Week - October 17-23, 2016 (B)**

RECOMMENDATION *Brinley and Brianna Smith from Albert "Ray" Massey Westside Recreation Center, Brian and Bri'nyan Starks from Eastside Community Center, Keenon Johnson and Taniya Means from Porters Community Center and Shysie Foreman and Brynia Jones from Clarence R. Kelly Community Center to accept the proclamation.*

[160422_CharacterCountsWeek_20161006.pdf](#)

[160423.](#)**Hidden Heroes City (B)**

RECOMMENDATION *A representative to accept the proclamation.*

[160423_HiddenHeroesCity_20161006.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**[160365.](#)**Stand Up North Florida Resolution (B)**

RECOMMENDATION *The City Commission adopt the proposed resolution.*

[160365_Stand Up for North Florida_20160915.pdf](#)

[160365_NorthFLCityResolution_20160915.pdf](#)

[160141.](#)**Qualified Target Industry (QTI) Amended Resolution - Nationwide Insurance (B)**

This item seeks City Commission approval for an amended QTI Resolution in order to adjust timing associated with prospective expansion and job creation within the City of Gainesville for Nationwide Insurance.

Explanation: On July 21, 2016, the City Commission approved a QTI Resolution for Nationwide Insurance. Since that time the company, through the Gainesville Area Chamber of Commerce, has requested adjusting the timing associated with prospective expansion and job creation by one year and therefore the payout schedule dates to cover the period to FY 18 - FY 24 from FY 17 - FY 23. All other components of the QTI remain the same.

In this particular case, Nationwide Insurance has indicated that it will create up to 130 net new jobs beginning in FY 2018 at an average wage of approximately \$42,482 (with benefits) within the City of Gainesville. In addition to the creation of jobs, this firm has pledged a total capital investment of approximately \$7.4 million.

The QTI incentive is a state tool available to Florida communities to encourage job growth in targeted, high value added businesses. Pre-approved applicants creating jobs in Florida receive refunds on the various State taxes they pay including corporate, sales, ad-valorem,

insurance premium and other taxes. The QTI incentive is performance based, and the firm will only receive funds based upon jobs created and meeting other criteria as required by Florida statute.

Due to the incentive calculated per job (\$3,000 per job per QTI incentive and \$2,000 for jobs located in an Enterprise Florida designated High Impact Business Sector), the total incentive would be \$650,000. Of this, the City would be asked to provide a 10% match (\$65,000) with an equal 10% match (\$65,000) coming from Alachua County for a total local match of \$130,000.

The Gainesville Area Chamber of Commerce and its economic development arm, the Council for Economic Outreach (CEO) have worked with Enterprise Florida and Project Uno and recommends approval of this request.

Fiscal Note: If this item is approved, the City Commission agrees to budget and appropriate up to \$65,000 in the event that tax refunds are approved by the state.

RECOMMENDATION

The City Commission: 1) adopt the QTI Resolution; 2) authorize the Mayor to execute and the Clerk to attest to the QTI Resolution regarding Nationwide Insurance; and 3) direct the City Manager to forward the executed QTI Resolution to Enterprise Florida.

[160141_Resolution QTI Nationwide Insurance_20160721.pdf](#)

[160141_Resolution_20160721.pdf](#)

[160141_AmendedResolution - QTI - NationwideInsurance_20161006.pdf](#)

[160294.](#)

Annual Audit Plan - 2017 (B)

MODIFICATION - Moved item to Resolutions

Explanation: Resolution 150127, City Auditor Responsibilities and Administrative Procedures, Section 6(B) requires the City Auditor to submit an Annual Audit Plan to the Commission for approval. The process of preparing the Annual Audit Plan includes defining auditable units, obtaining input from City Commissioners and Charter Officers, evaluating information gained from previous audits and assessing the relative risks involved in different City programs and operations.

Each potential project is weighed against other planned or required projects resulting in Exhibit A, which represents a compilation of proposed audits for the City Auditor's work plan for Fiscal Year 2017.

RECOMMENDATION

The Audit and Finance Committee recommends the City Commission approve the Fiscal Year 2017 Annual Audit Plan by resolution.

[160294 Annual Audit Plan - FY17 20160823.pdf](#)

ORDINANCES, 1ST READING - ROLL CALL REQUIRED

[160381.](#)

AN ORDINANCE INCREASING THE MAXIMUM NUMBER OF HOURS FOR AN ALCOHOL EVENT ON PUBLIC RIGHT-OF-WAY WITHIN THE DOWNTOWN DISTRICT (B)

Ordinance No. 160381

An Ordinance of the City of Gainesville, Florida, amending the Code of Ordinances relating to alcohol event permits; by amending Section 4-4 to increase the maximum number of hours for an alcohol event on public right-of-way within the downtown district; providing directions to the codifier; and providing an effective date.

Explanation: CITY MANAGER REPORT

In 2014, the City Commission approved a major re-write of Chapter 4 of the City Code addressing alcoholic beverages. One of the changes allowed for issuance of alcohol event permits for the sale and consumption of alcohol as part of special events in public right-of-way in the downtown district. A restriction was included in the ordinance limiting the use of the public right-of-way for an alcohol event to 48 consecutive hours, inclusive of time for set-up and clean-up.

At the September 15, 2016 City Commission meeting, the organizer of a large annual event requested the Commission consider amending the Code to allow an alcohol event for up to 72 consecutive hours inclusive of set-up and clean-up. The City Commission directed the City Attorney to draft this ordinance.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings and shall become effective immediately upon adoption.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

[160381_draft ordinance_20161006.pdf](#)

[160240.](#)

QUASI-JUDICIAL - HISTORIC PROPERTY TAX EXEMPTION - 306 NE 7th AVENUE (B)

Ordinance No. 160240

An ordinance of the City of Gainesville, Florida, finding that property located at 306 NE 7th Avenue, 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, 2017, 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, renovation or rehabilitation of a contributing residential building in the Northeast Residential Historic District. Part 1 was approved by the HPB on April 3, 2012, 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 improvements 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 2, 2016, 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 \$271,281.81. However, pursuant to City Code and State Statute, the actual amount of the exemption will be determined by the County Property Appraiser.

The property is located at 306 NE 7th Avenue. The residential home, which is estimated to be built in the 1870's according to the Alachua County Property Appraisers Office, is a contributing structure to the Northeast Residential Historic District. The applicant performed the following exterior and interior renovations:

Interior First Floor

The front original rooms were to remain unchanged except for new finishes. The front West parlor had its front original French doors restored to their original location, and the walled-up fireplace was reopened and rebuilt. The original fireplace and chimney that supported three fireplaces at the West of the house was structurally damaged and in a dangerous state and was replaced with two prefab units at the ground floor, with the fireplace at the bedroom above removed. This original mantle was placed in the downstairs replacement fireplace.

The rear wing of the house consists of many additions, enclosed porches and a second floor added at a later date. Very little of the original fabric existed in this wing. The ground floor dividing walls for a kitchen and multiple bedrooms and bathrooms was removed and the space reconfigured as a kitchen and family room. The second floor framing was replaced as part of this project. An enclosed former porch behind the east parlor was rearranged as a bath and laundry where those uses already exist.

Interior Second Floor

The second floor stair hall received a new door. The East bedroom had the closed-in closets removed and a rear bathroom rebuilt with an internal closet area. The non-functional fireplace remains. The West bedroom had the 1/2 bath removed and the closet restored. The fireplace in the room along with the damaged chimney was removed. A HVAC unit was installed where the fireplace existed. A closed-in closet was removed, and the sinking floor system was restored. A new door provides a connection to the rear wing. The rear wing was made structurally sound and was divided into a series of bedrooms and bathrooms removing a second floor kitchen.

Exterior First Floor

A recent infill addition to the 1919 front porch was removed. The low-pitched hip roof of the porch was removed and a balcony floor constructed and brick piers extended to the second level with cast concrete caps. A 36" tall wood railing was installed between the piers. Full window shutters were restored to large windows at the original front section. A one-story porch off the kitchen was added at the rear wing facing the back yard. Two original kitchen windows were replicated and two later short windows were removed and siding replaced previously altered areas.

Exterior Second Floor

At the front addition, a new central balcony door was returned to the former location of a door. Shutters were added to the original large double hung windows. At the rear wing, several of the casement windows were removed while others were shifted to accommodate bedroom and bathroom walls. Several plywood filled openings had window sashes returned. The rear West chimney that was replaced approximates the original with a stucco terra cotta toned finish. A small

second floor exterior porch was added to the rear elevation above the porch addition below, which is not visible from the street. All roofing was replaced with Architectural grade shingles.

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, 2017 in accordance with Section 196.1997(10), Florida Statutes.

RECOMMENDATION

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

[160240 Staff report and Exhibits1-3 20160802](#)

[160240A draft ordinance 20161006.pdf](#)

[160240B 120403 Staff Report 20161006](#)

[160240C 160802 Staff report 20161006](#)

[160240D 120403 160802 HPB Minutes 20161006](#)

[160420E Staff ppt 20161006](#)

[160228.](#)

**QUASI-JUDICIAL - HISTORIC PROPERTY TAX EXEMPTION -
405 NE 10th AVENUE (B)**

Ordinance No. 160228

An ordinance of the City of Gainesville, Florida, finding that property located at 405 NE 10th Avenue, 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, 2017, 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, renovation or rehabilitation of a contributing residential building in the Northeast Residential Historic District. Part 1 was approved by the HPB on August 4, 2015, 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 improvements 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 2, 2016, 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 \$22,000. However, pursuant to City Code and State Statute, the actual amount of the exemption will be determined by the County Property Appraiser.

The property is located at 405 NE 10th Avenue. The residential home, built in 1938 according to the Alachua County Property Appraisers Office, is a contributing structure to the Northeast Residential Historic District. The applicant converted a small room attached to the master bedroom into a master bathroom. The new bathroom design would match the original designs of the existing 2.5 bathrooms in the house including black and white subway floor and wall tiles. The renovation included: installation of plumbing piping and fixtures; interior paint; and installation of flush, straight-edged 3x6-inch tiles as well as hexagonal floor tiles, consistent with the existing pattern, using natural Carrara marble.

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, 2017 in accordance with Section 196.1997(10), Florida Statutes.

RECOMMENDATION

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

[160228 Staff report Exhibits 1-3 20160802](#)

[160228A draft ordinance 20161006.pdf](#)

[160228B 150804 staff report 20161006](#)

[160228C 160802 Staff report 20161006](#)

[160228D 150804 160802 HPB Minutes 20161006](#)

[160228E Staff ppt 20161006](#)

[160401.](#)

**MORATORIUM ON CONSTRUCTION OF WIRELESS
COMMUNICATION FACILITIES IN PUBLIC RIGHTS-OF-WAY
(B)**

Ordinance No. 160401

An ordinance of the City of Gainesville, Florida, enacting a temporary moratorium to prohibit the filing, acceptance or processing of any permit, development order, or any other official action of the City having the effect of permitting or allowing the construction of wireless communication facilities in the public right-of-way within the city limits; providing a severability clause; providing repealing clauses; and providing an effective date.

Explanation: The telecommunication industry is in a constant state of emerging technology. As technology improves, there is also a change in the type of infrastructure to support increased demand and capacity to receive and to transmit larger data and voice communications.

The telecommunication industry has begun using systems of a series of small individual antenna ("Small Cells"), or nodes ("Distributed Antenna Systems" or "DAS"), and wireless backhaul networks that are linked to a larger hub site. The City has been contacted by two companies requesting permission to place their wireless communication facilities in the public rights-of-way.

The city has previously adopted several ordinances regulating the location, design, and operation of wireless communication facilities, cell towers, and antennae in the Land Development Code. The Land Development Code does not address or zone the public rights-of-way. The City also requires registration of utilities within the public rights-of-way, after the utilities are permitted, but does not address wireless communication facilities. There is an ordinance dealing with the temporary obstruction of public rights-of-way. And the City's Engineering and Design Manual address the design and location of utilities within the public rights-of-way.

These ordinances were developed prior to this new technology and supporting infrastructure. Because the telecommunication industry is protected by the Federal Communication Commission and by state statute, the City must fairly and equitably regulate the placement of

wireless communication facilities in public rights-of-way. The regulation of these new structures involves policy decisions that both support the communication industry while protecting the public rights-of-way. Adoption of the moratorium will allow the Commission time to review its existing ordinances and determine whether to allow these communication facilities within the rights-of-way, and if allowed, what regulations should be imposed.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

[160401A_draft ordinance_20161006.pdf](#)

ORDINANCES, 2ND READING - ROLL CALL REQUIRED

[160216.](#)

VOLUNTARY ANNEXATION - 100 ACRES OF PROPERTY SOUTHWEST OF THE CURRENT CITY BOUNDARY (B)

Ordinance No. 160216

An ordinance of the City of Gainesville, Florida, annexing approximately 100 acres of city-owned and privately-owned property that is generally located south of Tax Parcel No. 07240-049-000 and the existing City of Gainesville boundary, west of SW 41st Boulevard and Interstate 75, north of SW Williston Road, and east of SW 75th Street, as more specifically described in this ordinance, as petitioned for by the property owner(s) pursuant to Chapter 171, Florida Statutes; making certain findings; providing for inclusion of the property in Appendix I of the City Charter; providing for land use plan, zoning, and subdivision regulations, and enforcement of same; providing for persons engaged in any occupation, business, trade, or profession; providing directions to the Clerk of the Commission; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: This ordinance will annex into the corporate limits of the City of Gainesville approximately 100 acres of property that includes city and privately-owned property that is generally located south of Tax Parcel No. 07240-049-000 and the existing City of Gainesville boundary, west of SW 41st Boulevard and Interstate 75, north of SW Williston Road, and east of SW 75th Street, as more specifically described in the ordinance. The subject property is unincorporated, compact, and contiguous to the current boundaries of the City. On August 4, 2016, the City Commission received and accepted a petition for voluntary annexation of the property at the request of the property owners.

The adoption of an annexation ordinance is the final stage in the

annexation process set forth in the Municipal Annexation or Contraction Act in Chapter 171, Florida Statutes. Because this is a voluntary annexation, no referendum is required.

CITY ATTORNEY MEMORANDUM

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

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

[160216 SignedPetition 20160804.pdf](#)

[160216_draft ordinance_20160915.pdf](#)

[160216 Comments from Alachua County 20160915.pdf](#)

PLANNING PETITIONS

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

COMMISSION COMMENT

[160431.](#)

Mayor Lauren Poe - The Negro Fort (B)

RECOMMENDATION *The City Commission hear a presentation from Ms. Sherry Dupree and take action deemed appropriate.*

[160431 Negro Fort 20161006.pdf](#)

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