

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Meeting Agenda - Final

February 15, 2018

1:00 PM

MODIFIED AGENDA

City Hall Auditorium

City Commission

Mayor Lauren Poe (At Large)

Mayor-Commissioner Pro Tem Harvey Budd (At Large)

Commissioner Helen Warren (At Large)

Commissioner Charles Goston (District 1)

Commissioner Harvey Ward (District 2)

Commissioner David Arreola (District 3)

Commissioner Adrian Hayes-Santos (District 4)

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

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

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

ROLL CALL**INVOCATION****ADOPTION OF CONSENT ITEMS - GRU, General Government, Audit & Finance Committee and General Policy Committee Items**[170814.](#)**City Commission Minutes (B)**

RECOMMENDATION *The City Commission approve the minutes of February 1, 2018.*

[170814_Minutes-20180217.pdf](#)

[170770.](#)**Intergovernmental Coordination Review and Public Transportation Coordination Joint Participation Agreement (B)**

This request is to reaffirm the Intergovernmental Coordination Review and Public Transportation Coordination Joint Participation Agreement between the Metropolitan Transportation Planning Organization, the Airport Authority and the City of Gainesville.

Explanation: Chapter 339.175(9), Florida Statutes, requires the Metropolitan Transportation Planning Organization (MTPO) to execute an agreement with operators of public transportation systems, including transit systems. The purpose of the agreement is to 1) describe the means by which activities will be coordinated; and 2) specify how public transit planning and programming will be part of the comprehensive planned development of the metropolitan area. The City entered into an

agreement with the MTPO on January 26, 2007. The MTPO is requesting that the City of Gainesville reaffirm this agreement.

Fiscal Note: There is no fiscal impact for this agreement.

RECOMMENDATION

The City Commission: 1) reaffirm the Intergovernmental Coordination Review and Public Transportation Coordination Joint Participation Agreement dated January 26, 2007; and, 2) authorize the Mayor to send a letter to the MTPO notifying them of the City Commission's reaffirmation of the agreement.

[170770A Agreement 20180215.pdf](#)

[170770B Letter 20180215.pdf](#)

[170772.](#)

The Purchase of Real Property - Southwest 40th Boulevard (B)

This item is a request to approve and authorize the purchase of Real Property associated with the extension of Southwest 40th Boulevard.

Explanation: The extension of Southwest 40th Boulevard from south of Archer Road to the extension of Southwest 47th Avenue is on the list of Capital Improvements for the City. In 2016 the City entered into an agreement, the County Incentive Grant Program Agreement, between the State of Florida Department of Transportation and Alachua County. Road construction plans have been finalized and real estate negotiations have been successful. Prairie View Trust, the fee title holder of the transmission line easement area, has agreed to donate title to the easement area, approximately 11.45 acres, for construction of the right of way. The Trust has also agreed to sell the City adjacent property, approximately 3.5 acres, for stormwater retention and grant a Conservation Easement over 5.31 acres of land to mitigate the wetland impacts that will result from construction of Southwest 40th Boulevard.

Fiscal Note: Funds are available from the Public Works Southwest 40th Boulevard Project Funds.

RECOMMENDATION

The City Commission: 1) approve the purchase of the stormwater retention and Conservation Easement area from Prairie View Trust; and 2) authorize the Mayor to execute the Agreement to Purchase, subject to the approval of the City Attorney as to form and legality.

[170772A AGREEMENT 20180215.pdf](#)

[170772B Exhibit A 20180215.pdf](#)

[170772C Exhibit B Warranty Deed 20180215.pdf](#)

[170772D Exhibit D TCE 20180215.pdf](#)

[170772E Exhibit E Deed of CE Form 20180215.pdf](#)

[170782.](#)

Acceptance of City Beautification Board Annual Report for FY 17 (B)

This is a request to have the FY17 Annual Report of the City Beautification Board accepted by the Clerk of the Commission.

Explanation: The Municipal Code of the City of Gainesville requires the City Beautification Board to file an annual report with the Clerk of the Commission. This report outlines the accomplishments of the Board, expenditures for the year and anticipated expenditures for the coming fiscal year.

Fiscal Note: None

RECOMMENDATION

The City Commission to accept the FY17 Annual Report of the City Beautification Board.

[170782_CBB Annual Report 20180215](#)

[170805.](#)

Contract for Sale and Purchase for Unit C of Cornerstone, a Condominium (B)

Explanation: In 2014, Concept Companies, Inc. was a respondent to a Request for Proposals seeking developers interested in developing within and obtaining an anchor tenant for a Gainesville Community Redevelopment Agency (CRA) and City envisioned redevelopment of the Gainesville Technology Entrepreneurship Center area consisting of approximately 13.6 acres. Between 2014 - 2017, the City and CRA continued to refine the redevelopment plans for the Gainesville Technology Entrepreneurship Center area, including approval of a Master Plan for mixed-use development with up to six commercial buildings to be developed in two phases and to be known as the Cornerstone Project.

The City, CRA and Concept Companies, Inc. developed a Letter of Intent to set forth the Parties' general understandings as to the further negotiation and execution of a lease, option to purchase, and development agreement for building pads C and D (which were later combined into Condominium Unit C) within the Cornerstone Project. The Cornerstone Project and the parties intent has evolved over time; however, one constant has been the desire for Merieux NutriSciences to become the first anchor tenant for the Cornerstone Project. Concept

Companies has now entered into a long-term lease with Merieux NutriSciences. On January 18, 2018, the City Commission approved the creation and filing of a Declaration of Condominium for the Cornerstone Project, in order to create parcels of land that may be legally conveyed to purchasers. As a result, the City and Concept Companies now desire to enter into a Contract for Sale and Purchase for Unit C, instead of a lease (with option to purchase) and development agreement. The Contract is included in the back-up.

One of the Special Conditions in the Contract requires the City, as owner of the GTEC parcel, to pay Condominium assessments for GTEC's use of the common elements (e.g., parking, common areas, stormwater drainage basins) until such time as the mortgages on the GTEC parcel are satisfied and the City is able to add the GTEC parcel as a subsequent phase to the Condominium. To satisfy that Special Condition, at or prior to Closing on Unit C, the City will enter into a Compensation Agreement for Use of Common Elements with the Condominium Association, a copy of the Agreement is included in the back-up.

Fiscal Note: The sale price for Unit C is \$391,272. The Buyer will pay all closing costs, except documentary stamp taxes on the deed and recording fees for documents needed to cure title defects, if any. Based on the estimated first year budget of \$57,450 for the Condominium Association, it is estimated the City will pay \$14,378.54 for the GTEC parcel's use of the common elements.

RECOMMENDATION

The City Commission: 1) approve the Contract for Sale and Purchase for Unit C and authorize the City Manager to execute the Contract; and 2) approve the Compensation Agreement for Use of Common Elements and authorize the City Manager to execute the Agreement on behalf of the City and authorize the President of the Condominium Association to execute the Agreement on behalf of the Association.

[170805A Contract for Sale and Purchase 20180215.pdf](#)

[170805B Compensation Agreement 20180215.pdf](#)

[170520.](#)

**URBAN SERVICES REPORT - STERLING PLACE
NEIGHBORHOOD ANNEXATION REFERENDUM (B)**

This is a request for the City Commission to accept a report setting forth the plans to provide urban services to the Sterling Place Neighborhood and to file a copy of the report with the Alachua County Board of Commissioners.

Explanation: On November 16, 2017 the City Commission accepted a letter from the Sterling Place Homeowners Association (HOA), indicating that the elected HOA Board voted unanimously to request that the City move forward with an annexation referendum for the neighborhood.

Prior to the annexation of an area into a municipality, Florida Statutes, Chapter 171.042 requires the municipality to prepare and file a report setting forth plans to provide urban services to the area to be annexed. Once the urban services report is adopted, an annexation ordinance must be considered by the municipal government. In the case of a non-voluntary annexation, the Act then requires a referendum on annexation of the area be held at the next regularly scheduled election following the final adoption of the annexation ordinance or at a special election.

The report must generally include the following information:

(a) A map or maps of the municipality and adjacent territory showing the present and proposed municipal boundaries, the present major trunk water mains and sewer interceptors and outfalls, the proposed extensions of such mains and outfalls, and the general land use pattern in the area to be annexed;

(b) A statement certifying that the area to be annexed meets the criteria in s. 171.043.(c)

(c) A statement setting forth the plans of the municipality for extending to the area to be annexed each major municipal service performed within the municipality at the time of annexation, including:

1 Plans for extending urban services on the date of annexation on substantially the same basis and in the same manner as such services are provided within the rest of the municipality prior to annexation.

2 Plans for the extension of existing municipal water and sewer services into the area to be annexed so that, when such services are provided, property owners in the area to be annexed will be able to secure public water and sewer service according to the policies in effect for extending water and sewer lines to individual lots or subdivisions.

3 If extensions of major trunk water mains and sewer mains into the area to be annexed are necessary, set forth a proposed timetable for construction of such mains as soon as possible following the effective date of annexation.

4 Set forth the method under which the City plans to finance extension of services into the area to be annexed.

Fiscal Note: The City reasonably anticipates extending urban services to the area without reducing services to existing city residents or increasing the millage rate.

RECOMMENDATION

The City Commission direct staff to file the report with the Board of County Commissioners.

Legislative History

11/16/17 City Commission Approved as Recommended

[170520A Letter from HOA requesting annexation 20180215.pdf](#)

[170520B AnnexationMap 20180215.pdf](#)

[170520C Sterling Place Voluntary Annexation USR 20180215](#)

[170762.](#)

Urban Services Report Finley Woods Phase I Annexation Referendum (B)

This is a request for the City Commission to accept a report setting forth the plans to provide urban services to the Finley Woods Phase I Neighborhood and to file a copy of the report with the Alachua County Board of Commissioners.

Explanation: On February 1, 2018 the City Commission accepted a letter from Finley Woods Residents requesting that the City move forward with an annexation referendum for the neighborhood.

Prior to the annexation of an area into a municipality, Florida Statutes, Chapter 171.042 requires the municipality to prepare and file a report setting forth plans to provide urban services to the area to be annexed. Once the urban services report is adopted, an annexation ordinance must be considered by the municipal government. In the case of a non-voluntary annexation, the Act then requires a referendum on annexation of the area be held at the next regularly scheduled election following the final adoption of the annexation ordinance or at a special election.

The report must generally include the following information:

- a. A map or maps of the municipality and adjacent territory showing the present and proposed municipal boundaries, the present major trunk water mains and sewer interceptors and outfalls, the proposed extensions of such mains and outfalls, and the general land use pattern in the area to be annexed;*
- b. A statement certifying that the area to be annexed meets the criteria in s. 171.043*
- c. A statement setting forth the plans of the municipality for extending to the area to be annexed each major municipal service performed within the municipality at the time of annexation, including:

 - 1 Plans for extending urban services on the date of annexation on substantially the same basis and in the same manner as such services are provided within the rest of the municipality prior to annexation.*
 - 2 Plans for the extension of existing municipal water and sewer services into the area to be annexed so that, when such services are provided, property owners in the area to be annexed will be able to secure public**

water and sewer service according to the policies in effect for extending water and sewer lines to individual lots or subdivisions

3 If extensions of major trunk water mains and sewer mains into the area to be annexed are necessary, set forth a proposed timetable for construction of such mains as soon as possible following the effective date of annexation.

4 Set forth the method under which the City plans to finance extension of services into the area to be annexed.

Fiscal Note: The City reasonably anticipates extending urban services to the area without reducing services to existing city residents or increasing the millage rate.

RECOMMENDATION The City Commission direct staff to file the report with the Board of County Commissioners.

Legislative History

2/1/18 City Commission Approved as Recommended

[170762A_Finley Woods Annexation Request_20180215.pdf](#)

[170762B_USR Finley Woods Phase 1 Annexation_20180215](#)

[170792.](#)

Ratification of Agreement between the Police Benevolent Association (PBA) Bargaining Unit and the City of Gainesville for October 1, 2017 through September 30, 2020 (B)

Explanation: This Agreement has been reached through negotiations between the PBA Bargaining Unit and the City of Gainesville, and was ratified by the PBA Bargaining Unit on February 8, 2018. This Agreement extends the current Collective Bargaining Agreement through September 30, 2020.

A copy of the Agreement is on file in the Office of the Clerk of the Commission. After February 1, 2018, the Agreement will be on file in the Human Resources Department.

Fiscal Note: The FY18 cost of approximately \$31,000 is budgeted and available in the General Fund. The cost associated with FY19 and FY20 raises is approximately \$36,000 and \$34,000, respectively.

RECOMMENDATION The City Commission ratify the Agreement between the PBA Bargaining Unit and the City of Gainesville, extending the Agreement through September 30, 2020.

[170792A_Changes to PBA Agreement \(2017-2020\)_20180215.pdf](#)

[170792_PBA 2017-2020 Tentative Agreement \(Final\)_ \(2-15-18\).pdf](#)

[170707.](#)

Gainesville Regional Utilities Unaudited Internally Prepared Financial Statements for the Year Ended September 30, 2017 (B)

Explanation: The following item was presented to the Audit and Finance Committee (AFC) for review on January 17, 2018: Unaudited Internally Prepared Financial Statements for the Year Ended September 30, 2017, including management's discussion and analysis. The AFC made a recommendation that the City Commission accept the Unaudited Internally Prepared Financial Statements for the Year Ended September 30, 2017. The item was presented to the UAB on February 8, 2018 for informational purposes.

RECOMMENDATION The City Commission accept the Unaudited Internally Prepared Financial Statements for the year ended September 30, 2017.

Legislative History

1/17/18 Audit and Finance Approved as Recommended
Committee

[170707 GRU Interim Financials Unaudited YE 2017 Sept 20180208](#)

[170708.](#)

Gainesville Regional Utilities Internally Prepared Actuals to Budget for the Year Ended September 30, 2017 (B)

Explanation: The following item is presented for review: Actuals to Budget for the year ended September 30, 2017, internally prepared, including management's discussion and analysis. This item was presented to the UAB on February 8, 2018 for informational purposes.

RECOMMENDATION The City Commission accept the GRU Internally Prepared Actuals to Budget for the year ended September 30, 2017.

Legislative History

1/17/18 Audit and Finance Approved as Recommended
Committee

[170708 GRU Budget to Actuals YE 2017 Sept 20180208](#)

[170709.](#)

Gainesville Regional Utilities Internally Prepared Supplementary Data for the Year Ended September 30, 2017 (B)

Explanation: The following item was presented to the Audit and Finance Committee (AFC) for review on January 17, 2018: Supplementary Data for the year ended September 30, 2017, internally prepared. The AFC made a recommendation that the City Commission accept the Supplementary Data for the year ended September 30, 2017, internally prepared, and staff will include them on the February 15, 2018, City Commission meeting agenda. This item was presented to the UAB on February 8, 2018 for informational purposes.

RECOMMENDATION

The City Commission accept the GRU Internally Prepared Supplementary Data for the year ended September 30, 2017.

Legislative History

1/17/18 Audit and Finance Committee Approved as Recommended

[170709 GRU Supplementary Data YE 2017 Sept 20180208](#)

[170811.](#)

GRU Operational Update for January 2018 (B)

MODIFICATION - REVISED BACK-UP

Explanation: Staff has prepared a report of statistical data from operation of the Utility in the month of January 2018.

RECOMMENDATION

Receive a report.

[170811 Ops Update Jan 2018 - All Depts. 20180208](#)

[170715.](#)

Settlement of Worker's Compensation Claim - Michael Iemolo (NB)

This item involves the full and final settlement of Mr. Iemolo's workers' compensation claim(s), which will include all future medical and indemnity payments. The total settlement amount is \$99,999.99 and represents a significant cost advantage to the City.

MODIFICATION - ADDED ITEM

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

The City Attorney's office, Risk Management, RTS, Special Counsel and our Worker's Compensation servicing agent all concur as to the full and final settlement of this claim. The total amount \$99,999.99 includes future medical costs and future indemnity payments.

Fiscal Note: The settlement of this case in the amount of \$99,999.99 will be paid out of the General Insurance Fund.

RECOMMENDATION

The City Commission authorizes Special Counsel to prepare and execute the appropriate documents for a lump-sum settlement of the Worker's Compensation claim of Mr. Iemolo in the amount of \$99,999.99.

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.

[100607.](#)

**Phalanx Defense Systems, LLC - Debt Forgiveness Request (B)
The City Commission review the Phalanx Defense Systems, LLC request for debt forgiveness.**

Explanation: On May 19, 2016, the City Commission approved the ranking of proposals for the "Reuse/Development of the Former U.S. Army Reserve Property" and authorized City staff to begin negotiations with the top proposer Phalanx Defense Systems.

On September 1, 2016, the City Commission authorized the City Manager to execute a Purchase and Sale Agreement with Phalanx Defense Systems, LLC for disposition of the subject property in the amount of \$635,000 (the appraised market value of the northern portion of the subject property).

The purchase was secured by a mortgage provided by Phalanx Defense Systems, LLC to the City of Gainesville in the amount of \$635,000 at a zero (0%) percent interest rate payable within 10 years (September, 2026), if not paid earlier or forgiven. In addition, a note dated the same date as the First Mortgage (September, 7, 2016) provided the terms under which debt forgiveness could be provided.

This included a maximum total amount of the loan eligible for forgiveness in the amount of \$535,000 in qualified actual expenditures for repair, remediation, and improvements on the property and a maximum for qualified new full time job creation and retention.

As of April, 2017, approximately \$533,000 in various building repair, remediation and improvements had been put into the Army Reserve Property (see back-up spreadsheet provided by Phalanx and confirmed by staff) exceeding the aforementioned \$335,000 improvement figure by approximately \$200,000; as of December, 2017, five (5) new jobs have been created with two (2) additional jobs slated to be created by January/February, 2018 which depending on how classified would be less than the full credit allocation of \$200,000 for employment creation.

It should be noted that a special warrant deed provided two (2) rights of reverter clauses (regarding completion of building improvements within 18 months and occupancy of the building for business operations for ten (10) years) and a right of first refusal.

Phalanx Defense Systems, LLC is requesting the City Commission forgive the entirety of the debt at this time (per letter dated 9/27/17) in order to allow for company growth based upon the ability to secure increased capital lines of credit. This growth is related to the company's recent development of intellectual property in a related market space and the opportunity this may afford to enter into a strategic partnership with a major corporate partner.

Staff is recommending forgiveness of the portion of the debt regarding implementation of building repair, remediation and improvements at this time as they are self-evident and their magnitude has been confirmed by staff. The job creation component is still indeterminate at this time though progress is being made and further opportunities are reported by Phalanx to be imminent.

Fiscal Note: If the City Commission endorses staff recommendation then the \$335,000 in qualified actual expenditures for repair, remediation, and improvements would be forgiven with the balance outstanding.

RECOMMENDATION

The City Commission: 1) hear a brief presentation from staff; 2) direct staff to forgive the portion of debt regarding implementation of building repair, remediation and improvements in the amount of \$335,000 and; 3) direct staff as appropriate on the job creation portion forgiveness of debt and overall debt forgiveness.

Legislative History

12/16/10	City Commission	Referred to the Recreation, Cultural Affairs and Public Works Committee
2/24/11	Recreation, Cultural Affairs and Public Works Committee	Discussed
7/7/11	City Commission	Approved as Recommended
9/24/12	Recreation, Cultural Affairs and Public Works Committee	Discussed
9/24/12	Recreation, Cultural Affairs and Public Works Committee	Discussed
11/13/14	Recreation, Cultural Affairs and Public Works Committee	Approved, as shown above - See Motion(s)
12/18/14	City Commission	Approved as Recommended
5/14/15	Recreation, Cultural Affairs and Public Works Committee	Approved by Consensus
8/13/15	Recreation, Cultural Affairs and Public Works Committee	Approved as Recommended
8/20/15	City Commission	Approved as Recommended

12/10/15	Recreation, Cultural Affairs and Public Works Committee	Discussed
12/17/15	City Commission	Approved as Amended
2/1/16	Recreation, Cultural Affairs and Public Works Committee	Discussed
2/4/16	City Commission	Approved as Recommended
5/19/16	City Commission	Approved as Amended
6/16/16	City Commission	Approved as Recommended
8/18/16	City Commission	Heard
9/1/16	City Commission	Approved as Recommended
11/17/16	City Commission	Approved as Recommended

[100607A_Lot Split-Boudary Survey_20180201.pdf](#)

[100607B_Contract - Army Reserve- Fully signed_20180201.pdf](#)

[100607C_Deed - Recorded_20180201.pdf](#)

[100607D_Easement - Recorded_20180201.pdf](#)

[100607E_Mortgage - Recorded_20180201.pdf](#)

[100607F_Promisorry Note_20180201.pdf](#)

[100607G_Copy of Armory_20180201.pdf](#)

[100607H_Phalanx Forgiveness of Debt Letter_20180201.pdf](#)

[170775.](#)

Presentation on Cabot - Koppers Site from University of Florida Students (B)

Explanation: Building on the momentum of partnerships between the University of Florida and the City of Gainesville, the Department of Doing assisted a graduate level planning course in exploring ideas for the redevelopment of the Cabot-Koppers site.

During the late spring and early summer of 2017 the Department of Doing was contacted by Professor Steiner asking if we would be interested in participating in a planning studio class looking at the re-use of the Cabot-Koppers site. Department of Doing staff worked with the students to explore adaptive re-use of this Super Fund site. The class hosted neighborhood meetings and worked with department staff during the course of the semester to develop their ideas. Ms. Florence Buaku was especially instrumental in working with the students. She gave of her time to help students understand how planning impacts a site and can foster the redevelopment of brownfields within a community.

Fiscal Note: None

RECOMMENDATION

The City Commission hear the presentation from

the students who participated in the class.

[170775_Cabot-Kopper Site PPT_20180215](#)

[170812.](#)

Schedule for Potential Land Development Code Amendments to Sidewalk Regulations (B)

This item is to provide the City Commission with a schedule and initial scope of potential sidewalk regulation amendments.

Explanation: At the February 1, 2018 City Commission meeting, the commission voted to direct the Department of Doing to prepare an expedited schedule for amendments to sidewalk regulations. The Department of Doing has prepared an accelerated schedule and a scope of potential sidewalk regulation amendments. The Department is currently assessing potential methodologies to target areas with high levels of pedestrian activities but relatively narrow sidewalks using a combination of City, County, and FDOT GIS sidewalk data and Walk Score ratings (a large-scale, public access walkability index). The Department of Doing has also been coordinating with FDOT to discuss opportunities for better coordination for sidewalk and pedestrian enhancements along state owned roadways.

Fiscal Note: None.

RECOMMENDATION

City Commission to hear a presentation from staff and provide direction regarding the proposed schedule and initial scope.

[170812A_LDC next steps timeline_20180215.pdf](#)

[170812B_Staff PPT_20180215.pdf](#)

[170803.](#)

Appointment to the Utility Advisory Board (B)

MODIFICATION - ADDED BACK-UP

RECOMMENDATION

The City Commission interview and appointment members to the Utility Advisory Board.

The Utility Advisory Board recommends: the City Commission appoint Annie Orlando, Wes Wheeler and Jason Gonos.

[170803_UABApplications_20180215.pdf](#)

[170803_MOD_UAB Recommendation_20180215.pdf](#)

[170803_MOD_Additional Back-up_20180215.pdf](#)

[170806.](#)**Extension of Standby Bond Purchase Agreement for Variable Rate Utilities System Revenue Bonds, 2007 Series A (B)**

MODIFICATION - CHANGED TEXT FILE LANGUAGE AND MOVED TO RESOLUTION

Explanation: On March 1, 2007 the City issued its Variable Rate Utilities System Revenue Bonds, 2007 Series A (the "Bonds") payable from revenues of the City's utilities system. The Bonds are subject to mandatory tender upon certain events and optional tender at the request of the holders of the Bonds. The Bonds have liquidity support pursuant to a Standby Bond Purchase Agreement dated as of March 1, 2007 (the "SBPA") between the City and State Street Bank and Trust Company ("State Street"). The SBPA is scheduled to expire by its terms on March 1, 2018.

Staff, GRU's Financial Advisor Public Financial Management (PFM), and Bond Counsel Holland & Knight have negotiated with State Street a long-term extension of the SBPA. State Street has agreed to extend the expiration of the facility for an additional three years at a fee of 46 basis points or two years at a fee of 43 basis points. Based on discussions with PFM, a review of GRU's recently renewed liquidity facilities, proposed terms, long-term and short-term bank ratings and other fees and expenses, State Street's three year term was determined to be the best option.

Under the authority delegated to the General Manager by Resolution No. 061002 adopted on February 26, 2007, upon satisfying certain conditions under the State Street SBPA, the City and State Street agreed to a 30 day extension of the current agreement through March 31, 2018, to provide the Utility Advisory Board and the City Commission time to consider the proposed long-term extension before the Bonds become subject to mandatory tender.

Fiscal Note: The facility fee under the current State Street SBPA is 39 basis points, which based on an existing par amount of \$136,900,000 translates to an annual cost of \$533,910. The fee proposal from State Street for the three year facility extension is 46 basis points, which based on the same par amount of \$136,900,000 translates to an annual cost of approximately \$629,740.

RECOMMENDATION

On February 26, 2007, the City Commission adopted Resolution No. 061002, which delegated to the General Manager for Utilities the authority, upon satisfying certain conditions, to extend the term of the State Street SBPA securing the Bonds. Although those conditions could be satisfied, it is requested that the City Commission:

- 1) Approve the extension of the liquidity facility for the Bonds with State Street for an additional three (3) years at a cost of 46 basis points, and in*

connection therewith to enter into such amendments to the SBPA and the applicable fee letter as necessary or desirable and in the best interests of the City as determined by the General Manager, Chief Financial Officer, and/ or Mayor and not inconsistent with the terms hereof, and

2) Authorize the Clerk of the Commission, General Manager, Chief Financial Officer, and/ or Mayor to enter in such other agreements and documents as may be necessary to complete the transaction, subject to approval of the City Attorney as to form and legality.

3) Adopt Resolution No. 170806.

The Utility Advisory Board, at their February 8, 2018 meeting, voted unanimously to recommend that the city commission accept the staff recommendation.

[170806 Resolution 20180215](#)

[170806 Certificate making Certain Determinations 20180215](#)

[170806 PFM letter 2007A 20180215](#)

[170806Third Amendment 2007 Resolution 20180215](#)

[170813.](#)

Appointment to Florida Forestry Service Advisory Board (B)

RECOMMENDATION

The City Commission discuss and appoint a Commissioner to serve on the board or in lieu of Commissioner representation, direct staff to provide written feedback on the plan prior to the public meeting scheduled for March 7th.

[170813 Exhibits M-V 20180215.pdf](#)

[170813 Exhibits A-N 20180215.pdf](#)

[170813_NEWNANS LAKE SF Draft LMP - FINAL DRAFT_20180215.pdf](#)

[170813 Newspaper-FAW - Public Notice - NLSF_20180215.pdf](#)

[170813 Memo to CCOM re Forestry Advisory Board_20180215.pdf](#)

[170700.](#)

Interlocal Agreement for the Distribution of the Local Option Fuel Tax (B)

This is a request for the City Commission to approve the Interlocal Agreement for the Distribution of the Local Option Gas Tax.

MODIFICATION - CHANGED TEXT FILE LANGUAGE

Explanation: This item was previously brought before the Commission during a joint City/County meeting on November 6, 2017. During this meeting the City Commission approved a proposal brought by the staff of both the City and County to split the Local Option Gas Tax (LOGT). The attached Interlocal Agreement reflects what both Commissions approved in November. The Interlocal Agreement has been approved by the County and is now coming back to the City Commission for its approval.

The LOGT distribution begins in January 2019.

Fiscal Note: The eleven cents of the local option fuel taxes is projected to generate approximately \$13 million annually in today's dollars. The City's share of these proceeds would be \$5,304,000 million.

Additionally, the City will be funding approximately \$130,000 per year to the SW 8th Avenue Connector Project and approximately \$250,000 per year to the RTS Transit Connect Project. Both projects will persist over the 10 year term of the agreement.

RECOMMENDATION

The City Commission: 1) approve the Interlocal Agreement for Countywide Local Option Fuel Tax Distribution with an expiration date of December 31, 2028; and 2) authorize Mayor to execute the Agreement, subject to approval by the City Attorney as to form and legality.

Legislative History

1/18/18 City Commission Continued

[170700_Interlocal Agreement Gas Tax_20170215.pdf](#)

[170700_Local Option Gas Tax_20180215.pdf](#)

[170784.](#)

Approve the Ranking of the Agencies to Administer and Implement Services for Low Barrier Emergency Services Shelter for Homeless Persons (B)

This item is a request to approve the ranking of the agencies and authorize the City Manager or designee to negotiate a contract with the first ranked agency.

TO BE HEARD AS FIRST ITEM ON THE EVENING AGENDA

MODIFICATION - CHANGED TEXT FILE LANGUAGE, ADDITIONAL BACK-UP AND REVISED BACK-UP

Explanation: On December 21, 2017 the City's Procurement Division issued an Invitation to Negotiate (ITN) to provide administrative and operational services to the Empowerment Center. The ITN was implemented in compliant with City Commission recommendations and as required by

Florida Statutes and City of Gainesville policies.

Of the 125 suppliers notified (including 9 supplemental suppliers), the solicitation receive 6 plan holders, of which two providers submitted proposals by the deadline (January 12, 2018). On February 2, 2018 the City's negotiation team, which included members of the County staff, began negotiations with both Alachua County Coalition for the Hungry and Homeless (ACCHH) and Grace Marketplace Charity Support Foundation (GMCSF) as a part of the ITN. The previous evaluation team recommended and ranked the organizations based upon their review of the proposals for services. This information was posted, however, the ITN provided another opportunity for each organization to provide more in-depth information on their proposal, as well as provide any additional information which they believed to be omitted; edit any budget errors; and address any scrivener errors in their proposal. Both organizations were given the opportunity to provide additional information to the negotiation team, including any information which would have enhanced their proposal on the services. Additional information was requested from both parties and the information was submitted to the Purchasing department by 5:00 PM on Tuesday, February 6, 2018.

On February 7, 2019 the negotiation team reviewed the information submitted by both parties to determine which organization would meet the needs of the community. Innovation and creativity was allowed in the ITN process and both organizations were given an opportunity to provide such information in their proposal. Attached is a comparison chart that was used in the review of the proposals for the recommendation to the City Commission. This was only one tool in the review and evaluation of the proposals for the recommendation to the City Commission. The negotiation team looked at experience in managing and providing shelter services, innovation and creativity and the cost of providing the services.

The negotiation team met and discussed the additional information. The negotiation team is recommending that the City continue the negotiation with the number one ranked organization, GMCSF and if negotiations are not successful, the City then will go to second ranked organization, ACCHH, for homeless services at the Empowerment Center.

Fiscal Note: If negotiations successfully award the contract to the number one ranked agency, GMCSF, the cost of this item for the first nine month contract (April 1, 2018-December 31, 2018), will be a total amount of \$530,688. The cost will be divided equally between the City of Gainesville and Alachua County. In addition, the City Commission could ask to seek a long-term agreement with the agencies that provide these homeless services.

RECOMMENDATION

The City Commission: 1) authorize the City Manager or designee to negotiate and execute a contract with the top ranked agency GMCSF and approve the rankings of the agencies; 2) if negotiations are not successful with the top ranked agency (GMCSF), then authorize the City

Manager or designee to negotiate with the second ranked agency (ACCHH); and 3) recommend the Alachua County Board of Commission reaffirm the ranking of the top ranked firm that serve the homeless and authorize Alachua County staff to amend the Interlocal Agreement between the City and the County for an equal share in the cost of homeless services.

[170784A_Bid Document_20180215.pdf](#)

[170784B_Addendum 1_20180215.pdf](#)

[170784C_Addendum 2_20180215.pdf](#)

[170784D_Addendum 3_20180215.pdf](#)

[170784E_Addendum 4_20180215.pdf](#)

[170784F_GMCSF 24 Month Budget_20180215.pdf](#)

[170784G_GMCSF_20180215.pdf](#)

[170784H_ACCHH-GraceProject-20180215.pdf](#)

[170784i_ITN Backup_20180215.pdf](#)

[170784J_Signed Bid Record_20180215.pdf](#)

[170784k_GMCSF Nine Month Budget Summary_20180215.pdf](#)

[170784L_Compare ACCHH and Grace Foundation_20180215.xlsx.pdf](#)

[MOD_170784A_ACCHH response to questions_20180215.pdf](#)

[MOD_170784B_GMCSF Response to questions_20180215.pdf](#)

[MOD_170784C_GMCSF Fig 5.1 and 5.2_20180215.pdf](#)

[MOD_170784D_Compare ACCHH and Grace Foundation_20180215.pdf](#)

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

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

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

4:30 - 5:30pm Dinner Break

5:30 - Call to order Evening Session

PLEDGE OF ALLEGIANCE

PROCLAMATIONS/SPECIAL RECOGNITIONS[170802.](#)**The Benevolent and Protective Order of Elks 150th Anniversary - February 16, 2018 (B)****RECOMMENDATION**

Gainesville Elks Lodge # 990 Exalted Ruler Dayna Miller to accept the proclamation.

[170802_Elks150Anniversary_20180215.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**[170704.](#)**Resolution for Bus Shelter Easement Application (B)**

This item is a request for the City Commission to adopt a Resolution authorizing an application to the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida.

Explanation: The Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (Board of Trustees) owns Tax Parcel 8191-000-000, located at 2715 Northeast 39th Avenue. The property is leased to Department of Corrections for the operation of a Work Release facility. The Work Release facility is also at the entrance to GRACE MarketPlace and Dignity Village, the City's homeless assistance facilities. The patrons of both facilities utilize the Regional Transit System (RTS) for bus transportation. RTS would like to install a covered bus shelter on the corner of the State property and the entrance to GRACE MarketPlace. The State requires a Resolution from the governing body to accompany an application for a bus shelter easement.

Fiscal Note: There is no fiscal impact to the City associated with this request.

RECOMMENDATION

The City Commission: 1) adopt the Resolution; and 2) authorize the City Manager or his designee to submit an application to the Board of Trustees for the above-described bus shelter easement.

[170704_Draft Resolution_20180215.pdf](#)

[170773.](#)**Resolution to Enter into a Construction and Maintenance Agreement for Norton Multi-modal Trail (B)**

This item is a Resolution for approval and authorization to enter into a Construction and Maintenance agreement with the Florida Department of Transportation (FDOT), allowing the City of Gainesville to provide maintenance to the proposed extension of the Norton multimodal trail from NW 45th Ave (current trail termini) to NW 39th Ave.

Explanation: The Florida Department of Transportation (FDOT) is proposing to fund the construction of the Norton Trail Extension. Since the Construction funding is provided by the FDOT, a Maintenance Agreement is required to be executed prior to construction of these betterments.

The City of Gainesville would like to enter into a Maintenance Agreement allowing the City of Gainesville to maintain the referenced trail.

Fiscal Note: Public Works intends to maintain the Norton Trail facilities within existing operating budgets.

RECOMMENDATION

The City Commission: 1) adopt the Resolution; and 2) authorize the City Manager to execute the Maintenance Agreement and all related documents with the State of Florida Department of Transportation subject to approval by the City Attorney as to form and legality.

[170773A Resolution 20180215.pdf](#)

[170773B Norton Maintenance Agreement 20180215.pdf](#)

ORDINANCES, 1ST READING - ROLL CALL REQUIRED[160485.](#)**TEXT CHANGE - AMENDING SIGN REGULATIONS IN THE LAND DEVELOPMENT CODE (B)**

Ordinance No. 160485; Petition PB-16-145 TCH

An ordinance of the City of Gainesville, Florida, updating, clarifying, and reorganizing the sign regulations in the Land Development Code by amending Section 30-2.1. Definitions; amending Article IX. Signs; 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 update, clarify, and reorganize the sign regulations in the Land Development Code. Sections 163.3167 and 163.3177(1),

Florida Statutes, requires the City of Gainesville to maintain a Comprehensive Plan to guide the future development and growth of the city by providing the principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental and fiscal development of the city. Section 163.3202, Florida Statutes, requires the city to adopt and enforce land development regulations that are consistent with and implement the Comprehensive Plan, and that are combined and compiled into a single land development code for the city (the City of Gainesville's is Chapter 30 of the Code of Ordinances). Such land development regulations shall include certain minimum provisions, including the requirement to enact specific and detailed signage regulations. The City of Gainesville has adopted signage regulations in the Land Development Code in accordance with the Florida law outlined here and out of recognition that signs may prevent a safety hazard as well as present a safety hazard by distracting motorists, pedestrians and other members of the public, and because signs affect the aesthetic qualities and economic vitality of the community.

On August 7, 2014, the City Commission adopted Ordinance No. 130157 and amended the signage regulations in the City's Land Development Code after receiving substantial input from numerous stakeholders on ways to improve the signage regulations in effect at the time. Shortly thereafter in June 2015, the Supreme Court of the United States (Reed v. Town of Gilbert, Ariz., 135 S.Ct. 2218 (2015)) applied the First Amendment protections afforded to speech that is expressed through signage and further defined the constitutional requirement that signage regulations be "content-neutral." Prior to Reed, the general practice throughout the country was that signage regulations were only content-based, and therefore subject to heightened judicial scrutiny, if the government regulated the content because of a disagreement with the message. Reed has now clarified that signage regulations are content-based if they target a specific subject matter or make any distinction based on content, regardless of a government's motive, content-neutral justification or lack of animus towards the message.

As a result of Reed, jurisdictions around the country must revise their adopted signage regulations because many commonly-held signage regulations are now at risk of being deemed content-based. Common examples of such signage regulations are any provisions specifically tailored to "real-estate signs," "contractor signs," "election/political signs," or other particular subject matters. The clearest examples of content-neutral regulations are those regulating the size, location, lighting, number, and form of signs. In response to Reed, City staff has determined the need to further update, clarify, and reorganize the signage regulations in the City's Land Development Code. The most significant amendments include deleting subject matter regulations, including those for "contractor signs," "real estate signs," and "special-event signs," and instead regulating signage form based on "temporary signs" and "permanent signs."

At a public hearing on February 23, 2017, the City Plan Board voted to

recommend that the City Commission approve this amendment to the sign regulations in the Land Development Code.

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-16-145 TCH; and 2) adopt the proposed ordinance.*

[160485 Staff report and Exh A-B 20170223](#)

[160485B Staff report and Exh A-B 20180215.pdf](#)

[160485C Staff ppt 20180215.pdf](#)

[160485A draft ordinance 02152018.pdf](#)

[170526.](#)

ORDINANCE AMENDING CULTURAL AFFAIRS BOARD AND ART IN PUBLIC PLACES TRUST (B)

Ordinance 170526

An ordinance of the City of Gainesville, Florida, amending Sections 2-281 through 2-285, related to the Gainesville-Alachua County Cultural Affairs Board to align with changes made by Alachua County regarding the local arts agency; amending Sections 5.5-2 through 5.5-5, related to Art in Public Places Trust to align with changes made by Alachua County regarding the local arts agency; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: At the City Commission Meeting on November 16, 2017, the City Attorney was directed to draft an ordinance amending the City Code of Ordinances related to the Cultural Affairs Board and Art in Public Places Trust.

In 1991 the Board of County Commissioners designated the City of Gainesville as the Local Arts Agency for Alachua County. Subsequently the City Commission approved the creation of a joint City/County Commission-appointed Cultural Affairs Board to advise on cultural interests and Art in Public Places Trust to advise on public art for both the City and County. At their August 22, 2017 meeting, the Alachua Board of County Commissioners (BoCC) voted on consent to repeal its 1991 resolution and appoint Alachua County as the Local Arts Agency of Alachua County.

Consistent with the action taken by the BoCC, the City of Gainesville is no longer serving as the Local Arts Agency for Gainesville and Alachua County. Parks, Recreation and Cultural Affairs staff has worked with the City Attorney's office to revise the City ordinances that establish both the

Gainesville-Alachua County Cultural Affairs Board and the Art in Public Places Trust. The revisions reduce the Cultural Affairs Board from the current 15 member structure (10 City Commission-appointed and 5 BoCC-appointed) to a 10 member City Commission-appointed board, alter the makeup of the 5-member Art in Public Places Trust from 3 City Commission-appointed members and 2 BoCC-appointed members to 5 City Commission-appointed members, and updates the Art in Public Places Trust art selection and acquisition process.

CITY ATTORNEY MEMORANDUM

This ordinance requires two readings. First reading will be held on February 15, 2018; second reading will be held on March 1, 2018.

Fiscal Note: Though not reflected in the ordinance change, moving forward the City will transfer the receipt of revenues from the sale of Arts Tags in Alachua County from the City to the County as well as the responsibility for disbursement of these funds. Disbursement is currently conducted through a formal City-administered grant process to awardees recommended by the Cultural Affairs Board. The City does not receive any administrative support for the administration of this grant from Arts Tags sales so there will be no revenue impact from this change.

The Art in Public Places Trust previously oversaw selection of public art projects funded by the County 1% for art ordinance. The ordinance calls for County funds generated from the 1% for art to remain in a special County account so there will be no revenue impact from this change.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

11/16/17 City Commission Approved as Recommended

[170562A_Arts Agency Ordinance Amendments Draft_20171116.pdf](#)

[170526B_APPT masterplan 2009_20171116.pdf](#)

[170526_cultural affairs board_20180215.pdf](#)

[170786.](#)

ORDINANCE AMENDING REGULATIONS FOR OBSTRUCTIONS OF AND UTILITY USE OF PUBLIC RIGHTS-OF-WAY (B)

Ordinance No. 170786

An ordinance of the City of Gainesville, Florida, amending Chapter 23 - Streets, Sidewalks and Other Public Places in the City of Gainesville Code of Ordinances relating to regulations that apply to temporary obstructions of public rights-of-way and to regulations that apply to use of public rights-of-way by utilities, including communications facilities and small wireless

facilities; by deleting Chapter 23, Article III - Encroachments and Obstructions; by deleting Chapter 23, Article VI - Registration Requirements for Use of Public Rights-of-Way by Communications Services Providers and Other Wireline Users of Rights-of-Way; by renumbering the articles of Chapter 23; by adding a new Article V - Public Rights-of-Way Obstructions; by adding a new Article VI - Public Rights-of-Way Use by Utilities; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: STAFF REPORT

This ordinance will amend Chapter 23 of the Code of Ordinances regarding regulations for temporary obstructions of public rights-of-way (ROWs) and regulations for the use of ROWs by utilities, including for communications facilities and small wireless facilities. Essentially, this ordinance creates two distinct regulatory programs: one for general obstructions in ROWs, including anything from developers moving equipment or cranes in the ROWs to any other common ROW blockage, and the other for any utility use of the ROWs, including any private utility infrastructure installed either underground or aboveground. The City's ROWs are a unique and physically limited resource, and this ordinance seeks to use and manage this resource by thoughtfully balancing the objectives of safety, aesthetics, economic vitality, and service delivery.

The regulation of utilities within ROWs, and particularly the communications industry, is in a constant state of change because of a complicated system of overlapping federal, state, and local regulations, and because of the fast pace of emerging technology, including the changing infrastructure required to support the increased demand and capacity to receive and transmit data and voice communications. The primary driver of this ordinance was the Florida Legislature's 2017 amendment to Section 337.401, Florida Statutes, which now requires cities to allow the collocation of small wireless facilities on certain utility poles within ROWs.

Beginning in October 2016, the City enacted a series of moratoriums to allow for the crafting of this ordinance, and on September 7, 2017, the City adopted Ordinance No. 170179, which included provisions for the registration of entities that desire to install communications services facilities in ROWs. Whereas registration is essentially an information gathering mechanism and a prerequisite to any permitted use of ROWs, this ordinance completes the regulatory program by providing a permitting process and substantive requirements governing the use of ROWs.

This ordinance requires any person or entity that desires to use the City's ROWs for any utility use to first apply for and receive a permit. The City/GRU is exempt from this permitting requirement, except when acting as a communications services provider. In addition to providing

general liability-shifting provisions and protections for any damage to persons or property resulting from permit issuance, this ordinance provides a thorough process for permit review and approval, in accordance with federal and state law. The substantive provisions governing utility use of ROWs include a general rule that all new installations of utilities or facilities shall be installed underground, with the exception of certain allowable uses of existing aboveground utility infrastructure, such as the addition of wireline facilities. In addition, this ordinance will allow the collocation of small wireless facilities on existing City (non-GRU) utility poles that are greater than 15 feet in height. Importantly, this ordinance does not allow for the installation of new utility poles to accommodate collocation of small wireless facilities. In addition, although this ordinance requires that collocation shall be allowed on City poles that are not owned or managed by GRU, the ordinance does not prohibit collocation on GRU poles. Whether to allow collocation on GRU poles may be decided at any time, and should take into account many factors including those mentioned above as well as revenue from collocation fees, increased service delivery, and potential federal law implications. Finally, this ordinance provides certain objective design standards governing the collocation of small wireless facilities, including: a requirement that prohibits any ground-level equipment (facilities shall be installed underground or attached to a pole at a height of at least 8 feet above ground-level); a requirement to use a slim design, where equipment may not extend more than 30 inches beyond the supporting pole; a requirement that all equipment must be either installed inside the pole or covered with a shroud conforming to the pole's design, texture, and color; and a requirement that small wireless facilities may not extend greater than 10 feet higher than the height of the supporting pole.

CITY ATTORNEY MEMORANDUM

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

RECOMMENDATION *Adopt the proposed ordinance.*

[170786A_draft ordinance_20180215.pdf](#)

ORDINANCES, 2ND READING - ROLL CALL REQUIRED

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

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

