

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Meeting Agenda - Final

June 15, 2017

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**[170100.](#)**Resignation of Mark Stern from Historic Preservation Board (B)****RECOMMENDATION**

The City Commission accepts the resignation of Mark Stern, effective immediately.

[170100 ResignationMarkStern 20170615.pdf](#)

[170101.](#)**Removal of Ashley Murphy, Jamis Godwin and Jessica Gomez from the Citizen's Advisory Committee for Community Development (CACCD) (B)****RECOMMENDATION**

The City Commission approve the removal of Ashley Murphy, Jamis Godwin and Jessica Gomez from the Citizen's Advisory Committee for Community Development (CACCD), effective immediately.

[170101 RemovalMurphyGodwinGomez 20170615.pdf](#)

[170115.](#)**City Commission Minutes (B)**

RECOMMENDATION *The City Commission approve the minutes of April 19, May 18, May 22, May 23, May 30 and June 1, 2017.*

[170115 Minutes 20170615.pdf](#)

[170075.](#)

EXTENSION OF TOLLING AGREEMENT FOR CITY'S CLAIMS AGAINST JONES EDMUNDS REGARDING THE DESIGN AND ENGINEERING OF CERTAIN ELEMENTS OF THE SWEETWATER BRANCH/PAYNES PRAIRIE SHEETFLOW RESTORATION PROJECT (B)

Explanation: On September 24, 2013, the City discovered that the sediment basin of the Sweetwater Branch/Paynes Prairie Sheetflow Restoration Project, located at 325 S.W. Williston Road, Gainesville, Florida, was not functioning as intended and as necessary for the Project. The City entered into a tolling agreement with Jones Edmunds, the engineer for the Sweetwater Branch/Paynes Prairie Sheetflow Restoration Project, and amendments, extending the applicable Statute of Limitations date to June 15, 2017 in order to preserve the City's legal rights. Mediation was conducted on April 12, 2017, and additional mediation is being scheduled. The parties' representatives wish to extend the tolling period to September 15, 2017, to provide time for mediation and any subsequent discussions and work to reach and execute a settlement, or alternatively for the City to prepare and file a complaint in court if a settlement is not reached. In either event, the outcome of the mediation will be reported to the City Commission.

RECOMMENDATION *The City Commission approve the Fifth Amendment to Tolling Agreement.*

[170075 Fifth Amendment to Tolling Agreement 20170615.pdf](#)

[170111.](#)

IMPASSE RESOLUTION WITH GATOR LODGE 67, INC., FRATERNAL ORDER OF POLICE (B)

Explanation: Collective bargaining negotiations between the City of Gainesville and Gator Lodge 67, Inc., Fraternal Order of Police (FOP) have reached an impasse. On May 16, 2017, the FOP made a request to the Public Employees Relations Commission (PERC) for an appointment of a special magistrate to begin the impasse resolution process pursuant to Section 447.403(2)(a), Florida Statutes.

Once PERC appoints a special magistrate, the special magistrate will hold hearings to define the areas of dispute, determine facts relating to the dispute, and render a decision on any and all unresolved contract issues. Within 15 days after the close of the final hearing, the special magistrate is required to issue a recommended decision to PERC and

the parties. Each recommendation of the special magistrate is deemed approved by both parties unless specifically rejected in writing by either party within 20 days after the party received the recommended decision.

If either party does not accept, in whole or in part, the recommended decision of the special magistrate, the City Manager will submit a copy of the special magistrate's findings of fact and recommended decision to the City Commission within 10 days after the rejection. The parties are required to submit their recommendations for settling the disputed impasse issues to the City Commission. The City Commission is then required to conduct a public hearing at which the parties must explain their positions with respect to the rejected recommendations of the special magistrate. Thereafter, the City Commission must take such action as it deems to be in the public interest, including the interest of the public employees involved, to resolve all disputed impasse issues.

Following the resolution of the disputed impasse issues by the City Commission, the parties must reduce to writing an agreement which includes those issues agreed to by the parties and those disputed impasse issues resolved by City Commission's action. The agreement must be signed by the City Manager and FOP's bargaining agent and submitted to the City Commission and FOP members for ratification. If such agreement is not ratified by all parties, the City Commission's action shall take effect as of the date of such action for the remainder of the first fiscal year which was the subject of negotiations; however, the City Commission's action shall not take effect with respect to those disputed impasse issues which establish the language of contractual provisions which could have no effect in the absence of a ratified agreement, including, but not limited to, preambles, recognition clauses, and duration clauses.

RECOMMENDATION

The City Commission receive written update from the City Attorney regarding the impasse resolution process with Gator Lodge 67, Inc., Fraternal Order of Police.

[170111_FOP Impasse 2017_20170615.pdf](#)

[160027.](#)

Special Category Historic Preservation Grant (B)

This item involves a request to accept a Special Category Historic Preservation Grant from the Florida Department of State, Division of Historical Resources, if awarded, to renovate the Historic Hartman House at Hogtown Creek Headwaters Nature Park.

Explanation: The City of Gainesville acquired the Hogtown Creek Headwaters Nature Park property in 2007 with grant funding, in part, from the Florida Communities Trust (FCT). As a grant requirement, the City committed to providing a nature center at the subject site. The property contains the

circa 1910 historic home of the Hartman family which is a documented historic site in the Florida Master Site File. The house was evaluated by an architect, and renovation was deemed feasible and cost-effective for use as a nature center. In 2016 the City of Gainesville applied for the Special Category Historic Preservation Grant and the Hartman House project was ranked # 32 of the 87 projects received. The Florida Legislature only allocated enough money to fund the top fifteen projects and the Hartman House was not funded.

The Gainesville Parks, Recreation and Cultural Affairs Department (PRCA) wishes to resubmit an application for a Special Category Historic Preservation Grant due June 15, 2017 for funding that becomes available July 2018 and extends for a two-year period. The grant will fund renovations to the Historic Hartman House at Hogtown Creek Headwaters Nature Park for use as an Environmental and Historical Education Center.

Fiscal Note: The Wild Spaces Public Places (WSPP) sales tax was approved by voters for eight years and is expected to generate \$46,551,152 in revenue to the City. The Hogtown Creek Headwaters Nature Park (Hartman House) is one of the 2017 WSPP projects approved by City Commission at its April 20, 2017 meeting for \$116,843. This would satisfy the 50% required grant match amount with the remaining funds of \$116,843 from the Special Category Historic Preservation Grant, if awarded.

RECOMMENDATION

The City Commission: 1) approve the request to accept a grant, if awarded, from the Florida Department of State, Division of Historical Resources; and 2) authorize the City Manager or designee to execute the grant award agreement and other grant-related documents, subject to approval by the City Attorney as to form and legality.

Legislative History

6/16/16 City Commission Approved as Recommended

[160027_WSPP_2017_Expense_Schedule_20170615.pdf](#)

[160263.](#)

Chapter 4, Article III Underage Prohibition in Alcoholic Beverage Establishments (NB)

An ordinance of the City of Gainesville, Florida, amending the Code of Ordinances relating to persons under the age of 21 in alcoholic beverage establishments; by amending Chapter 4, Article III to regulate persons under 21 being present in alcoholic beverage establishments which have a high number of underage alcohol violations.

Explanation: In the past year, concerns were raised regarding Chapter 4, Article III of the Alcohol Beverages ordinance regarding the enforcement and penalty process for underage prohibition orders. The Gainesville Police Department was tasked with drafting some potential changes to alleviate these concerns while at the same time attempting to deal with ongoing public safety concerns. General revision concepts to Chapter 4 have been presented to both the former Public Safety Committee and Community Alcohol Coalition with positive responses. The Public Safety Committee referred the issue to the Commission for final action. GPD has proposed amendments to Chapter 4, Article III which would help alleviate the problems of persons under 21 years of age from consuming alcoholic beverages in alcoholic beverage establishments.

The Gainesville Police Department held two meetings with stakeholders on September 19th and 21st, 2016. The first meeting (19th) was attended by two representatives from UF student government. UF Student Body President Susan Webster suggested two ID requirements for bars to utilize.

GPD members met with bar owners and employees on September 21st in regards to the possible changes to the ordinance. Their concerns/requests were as follows: 1) Cost of Permit; 2) Cost of any required staff training and time frame for how long training was good for; 3) Costs of purchasing ID scanners; 4) Associating bar occupancy with requirement due to cost of hiring police as exterior security; 5) Time frame for reset of permit violations; and 6) Allowing persons under 18 years of age to attend music events at alcoholic establishments without a guardian/parent.

Fiscal Note: None

RECOMMENDATION

The City Commission refer this item to the General Policy Committee to hear an update from GPD staff members on the proposed ordinance changes.

Legislative History

6/18/15	City Commission	Referred to the General Policy Committee
11/10/16	General Policy Committee	Discussed
2/9/17	General Policy Committee	Heard

[160263A Underage Prohibition Presentation 20161110](#)

[160263B GPD Alcohol Presentation Slides 20161110.pdf](#)

[160263C COG Alcohol Ordinance Executive Summary 20161110.pdf](#)

[160263 Alcohol Ordinance Executive Summary 20170209](#)

[160263 Alcohol Ordinance Exec Summary 20170427](#)

[160291.](#)**Traffic Engineering Services Agreement between the City of Gainesville and Alachua County for FY 2017 (B)**

This item is an agreement between the City of Gainesville (City) and Alachua County (County) for traffic engineering services in the amount of \$208,047.34 in revenue to the City during FY17.

Explanation: For 38 years the City of Gainesville and Alachua County have entered into an annual agreement for maintenance of traffic signals and traffic engineering services. Under terms of this agreement, the City of Gainesville maintains and operates all traffic signals, flashing school beacons, and flashing warning beacons in the unincorporated area of Alachua County. In addition, the City assists Alachua County with traffic signal design, review and construction inspection activities. The agreement was put into place in an effort to prevent duplication of services and has resulted in significant cost savings for the overall traffic management system. The County's contribution for traffic signal maintenance is based on the current number of traffic signals in operation in the unincorporated Alachua County.

This amendment was previously brought to the City Commission in September 2016. However, the County wanted to incorporate additional changes to Attachment C. This amendment updates the Fiscal Year on attachments, corrects the eligible traffic signal reimbursable count to thirty eight, and utilizes quarterly billing.

Fiscal Note: Alachua County will pay the City \$208,047 for FY16/17, plus costs for materials for traffic signal maintenance. This is an increase of 3.4% compared to last FY15/16 payment of \$201,164.

RECOMMENDATION

The City Commission authorize the City Manager to renew the agreement for Traffic Engineering Services between the City of Gainesville and Alachua County for the period of October 1, 2016 to September 30, 2017, subject to approval by the City Attorney as to form and legality.

Legislative History

9/1/16 City Commission Approved as Recommended

[160291_Agreement_20160901.pdf](#)

[160291_Agreement_20170615.pdf](#)

[160973](#)**Request to Amend the Open/Close and Clean Contract with Contractor's Enterprise, Inc. (NB)**

This item involves a request to add seven (7) additional sites to the list of service areas for Contractor's Enterprises, Inc.

Explanation: The Department of Parks, Recreation and Cultural Affairs (PRCA) issues an Invitation to Bid (ITB) for Open/Close and Clean Services at several City parks and facilities. The award was made to three (3) vendors. The vendor Shelia Shine, Inc., was deficient in services and therefore their contract will be terminated. PRCA would like to distribute those sites to the next lowest and responsible bidder, Contractor's Enterprises. The sites are Bo Diddley Plaza, Morningside Nature Center, San Felasco Park, Bivens Nature Park, Fred Cone Park, NE Park and NE Complex.

Contractor's Enterprise, Inc., is currently performing satisfactory work at Greentree/Kiwanis Challenge Park, Possum Creek Park, Gainesville High School Tennis courts, Albert Ray Massey Westside Park, TB McPherson Park, Hogtown Creek Headwaters Nature Park, Cofrin Nature Park, Loblolly Environmental Center, Alfred Ring Park, Sweetwater Wetlands Park, and Boulware Springs Park. The Department requests permission to amend the contract with Contractor's Enterprises, Inc., to add the seven (7) sites to their list of service areas.

Fiscal Note: The current contract amount with Contractor's Enterprises, Inc., is \$42,816 per year with a contract end date of January 31, 2018. The additional seven (7) locations would increase their annual contract amount by \$33,528. This would make the new total contract value \$76,344. The annual contract with Shelia Shine was \$21,720. The cost difference in the contract amounts is \$11,808 annually. Funds are available in the PRCA operating expense budget.

RECOMMENDATION

The City Commission authorize the City Manager to amend the contract with Contractor's Enterprises, Inc., to add seven (7) sites to their list of services areas, subject to approval of the City Attorney as to form and legality.

[170029.](#)

Purchase and Installation of DVRs, Cameras and Accessories, and Surveillance System Software Upgrade for Regional Transit System Buses (B)

This is a request for City Commission approval to purchase additional DVRs, cameras, accessories, and surveillance system software upgrades for Regional Transit System (RTS) buses.

Explanation: On February 2, 2012, the City Commission approved Agenda Item #110625 allowing the City Manager to enter into a contract with Seon Systems Sales, Inc., to upgrade the camera system on RTS buses. That contract allowed for purchases of additional new units, spare parts and repair services through September, 30, 2016.

RTS has acquired 11 buses from another agency (Central Florida Regional Transportation Authority) and now needs to add the

surveillance system, as well as upgrade the system software on all buses. For compatibility purposes RTS seeks approval of the City Commission to select Seon Systems Sales, Inc. as the specified source for this purchase. This will ensure that the new equipment and software upgrade will be compatible and function with the existing equipment and software currently installed in the rest of the bus fleet.

Fiscal Note: Funds in the amount of \$118,667 have been provided by federal grants and are available in the RTS budget. The first year of the software is covered under this purchase; the annual renewal fees in the amount of \$3,171 will come due on the anniversary date.

RECOMMENDATION

The City Commission: 1) approve the purchase of additional DVRs and cameras for transit buses; and 2) authorize the City Manager or his designee to execute an agreement and related documents with Seon Systems Sales, Inc., subject to approval by the City Attorney as to form and legality.

[170029A_Seon RTS Proposal_20170615.pdf](#)

[170029B_Method of Source Selection_20170615.pdf](#)

[170103.](#)

Use of Federal Forfeiture Funds for Police Equipment and Programs (NB)

This is a request for the City Commission to approve funding from the Federal Forfeiture funds for police equipment and programs in an amount not to exceed \$65,000.

Explanation: This item requests that the City Commission appropriate and expend an amount not to exceed \$65,000 from the Federal Law Enforcement Contraband Forfeiture Fund for two replacement K-9s and equipment for the implementation of a Bicycle Unit. The funds would also be used to assist with the purchase of an incinerator for the destruction of items we are allowed to dispose of based on department policy, court order and/or State Statute. The Chief Law Enforcement Officer must approve the transfer and must ensure the recipient is a qualified entity.

Fiscal Note: This is a permissible use of Federal Forfeiture. Funding in the amount of \$65,000 is available from the Federal Law Enforcement Contraband Forfeiture Trust Fund. The uncommitted balance of fund as of May 31, 2017 is \$1,145,469.00.

RECOMMENDATION

The City Commission authorize the Gainesville Police Department to move forward with purchasing equipment/item with Federal Forfeiture funds in an amount not to exceed \$65,000.

[170104.](#)

Reallocate Capital Improvement Project Funds for 217 NE 1st St & Main GPD Building Improvement (NB)

This is a request for City Commission approval to reallocate a portion of Capital Improvement Project funding.

Explanation: The building at 217 NE 1st Street is in need of renovations to adequately store property and evidence with mandated retention. GPD currently uses the 217 building as its Evidence/Property storage for old bicycles, old evidence and surplus equipment in the vault. The project duration will be 4 weeks with the project start date to be determined upon permit approval with City of Gainesville Building Department. There is a potential staffing cost savings if the Old Library 2nd Floor Remodel and the Evidence Suite Renovation work is done simultaneously. This includes costs to remove interior walls and doors per demolition note 1. Also included is carpet demolition in front area per walkthrough. Ceiling demolition is included as a voluntary deductive alternate.

The total estimated cost is \$50,000 for the construction and \$13,000 for storage shelving units needed for the evidence storage.

The Property and Evidence section is near capacity due to the limited space, the volume taken in and the longer retention schedules in relation to evidentiary items. Soon, our storage capacity off-site will be cut in half when we are forced to vacate one of the buildings we currently store items in. By placing a roof over the outdoor Property and Evidence area, we will be able to secure the area from incursion by someone climbing over the fence, store more items out of the elements and protect what is currently there from rust and dry rot. The total estimated cost is \$24,000 for the construction of the secured covering.

The agency would also like to use the remaining fund balance to purchase an incinerator. The Property and Evidence section has been limited on storage space for some time, and the situation is growing worse. It is imperative we continually conduct destruction of items we are allowed to dispose of based on department policy, court order and/or state statute. A similar situation is occurring with the Special Investigations Unit and the narcotics they take in on a daily basis.

Fiscal Note: The total estimated costs of the projects are \$93,178. Funding requested is \$76,173.64 from the remaining balance in the GPD Headquarters Annex project (302-M650), \$15,500.00 from the remaining balance in the GPD Property/Evidence Building Roof project (302-M929), and \$1,504.33 from the GPD Headquarters annex project bond fund (349-M650).

RECOMMENDATION

The City Commission approve the reallocation of \$93,177.97 of Capital Improvement Project Funding currently remaining in the projects budgeted for the GPD Headquarters Annex and the GPD Property and Evidence roof.

[170107.](#)**Reallocate Federal Forfeiture Funds from the Mounted Unit Account to the Joint Aviation Account (NB)**

This is a request for City Commission approval to reallocate a portion of Federal Forfeiture Funds.

Explanation: The GPD Mounted Unit was dissolved and is not currently using any funding. We have completed repairs to the GPD helicopter including carbon fiber liner for the compressor in our helicopter, a re-wiring and the LYNX 9000 system added that will be a requirement for the aircraft from the FAA. Additional funds are needed in the aviation account.

Fiscal Note: This is a permissible use of Federal Forfeiture. Funding in the amount of \$60,000 is available from the Federal Law Enforcement Contraband Forfeiture Trust Fund account under the Mounted Unit. The Chief Law Enforcement Officer must approve the transfer and must ensure the recipient is a qualified entity.

RECOMMENDATION

The City Commission approve the reallocation of \$60,000 of Federal Forfeiture Funds currently budgeted for the GPD Mounted Unit to the Joint Aviation.

[170112.](#)**Grant Application to the Federal Transit Administration's Low or No Emission Vehicle Grant Program (NB)**

This is a request for City Commission approval for the Regional Transit System (RTS) to submit a grant application to the Federal Transit Administration's Low or No Emission Vehicle Grant Program.

Explanation: On April 27, 2017, the Federal Transit Administration (FTA) announced the availability of approximately \$55 million for the purchase or lease of low or no emission vehicles as well as related equipment or facilities. The Low or No Emission Competitive program provides funding to state and local governmental authorities for the purchase or lease of zero-emission and low-emission transit buses as well as acquisition, construction, and leasing of required supporting facilities. The main purpose of the Low-No Program is to support the transition of the nation's transit fleet to the lowest polluting and most energy efficient transit vehicles. Applicants must submit proposals electronically on June 26, 2017.

RTS is a crucial part of the City, providing over 10 million safe, reliable, and convenient passenger trips per year. To continue to do this, RTS is in critical need of new buses. The average fleet age is almost 11 years old with nearly 40% of buses past their useful life. Newer buses improve comfort, increase schedule reliability, and reduce greenhouse gas emissions. With the largest transit mode share and the highest service

productivity in the state, RTS is fully capable of rapidly and successfully implementing the project. RTS desires approval from the City Commission to submit an application for the FTA's Low or No Emission Vehicle Grant Program.

Fiscal Note: RTS would like to apply to the FTA for approximately \$6 million through the Low or No Emission Vehicle Grant Program.

RECOMMENDATION

The City Commission: 1) authorize the City Manager or designee to submit an application with the Federal Transit Administration's Low or No Emission Vehicle Grant Program; and 2) if the grant is awarded, authorize the City Manager or designee to execute all related documents, subject to approval by the City Attorney as to form and legality.

170139.

MELISSA LYNN BIGBIE v. CITY OF GAINESVILLE; CASE NO. 2016-CA-1196; EIGHTH JUDICIAL CIRCUIT, IN AND FOR ALACHUA COUNTY, FLORIDA (NB)

MODIFICATION - ADDED ITEM

Explanation: On April 8, 2013, Ms. Melissa Lynn Bigbie, was a passenger on an RTS bus along with her two small children travelling westbound on SE 4th Avenue approaching the roundabout intersection with SE 7th Street. In order to avoid a collision with a vehicle entering the intersection from the south, the bus driver stopped short. The Plaintiff, while holding her infant, fell to her knees in the bus aisle. Ms. Bigbie was transported from the site of the incident to the emergency room to seek medical attention

Ms. Bigbie primarily claims injuries to the lumbar region of her back, along with other injuries and damages. Including the emergency care, diagnostic tests, follow-up medical care, and physical therapy and rehabilitation, Ms. Bigbie claims medical bills totaling in excess of \$28,850. If this case were to proceed to trial, the past medical bills would be only a part of the damages Ms. Bigbie would seek to recover. She would also seek damages for future medical expenses, pain and suffering, mental anguish, inconvenience, and loss of capacity for the enjoyment of life.

During the course of discovery, counsel for the City conducted witness interviews and took the deposition of Ms. Bigbie. A complete review of the applicable medical records was performed. Per the application of Florida's limited waiver of sovereign immunity contained in section 768.28, Florida Statutes, the City's liability and authority to settle claims such as this is limited to \$200,000.00 per person and \$300,000.00 per incident. Court-ordered mediation was scheduled, but has been postponed. On May 25, 2017, the plaintiff served a Proposal for Settlement offering to settle the claim in its entirety for \$35,000. The effect of a Proposal for Settlement is that, if not accepted within 30 days,

the party serving the proposal would be entitled to seek attorneys' fees if a judgment is entered that is in excess of 25% over the proposed amount. It is the recommendation of the City Attorney's Office and the Risk Management Department that the case be settled for the proposed amount.

Fiscal Impact: Funds are available in the City's General Insurance Fund.

RECOMMENDATION

The City Commission 1) authorize the acceptance of the Plaintiff's proposal for settlement; and 2) authorize the City Attorney to settle the claim of Melissa Lynn Bigbie arising from an accident that occurred on or about April 8, 2013 for a sum up to and including \$35,000.

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.

[170074.](#)

City Auditor's Investigation Report of Purchase Card Transactions for Parks, Recreation, and Cultural Affairs (B)

MODIFICATION - NEW BACK-UP

Explanation: On March 15, 2017, the City Auditor became aware that apparent unauthorized purchases had taken place using City of Gainesville purchase cards assigned to Parks, Recreation, and Cultural Affairs. As with any case of fraud, waste, or abuse, the City Auditor's Office will conduct an investigation to determine the cause, the reliability of internal controls, and from an accounting standpoint, to forensic analyze the impact on various financial statements and budget impact.

RECOMMENDATION

The City Auditor recommends that the City Commission accept the report.

[170074 City Auditor's Investigation Rpt of P-Card Transaction Parks,Rec and C 170074A EnclosureC_Itemized Expenditures 20170615.pdf](#)

[170014.](#)

2017 State Legislative Update End of Session Presentation (NB)

This is a request for the City Commission to hear a presentation from Peebles and Smith, Inc., State Lobbyist summarizing the 2017 State Legislative Session.

Explanation: The City of Gainesville's state lobbying firm Peebles and Smith will provide an update and status report regarding the City of Gainesville's Legislative Priorities; including a key points related to the state budget and appropriations bills. Specifically, this presentation will cover the passage of bills that impact municipalities, the local bill relating to Gainesville Regional Utility, funding initiatives, and any new potential opportunities created during the 2017 Session.

Fiscal Note: None

RECOMMENDATION

The City Commission hear the 2017 State Legislative Session presentation.

[170097.](#)

Fire Services Assistance Agreement (B)

This item requests that the Commission hear a presentation on the Fire Services Assistance Agreement (FSAA).

Explanation: On May 23, 2017 the Alachua County Board of County Commissioners voted to send notice of intent to cancel the Fire Services Assistance Agreement of October 10, 2006 with the City of Gainesville effective June 1, 2018.

Fiscal Note: Pending

RECOMMENDATION

The City Commission hear a presentation on the Fire Services Assistance Agreement.

[170097A Memo from Alachua County BOCC re FSAA 20170615.pdf](#)

[170097B Memo from Chief Lane re FSAA 20170615.pdf](#)

[170097C Presentation on FSAA 20170615.pdf](#)

[170123.](#)

Mayor Lauren Poe - Climate Change (NB)

RECOMMENDATION

The City Commission discuss the City of Gainesville's role in addressing climate change.

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

[170117.](#)

The 30th Year Anniversary of Florida Certified Organic Growers and Consumers, Inc. (B)

RECOMMENDATION

Florida Certified Organic Growers and Consumers, Inc. (FOG) President Pam Smith to accept the proclamation.

[170117_FOG 30th Anniversary_20170615.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

[170049.](#)

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

This item involves the request for adoption of a Resolution approving the grant of a Perpetual Easement from the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (BTIIFT).

Explanation: The BTIIFT owns the 6th Street Rail Trail corridor, which includes a portion locally referred to as the Downtown Connector Trail that cross South Main Street, within the city limits of Gainesville and sublets said property to the City of Gainesville for the maintenance of infrastructure. The Gainesville Community Redevelopment Agency (CRA), acting as an agent for the City of Gainesville, proposes to make improvements within the BTIIFT right-of-way that includes safety features and amenities for pedestrians, bicyclists, and motorists as well as stormwater infrastructure enhancements at the intersection of South Main Street

and the Downtown Connector Trail. The City is requesting a perpetual easement from the BTIITF at this intersection for the installation of safety and infrastructure improvements associated with the South Main Street Improvement Project. The BTIIFT easement application process is within the critical construction path of the South Main Street Improvement Project and is therefore advancing ahead of the forthcoming CRA Board review of the 90% plans as a precautionary effort to mitigate potential construction delays. If the South Main Street Improvement Project does not move forward based on CRA Board direction, the BTIITF easement application can be withdrawn.

Fiscal Note: Funding in the amount of \$100 for administrative costs is available in the Community Redevelopment Agency FY2017 operating budget.

RECOMMENDATION

The City Commission: 1) adopt the Resolution approving the request for a Perpetual Easement from the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida; and 2) authorize the Mayor or his designee to make application for the Perpetual Easement.

[170049 Resolution 20170601.pdf](#)

[MOD 170049A Resolution 20170601.pdf](#)

[MOD 170049B Map 20170601.pdf](#)

[170049A Resolution 20170615.pdf](#)

[170049B Map 20170615.pdf](#)

ORDINANCES, 1ST READING - ROLL CALL REQUIRED

[170066.](#)

VEHICLES FOR HIRE - REPEAL OF REGULATIONS FOR TRANSPORTATION NETWORK COMPANIES (B)

Ordinance No. 170066

An ordinance of the City of Gainesville, Florida, amending the Code of Ordinances relating to vehicles for hire; by amending Sections 28-1, 28-8 and 28-9 to remove provisions regulating transportation network companies; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing a retroactive effective date.

Explanation: The Florida Legislature in this past session enacted CS/HB 221, effective July 1, 2017, (now Chapter 2017-12, Laws of Florida) which, among other things, preempts to the State the regulation (including without limitation, imposing a tax, requiring a license and imposing operating requirements) of transportation network companies (TNC). TNC is defined in the new State law as "... an entity operating in this state pursuant to this section using a digital network to connect a rider to a TNC driver, who provides prearranged rides. A TNC is not deemed to own, control, operate, direct, or manage the TNC vehicles or TNC

drivers that connect to its digital network, except where agreed to by written contract, and is not a taxi cab association or for-hire vehicle owner." This proposed ordinance brings the City Code into compliance with the newly enacted state law effective on July 1, 2017.

This ordinance requires two hearings. The first reading is scheduled for June 15, 2017 and second reading is scheduled for July 6, 2017. This Ordinance has a retroactive effective date of July 1, 2017.

RECOMMENDATION The City Commission adopt the proposed ordinance.

[170066 Draft Ordinance 20170615.pdf](#)

[170102.](#)

AMENDMENT TO THE RETIREE HEALTH INSURANCE PROGRAM AND TRUST FUND TO RECOGNIZE TRANSITION OF THE DISABILITY BENEFIT FROM THE DISABILITY PLAN TO THE GENERAL PLAN (B)

ORDINANCE NO. 170102

An ordinance of the City of Gainesville, Florida, amending Chapter 2, Article XII of the Code of Ordinances of the City of Gainesville to recognize the transition of the disability benefit from the Disability Plan to the General Plan in the Retiree Health Insurance Program and Trust Fund; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: The City Commission, at its meeting of December 18, 2014, authorized the City Attorney to prepare and the Clerk of the Commission to advertise an ordinance to transition the disability benefit from Gainesville Employees' Disability Plan ("Disability Plan") to the City of Gainesville Employees' Pension Plan ("General Plan"). Future disability claims by City employees under the Disability Plan were transitioned to the General Plan on February 19, 2015, through the City Commission's adoption of Ordinance Number 140657. All remaining obligations for disability benefits being paid to disabled retirees and the requisite level of assets to satisfy these obligations were transferred from the Disability Plan to the General Plan on May 7, 2015 through the City Commission's adoption of Ordinance Number 140860. The Disability Plan then had no remaining members, no possibility of future members, and no current or future obligations to provide benefits. Thus, the Disability Plan was terminated on September 3, 2015 through the City Commission's adoption of Ordinance Number 150193 and any remaining assets in the disability trust were returned to the City.

The Retiree Health Insurance Program and Trust Fund code provisions

currently only reference the City's terminated Disability Plan. This amendment recognizes the transition of the disability benefit to the General Plan by adding a reference to the General Plan, where appropriate.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

[170102_Retiree Health_20170615.pdf](#)

[160676.](#)

TEXT CHANGE - UPDATE AIRPORT HAZARD ZONING REGULATIONS (B)

Ordinance No. 160676; Petition PB-16-186 TCH

An ordinance of the City of Gainesville, Florida, amending the Land Development Code (Chapter 30 of the City of Gainesville Code of Ordinances) to update Airport Hazard Zoning Regulations; by deleting definitions from Section 30-23 Definitions; by amending Appendix F - Airport Hazard Zoning Regulations; 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

In July 2016, the Florida Legislature amended Chapter 333 (Aviation Zoning) of the Florida Statutes (chapter laws 2016-209 and 2016-239, Laws of Florida.) The statutory amendments require changes to the City's current Airport Hazard Zoning Regulations to be consistent with applicable statutory and federal requirements pertaining to airport hazard zoning. Most of the changes pertain to definitions applicable to airport zoning. Changes also have been made to clarify the permitting requirements for potential airport obstructions within the Airport Height Notification Zone. In addition, the 2016 statutory amendments require an interlocal agreement among jurisdictions that have an airport hazard area within their respective territorial limits for a particular airport. Therefore, the Interlocal Agreement for Airport Protection Zoning Regulations among the City of Gainesville, Alachua County, and the Gainesville Alachua County Regional Airport Authority will provide for the coordination of airport protection zoning regulations applicable to the Gainesville Regional Airport.

The recommended revisions have been reviewed and approved by the Chief Executive Officer of Gainesville Regional Airport, Allan Penksa. Section 333.135, Florida Statutes, requires these amendments to be adopted by July 1, 2017. The City Plan Board, on January 26, 2017, held a public hearing and voted to recommend that the City Commission adopt these amendments.

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 PB-16-186 TCH, 2) adopt the proposed ordinance, and 3) approve the Interlocal Agreement for Airport Protection Zoning Regulations.

[160676_Staff report and Appendices A-B_20170126](#)

[160676A_draft ordinance_20170601.pdf](#)

[160676B_interlocal agreement_20170601.pdf](#)

[160676C_Staff report and Appendices A-B_20170601](#)

[160676D_170126 CPB minutes_20170601](#)

[160676E_Staff PPT_20170601](#)

[160676C_Staff report and Appendices A-B_20170615.pdf](#)

[160676D_170126 CPB minutes_20170615.pdf](#)

[160676E_Staff PPT_20170615.pdf](#)

[160676A_draft ordinance_20170615.pdf](#)

ORDINANCES, 2ND READING - ROLL CALL REQUIRED

[160988](#)

ORDINANCE SETTING 2018 ELECTION DATES AND QUALIFYING DATES (B)

ORDINANCE NO. 160988

AN ORDINANCE OF THE CITY OF GAINESVILLE, FLORIDA, SETTING MARCH 20, 2018 AS THE DATE FOR THE 2018 REGULAR CITY ELECTION AND MAY 1, 2018 AS THE DATE FOR THE 2018 RUN-OFF ELECTION, IF NECESSARY; SETTING THE EARLY VOTING DATES FOR THE 2018 REGULAR CITY ELECTION AND 2018 RUN-OFF ELECTION, IF NECESSARY; SETTING THE DATES FOR QUALIFYING FOR THE 2018 REGULAR ELECTION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Explanation: The City Commission, at its meeting of May 4, 2017, approved the dates for the 2018 regular city election and run-off election. Section 9-2 of the City Code of Ordinances requires that the dates be set by ordinance adopted no later than July 1 of each year. Section 9-10 of the City Code of Ordinances states the period to qualify as a candidate for the office of Mayor or City Commissioner shall be between the 50th and 46th day prior to the date of the election. This ordinance sets forth the actual calendar dates for 2018 as follows:

Regular election -Tuesday, March 20, 2018

*Run-off election (if necessary) - Tuesday, May 1, 2018
Qualifying Period - From noon on Monday, January 29, 2018 to noon on Friday, February 2, 2018.*

Pursuant to an ordinance amendment last fall, dates for early voting must be included in the ordinance setting the election dates. The dates for early voting were inadvertently not included in the Clerk's recommended election dates. This ordinance includes early voting dates of Saturday, March 10, 2018 to and including Saturday, March 17, 2018 for the general election and early voting dates of Saturday, April 21, 2018 to and including Saturday, April 28, 2018 for the run-off election, if necessary.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

5/4/17	City Commission	Approved as Recommended
6/1/17	City Commission	Adopted on First Reading (Ordinance)

[160988_2018 Election_20170504.pdf](#)

[160988_2018 Election Dates_20170601.pdf](#)

PLANNING PETITIONS

[160885.](#)

ORDER OF THE CITY COMMISSION - DESIGN PLAT FOR BLUES CREEK UNIT 5 - PETITION DB-15-114 SUB (B)

MODIFICATION - MOVED FROM CONSENT AGENDA TO REGULAR AGENDA

Explanation: The City Commission of the City of Gainesville on June 1, 2017, held a formal quasi-judicial hearing on Petition DB-15-114 SUB, filed by eda engineers-surveyors-planners, Inc., agent for New Generation Home Builders, Inc. ("Petitioner"). The petitioner requested approval of a design plat for the subdivision of Blues Creek Unit 5 that is generally located in the 7000 - 8000 block of NW 58th Street.

Based upon the competent, substantial evidence received and included within the record, the City Commission voted to approve Petition DB-15-114 SUB and found that the Petitioner has met its burden of presenting sufficient evidence to demonstrate compliance with the decision criteria specified in Section 30-183(i)(2) of the Land Development Code. The City Commission's rules require the formal quasi-judicial decision to be reduced to writing. Therefore, the members of the City Commission that were present and voted at the hearing on June 1, 2017, should vote to ratify the written order as an accurate reflection of the City Commission's decision.

RECOMMENDATION *The City Commission ratify the written order.*

Legislative History

6/1/17 City Commission Approved (Petition)

[Final Staff Report Unit 5 Phase 2 Petition DB-15-114 SUB](#)

[Attachment B - Application and Other Supporting Documents Full Doc](#)

[Attachment C PD Ordinance and other Regulations Full Documents](#)

[Attachment D Subdivision Drawings](#)

[Attachment E – Full Documents Submitted by the Applicant for DRB](#)

[160885A_PD Ordinance_20170601](#)

[160885B_Subdivision Drawings_20170601](#)

[160885C_DRB Minutes 03282017_20170601](#)

[160885D_Staff PPT_20170601](#)

[160885_Blues Creek PPT_edd_20170601.pdf](#)

[160885_Petitioner Request_20170601.pdf](#)

[160885_petition form_20170601.pdf](#)

[160885_MOD_Petition Form_20170601.pdf](#)

[160885_order_20170615.pdf](#)

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

COMMISSION COMMENT

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