

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Meeting Agenda - Final

November 16, 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**[170549.](#)**City Commission Minutes (B)****RECOMMENDATION**

The City Commission approve the minutes of October 9, October 13, October 24, November 2, and November 6, 2017.

[170549_Minutes_20171116.pdf](#)[170549_CCOM_Minutes_20171116.pdf](#)[170553.](#)**Resignation of Kimberly Buchholz and Jacquelyne Smith from the City Beautification Board and Richard Fulmer from the Nature Centers Commission (B)****RECOMMENDATION**

The City Commission accepts the resignation of Kimberly Buchholz, Jacquelyne Smith and Richard Fulmer, effective immediately.

[170553_ResignationKimberlyJacquelyneRichard_20171116.pdf](#)[170518.](#)**First Amendment to Agreement with OpenCounter Enterprises Inc. (B)**

This item is a request to amend the agreement between the

Department of Doing and OpenCounter Enterprises Inc. to add a subscription to the OpenCounter Business Portal for the City of Gainesville.

Explanation: On December 22, 2016, the City of Gainesville entered into an Agreement to build a zoning viewer for the Department of Doing, utilizing OpenCounter's "Zoning Portal" technology. The RightSite Zoning Portal launched in May of 2016 and has received over 300 hits since that time from citizens. The most frequently searched business types have been multi-family dwellings, restaurants, single family dwellings and offices. The majority of the searches have been in City Commission District I.

After realizing the return on investment from the RightSite Zoning Portal, the City wishes to add a subscription for Open Counter's "Business Portal," which helps citizens understand the costs and complexity of starting a business. From site selection to calculating the costs of construction permits, the Business Portal provides a one-stop-shop for business. The Business Portal will help address key questions that create significant confusion for first-time applicants:

- 1. What permits are required?*
- 2. How much will they cost?*
- 3. How long will the process take?*
- 4. Where do I start?*

The OpenCounter Business Portal builds on the great work of the Code for Gainesville Brigade in developing a local business portal. This is the next step in the evolution of the suite of services we offer the community. The tools the Portal offers were shared with the Chamber of Commerce and BANCF. In addition to permit information, the Portal can be used to apply for and obtain approval for a city business license.

The City's initial contract for the RightSite Zoning Portal was for an amount not to exceed \$43,500 invoiced over three (3) years (\$14,500 per year). The City wishes to add a subscription for OpenCounter's "Business Portal," which adds a \$25,500 per-year license. The total contract amendment value is \$76,500. The Department of Doing recommends approval of the First Amendment to the contract with OpenCounter Enterprises Inc.

Fiscal Note: Funds are available in an amount not to exceed \$25,500 annually for this contract amendment from the Department of Doing FY18 operating budget.

RECOMMENDATION

The City Commission authorize the City Manager to execute the First Amendment to the agreement with Open Counter Enterprises Inc, and related documents, subject to approval by the City

Attorney as to form and legality.

[170518A_FLGainesvilleOpenCounterFirstAmendment_20171116](#)

[170518B_OpenCounterZoningPortalExecutedContract_20171116](#)

[170520.](#)

Annexation by Referendum - Sterling Place Neighborhood (B)

This is the request for authorization to commence the process for an annexation by referendum of an area commonly referred to as Sterling Place Neighborhood.

Explanation: On October 26, 2017 the City of Gainesville received 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. The neighborhood is bound by the City of Gainesville on three sides and currently receives many services from the City.

The Florida Statutes, Chapter 171 provides two mechanisms for annexation - voluntary annexations, and annexations by referendum. An annexation by referendum is one in which the registered voters in a defined annexation area vote for or against annexation.

As defined by the Florida Statutes, it is appropriate to consider annexation in order to ensure sound urban development and accommodation to growth, ensure the efficient provision of urban services to areas that become urban in character, and to encourage development in areas that efficiently utilize services and prevent urban sprawl. Based on these parameters, the Sterling Place neighborhood would be appropriate for an annexation referendum.

Fiscal Note: The fiscal impact of the annexation will be addressed in the Urban Services Report.

RECOMMENDATION

The City Commission: 1) direct the City Manager to analyze the area; 2) direct the City Manager to notify the Supervisor of Elections of the desire to conduct the referendum; 3) and authorize the City Attorney to prepare and the Clerk of the Commission to advertise ordinances relating to the annexation referendum of the area, if appropriate.

[170520A_Letter from HOA requesting annexation_20171116](#)

[170520B_AnnexationMap_20171116](#)

[170493.](#)

Addition of a Consent Agenda for the UAB (B)

MODIFICATION - ADDED ITEM AND CHANGED TEXT FILE LANGUAGE

Explanation: At their October 12, 2017 meeting, the UAB discussed the issue of whether their meetings would be more efficient if they added a consent agenda to the Order of Business in their rules. Some members believe that routine contracts such as building or grounds maintenance, granting of a utility easement, and similar small, routine matters could be put on consent to free up time for more in depth discussions of larger utility issues.

The Board voted to revise Article III, Section 1, Order of Business in their Rules of Procedure to reflect the addition of a consent agenda. The motion passed by a vote of 5 to 1, with Member Orlando in dissent and Member Campbell absent.

The City Attorney's office has made the change and now presents the revised rules for Board approval. The Board approved the revised rules at their November 9, 2017 meeting and now seek Commission approval.

RECOMMENDATION Approve the amendment to Article III, Section 1, Order of Business of the UAB's Rules of Procedure to allow for the addition of a consent agenda.

[170493 Revised Rules of Procedure - UAB 20171109](#)

[170534.](#)

Eugene Thurman v. City of Gainesville; Case No. 2017-CA-764; Eighth Judicial Circuit, in and for Alachua County, Florida. (NB)

Explanation: On April 1, 2016, shortly after 8:00 a.m., Eugene Thurman was riding his bicycle northbound on the sidewalk on the west side of N. Main Street. Even though there was a bicycle lane available, and he was traveling in the opposite direction of vehicular traffic, Mr. Thurman's use of the sidewalk was not unlawful. As Mr. Thurman approached the intersection of N. Main Street with NE 35th Avenue, a City pickup truck from the GRU Field Services Division was stopped at the stop sign on NE 35th Avenue heading east. The driver of the City pickup truck was a utility meter reader acting in the course and scope of his employment who intended to turn right onto N. Main Street. As the City pickup truck attempted to enter the intersection, the truck and the bicycle came into contact with one another.

Mr. Thurman sought chiropractic care within a week after the accident, and follow-up medical attention, including corticosteroid injections to his lower back. He claimed injuries to his neck, spine, and hip, with numbness and tingling in his lower right extremities. Mr. Thurman sought recovery of chiropractic and medical bills totaling over \$24,000.00 as well as 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 Mr. Thurman. A complete review of the applicable chiropractic and medical records and past employment 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 conducted, and a negotiated settlement was achieved. Representatives for the City agreed to recommend a total settlement in the amount of \$38,500.00, subject to the approval of the City Commission of the City of Gainesville. In exchange, Mr. Thurman will provide a full and complete Release to the City. It is the recommendation of the City Attorney's Office and the Risk Management Department that the case be settled for that amount.

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

RECOMMENDATION

The City Commission 1) approve the terms of the mediated settlement agreement; and 2) authorize the City Attorney to settle the claim of Eugene Thurman arising from an accident that occurred on or about April 1, 2016.

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.

[170552.](#)

Appointments to the Development Review Board, City Plan Board and Historic Preservation Board (B)

RECOMMENDATION

The City Commission discuss appointments to the Development Review Board (One (1) full term opening), City Plan Board (Four (4) full term openings and One (1) vacancy for a term to end 11/1/2018) and Historic Preservation Board (Five (5) full term openings) and take appropriate action.

[170552_DRBAppointments_20171116.pdf](#)

[170552_CPBAAppointments_20171116.pdf](#)

[170552_HPBAAppointments_20171116.pdf](#)

[170476.](#)

Full-time Clerk of the Commission Hiring Update (B)

Explanation: Staff would like to provide an update on the full-time Clerk of the Commission hiring process. On December 1, 2017, Clerk of the

Commission Kurt Lannon will be retiring. In order to prepare for his departure, it is necessary to pursue a replacement.

The City Commission authorized the Human Resources Department to engage the services of an executive search firm to initiate a search to fill the soon-to-be-vacant Clerk of the Commission position. Springsted Waters is conducting a search for the full-time Clerk of the Commission position and has discovered a slate of qualified candidates. Video interviews with candidates were conducted prior to the November 16, 2017 City Commission meeting. Commissioners will select to move forward to the interview process on December 5-6.

The City Commission selected Sharon Williams as the Interim (Acting) Clerk of the Commission at the November 2, 2017 City Commission meeting, to serve in that role until a full-time Clerk of the Commission is selected.

Fiscal Note: Salary is approved in the FY18 budget.

RECOMMENDATION

The City Commission receive an update and select 3-5 candidates to interview for the full-time Clerk of the Commission position.

Legislative History

11/2/17 City Commission Continued

[Contract for Executive Search Firm Services for Clerk of the Commission Position](#)

[Clerk of the Commission Job Description.pdf](#)

[Clerk of the Commission Semi-Finalist Report and Candidate Resumes.pdf](#)

[CLERK OF THE COMMISSION TIMELINE.pdf](#)

[170554.](#)

Clerk of the Commission Special Recognition (NB)

RECOMMENDATION

The City Commission recognize the Clerk of Commission, Kurt Lannon.

[170526.](#)

Cultural Affairs Board and Art in Public Places Trust Ordinance Amendments (B)

This item relates to City Commission consideration and approval of amendments to the ordinance creating the Gainesville Cultural Affairs Board and Gainesville Art in Public Places Trust.

Explanation: 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 who appointed the 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 the Local Arts Agency of Alachua County. In the BoCC agenda background it references the county-wide funded Arts Tag Grant which the Cultural Affairs Board now oversees, as well as changes the Art in Public Places Advisory Board originating resolution.

As the City of Gainesville is no longer serving as the Local Arts Agency for Gainesville and Alachua County, and the BoCC has signaled its intent to restructure the joint City/County functions of both the Cultural Affairs Board and Art in Public Places Trust, PRCA staff has worked with the City Attorney's office to restructure the ordinances that establish both these boards. The proposed ordinance change reduces 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. The proposed ordinance change alters 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. The proposed ordinance change also updates and streamlines the Art in Public Places Trust art selection and acquisition process, in which a board of City Commission-appointed members, well-versed in public art, utilizes the City Commission's approved public art masterplan as a framework for decision making.

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: 1) hear a brief presentation from City staff on the ordinance amendments; 2) approve the changes to Division 3. - Gainesville Cultural Affairs Board and Chapter 5.5 Art in Public Places Trust policies; and 3) authorize the City Attorney to draft the ordinance.

[170562A Arts Agency Ordinance Amendments Draft 20171116.pdf](#)

[170526B APPT masterplan 2009_20171116.pdf](#)

****This item was presented to the UAB on November 9, 2017. ****

MODIFICATION - CHANGED TEXT FILE LANGUAGE

Explanation: The Energy Delivery Department uses an Outage Management System (OMS) to facilitate and expedite the identification, restoration, and documentation of electric system service interruptions as well as all other GRU utilities. The existing application is no longer meeting GRU's expectations during storms and major events. The recommended OMS solution incorporates desirable new features, significant application enhancements, and productivity gains for the management and reporting of electrical system incidents as well as adding the ability to share real-time outage information with customers and stakeholders.

GRU Purchasing issued a Request for Proposals (RFP) for an outage management system to prospective firms and posted the RFP to GRU's web page. Five responses were received. Proposals were evaluated based on criteria set forth in the RFP: qualifications and experience, project approach, software, fees and expenses, distinguishing characteristics, referrals, local preference and small business or disabled veteran enterprise; functionality, ease of use, integration; user experience, support, implementation. Open Systems International, Inc. submitted the highest evaluated proposal. A tabulation of the scoring is attached for reference.

Fiscal Note: Funds are available in the FY 2018 Energy Delivery budget and will be requested in future fiscal years as required for O&M.

RECOMMENDATION

The City Commission to authorize the General Manager, or his designee, to:

1) negotiate and execute agreements with Open Systems International, Inc. for implementation services, software support services, and a software license to install and configure a new Outage Management System (OMS), subject to approval of the City Attorney as to form and legality; and

2) approve the issuance of a purchase order in the amount of \$596,760.00 for the OMS, which includes system maintenance and support for the first year of the contract.

The UAB voted 5-0, with Members Campbell and Selvester absent, to recommend approval of the staff recommendation.

[170545 OMS System Replacement Presentation 20171109](#)

[170545 Solicitation Documents 20171109](#)

[170545_bid tabulation_20171109](#)

[170557.](#)

Settlement of City's Claims Against Jones Edmunds Regarding the Design and Engineering of the Sediment Basin of the Sweetwater Branch/Paynes Prairie Sheetflow Restoration Project (B)

****This item was presented to the UAB on November 9, 2017.****

MODIFICATION - CHANGED TEXT FILE LANGUAGE

Explanation: The Sweetwater Wetlands Park has been an overwhelming success. However, there were some issues with the sedimentation basin and trash removal system which resulted in additional expense in order to correct. On September 24, 2013, the City discovered for the first time that the sedimentation basin of the Sweetwater Branch/Paynes Prairie Sheetflow Restoration Project (now known as Sweetwater Wetlands Park), located at 325 S.W. Williston Road, Gainesville, Florida, was not functioning as intended and as necessary for the Project. On June 17, 2014, the City placed Jones, Edmunds & Associates, Inc. on notice of the City's claims regarding design and engineering of the sediment basin. Jones Edmunds prepared Sediment Basin Design Modifications that were incorporated into Change Order Request 15 for the Project on or about March 31, 2015. Since June 2014, City staff (from GRU, Public Works, and Legal) worked with Jones Edmunds to negotiate a settlement of the claims without resort to litigation. Mediation was conducted on April 12 and October 13, 2017, resulting in a draft settlement between the parties, subject to review and recommendation by the Utilities Advisory Board and approval by the City Commission.

The draft settlement agreement has been approved and executed by the authorized official of Jones, Edmunds & Associates, Inc. The City Attorney's Office, GRU staff, and Public Works Department recommend that the Utilities Advisory Board recommend approval of the settlement, and that the City Commission approve the settlement and authorize the Mayor to sign the settlement agreement. The settlement agreement is included in the back-up for this agenda item, and the key terms of the settlement are as follows:

- 1) Jones Edmunds pays the City \$340,000 within 30 days after Commission approval of the settlement agreement;*
- 2) The parties release each other from all claims and disputes regarding the services provided by Jones Edmunds on the Sweetwater Branch/Paynes Prairie Sheetflow Restoration Project; and*
- 3) The City issues a press release (Exhibit A to Agreement) describing the benefits and success of the project, and the resolution of the dispute through mediation.*

RECOMMENDATION

The City Commission authorize the General Manager or his designee and the City Manager or his designee to execute the Settlement Agreement, subject to approval by the City Attorney as to form and legality.

The UAB voted 5-0, with Members Campbell and Selvester absent, to recommend approval of the staff recommendation.

[170557 Agreement 20171109](#)

[170451.](#)

**Engineering Services for the Wastewater Collection System
Assessment to Target Inflow & Infiltration (I&I) Reduction Measures
(B)**

****This item was presented to the UAB on November 9, 2017.****

MODIFICATION - CHANGED TEXT FILE LANGUAGE AND NEW BACK-UP

Explanation: A significant challenge for all utilities is assessment and prioritization of aging infrastructure. One result of the aging infrastructure is an increase of the amount of rainwater and groundwater that enters the wastewater collection system during wet weather conditions (commonly referred to as inflow and infiltration (I&I)). Virtually every wastewater collection system has some I&I entering the sewer system, and small amounts of I&I are expected and tolerated. However, excessive I&I causes operational challenges and reduces the available capacity of the wastewater system. GRU continuously invests resources to evaluate and reduce I&I sources, but recognizes that a more comprehensive approach is needed to develop a prioritized plan for targeting and planning wastewater collection system rehabilitation and replacement efforts.

The engineering services provided under this contract will include conducting targeted field investigations that identify sources of excessive I&I; recommending corrective actions to eliminate the I&I; quantifying the volume of I&I that will be reduced by implementing the corrective actions and the associated costs of these actions; and performing cost-benefit analyses estimating the operation and maintenance cost savings and capital deferral gained by implementing the corrective actions and reducing the I&I.

Utilities Purchasing issued a Request for Statement of Qualifications (RFSQ) to 29 engineering firms and posted the request on the GRU website. Five firms responded. Of the five firms that submitted a Statement of Qualifications, presentations were made by the top three firms. In accordance with the Consultants' Competitive Negotiations Act (CCNA) F.S. 287.055 and City of Gainesville Purchasing Policies, the firms were ranked in the following order:

- 1. Jones Edmunds and Associates, Inc.*
- 2. Wright-Pierce*
- 3. Kimley-Horn*

Staff is recommending initiating contract negotiations with the top-ranked firm as required by Florida statute. If staff is unable to negotiate an acceptable contract with the top-ranked firm, negotiations will be made with the next firm in the order of ranking. A summary of the scoring for

each firm is attached.

This item was presented to the UAB on November 9, 2017. They voted 5-0, with members Selvester and Campbell absent, to approve the staff recommendation with the following changes:

In the 2nd recommendation, add "further negotiations with the second firm if necessary"

In the 3rd recommendatidon, change "top ranked firm" to "negotiated firm."

The Board's changes are reflected in the recommendation section below.

Fiscal Note: Cost of engineering services to be negotiated per CCNA F.S. 287.055. Estimated funding for this request is included in the Water/Wastewater Capital Improvements budget. The total projected cost of the project is estimated at \$750,000 over FY 2018 through FY 2020.

RECOMMENDATION

1. Approve the final ranking of engineering firms in the given order of preference for professional engineering services for the Wastewater Collection System Assessment to Target Inflow & Infiltration (I&I) Reduction Measures project; and
2. Authorize the General Manager, or his designee, to initiate contract negotiations with the top ranked firm in accordance with the Consultants' Competitive Negotiation Act (CCNA); and further negotiations with the second-ranked firm if necessary;
3. Authorize the General Manager, or his designee, upon successful negotiations, to execute a contract with the negotiated firm, subject to approval of the City Attorney as to form and legality, and final appropriation of funds for each year of the project.

The UAB recommends that the City Commission approve the staff recommendations.

[170451 WWW Collection System Assessment 20171109](#)

[170451 Eval Tabulation 20171116](#)

[170555.](#)

Audit of Gainesville Regional Utilities' Non-Pension Investments (B)

Explanation: The 2017 Annual Audit Plan included an audit of Gainesville Regional Utilities' Non-Pension Investments. Due to an open position within the City Auditor's Office during most of fiscal year 2017, the audit was performed by an external firm, Experis Finance, using the Institute of Internal Auditors, International Professional Practices Framework (red

book).

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

[170555 Audit of GRU Non-Pension Investments 20171116.pdf](#)

[170556.](#)

Annual Follow-up of Audit Recommendations (B)

Explanation: City Commission Resolution 150127 requires the City Auditor follow-up with management to determine whether appropriate corrective actions have been taken on open audit recommendations from previous audit accepted by the City Commission.

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

[170556 FY17 Annual Follow-up of Audit Recs 20171116..pdf](#)

[170500.](#)

Bid Award - SE 4th Street Reconstruction (Williston Road to Depot Avenue) Project (B)

This item is a request for the City Commission to authorize the bid award to D.A.B. Constructors, Inc. for the SE 4th Street Reconstruction (Williston Road to Depot Avenue) Project.

MODIFICATION - MOVED TO REGULAR AGENDA

Explanation: On September 6, 2017, the Purchasing Division solicited bids for the SE 4th Street Reconstruction (Williston Road to Depot Avenue) Project. A non-mandatory pre-bid conference was held on August 21, 2017 at 1:00 PM at City Hall. A total of six (6) vendors attended the conference. All bids were due at 3:00 PM on September 6, 2017. A total of four (4) bids were received.

The Public Works Department recommends awarding this contract to D.A.B. Constructors, Inc. in the amount of \$5,010,328.88.

Fiscal Note: The Public Works Department suggests funding this project through \$3,810,328.88 from 356-M170 Local Option Gas Tax fund, \$1,300,000 from the Stormwater Management Utility.

This provides the \$5,110,328.88 necessary to complete this project including contingency.

RECOMMENDATION *The City Commission: 1) award the bid to D.A.B. Constructors, Inc. for the construction of the SE 4th Street Reconstruction (Williston Road to Depot Avenue) Project; and 2) authorize the City*

Manager or designee to execute all contract documents and other necessary documents, subject to approval by the City Attorney as to form and legality.

[170500A_Bid Award Check of Minimum Requirements_20171102.pdf](#)

[170500B_Bid Award Recommendation_20171102.pdf](#)

[170500C_Bid Tab_20171102.pdf](#)

[170575.](#)

Commissioner Charles Goston - GRU Rates (NB)

MODIFICATION - ADDED ITEM

RECOMMENDATION

The City Commission direct the General Manager for Utilities to immediately reduce the fuel adjustment rate by 35 mills per kWh, providing the General Manager authority to exceed the recommended fuel adjustment levelization balance percentage floor if necessary.

[170576.](#)

Commissioner Charles Goston - GREC Non-Disclosure Agreement (NB)

MODIFICATION - ADDED ITEM

RECOMMENDATION

The City Commission direct the City Attorney to ask all signatories to the GREC non-disclosure agreement to sign a waiver agreeing that the NDA is abrogated so that all communications relating to the GREC arbitration and purchase negotiations that occurred prior to March 14, 2017 may be freely discussed.

[170577.](#)

Commissioner Charles Goston - Attorney General's Opinion on the right of a City Commissioner to sign the GREC Non-Disclosure Agreement (NB)

MODIFICATION - ADDED ITEM

RECOMMENDATION

The City Commission direct the City Attorney, in the event that the City Commission does not direct the City Attorney to ask all signatories to the GREC non-disclosure agreement to sign a waiver agreeing that the NDA is abrogated or in the event that all signatories to the GREC non-disclosure agreement do not sign a waiver agreeing that the NDA is abrogated, to seek an Attorney General's Opinion as to whether a City Commissioner wishing to have access to information

communicated during the GREC arbitration and purchase negotiations that occurred prior to March 14, 2017 may sign the NDA.

[170578.](#)

Commissioner Charles Goston - Maritime School (NB)

MODIFICATION - ADDED ITEM

RECOMMENDATION

The City Commission hear a presentation from Blue Water Maritime School representatives.

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

[170550.](#)

Family Caregiver Month - November 2017 (B)

RECOMMENDATION

Academy of Florida Elder Law Attorneys Al Rothstein to accept the proclamation.

[170550_FamilyCaregiverMonth_20171116.pdf](#)

[170551.](#)

Deep Sea Ministry Day - November 22, 2017 (B)

RECOMMENDATION

Prophet George Young to accept the proclamation.

[170551_DeepSeaMinistryDay_20171116.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

[170533.](#)

Qualified Target Industry (QTI) Resolution - USR Systems, LLC (B)

This item seeks a one year extension to former City Commission approval for a QTI Resolution associated with prospective job creation for the location within the City of Gainesville for USR Systems, LLC.

Explanation: USR Systems, LLC was previously approved by the City Commission as a Qualified Target Industry by Resolution Number 150942. USR Systems, LLC has requested one-year extension. USR Systems, LLC affirms that it will create up to 140 net new jobs within three years at an average wage of approximately \$55,000 (with benefits) within the City of Gainesville. In addition to the creation of jobs in the three year period, this firm has pledged a capital investment of approximately \$85,000 in a similar timeframe.

The QTI incentive is a state tool available to Florida communities to encourage job growth in targeted, high value-added businesses. Pre-approved applicants creating jobs in Florida receive refunds on the various State taxes they pay including corporate, sales, ad-valorem, insurance premium and other taxes. The QTI incentive is performance based and the firm will only receive funds based upon jobs created and meeting other criteria as required by Florida statute.

Due to the incentive calculated per job (\$3,000 per job per QTI incentive, \$1,000 per job associated with 150% of the average annual wage and \$2,000 for jobs located in an Enterprise Florida designated High Impact Business Sector) the total incentive would be \$ 840,000. Of this, the City would be asked to provide a 10% match (\$84,000) over a period of three years with an equal 10% match (\$84,000) coming from Alachua County for a total local match of \$168,000.

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

The Alachua County Board of County Commissioners approved a similar extension Resolution on October 24, 2017.

Fiscal Note: If approved this Resolution would result in an eight year local contribution payout of \$84,000 beginning in FY 2018 should the State approve QTI

refunds for the firm. This is not currently funded for 2018; therefore, it would need to come out of the General Fund fund balance.

RECOMMENDATION

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

[170533A_QTI Resolution_20171116.pdf](#)

[170533B_Original Resolution_20171116.pdf](#)

[170533C_Email_20171116.pdf](#)

[170533D_Extension Request_20171116.pdf](#)

[170562.](#)

Resolution in support of preserving the official designation of U.S. Highway 441 in Alachua County as the "Martin Luther King, Jr., Highway" (B)

RESOLUTION NO. 170562

A Resolution of the City Commission of the City of Gainesville, Florida, in support of preserving the official designation of U.S. Highway 441 in Alachua County as the "Martin Luther King, Jr., Highway;" providing an immediate effective date.

Explanation: During Commission Comment at the Regular City Commission Meeting on November 2, 2017, the City Commission directed the Office of the City Attorney to prepare a Resolution reaffirming the necessity of U.S. Highway 441 being named the Martin Luther King, Jr., Highway. The draft Resolution and a copy of the official designation (Chapter 88-419, Laws of Florida) are provided in the back-up to this agenda item.

RECOMMENDATION

The City Commission adopt the Resolution

[170562B_Chapter 88-418 Laws of Florida_20171116.pdf](#)

[170562A_draft resolution_20171116.pdf](#)

ORDINANCES, 1ST READING - ROLL CALL REQUIRED

ORDINANCES, 2ND READING - ROLL CALL REQUIRED

[170057.](#)

**QUASI-JUDICIAL - REZONING - 1145 E UNIVERSITY AVENUE
(B)**

Ordinance No. 170057; Petition No. PB-17-01 ZON

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning approximately 0.25 acres of property that is generally located at 1145 E University Avenue at the intersection of SE 12th Street, as more specifically described in this ordinance, from Mixed-Use Low-Intensity (MU-1) district to Public Services and Operations (PS) district; specifying uses permitted by right; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: STAFF REPORT

This ordinance will amend the Zoning Map Atlas of the City of Gainesville by rezoning the subject 0.25-acre parcel from Mixed-Use Low-Intensity (MU-1) to Public Service and Operations (PS). The currently vacant property is located in the vicinity of the corner of E University and SE 12th Street abutting the existing B'nai Israel Cemetery. The rezoning will accommodate a contiguous future expansion of the cemetery. Previous rezoning and land use changes to allow PS zoning have left this property as the only MU-1 zoned parcel within the block. All other parcels have PS zoning.

The proposed rezoning of the parcel to PS is consistent with the property's future land use designation of Mixed-Use Low-Intensity (MUL). Rezoning of the property is also necessary to make the extension of the existing cemetery consistent with the Land Development Code, since cemeteries are only permitted in the PS zoning district.

Per Section 30-3.14 of the Land Development Code, applications to rezone property (to a district other than a transect zone) should be reviewed according to the following criteria:

- A. Compatibility of permitted uses and allowed intensity and density with surrounding existing development.*
- B. The character of the district and its suitability for particular uses.*
- C. The proposed zoning district of the property in relation to surrounding properties and other similar properties.*
- D. Conservation of the value of buildings and encouraging the most appropriate use of land throughout the city.*
- E. The applicable portions of any current city plans and programs such as land use, traffic ways, recreation, schools, neighborhoods, stormwater management and housing.*
- F. The needs of the city for land areas for specific purposes to serve population and economic activities.*
- G. Whether there have been substantial changes in the character or development of areas in or near an area under consideration for rezoning.*
- H. The goals, objectives, and policies of the Comprehensive Plan.*

I. The facts, testimony, and reports presented at public hearings.

At a public hearing on May 25, 2017, the City Plan Board voted to recommend that the City Commission adopt this proposed rezoning.

CITY ATTORNEY MEMORANDUM

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

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

11/2/17 City Commission Approved (Petition) and Adopted on First Reading
(Ordinance)

[170057 Staff Report w Exhibits A-D 20170525](#)

[170057A_draft ordinance_20171019.pdf](#)

[170057B Staff Report w Exhibits A-D 20171102.pdf](#)

[170057C Staff ppt_20171102.pdf](#)

PLANNING PETITIONS

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

COMMISSION COMMENT

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