

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Meeting Agenda - Final

September 15, 2016

1:00 PM

MODIFIED AGENDA

City Hall Auditorium

City Commission

Mayor Lauren Poe (At Large)

Commissioner Harvey Budd (At Large)

Mayor-Commissioner Pro Tem Helen Warren (At Large)

Commissioner Charles Goston (District 1)

Commissioner Todd Chase (District 2)

Commissioner Craig Carter (District 3)

Commissioner Adrian Hayes-Santos (District 4)

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

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

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

ROLL CALL**INVOCATION****ADOPTION OF CONSENT ITEMS - GRU, General Government, Audit & Finance Committee and General Policy Committee Items**

[140423.](#)

Fire Station Location Study and Update on Transition of Fire Rescue Services in the SW 20th Avenue Area (NB)

This item recommends referral of the Fire Station Location Study and Update on Transition of Fire Rescue Services in the SW 20th Avenue Area to the General Policy Committee.

Explanation: Based on previous staff recommendation and guidance from the City Commission, City staff procured the services of a consultant to perform a Fire Station Location Study. This item recommends referral of the Fire Station Location Study and Update on Transition of Fire Rescue Services in the SW 20th Avenue Area to the General Policy Committee.

Fiscal Note: There is no fiscal note.

RECOMMENDATION

The City Commission refer the Fire Station Location Study and Update on Transition of Fire Rescue Services in the SW 20th Avenue Area to the General Policy Committee.

[160199.](#)

I-75 Relief Task Force (B)

This item is a referral from the General Policy Committee regarding potential future transportation investments by the Florida Department of Transportation in Alachua County.

Explanation: The Florida Department of Transportation (FDOT) convened the I-75 Relief Task Force to evaluate alternatives for relief strategies to the I-75 corridor. The Task Force held its final meeting on August 11, 2016 to finalize their recommendations to the FDOT. The General Policy Committee heard a presentation from staff on August 25, 2016 outlining the outcome of the Task Force proceedings and referred the item to the City Commission for action recommending that a letter be submitted to the Task Force chair indicating the City's support for investments in the local roadway system, including the funding of the SW 62nd Blvd connector; requesting consideration for a reduction of the I-75 speed limit through the City's urban area; and, requesting investments in enhanced multimodal connectivity between the City urban core and the potential future rail improvements along US301.

The General Policy Committee inquired about the selection of the US301 rail corridor over other available options in the area. Although not specifically stated in the available task force documentation (<<http://www.i75relief.com/documents.html>>) it appears that this rail line provides a direct and continuous link through the study focus area, between Hernando County and Alachua County, see study area map in Appendix A. Other rail corridors in Alachua County are shorter in length and not contiguous. The preliminary framework for the study (draft dated June 6, 2016, available online) specifically mentions improvements of freight rail capacity and connectivity along the CSX S-line, and the provision of multimodal options for long-distance travel by passengers via intercity bus and rail services and through enhanced connections between regional and local public transportation systems.

Fiscal Note: There is no fiscal impact associated this item.

RECOMMENDATION

The City Commission authorize the Mayor to sign a letter to the I-75 Relief Task Force chair outlining the City's preference for future transportation investments in the area.

[160199_CoverSheet_I-75_Relief_TF_20160825.pdf](#)
[160199A_Staff_Analysis_Form_I-75relief_20160825.pdf](#)
[160199B_APP_A_I-75_AreasofOpport_Enhanced_NewCorridors_20160825.pdf](#)
[160199C_APP_B_MTPO_Boundary_20160825.pdf](#)
[160199D_APP_C_AC_Chair_Letter_20160825.pdf](#)
[160199E_APP_D_MTPO_I-75_Relief_Letter_2016.6.29.16.pdf](#)
[160199F_APP_E_COG-Letter_of_Support_20160825.pdf](#)
[160199A_Draft_Letter_20160915.pdf](#)
[160199B_TF_Preliminary_Framework_and_Map_20160915.pdf](#)
[160199C_APP_A_I-75_AreasofOpport_Enhanced_NewCorridors_20160825.pdf](#)
[160199D_APP_B_MTPO_Boundary_20160915.pdf](#)
[160199E_APP_C_AC_Chair_Letter_20160915.pdf](#)
[160199F_APP_D_MTPO_I-75_Relief_Letter_20160915.pdf](#)
[160199G_APP_E_COG-Letter_of_Support_20160915.pdf](#)

[160203.](#)

Approval of the Regional Transit System (RTS) Ten-Year Transit Development Plan (TDP) Annual Update for FY 16/17 (B)

This item involves a request for the City Commission to approve the RTS Ten-Year TDP Annual Update for FY 16/17.

Explanation: To maintain eligibility for Florida Department of Transportation (FDOT) transit block grant funding, RTS must develop and maintain a TDP. FDOT requires agencies to update their TDP annually with major updates every five years. The City Commission approved the last major update to the RTS TDP on August 21, 2014. The TDP outlines the development of transit in a community over a ten-year period.

Fiscal Note: During FY15/16, RTS received \$1,830,185 in FDOT transit block grant funds.

RECOMMENDATION

The City Commission approve the RTS Ten-Year Transit Development Plan Annual Update for FY 16/17.

[160203_FY16-17_TDP_Annual_Update_20160915.pdf](#)

[160313.](#)

Compensation in the Event of Catastrophic Conditions and Mutual Aid Assistance (B)

This item requests the City Commission to revise how the City compensates exempt City employees in the event of catastrophic conditions and mutual aid assistance and adopt a Human Resources Policy reflecting these changes upon adoption of an ordinance

deleting Chapter 2, Article VII, Division 2 of the Code of Ordinances, which currently governs compensation for certain City employees in the event of catastrophic conditions and mutual aid assistance.

Explanation: In the event of a civil emergency or catastrophic conditions, or when providing mutual aid assistance, ordinance provides a mechanism by which employees who are exempt from overtime under the Fair Labor Standards Act may be awarded additional compensation when required to work hours significantly in excess of their regularly scheduled workweek. This ordinance was enacted March 28, 2005, and was made effective retroactively to August 1, 2004, in the wake of Hurricane Charley.

In reviewing the existing ordinance, staff identified deficiencies that may complicate the determination of who is eligible for the award of additional compensation, the rate at which employees would be paid, and which hours qualify for additional compensation. Additionally, staff noted that, in order to qualify for reimbursement for a portion or all of the additional compensation, policy is sufficient.

Staff raised these matters during the Charter Officers' monthly policy meeting. In deliberating proposed changes, the Charter Officers identified other circumstances - those constituting a state of crisis management - where additional compensation to exempt employees may be appropriate.

Accordingly, staff recommends that the City Commission revise how the City compensates exempt City employees in the event of catastrophic conditions and mutual aid assistance and adopt a Human Resources Policy reflecting these changes upon adoption of an ordinance deleting Chapter 2, Article VII, Division 2 of the Code of Ordinances, which currently governs compensation for certain City employees in the event of catastrophic conditions and mutual aid assistance. To begin this process, staff requests authorization for the City Attorney to prepare and the Clerk to advertise an ordinance deleting Chapter 2, Article VII, Division 2 of the Code of Ordinances.

In sum, the policy changes from current ordinance would be as follows:

"State of crisis management" has been added to the definition of Incident. This is in addition to civil emergency or catastrophic condition.

"Workweek" will be defined as any seven day period beginning 12:01am Monday and ending 12:00 midnight Sunday.

Compensable "work" will be those incident periods when an employee performs services relating to an incident in excess of 10 hours beyond his/her normal schedule in any workweek during an incident period.

Eligible employees will no longer be determined on the basis of affirmative action classifications. Instead, all employees who are not Charter Officers, and who are not defined as at-will in section 2-196,

shall be eligible.

The rate of pay for eligible employees will no longer be tiered on the basis of affirmative action classification. Instead, all eligible employees shall be paid at the straight time rate for compensable hours.

Upon adoption of the proposed policy, eligible employees will become eligible for extra compensation under the policy beginning with the eleventh hour worked in excess of the normal schedule. Currently, ordinance provides that employees must work in excess of 84 hours in any seven consecutive days.

A draft of the new Human Resources Policy is attached as back-up to this item and will be presented to the City Commission for approval upon second reading of the ordinance deleting Chapter 2, Article VII, Division 2 of the Code.

Fiscal Note: Ordinance would be replaced by policy. Accordingly, there is no impact associated with the recommended action.

RECOMMENDATION

The City Commission authorize the City Attorney to prepare and the Clerk of the Commission to advertise an ordinance deleting Chapter 2, Article VII, Division 2 of the Code of Ordinances.

[160313A Chapter 2 Article VII Division 2 20160915.pdf](#)

[160313B Policy 20160915.pdf](#)

[160323.](#)

**State Homeland Security Grant Program Sub-Recipient Agreement
FY2016 (NB)**

This item requests that the City Commission authorize the City Manager to enter into an agreement with the State of Florida Division of Emergency Management to support equipment maintenance for Gainesville Fire Rescue's Hazardous Materials Team.

Explanation: Gainesville Fire Rescue's (GFR) Hazardous Materials Team has regional responsibilities for eleven counties and is classified as a State Type I Team providing a response capability with personnel and testing equipment for hazardous materials incidents within one hour. Through prior agreement, GFR was designated as one of 21 teams providing a statewide response network to hazardous materials emergencies. Funding for purchase and maintenance of specialized detection equipment and other supplies to support these capabilities is supplemented through a variety of homeland security and emergency services grants; one of these is the federally funded State Homeland Security Grant Program (SHSGP) offered through the State of Florida Department of Financial Services. Reimbursement funding offered for the FY2016 program is in two categories of resources: HazMat

Sustainment \$36,140 and Fire HazMat Critical Needs \$143,950 for a total of \$180,090.

Fiscal Note: The City will receive up to \$180,090. There is no match required.

RECOMMENDATION

The City Commission authorize the City Manager or designee to enter into a contract with the State of Florida Division of Emergency Management, subject to approval of the City Attorney as to form and legality.

[160358.](#)

Gainesville Creative Series Update (NB)

This is a request for the City Commission to refer an update of the Gainesville Creative Series to the General Policy Committee.

Explanation: The City Commission together with charter officers, organizational leaders, community leaders and citizens participated in the second session of a multi-part series called the Gainesville Creative Series, on August 30, 2016, at the Alachua County Library Headquarters. The first session, the Inspire Session, was held on June 9th at the Catalyst Building. The Gainesville Creative Series is aimed at envisioning the future state of Gainesville with our community.

A brief overview of results from the previous sessions along with recommendations for the next workshop will be part of the discussion referred to the General Policy Committee.

Fiscal Note: None

RECOMMENDATION

The City Commission refer an update of the Gainesville Creative Series to the General Policy Committee.

[160357.](#)

Resignation of Betsy Albury from the Historic Preservation Board (B)

RECOMMENDATION

The City Commission accepts the resignation of Betsy Albury, effective immediately.

[160357 ResignationBetsyAlburyHPB 20160915.pdf](#)

[160356.](#)

City Commission Minutes (B)

RECOMMENDATION

The City Commission approve the minutes of August 22, 2016.

[160356 Minutes 20160915.pdf](#)

[160257.](#)

Fiscal Year 2016 Quarterly Monitoring Report and Fund Review Update - Quarter Ending June 30, 2016 (B)

Explanation: The City's General Government Budget Policy requires staff to prepare and submit a quarterly budget monitoring report for all major operating funds, including the status of General Fund fund balances to the Audit and Finance Committee. Along with this report, staff is providing the quarterly update of the available fund status for all General Government funds report.

RECOMMENDATION

The Audit and Finance Committee recommends that the City Commission receive the quarterly budget monitoring report and the fund review update for the quarter ended June 30, 2016.

[160257A FY16 3rd Qtr All Funds Monitoring Report 20160823.pdf](#)

[160257B FY16 3rd Qtrly Rpt 6 months ending 6-30-16 20160823.pdf](#)

[160259.](#)

Gainesville Regional Utilities Unaudited Internally Prepared Financial Statements for the Period Ended June 30, 2016 (B)

Explanation: The following item is presented for review: Unaudited Internally Prepared Financial Statements for the Period Ended June 30, 2016, including management's discussion and analysis.

RECOMMENDATION

The Audit and Finance Committee recommends the City Commission accept the GRU Unaudited Internally Prepared Financial Statements for the period ended June 30, 2016.

[160259 GRU Unaudited Interim Financial Statements for PE 6-30-16.pdf](#)

[160260.](#)

Gainesville Regional Utilities Internally Prepared Budget to Actuals and Supplementary Data for the Period Ending June 30, 2016 (B)

Explanation: The following item is presented for review: Budget to Actuals and Supplementary Data for the period ended June 30, 2016, internally prepared.

RECOMMENDATION

The Audit and Finance Committee recommends the City Commission accept the GRU Internally Prepared Budget to Actuals and Supplementary Data for the period ended June 30, 2016.

[160260A - GRU Budget to Actuals for PE 6-30-16 20160823.pdf](#)

[160260B - GRU Supplementary Data for PE 6-30-16 20160823.pdf](#)

[160341.](#)

**REGIONAL WILSON VS. CITY OF GAINESVILLE, FLORIDA;
EIGHTH JUDICIAL CIRCUIT, CASE NO. 16-CA-2191 (B)**

Explanation: On August 25, 2016, the City was served with a Summons and Complaint filed by Regional Wilson. Plaintiff alleges that he has been subjected to disparate treatment based on his race and gender and that he has been harassed, relieved of duties, denied overtime and threatened with termination since April, 2015. Plaintiff alleges violations of Chapter 760, Florida Statutes and 42 U.S.C. § 2000e, and retaliation under 42 U.S.C. Section 2000e, Title I of the Civil Rights Act of 1991 and Chapter 760, Florida Statutes. Plaintiff is seeking money damages, interest, court costs, and attorney's fees.

RECOMMENDATION

The City Commission authorize the City Attorney to represent the City in the case styled Regional Wilson vs. City of Gainesville, Florida; Eighth Judicial Circuit, Case No. 16-CA-2191.

[160341_Regional Wilson Consent_20160915.pdf](#)

ADOPTION OF REGULAR AGENDA

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

BUSINESS DISCUSSION ITEMS - GRU and General Government items placed on the agenda by the Charter Officers or moved from Consent.

[160362.](#)

Lot # 10 Status Report (B)

This is a request for the City Commission to hear a status report on Lot #10 and provide appropriate direction.

Explanation: On October 1, 2015, the City entered into a Contract for Purchase with Horizon Hospitality Management, Inc. (HHM) for Lot #10. The Contract contained provisions regarding purchase price (\$760,000 the appraised value of the property at the time), certain thresholds regarding performance (with respect to financing approval and site due diligence) and provisions regarding provision of parking in the Downtown parking garage contained in a related License Agreement for Use of Parking Garage.

The Contract for Purchase indicated that the HHM would construct a 180-220 room Embassy Suites hotel or other like full service hotel;

approximately 10,000 square feet of retail space; approximately 13-16,000 square feet of office space; and approximately 22-27,000 square feet of meeting space consistent with a specific urban form.

On January 21, 2016, the City Commission provided an extension to performance thresholds contained within the Contract for Purchase (with respect to financing approval, site due diligence, closing and development completion) via a First Amendment to Contract for Purchase.

Importantly, this First Amendment stipulates that all necessary debt/loan funding, equity funding and Full Service Hotel Franchise Agreement be provided by HHM to the City on or before October 1, 2016. In the event the commitment letters are not provided on or before October 1, 2016, then either party thereafter, by written notice to the other, may cancel the Contract and HHM shall be refunded the Deposit (\$25,000).

Fiscal Note: Three implications of this item should be mentioned. First, as stated, the terms of the Contract for Purchase state that upon either party canceling, the \$25,000 deposit shall be refunded. Second, upon recent examination of the property appraiser's property record for Lot #10 it appears that the assessed value rose considerably in 2015 and this may have implications for the market appraisal (staff is reviewing this information further). Finally, cancellation of the McGurn License Agreement for Use of Parking Garage is contingent on closing on Lot #10 to HHM (this cancellation and its fiscal implications were reviewed with the City Commission during recent budget hearings).

RECOMMENDATION The City Commission hear an update from staff and provide appropriate direction.

[160362A_FirstAmendmentToContractForPurchase_20160915.pdf](#)

[160362B_LetterfromHorizonHospitality_20160915.pdf](#)

[160364.](#)

Mayor Lauren Poe - The Longest Table (NB)

RECOMMENDATION The City Commission discuss.

[160365.](#)

Mayor Lauren Poe - Water Stand Up North Florida Resolution (B)

RECOMMENDATION The City Commission authorize the drafting of a resolution and place on a future agenda.

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

[160365_NorthFLCityResolution_20160915.pdf](#)

[160366.](#)**Mayor Lauren Poe - Meridian (B)**

RECOMMENDATION *The City Commission discuss central receiving for mental health.*

[160366 CRS Overview for Stakeholder Meeting 072016_20160915.docx.pdf](#)

[160375.](#)**Mayor Lauren Poe - Discussion of Equitable Employment Health Benefits (NB)**

RECOMMENDATION *The City Commission discuss equitable employment health benefits for city employees.*

COMMITTEE DISCUSSION ITEMS - Items placed on the agenda by the Audit & Finance Committee or General Policy Committee or moved from Consent[160294.](#)**Annual Audit Plan - 2017 (B)**

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

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

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

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

[160342.](#)**Audit of General Fund Revenue Estimates Included in the Proposed Budget for the Fiscal Year Ending September 30, 2017 (B)**

MODIFICATION - NEW BACK-UP.

Explanation: In accordance with Section 13(A), Budget Reviews, of Commission Resolution 150127 and our Annual Audit Plan, we completed an audit of General Fund revenue estimates for the fiscal year ending September 30, 2017. We evaluated the reasonableness of the forecasted General Fund Revenues and Other Sources of Funds set forth in the Fiscal Year

2016-2017 Final General Government Financial and Operating Plan Budget to be adopted by the City Commission on September 15, 2016. We conducted this audit in accordance with Government Auditing Standards issued by the Comptroller General of the United States. Our report is attached for your review.

RECOMMENDATION The City Auditor recommends that the City Commission accept the City Auditor's report.

[160342 Audit of General Funds Revenue Estimates Proposed Bdgt FY End 9-31](#)

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

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

[160267.](#)

Murphree Water Treatment Plant Electrical Upgrade (B)

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

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

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

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

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

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

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

September 2016 - Issue ITB

November 2016 - Receive and Evaluate proposals

January 2017 - UAB and CC Approval to award construction contract

February 2017 - Begin Construction on electrical system upgrade

Spring 2019 - Complete construction of the electrical system upgrade

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

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

RECOMMENDATION *Hear a presentation from staff.*

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

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

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

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

4:30 - 5:30pm Dinner Break

5:30 - Call to order Evening Session

PLEDGE OF ALLEGIANCE

PROCLAMATIONS/SPECIAL RECOGNITIONS

[160368.](#)

Gainesville Area Community Tennis Association (GACTA) (NB)

Explanation: GACTA was awarded the National Junior Tennis & Learning (NJTL) Chapter of the Year Award by the United States Tennis Association (USTA) National Organization.

RECOMMENDATION *The City Commission recognize Addison Staples, Executive Director of GACTA.*

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

BUDGET

ORDINANCES, 2ND READING - ROLL CALL REQUIRED

[160253.](#)

REVISIONS TO CHAPTER 27 UTILITIES AND APPENDIX A - SCHEDULE OF FEES, RATES, AND CHARGES FOR UTILITIES; ELECTRICITY, WATER, SEWERAGE, AND

NATURAL GAS (B)

Ordinance No. 160253

An ordinance of the City of Gainesville, Florida, amending the Code of Ordinances, relating to Utilities; by creating and adding a new section 27-14.4, to consolidate and standardize billing adjustments throughout the utility systems; amending section 27-31 relating to electric system fuel and purchased power for public streetlight and rental outdoor light services; amending section 27-98 related to restrictions on bill adjustments for certain leaks; repealing section 27-126.2 in its entirety; amending section 27-169.1 by removing apartments from the calculation of the winter maximum for residential dwellings; amending section 27-280.2 and repealing in its entirety section 27-280.3, by consolidating and standardizing provisions for billing adjustments across the multiple utility systems; amending section 27-288.2 relating to quantities of propane fuel purchased; amending Appendix A, Schedule of Fees, Rates and Charges, to revise fees, rates and charges for electricity, water, sewerage and natural gas; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: GRU BUDGET AND FINANCE DEPARTMENT MEMORANDUM

In the proposed budget for the combined utilities system, the General Manager for Utilities made recommendations to revise electric, water, sewerage and natural gas fees, rates and charges as required to meet system revenue requirements for Fiscal Year 2017. This ordinance is necessary to implement the changes to the fees, rates and charges which shall be applied to all monthly bills which are for the first time rendered and postmarked after 12:01 AM, October 1, 2016. Additionally, changes are included in the proposed ordinance to amend provisions of Chapter 27 to reflect those corresponding changes in the code.

CITY ATTORNEY MEMORANDUM

During the budget process in July 2016, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance revising the fees, rates and charges as required to meet system revenue requirements for Fiscal Year 2017.

This ordinance requires two readings. The first reading is scheduled for September 8, 2016. The second reading is scheduled for September 15, 2016. The new and amended fees, rates, and charges shall be applied to all monthly bills which are for the first time rendered and postmarked after 12:01 AM, October 1, 2016.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

[160253_draft ordinance_20160908.pdf](#)

[160253 UAB Statement Re Rate Tiers 20160901](#)

PUBLIC HEARINGS

[160343.](#)

FINAL GAINESVILLE REGIONAL UTILITIES BUDGET - FISCAL YEAR 2016-2017 (B)

RESOLUTION NO. 160343

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA, RELATING TO THE FINAL BUDGET FOR THE CITY OF GAINESVILLE D/B/A GAINESVILLE REGIONAL UTILITIES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016 AND ENDING SEPTEMBER 30, 2017; PROJECTING REVENUES AND ADOPTING A FINAL BUDGET TO PAY FOR PERSONAL SERVICES EXPENSES, OPERATING AND MAINTENANCE EXPENSES AND OTHER EXPENSES, FOR CAPITAL OUTLAY, AND FOR DEBT SERVICE REQUIREMENTS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Explanation: The proposed resolution adopts a final budget for the City of Gainesville d/b/a Gainesville Regional Utilities for the fiscal year beginning October 1, 2016 and ending September 30, 2017, to pay for personal services expenses, operating and maintenance expenses and other expenses, for capital outlay and for debt service requirements. The proposed resolution is submitted for adoption by the City Commission.

RECOMMENDATION

The City Commission adopt the proposed resolution.

[160343_draft resolution_20160915.pdf](#)

[160304.](#)

FINAL MILLAGE RATE - FISCAL YEAR 2016 - 2017 (B)

RESOLUTION NO. 160304

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA; RELATING TO THE LEVY OF GENERAL MUNICIPAL PURPOSE AD VALOREM TAXES FOR THE 2016-2017 FISCAL YEAR BEGINNING OCTOBER 1, 2016 AND ENDING SEPTEMBER 30, 2017; ADOPTING THE FINAL MILLAGE RATE; DIRECTING THE TRANSMITTAL OF CERTIFIED COPIES; AUTHORIZING A SPECIFIED ADJUSTMENT TO THE FINAL MILLAGE RATE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

MODIFICATION - NEW POWERPOINT.

Explanation: The City Commission is required by Florida Law to adopt a final millage rate to fund the budget for FY 2016 - 2017.

RECOMMENDATION

The City Commission: 1) hear presentation from City staff regarding the tentative millage rate, the percentage increase in millage over the rolled-back rate and the specific purposes for which ad valorem tax revenues are being increased; 2) hear testimony from all interested persons; 3) discuss the proposed tax increase; and 4) adopt the proposed Resolution.

[160304 draft resolution 20160915.pdf](#)

[160304A Powerpoint Presentation 20160915.pptx](#)

160305.**FINAL GENERAL GOVERNMENT BUDGET - FISCAL YEAR 2016 - 2017 (B)**

RESOLUTION NO. 160305

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA; RELATING TO ITS GENERAL GOVERNMENT BUDGET FOR THE 2016-2017 FISCAL YEAR BEGINNING OCTOBER 1, 2016 AND ENDING SEPTEMBER 30, 2017; ADOPTING THE FINAL GENERAL GOVERNMENT FINANCIAL AND OPERATING PLAN BUDGET; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

MODIFICATION - ADDITIONAL BACK-UP AND NEW POWERPOINT.

Explanation: The Final General Government Financial and Operating Plan Budget for Fiscal Year 2016 - 2017 as prepared by the Budget and Finance Department is hereby submitted for approval by the City Commission.

RECOMMENDATION

The City Commission adopt the proposed Resolution.

[160305 draft resolution 20160915.pdf](#)

[160305 Exhibit A to Resolution 20160915.pdf](#)

[160305B Powerpoint 20160915.pptx](#)

RESOLUTIONS - ROLL CALL REQUIRED**160258.****THIRD BUDGET AMENDMENT TO THE FY 2015-2016
GENERAL GOVERNMENT FINANCIAL AND OPERATING
PLAN BUDGET (B)**

Resolution No. 160258

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA; RELATING TO ITS GENERAL GOVERNMENT BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2015 AND ENDING SEPTEMBER 30, 2016; AMENDING RESOLUTION NO. 150271, AS AMENDED BY RESOLUTION NO. 150744 AND RESOLUTION NO. 160024, BY MAKING CERTAIN ADJUSTMENTS TO THE GENERAL GOVERNMENT FINANCIAL AND OPERATING PLAN BUDGET; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Explanation: The purpose of this amendment is to accurately reflect and incorporate into the City's FY 2015-2016 General Government budget those transactions and activities that were not anticipated during the budget process.

Fiscal Note: All of the recommended changes are funded either by increases in revenue budgets, decreases in expenditure budgets, or decreases in appropriate fund balances.

RECOMMENDATION *The City Commission adopt the proposed resolution.*

[160258A Resolution - FY16 3rd Qtr Budget Amendment 20160823 \(2\).pdf](#)

[160258B Attachment A - FY16 3rd Qtr Amendatory 20160823.pdf](#)

[100630.](#)

**RESOLUTION NO. 100630 - AMENDING REAL PROPERTY
POLICIES (B)**

This item is a request to establish uniform procedures for handling parcels of land that are conveyed to the City from the County for non-payment of taxes and to apply these policies to four parcels of land that have been conveyed to the City of Gainesville by Alachua County for non-payment of taxes.

Explanation: The City of Gainesville received four parcels of land from Alachua County; three of them in October of 2014 and one of them in August 2015. The parcels were conveyed to the County by Escheatment Tax Deeds (non-payment of taxes) and subsequently conveyed to the City per Florida Statute 197.592 (1) and (2). One parcel was vacant, three were occupied. One has since been vacated and two remain with occupants. Please see the attached maps.

As a background explanation:

The County must follow a process for parcels for which taxes are not paid:

** Every May, when taxes have not been paid, tax certificates are made*

available for sale to whomever is the lowest bidder for the interest rate.

* After two years, the owner of the tax certificate may apply for a tax deed. Many purchasers of tax certificates are investors and do not intend to purchase the property, but simply desire to earn the interest accrued when someone either pays the taxes to retain the property or someone else purchases the property for taxes.

* When a property is offered for sale at a tax deed sale, if no one bids on the property, and if the applicant is not willing to take title, the property goes on the list of lands available for three years, all the while accruing interest.

* Per Section 197.592(1), Florida Statutes, if the former owner has not filed a verified application requesting restitution of the property, the Board of County Commissioners determines that the property shall not be returned to the former owner, and if it falls within the boundaries of an incorporated municipality, the County must convey it per Section 197.592(3), Florida Statutes, to the governing board of the municipality.

City staff recommends amending the Real Property Policies, which were adopted by resolution on April 18, 2013, to add the following section that provides a uniform procedure for handling escheated properties:

X. DISPOSITION OF TAX ESCHEATED PROPERTY

In furtherance of the City's goal to place tax escheated property back into beneficial use and on the tax roll, the following provisions will govern the disposition of tax escheated property:

The City's real property office shall maintain a list of entities that may be offered tax escheated properties. Any not-for-profit entity that is engaged in the provision of affordable housing may contact the real property office to be placed on the list.

Upon receiving information that a tax escheated property has been or will be conveyed to the City, if the City has no present use for the property, the City shall notify all entities on the City's tax escheated donation list of the availability of the property. Each interested entity shall communicate its request for the tax escheated property in writing to the City's real property office. The requests will be placed in numerical order based on date and time received. The real property office will then offer a real estate contract (on the terms detailed below) to the entity that submitted the first request. If that entity does not execute the contract within 3 business days, the offer shall be deemed withdrawn by the City and the real estate office shall move on to the entity that submitted the second request, and so on, until a contract is executed, or the list of requestors is exhausted.

Terms for real estate contract:

- Sales price - \$0 and other valuable consideration (namely the use and transfer restrictions below)
- Buyer pays all closing costs

· The property is sold “as-is”, whether vacant or occupied Buyer commits to, within the time specified by the City (which may vary depending on the condition of the property), put the property to use for affordable housing. The property may not be sold by the Buyer except to a person who will occupy the property as their homestead. A possibility of reverter clause will be included in the deed from the City to the not-for-profit to ensure compliance with this requirement.

If no contract is executed with an entity on the donation list, the City shall dispose of the property in a competitive manner for its “Just Value” as determined by the Alachua County Property Appraiser.

If property is occupied at the time of its conveyance from the County to the City, the City Manager is authorized to take action to eject the unlawful occupant. Upon request of the City Manager, the City Attorney is authorized to take all necessary legal action to effect the ejection.

Fiscal Note: There is no fiscal impact associated with this item.

RECOMMENDATION The City Commission adopt the Resolution.

[100630_draft_resolution_20130418.pdf](#)

[100630_Resolution_20130418.pdf](#)

[100630A_Amend_Policies_Exhibit_A_20160915.pdf](#)

[100630B_Resolution_20160915.pdf](#)

ORDINANCES, 1ST READING - ROLL CALL REQUIRED

[160216.](#)

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

Ordinance No. 160216

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

MODIFICATION - ADDITIONAL BACK-UP.

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

The adoption of an annexation ordinance is the final stage in the annexation process set forth in the Municipal Annexation or Contraction Act in Chapter 171, Florida Statutes. Because this is a voluntary annexation, no referendum is required.

CITY ATTORNEY MEMORANDUM

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

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

[160216 SignedPetition 20160804.pdf](#)

[160216 draft ordinance 20160915.pdf](#)

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

[160221.](#)**AMENDING LAND DEVELOPMENT CODE DEFINITIONS REGARDING MEDICAL MARIJUANA DISPENSARIES (B)**

Ordinance No. 160221, Petition PB-16-84 TCH

An ordinance of the City of Gainesville, Florida, relating to regulation of medical marijuana dispensaries; amending Section 30-23 of the Code of Ordinances to update definitions relating to medical marijuana; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

This ordinance will amend definitions in Chapter 30 of the City Code of Ordinances regarding "Medical Marijuana Dispensaries," which are facilities that the city has allowed in certain zoning districts to dispense medical marijuana to certain patients pursuant to state law.

In 2014 the Legislature of the State of Florida enacted the "Compassionate Medical Cannabis Act of 2014" (codified in Section 381.986, Florida Statutes), which authorized certain physicians to order "low-THC cannabis" for patients suffering from cancer or a physical medical condition that chronically produces symptoms of seizures or severe and persistent muscle spasms and only if no other satisfactory alternative treatment options exist for such patients. This 2014 Act granted cities the authority to allow, or not, and provide zoning regulations for facilities that are used to dispense cannabis for the medical purposes specified in the 2014 Act. Accordingly, on November 19, 2015, the City Commission adopted Ordinance No. 150395 to amend the Code to allow "Medical Marijuana Dispensaries" (defined in accordance with the 2014 Act) to operate in certain zoning districts.

In 2016, the Legislature adopted HB 307 and amended the 2014 Act to, amongst other things, expand the forms of cannabis available for medical purposes and expand the kinds of patients that may receive medical marijuana. State law now provides additional definitions (e.g., Medical Marijuana), expanded definitions (e.g., Medical Use, which does not include the use of cannabis on any form of public transportation, in any public space, or on school grounds among other exclusions), and numerous requirements for dispensing organizations that include alarm systems, video surveillance, and prohibiting on-premises dispensing between 9 p.m. and 7 a.m.

This ordinance will amend the Code to make it consistent with the expanded 2016 state law, and will also clarify that Medical Marijuana Dispensaries may dispense cannabis to medical patients for medical purposes pursuant to and in accordance with Section 381.986, Florida Statutes, as may be amended from time to time. Therefore, the state law could change in the future to allow different types of medical marijuana or different types of medical patients and the city's Land Development Code would automatically allow such changes. This ordinance will strictly limit the Land Development Code's allowance of such uses to the dispensing of "medical" marijuana. Any future state law change that allowed the dispensing of recreational marijuana would subsequently need to be considered by the City Commission before such use could be allowed in the City of Gainesville, unless the city's authority in this area is preempted by the Florida Legislature.

The City Plan Board, on July 28, 2016, held a public hearing and voted to recommend that the City Commission approve Petition PB-16-84 TCH.

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 PB16-84 TCH, and 2) adopt the proposed

ordinance

[160221 Staff report and Appendices A&B 20160728](#)

[160221B Staff report and Appendices A&B 20160901](#)

[160221C 160723 CPB minutes 20160901](#)

[160221D Staff ppt 20160901](#)

[160221A draft ordinance 2016092016.pdf](#)

ORDINANCES, 2ND READING - ROLL CALL REQUIRED[160156.](#)**VOLUNTARY ANNEXATION - 0.91 ACRES OF PROPERTY OWNED BY NORTH CENTRAL FLORIDA REGIONAL MEDICAL CENTER (B)**

Ordinance No. 160156

An ordinance of the City of Gainesville, Florida, annexing approximately 0.91 acres of property identified as Tax Parcel No. 06340-007-000, which is generally located north of W Newberry Road, south of NW 10th Place, east of NW 69th Terrace and Interstate 75, and west of NW 66th Street, as more specifically described in this ordinance, as petitioned for by the property owner(s) pursuant to Chapter 171, Florida Statutes; making certain findings; providing for inclusion of the property in Appendix I of the City Charter; providing for land use plan, zoning, and subdivision regulations, and enforcement of same; providing for persons engaged in any occupation, business, trade, or profession; providing directions to the Clerk of the Commission; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: This ordinance will annex into the corporate limits of the City of Gainesville approximately 0.91 acres of property generally located north of W Newberry Road, south of NW 10th Place, east of NW 69th Terrace and Interstate 75, and west of NW 66th Street. The subject property is unincorporated, compact, and contiguous to the current boundaries of the City. On July 7, 2016, the City Commission received and accepted a petition for voluntary annexation of the property at the request of the property owners.

The adoption of an annexation ordinance is the final stage in the annexation process set forth in the Municipal Annexation or Contraction Act in Chapter 171, Florida Statutes. Because this is a voluntary annexation, no referendum is required.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings and will become effective

immediately upon adoption.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

[160156 Signed Petition 20160707.pdf](#)

[160156A draft ordinance 20160818.pdf](#)

[160139.](#)

QUASI-JUDICIAL - REZONING - 1217, 1227, 1237 and 1247 SW 11th AVENUE (B)

Ordinance No. 160139; Petition No. PB-16-58 ZON

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning approximately 1.03 acres of property generally located at 1217, 1227, 1237 and 1247 SW 11th Avenue, as more specifically described in this ordinance, from Single-Family Residential District (RSF-1) to Urban Mixed-Use District 1 (UMU-1); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT REPORT

This ordinance will amend the Zoning Map Atlas of the City of Gainesville by rezoning the subject property from Single-Family Residential District (RSF-1) to Urban Mixed-Use District 1 (UMU-1). The subject property is 1.03 acres located at 1217, 1227, 1237 and 1247 SW 11th Avenue, on the southeast corner of the intersection of SW 13th Street/US 441 and SW 11th Avenue. The subject property is within the UF Context Area and the College Park/University Heights Community Redevelopment Area. The proposed rezoning is consistent with the City's Comprehensive Plan, and will allow a mix of residential and non-residential uses and will substantially increase the redevelopment potential for this property that is along a major corridor and is within walking distance of UF.

At a public hearing on June 23, 2016, the City Plan Board voted to recommend that the City Commission adopt this proposed rezoning.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings. This ordinance shall become effective immediately upon adoption; however, the rezoning implemented by this ordinance shall become effective when the amendment to the City of Gainesville Comprehensive Plan adopted by Ordinance No. 160138 becomes effective as provided therein.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

[160139 Staff report and Appendix A-C 20160623](#)

[160139A draft ordinance 20160901.pdf](#)

[160139B Staff report and Appendix A-C 20160901](#)

[160139C CPB minutes draft 20160901](#)

[160139D Staff ppt 20160901](#)

[160139 Bhosale 20160901.pdf](#)

[160130.](#)

AMEND THE UTILITY ADVISORY BOARD ATTENDANCE REQUIREMENTS (B)

Ordinance No. 160130

An ordinance of the City of Gainesville, Florida, amending the Code of Ordinances relating to the Utility Advisory Board by amending Section 2-359 to revise the attendance requirements for the Utility Advisory Board, providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: Ordinance No 140384, adopted in November 2015, created the Utility Advisory Board (UAB) and, among other things, set forth the attendance requirements for members of the UAB. The members have been appointed to the UAB and the UAB held their first meeting on April 12, 2016. On May 4, 2016, the UAB voted 7-0 to request the City Commission amend the Code of Ordinances to allow UAB members up to four (4) absences a year, rather than two (2) absences a year as currently stated in the City Code. On June 16, 2016, the UAB Chairman presented the request to the City Commission. The City Commission directed the City Attorney's Office to draft and the Clerk of the Commission to advertise an ordinance amending the City Code to allow UAB members four (4) excused absences during a calendar year.

This ordinance requires two readings. This ordinance shall take effect immediately upon adoption.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

[160130 draft ordinance 20160901.pdf](#)

[160080.](#)

ALLOWING FOR THE SALE, DISPENSING, POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES AT DEPOT PARK (B)

ORDINANCE NO. 160080

An ordinance of the City of Gainesville, Florida, amending the Code of Ordinances related to the sale, dispensing, consumption and possession of alcoholic beverages in Depot Park; by amending Section 4-4; 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 June 16, 2016, authorized the City Attorney to draft a proposed ordinance amending the code of ordinances in Section 4-4 regarding consumption, sale, and possession of alcohol within the structures located at 200 & 201 SE Depot Avenue, the Historic Depot Building and Depot Park.

However, upon review of Section 4-4 of the code, City and CRA staff determined the code already allows the sale, dispensing, possession and consumption of alcoholic beverages on property that the City leases to private parties (such as the Historic Depot Building and the Cade Museum site) if expressly allowed by the lease.

In addition, the code allows the sale of alcoholic beverages during special events produced by the City and during special events produced by private parties on city property that the Commission has determined to make available for such events.

Therefore, this ordinance makes only one revision to the code to delete a reference to the Depot Building as a rental event space, since it is now leased to a private party.

In addition, staff is requesting Depot Park be added to the list of city-owned parcels that may be made available for special events produced by private parties in accordance with Section 4-4(b)(4) of the Code of Ordinances.

RECOMMENDATION

The City Commission: 1) adopt the proposed ordinance; and 2) add Depot Park to the list of city-owned parcels that may be made available for special events produced by private parties in accordance with Section 4-4(b)(4) of the Code of Ordinances.

[160080 PRESENTATION 20160616.pdf](#)

[160080 MOD A PRESENTATION 20160616.pdf](#)

[160080 MOD B LEASE 20160616.pdf](#)

[160080 draft ordinance 20160901.pdf](#)

[160166.](#)

Non-Ad Valorem Assessment for Solid Waste Management (B)

ORDINANCE NO. 160166

An ordinance of the City of Gainesville, Florida, providing consent for

the entire corporate limits of the City of Gainesville, Florida to be included in the non-ad valorem assessment for the municipal service benefit unit created by Alachua County for certain solid waste management services for the fiscal years 2016-2017 and 2017 - 2018; providing conditions for the consent; providing that the consent is for the two-year period; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: Since October 1, 1997, the Alachua County Commission has approved a non-ad valorem assessment for solid waste management in order to cover the cost of the Waste Alternatives program, the Household Hazardous Waste program and approximately 36% of the Rural Collection Center program. Beginning with the 1997-98 fiscal year, all municipalities in Alachua County, except for LaCrosse, have approved ordinances allowing the collection of the assessment within their respective municipal limits. The City's current ordinance expires September 30, 2016.

On July 21, 2016, the City Commission directed the City Attorney to prepare this ordinance extending the collection of the County's special assessment within the City until September 30, 2018.

This consent is given only as to an assessment to fund the following:

The Waste Alternatives Program provides public education and resources for our community emphasizing a new philosophy in waste reduction: Embrace Zero Waste. Zero Waste encourages the elimination of the inefficient use of our resources. Waste Alternatives programs help accomplish this by focusing on source reduction, reuse, recycling, composting, household hazardous waste and litter prevention through a variety of learning tools. Waste Alternatives Specialists visit schools throughout the County using a curriculum approved by the school board for students in grades Pre-K through 12. Waste Alternatives staff also provides presentations to civic groups and businesses. A large multi-media campaign supports the program and serves as an additional outreach mechanism to our community. Waste Alternatives also provides recycling containers for special events, manages the Alachua County commercial recycling program, sponsors special recycling events, operates a reusable resource center for teachers (Tools for Schools) in cooperation with the Alachua County School Board, and acts as liaison between the waste haulers and recyclers and residents and businesses. These activities are county-wide and include all municipalities.

The Alachua County Environmental Protection Department's Hazardous Waste program provides collection, recycling and disposal of Household Hazardous Waste (HHW) including automotive fluids, paints, toxic chemicals, fluorescent lamps and electronic scrap through the Alachua County Household Hazardous Waste Collection Center at the Leveda Brown Environmental Park, at the Rural Collection Centers and through periodic mobile HHW collection events throughout the county. In

addition, the program provides emergency response for hazardous materials incidents, inspection and monitoring of small quantity hazardous waste generators and complaint investigations regarding hazardous materials and wastes. The program also provides, on a fee basis, hazardous waste disposal services for conditionally exempt small quantity generators of hazardous waste. All activities are county-wide and include all municipalities.

The Rural Collection Centers provide drop-off sites for residential solid waste, recycling and non-toxic household hazardous waste. The Rural Collection Centers are funded through two sources. Approximately 64% of the funds come from the Rural Collection Center assessment (assessed to rural residents of unincorporated Alachua County) and about 36% from the Solid Waste Management assessment (assessed to all residents of the county except for rural, unincorporated residents). The proportion from each funding source is based upon a survey of users of the collection centers to determine what percentage are rural residents as compared to municipal and County mandatory curbside collection residents.

The Solid Waste Facilities Cost includes the cost of providing, maintaining, operating, and monitoring the Solid Waste Management Facilities known as "closed landfills" (including the Northeast, the Northeast Auxiliary, the Southeast and the Northwest closed landfills) and the property intended for future Solid Waste Management Facilities known as Balu Forest.

Renewing the solid waste management assessment for two (2) years will continue the current arrangement through the end of FY 2018. The City's Interlocal Agreement for Solid Waste Management Services with Alachua County expires December 31, 2018.

Fiscal Note: The City's Solid Waste Utility will cover the cost of advertisement of the ordinance hearings.

RECOMMENDATION *The City Commission adopt the ordinance.*

[160166_County Resolution_20160721.pdf](#)

[160166_draft ordinance_20160901.pdf](#)

[150994.](#)

**VEHICLES FOR HIRE ORDINANCE ALLOWING FOR
POSSESSION OF OPEN ALCOHOLIC BEVERAGE
CONTAINERS IN MOTORIZED VEHICLES FOR HIRE. (B)**

Ordinance No. 150994

An ordinance of the City of Gainesville, Florida, amending the Code of Ordinances relating to motorized vehicles for hire; by amending Section 28-8 to remove the prohibition on passengers in a motorized vehicle for

hire possessing open containers of alcoholic beverages; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: The City Commission, at its meeting of June 2, 2016, directed the City Attorney to draft an amendment to the Vehicle For Hire ordinance to allow passengers to possess open alcoholic beverage containers in motorized vehicles for hire.

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

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

[150994 draft ordinance 20160901.pdf](#)

PLANNING PETITIONS

[150694.](#)

Amend the Blues Creek Planned Development zoning (B)

Petition PB-15-115 PDA. EDA Engineers-Surveyors-Planners, Inc., agent for New Generation Home Builders, Inc. Amend the Blues Creek Planned Development (single - family subdivision) as it relates to Unit 5 to modify development standards. Located in the 7000-7800 block of NW 58th Street.

Explanation: On May 19, 2016, the City Commission held a complete formal quasi-judicial hearing on this Petition and orally issued an order denying this Petition by a vote of 4-3. In accordance with Rule 18.C. of the Rules of the City Commission, the City Attorney prepared and presented a written order of denial to the City Commission for its consideration at its next Regular Meeting on June 2, 2016. At the June 2nd meeting, the City Commission took no action on the written order of denial and instead, by a vote of 7-0, approved continuing the hearing to re-open the "Deliberation and vote of the Commission" portion of the formal quasi-judicial hearing on the date certain of August 4, 2016.

This petition proposes to amend the existing Blues Creek Planned Development (PD) and modify the PD Layout Plan to reflect a new Unit 5, Phase 2 subdivision of 44 single-family detached lots. The PD Report, applicant's justification materials, and the Natural Areas Resource Assessment report are contained in the backup. A separate design plat to implement the proposed PD Layout Plan is currently under review and is included for informational purposes only with this petition.

The amendments to the text of the PD include the following:

- *Reduction of the residential units depicted in Unit 5*

- *Addition of new development standards for Unit 5, Phase 2*
- *Amendment / update of some existing development standards*
- *Addition of text stating the annexation and zoning history*
- *Addition of a trip generation note for Unit 5, Phase 2*
- *Revisions to text to reflect being under the City's jurisdiction*
- *Setbacks for the proposed Unit 5, Phase 2 subdivision*
- *Allowance for a lift station as an alternative to the proposed underground sewer crossing to serve Unit 5, Phase 2.*
- *Addition of a standard concerning encroachment into wetland buffer areas in Unit 5, Phase 2*

Amendments to the PD Layout Plan include the following:

- *Illustration of 44 new lots proposed as Unit 5, Phase 2 (reduced from the 72 lots currently shown on the PD Layout plan)*
- *Illustration of conservation areas for Unit 5, Phase 2 (primarily for environmental set-asides)*
- *Illustration of a proposed 40 foot wide perpetual ingress/egress and public utilities easement to provide private drive access to Lots 37-44 to minimize impervious area and incorporated Low Impact Development (LID) design elements.*
- *Minor adjustment to the city limits line to correctly reflect the City of Gainesville city limits.*
- *Addition of the conceptual location of an underground utility crossing between Units 2 and 5 that crosses the area labeled "drainage easement, developed recreation, & conservation area."*
- *Annotation of the location of Unit 7 as approved by final plat on 6/11/07 by City Resolution 060095*

The Blues Creek subdivision is generally located west of NW 43rd Street, south of NW 81st Avenue, and north of NW 69th Lane. The development's western boundary is contiguous with the City of Gainesville city limits in this area. The Unit 5, Phase 2 subdivision comprises an approximately 36.7-acre portion of the entire approximately 300-acre Blues Creek development. The lots within this portion of Blues Creek wrap along the western boundary of the 90.29-acre drainage easement, recreation, and conservation area as shown on the PD Layout Plan included in the backup.

Background

The development of Blues Creek was originally approved as an Alachua County Planned Unit Development (PUD) by Zoning Resolution Z-81-68 that was adopted on July 21, 1981. The County PUD was further amended by a revised Master Plan for Blues Creek adopted and approved by Alachua County dated November 1999. Portions of the overall Blues Creek PUD were annexed by the City of Gainesville by Ordinances 001161, 001162, 001163, 002393, and 040290. These annexations occurred in 2001, 2002, and 2005.

Subsequent to the annexations, the City of Gainesville applied City future land use and zoning designations to the property. The City applied Planned Development (PD) zoning to the property via Ordinances

030472 (adopted 10/27/03) and 041187 (adopted 11/28/05). The Alachua County development regulations and conditions approved by Alachua County through Resolution Z-81-68 and the revised Master Plan for Blues Creek (dated November 1999) were adopted by the City as the regulating documents for the City PD. The various amendments to the overall Blues Creek development are contained in the backup. The Blues Creek PD is mostly built out with the exception of 16 lots within Unit 7 and the remaining portion of Unit 5. Unit 5 is partially completed with 10 single-family detached units (this is Phase 1 of Unit 5); the 1999 Master Plan depicted 82 single-family detached units in Unit 5.

Key Issues

- The applicant is requesting to amend the PD zoning to reduce the number of lots listed in the PD report for Unit 5 from 82 to 54 (10 lots have been previously developed) and revise the approved PD Layout Plan to depict a new layout for a Phase 2, of Unit 5 showing 44 lots.
- The proposed PD Layout Plan and PD report propose a conceptual utility crossing of Blues Creek via jack and bore below the creek bed. This connection would provide water, sewer, and electric service to Unit 5, Phase 2 from existing utilities within Unit 2 further south. As an alternative, the applicant is requesting the ability to provide sewer service to Unit 5, Phase 2 via a lift station.
- The proposed Planned Development Amendment and proposed PD Layout Plan complies with the land use policies and requirements of the environmental regulations found in the City's Land Development Code under Sections 30-300 and 30-310.
- In order to minimize any disturbance to existing wetlands, a narrower 14' paved drive (40' ingress/egress easement) will provide access to lots within the southern portion of Unit 5, Phase 2.
- All of the buildings within Unit 5, Phase 2 will be equipped with residential sprinkler systems in accordance with Gainesville Fire Rescue requirements.

Fiscal Note: None.

RECOMMENDATION

Staff to City Plan Board - Approve petition.

[150694 Staff report 20160128.pdf](#)
[150694A Exh A-1 Proposed PD Report Application Neighborhood Worksh](#)
[150694B ExA-2 Proposed PD Layout Plan 20160128.pdf](#)
[150694C Exh A-3 Natural Areas Resource Assessment 20160128.pdf](#)
[150694D ExA-4 Design Plant 20160128.pdf](#)
[150694E ExB-1 thru Exh B-5 Supplemntal Documents 20160128.pdf](#)
[150694F ExhC-1 Citizen letters regarding Blues Creek PD Amendment 2016](#)
[150694G Exh D eda Blues Creek memo 20160225.pdf](#)
[150694H Exh E GSE Memo 12680 Final Report SS 20160225.pdf](#)
[150694I Exh F Citizen Comments 2-17-16 Blues Crk 20160225.pdf](#)
[150694A Staff report 20160519 .pdf](#)
[150694B Exh A-1 Proposed PD Report Application Neighborhood Worksh](#)
[150694C ExA-2 Proposed PD Layout Plan 20160519.pdf](#)
[150694D Exh A-3 Natural Areas Resource Assessment 20160519.pdf](#)
[150694E ExA-4 Design Plant 20160519.pdf](#)
[150694F ExB-1 thru Exh B-5 Supplemntal Documents 20160519.pdf](#)
[150694G ExhC-1 Citizen letters regarding Blues Creek PD Amendment 2016](#)
[150694H Exh D eda Blues Creek memo 20160519.pdf](#)
[150694I Exh E GSE Memo 12680 Final Report SS 20160519.pdf](#)
[150694J Exh F Citizen Comments 2-17-16 Blues Crk 20160519.pdf](#)
[150694K 160128 and 160228 CPB minutes 20160519 .pdf](#)
[150694L Staff ppt 20160519.pdf](#)
[150694 Blues Creek Letters 1 20160519.pdf](#)
[150694 Blues Creek Letters 2 20160519.pdf](#)
[150694 Blues Creek Letters 3 20160519.pdf](#)
[150694 Blues Creek Letters 4 20160519.pdf](#)
[150694 Blues Creek Letters 5 20160519.pdf](#)
[150694 Blues Creek Letters 6 20160519.pdf](#)
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[150694 Blues Creek EDA Petitioner Powerpoint 20160519.pdf](#)
[150694 applicant forms 20160519.pdf](#)
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[150694 MOD Blues Creek Master Owners Association Letter 20160519.pdf](#)
[150694 MOD petition form 20160519.pdf](#)

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[150694 Blues Creek Order 20160602](#)
[150694 BluesCreekAlternatitve1 20160804.pdf](#)
[150694 BluesCreekAlternatitve2 20160804.pdf](#)
[150694 BluesCreekAlternatitve3 20160804.pdf](#)
[150694 Powerpoint 20160804.pdf](#)
[150694 AffidavitofLarryRoss 20160804.pdf](#)
[150694 AffidavitofOneliaLazzari 20160804.pdf](#)
[150694 AffidavitofPeterWallace 20160804.pdf](#)
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[150694 QJ forms 20160901.pdf](#)
[150694 QJ Form 20160901.pdf](#)
[150694 Goldman Back-up 20160901.pdf](#)
[150694 2016-09-01 Blues Creek FEMA Current Map 20160901.pdf](#)
[150694 2016-09-01 Blues Creek FEMA Proposed 20160901.pdf](#)
[150694 2016-09-01 BLUES CREEK Topographic Map 20160901.pdf](#)
[150694 2016-09-01Blues Creek Flowways 20160901.pdf](#)
[150694 BLUESCREEK Tree Exhibit 201600901.pdf](#)
[150694 Lidar Topography Blues Creek 20160901.pdf](#)
[150694 Gainesville City Commission Letter.Blues Creek.Conrad.8-25-161-2 20160901.pdf](#)
[150694 Bruce Blank Letter 8-28-16 re Blues Creek 20160901.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