City of Gainesville

City Hall 200 East University Avenue Gainesville, Florida 32601



Meeting Agenda - Final

November 6, 2014

1:00 PM

MODIFIED AGENDA

City Hall Auditorium

City Commission

Mayor Ed Braddy (At Large)
Commissioner Lauren Poe (At Large)
Commissioner Helen Warren (At Large)
Commissioner Yvonne Hinson-Rawls (District 1)
Mayor-Commissioner Pro Tem Todd Chase (District 2)
Commissioner Craig Carter (District 3)
Commissioner Randy Wells (District 4)

Persons with disabilities who require assistance to participate in this meeting are requested to notify the Office of Equal Opportunity at 334-5051 or call the TDD phone line at 334-2069 at least two business days in advance.

CALL TO ORDER

AGENDA STATEMENT

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

ROLL CALL

INVOCATION

Prophet George Young

ADOPTION OF THE CONSENT AGENDA (Including both General Government and Gainesville Regional Utilities items)

CITY MANAGER, CONSENT AGENDA ITEMS

140365.

2015 Florida Department of State Division of Historical Resources **Bureau of Historic Preservation - Special Category Grant** Application (NB)

This item requests City Commission approval for the Parks, Recreation and Cultural Affairs (PRCA) Department to accept, if awarded, a grant from the Florida Department of State, Division of Historical Resources Bureau of Historic Preservation to support the restoration and rehabilitation of the historic Thomas Center fountain.

Explanation: The City of Gainesville Parks, Recreation and Cultural Affairs (PRCA) Department has submitted an application to the Florida Department of State, Division of Historical Resources Bureau of Historic Preservation for a \$75,000 grant to support the restoration and rehabilitation of the historic Thomas Center fountain. The PRCA Master Plan, approved by the City Commission in November 2012, recommends addressing the upgrading of the Department's facilities that support activities which meet the recreation, nature and cultural needs of the community.

Fiscal Note: No additional funds will be necessary to facilitate this request. The grant agency has a matching requirement of either \$50,000 or 50% of the award request, whichever is higher, and the match may be a combination of in-kind services, volunteer labor, materials and travel plus cash on hand which must constitute a minimum of 25% of the total match. PRCA will use funds from the Capital Improvement Budget to support the 25% cash match.

RECOMMENDATION

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

140367. Application for Disability Retirement for Stephen J. Brown (B)

This is a request for the City Commission to approve the retirement application for Stephen J. Brown, Transport Operator, Regional Transit System (RTS) for 7.5 years, who has been under the care of a physician for medical reasons.

Explanation: A meeting of the Disability Review Committee was conducted on Monday, September 29, 2014, to review the application for disability retirement of Stephen J. Brown. In reviewing the application and supporting information from his physicians, it is the recommendation of the Disability Review Committee that the City Commission approve the application.

Stephen Brown, Transport Operator in the Regional Transit System (RTS) for 7 years, has been under the care of a physician for medical reasons. Information provided to the Committee from his physicians and the City of Gainesville's third party administrator, American General Life Companies, states that Mr. Brown is totally disabled and wholly and continuously unable to perform any and every duty of his employment or of a position to which he may be assigned.

Fiscal Note: The current monthly salary, final average earnings of the employee's 36 highest consecutive months of earnings, and the estimated benefit for this employee has been determined to be: current monthly salary - \$00.00 (employee no longer able to work); final average monthly earnings - \$2,591.53; unadjusted monthly disability benefit - \$647.88. Social Security Offset has yet to be determined. Benefit shall become effective June 26, 2014, upon the City Commission's approval and would be paid from the Disability Pension Fund.

<u>RECOMMENDATION</u>
The City Commission approve the submitted application for disability retirement for Stephen J.

Brown, Transport Operator, Regional Transit System.

140367 Brown Final Benefit Statement 20141106.pdf

140390.

Bid Award for Mowing Services at Various Rail Trail Locations (B)

This item is a request for the City Commission to authorize the bid award to Oasis Landscape Services Inc., for mowing services at various rail trail locations in the amount of \$38,400.

Explanation: The Parks, Recreation and Cultural Affairs Department issued a request for bids for mowing services at various rail trail locations. Eight (8) vendors attended the mandatory pre-bid conference, with four (4) vendors submitting bids. This was a best-evaluated bid. Staff considered price, past performance of bidder (references), length of time in business, experience with rail trail maintenance, equipment to be utilized and location. Based on these criteria, Oasis Landscape

Fiscal Note: Funds in the amount of \$38,400 are available in the FY2015-2016 Department of Parks, Recreation and Cultural Affairs Contractual Services budget.

Services Inc., was ranked number one at a price of \$38,400.

RECOMMENDATION

The City Commission: 1) award the contract for mowing services at various rail trail locations to Oasis Landscape Services Inc., for a two-year period with the option to execute three (3) one-year extensions; and 2) authorize the City Manager or his designee to execute the contract subject to the approval by the City Attorney as to form and legality.

140390 RecBidAward 20141106.pdf

140400.

Surplus Property Sale (NB)

This item is to seek approval for all items stored at the City's Surplus Lot to be declared surplus and disposed of through contract methods.

Explanation: Each year, there are approximately 2,500 surplus property items stored at the City's Surplus Lot located at the Public Works Compound on 39th Avenue. These surplus items consist of scrap materials, office equipment and furniture, construction equipment, vehicles, abandoned and unclaimed property and miscellaneous items. In an attempt to reduce storage costs and increase revenue, staff has implemented changes to the auction process. The method of disposing of surplus property is outlined in the City's Financial Services Procedure Manual.

Typical disposal methods are: transfer to other City departments; public auction; sealed competitive bids; and donation to another governmental agency. The surplus property auctions are now being held monthly or bi-monthly at the auctioneer's site or through an online auction process. This process has increased the cash flow for the surplus process; as well as, reduced storage and personnel costs.

Fiscal Note: The City expects to generate revenue in excess of \$250,000 annually as a result of monthly or bi-monthly auctions. At the \$250,000 level the cost to the City would be \$20,000 based on the 8% bid rate.

RECOMMENDATION

The City Commission declare all materials, equipment and vehicles stored at the Surplus Lot as surplus property and authorize the sale of such property for the time period covering FY2015.

140402. Human Resources Policy E-1 (B)

This item is a request for City Commission approval to amend HR Policy E-1 to expressly state the City's intent with respect to filling temporary positions.

Explanation: Human Resources Policy E-1 is amended to expressly state the City's intent when filling temporary positions. In compliance with the Affordable Care Act, the City will offer health insurance to Temporary employees who work for the City for at least 90 days, averaging 30 hours or more per week. In an effort to limit the expenses associated with providing health insurance, whenever appropriate, it is management's intent to use temporary employment agencies. For the purpose of this portion of the Act, workers provided by temporary employment agencies are not employees of the City, and the City is therefore not required to budget for and offer health insurance to those workers. Where temporary employment agencies are utilized, those agencies will be responsible for complying with the Act.

Fiscal Note: There is no fiscal impact for the change to Policy E-1.

The City Commission approve the revision to Human Resources Policy E-1.

140402A E-1 Employment Policy, strikethrough 20141106.pdf 140402B E-1 Employment Policy, clean 20141106.pdf

140411. Bid Award - Annual Contract for Purchase and Delivery of Limerock Material (B)

This item is a request for the City Commission to authorize the bid award to Coleman Construction, Inc.

Explanation: The City of Gainesville and Alachua County jointly advertised Invitations to Bid (ITB) in July 2014 for the annual Purchase and Delivery of Limerock Materials. The ITB contained a provision that the City of Gainesville would negotiate a two-party contract for the services being obtained by the City of Gainesville.

The Public Works Department wishes to execute a contract with Coleman Construction for the annual Purchase and Delivery of Limerock Materials for the term of October 1, 2014 through September 30, 2017 with an option to renew for one (1) additional three (3) year period.

Fiscal Note: Funding sources will be identified as needed in the Public Works annual operating budget and the City's Capital Improvement Plan capital projects accounts.

RECOMMENDATION

The City Commission authorize the City Manager to execute a contract and any related documents with Coleman Construction, Inc., subject to approval by the City Attorney as to form and legality.

140411 BidAward 20141106.pdf

140412.

Bid Award - Annual Contract for Purchase of Coarse and Fine Aggregate Materials (B)

This item is a request for the City Commission to authorize bid awards to Conrad Yelvington Distributors, Inc., and Junction City Mining Company LLC.

Explanation: The City of Gainesville and Alachua County jointly advertised Invitations to Bid (ITB) in July 2014 for the annual purchase of Coarse and Fine Aggregate Materials. The ITB contained a provision that the City of Gainesville would negotiate a two-party contract for the services being obtained by the City of Gainesville.

The Public Works Department wishes to execute contracts to both bidders to maximize the availability of coarse and fine aggregate materials for the term of October 1, 2014 through September 30, 2017 with an option to renew for one (1) additional three (3) year term. The bidders are: 1) Conrad Yelvington Distributors, Inc.; and 2) Junction City Mining Company LLC.

Fiscal Note: Funding sources and will be identified as needed in the Public Works annual operating budget and the City's Capital Improvement Plan capital projects accounts.

RECOMMENDATION

The City Commission authorize the City Manager to execute contracts and any related documents with Conrad Yelvington Distributors, Inc., and Junction City Mining Company LLC, subject to approval by the City Attorney as to form and

legality.

140412 BidAward 20141106.pdf

140413.

Bid Award - Annual Purchase of Mine Base Limerock & Mine **Stabilizing Limerock Materials (B)**

This item is a request for the City Commission to authorize bid awards to Limestone Products, Inc. and Commercial Industrial Corporation.

Explanation: The City of Gainesville and Alachua County jointly advertised Invitations to Bid (ITB) in July 2014 for the annual Purchase of Mine Base Limerock and Mine Stabilizing Limerock Materials. The ITB contained a provision that the City of Gainesville would negotiate a two-party contract for the services being obtained by the City of Gainesville.

> The Public Works Department wishes to execute contracts with Limestone Products, Inc. and Commercial Industrial Corporation for the annual Purchase of Mine Base Limerock & Mine Stabilizing Limerock Materials for the term of October 1, 2014 through September 30, 2017 with an option to renew for one (1) additional three (3) year period.

Fiscal Note: Funding sources will be identified as needed in the Public Works annual operating budget and the City's Capital Improvement Plan capital projects accounts.

RECOMMENDATION

The City Commission authorize the City Manager to execute contracts and any related documents with Limestone Products, Inc. and Commercial Industrial Corporation, subject to approval by the City Attorney as to form and legality.

140413 BidTab 20141106.pdf

140414.

Second Amendment to the Agreement between the City of Gainesville and Keep Alachua County Beautiful for FY2015 (B)

This item is a request for the City Commission to approve the Second Amendment to the Agreement with Keep Alachua County Beautiful in the amount of \$55,000.

Explanation: Keep Alachua County Beautiful (KACB) is the sponsor of "The Great American Cleanup," "Trash Troopers," and other anti-litter/beautification activities. The Great American Cleanup is held the second or third Saturday in April of each year and recruits thousands of volunteers to pick up litter, remove graffiti, paint run-down buildings, clean up illegal dump sites, and otherwise beautify Gainesville and other cities and unincorporated areas in Alachua County. Over 2 tons of litter and debris and 3 tons of tires were removed from public right-of-ways and areas within the City of Gainesville during the 2013 events associated with the cleanup. In addition, 1,772 lbs. of hazardous waste was brought by residents to the clean-up for proper disposal and/or recycling by the County Hazardous Waste staff.

KACB was certified in 1995 as the local affiliate of Keep Florida Beautiful and Keep America Beautiful. The City of Gainesville has been a KACB member since the certification of this non-profit organization and has supported KACB with an annual contribution of either \$15,000 or \$20,000 for the past ten years. The City of Gainesville has also provided in-kind services ranging in value from approximately \$6,000 to \$7,000 each year in support of the Great American Cleanup activities.

The Agreement provides:

- 1.) Contribution of up to \$6,658.46 of in-kind services.
- 2.) Payment of \$15,000 to renew the City membership in Keep Alachua County Beautiful. In return, KACB will perform specified cleanup and beautification projects in coordination with the City Solid Waste and Parks Divisions. These projects include, but are not limited to: "The Great American Cleanup," graffiti removal, tree and shrub plantings, and public education programs for litter and graffiti prevention.
- 3.) Payment of \$10,000 for continued implementation of "The Beautiful Block Program." The Beautiful Block Program is necessary to recruit block captains from targeted neighborhoods and to provide guidance and tools to empower neighborhoods to keep their own blocks clean and beautiful.
- 4.) Payment of \$10,000 for the implementation of the "Gainesville Clean and Green Program." The Gainesville Clean and Green Program consist of the beautification improvements of specific medians to be designated by the City Manager through the Solid Waste Division Manager and other minor beautification projects as developed.
- 5.) Reimbursement up to \$20,000 for coordination of beautification services.

Fiscal Note: Funding in the amount of \$55,000 is available in the adopted Solid Waste FY 2015 operating budget.

RECOMMENDATION

The City Commission authorize the City Manager to execute the Second Amendment to the Agreement with Keep Alachua County Beautiful for the period of October 1, 2014 through September 30, 2015, subject to approval by the City Attorney as to form and legality.

140414 Second Amendment 20141106.pdf

140415.

Ranking for Construction Management Professional Services for **Minor Projects (B)**

This item is a request for the City Commission to approve the ranking of Construction Management firms, and to authorize contracts for construction management professional services for minor projects.

Explanation: On August 25, 2014, the City's Purchasing Division solicited written statements of qualifications to provide construction management services for minor projects (RFQ No. PWDA-150006-DH). Eleven (11) construction management firms submitted statements on August 25, 2014. Evaluation of the written submittals resulted in the invitation of seven (7) firms to present orally to the evaluators. The presentations held September 24, 2014 further established the qualifications, project approach and methodology for the project.

The evaluators ranked the firms as follows:

- 1) The Brentwood Company, Inc.
- 2) Charles Perry Construction, Inc.
- 3) Oelrich Construction, Inc.
- 4) Parrish McCall Constructors
- 5) Scherer Construction of North Florida, LLC
- 6) D&M Construction Group, Inc. dba Foresight Construction Group
- 7) BBI Construction Management, Inc.

Fiscal Note: Funding shall be available and further defined through the individual project accounts for which the Construction Managers are assigned.

RECOMMENDATION

The City Commission: 1) accept the selection of the five top ranked firms in the order of ranking; and 2) authorize the City Manager or designee to execute all necessary contract documents with the five top ranked firms per the RFQ for construction management professional services, subject to approval by the City Attorney as to form and legality.

140415 BidTab 20141106.pdf

140416.

Main Street Streetscape Project Phase 2 (B)

This is a request for the City Commission to reject the sole bid, and authorize the Guaranteed Maximum Price proposal in the amount of \$497,365 to Oelrich Construction Inc. for the Main Street Streetscape Phase 2 project.

Explanation: On June 6, 2014 the City Purchasing Division solicited bids for the Main Street Streetscape Project. One (1) firm responded with a bid; Anglin

Construction was the lowest responsible and responsive bidder in the amount of \$586,187.18 which was above the project budget and engineer's estimate. Staff attempted negotiations with the contractor but was unsuccessful in getting the contract price to within budget and closer to the engineer's estimate. Staff recommends this bid be rejected.

Staff subsequently approached Oelrich Construction Inc. who is under a continuing contract with the City for Construction Management Services to obtain a Guaranteed Maximum Price proposal for the Main Street Streetscape Project within the available budget.

This phase of the project includes brick paver installation on Main Street between South 1st and 2nd Avenues, street tree installation, site furnishings, low impact stormwater development treatment, and repair of existing failing pedestrian infrastructure. On August 28, 2014 Oelrich Construction Inc. submitted a Guaranteed Maximum Price proposal in the amount of \$497,365 for the project.

Fiscal Note: Funding in the amount of \$497,365 is available and allocated in accounts 342-800-M765-5410 and 344-800-E765-5410 for the construction of this phase of the project.

RECOMMENDATION

The City Commission: 1) reject the bid from Anglin Construction; 2) approve the Guaranteed Maximum Price proposal from Oelrich Construction Inc. for the construction of the Main Street Streetscape Phase 2 project under their existing Construction Manager Contract with the City of Gainesville; and 3) authorize the City Manager to execute the contract and all other necessary documents, subject to approval by the City Attorney as to form and legality.

140416 Proposal 20141106.pdf

140419.

Agreements Between Alachua County and Black on Black Crime Task Force Inc., with the City of Gainesville Police Department (NB)

This item request the City Commission authorize agreements between the Gainesville Police Department and Alachua County in the amount of \$56,000 and the Gainesville Police Department and Black on Black Crime Task Force in the amount of \$52,000 for positions in the Domestic Violence Unit.

Explanation: The City of Gainesville Police Department (GPD) has partnered with the Alachua County Victim Advocate Department and the Black on Black Crime Task Force Inc., in the past on a Department of Justice Grant. GPD applied for the grant in funding cycle FY15, but did not receive the grant. The County supplies the department with a Victim Advocate and the Task Force supplies a Community Outreach Coordinator. Both of these positions are essential for meeting the needs of victims.

Fiscal Note: Funds in the amount of \$108,000 will come from GPD vacancy savings and operational savings. GPD will continue to apply for grant funding and plans to submit an increment to fund these positions in FY 16, if the grant is denied.

RECOMMENDATION

The City Commission: 1) authorize the agreement between the Gainesville Police Department and Alachua County in the amount of \$56,000 and the agreement between the Gainesville Police Department and Black on Black Crime Task Force in the amount of \$52,000; and 2) authorize the City Manager to execute both agreements, subject to approval by the City Attorney as to form and legality.

140425. Award of Medicare Supplement Invitation to Bid (ITB) to McGriff-Williams Insurance (B)

This item requests that the City Commission award the City's Medicare Supplement Options to McGriff-Williams and to designate them as agent of record.

Explanation: The City of Gainesville provides access to its Group Health Plan to all eligible retirees. In an effort to meet the changing demographic and demands of our retirees, the City of Gainesville initiated an Invitation to Bid (ITB) for Medicare Supplement plans C, F and G. By allowing access to a supplement directly from the City, our Medicare eligible retirees will be able to leverage the City's retiree health insurance subsidy towards the cost of a Medicare Supplement as opposed to only being able to use it to offset the cost of the City Group Health Plan. For those retirees eligible for Medicare (age 65 and older) the City's group health plan is secondary to Medicare A and B. The City's plan has been used as a supplement to Medicare parts A and B, in addition, the plan provides prescription drug coverage as a substitute for Medicare Part D. The City's plan provides excellent prescription drug coverage but is not as effective as a supplement to Medicare Parts A and B, due to its calendar year deductible and hospital copays. The City provides a subsidy for our Group Health Plan and it is the subsidy that makes our plan a cost effective alternative to a true Medicare Supplement. Medicare Supplements are designed specifically to cover the gaps in Medicare and are a much more efficient method in many cases to fill the gaps in Medicare for our retirees. Specifically, individuals with low prescription costs will have access to a better method to cover those gaps. Enrolling in the supplement will necessitate the retiree enroll in a Medicare part D drug plan. The use of the supplement will be a voluntary option and not a requirement of Medicare eligible retirees and their spouses. In all cases where a retiree elects the Medicare Supplement, the retiree will see a lower cost for coverage. For many, the City's subsidy will cover the entire premium associated with a supplement, thus reducing the retiree's premium for their supplement to

zero.

In response to the ITB, the City received four responses. The lowest bid was received from McGriff-Williams Insurance Agency. McGriff-Williams is a locally owned and operated insurance firm and will act as the agent of record for providing Medicare Supplements underwritten by Florida Blue to our eligible retirees who elect a supplement. The evaluation, as an ITB was a strict cost based ranking. To estimate the cost, staff used the actual eligibility pool by age and assumed a 100% enrollment to ensure the highest estimated cost would be used in the evaluation. Staff does not expect every Medicare eligible retiree to choose the supplement, but it should be noted over 90% of the eligible pool, the City's subsidy is greater than the monthly cost of the supplement. In each of those cases, if elected, there will be a net savings to the City's Retiree Health and Accident Benefit Fund.

Fiscal Note: The funds necessary to pay the premiums are included in the 2015
Retiree Health and Accident Benefits Fund. The estimated costs range
from \$125,000 to 1,200,000 per year using a projected enrollment range
of 10-100%. In most cases, the City's net cost of providing the retiree
health benefit will be lower.

RECOMMENDATION

The City Commission: 1) approve the selection of McGriff-Williams Insurance as the provider of and broker of record for Florida Blue Medicare Supplements; and 2) authorize the issuance of a purchase order to McGriff-Williams Insurance/Florida Blue in an amount necessary to cover the cost of the insurance policies selected by the City of Gainesville's retirees.

140425A Medicare Supplement Summary Pricing Schedule 20141106.pdf140425B Medicare Supplement ITB Detail Pricing by Age 20141106.pdf

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

110665 Contract for Cost of Service and Utility Rate Studies (B)

Explanation: GRU staff periodically performs cost-of-service studies for the electric, gas, water and wastewater utility systems. Revenue requirements and rate designs are also developed by GRU staff and presented to the City Commission during the annual budget process. The last external cost-of-service and utility rate study was performed in 2012 and was based on a test year where the full costs of a significant purchased power agreement were not fully integrated into GRU's overall revenue requirement. Additionally, the 2012 cost-of-service study recommended changes to the tiered residential electric rate structure, but those changes were not implemented. The City Commission directed GRU to have an external cost-of-service and utility rates study prepared as the basis for rate structure changes in FY16.

The purpose of the current cost-of-service and rate study is to address information regarding the appropriateness and adequacy of GRU's revenue requirements, unbundle and allocate each revenue requirement by function, type and cost driver, and classify revenue responsibility for each customer class. Further rates will be designed and proposed considering such issues as consumption characteristics, fairness and equity implications, customer affordability, and conservation aspirations. Service charges will also be addressed.

GRU Purchasing issued a Request for Proposals (RFP) for the cost-of-service and utility rate studies to prospective firms and posted the RFP to GRU's web page. Seven responses were received, two as no bids. One response was deemed nonresponsive because the firm's proposed work hours to complete the studies were inadequate based on the requirements of the RFP. Proposals were evaluated based on criteria set forth in the RFP: understanding and approach, company qualifications, proposed methodology, fees and expenses, references, and local preference. Baker Tilly Virchow Krause LLP submitted the highest evaluated proposal. A tabulation of the scoring is attached for your reference.

The results of the cost of service and rate studies are anticipated to be reviewed and presented to the Regional Utilities Commission tentatively scheduled for April 2015 and the City Commission in May 2015.

Fiscal Note: Funds for this service have been included in the approved FY 2015 Operations and Maintenance budget.

RECOMMENDATION

The City Commission: 1) authorize the General Manager, or her designee, to negotiate and execute a contract with Baker Tilly Virchow Krause LLP for the provision of cost-of-service and utility rate studies, 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 \$109,910 for this service.

Legislative History

3/15/12	City Commission	Referred to the Regional Utilities Committee
8/22/13	City Commission	Referred to the Regional Utilities Committee

20121011 RUC Presentation Item 110665

20121120-RUC Presentation Item #110665

20130624 RUC Presentation Item 110665

FINAL GRU Electric Rate Study.Baker Tilly

FINAL GRU Gas Rate Study.Baker Tilly

FINAL GRU Water Rate Study.Baker Tilly

FINAL GRU Wastewater Rate Study. Baker Tilly

110665 FY15 Cost of Service Study Schedule 20141009

110665 2015-009 Bid Tab Cost of Svc Study 20141106

110665 RFP Cost of Service and Utility Rate Studies Solicitation No 2015-009

140460.

General Architectural, Engineering and Consultation Services (B)

Explanation: This Purchasing solicitation was a joint effort between CRA, the City (Public Works and Facilities), and GRU with review and approval by the Assistant City Attorney and the Utilities Attorney. The goal was to attract more firms by streamlining the process, resulting in a single contract with the firm for use by CRA, the City, and GRU. Historically each entity issued its own solicitation for continuing contracts in compliance with CCNA. The purpose of the contracts is to provide staff augmentation when internal resources are already being fully utilized, the internal technical capabilities are not available or third party input is desired from professionals from various disciplines.

> Utilities Purchasing issued a Request for Statement of Qualifications (RFSQ) to eighty firms and posted the RFSQ on GRU's website. The RFSQ contains options for two additional one-year extensions. Labor rates may still be adjusted annually, based in part on the CPI, with the concurrence of CRA, the City, and GRU. Fifty-one firms responded of which two were no-bids, one was non-responsive, and forty-eight were qualified. Over half of the qualified firms are small, minority-owned or woman-owned businesses. The list of qualified firms is attached and includes a notation for the business classification.

As with all requirements for these professional services, CRA, the City, and GRU will award work to a firm on a project specific basis, and will award each project based upon an evaluation of a firm's understanding of the project scope, specific expertise and ability to complete the project, as well as the project completion time and cost as reflected by proposed level of effort. Staff will issue separate requests for professional services when it is deemed to be in the best interest of CRA, the City, or GRU. For projects with a cost estimated to exceed two million dollars, a separate RFSQ will be issued requesting project specific submittals from the list of qualified professionals with the ranking submitted to the City Commission for approval.

Fiscal Note: Funding for the projects for which design or consultation services are

required have been budgeted in the Capital Improvements Budgets of CRA, the City, and GRU departments requiring these services for FY 2015 and will be budgeted in future years as required.

RECOMMENDATION

The City Commission:

- 1) Approve the listing of qualified architectural, engineering and consultation firms willing to negotiate agreements for the provision of design, engineering or consultation services associated with CRA, the City, and GRU facilities and City Commission approved Capital Improvement Projects or other projects that may emerge;
- 2) Authorize the CRA Executive Director, City Manager and General Manager, or their designees, to initiate contract negotiations with the qualified firms in accordance with the Consultants' Competitive Negotiations Act (CCNA);
- 3) Authorize the CRA Executive Director, City Manager and General Manager, or their designees, upon successful negotiations, to execute agreements for professional services for a term extending through September 30, 2017, subject to approval of the City Attorney as to form and legality, in an amount not to exceed budgeted amounts for professional architectural, engineering or consultation services.

140460 RSQ No 2014-077 Firms 20141106

140461.

RUC Referral - New Committee (NB)

RECOMMENDATION

Refer to the Regional Utilities Committee, establishment of a citizen rate review committee to review and provide input on utility rates.

CITY ATTORNEY, CONSENT AGENDA ITEMS

140480.

FLORIDA ELECTIONS COMMISSION CASE NO.: FEC 14-398; RESPONDENT: CITY OF GAINESVILLE, CITY COMMISSION (NB)

Modification - Added item

Explanation: On October 30, 2014, the City received a Florida Elections Commission complaint. The Complainant alleges that the City of Gainesville, City Commission violated Sections 106.113 and 104.31, Florida Statutes in certain verbal and written communications regarding the Transportation

Sales Surtax. The Complainant asks that the Elections Commission investigate the allegations.

Section 106.25, Florida Statutes provides that every sworn complaint filed with the FEC is confidential and exempt from the Public Records Law. However, the confidentiality provisions do not bind the person who filed the complaint. The statute goes on to provide that the Respondent can file a written waiver with the FEC waiving confidentiality and making the proceedings and records open to the public. Absent that waiver, the Statute provides that any person (other than the person who filed the complaint) who discloses any confidential information commits a misdemeanor of the first degree.

RECOMMENDATION

The City Commission authorize the City Attorney to: 1) represent the City in Case No. FEC 14-398, and 2) file a written waiver of the confidentiality provided by Section 106.25, Florida Statutes

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

140453. Updated Referral Lists (B)

RECOMMENDATION The City Commission receive the referral lists

updated with strategic initiatives as an information

item.

140453 referral list 20141106.pdf

140458. Appointments to the City Commission Advisory Boards and

Committees (NB)

RECOMMENDATION The City Commission appoint:

Nicole Dodds to the Public Recreation and Parks

Board for a term to expire 6/1/2017

Stephanie Sutton and Erin Condon reappointment and Adam Tecler to the City Plan Board for a term

to expire 11/1/2017

Joseph Peralta, Jennifer Rivers and Madge Bush to the Citizen Advisory Committee for Community Development for a term to expire 11/1/2017 Daniel Rodriguez and Kathryn Horter to the City Beautification Board for a term to expire 11/1/2017 Amy Carpus and Rupasri Lloyd to the Nature Centers Commission for a term to expire

11/1/2017

Uwe-Michael Dietz, Mark Armbrecht, Derek Wohlust and Debra Martinez-Harrison to the Gainesville/Alachua County Cultural Affairs Board for a term to expire 9/30/2017
Jason Gonos reappointment to the Gainesville
Energy Advisory Committee for a term to expire
9/30/2017
Glenda Russell to the Gainesville Human Rights
Board for a term to expire 2/22/2017.

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

PUBLIC SAFETY COMMITTEE, CONSENT

140297.

Referral of the Vehicle for Hire Ordinance to the Public Safety Committee and Economic Development/University Community Committee (B)

Modification - Added item

Explanation: A joint meeting with Public Safety Committee and Economic

Development University Community Committee was held on October 29,
2014

GPD Lieutenant Mike Schibuola gave a presentation on the primary regulations under the City's Vehicle For Hire (VFH) Ordinance. GPD Legal Advisor Lee Libby offered the City Attorney's opinion that GPD should enforce the current ordinance while a decision is made on the revision of the VFH Ordinance. He stated the City cannot issue a moratorium on any State regulations but a moratorium could be issued to waive the franchise fees. Mr. Libby indicated that Transportation Network Companies (TNC) fall under the City's VFH Ordinance.

The Committee discussed making an initial recommendation to the full City Commission directing City staff to proceed on an expedited basis to develop a proposal based on the Committee's discussion and motion and to return to a future Joint Committee meeting to review the proposal to prepare a more comprehensive recommendation to the City Commission.

Fiscal Note: None at this time.

RECOMMENDATION

The City Commission direct staff to: 1) pursue an expedited resolution to accommodate Transportation Network Companies; 2) meet key public safety concerns of the City and other communities; and 3) draft a new ordinance to level the playing field and add value to the community.

Legislative History

9/18/14 City Commission Referred to the Public Safety Committee

140297a Shared Use Mobility Rideshare IMLA Webinar Presentation 2014091

140297b AlligatorNewsArticleOnUber 20140918

140297c JacksonvilleUberArticle 20140918

140297a VFHPowerPoint 20141029

140297b MatrixOtherCitiesStates 20141029

140297c AustinTXCouncilMinsTransComp 20141029

140297d AustinDraftTranComps 20141029

140297e AustinMonitorArticle 20141029

140297f AustinRidesharingArticle 20141029

140297g TexasTribuneArticle 20141029

140297h ColorodoLegislationTransComps 20141029

140297i VirginaTempOrderToOperate 20141029

140297j DetroitInterimOperatingAgreement 20141029

140297k VirginiaGovNewsRelease 20141029

140297I HoustonTranCompFAQ 20141029

140297m HoustonVFHMythsFacts 20141029

140297n HoustonVFHUsersGuide 20141029

140297o LincolnTransCompArticle 20141029

140297pTampaUberArticle 20142019

140297q TallahasseeUberArticle 20141029

140297r GainesvilleVFHOrd 20141029

COMMUNITY DEVELOPMENT COMMUNITY COMMITTEE, CONSENT

140431. Community Development Committee Removal of Referrals (B)

This item seeks City Commission approval of the Committee's recommendation to remove pending referrals.

Explanation: The Community Development Committee has two pending referrals that the Committee has determined that no further action is needed and recommends the referrals removal as per attached back-up at its regularly scheduled meeting on October 1, 2014.

- 100529 College Park/University Heights-Heritage Overlay
- 040180 Principles of Sustainability in Significant Decisions

With respect to the College Park/University Heights-Heritage Overlay item, the Heritage Overlay District has been created and the referral has manifested into an ordinance for anyone wanting to create a Heritage Overlay. The Principles of Sustainability in Significant Decisions referral item has been manifested into one of the City's strategic initiatives.

Fiscal Note: None

RECOMMENDATION

The City Commission approve the Community
Development Committee's recommendation
regarding removal of the Community Development
Committee referrals.

140431 CDC Draft Minutes 20141001.pdf

END OF CONSENT AGENDA

ADOPTION OF THE UTILITIES REGULAR AGENDA (Read if any, each item added or modified)

UTILITY-RELATED CITIZEN COMMENT (not to exceed 30 minutes in length)

GENERAL MANAGER FOR UTILITIES

140462. South Energy Center Expansion (B)

Explanation: Pursuant to authorization by the Commission on January 22, 2007, GRU and UF Health (formerly known as "Shands") entered into a 50-year Master Agreement on July 25, 2007, under which GRU would build, own, operate, and maintain a central utility plant and the underground on-campus infrastructure that would provide for the first and all subsequent phases of the UF Health South Campus all: 1) normal power, 2) standby power, 3) essential power, 4) steam, 5) chilled water, and 6) medical gas infrastructure. Additionally, a contract amendment was executed on December 30, 2009 for extension of reclaimed water from GRU's Main Street Water Reclamation Facility to the South Energy Center (SEC) and UF Health South Campus.

UF Health's recently approved cardiovascular and neuroscience hospital tower will require GRU to engineer, procure, and construct additional equipment and support infrastructure at the SEC that will provide services listed above for the new hospital. The project schedule calls for GRU to commence site work in June 2015 to coordinate with hospital site construction. GRU will furnish limited utility service in August 2016 to support building construction in advance of completion in the 4th quarter of 2017.

GRU and UF Health's contract is structured to provide GRU with a stable and predictable return on its investment in the SEC and the cost of its operations. The Master Agreement and proposed draft contract amendment ensure that future investments will provide similar returns on investments.

GRU Purchasing issued a Request for Statement of Qualifications (RFSQ) for the design of the SEC expansion. Three firms submitted

Statements of Qualifications, which were ranked after evaluation of the submittals and discussions with the firms in accordance with the criteria established in the RFSQ and the Competitive Consultants' Negotiations Act (CCNA). The three firms are listed below in the order of ranking.

- 1. Burns & McDonnell
- 2. Affiliated Engineers
- 3. Stanley Consultants

In accordance with the CCNA, staff is recommending initiating contract negotiations with the top-ranked firm, Burns & McDonnell. If staff is unable to negotiate an acceptable contract with the top ranked firm, staff is requesting authority to negotiate with the other firms in order of ranking.

Due to the long lead times of equipment which are as long as 12-14 months, to cost-effectively meet the hospital's schedule for delivery of services, engineering and procurement must progress together on a fast track. Vendor-specific product information is required to complete the design, which is available only after a confirmed order is received by vendors. Additionally, plans must be reviewed and approved by the Florida Agency for Healthcare Administration (AHCA) which has a 90-day review cycle.

In addition to the small and minority-owned businesses known to GRU that will be included in purchasing opportunities for this project, GRU is also collaborating with the UF Health construction manager, Skanska, to identify other potential qualified businesses.

Fiscal Note: \$19 million of the \$28,500,000 project budget is for the engineering, equipment procurement, and construction, and is included in the approved FY 2015 budget. The remaining balance of the \$28,500,000 project budget has been included in GRU's FY 2016 and 2017 budget forecasts.

RECOMMENDATION

The City Commission:

- 1. Approve amending the Agreement between GRU and UF Health for the addition of hot water to the product services included in the Master Service Agreement in substantially the same form with no less favorable terms as the provided draft and authorize the Interim General Manager, or her designee, to execute the amendment, subject to approval by the City Attorney as to form and legality; and
- 2. Approve the final ranking of the qualifications of the engineering firms solicited to provide professional services to assist GRU in the planning, design, procurement, construction, and commissioning of a capacity expansion of the South Energy Center (SEC); and

- 3. Review the draft contracts, and authorize the Interim General Manager for Utilities, or her designee, to negotiate and execute a contract in accordance with the Consultants' Competitive Negotiations Act (CCNA) for engineering services for the Phase 2 expansion of the SEC as long as the contracts are in substantially the same form with no less favorable terms, and to take such other actions as may be necessary or advisable to proceed with such transaction, pursuant to this City Commission authorization, all contracts subject to the approval of the City Attorney as to form and legality; and
- 4. Authorize the Interim General Manager for Utilities, or her designee, to negotiate and execute the required contracts and issue purchase orders in accordance with Purchasing policies and procedures required for implementation of the expansion in an amount not to exceed \$28,500,000.

140462 draft SECOND AMENDMENT 20141106

140462 AE-3 - Owner Agreement Single Project 20141106

140462 BM SEC Contract Part 1 20141106

140462 BM SEC Contract Part 2 20141106

140462 GRU DRAFT Scope for SEC Expansion 20141106

140462 SEC Expansion Presentation 20141106

140462 Standard Terms-Conditions 20141106

<u>140462 Shands 2007 Master Agreement 20141106</u>

140464.

Information Technology Department Overview (B)

The Information Technology (IT) Department serves the employees, customers and citizens of both General Government (GG) and Gainesville Regional Utilities (GRU).

Explanation: GRU's Information Technology Department was formally funded in 1984 making the Department 30 years old this Fall.

Much like other core services of GRU and GG - roads, electric lines and water pipes - the infrastructure built and maintained by Information Technology is complex and requires planning and maintenance. The IT infrastructure allows staff to communicate with and serve our customers and each other.

The presentation will provide an overview of the Department's workload, breadth of responsibility, the things that drive the Department's work,

and some of the risks and challenges faced by IT.

Fiscal Note: None.

RECOMMENDATION The City Commission hear a presentation from

staff about the workload of and services provided

by the Information Technology Department.

140464 IT Dept Overview Presentation 20141106

140466.

Software Reimplementation for Financial Management and **Customer Information Systems (B)**

recommends transitioning the Financial Management System (FMIS) and Customer Care System (CCS) to the current product version. Modification - Change wording, additional back-up and revised powerpoint

Explanation: On August 22nd, 2005, the City Commission authorized GRU to replace its legacy customer billing system (CBIS) with an SAP customer care system (CCS) by conducting a competitive bidding process. The change was necessary due to the aging and increasingly difficult to maintain legacy system. On November 26th, 2007 the City Commission authorized the replacement of the legacy financial management system (FMIS) began and also resulted in an SAP solution. Today, GRU uses both SAP CCS and FMIS as a primary means of tracking customer information, billing customers, managing the daily financials and reporting needs. Because of the staggered timeframe of when they were installed, both systems are distinct and operate isolated from each other on separate platforms.

> The Customer Care System or CCS handles the daily operations necessary to input customer information, provide billing, post customer payments, track meter inventory and track and record utility usage. This system was implemented in 2007. Since the initial implementation, no major upgrades or enhancements have taken place.

> The Financial Management System or FMIS handles the daily financial activities of the utility including accounting, general ledger, assets, purchasing and inventory control. This system was first implemented in 2009. Since the initial implementation no major enhancements have taken place. Both systems are critical in managing the day to day operations and financial reporting/tracking requirements for GRU. To maintain service level expectations, these systems require upgrade in order for the software installations to remain viable and sustainable.

> This is a multi-year multi-system project and as such it is imperative that all the necessary pieces get integrated over the next 2 - 3 years. \$6 million has been budgeted in capital for FY15, \$4 million was requested in FY16 and \$4 million is anticipated for FY17 for a total estimated cost of the project of \$14 million.

Staff will work directly with the software provider as opposed to a third party implementer for business and technology consulting and training services which will provide GRU staff direct knowledge transfer from SAP. While other software consultants can perform technology consulting services, staff believes it is in the best interest of GRU to obtain these services directly from SAP America, Inc. as the owner and licensor of SAP software.

Fiscal Note: Funds for the initial phases of this project are available in the FY 2015 and FY 2016 capital budget.

RECOMMENDATION

The City Commission: 1) hear a presentation from staff on the critical business nature of the SAP Enterprise Management System and; the 2-3 year implementation plan for upgrading; and. 2) authorize the Interim General Manager, or her designee, to negotiate and execute a contract with SAP to assist with the initial planning and development of requirements to transition GRU's existing FMIS and CCS SAP systems to the current version, and 3) authorize the Interim General Manager, or her designee, to negotiate and execute a contract with SAP, as a specified source, for FMIS implementation services; and 4) the City Commission review the draft contract terms and authorize the Interim General Manager, or her designee, to execute and deliver such necessary contracts and any changes thereto, as long as the contracts are in substantially the same form, subject to the approval of the City Attorney as to form and legality.

140466 CCS Assessment-Planning Draft 20141106

140466 FMIS Detailed Design Draft 20141106

140466 Sample Fit Gap Workshops 20141106

140466 Strategy and Technical Design for SAP HANA 20141106

140466 SAP Software License Agreement 20141106

140466 Business Critical Software Systems Presentation Rev. 20141106

130585. Benchmarking Cost Competitiveness in Electric Rates (B)

Explanation: The Chamber Energy Competitiveness Report was referred to the Regional Utilities Committee (RUC) on December 19, 2013, where it was discussed on January 21, 2014 and August 14, 2014. At the August 2014 RUC meeting, staff presented the FMEA rate comparisons for 1,000 kWh residential bills for each of the utilities in Florida. Staff was directed to bring the item to the full City Commission, with the recommendation that the FMEA comparison be used for rate benchmarking, updated annually after IOUs adjust their rates in January

of each year. Staff was also asked to provide the FMEA data over time to show how the ranking of each of the utilities has evolved. Finally, it was also recommended that the residential rate target for the utility be set in a manner consistent with the Chamber's recommendation for commercial rates, which is within one-half standard deviation above the median of the comparisons. Using this metric, the target for a 1,000 kWh Residential electric bill would be approximately \$128, based on CY2014 year to date comparative bills. GRU's 1,000 kWh Residential electric bill in FY2015 is \$140.50.

RECOMMENDATION

The City Commission hear a presentation from staff regarding Benchmarking Cost Competitiveness of Electric Rates and approve removal of the Chamber Energy Competitiveness Report from the RUC referral list.

Legislative History

12/19/13 City Commission Referred to the Audit, Finance and Legislative Committee

130585 Competiveness Report A 20131219 .pdf

130585 Competitiveness Report B 20131219.pdf

130585 Competitiveness Report C 20131219.pdf

130585 Benchmarking - Cost Competitiveness Presentation 20140911

130585 Benchmarking Chamber Report RUC Follow Up 20141106

Non-Residential Rate Classes (B)

Modification - Additional back-up and revised powerpoint

Explanation: Inquiries have been made recently about Non-Residential billing classifications and how they are applied. There are three Non-Residential billing classes, 1) General Service Non-Demand (GSN); 2) General Service Demand (GSD); and 3) Large Power. These classes are defined within the City of Gainesville Code of Ordinances and applied accordingly.

Additionally, customers who would otherwise be categorized in the GSN class may opt into the GSD class by contract. Under the contract, the customer is billed at a minimum demand level in exchange for billing at the GSD rate. Likewise, some customers who fall into the GSD class may opt into a time of demand contract. Under the contract, the customer is billed at the GSN rate as long as their peak demand doesn't exceed a certain threshold during pre-defined peak periods. These contract rates only benefit customers who use their power consistently over the majority of the day or customers whose peak loads only occur during certain times of the week. Customers who enter these agreements are made aware that if their usage habits change they need to contact us or reevaluate the benefit.

RECOMMENDATION The City Commission receive an informational

presentation from staff regarding non-residential rate classes.

140467 Non-Residential Billing Classes Presentation 20141106-Revised

140467 Gen Svc Demand Supplemental Agreement 20141106

140467 Gen Svc TOD Supplemental Agreement 20141106

UTILITY COMMITTEE REPORTS (Pulled from Consent)

UTILITY ADVISORY BOARD/COMMITTEE REPORTS. Reports must be placed on the agenda by Charter Officer, through staff liaison after approval by Board/Committee.

UTILITY-RELATED ITEMS FROM OUTSIDE AGENCIES. Must be submitted by a Charter Officer. Update limited to ten (10) minutes.

UTILITY-RELATED ITEMS FROM MEMBERS OF THE CITY COMMISSION

<u>140474.</u> Commissioner Yvonne Hinson-Rawls - Accelerated

Production Operations Trainee (NB)

RECOMMENDATION The City Commission refer item to the Equal

Opportunity Committee.

UTILITY-RELATED COMMISSION COMMENTS (if time permits)

GENERAL GOVERNMENT ITEMS OF A TIME-SENSITIVE OR IMPORTANT NATURE OR PULLED FROM CONSENT. MUST BE SUBMITTED OR PULLED BY THE MAYOR, A CITY COMMISSIONER OR A CHARTER OFFICER.

140459. Appointment to the Student Community Relations Advisory Board

(B)

RECOMMENDATION The City Commission appoint one student voting

member.

140459 SCRAB 20141106.pdf

140473. Appointments to the Development Review Board (B)

RECOMMENDATION The City Commission discuss appointments to the

Development Review Board and take appropriate

action.

140473 DRB 20141106.pdf

RECESS

RECONVENE

PLEDGE OF ALLEGIANCE (5:30pm)

Mr. Bob Gasche

PROCLAMATIONS/SPECIAL RECOGNITIONS

<u>140465.</u> Veterans Day - November 11, 2014 (B)

RECOMMENDATION Gator Detachment of the Marine Corp League Bob

Gasche to accept the proclamation.

140465 VeteransDay 20141106.pdf

6:00 PM

CITIZEN COMMENT (to end at a time certain of 6:30pm or at such later time as allows for 30 minutes of citizen comment)

PUBLIC HEARINGS

GENERAL PUBLIC HEARINGS

RESOLUTIONS- ROLL CALL REQUIRED

140417. Resolution for Traffic Signal Maintenance and Compensation

Agreement (B)

This item is a request to enter into the newest Florida Department of Transportation Traffic Signal Maintenance and Compensation

Agreement.

Explanation: The Florida Department of Transportation (FDOT) currently

compensates the City of Gainesville to maintain their traffic signals within city limits. The updated agreement now compensates the City for overhead school flashers and beacons, and changes how any future

painted steel mast arm intersections will be maintained.

Current FDOT policy states that any intersection not within the ten mile range of the coast will be constructed as a span wire intersection. There are occasions when traffic signals in our area get reconstructed. If the

City requests these signal reconstructions to be mast arm, the City must agree to pay the cost difference for capital construction.

The new agreement divides mast arm maintenance into two categories; preventative maintenance and periodic maintenance. Under the new agreement, the City will be responsible for preventive maintenance and FDOT will be responsible for periodic maintenance. If any new mast arms are requested to be painted, the City becomes responsible for both preventative and periodic maintenance. The City has had a policy requiring mast arms to be painted black.

Periodic maintenance includes repairs such as deteriorated anchor bolts and nuts if the foundation is found to become deficient over time, and the eventual replacement cost of the mast arms once FDOT determines that the structure has reached the end of its useful life. Foundation and anchor bolt repairs could cost up to \$15,000 per pole, and a mast arm intersection reconstruction could cost from \$250,000 to \$450,000 depending on size and utility coordination.

Fiscal Note: The Florida Department of Transportation compensates the City annually for Traffic Signal Maintenance. The amount to be reimbursed for FY15 is \$245,031.62. The City's Capital Improvement Plan for FY15, FY16 & FY17 includes \$60,000 each year for capital maintenance of mast arms.

RECOMMENDATION

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

<u>140417A Agreement 20141106.pdf</u> <u>140417B Resolution 20141106.pdf</u>

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

130679. REGULATION OF NICOTINE DISPENSING DEVICES (B)

Ordinance No. 130679

An ordinance of the City of Gainesville, Florida amending the City Code of Ordinances related to smoking and the use of nicotine dispensing devices; by repealing the provisions of Chapter 11.5 that are preempted by state law and adopting new provisions in Chapter 11.5 to regulate the use of nicotine dispensing devices; amending the definition of "smoke or smoking" in Section 11.5-40; adding a penalty provision to Section 2-339; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate

effective date.

Explanation: On December 19, 2013, the City Commission referred the issue of enacting an ordinance regulating the use of nicotine dispensing devices, (commonly referred to as "e-cigarettes") to the Public Safety Committee for discussion. After hearing a presentation by the UF Health Education Centers Program and receiving citizen comment, the Public Safety Committee returned the matter to the Commission recommending that the City Commission direct the City to draft an ordinance.

> At its meeting on April 3, 2014, the City Commission directed the City Attorney to draft an ordinance similar to the Alachua County ordinance regulating e-cigarettes and adding language to prohibit the possession of e-cigarettes by minors, if the Florida legislature did not enact legislation regulating the possession of nicotine dispensing devices by minors.

> The Florida legislature enacted Senate Bill 224 prohibiting the delivery and possession of nicotine dispensing devices by minors. This ordinance repeals current smoking regulations in the Code of Ordinances which have been preempted by state statute and are therefore no longer enforceable, as well as imposes regulations prohibiting the use of nicotine dispensing devices in any location where smoking is prohibited by state law.

In addition, this ordinance extends the existing prohibition of outdoor smoking at a city facility and at RTS bus stops and bus shelters to include the use of nicotine dispensing devices.

RECOMMENDATION The City Commission adopt the proposed ordinance.

Legislative History

12/19/13 City Commission Referred to the Public Safety Committee

2/26/14 **Public Safety** Discussed

Committee

4/3/14 City Commission Approved as Recommended

130679a AlaCountyECigaretteOrd 20140226

130679b E-cigPPTPresentation 20140226

130679 SB224ProposalForECigs 20140403.pdf

130679 draft ordinance 20141106.pdf

130984.

FLOODPLAIN MANAGEMENT DISTRICT AND FLORIDA **BUILDING CODE AMENDMENTS - TEXT CHANGE (B)**

Ordinance No. 130984, Petition No. PB-14-10 TCH An ordinance of the City of Gainesville, Florida, amending the Code of Ordinances relating to floodplain management; by repealing the existing Subdivision II. - Flood Control District, Sections 30-280 through 30-290 within Article VIII, Division 3 of Chapter 30; adopting a new Subdivision II. - Floodplain Management District, Sections 30-280 through 30-295 within Article VIII, Division 3 of Chapter 30; adopting a new Section 6-16 - Local Administrative Amendments to the Florida Building Code and a new Section 6-17 - Local Technical Amendments to the Florida Building Code within Chapter 6 to coordinate with the Florida Building Code and implement the National Flood Insurance Program; providing a fiscal impact statement; 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 replace the Flood Control District sections of the Land Development Code (Sections 30-280 through 30-290) with the Florida Building Code (FBC) model Floodplain Ordinance approved by the Federal Emergency Management Agency (FEMA) in January 2013. The 2010 FBC became effective on March 15, 2012, and included new floodplain management regulations. The new regulations require Florida's local jurisdictions to revise their existing flood control ordinances for consistency with the new 2010 FBC. To facilitate this process, the Florida Division of Emergency Management has developed a model Floodplain Ordinance for local jurisdictions to adopt. The proposed changes will not affect or alter the adopted FEMA Flood Insurance Rate Maps.

Adoption of the model Floodplain Ordinance is necessary for several reasons:

- * The model Floodplain Ordinance will provide regulations for all development in special flood hazard areas that are equal to the protections found in the existing flood control regulations in the Land Development Code.
- * Adopting the model Floodplain Ordinance will streamline regulations and eliminate overlaps or inconsistencies between the City's Flood Control District regulations and the flood control provisions of the 2010 FBC.
- * The model Floodplain Ordinance is by default compliant with the requirements of the National Flood Insurance Program (NFIP) and consistent with the 2010 FBC and will not require additional FEMA review.
- * The model Floodplain Ordinance provides flexibility to include local amendments and/or adopt higher standards than are included in the base ordinance. Using the model ordinance along with adopting higher standards may improve the City's NFIP Community Rating System (CRS) standing thereby reducing flood insurance premiums for property owners.
- * Alachua County adopted the model Floodplain Ordinance in 2013. Adoption of the model ordinance by the City will create a consistent floodplain regulatory framework across both jurisdictions.

After public notice was published in the Gainesville Sun on April 8, 2014, the City Plan Board held a public hearing on April 24, 2014, and recommended approval of the petition by a vote of 6-0.

CITY ATTORNEY MEMORANDUM

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

RECOMMENDATION The City Commission (1) approve Petition

PB-14-10 TCH and (2) adopt the proposed

ordinance.

130984A draft ordinance 20141106.pdf

130984B Staff report 20141106.pdf

130984C Exh A-1 Deleted Flood Control District 20141106.pdf

130984D Exh B-1 Proposed model Floodplain Ordinance-20141106.pdf

130984E Exh C-1 Application 2014106.pdf

130984F_CPB minutes_20141106.pdf

130984G staff ppt 20141106.pdf

140322. UPDATE OF 5-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS (B)

Ordinance No. 140322; Petition No. PB-14-93 CPA
An ordinance updating Table 14: 5-Year Schedule of Capital
Improvements (FY 13/14 - 17/18) in the Capital Improvements Element
of the City of Gainesville Comprehensive Plan; 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 is the state-required annual update of the City's 5-Year Schedule of Capital Improvements, which is found in the Capital Improvements Element of the City of Gainesville Comprehensive Plan and is being updated to reflect the City's latest fiscal year capital improvements projects and projects scheduled through FY 2017/2018. Capital improvements are defined as: land, non-structural improvements to land, and structures (including the costs for design, permitting, construction, furnishings and equipment) with a unit cost of \$25,000 or more, which have an expected life of at least two years. The capital improvements in the 5-Year Schedule are primarily related to levels of service (LOS) adopted in the Comprehensive Plan and are needed to: correct existing deficiencies in LOS; maintain existing LOS; or deal with projected LOS deficiencies that will occur during the 5-year planning period of FYs 2013/2014 - 2017/2018. Planning staff finds that the proposed 5-Year Schedule is consistent with the various elements of the

Comprehensive Plan.

After public notice was published in the Gainesville sun on August 12, 2014, the City Plan Board held a public hearing on August 28, 2014, and recommended approval of the petition by a vote of 5-0.

CITY ATTORNEY MEMORANDUM

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

RECOMMENDATION The City Commission: (1) approve Petition No.

PB-14-93 CPA and (2) adopt the proposed

ordinance.

140322B Staff report 20141106.pdf

140322C Exhib A-1 Table 14 5-Year Schedule 20141106.pdf

140322D Exh A-2 Map 20141106.pdf

140322E Exh A-3 Application 20141106.pdf

140322F CPB minutes 20141106.pdf

140322G staff ppt 20141106.pdf

140322A draft ordinance 20141106.pdf

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

130460.

USE OF PORTABLE STORAGE UNITS BY COMMERCIAL PARCEL DELIVERY SERVICES FOR SEASONAL DELIVERIES - TEXT CHANGE

Ordinance No. 130460, Petition No. PB-13-107TCH

An ordinance of the City of Gainesville, Florida, amending Section 30-122 Portable storage units and roll-offs of the Land Development Code to allow and regulate the use of portable storage units by commercial parcel delivery services in making seasonal deliveries to residential developments with golf carts or low-speed vehicles and utility vehicles; amending Appendix A- Schedule of Fees, Rates and Charges of the Code of Ordinances to add an associated permit fee; 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 amends Section 30-122 of the Land Development Code to allow and regulate the use of portable storage units by commercial parcel delivery services to make seasonal deliveries to residential developments. Section 316.2126, Florida Statutes, allows licensed

commercial parcel delivery services that have at least 10,000 persons employed in Florida to use golf carts and low-speed utility vehicles, as defined and regulated per state law, to make seasonal deliveries on certain low-speed public roads in residential areas from October 15 through January 31. To make such deliveries, commercial parcel delivery services throughout the state often use portable storage units to temporarily store parcels in residential areas.

The City of Gainesville currently regulates the use of portable storage units in residential districts in Section 30-122 of the Land Development Code. This ordinance will amend that section to allow commercial parcel delivery services, from October 15 through January 31 of each year, to place a portable storage unit in residential districts in either: 1) a common area of a residential development with written permission from the corresponding homeowners' association or property management firm, or 2) on the property of a nonresidential use within a residential district with written permission from the property owner, as long as the property is at least one acre in size and contiguous to the area that will receive parcel deliveries. Only one portable storage unit per delivery service may be placed on the property, shall be setback at least 50 feet from the property's boundaries and all residential dwellings and at least 5 feet from all regulated trees, and may be accessed only between the hours of 7:00 a.m. and 9:00 p.m., Monday through Saturday.

On December 2, 2013, the City Plan Board held a public hearing and, by a vote of 5-0, recommended approval of the petition. On April 3, 2014, the City Commission, by a vote of 5-1, approved the petition.

CITY ATTORNEY MEMORANDUM

This ordinance requires two readings.

The City Commission adopt the proposed ordinance.

Legislative History

10/17/13 City Commission Referred to the City Plan Board

4/3/14 City Commission Approved (Petition)

10/16/14 City Commission Adopted on First Reading (Ordinance)

130460A Staff report 20140403.pdf

130460B Exhibit A FS on Golf Carts 316-2126 20140403.pdf

130460C Exhibit B Initial PODS Ordinance 20140403.pdf

130460D Exhibit C Application 20140403.pdf

130460E CPB minutes 20140403.pdf

130460F staff ppt 20140403.pdf

130460 draft ordinance 20141016.pdf

130460B staff ppt 20141016.pdf

130576.

ECONOMIC DEVELOPMENT INCENTIVE RATE RIDER PROGRAM (B)

Ordinance No. 130576

An ordinance of the City of Gainesville, Florida, amending the Code of Ordinances relating to the electric utility, by amending section 27-21 by creating a new definition for "economic development incentive rate rider program," by creating a new section 27-38 titled "economic development incentive rate rider program"; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: GRU ENERGY AND BUSINESS SERVICES DEPARTMENT STAFF REPORT

Currently, the City has one existing utility-based economic rate incentive, titled the "Retained, Expanded or Attracted Load (REAL) service rider". This program offers new, expanding or at-risk-to retain customers a 13% discount over a four-year term. Funding for the REAL discount is provided by a reduction in general fund transfer (GFT) to the City.

At its meeting on December 19, 2013, the City Commission heard a presentation from GRU staff where staff recommended the adoption of an additional economic rate incentive to be funded from utility revenue related to system growth rather than GFT funds. The "Economic Development Incentive (EDI) rate rider program" would target larger electric customers and incentivize local growth. The EDI rate rider program could be used in conjunction with the REAL rider.

The EDI rate rider program is designed to attract the increased revenue that comes from serving larger customers without impacting other GRU customers. Increased revenue helps offset fixed costs, which benefits all customers in the form of reduced electric rate pressure.

As proposed, both new and existing General Service Demand and Large Power electric customers would be eligible for the EDI rate rider program. New customers would need to demonstrate a minimum metered electric usage of 100,000 kWh per month through a single point of delivery. New customers would receive a 20% discount on base electric rates for a five-year term. Existing customers would need to increase baseline usage by 20% or greater and have a resulting minimum metered electric use of 100,000 kWh per month through a single point of delivery. Existing customers would receive a 15% discount on base electric rates for a five-year term.

CITY ATTORNEY MEMORANDUM

At its meeting on December 19, 2013, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance implementing the EDI rate rider.

This ordinance requires two hearings and shall become effective upon final adoption. The first reading is scheduled for October 16, 2014. The second reading is scheduled for November 6, 2014.

RECOMMENDATION The City Commission adopt the proposed ordinance.

Legislative History

12/19/13 City Commission Approved as Recommended

130576 Econ Development Incentive Rate Rider Ordinance Chpt 27 20131219

130576 MOD Rate Rider Presentation 20131219.pdf

130576 draft ordinance 20141016.pdf

130576 EDI Rate Rider Presentation 20141016

PLAN BOARD PETITIONS

140368

Amend Land Use Category from Residential Low (RL) to Mixed-Use Low Intensity (MUL): 8 to 30 units per acre (B)

Petition PB-14-51 LUC. Causseaux, Hewett, and Walpole, Inc. agent for Bishop of Diocese of St. Augustine. Amend the City of Gainesville Future Land Use Map from Residential Low (RL) to Mixed-Use Low Intensity (8 to 30 units per acre) (MUL). Located at 700 NW 39th Road & 747 NW 43rd Street. Related to PB-14-52 ZON. **ESTIMATED STAFF PRESENTATION 12 MINUTES**

Explanation: This petition requests a small-scale land use amendment to the future land use map from Residential Low (RL) to Mixed Use-Low Intensity (8-30 units per acre) (MUL) for an approximately 5-acre southern portion of a parcel on the north side of Newberry Road west of NW 39th Road and east of SW 43rd Street. The parent parcel is owned by Holy Faith Catholic Church. The church sanctuary and ancillary buildings are located north of the portion proposed for the land use change. The current zoning for the property is RSF-4: 8 unit/acre single-family residential district. The backup material includes a full map series showing the site location.

> The entire parcel is approximately 18 acres in size. The 5-acre portion that is the subject of this application is currently undeveloped.

The surrounding properties west and east of the proposed site are developed with office uses such as medical offices, a bank, and general offices, including an insurance office. The area immediately to the south across Newberry Road is developed with medical offices.

To the east is property with an Office land use designation with General

Office zoning. To the south, the property has a Planned Use District (PUD) land use category with associated PD (Planned Development zoning). To the west, the property has a Mixed Use-Medium land use designation with Corporate Park zoning. Other areas to the south west have single-family residential land use designations and to the southeast Office designation.

The existing land use designation of Residential Low allows small-scale residential development up to a maximum density of 12 units per acre. The units can be in the form of single-family, duplexes, triplexes, quadruplexes, or townhouse/rowhouse attached units.

The requested MUL land use category allows a mixture of residential and non-residential uses, including commercial/retail uses scaled to serve surrounding neighborhoods. The density for residential uses is set at 8-30 units per acre. The intensity of non-residential uses is controlled by height limits of 5 stories or less with a maximum of 8 stories by Special Use Permit.

The MUL land use category, as implemented by the Mixed Use-1 (MU-1) zoning district, would allow a variety of retail uses such as food stores, auto and home supply stores, gas stations, home furnishings, and apparel stores. In addition, alcoholic beverage establishments and hotels and motels would be allowed by Special Use Permit.

Key Issues

- The proposed land use amendment is not consistent with Comprehensive Plan policies.
- The proposed Mixed Use Low land use category is not compatible with the surrounding land use designations and would allow uses of higher intensity than those of surrounding properties.
- The applicant has not provided a significant justification for the need for additional acreage in the MUL land use category for this area.

Planning staff recommended denial of the petition based on the following:

- 1. The proposed land use category is not compatible with surrounding land uses.
- 2. The proposed change is inconsistent with Gainesville Comprehensive Plan policies.
- 3. There was a lack of justification for the need for additional MUL acreage in the City.
- 4. There was a lack of justification for the need for the MUL land category for support of job creation and economic development.

Public notice was published in the Gainesville Sun on September 9, 2014. The City Plan Board held a public hearing on September 25, 2014, and voted 3-2 to deny the petition. There was extensive discussion and public input on the petition. The motion to deny included an encouragement to the applicant to come back with an alternative proposal for either a Planned Development or Office land use category.

The Plan Board members who voted to deny the petition indicated concerns about the lack of knowledge of who would be developing the property and what type of development would be there because, once the land use change and related zoning were in place, the property would not have any special design standards and would probably not return to the Plan Board for review. Plan Board members who supported the petition indicated that they thought the MUL land use category would be appropriate for the 5-acre parcel, but one of those Plan Board members remained concerned about design standards and preferred a Planned Development for the development.

Fiscal Note: None.

RECOMMENDATION

City Plan Board to City Commission - The City Commission deny Petition PB-14-51 LUC and recommended that the petitioner return with either a Planned Development or Office land use. The Plan Board voted 3-2.

Staff to City Commission - The City Commission deny Petition PB-14-51 LUC.

Staff to City Plan Board - Staff recommends denial of Petition PB-14-51 LUC.

140368A Staff report 20141106.pdf

140368B Exh A Comp Plan GOPs 20141106.pdf

140368C Exh B Maps 20141106.pdf

140368D Exh C Environmental Report 20141106.pdf

140368E Exh D Applciation Neighhd Wkshop 20141106.pdf

140368F CPB minutes. 20141106.pdf

140368G Citizen Comment Letters 20141106.pdf

140368H staff ppt 20141106.pdf

140369.

Rezone from RSF-4 (8 units/acre single-family residential) To MU-1: 8-30 units/acre mixed use low intensity (Quasi-Judicial) (B)

Petition PB-14-52 ZON. Causseaux, Hewett, and Walpole, Inc. agent for Bishop of Diocese of St. Augustine. Rezone property from RSF-4: 8 units/acre single-family residential district to MU-1: 8-30 units/acre mixed use low intensity. Located at 700 NW 39th Road & 747 NW 43rd Street. Related to PB-14-51 LUC. **ESTIMATED STAFF PRESENTATION 10 MINUTES**

Explanation: This petition requests a rezoning from RSF-4: 8 units/acre single-family residential district to MU-1: 8-30 units/acre mixed use low intensity district for an approximately 5-acre southern portion of a parcel on the north side of Newberry Road west of NW 39th Road and east of SW

43rd Street. The parent parcel is owned by Holy Faith Catholic Church. The church sanctuary and ancillary buildings are located north of the portion proposed for the land use change. The current land use designation for the property is Residential Low. The backup material includes a full map series showing the location.

The entire parcel is approximately 18 acres in size. The 5-acre portion that is the subject of this application is currently undeveloped.

The surrounding properties west and east of the proposed site are developed with office uses such as medical offices, a bank, and general offices, including an insurance office. The area immediately to the south across Newberry Road is developed with medical offices.

To the east is property with General Office (OF) zoning and an Office land use designation. To the south (across Newberry Road), the property has PD (Planned Development) zoning with a Planned Use District (PUD) land use category. To the west, the property has Corporate Park (CP) zoning with a Mixed Use-Medium land use designation. The property to the west also falls within the Triangle Special Area Plan associated with the CP zoning. Other areas to the southwest have single-family zoning designations and to the southeast Office zonings.

The existing zoning of RSF-4 allows single-family dwellings with a density of up to 8 units per acre. The associated Residential Low density land use category (up to 12 dwelling units per acre) would allow units in the form of single-family, duplexes, triplexes, quadruplexes, or townhouse/rowhouse attached units with a zoning change to RMF-5.

The requested Mixed use low intensity (MU-1) zoning district allows a mixture of residential and non-residential uses, including convenience-type retail, professional and consumer service uses primarily for residents of mixed-use and adjacent residential neighborhoods. The allowable density for residential uses is set at 8-30 units per acre (in accordance with the RMF-6, RMF-7, or RMF-8 zoning districts). The maximum building height in the district is 5 stories.

The MU-1 zoning district allows a variety of commercial/retail uses such as food stores, auto and home supply stores, gas stations, home furnishings, and apparel stores. In addition, alcoholic beverage establishments and hotels and motels would be allowed by Special Use Permit.

Key Issues

- The proposed MU-1 zoning district could allow an extension of strip development on the Newberry Road corridor.
- The proposed MU-1 zoning district for this area is not consistent with Comprehensive Plan policies.
- The proposed MU-1 zoning is not compatible with the surrounding land use and zoning designations and would allow uses of higher

intensity than those of surrounding properties.

Planning staff recommended denial of the petition based on the following:

- 1. The proposed zoning district is not compatible with surrounding zoning and uses.
- 2. The proposed change is not in conformance with Gainesville Comprehensive Plan policies.
- 3. The applicant did not provide a substantial analysis indicating the need for additional MU-1 zoned acreage in the City or for this area. The area is adequately served for commercial/retail needs by surrounding commercial developments that are within ½ mile to 1.09 miles from the site.
- 4. There are no recent changes in conditions in the area that justify the change.

Public notice was published in the Gainesville Sun on September 9, 2014. The City Plan Board held a public hearing on September 25, 2014, and voted 3-2 to deny the petition. There was extensive discussion and public input on the petition. The motion to deny the petition was based on the denial of the associated land use amendment petition (PB-14-51 LUC).

Fiscal Note: None.

RECOMMENDATION

City Plan Board to City Commission - The City Commission deny Petition PB-14-52 ZON. The Plan Board voted 3-2.

Staff to City Commission - The City Commission deny Petition PB-14-52 ZON.

Staff to City Plan Board - Staff recommends denial of Petition PB-14-52 ZON.

140369A Staff report 20141106.pdf

140369B Exh A Comp Plan GOPs 20141106.pdf

140369C Exh B Maps 20141106.pdf

140369D Exh C Enviornmental Report 20141106.pdf

140369E Exh D LDC Code 20141106.pdf

140369F Exh E Application Neighhd Workshp 20141106.pdf

140369G_CPB minutes_20141106.pdf

140369H staff ppt 20141106.pdf

140369 petition 20141106.pdf

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

130562. **GPD Staffing Study (B)**

> This item will give an overview of the Staffing Study Implementation Team report to fiscally implement the recommendations made in the original staffing study by the Police Executive Research Forum. **ESTIMATED STAFF PRESENTATION 20 MINUTES**

Explanation: The rationale for the staffing study was to identify and examine core business practices and functions, workload and staffing analysis, organizational analysis, and leveraging resources (human and financial). The goals of the study were to determine if GPD has appropriate staffing levels in all areas of the department and to identify opportunities to add civilian staff as a cost-savings measure in addition to freeing up sworn personnel to be deployed for those activities requiring sworn officers.

> GPD staff gave a presentation to the City Commission of the Staffing Study findings on December 19, 2013. At that time, staff was requested to draft a report proposing methods by which GPD could fiscally implement the PERF recommendations. A team was developed comprising of union representatives, a Police Advisory Council representative, and community members.

Fiscal Note: None at this time. Future costs would be contingent on which recommendations the City Commission chooses to put into practice.

RECOMMENDATION

The City Commission hear a presentation from GPD staff summarizing the findings and recommendations of the statting study.

Legislative History

12/19/13 City Commission Approved, as shown above

10/16/14 City Commission Continued

130562 GPDStaffingStudyPPT 20131219

130562 PERF Staffing Study Recommendations 20140918

UNFINISHED BUSINESS

COMMISSION COMMENT

CITIZEN COMMENT (If time available)

ADJOURNMENT (no later than 11:00PM - Mayor to schedule date and time to continue meeting)