

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Minutes - Final

July 21, 2016

1:00 PM

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)

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CALL TO ORDER - 1:00 PM

Present 7 - Commissioner Goston, Commissioner Budd, Commissioner Chase, Mayor Poe, Commissioner Hayes-Santos, Commissioner Carter, and Mayor-Commissioner Pro Tem Warren

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

Commissioner Goston arrived at 1:06 PM.

A motion was made by Commissioner Carter, seconded by Commissioner Budd, that this Matter be Adopted on the Consent Agenda. The motion carried by the following vote:

Aye: 5 - Commissioner Budd, Mayor Poe, Commissioner Hayes-Santos, Commissioner Carter, and Mayor-Commissioner Pro Tem Warren

Absent: 2 - Commissioner Goston, and Commissioner Chase

150872.**FIRE PROTECTION AND PREVENTION CODE AMENDMENT (NB)**

This item requests that the City Commission authorize the City Attorney to draft and the Clerk of the Commission to advertise an ordinance amending the Code of Ordinances of the City of Gainesville Chapter 10 Fire Protection and Prevention Article IV False Alarms Section 10-40 Alarm Contractors and Appendix A. Schedule of Fees, Rates and Charges - Fire/Rescue to provide for amendments to s. 553.7931, F.S. effective July 1, 2016.

RECOMMENDATION

The City Commission authorize the City Attorney to draft and the Clerk of the Commission to advertise an ordinance amending the City's Fire Protection Code and Appendix A. Schedule of Fees, Rates and Charges - Fire/Rescue of the City of Gainesville Code of Ordinances to correspond to changes to s. 553.7931 F.S.

Approved as Recommended

160161.**FY17 and FY18 Cultural Affairs Outside Agency Funding (B)**

This item requests that the City Commission approve the funding recommendation of the Gainesville-Alachua County Cultural Affairs Board for the Outside Agency cultural grants program.

RECOMMENDATION

The City Commission approve the FY17 and FY18 Outside Agency cultural grant awards as recommended by the

*Gainesville-Alachua County Cultural Affairs Board,
contingent upon adoption of the final FY17 and FY18 City of
Gainesville budget.*

Approved as Recommended

[160162.](#)

Tree planting, design, permitting, bidding, and construction administration (B)

This item requests approval by the City Commission of a contract with Chen Moore & Associates for design, permitting, bidding, and construction administration for multiple tree planting projects within the City of Gainesville.

RECOMMENDATION

The City Commission authorize the City Manager to execute the Professional Services Contract and other related documents with Chen Moore & Associates for tree planting, design, permitting and construction administration, subject to approval by the City Attorney as to form and legality.

Approved as Recommended

[160166.](#)

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

This item is a request for the City Commission to authorize the City Attorney to draft an ordinance allowing the assessment for solid waste management to continue inside the city limits for two (2) additional years.

RECOMMENDATION

The City Commission authorize the City Attorney to draft and the Clerk to advertise an ordinance allowing the assessment for solid waste management to continue inside the municipal limits of Gainesville for two (2) additional years.

Approved as Recommended

[160168.](#)

Guaranteed Maximum Price (GMP) for the Construction of the Stephen Foster Neighborhood Street Improvements (B)

This item is a request for the City Commission to approve the GMP with Oelrich Construction Inc. for Construction of the Stephen Foster Neighborhood Street Improvements.

RECOMMENDATION

The City Commission: 1) approve the GMP and 2) authorize the City Manager or designee to execute all documents, subject to approval by the City Attorney as to form and legality.

Approved as Recommended

[160170.](#)

Approval and Authorization of a Quitclaim Deed to the Gainesville Housing Authority for property located at 716 SE 4th Avenue (B)

This is a request to approve a quitclaim deed for property located at 716

SE 4th Avenue to Gainesville Housing Authority (GHA).**RECOMMENDATION**

The City Commission 1) authorize the City to release its interest in parcel number 12202-000-000 and 2) authorize the Mayor to execute a quitclaim deed, subject to review and approval by the City Attorney as to form and legality.

Approved as Recommended

160176.**Ratification of Agreement between the Fraternal Order of Police (FOP) Gator Lodge 67, Inc. Bargaining Unit and the City of Gainesville for October 1, 2013 through September 30, 2016 (B)****RECOMMENDATION**

The City Commission ratify the Agreement between the City of Gainesville and the Fraternal Order of Police Gator Lodge 67, Inc., extending the Agreement through September 30, 2016; and that the Commission appropriate \$536,688 from the assigned General Fund fund balance and \$231,310 from unassigned General Fund fund balance to GPD's FY16 budget to cover the cost of the contract.

Approved as Recommended

160184.**Agreement between University of Florida Board of Trustees and City of Gainesville for Bus Service for UF Students (B)**

This is a request for the City Commission to authorize the City Manager to execute a new Agreement with the University of Florida Board of Trustees (UF) and the City of Gainesville for Regional Transit System (RTS) to provide unlimited access to public transit for UF students.

RECOMMENDATION

The City Commission: 1) approve the two (2) new Transit Operator positions effective August 20, 2016; 2) authorize the City Manager or his designee to execute the Agreement Between University of Florida Board of Trustees and City of Gainesville for Bus Service for UF Students, subject to approval by the City Attorney as to form and legality; and 3) authorize the City Manager or his designee to negotiate and execute amendments that do not increase rates by more than 5% from the prior year, and any related documents, subject to approval by the City Attorney as to form and legality.

Approved as Recommended

160185.**FY 2016 Internet Crimes Against Children Task Force Program (B)**

This is a request for City Commission approval to apply for funding under the FY 2016 Internet Crimes Against Children (ICAC) Task Force Program Continuation.

RECOMMENDATION

The City Commission: 1) authorize the City Manager to apply for these funds; and 2) execute any additional documents that may be required, pending review of the City Attorney as to form and legality.

Approved as Recommended

[160186.](#)

Solid Waste Partnership with Alachua County (NB)

This item is a request for the City Commission to refer the Solid Waste Partnership with Alachua County to the General Policy Committee.

RECOMMENDATION

The City Commission refer the Solid Waste Partnership with Alachua County to the General Policy Committee.

Approved as Recommended

[160189.](#)

FY 2017 Visit Florida Cultural, Heritage, Rural and Nature (CHRN) Grant (NB)

This item requests City Commission approval for Parks, Recreation and Cultural Affairs (PRCA) Department to accept, if awarded, a grant from Visit Florida Cultural, Heritage, Rural and Nature Grant program to install interpretative signage for each of the 352 Walls located in the downtown area.

RECOMMENDATION

The City Commission authorize the City Manager or designee to execute the grant award agreement, if awarded, and other grant-related documents, subject to approval by the City Attorney as to form and legality.

Approved as Recommended

[160206.](#)

Resignation of Jacob Adams and Kathryn Horter from the Bicycle/Pedestrian Advisory Board (BPAB) (B)

RECOMMENDATION

The City Commission accepts the resignation of Jacobs Adams and Kathryn Horter, effective immediately.

Approved as Recommended

ADOPTION OF REGULAR AGENDA

Jim Konish spoke to the matter.

A motion was made by Commissioner Carter, seconded by Commissioner Hayes-Santos, that this Matter be Adopted. The motion carried by the following vote:

Aye: 6 - Commissioner Goston, Commissioner Budd, Mayor Poe, Commissioner Hayes-Santos, Commissioner Carter, and Mayor-Commissioner Pro Tem Warren

Absent: 1 - Commissioner Chase

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

Paul Folkers made a presentation.

Motion by Mayor-Commissioner Pro Tem Warren, seconded by Commissioner Carter for the City to become an official sponsor for Labor Daze Event. Motion passed 6-0, with Commissioner Chase absent.

*Jim Konish
Dave Denslow
Jon DeCarmine
Donald Shepherd
Scott Hesch
Trish Ingle*

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

160012. Agreement for Purchase of Easement and Stormwater Improvements (B)

This item is a request for the City Commission to approve an agreement with Southpark Investment Group, LLC (SIG) for the construction of the second portion of the Innovation Square Storm Pipe Upgrade project.

Andrew Roberts made a presentation.

Jim Konish spoke to the matter.

RECOMMENDATION

The City Commission: 1) approve the agreement; 2) authorize the City Manager or designee to execute the appropriate documents subject to approval by the City Attorney as to form and legality.

A motion was made by Commissioner Carter, seconded by Commissioner Hayes-Santos, that this Matter be Approved as Recommended. The motion carried by the following vote:

Aye: 6 - Commissioner Goston, Commissioner Budd, Mayor Poe, Commissioner Hayes-Santos, Commissioner Carter, and Mayor-Commissioner Pro Tem Warren

Absent: 1 - Commissioner Chase

160181. SAP Enterprise Management System to include Re-implementation of Financial Management System (FMIS) and Customer Care System (CCS) and additional Work Management and Asset Management modules (EAM). (B)

Justin Locke and Carlos Holt made presentations.

Amendment: 1) Provide a status report to the UAB every three months; and 2) staff come back with options and mechanisms for funding to both the UAB and City Commission.

Jim Konish, Dave Denslow, Donald Shepherd and Perry Clausen spoke to the matter.

RECOMMENDATION

The City Commission:

1. Authorize the General Manager, or his designee, to

execute a Statement of Work for FMIS implementation services with SAP as the system integrator in the amount of \$4,778,805.

2. Authorize the General Manager, or his designee, to execute a Premium Engagement Support Services Agreement beginning August 1, 2016 for three years payable as follows:

Year 1: \$400,732

Year 2: \$578,512

Year 3: \$563,422

3. Authorize the General Manager, or his designee, to extend the projected FMIS, CCS, and EAM implementation plan timeline to include FY 16, FY 17, FY18, and FY19.

4. Authorize the General Manager, or his designee, to issue and negotiate an RFP/RFI for blueprint and implementation services for CCS and EAM modules.

5. Authorize the General Manager, or his designee, to allocate an additional \$20 million for CCS and EAM implementations.

6. Authorize the General Manager, or his designee, to execute any contracts and/or documents as may be necessary or desirable to proceed with the transaction authorized above, subject to the approval of the City Attorney as to form and legality, and to take such other actions as may be necessary or advisable to proceed with such transaction in accordance with this City Commission authorization.

A motion was made by Mayor-Commissioner Pro Tem Warren, seconded by Commissioner Goston, that this Matter be Approved as Amended. The motion carried by the following vote:

Aye: 6 - Commissioner Goston, Commissioner Budd, Mayor Poe, Commissioner Hayes-Santos, Commissioner Carter, and Mayor-Commissioner Pro Tem Warren

Absent: 1 - Commissioner Chase

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

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

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

RECESS - 3:32 PM

RECONVENE - 5:30 PM

PLEDGE OF ALLEGIANCE

PROCLAMATIONS/SPECIAL RECOGNITIONS

[160205.](#) **Bonnie H. Johns Day - July 31, 2016 (B)**

RECOMMENDATION *Bonnie Johns to accept the proclamation.*

Heard

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

*Mary Brunel
Adele Franson
Gabe Kaimowitz
Jim Konish
Paul Ortiz
Florence Turcotte
Annette Gilley
Sheila Payne
James Schmidt
Christopher Kennard
James Ingle
Trish Ingle
Mike Walker
Kali Blount
Donald Shepherd*

Commissioner Chase arrived at 5:46 PM.

Motion by Commissioner Chase, seconded by Commissioner Carter to waive the rules to extend citizen comment until everyone has had a chance to speak. Motion passed 7-0.

PUBLIC HEARINGS

RESOLUTIONS - ROLL CALL REQUIRED

[160146.](#)**Resolution Reestablishing ConnectFree Program and Directing the Expenditure of Program Funds (B)**

This item is a resolution to re-establish the ConnectFree Program.

Fred Murry, Rick Hutton and Tony Cunningham made presentations.

Jim Konish, Annie Orlando, Alexander Zackerman and Donald Shepherd spoke to the matter.

RECOMMENDATION

Staff recommends that the City Commission adopt the resolution.

The Utility Advisory Board recommends that the City Commission suspend the 25% connection fee and find another way to fund ConnectFree and reimburse GRU for the unfunded mandate connected with this program.

A motion was made by Commissioner Hayes-Santos, seconded by Mayor-Commissioner Pro Tem Warren, that this Matter be Adopted (Resolution). The motion carried by the following vote:

Aye: 4 - Commissioner Goston, Mayor Poe, Commissioner Hayes-Santos, and Mayor-Commissioner Pro Tem Warren

Nay: 3 - Commissioner Budd, Commissioner Chase, and Commissioner Carter

[160225.](#)

City Manager and General Manager of GRU Discuss Operations Side and Sewer/Wells Overall Strategy

RECOMMENDATION

Refer to Committee

A motion was made by Commissioner Hayes-Santos, seconded by Mayor-Commissioner Pro Tem Warren, that this Matter be Referred to the General Policy Committee, due back on 4/30/2017. The motion carried by the following vote:

Aye: 7 - Commissioner Goston, Commissioner Budd, Commissioner Chase, Mayor Poe, Commissioner Hayes-Santos, Commissioner Carter, and Mayor-Commissioner Pro Tem Warren

[160141.](#)**Qualified Target Industry (QTI) Resolution - Nationwide Mutual Insurance Company (B)**

This item seeks City Commission approval for a QTI Resolution associated with prospective expansion and job creation within the City of Gainesville for Nationwide Insurance.

Erik Bredfeldt made a presentation.

Susan Davenport spoke to the matter.

RECOMMENDATION

The City Commission: 1) adopt the QTI Resolution; 2) authorize the Mayor to execute and the Clerk to attest to the QTI Resolution regarding Nationwide Mutual Insurance Company; and 3) direct the City Manager to forward the executed QTI Resolution to Enterprise Florida.

A motion was made by Mayor-Commissioner Pro Tem Warren, seconded by Commissioner Carter, that this Matter be Adopted (Resolution) and Approved the Recommendation. The motion carried by the following vote:

Aye: 7 - Commissioner Goston, Commissioner Budd, Commissioner Chase, Mayor Poe, Commissioner Hayes-Santos, Commissioner Carter, and Mayor-Commissioner Pro Tem Warren

160144.

Withdrawal from the First Florida Governmental Financing Commission (B)

April Shuping made a presentation.

RECOMMENDATION

The City Commission: 1) approve the resolution authorizing withdrawal from the FFGFC; and 2) authorize the use of General Fund fund balance to prepay the final payment of the FFGFC 2007 bond issue.

A motion was made by Commissioner Hayes-Santos, seconded by Commissioner Budd, that this Matter be Adopted (Resolution). The motion carried by the following vote:

Aye: 7 - Commissioner Goston, Commissioner Budd, Commissioner Chase, Mayor Poe, Commissioner Hayes-Santos, Commissioner Carter, and Mayor-Commissioner Pro Tem Warren

160204.

AMEND CITY COMMISSION RULES REGARDING RECONSIDERATION (B)

Resolution No. 160204

A resolution amending and restating in its entirety the rules of the City Commission to revise the rules regarding reconsideration; providing a repealing clause and providing an immediate effective date.

Amendment: If the Commission does not specify the future date when the item will be heard, the Mayor, in consultation with the Charter Officers, will determine the date.

Donald Shepherd spoke to the matter.

RECOMMENDATION

The City Commission adopt the proposed Resolution.

A motion was made by Commissioner Carter, seconded by Mayor-Commissioner Pro Tem Warren, that this Matter be Adopted (Resolution), as amended. The motion carried by the following vote:

Aye: 7 - Commissioner Goston, Commissioner Budd, Commissioner Chase, Mayor Poe, Commissioner Hayes-Santos, Commissioner Carter, and Mayor-Commissioner Pro Tem Warren

ORDINANCES, 1ST READING - ROLL CALL REQUIRED

ORDINANCES, 2ND READING/ADOPTION READINGS - ROLL CALL REQUIRED

160122.

LAND USE CHANGE - PORTION OF 1125 NE 8TH AVENUE (B)

Ordinance No. 160122; Petition No. PB-16-74 LUC

An ordinance of the City of Gainesville, Florida, amending the Future Land Use Map of the Comprehensive Plan by changing the land use category of property generally located at 1125 NE 8th Avenue adjacent to and south of NE 8th Avenue, west of NE 12th Street, and east of NE 11th Street, as more specifically described in this ordinance, from Public Facilities (PF) to Mixed-Use Low-Intensity (MUL); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Dean Mimms and Andrew Persons made presentations.

Al Hadeed, Zach West, Mandy Miller, Elizabeth Williams and Telford Cartwright spoke to the matter.

Motion by Mayor-Commissioner Pro Tem Warren, seconded by Commissioner Hayes-Santos to waive the rules to extend the meeting to 11:00 PM. Motion passed 7-0.

Amendment: Direct the City Manager to negotiate the listed items to be included in the deed restrictions for the contract which are: 1) automotive uses; 2) social services; 3) rehabilitation centers; 4) residences for destitute people; 5) fuel dealers; 6) hotels/motels; 7) rooming and boarding houses; 8) communication towers over 100 feet; 9) community residential homes of 14 or more residents; and 10) heights and buildings within 100 feet of single family. .

RECOMMENDATION

The City Commission: (1) approve Petition No. PB-16-74 LUC; and (2) adopt the proposed ordinance.

A motion was made by Commissioner Carter, seconded by Commissioner Goston, that this Matter be Approved (Petition) and Adopted on First Reading (Ordinance), as amended. The motion carried by the following vote:

Aye: 7 - Commissioner Goston, Commissioner Budd, Commissioner Chase, Mayor Poe, Commissioner Hayes-Santos, Commissioner Carter, and Mayor-Commissioner Pro Tem Warren

160123.

QUASI-JUDICIAL - REZONING - PORTION OF 1125 NE 8th AVENUE (B)

Ordinance No. 160123; Petition No. PB-16-75 ZON

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning property generally located at 1125 NE 8th Avenue adjacent to and south of NE 8th Avenue, west of NE 12th Street, and east of NE 11th Street, as more specifically described in this ordinance, from Public Services and Operations District (PS) to Mixed-Use Low-Intensity District (MU-1); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Dean Mimms made a presentation.

Jim Konish and Al Hadeed spoke to the matter.

RECOMMENDATION

The City Commission: (1) approve Petition No. PB-16-75 ZON and (2) adopt the proposed ordinance.

A motion was made by Commissioner Hayes-Santos, seconded by Commissioner Carter, that this Matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:

Aye: 6 - Commissioner Goston, Commissioner Budd, Mayor Poe, Commissioner Hayes-Santos, Commissioner Carter, and Mayor-Commissioner Pro Tem Warren

Absent: 1 - Commissioner Chase

[160124.](#)

TEXT CHANGE - ADD ARMOR SYSTEMS MANUFACTURING & ASSEMBLY AS A PERMITTED USE BY RIGHT TO MU-1 ZONING DISTRICT (B)

Ordinance No. 160124, Petition PB-16-76 TCH

An ordinance of the City of Gainesville, Florida, amending Section 30-64 - Mixed-Use Low-Intensity District (MU-1) of the Land Development Code (Chapter 30 of the City of Gainesville Code of Ordinances) to add Armor Systems Manufacturing and Assembly as a permitted use by right with Indoor Gun Range as an accessory use; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

A motion was made by Commissioner Hayes-Santos, seconded by Mayor-Commissioner Pro Tem Warren, that this Matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:

Aye: 6 - Commissioner Goston, Commissioner Budd, Mayor Poe, Commissioner Hayes-Santos, Commissioner Carter, and Mayor-Commissioner Pro Tem Warren

Absent: 1 - Commissioner Chase

[160121.](#)

QUASI JUDICIAL - AMEND THE LIST OF USES PERMITTED BY RIGHT IN THE PS ZONING DISTRICT FOR DEPOT PARK (B)

Ordinance No. 160121; Petition No. PB-16-80 ZON

An ordinance of the City of Gainesville, Florida, amending the list of permitted uses specified in Ordinance No. 081040 for the existing Public Services and Operations District (PS) zoning for certain property generally located south of Depot Avenue, east of South Main Street, north of SE Veitch Street and west of SE 4th Street, commonly known as "Depot Park," as more specifically described in this ordinance; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

RECOMMENDATION*The City Commission adopt the proposed ordinance.*

A motion was made by Commissioner Hayes-Santos, seconded by Commissioner Budd, that this Matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:

Aye: 6 - Commissioner Goston, Commissioner Budd, Mayor Poe, Commissioner Hayes-Santos, Commissioner Carter, and Mayor-Commissioner Pro Tem Warren

Absent: 1 - Commissioner Chase

[140292.](#)**REVISIONS TO LANDLORD PERMITS SECTIONS OF CODE OF ORDINANCES (B)**

Ordinance No. 140292

An ordinance of the City of Gainesville, Florida, amending the Code of Ordinances related to landlord permits by amending Section 2-377 - Applicability; jurisdiction; amending Chapter 14.5 - Miscellaneous Business Regulations, Article I. - Landlord Permits; amending Appendix A. - Schedule of Fees, Rates and Charges; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Fred Murry and Chris Cooper made presentations.

Jim Konish, Kali Blount and Donald Shepherd spoke to the matter.

RECOMMENDATION*The City Commission: adopt the proposed ordinance.*

A motion was made by Commissioner Hayes-Santos, seconded by Commissioner Carter, that this Matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:

Aye: 7 - Commissioner Goston, Commissioner Budd, Commissioner Chase, Mayor Poe, Commissioner Hayes-Santos, Commissioner Carter, and Mayor-Commissioner Pro Tem Warren

[160226.](#)

Items of Landlord Permitting in the Future

RECOMMENDATION*Refer to Committee*

A motion was made by Commissioner Carter, seconded by Commissioner Hayes-Santos, that this Matter be Referred to the General Policy Committee, due back on 4/30/2017. The motion carried by the following vote:

Aye: 7 - Commissioner Goston, Commissioner Budd, Commissioner Chase, Mayor Poe, Commissioner Hayes-Santos, Commissioner Carter, and Mayor-Commissioner Pro Tem Warren

PLANNING PETITIONS

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

*Donald Shepherd
Telford Cartwright*

COMMISSION COMMENT

Commissioner Chase - GPD body cameras

*Mayor-Commissioner Pro Tem Warren - Relations and who we are as people - road
rage*

*Motion by Commissioner Goston, seconded by Commissioner Hayes-Santos to direct
the City Clerk to set a date, location and advertise a symposium on race. Motion
passed 7-0.*

ADJOURNMENT - 10:56 PM

Kurt Lannon, Clerk of the Commission