

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Meeting Agenda - Final

September 1, 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)

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

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 CONSENT ITEMS - GRU, General Government, Audit & Finance Committee and General Policy Committee Items

[150167.](#)

Review of the Tree Ordinance -- Expansion of the Uses of the Tree Mitigation Fund (B)

This is a request for the City Commission to refer the review and discussion of expanding the possible uses of the Tree Mitigation Fund to the Tree Advisory Board.

Explanation: The City Commission approved changes to the Gainesville Tree Ordinance on first reading on May 16, 2013 and adopted the ordinance on second reading June 6, 2013.

Beginning in mid-2015, the City Commission received concerns from citizens about the Tree Ordinance and Appeals Process, which were referred to the Community Development Committee. The Community Development Committee met to discuss these items on October 14 and December 2, 2015 and determined that a dedicated meeting to discuss the issue should be scheduled. A stakeholder workshop was held on January 27, 2016, led by Perkins & Will, who reviewed and analyzed the Tree Ordinance with community members. A second stakeholder workshop coordinated by Perkins & Will was held on March 30, 2016. Dr. Michael Andreu (University of Florida) and Rob Northrop (University of Florida-IFAS) shared their experiences with the City of Tampa's tree inventory and urban forest management plan. Discussions were held

regarding possible expanded uses of the mitigation funds, incentives for tree preservation, economic hardship of mitigation, equity of mitigation requirements, and alternate approaches to the tree ordinance.

A third public workshop was held on July 26, 2016 and a primary topic of discussion was the expansion of uses for the Tree Mitigation Fund. Participants added to the list of suggestions that had been discussed in previous meetings (see Attachment A-Proposed Uses of Tree Mitigation Funds). The staff recommendation at this time is for the Tree Advisory Board to have a more in-depth discussion, including recommendations for the General Policy Committee.

Fiscal Note: The Tree Mitigation Fund has an unobligated balance of \$1,916,261 as of August 3, 2016.

RECOMMENDATION

The City Commission refer the review of the Tree Ordinance expansion of the uses of the tree mitigation fund to the General Policy Committee.

[150167A_TreeList_20151014.pdf](#)

[150167B_CondGuide_20151014.pdf](#)

[150167C_Ord090878_20151014.pdf](#)

[150167D_Sec20-254_20151014.pdf](#)

[150167E_Sec30-251_20151014.pdf](#)

[150167F_PRCAPolTreeMit_20151014.pdf](#)

[150167G_RegSum_20151014.pdf](#)

[150167H_PermitAgrmt_20151014.pdf](#)

[150167I_Formula_20151014.pdf](#)

[150167J_TreeOrdPPT_20151014.pdf](#)

[150167_TreeOrdinance_presentation_20151202.pdf](#)

[150167_TreeOrdinance_presentation_20160127.pdf](#)

[150167_UF_City_of_Tampa_presentation_20160330.pdf](#)

[150167_Developer_Incentives_Report_20160726.pdf](#)

[150167A_Proposed_Uses_20160901.docx](#)

[150167B_DRAFT_7-26_Minutes20160901.docx](#)

[160238.](#)

Request to Reallocate Capital Improvement Project Funds to Replace Equipment at Parks, Recreation and Cultural Affairs Facilities and Parks (NB)

This is a request to use unexpended Capital Improvement Project (CIP) funds, which were allocated for specific items, for general equipment needs.

Explanation: In the FY 2015-2019 CIP, the Parks, Recreation and Cultural Affairs (PRCA) Department received funding to replace 20 Automated External Defibrillators (AEDs), over a two-year period because the current AED batteries are no longer available, making them outdated. The department acquired a grant, which reduced the cost of replacement by 50%, resulting in a project balance of \$15,038. The funds remaining are needed to replace a variety of other pieces of equipment throughout the department, such as tennis court windscreens, drinking fountains, etc.

PRCA is seeking permission to reallocate the remaining AED replacement funds and use them to replace other park and facility-related equipment.

Fiscal Note: \$15,039 from a General Fund transfer to the General Capital Projects Fund in the FY 2015-2019 Capital Improvement Project Plan is requested to be reallocated to replace various pieces of facility and park equipment.

RECOMMENDATION

The City Commission approve reallocation of remaining funds from the existing AED project to be used for PRCA Equipment Maintenance and Replacement.

[160256.](#)

Transit Services Agreements with Alachua County Board of County Commissioners (B)

This item is a request to authorize the City Manager to execute the Base Level Transit Services Agreement and the Route 75 Transit Services Agreement. Both Agreements are between the City of Gainesville Regional Transit System (RTS) and the Alachua County Board of County Commissioners (BoCC).

Explanation: The Agreement between the Regional Transit System (RTS) and the Alachua County Board of County Commissioners (BoCC) for RTS to provide base level public transit services to residents and visitors in the surrounding urbanized area expires on September 30, 2016. The City and County have negotiated a new Agreement for the period of October 1, 2016 through September 30, 2017, for base level transit services, subject to funding and written consent of both parties.

The Agreement between the RTS and the BoCC for RTS to provide public transit services to residents and visitors on Route 75 will expire on September 30, 2016. The City and County have negotiated a new Agreement for the period of October 1, 2016 through September 30, 2017, for Route 75 transit service, subject to funding and written consent of both parties.

For FY17 service, the County expanded service on several routes including Saturday service on Routes 1, 75, and 711; Holiday service on Routes 10, 43, and 75; and Sunday service for Route 75.

Fiscal Note: For the Base Level Transit Services Agreement RTS will receive \$422,273 in revenue from the County in quarterly payments. For the Route 75 Transit Services Agreement RTS will receive \$573,165 of revenue from the County in quarterly payments.

RECOMMENDATION

The City Commission: 1) authorize the City Manager or his designee to execute the Base Level Transit Services Agreement with Alachua County Board of County Commissioners (BoCC) for the period of October 1, 2016 through September 30, 2017, subject to approval by the City Attorney as to form and legality; and 2) authorize the City Manager or his designee to execute the Route 75 Transit Services Agreement with Alachua County Board of County Commissioners (BoCC) for the period of October 1, 2016 through September 30, 2017, subject to approval by the City Attorney as to form and legality.

[160256A_Draft Base Level Agreement_20160901.pdf](#)

[160256B_Draft Route 75 Agreement_20160901.pdf](#)

[160290.](#)

Bid Award - Annual Contract for Citywide Sidewalk Construction/Replacement Services for FY 2017 (B)

This item is a request for the City Commission to authorize the bid award to the primary vendor Professional Services Group, LLC and the secondary vendor Hicks Seal Coating and Striping, LLC for the annual contract for sidewalk construction/ replacement services for FY 2017.

Explanation: On June 16, 2016 the Purchasing Division solicited bids for the Annual Contract for Citywide Sidewalk Construction/Replacement. Four (4) firms responded with a bid. Professional Services Group, LLC was the lowest responsible, responsive bidder and Hicks Seal Coating and Striping, LLC was the second lowest responsible, responsive bidder.

The Public Works Department would like to award this contract to Professional Services Group, LLC as the primary firm and Hicks Seal Coating and Striping, LLC as the secondary firm. The secondary firm will only be utilized if the primary firm is unavailable.

Fiscal Note: Funding sources will be identified as needed in the Public Works Department FY 2017 operating budget, the City's Capital Improvement Plan and TPA (Transportation Mobility Program Area) funds.

RECOMMENDATION

The City Commission: 1) approve the primary bid award to Professional Services Group, LLC and the secondary bid award to Hicks Seal Coating and Striping, LLC, for Annual Sidewalk

Construction/Replacement Services for FY 2017; and 2) authorize the City Manager to execute an annual services contract with Professional Services Group, LLC and Hicks Seal Coating and Striping, LLC, and any necessary documents, subject to approval by the City Attorney as to form and legality.

[160290_BidTab_20160901.pdf](#)

[160298.](#)

Agreement Between the School Board of Alachua County (SBAC) and the City of Gainesville for the School Resource Officer Program (B)

This is a request for City Commission approval for the continuation of the Gainesville Police Department's agreement with the School Board of Alachua County (SBAC) for the School Resource Officer Program for Fiscal Year 2017.

Explanation: The Gainesville Police Department and the School Board of Alachua County desire to continue to work in partnership to provide School Resource Officers (SRO) to city-wide schools in Gainesville. This crime prevention initiative shares the cost of staffing and training between the School Board and the Gainesville Police Department. The School Board agrees to pay \$372,665.54 as its share of funding.

This agreement was approved by the School Board of Alachua County's Board on August 2, 2016.

Fiscal Note: The Gainesville Police Department will receive from the School Board the amount of \$372,665.54 in total and the rest of the funds would be picked up by the Gainesville Police Department.

RECOMMENDATION

The City Commission: 1) approve the agreement in the amount of \$372,665.54 between the City of Gainesville and the Alachua County School Board for the School Resource Officer Program; and 2) authorize the City Manager to accept and execute any other necessary documents subject to approval by the City Attorney as to form and legality.

[160298_SchoolResourceOfficerAgreement_20160901](#)

[160301.](#)

Agreement Between the School Board of Alachua County and the City of Gainesville for Teachers at the Reichert House (B)

This is a request for the City Commission to approve billing the School Board of Alachua County (SBAC) for three (3) part time

teachers at the Reichert House.

Explanation: The Gainesville Police Department and the School Board of Alachua County will enter into a Memorandum of Support and Understanding to provide support for the afterschool program at the Reichert House to provide teachers for youth who need assistance from ages 12-17 from August 1, 2016 until July 31, 2017.

The School Board shall provide reimbursement of salary and FICA expense for up to three (3) teachers performing educational services at the Reichert House, up to \$25.00/hour (which includes any benefits being paid by the City). Reimbursement shall be only for hours worked in the course of providing academic instruction directly to the students during the school year. Reimbursement may also be made for academic instructional hours during summer programming. The maximum reimbursement amount shall not exceed \$35,000.00 for the year.

Fiscal Note: Without School Board funding, the school teachers will be paid with funds from the City's General Fund.

RECOMMENDATION

The City Commission: 1) approve the billing for up to three part time teachers to the School Board of Alachua County for the afterschool and summer program at the Reichert House; and 2) to authorize the City Manager to execute the Memorandum of Understand subject to approval of the City Attorney as to form and legality.

[160301 Reichert House Teachers Contract FY17 20160901](#)

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

This item is an agreement between the City of Gainesville (City) and Alachua County (County) for traffic engineering services in the amount of \$208,047 in revenue to the City during FY17.

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

Fiscal Note: The County will pay the City \$208,047 for FY16/17, plus costs for materials for traffic signal maintenance. This is an increase 3.4%

compared to last FY15/16 payment of \$201,164.

RECOMMENDATION

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

[160291_Agreement_20160901.pdf](#)

[160262.](#)

Purchase of MIMS Mobile Software (NB)

Explanation: TC Technology, Inc. is replacing its existing software, GO! Sync®, currently used by GRU with their new product, MIMS Mobile. MIMS Mobile has enhanced capability that will allow a reduction in the number of applications with similar GIS functionality deployed throughout GRU. MIMS Mobile will also replace an obsolete GIS map viewer.

TC Technology, Inc. is a specified source for this software as it will uniquely allow GRU to deploy one GIS application to all desktop and mobile users as well as offer the capability to integrate with existing systems in the future, such as SAP or Cityworks. The software's open compatibility will allow a single mobile GIS platform to utilize across the organization with current and future internal and external systems.

MIMS Mobile will enhance GRU's GIS data accuracy and various daily inspection work flows while improving storm damage assessments. In addition, GRU will be able to communicate more effectively with customers and developers at the service location and have the ability to design the system while in the field, offering real time system condition information to GRU employees.

The not to exceed amount of \$230,000 is based on estimated one-time costs for implementation and integration of the software of \$110,000, and the five-year enterprise license agreement of \$24,000 per year.

This item was presented to the Utility Advisory Board on August 17, 2016.

Fiscal Note: Funds for this request are included in the Operations and Maintenance and Capital Budgets for FY2016/2017 and will be requested in subsequent year budgets.

RECOMMENDATION

The Board recommend that the City Commission: 1) authorize the General Manager, or his designee, to execute a five-year master service agreement and an enterprise license agreement for MIMS Mobile from Tadpole Cartesia, Inc. d/b/a TC Technology, Inc., a specified source, subject to approval of the City Attorney as to form and

legality; and 2) approve the issuance of purchase order(s) for these services for each year of the contract in an amount not to exceed \$230,000, subject to the final appropriation of funds for each year of the contract.

The Utility Advisory Board supports staff's recommendation.

[160262 MIMSMobileUAB Pres. 2016.08.17](#)

[160299.](#)

Professional Federal Lobbying and Advocacy Services Agreement (B)

This item is a request for the City Commission to approve the execution of a professional federal lobbying and advocacy services agreement.

Explanation: The City has retained the services of Marilyn Berry Thompson, with the firm of MWW Group, Inc., as a special lobbyist in Washington, D.C. in connection with matters concerning the City on behalf of its General Government and Utility.

City of Gainesville's Agreement for Professional Federal Lobbying Services will end on September 30, 2016. This role and the services provided have been extensively and regularly reviewed following their initiation in 1994.

The Lobbyist provides lobbying and advocacy services and monitors U.S. Congress on important legislative matters that could affect the City in areas of housing, economic redevelopment, taxation, revenue distribution, transportation, environment, utility regulation, telecommunications, homeland security and other areas.

The City agrees to compensate MWW Group, Inc. at a fee of \$113,000 for the City's General Government, and \$30,000 for Gainesville Regional Utilities, for a combined annual fee of \$143,000. The Lobbyist will continue to pay all expenses without reimbursement.

The brief Summary of Federal Lobbyist Services (attached) provides a more detailed description that highlights over \$70 million in federal relations outcomes and activities in five key areas: 1) Community Development and Parks; 2) Economic Development and Special Projects; 3) Housing and Homeless; 4) Criminal Justice; and 5) Transportation.

This agreement has one significant change from the previous agreement. The consultant firm is requesting reimbursement for transportation services between legislative and lobby meetings. If it is determined that transportation services are needed due to restrictions

around certain Federal buildings or for other logistical issues, City staff can request that the consultant provide transportation services and if so, the maximum cost is \$500 per day and \$2,000 per the entire agreement. City staff and City officials will determine whether such service will be utilized and the Consultant must provide copies of all receipts before the City will reimburse the consultant for these services. City officials and staff will have the option to utilize the other transportation services between the legislative meetings and lobby meetings.

Fiscal Note: There is a cost of \$143,000 in FY2017 for the City and GRU to enter this contract.

RECOMMENDATION

The City Commission authorize the City Manager and the General Manager for Utilities to enter into an agreement for one year beginning October 1, 2016 with Marilyn Berry Thompson to provide professional federal lobbying legislative lobbying and related government liaison grant services at a fee of \$113,000 for General Government and \$30,000 for GRU, subject to approval of the City Attorney as to form and legality.

[160299_Agreement for Federal Lobbying Services FY16-17 transportation reiml](#)

[160315.](#)

City Commission Minutes (B)

RECOMMENDATION

The City Commission approve the minutes of August 18, 2016.

[160315_Minutes_20160901.pdf](#)

[160314.](#)

DESIREE HEYLIGER VS. THE CITY OF GAINESVILLE, EEOC CHARGE NO. 510-2016-02525 (NB)

Explanation: On August 22, 2016, the City Attorney's Office for the City of Gainesville received a Notice of Charge of Discrimination from the U.S. Equal Employment Opportunity Commission. Desiree Heyliger, a former City employee, alleges that she has been discriminated against based on her race, sex and color and that she has been retaliated against in violation of Chapter 760 of the Florida Civil Rights Act, and/or Title VII of the Federal Civil Rights Act.

RECOMMENDATION

The City Commission authorize the City Attorney to represent the City in the case styled Desiree Heyliger vs. the City of Gainesville, EEOC Charge No. 510-2016-02525.

ADOPTION OF REGULAR AGENDA

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

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

[100607.](#)

Purchase and Sale Agreement with Phalanx Defense Systems for Reuse/Development of the Former U.S. Army Reserve Property (B)

This item seeks City Commission approval of a Purchase and Sale Agreement between the City and Phalanx Defense Systems, including financial and business terms, for the Reuse/Development of the Former U.S. Army Reserve Property. **ESTIMATED STAFF PRESENTATION 5 MINUTES**

Explanation: On May 19, 2016, the City Commission approved the ranking of proposals for the "Reuse/Development of the Former U.S. Army Reserve Property" and authorized City staff to begin negotiations with the top proposer Phalanx Defense Systems.

On June 16, 2016, the City Commission approved the financial framework for a deal with Phalanx Defense Systems for the Reuse/Development of the Former U.S. Army Reserve Property.

Negotiations with Phalanx Defense Systems on the broader business terms of the deal have continued and are contained within the proposed Purchase and Sale Agreement for City Commission consideration.

Fiscal Note: An appraisal of the property conducted in February 2016 indicated an appraised market value of \$635,000 for the northern portion of the property with building and \$85,100 for the southern portion of the property (less mitigation costs). The Property Appraiser recently adjusted their value for the entire property to \$749,000 which included a reduction of 20% based on the observed condition of the building.

RECOMMENDATION

The City Commission: 1) hear a brief presentation on the proposed business terms included in the proposed Purchase and Sale Agreement and 2) authorize the City Manager to execute the proposed Purchase and Sale Agreement subject to approval of the City Attorney as to form and legality.

[100607_Draft Letter_20110224.pdf](#)
[100607A_Letter to Stearns-Brown NE Veterans Park_20110707.pdf](#)
[100607B_Letter to Secretary of Defense_20110707.pdf](#)
[100607C_Photo W Parking looking SE 9_20110707.pdf](#)
[100607D_Photo SW Portion looking SE 9_20110707.pdf](#)
[100607A_Site Map_20120924.pdf](#)
[100607B_ECP Report_20120924.pdf](#)
[100607C_Estimated Operation Costs Report_20120924.pdf](#)
[100607A_Army Reserve Property Action Plan_20141113.pdf](#)
[100607B_Oct 2012 Army Reserve PPT_20141113.pdf](#)
[100607C_Nov 2012 CHW Draft Report_20141113.pdf](#)
[100607A_Army Reserve Property Action Plan_20141218.pdf](#)
[100607B_Draft Nov 13 2014 RCAPW Minutes_20141218.pdf](#)
[100607C_USAR Action Plan PPT_20141218.pdf](#)
[100607_Army Reserve Property Action Plan_20150514.pdf](#)
[100607_Reserve Park Presentation_20150813.pdf](#)
[100607_Reserve Park Presentation_20150820.pdf](#)
[100607A_Real Property Policies_20151210.pdf](#)
[100607B_Visioning Session Report_20151210.pdf](#)
[100607C_Draft RFP Parameters_20151210.pdf](#)
[100607A_Real Property Policies_20151217.pdf](#)
[100607B_Visioning Session Report_20151217.pdf](#)
[100607C_Draft RFP Parameters_20151217.pdf](#)
[100607A_Boundaries of Reserve Park_20160201.pdf](#)
[100607B_Reserve Property RFP Evaluative Criteria_20160201.pdf](#)
[100607_Boundaries of Reserve Park_20160204.pdf](#)
[100607_MOD_Reserve Property RFP Evaluative Criteria_20160204.pdf](#)
[100607A_US Army Reserve Property-BID TAB_20160519.pdf](#)
[100607B_RFP for U.S. Army Reserve Property_20160519.pdf](#)
[100607C_RFP for U.S. Army Reserve Property-Add#1, 2_20160519.pdf](#)
[100607D_Alachua County Housing Authority proposal_20160519.pdf](#)
[100607E_Phalanx proposal_20160519.pdf](#)
[100607F_Written Evaluations_20160519.pdf](#)
[100607G_ACHA Presentation_20160519.pdf](#)
[100607H_Presentation-Phalanx_20160519.pdf](#)
[100607I_Oral Evaluations_20160519.pdf](#)
[100607J_RFP Memo re Audio from evaluation proceedings_20160519.pdf](#)
[100607-MOD_Phalanx Deal Structure_20160616.pdf](#)

[100607A Phalanx Letter of Intent 20160721.pdf](#)

[100607 Letter of Intent 20160818.pdf](#)

[100607A Phalanx - Purchase and Sale Agreement - 8-24-16 final draft 201609](#)

[100607B Exhibit A to Contract for Sale and Purchase 20160901.PDF](#)

[100607C Easement - ingress egress and public utilities 20160901.PDF](#)

[100607D Phalanx - First Mortgage - 8-24-16 final draft 20160901.pdf](#)

[100607E Phalanx - Promissory Note - 8-24-16 final draft 20160901.pdf](#)

[100607F Phalanx - Special Warranty Deed - 8-24-16 final 20160901.pdf](#)

[160265.](#)

Amendment to Contract with Asplundh Tree Expert Company for Electric Distribution Line Clearance (NB)

Explanation: The utility's electric transmission and distribution systems require periodic line clearance, tree trimming, right-of-way maintenance, weed control and related services. Approximately 600 distribution system and 125 transmission system miles of line are maintained in accordance with American National Standards Institute's (ANSI) arboricultural standards. The line clearance and maintenance program has reduced customer tree related service interruptions. In addition, the North American Reliability Corporation (NERC) has established stringent line clearance maintenance standards that must be adhered to. The purpose of this contract is to enhance system reliability, heighten customer satisfaction, promote safety and comply with federal regulation in a cost effective manner while preserving the aesthetic qualities of the tree canopy.

In addition to routine maintenance, this contract provides the utility with access to emergency response resources as required in major system restoration efforts. Asplundh has the capability to supplement local crews with resources from regions throughout the country. The availability of such additional resources was critical to the utility's restoration efforts following the 2004 hurricane season.

On September 5, 2013, the City Commission approved a three-year contract to Asplundh Tree Expert Company (Asplundh) for electric distribution line clearance, tree trimming, right-of-way maintenance, weed control and related work. The contract provides for a three-year extension of the contract upon mutual agreement of the parties. This contract is subject to the Living Wage Ordinance and the wages paid to the Contractor's employees reflect the current rates established by the U.S. Department of Health and Human Services. Wages may be adjusted annually to maintain compliance with this ordinance. Any fiscal impact is reported to the City Commission on an annual basis. Asplundh has performed the work efficiently, works well with GRU crews, and is agreeable to a contract extension. The annual cost of this contract is approximately \$2,159,945 based on the average budgeted amounts for Fiscal Years 2017, 2018, and 2019.

This item was presented to the Utility Advisory Board on August 17, 2016.

Fiscal Note: Funds for this request are included in the Operations and Maintenance and Capital Budgets for FY2017, and will be requested in subsequent year budgets.

RECOMMENDATION

The City Commission: 1) authorize the General Manager, or his designee, to execute an amendment to the contract for an additional three-year term with Asplundh Tree Expert Company, subject to approval of the City Attorney as to form and legality; and 2) approve the issuance of purchase orders in amounts not-to-exceed budgeted amounts for these services for each year of the contract, subject to the final appropriation of funds for each year of the contract.

On August 17, 2016, the Utility Advisory Board voted unanimously to support staff's recommendation.

[160265 Asplundh Contract Renewal Pres 20160817](#)

[Hyperlink to 8/17/16 UAB meeting](#)

[160308.](#)

Audit of Health Plan Dependent Eligibility (B)

Explanation: In accordance with our Annual Audit Plan, the City Auditor's Office has completed the audit of the Health Plan Dependent Eligibility - a Risk Management function. We conducted this audit in accordance with Government Auditing Standards issued by the Comptroller General of the United States. Our report and the City Manager's response are attached for your review.

RECOMMENDATION

The City Auditor recommends that the City Commission accept the City Auditor's report and the City Manager's response.

[160308 Audit of Health Plan Dependent Eligibility 20160901.pdf](#)

[160175.](#)

SW 62nd Blvd Preliminary Design Proposal (B)

This item is to request approval of the Scope and Fee proposal from HNTB, Inc. to prepare a set of preliminary plans, specifications, supporting engineering analysis, calculations and other technical documents in accordance with FDOT policy, procedures and requirements for the SW 62nd Blvd Project.

Explanation: This project includes the construction of a new roadway between the northern terminus of the recently constructed Clark Butler Blvd at the intersection of SW 43rd Street to the existing southern terminus of SW 52nd Street near the Cabana Beach apartment complex. Please see the map in backup item "160175C_Map of 62nd Project Limits" for more information.

A Request for Qualifications was performed by the City in 2015 to procure Professional Services for the Project Development and Engineering (PD&E) study. The RFQ provided conditions for the selected vendor to provide supplemental services consistent with the description provided above. HNTB, Inc. was selected by the staff panel as the most qualified firm. Please see back up item "160175A_RFQ for 211365_20160721" for more information.

On April 7, 2016, the City Commission heard staff presentation and approved a motion to "authorize the City Manager or designee to pursue funding for implementation of a phased two-lane alternative to fill the gap (between SW 43rd Street and SW 52nd Street near the Cabana Beach apartment complex)."

Staff is requesting approval of the Scope and Fee proposal attached to prepare a set of preliminary plans, specifications, supporting engineering analysis, calculations and other technical documents in accordance with FDOT policy, procedures and requirements. These documents include a Pond Siting report, Noise Wall Barrier design report, Cost Estimates, Bridge Development Report, Pavement Design Report, and 50% Construction Plans, amongst others. These Contract documents will be used to obtain St. John's River Water Management District and Sovereign & Submerged Lands permits as well as complete right-of-way maps for the acquisition of right of way needed for the roadway, bridge and stormwater ponds identified in the preliminary plans. These described services are expected to take approximately 13 months to complete from the date given on the Notice to Proceed.

Fiscal Note: The proposal of \$963,660.18 would be funded with approximately \$867,000 through FDOT LAP program and \$97,000 through Transportation Mobility Program Area funds. The proposal is itemized on page 74 of back up item "160175B_Scope & Fee Estimate_20160721" and includes surveying, noise analysis, environmental, and geotechnical subconsultants in addition general civil engineering provided by the prime consultant.

RECOMMENDATION

The City Commission authorize the City Manager or designee to approve and execute all documents necessary for the preliminary design of SW 62 Boulevard subject to review and approval by the City Attorney as to form and legality.

[160175A_RFQ for 211365_20160901.pdf](#)

[160175B_Scope & Fee Estimate_20160901.pdf](#)

[160175C_Map of 62nd Project Limits_20160901.pdf](#)

[160175D_SW 62nd Blvd Presentation_20160901.pdf](#)

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

[160316.](#)

Commissioner Goston - National Organization of Black Law Enforcement (NOBLE) (NB)

RECOMMENDATION

The City Commission hear a presentation on NOBLE.

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

[160267.](#)

Murphree Water Treatment Plant Electrical Upgrade (B)

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

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

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

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

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

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

*The anticipated schedule for issuing the Invitation to Bid and completing construction is as follows:
September 2016 - Issue ITB*

November 2016 - Receive and Evaluate proposals
January 2017 - UAB and CC Approval to award construction contract
February 2017 - Begin Construction on electrical system upgrade
Spring 2019 - Complete construction of the electrical system upgrade

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

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

RECOMMENDATION Hear a presentation from staff.

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

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

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

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

5:30 - Call to order Evening Session

PLEDGE OF ALLEGIANCE

PROCLAMATIONS/SPECIAL RECOGNITIONS

[160318.](#)

Labor Daze Day - September 4, 2016 (B)

RECOMMENDATION Trish Ingle to accept the proclamation.

[160318 LaborDaze 20160901.pdf](#)

[160319.](#)

Constitution Week - September 17-23, 2016 (B)

RECOMMENDATION Gainesville Chapter NSDAR Regent Annette Jones to accept the proclamation.

[160319 ConsitutionWeek.pdf](#)

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

PUBLIC HEARINGS**RESOLUTIONS - ROLL CALL REQUIRED**[160292.](#)**Resolution for Amendment to the Traffic Signal Maintenance and Compensation Agreement with FDOT (B)**

This item is a request to amend the 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 will now compensate the city for school flashers, beacons and blank out signs on the State Highway System (SHS). Blank out signs communicate traffic pattern changes when activated and blank out (disappear) when de-activated.

This increase in compensation is due to several factors:

1. New payment for online or interconnected traffic signals;
2. Increment in payment for school flashers on the SHS in the City Limits;
3. Increment in payment for flashing beacons on the SHS in the City Limits;
4. Increment in payment for blank out signs on the SHS in the City Limits; and
5. New payment for travel time detectors.

Fiscal Note: The Florida Department of Transportation compensates the City annually for Traffic Signal Maintenance. The amount to be reimbursed for State FY16/17 is \$640,048. FY15/16 reimbursement was \$437,152. The increase of \$202,896 represents a 46% increase versus previous year due to new payment rates for online or interconnected traffic signals.

RECOMMENDATION

The City Commission: 1) adopt the Resolution for an Amendment to the Traffic Signal Maintenance and Compensation Agreement with the Florida Department of Transportation; 2) consider allocating the additional funds to offset additional costs incurred by the Traffic Management Center for operating and maintaining an interconnected Traffic Signal System; and 3) authorize the City Manager to execute all necessary documents, subject to approval by the City Attorney as to form and legality.

[160292A Amendment Traffic Signal Maint 20160901.pdf](#)

[160292B Resolution FDOT Signal Agreement 20160901.pdf](#)

[160280.](#)

**ACCEPTANCE OF ANTICIPATED US DEPARTMENT OF
TRANSPORTATION FAA AIP GRANT IN AN AMOUNT UP TO
\$4,514,819.00 TO BENEFIT THE GAINESVILLE
REGIONAL AIRPORT (B)**

Resolution No. 160280

A Resolution of the City of Gainesville, Florida, accepting FAA AIP Grant No. 3-12-0028-039-2016 from the U.S. Department of Transportation, Federal Aviation Administration, and authorizing execution by the Mayor and the Clerk of the Commission on behalf of the City of Gainesville; and providing an immediate effective date.

Explanation: The Gainesville-Alachua County Regional Airport Authority (GACRAA) anticipates an offer from the U.S. Department of Transportation, Federal Aviation Administration (FAA) for AIP Grant No. 3-12-0028-039-2016 in an amount up to \$4,514,819.00 for the following projects at Gainesville Regional Airport: 1) construction of an Aircraft Rescue Fire Fighting (ARFF) Station; and 2) design for Phase 1 of the expansion and improvement of the Commercial Passenger Terminal.

Because the City of Gainesville retains title to the land upon which Gainesville Regional Airport operates, the City of Gainesville, in addition to the GACRAA, must formally accept all federal grant offers. The GACRAA on June 23, 2016, adopted Resolution No. 16-008, which accepted and authorized execution of the anticipated grant offer.

RECOMMENDATION

The City Commission: adopt the resolution and authorize the Mayor to execute the FAA Grant Agreement, as certified by the Clerk of the Commission and approved by the City Attorney as to form and legality.

[160280A draft resolution 20160901.pdf](#)

[160280B GACRAA Resolution No. 16 008 20160901.pdf](#)

[160280C Assurances 20160901.pdf](#)

[160280D Grant Application 20160901.pdf](#)

[160280E Draft Grant Agreement 20160901.pdf](#)

[160280F Ltr GACRAA to City 20160901.pdf](#)

ADOPTION READING/SECOND READING - ROLL CALL REQUIRED

[150943.](#)

**LAND USE CHANGE - 2801 SW WILLISTON ROAD (B)
Ordinance No. 150943; Petition No. PB-16-45 LUC**

An ordinance amending the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of approximately 13.33 acres of property that is generally located at 2801 SW Williston Road near the southeastern corner of Williston Road and SW 29th Drive, as more specifically described in this ordinance, from Alachua County Institutional and Office/Residential to City of Gainesville Residential Medium-Density (RM); 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 STAFF REPORT**

Update since first reading: On June 16, 2016, the City Commission approved this ordinance on first reading. City staff then transmitted this ordinance to the state reviewing agencies in accordance with the statutory expedited review process for comprehensive plan amendments. During the 30-day comment period, the City received letters from the Florida Department of Economic Opportunity, North Central Florida Regional Planning Council, St. Johns River Water Management District, Florida Department of Transportation, and Florida Department of Education. The comments received did not identify any adverse impacts to important state resources and facilities within the scope of review of the respective state agencies, and therefore did not necessitate any changes to the ordinance.

This ordinance will change the land use category of a 13.33-acre property from Alachua County Institutional and Office/Residential to City of Gainesville Residential Medium-Density (RM). The property, which is generally located at 2801 SW Williston Road near the southeastern corner of Williston Road and SW 29th Drive, was annexed into the City effective May 5, 2016. The easternmost portion of the property is developed with a 3,100 square foot office building.

The property consists of two parcels located directly west and north of the Oak Hammock development, a university-related continuing care retirement community. The Campus Lodge multi-family development is located to the north of the property on the opposite side of SW Williston Road. The property is bordered to the west by SW 29th Drive and the Alachua Fire Extinguisher Company.

This land use amendment will facilitate future residential development of the property. The Residential Medium-Density (RM) category provides an increase in maximum potential density as compared to the current Alachua County land use categories. However, the RMF-7 zoning district that is proposed for this property would limit the density on the site to 14 units/acre by right with the option for 7 additional units/acre by using density bonus points and meeting certain development criteria outlined in the Density Bonus Points Manual.

Both City Staff and the City Plan Board recommend approval of this amendment to the Comprehensive Plan.

Fiscal Note: None.

CITY ATTORNEY MEMORANDUM

Section 163.3184, Florida Statutes, sets forth the procedure for amending the Comprehensive Plan. The first hearing is the transmittal stage and must be advertised at least seven days prior to the hearing. The second hearing is the adoption stage and must be advertised at least five days prior to the hearing. Within ten working days after the first hearing, the City must transmit the amendment to the reviewing agencies and to any other local government or state agency that has filed a written request for same. These agencies have 30 days after receipt of the amendment to forward written comments to the City, which the City must then consider during the second hearing. If adopted on second reading, the City will forward the amendment within ten working days to the state land planning agency and any party that submitted written comments.

Within 30 days following the City's adoption of the amendment, any affected person may file a petition with the State Division of Administrative Hearings to request a hearing to challenge the amendment's compliance with Chapter 163, Florida Statutes. If not timely challenged, this amendment shall become effective 31 days after the state land planning agency notifies the City that the amendment package is complete. If timely challenged, this amendment shall become effective when the state land planning agency or the Administration Commission issues a final order determining that this amendment is in compliance with Chapter 163, Florida Statutes. No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before this amendment has become effective.

RECOMMENDATION

The City Commission: (1) receive letters from the Florida Department of Economic Opportunity, North Central Florida Regional Planning Council, St. Johns River Water Management District, Florida Department of Environmental Protection, Florida Department of Transportation, and Florida Department of Education; and (2) adopt the proposed ordinance.

[150943_Staff report and Appendices A thru C_20160428.pdf](#)

[150943A_draft ordinance_20160616](#)

[150943B_Staff report and Appendices A thru C_20160616](#)

[150943C_CP B minutes draft_20160616](#)

[150943D_staff ppt_20160616](#)

[150943_draft ordinance_20160901.pdf](#)

[150944](#)**QUASI-JUDICIAL - REZONING - 2801 SW WILLISTON ROAD
(B)**

Ordinance No. 150944; Petition No. PB-16-46 ZON

An ordinance amending the Zoning Map Atlas of the City of Gainesville, Florida, by rezoning approximately 13.33 acres of property that is generally located at 2801 SW Williston Road near the southeastern corner of Williston Road and SW 29th Drive, as more specifically described in this ordinance, from Alachua County Residential and Professional District (RP) to City of Gainesville Multiple-Family Medium-Density Residential District (RMF-7); 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 STAFF REPORT

This ordinance will rezone the subject 13.33-acre property from Alachua County Residential and Professional District (RP) to City of Gainesville Multiple-Family Medium-Density Residential District (RMF-7). The property, which is generally located at 2801 SW Williston Road near the southeastern corner of Williston Road and SW 29th Drive, was annexed into the City effective May 5, 2016. The easternmost portion of the property is developed with a 3,100 square foot office building.

The property consists of two parcels located directly west and north of the Oak Hammock development, a university-related continuing care retirement community. The Campus Lodge multi-family development is located to the north of the property on the opposite side of SW Williston Road. The property is bordered to the west by SW 29th Drive and the Alachua Fire Extinguisher Company.

This rezoning will implement the Residential Medium-Density (RM) land use change per Ordinance No. 150943 and will facilitate future residential development of the property. The RMF-7 zoning district will provide an increase in the maximum potential density for the property, from the 8 units/acre allowed under the current Alachua County zoning district to 14 units/acre by right with the option for 7 additional units/acre by using density bonus points and meeting certain development criteria outlined in the Density Bonus Points Manual.

Both City staff and the City Plan Board recommend approval of this rezoning.

Fiscal Note: None.

CITY ATTORNEY MEMORANDUM

The City Commission approved this ordinance on first reading on June 16, 2016.

This ordinance requires two hearings and shall become effective when the amendment to the City of Gainesville Comprehensive Plan adopted by Ordinance No. 150943 becomes effective as provided therein.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

[150944_Staff report and Appendices A - C_20160428.pdf](#)

[150944A_draft ordinance_20160616](#)

[150944B_Staff report and Appendices A - C_20160616](#)

[150944C_CPB minutes_20160616](#)

[150944D_staff ppt_20160616](#)

[150944_draft ordinance_20160901.pdf](#)

[160156.](#)

VOLUNTARY ANNEXATION - 0.91 ACRES OF PROPERTY OWNED BY NORTH CENTRAL FLORIDA REGIONAL MEDICAL CENTER (B)

Ordinance No. 160156

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

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

The adoption of an annexation ordinance is the final stage in the

annexation process set forth in the Municipal Annexation or Contraction Act in Chapter 171, Florida Statutes. Because this is a voluntary annexation, no referendum is required.

CITY ATTORNEY MEMORANDUM

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

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

[160156 Signed Petition 20160707.pdf](#)

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

[160138.](#)

LAND USE CHANGE - 1217, 1227, 1237 and 1247 SW 11th AVENUE (B)

Ordinance No. 160138; Petition No. PB-16-57 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 approximately 1.03 acres of property generally located at 1217, 1227, 1237 and 1247 SW 11th Avenue, as more specifically described in this ordinance, from Single-Family (SF) to Urban Mixed-Use 1 (UMU-1); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT REPORT

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

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

CITY ATTORNEY MEMORANDUM

This proposed amendment to the Comprehensive Plan involves a use of 10 acres or fewer and qualifies as a small-scale development amendment. The City Commission may adopt small-scale development amendments with a single public hearing.

Within 30 days following the City's adoption of this amendment, any affected person may file a petition with the State Division of Administrative Hearings to request a hearing to challenge the compliance of this amendment with Chapter 163, Florida Statutes. If challenged within 30 days after adoption, this amendment shall not become effective until the state land planning agency or the Administration Commission issues a final order determining that the adopted amendment is in compliance with Chapter 163, Florida Statutes. If unchallenged, this amendment shall become effective 31 days after adoption.

RECOMMENDATION *The City Commission: (1) approve Petition No. PB-16-57 LUC; and (2) adopt the proposed ordinance.*

[160138 Staff report and Appendix A-C 20160623](#)

[160138A draft ordinance 20160901.pdf](#)

[160138B Staff report and Appendix A-C 20160901](#)

[160138C CPB minutes draft 20190901](#)

[160138D Staff ppt 20160901](#)

ORDINANCES, 1ST READING - ROLL CALL REQUIRED

[160139.](#)

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

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

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

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT REPORT

This ordinance will amend the Zoning Map Atlas of the City of Gainesville by rezoning the subject property from Single-Family Residential District (RSF-1) to Urban Mixed-Use District 1 (UMU-1). The subject property is 1.03 acres located at 1217, 1227, 1237 and 1247 SW 11th Avenue, on the southeast corner of the intersection of SW 13th Street/US 441 and SW 11th Avenue. The subject property is within the

UF Context Area and the College Park/University Heights Community Redevelopment Area. The proposed rezoning is consistent with the City's Comprehensive Plan, and will allow a mix of residential and non-residential uses and will substantially increase the redevelopment potential for this property that is along a major corridor and is within walking distance of UF.

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

CITY ATTORNEY MEMORANDUM

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

RECOMMENDATION *The City Commission: (1) approve Petition No. PB-16-58 ZON; and (2) adopt the proposed ordinance.*

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

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

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

[160139C CPB minutes draft 20160901](#)

[160139D Staff ppt 20160901](#)

[160130.](#)

AMEND THE UTILITY ADVISORY BOARD ATTENDANCE REQUIREMENTS (B)

Ordinance No. 160130

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

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

directed the City Attorney's Office to draft and the Clerk of the Commission to advertise an ordinance amending the City Code to allow UAB members four (4) excused absences during a calendar year.

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

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

[160130_draft ordinance_20160901.pdf](#)

[160080.](#)

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

ORDINANCE NO. 160080

An ordinance of the City of Gainesville, Florida, amending the Code of Ordinances related to the sale, dispensing, consumption and possession of alcoholic beverages in Depot Park; by amending Section 4-4; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: The City Commission, at its meeting of June 16, 2016, authorized the City Attorney to draft a proposed ordinance amending the code of ordinances in Section 4-4 regarding consumption, sale, and possession of alcohol within the structures located at 200 & 201 SE Depot Avenue, the Historic Depot Building and Depot Park.

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

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

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

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

RECOMMENDATION

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

[160080 PRESENTATION 20160616.pdf](#)

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

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

[160080 draft ordinance 20160901.pdf](#)

[160166.](#)**Non-Ad Valorem Assessment for Solid Waste Management (B)**

ORDINANCE NO. 160166

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

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

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

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

The Waste Alternatives Program provides public education and resources for our community emphasizing a new philosophy in waste reduction: Embrace Zero Waste. Zero Waste encourages the elimination of the inefficient use of our resources. Waste Alternatives programs help accomplish this by focusing on source reduction, reuse, recycling, composting, household hazardous waste and litter prevention through a variety of learning tools. Waste Alternatives Specialists visit

schools throughout the County using a curriculum approved by the school board for students in grades Pre-K through 12. Waste Alternatives staff also provides presentations to civic groups and businesses. A large multi-media campaign supports the program and serves as an additional outreach mechanism to our community. Waste Alternatives also provides recycling containers for special events, manages the Alachua County commercial recycling program, sponsors special recycling events, operates a reusable resource center for teachers (Tools for Schools) in cooperation with the Alachua County School Board, and acts as liaison between the waste haulers and recyclers and residents and businesses. These activities are county-wide and include all municipalities.

The Alachua County Environmental Protection Department's Hazardous Waste program provides collection, recycling and disposal of Household Hazardous Waste (HHW) including automotive fluids, paints, toxic chemicals, fluorescent lamps and electronic scrap through the Alachua County Household Hazardous Waste Collection Center at the Leveda Brown Environmental Park, at the Rural Collection Centers and through periodic mobile HHW collection events throughout the county. In addition, the program provides emergency response for hazardous materials incidents, inspection and monitoring of small quantity hazardous waste generators and complaint investigations regarding hazardous materials and wastes. The program also provides, on a fee basis, hazardous waste disposal services for conditionally exempt small quantity generators of hazardous waste. All activities are county-wide and include all municipalities.

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

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

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

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

RECOMMENDATION *The City Commission adopt the ordinance.*

[160166 County Resolution 20160721.pdf](#)

[160166 draft ordinance 20160901.pdf](#)

[160221.](#)

AMENDING LAND DEVELOPMENT CODE DEFINITIONS REGARDING MEDICAL MARIJUANA DISPENSARIES (B)

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

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

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

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

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

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

systems, video surveillance, and prohibiting on-premises dispensing between 9 p.m. and 7 a.m.

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

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

CITY ATTORNEY MEMORANDUM

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

RECOMMENDATION *The City Commission: 1) approve Petition PB16-84 TCH, and 2) adopt the proposed ordinance*

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

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

[160221C 160723 CPB minutes 20160901](#)

[160221D Staff ppt 20160901](#)

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

[150994.](#)

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

Ordinance No. 150994

An ordinance of the City of Gainesville, Florida, amending the Code of Ordinances relating to motorized vehicles for hire; by amending Section 28-8 to remove the prohibition on passengers in a motorized vehicle for hire possessing open containers of alcoholic beverages; providing directions to the codifier; providing a severability clause; providing a

repealing clause; and providing an effective date.

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

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

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

[150994_draft ordinance_20160901.pdf](#)

ORDINANCES, 2ND READING - ROLL CALL REQUIRED

PLANNING PETITIONS

[150694.](#)

Written Order denying Petition PB-15-115 PDA to amend the Blues Creek Planned Development zoning (B)

Explanation: At the May 19, 2016 City Commission meeting, the Commission held a formal quasi-judicial hearing on Petition PB-15-115 PDA. The Petition requested to amend the Planned Development (PD) zoning for the Blues Creek Development. The City Commission denied the Petition by a vote of 4-3. Rule 18 C. of the Rules of the City Commission states "the City Attorney shall prepare a written order stating, at a minimum, whether the petition was granted or denied and if granted, specifying any conditions, requirements or limitations on the approval of the matter." The written order shall be presented to the Commission for approval at a Special Meeting or at the next Regular Meeting of the Commission. □ Upon approval, the presiding officer shall execute and the Clerk shall attest the order. Executed copies of the order shall be hand delivered or mailed to the petitioner and affected parties.

The City Attorney's Office prepared the draft order based solely on the record of the quasi-judicial hearing.

RECOMMENDATION *The City Commission approve the draft order.*

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

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

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

COMMISSION COMMENT

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