

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Meeting Agenda - Final

November 2, 2017

1:00 PM

MODIFIED AGENDA

City Hall Auditorium

City Commission

Mayor Lauren Poe (At Large)

Mayor-Commissioner Pro Tem Harvey Budd (At Large)

Commissioner Helen Warren (At Large)

Commissioner Charles Goston (District 1)

Commissioner Harvey Ward (District 2)

Commissioner David Arreola (District 3)

Commissioner Adrian Hayes-Santos (District 4)

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

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

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

ROLL CALL**INVOCATION**

Prophet George Young

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

[170467.](#)

City Commission Minutes (B)**RECOMMENDATION**

The City Commission approve the minutes of October 3, and October 5, 2017.

[170467_Minutes_20171102.pdf](#)

[170467_Minutes_20171102.pdf](#)

[170460.](#)

Perpetual Transportation Easement to Alachua County (B)

Explanation: Alachua County has received partial funding from the Florida Department of Transportation to construct an extension of SW 8th Avenue, from NW 143rd Street to SW 137th Way, to help alleviate congestion on Newberry Road. The new road will be two lanes with bike lanes and a multi-use path. The construction will be in compliance with the specifications set forth in the State of Florida Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways.

The transportation plan has routed the new road across the City of Gainesville transmission right-of-way and construction cannot be completed without this crossing. As such, it is necessary that the City grant a transportation easement to Alachua County. The City acquired

fee simple title to this transmission right-of-way through a condemnation proceeding in 1974. The final judgment stipulated that the City is required to provide ingress and egress across the acquired parcels, expressly to governmental bodies, for roadways or streets.

In exchange for the transportation easement, Alachua County will be constructing two (2) twelve foot wide paved driveways and installing two (2) sixteen foot gates and fencing to serve as a secured, unimpeded access to the transmission corridor. Additionally, the County has also agreed to waive all Right of Way Utilization Inspection Fees for the installation of water, sewer and gas facilities along the new roadway during the initial construction.

Staff has reviewed and recommended the granting of the Perpetual Transportation Easement to Alachua County for this project. The City will retain fee simple title to the transmission right-of-way and an indemnification clause has been incorporated into the easement to protect and defend the City from all claims or expenses arising out of or relating to the County's utilization of the easement areas for transportation purposes.

This item was presented to the Utility Advisory Board on October 12, 2017. The Board voted 6-0, with Member Campbell absent, to advise the City Commission to approve the staff recommendation.

Fiscal Note: None.

RECOMMENDATION

Staff:

The City Commission: 1) approve the granting of a perpetual transportation easement to Alachua County for transportation purposes across a portion of the City of Gainesville electric transmission right-of-way; and 2) authorize the Mayor and the Clerk of the Commission to execute the Easement, substantially in the form as attached, subject to approval by the City Attorney as to form and legality.

UAB:

Approve the staff recommendation.

[170460 Project Location Map 20171102](#)

[170460 SW 8th Ave Ext Transportation Easement 20171102](#)

[170460 Transportation Easement Location Map 20171102](#)

[170450.](#)

Request for Statement of Qualifications for Recruitment Services for Professional Engineer and Technical Positions at a Municipal

Multi-Service Utility (NB)**MODIFICATION - REVISED BACK-UP**

Explanation: On May 15, 2017, Gainesville Regional Utilities' Purchasing Division solicited written statements of qualifications for recruitment services for professional engineer and technical positions at a multi-service utility (RFSQ No. 2017-071).

Five firms submitted statements on June 8, 2017. Evaluation of the written submittals resulted in the qualifying of the five firms listed:

1. Aerotek
2. The Search Partnership, LLC
3. Helbling & Associates Inc.
4. MTI Moten Tate, Inc.
5. The Mercer Group, Inc.

This item was presented to the UAB on October 12, 2017. They voted 6-0, with Member Campbell absent, to advise the Commission to approve the staff recommendation.

Fiscal Note: The amount of each contract will be determined through negotiations. Funding sources are available and will be identified as needed through the appropriate departments.

RECOMMENDATION**Staff:**

The City Commission: 1) accept the qualified firms; 2) authorize the General Manager or designee to initiate contract negotiations and execute a contract for recruiting services with each of the firms; and 3) authorize the General Manager or designee to execute all contract documents and other necessary documents, subject to approval by the City Attorney as to form and legality.

UAB:

Approve staff's recommendation.

[170450 Intent to Award 20171012](#)
[170450 2017-071 Bid Record 20171102](#)
[170450 2017-071 Recruitment Services Intent to Award 20171102](#)
[170450 2017-071 RFSQ Professional Engineer And Technical Employee Recru](#)
[170450 RESPONSE-Aerotek-2017-071 Recruitment Services 20171102](#)
[170450 RESPONSE-Helbling-2017-071 Recruitment Services20171102](#)
[170450 RESPONSE-Mercer Group-2017-071 Recruitment Services 20171102](#)
[170450 RESPONSE-MTI Moten Tate-2017-071 Recruitment Services 20171102](#)
[170450 RESPONSE-Search Partnership-2017-071 Recruitment Services 20171](#)
[170450 Evaluation Summary - Revised 20171102](#)

[170466.](#)

The Florida Department of Transportation's Safety Office Subgrant Funding for the City Of Gainesville Motorcycle/Scooter Safety and Education Program, Gainesville Police Department (GPD) Occupant Protection Enforcement Program and the City Of Gainesville Safe Gator Program (NB)

This is a request for City Commission's approval to accept a grant through the Florida Department of Transportation Safety Office.

Explanation: The Florida Department of Transportation's Safety Office is sponsoring the City of Gainesville Motorcycle/ Scooter Safety and Education Program and GPD Occupant Protection Enforcement Program and the City of Gainesville Safe Gator Program. The City Of Gainesville Motorcycle/Scooter Safety and Education Program is overtime-only for proactive traffic enforcement projects with a focus on motorcycle and scooter infractions. The grant also funds a minimum of nine (9), six hour Safe Motorcycle and Rider Techniques (SMART) courses to train civilian riders in real world scenarios. The City Of Gainesville Safe Gator Program is an educational program that interacts with patrons and talks about alcohol awareness and counseling programs available. The GPD Occupant Protection Enforcement Program is a pro-active enforcement program.

All three grant programs are overtime-only education and proactive traffic enforcement projects with funding provided by the Florida Department of Transportation. No associated costs will be incurred by the City Of Gainesville.

*The amount requested through the grant application is as follows:
Motorcycle/Scooter Safety and Education Program_ \$50,000
Occupant Protection Enforcement Program_ \$10,000
Safe Gator Program_ \$10,500*

Total requested from the Florida Department of Transportation Safety - \$70,500

Fiscal Note: The total grant award to the City is \$70,500.

RECOMMENDATION

The City Commission authorize the City Manager to accept, and execute the grant awards subject to approval by the City Attorney as to form and legality and approve the expenditures as outlined in the approved grant awards.

Alternative Recommendation

The City Commission decline the three proposals in the total amount of \$70,500 and advise staff not to accept these funds.

[170482.](#)

Workshop to Discuss Implementation of the Strategic Framework (NB)

This is a request for the City Commission to approve hosting and participating in a workshop on November 21, 2017 from 1:30-5:30pm to discuss implementation of the Strategic Framework.

Explanation: On December 15, 2016, the City Commission adopted the Strategic Plan Framework, a lasting blueprint to guide us towards our best Gainesville, a New American City.

Staff has continued to engage with citizens and community stakeholders and lead data and information gathering.

Staff intends to facilitate a workshop to discuss implementation of the Strategic Framework as a follow-up to the Commission's teambuilding retreat on October 24th.

Fiscal Note: None

RECOMMENDATION

The City Commission 1) approve hosting and participating in a workshop on November 21, 2017 from 1:30-5:30pm to discuss implementation of the Strategic Framework.

[170441.](#)

Request to Reallocate Wild Spaces Public Places 2017 Project Funds to Balance Project Expenses (B)

This item involves a request to reallocate projects from FY 2017 Wild Spaces Public Places Project (WSPP) List and reallocate these to other WSPP 2017 Projects.

Explanation: During Fiscal Year 2017, the Parks, Recreation and Cultural Affairs Department received funding for a small number of Wild Spaces Public Places projects to complete. Some projects came in under the budget estimates while others came in over budget estimates.

The Department requests permission to reallocate 2017 WSPP funds in order to cover the costs of: 1) Shade for the Depot Park Playground in the amount of \$67,988; 2) Planning and design services for JJ Finley Neighborhood Park in the amount of \$11,860; 3) Planning and design services for NE 31st Avenue Park in the amount of \$9,520; and 4) Contingency funds for any additional unforeseen expenses over the estimated budget allocations in the amount of \$34,000. The funds for these projects can be allocated from the remaining balance of the Shade over Playgrounds Project funds that came in \$123,923 under budget. The Depot Park Shade project was budgeted in a separate Depot Park fund since it was a significantly larger project needing expertise from the contractor that is still being utilized.

Fiscal Note: There is currently \$123,923 remaining in the 2017 WSPP Shade of Playgrounds Project. This item requests reallocating \$123,368 to fund additional costs of the Depot Park Shade Project; the Planning and Design Services fees for the NE 31st Avenue Park and the JJ Finley Neighborhood Park Projects; and to add additional funds to the 2017 WSPP Contingency Funds to address any other higher than expected 2017 WSPP budget estimates.

RECOMMENDATION

The City Commission direct the Budget Office to reallocate the 2017 WSPP Shade over Playgrounds funds to address other WSPP projects as described above.

[170441 2017 Project Status 20171102.pdf](#)

170519.

Employee Total Rewards Discussion (NB)

MODIFICATION - ADDED ITEM

Explanation: To discuss progress updates, decision points, policy changes, or other items related to the City's Employee Total Rewards programs and study.

Fiscal Note: To be determined.

RECOMMENDATION

The City Commission refer the Employee Total Rewards Discussion to the General Policy Committee.

170531.

Authorized Officials to Close the Purchase of the Biomass Facility (NB)

MODIFICATION - ADDED ITEM

Explanation: On August 24, 2017, under Legislative File #170306, the City Commission approved the Asset Purchase Agreement for the GREC Biomass Facility and authorized the Mayor to execute same after staff reports the results of the due diligence inquiries to the Utility Advisory Board and the City Commission and the City Commission votes to accept the due diligence results as satisfactory. On September 5, 2017, under Legislative File #170355, staff presented the due diligence results to the Utility Advisory Board and the Board accepted the results of the due diligence as satisfactory. On September 7, 2017, under Legislative File #170354, staff presented the due diligence results to the City Commission and, with Gainesville in the projected path of Hurricane Irma, the Commission authorized the Mayor to execute the Asset Purchase Agreement only after the General Manager for Utilities, or his designee, does a visual inspection during the weekly walk-through of the GREC Biomass Facility following Hurricane Irma and confirms that the walk-through is satisfactory. On September 12, 2017, the General Manager for Utilities designee conducted the walk-through and found no damage to the biomass facility which would change its status and/or overall condition and, as a result, the Mayor signed the Asset Purchase Agreement and it became effective and binding on the City.

Pursuant to Section 3.4(g) of the Asset Purchase Agreement, the City must provide the Seller with a certificate that sets forth, among other things, the names of the officials who are authorized signatories for the City and provides proof of their due authorization to close the purchase in accordance with the Asset Purchase Agreement. In order to deliver the certificate, as well as authorize the signing of all documents and the performance of all actions necessary to close the purchase transaction, and in anticipation of any unforeseen emergency that may require an authorized official to appoint a designee, staff requests the Commission approve this item.

Fiscal Note: As previously described in the agenda items for the Asset Purchase Agreement and the Financing Resolutions.

RECOMMENDATION

The City Commission authorize the Mayor (or, in his absence, the Mayor-Commissioner Pro-Tempore); the General Manager for Utilities (or his designee); the Chief Financial Officer for Utilities (or his designee); the Clerk of the Commission (or his designee); the City Attorney (or her designee); and the Utilities Attorney to execute and deliver all Transaction Documents and any other necessary documents and to perform all other actions necessary to close on the purchase of the Biomass Facility in accordance with the terms of the Asset Purchase Agreement.

[170075.](#)

EXTENSION OF TOLLING AGREEMENT FOR CITY'S CLAIMS AGAINST JONES EDMUNDS REGARDING THE DESIGN AND

**ENGINEERING OF CERTAIN ELEMENTS OF THE
SWEETWATER BRANCH/PAYNES PRAIRIE SHEETFLOW
RESTORATION PROJECT (B)**

MODIFICATION - ADDED ITEM

Explanation: On September 24, 2013, the City discovered that the sediment basin of the Sweetwater Branch/Paynes Prairie Sheetflow Restoration Project, located at 325 S.W. Williston Road, Gainesville, Florida, was not functioning as intended and as necessary for the Project. Mediation was conducted on April 12, 2017, and October 13, 2017, and a tentative settlement was reached subject to review and recommendation of the Utility Advisory Board, and approval by the City Commission. The City's last tolling agreement with Jones Edmunds, the engineer for the Sweetwater Branch/Paynes Prairie Sheetflow Restoration Project, extended the applicable Statute of Limitations date to November 13, 2017 in order to preserve the City's legal rights. The parties' representatives wish to extend the tolling period to December 15, 2017, to provide time for review and recommendation of the proposed settlement by the Utility Advisory Board and approval by the City Commission.

RECOMMENDATION *The City Commission approve the Seventh Amendment to Tolling Agreement.*

Legislative History

6/15/17	City Commission	Approved as Recommended
9/7/17	City Commission	Approved as Recommended

[170075-2 Seventh Amendment to Tolling Agreement 20171102.pdf](#)

ADOPTION OF REGULAR AGENDA

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

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

[170475.](#)

Selection of Interim Clerk of the Commission (B)

Explanation: The acting position will serve in an interim capacity while we continue the search for the regular full-time Clerk of the Commission.

RECOMMENDATION *The City Commission make a final selection for the position of Acting Clerk of the Commission and take any other action deemed necessary.*

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

[170476.](#)**Full-time Clerk of the Commission Hiring Update (B)**

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

RECOMMENDATION *The City Commission receive an update.*

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

[170456.](#)**Audit of Regional Transit System Farebox and Bus Pass Revenues (B)**

Explanation: In accordance with our Annual Audit Plan, the City Auditor's Office has completed the audit of Regional Transit System Farebox and Bus Pass Revenues. The audit was included due to the inherent risk of cash transactions and focused on internal controls over processes for farebox collections and bus pass revenues. We conducted this audit in accordance with Government Auditing Standards issued by the Comptroller General of the United States. Our report and the responses 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.*

[170456 RTS Farebox and Bus Pass Revenues 20171019.pdf](#)

[170494.](#)**Request to Schedule a Joint City Commission/Utility Advisory Board Workshop (B)**

MODIFICATION - NEW BACK-UP

Explanation: The City Commission and the Utility Advisory Board (UAB) met jointly on July 18, 2017 to discuss both the GREC Asset Purchase Agreement (APA) and the issue of GRU governance. After discussing the governance issue, the two bodies agreed to schedule a joint workshop in the future to continue the discussion and the workshop was subsequently scheduled by the Clerk of the Commission for September 13, 2017.

On August 31, 2017, the workshop was cancelled by joint decision of the Mayor and the UAB Chair. The UAB Chair is now requesting that the workshop be rescheduled to November 28, 2017 at 6:00 p.m. so that the issue of GRU governance can be discussed further.

RECOMMENDATION *Direct the Clerk of the Commission to schedule a joint workshop of the City Commission and UAB on November 28, 2017 at 6:00 p.m.*

[170494 Ltr from UAB Chair re Joint Workshop Request 20171102](#)

[170495.](#)**Commissioner Harvey Ward - Richard Spencer Expenses (NB)****RECOMMENDATION**

The City Commission discuss the City's expenses regarding Richard Spencer's appearance and take action deemed appropriate.

[170527.](#)**Update on Gainesville Renewable Energy Center Acquisition Financing (B)
MODIFICATION - ADDED ITEM AND NEW BACK-UP**

Explanation: At their meeting of September 21, 2017, the City Commission approved the financing structure related to the acquisition of the Gainesville Renewable Energy Center (GREC). This structure consists of 65% fixed rate bonds (2017 Series A), 20% direct placement variable rate bonds to be synthetically fixed through a 10 year swap agreement (2017 Series B), and 15% direct placement variable rate bonds which would remain unhedged (2017 Series C).

On October 24, 2017, GRU successfully sold \$415.9 million of 2017 Series A Utilities System Revenue Bonds. Investor engagement was critical to this transaction, and prior to the sale GRU senior management staff conducted a concerted marketing effort, including live presentations to investors in New York and Boston, an internet-based presentation, and one-on-one conference calls with potential large investors. Over \$3 billion dollars in total orders were received for the bonds, with \$2.5 billion in investor orders from 76 different accounts. The estimated all-in True Interest Cost of the deal (including 2017 Series B and 2017 Series C), is 2.91%, subject to final execution of the 2017 B swap.

On the 2017 B swap, GRU received bids from 6 banks to serve as swap provider, with Goldman Sachs submitting the most cost beneficial bid. As we indicated to the City Commission in earlier presentations, in order to diversify and reduce counterparty risk, GRU and our advisors reached out to the next highest evaluated bidder, Citibank, with the offer to split the swap if they would substantially meet the terms of the winning bid. As a result, 70% of the swap will be awarded to Goldman Sachs and 30% to Citibank.

Closing on the financing and the acquisition is scheduled for November 7, 2017.

Fiscal Note: The resulting debt service compared to GREC fixed payments provides expected gross cash flow savings of approximately \$768 million or approximately \$548 million on a net present value basis.

RECOMMENDATION

The City Commission hear an update on the GREC acquisition financing.

[170527 GRU 2017 Series A Pricing Highlights 20171102](#)

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

[170195.](#)**General Leave Policies/Paid Parental Leave (NB)**

This item is to amend Human Resources Policy L-2: General Leave Policies.

MODIFICATION - NEW AND ADDITIONAL BACK-UP

Explanation: During the July 27, 2017 General Policy Committee meeting, the Committee indicated their support in providing twelve (12) weeks of paid parental leave for City employees. Human Resources Policy L-2: General Leave Policies is amended to accommodate a new paid parental leave policy to provide certain amounts of paid leave for the birth and care of the newborn child of an employee, as well as for the placement of a child for adoption or foster care with the employee, within twelve (12) months following the birth or placement. This language provides that whenever an eligible employee takes parental leave, he/she is eligible to receive his/her regular base rate of pay for up to twelve (12) weeks. All non-represented regular employees who have been employed by the City for at least one (1) year and have worked for 1250 hours over the twelve (12) months previous to the leave, are eligible to receive paid parental leave. If both of the child's parents are employed by the City, they are permitted a combined total of twelve (12) weeks paid parental leave.

Fiscal Note: Fiscal impact is dependent upon factors such as number of births per fiscal year, employee salary, and combined leave for a child's parents if both are employed by the City.

RECOMMENDATION *The City Commission approve amendments to Human Resources Policy L-2: General Leave Policies.*

Legislative History

7/6/17	City Commission	Referred to the General Policy Committee
7/27/17	General Policy Committee	Heard

[Paid Parental Leave2.pdf](#)

[170195A_L-2 General Leave Policies \(Paid Parental Leave\)_20171102.pdf](#)

[170195B_L-3 Paid Time Off Leave System_20171102.pdf](#)

[170195C_L5 Leave of absence with or without pay_20171102.pdf](#)

[170195D_Policy Update Matrix_20171102.pdf](#)

[160396.](#)**Business Energy Retention/Expansion Program (B)**

This is a request for the City Commission to provide feedback on a prospective approach in dealing with recent issues raised by Double

Envelope.

Explanation: General Government and Gainesville Regional Utilities (GRU) staff have been approached by Double Envelope (D/E) about their existing operating challenges particularly as it regards existing commercial utility rates. They have indicated that these rates may result in their relocating their current plant located on 39th Avenue outside of the City of Gainesville. D/E currently employs 85 individuals with 51 of those residing within the City of Gainesville incorporated limits.

On June 22nd , August 24th and September 28th, the General Policy Committee heard an agenda item regarding the broader issue of economic development related to the Enterprise Zone and then more particularly, the issues raised by D/E. Over the course of these meetings, the Committee indicated a desire to have appropriate GRU, GG and City Attorney staff devise a mechanism to address the DE identified issue.

On September 28th, the Committee directed that GG staff make proposed changes to the existing REAL rate program currently in Code (and show impacts based upon the staff and DE proposal) and that GRU staff address a new commercial rate class utilizing a tiered structure and then bring both elements back to the City Commission in November.

The proposed Business Energy Retention/Expansion Program (the revised REAL rate program) has the following elements:

- Applies to existing manufacturing businesses in the proposed expanded Enterprise Zone with a monthly electric demand of 400 KW*
- Applies to retained or expanded load (each is defined)*
- Applications must be deemed to be in the best interest of the City and “but for” the incentive the existing manufacturing business would either leave the City or not pursue expansion (the “but for” needs to be affirmatively demonstrated by the existing manufacturing business)*
- Application of the incentive must be judged to be in the long term interest of the City’s taxpayers and utility customers relative to revenues foregone*
- Applications must establish consistency with the City’s Economic Development Strategic Action Plan*
- Applications will be approved by the City Commission*
- Terms are a 20% reduction applied to various applicable utility charges for a 4 year period with a prospective 4 year extension based upon continued compliance with program criteria*

Based upon staff analysis, currently there are two entities that may be

eligible for this program, DE based upon retention of load and SiVance based upon prospective expansion of load due to prospective expansion of a new business unit and resulting energy usage. There may be other entities that would be affected in the future but that has not been established at this juncture.

The proposed program would be incorporated into the City of Gainesville Municipal Code in a currently vacated Chapter 3 with the existing REAL rate verbiage repealed. Future action on broader Enterprise Zone policy to be deliberated on by the City Commission at a future date would be located in the same Chapter for ease of navigation purposes.

Fiscal Note: A fiscal analysis is attached in the back-up to this item utilizing the staff proposed terms and then the DE proposed terms. Each of these terms are defined as post GREC or pre GREC with the pending GREC purchase either included or not, respectively.

Fiscal impact of the proposed program based upon the staff alternative is approximately \$180-\$250,000 annually for the pre and post GREC scenarios with a total approximate cost of \$1.4 - \$2 million dollars; the DE alternative (25% discount for 4 years with potential for two (4) year extensions) is approximately \$226-\$313,000 annually with a total cost of \$2.7 - \$3.7 million dollars.

Currently there is no funding source identified for the proposed program.

RECOMMENDATION

The City Commission: 1) hear a presentation from staff; and 2) direct staff as deemed appropriate.

Legislative History

9/15/16	City Commission	Referred to the General Policy Committee
1/26/17	General Policy Committee	Heard
8/24/17	General Policy Committee	Approved, as shown above
9/28/17	General Policy Committee	Approved, as shown above

[160396A Staff Analysis 20170126.pdf](#)
[160396B EZ Dev Fee Discounts 2011-2016 20170126.pdf](#)
[160396C EZ Fees-Credits 20170126.pdf](#)
[160396A Staff Analysis-EZ Program 20170622.pdf](#)
[160396B Presentation-EZ Program 20170622.pdf](#)
[160396C-NLC Paper 20170622.pdf](#)
[160396D Memo 20170622.pdf](#)
[160396E EZ Focus Group Comments 20170622.pdf](#)
[160396F Maps 20170622.pdf](#)
[160396G Fee Reduction Table 20170622.pdf](#)
[160396H Promissory Note 20170622.pdf](#)
[160396I Interested Parties Communication 20170622.pdf](#)
[160396J Communications Incentives 20170622.pdf](#)
[160396A Staff Analysis 20170824.pdf](#)
[160396B Double Envelope Letter 20170824.pdf](#)
[160396C GPC Motion 20170824.pdf](#)
[160396D Double Envelope Parcel 20170824.pdf](#)
[160396E REAL Rate Code of Ordinance Provisions 20170824.pdf](#)
[160396F Florida Statutes 20170824.pdf](#)
[160396G GRU Memo 20170824.pdf](#)
[160396A Staff Analysis Form 20170928.pdf](#)
[160396B Map 20170928.pdf](#)
[160396C Draft GPC Minutes 20170928.pdf](#)
[160396D Facade Grants Numbers 20170928.pdf](#)
[160396E EZ Existing Business Energy Retention Program 20170928.pdf](#)
[160396A Business Energy Retention Program-Markup 20171102.pdf](#)
[160396B Business Energy Retention Program-Clean Copy 20171102.pdf](#)
[160396C DEAnalysis Staff-DEOrdinance ProposalWJS 20171102.pdf](#)
[160396D ENTERPRISE ZONE 2017 ALT-Model 20171102.pdf](#)

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

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

4:30 - 5:30pm Dinner Break

5:30 - Call to order Evening Session**PLEDGE OF ALLEGIANCE**

Bob Gasche

PROCLAMATIONS/SPECIAL RECOGNITIONS[170501.](#)**Veterans Day - November 11, 2017 (B)****RECOMMENDATION***Gator Detachment of the Marine Corp League Bob Gasche to accept the proclamation.*[170501_VeteransDay_20171102.pdf](#)[170502.](#)**DECA Month - November 2017 (B)****RECOMMENDATION***Buchholz DECA Michelle Weintraub to accept the proclamation.*[170502_DECAMonth_20171102.pdf](#)[170503.](#)**Florida Native Plant Month - October 2017 (B)****RECOMMENDATION***Paynes Prairie Chapter Florida Native Plant Society Chapter Representative Sandi Sauers to accept the proclamation.*[170503_FloridaNativePlantMonth_20171102.pdf](#)[170504.](#)**American Pharmacists Month - October 2017 (B)****RECOMMENDATION***Alachua County Association of Pharmacists President William Garst to accept the proclamation.*[170504_AmericanPharmacistsMonth_20171102.pdf](#)[170505.](#)**The Bicentennial Birthday of Baha'u'llah - October 22, 2017 (B)****RECOMMENDATION***Spiritual Assembly of Baha'is of Gainesville Mr. Samuel Stafford and Dr. Taraneh Darabi to accept the proclamation.*

[170505_BicentennialBirthdayBahauallah_20171102.pdf](#)

[170506.](#)

Character Counts Week - October 16-22, 2017 (B)

RECOMMENDATION *PRCA Foundations Academy to accept the proclamation.*

[170506_CharacterCounts_20171102.pdf](#)

[170307.](#)

Recognition of Board of Adjustment Members for their Service to the City of Gainesville (NB)

Explanation: The Board of Adjustment sunset effective October 1, 2017, with adoption of the new Land Development Code on September 7, 2017. This item is to present a plaque to each board member in honor of their service to the City.

Fiscal Note: None

RECOMMENDATION *The City Commission present a plaque to each standing member of the Board of Adjustment.*

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

[170457.](#)

Annual Audit Plan 2018 (B)

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

Each potential project is weighed against other planned or required projects resulting in Exhibit A, which represents a compilation of proposed audits for the City Auditor's work plan for Fiscal Year 2018.

RECOMMENDATION *The City Auditor recommends the City*

Commission approve the Fiscal Year 2018 Annual Audit Plan by resolution.

[170457 Annual Audit Plan FY18 20171102.pdf](#)

[170445.](#)

FINAL PLAT - FINLEY WOODS, PHASE 1C (B)

Resolution No. 170445

A resolution of the City of Gainesville, Florida, approving the final plat named "FINLEY WOODS, PHASE 1C, A PLANNED DEVELOPMENT" located in the vicinity of 4491 SW 62nd Avenue, as more specifically described in this resolution; authorizing the City Manager to execute a Security Agreement to secure the construction of subdivision improvements; providing directions to the Clerk of the Commission; providing conditions and restrictions; and providing an immediate effective date.

MODIFICATION - NEW BACK-UP

Explanation: This resolution will approve a final plat, in accordance with Section 30-3.37 of the Land Development Code, for approximately 19 acres of property generally located at 4491 SW 62nd Avenue. This subdivision, named FINLEY WOODS, PHASE 1C, was approved as a proposed plat by the Alachua County Commission on May 10, 2016, but was never finalized or recorded in the Public Records of Alachua County. On February 16, 2017, the City adopted Ordinance No. 160216 and annexed into the City the property that is the subject of this plat.

Finley Woods, Phase 1C is the third phase of a Planned Development that was approved by Alachua County in 2014. This phase of the development includes 40 additional lots over the 55 lots included in Phases 1A and 1B. City staff has determined that this final plat application complies with the Land Development Code and Chapter 177 of the Florida Statutes, and therefore recommends final plat approval.

Fiscal Note: None

RECOMMENDATION

The City Commission adopt the proposed resolution.

[170445A_Finley Woods Final Plat Documents_20171102.pdf](#)

[170445B_Staff PPT_20171102.pdf](#)

[170445_draft resolution_20171102.pdf](#)

[170477](#)

Resolution related to the City of Gainesville's Capital Improvement Revenue Note, Series 2017 (B)

Resolution No. 170477

A RESOLUTION OF THE CITY OF GAINESVILLE, FLORIDA AUTHORIZING A LOAN IN A PRINCIPAL AMOUNT OF UP TO \$10,500,000 TO FINANCE THE COSTS OF CERTAIN CAPITAL IMPROVEMENTS AND OTHER ITEMS DESCRIBED HEREIN AND TO PAY THE COSTS OF SUCH LOAN; APPROVING THE FORM OF A CAPITAL IMPROVEMENT REVENUE NOTE, SERIES 2017, AND A LOAN AGREEMENT; PROVIDING OTHER DETAILS WITH RESPECT THERETO; AND PROVIDING AN EFFECTIVE DATE.

Explanation: During the 2017 budget process, the City Commission approved the issuance of debt to fund various capital projects including construction of Fire Station 1 and implementation of an ERP system. On August 3, 2017, the Commission approved adding the costs of certain Heartwood Project infrastructure to the borrowing. Given the relatively small size of the borrowing, Finance Department staff and the City's Financial Advisor determined that the most efficient form of obtaining capital for the projects would be to solicit competitively for a bank loan. Staff distributed a request for proposals on September 5, 2017 and ten responses were received. The responses were evaluated by the City's Financial Advisor and Finance Department staff and the response from CenterState Bank, N.A. was selected as the best evaluated proposal.

Fiscal Note: Funding was appropriated to cover debt service costs as part of the FY17 budget. The Note is secured by a pledge of certain Non-Ad Valorem Revenues and funds on deposit in the Debt Service Account as described in Sections 6 and 7 of the Resolution. The interest rate on the note is fixed at 2.75% for the 20 year term.

RECOMMENDATION

The City Commission: 1) adopt the Resolution authorizing the Loan from CenterState Bank, N.A., including without limitation, entering into a loan agreement and delivering the Capital Improvement Revenue Note, Series 2017, and 2) authorize the Mayor (or Mayor Pro-Tempore), Clerk of the Commission, City Attorney, City Manager, and Finance Director to execute documents and take all other actions necessary to close the Loan.

[170477_draft_resolution_20171102.pdf](#)

[170512.](#)

Resolution - Phosphate Mine (B)

RECOMMENDATION

The City Commission adopt the resolution.

[170512_Hayes-Santos_Proposed_Mining_Operation_Letter_20171102.pdf](#)

[170512_Resolution_Phosphate_20171102.pdf](#)

ORDINANCES, 1ST READING - ROLL CALL REQUIRED

[170057.](#)**QUASI-JUDICIAL - REZONING - 1145 E UNIVERSITY AVENUE
(B)**

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

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

Explanation: STAFF REPORT

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

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

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

- A. Compatibility of permitted uses and allowed intensity and density with surrounding existing development.*
- B. The character of the district and its suitability for particular uses.*
- C. The proposed zoning district of the property in relation to surrounding properties and other similar properties.*
- D. Conservation of the value of buildings and encouraging the most appropriate use of land throughout the city.*
- E. The applicable portions of any current city plans and programs such as land use, traffic ways, recreation, schools, neighborhoods, stormwater management and housing.*
- F. The needs of the city for land areas for specific purposes to serve*

population and economic activities.

G. Whether there have been substantial changes in the character or development of areas in or near an area under consideration for rezoning.

H. The goals, objectives, and policies of the Comprehensive Plan.

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

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

CITY ATTORNEY MEMORANDUM

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

RECOMMENDATION

The City Commission: (1) approve Petition No. PB-17-01 ZON; and (2) adopt the proposed ordinance.

[170057_Staff Report w Exhibits A-D_20170525](#)

[170057A_draft ordinance_20171019.pdf](#)

[170057B_Staff Report w Exhibits A-D_20171102.pdf](#)

[170057C_Staff ppt_20171102.pdf](#)

ORDINANCES, 2ND READING - ROLL CALL REQUIRED

[170410.](#)

APPENDIX A - SCHEDULE OF FEES, RATES AND CHARGES - STORMWATER (B)

Ordinance No. 170410

An ordinance of the City of Gainesville, Florida, amending the fee for stormwater management in Appendix A - Schedule of Fees, Rates and Charges of the Code of Ordinances; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: During several public meetings beginning May 2, 2017 and continuing through July 3, 2017, Budget and Finance staff presented the "Budget Workshop for the FY2018-2019 Budget Year" to the City Commission. As presented, the proposed FY2018 and FY2019 revenues included a continuation of the policy of 5% scheduled biennial increases of certain Appendix A fees, rates and charges.

On September 21, 2017, the City Commission adopted Ordinance No. 170013, approving the 5% increase in Appendix A fees, rates and charges.

Staff discovered that Ordinance No. 170013 inadvertently omitted an approved stormwater management fee, so this ordinance is being proposed to correct the omission and increase the stormwater management fee from \$9.00 to \$9.45 per equivalent unit.

CITY ATTORNEY MEMORANDUM

This ordinance requires two readings and will become effective immediately upon approval at second reading.

RECOMMENDATION The City Commission adopt the proposed ordinance.

Legislative History

10/5/17 City Commission Adopted on First Reading (Ordinance)

[170410_draft ordinance_20171005.pdf](#)

[170256.](#)

VOLUNTARY ANNEXATION - 8.33 ACRES OF PROPERTY ALONG SW 20TH AVENUE (B)

Ordinance No. 170256

An ordinance of the City of Gainesville, Florida, annexing approximately 8.33 acres of privately-owned property that is generally located south of Sugarfoot Oaks Subdivision, west of SW 61st Terrace, north of SW 20th Avenue, and east of Parcel 06675-004-000, as more specifically described in this ordinance, as petitioned for by the property owners 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, at the request of the property owners of the subject property, will annex into the corporate limits of the City of Gainesville approximately 8.33 acres of privately-owned property that is generally located south of Sugarfoot Oaks Subdivision, west of SW 61st Terrace, north of SW 20th Avenue, and east of Parcel 06675-004-000. At the request of the property owners seeking annexation into the City of Gainesville, the City Commission on August 17, 2017, received and accepted a petition for voluntary annexation of the property and directed the City Attorney to prepare an annexation ordinance.

Municipal annexation in Florida is governed by the Municipal Annexation or Contraction Act (the "Act"), which is found in Chapter 171, Florida

Statutes. Section 171.044, F.S., sets forth the requirements and procedure for voluntary annexation, whereby property owners may voluntarily request a municipality to include their property within the corporate limits of that municipality. Besides various procedural requirements, Section 171.044, F.S., sets forth the following substantive requirements for voluntary annexations: 1) the proposed annexation area must be "contiguous" to the municipality; 2) the proposed annexation area must be "reasonably compact"; and 3) the annexation must not create any "enclaves."

Contiguous

Section 171.031, F.S., of the Act defines "contiguous" as follows: "a substantial part of a boundary of the territory sought to be annexed by a municipality is coterminous with a part of the boundary of the municipality. The separation of the territory sought to be annexed from the annexing municipality by a publicly owned county park; a right-of-way for a highway, road, railroad, canal, or utility; or a body of water, watercourse, or other minor geographical division of a similar nature, running parallel with and between the territory sought to be annexed and the annexing municipality, shall not prevent annexation under this act, provided the presence of such a division does not, as a practical matter, prevent the territory sought to be annexed and the annexing municipality from becoming a unified whole with respect to municipal services or prevent their inhabitants from fully associating and trading with each other, socially and economically."

When used in the context of municipal annexation, a Florida District Court of Appeal has articulated further that "contiguous" means "touching or adjoining in a reasonably substantial...sense." City of Sanford v. Seminole County, 538 So. 2d 113 (Fla. 5th DCA 1989).

Reasonably Compact

The Act requires voluntary annexations to be "reasonably compact," and defines "compactness" in Section 171.031, F.S., as: "concentration of a piece of property in a single area and precludes any action which would create enclaves, pockets, or finger areas in serpentine patterns. Any annexation proceeding in any county in the state shall be designed in such a manner as to ensure that the area will be reasonably compact."

The Act provides no further definitions or explanation of the "reasonably compact" requirement (with the exception of defining "enclave" as discussed below; 'enclave' is mentioned in the Act both within the definition of 'compactness' and as a stand-alone provision of the Act). However, case law from Florida's mid-level courts (i.e., Florida District Courts of Appeal; no cases on point from the Supreme Court of Florida) provide further elaboration on the "reasonably compact" requirement. Specifically, case law has defined the term "pocket" (which is included in the statutory definition of "compactness") as meaning "a small isolated area or group" when viewed "in relationship to the overall scope and configuration of the parcel in question and the surrounding municipal property," or meaning a voluntary annexation may not leave a small

isolated unincorporated area "in a sea of incorporated property." City of Center Hill v. McBryde, 952 So. 2d 599 (Fla. 5th DCA 2007); City of Sanford v. Seminole County, 538 So. 2d 113 (Fla. 5th DCA 1989). Further, the term "serpentine" (which is also included in the statutory definition of "compactness") has been defined to mean "winding or turning one way and another," meaning voluntary annexations may not be shaped in a finger pattern that are winding or turning. City of Sanford v. Seminole County.

Enclave

Section 171.031, F.S., of the Act defines "enclave" as: "(a) any unincorporated improved or developed area that is enclosed within and bounded on all sides by a single municipality; or (b) any unincorporated improved or developed area that is enclosed within and bounded by a single municipality and a natural or manmade obstacle that allows the passage of vehicular traffic to that unincorporated area only through the municipality."

General Purpose of Municipal Corporation

A Florida Court of Appeal has described that, as a city considers any particular annexation of land, it is helpful to consider the general purpose and goals of a municipal corporation as follows: "the legal as well as the popular idea of municipal corporation in this country, both by name and use, is that of oneness, community, locality, vicinity; a collective body, not several bodies, a collective body of inhabitants-that is, a body of people collected or gathered together in one mass, not separated into distinct masses, and having a community of interest because residents of the same place, not different places. So, as to territorial extent, the idea of a city is one of unity, not of plurality; of compactness or contiguity, not separation or segregation." City of Sanford v. Seminole County.

Discussion

It is the opinion of city staff that the procedural and substantive requirements for voluntary annexation described in Section 171.044, F.S., have been met as follows: First, the annexation area is "contiguous" to the city limits because a substantial part of a boundary of the annexation area is coterminous with a part of the city boundary, and is touching or adjoining the city limits in a reasonably substantial sense. Second, the annexation area is "reasonably compact" because it is a reasonable concentration of property in a single area and does not create any enclaves, pockets, or finger areas in serpentine patterns. This annexation would not result in a pattern of land that is winding or turning, and would not create any small isolated unincorporated area that is left in a sea of incorporated property when viewed in relationship to the overall scope and configuration of the annexation area and surrounding municipal property. Third, this annexation would not create any "enclaves" because the annexation would not result in any unincorporated property that is either enclosed and bound on all sides by the city limits; or enclosed within and bounded by the city limits and a natural or manmade obstacle that allows the passage of vehicular traffic to that unincorporated area only through the city.

Therefore, and in light of the general purpose of municipal incorporation described above and the fact that a property owner has voluntarily requested to be annexed into the City of Gainesville, city staff recommends adoption of this voluntary annexation ordinance.

The City Commission must decide, based on the map of the annexation area, the opinion and testimony of city staff, and other competent substantial evidence included in the record, whether the proposed annexation meets the essential requirements of the applicable state annexation law as described herein.

CITY ATTORNEY MEMORANDUM

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

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

8/17/17	City Commission	Approved as Recommended
10/5/17	City Commission	Adopted on First Reading (Ordinance)

[170256A_Voluntary Annexation Application_20170817.pdf](#)

[170256B_parcelmap_20170817.pdf](#)

[170256A_draft ordinance_20171005.pdf](#)

PLANNING PETITIONS

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

COMMISSION COMMENT

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