

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Meeting Agenda - Final

May 15, 2014

1:00 PM

MODIFIED AGENDA

City Hall Auditorium

City Commission

Mayor Ed Braddy (At Large)
Commissioner Lauren Poe (At Large)
Commissioner Thomas Hawkins (At Large)
Commissioner Yvonne Hinson-Rawls (District 1)
Commissioner Todd Chase (District 2)
Commissioner Susan Bottcher (District 3)
Mayor-Commissioner Pro Tem Randy Wells (District 4)

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

CALL TO ORDER**AGENDA STATEMENT**

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

ROLL CALL**INVOCATION****CONSENT AGENDA****CITY MANAGER, CONSENT AGENDA ITEMS**[130861.](#)**Appraisal of Glen Springs Property (NB)**

This is a request for the City Commission to authorize staff to order an appraisal of the Glen Springs property.

Explanation: At the April 3, 2014 City Commission meeting, the Commission heard a presentation by a group called FROGS (Friends of Glen Springs). The group's goal is to see the Glen Springs property acquired for use as a future City park. The City Commission approved a motion requesting staff to include an increment in the FY 15 budget to consider funding an appraisal of Glen Springs, or prepare a City Commission item if funds for an appraisal are available in FY 14.

Funds for the appraisal are available in FY 14 from the City's Greenspace Acquisition Fund. The City's Land Rights Coordinator obtained two quotes for appraisals, the lowest being \$3,975. The appraisal could be completed in approximately three weeks from the date it is ordered.

Fiscal Note: Funds in the amount of \$3,975 for the appraisal are available in the City's Greenspace Acquisition Fund.

RECOMMENDATION

The City Commission authorize staff to proceed with an appraisal of the Glen Springs property.

Legislative History

4/3/14 City Commission Approved, as shown above

[130861 MOD FROGS Presentation Final 20140403.pdf](#)

[130918.](#)

2014 Pop Warner Team Cheer Uniform and Apparel Grant (NB)

This item requests approval from the City Commission for the Department of Parks, Recreation and Cultural Affairs (PRCA) to accept, if awarded, a grant voucher in an amount of \$500 from the Pop Warner Little Scholars, Inc. grant program.

Explanation: The PRCA Vision 2020 Master Plan has identified the need to expose young girls to an athletic program that incorporates life skills as well as self-esteem. The Gainesville Pop Warner Association has been programming events in in co-sponsorship with the department for more than four years. In the fall of 2013, the Gator Jr. Midget Team placed 5th in the nation in their age group. The Team consists of girls from low-to-moderate income families between the ages of 5-19 years old. The cost of the uniforms for the girls to participate is a financial burden. The department does not turn any child away from participating in the programs and activities. The grant voucher, if awarded will permit the department to provide uniform scholarships to girls whose families meet the department's scholarship criteria.

Fiscal Note: There are minor administrative costs associated with this grant voucher. Staff will need to order the uniforms via telephone and follow-up with the girls that receive the uniforms. There is no funding match required.

RECOMMENDATION

The City Commission: 1) approve the request to accept a grant voucher in the amount of \$500, if awarded, from the Pop Warner Little Scholars, Inc. for the use of purchasing uniforms for the Cheer Team participants, and 2) if the grant voucher is awarded, authorize the City Manager or his designee to execute the grant voucher agreement and other related grant documents, subject to approval by the City Attorney as to form and legality.

[130930.](#)

Human Resources Policy L-8, Military Leave (B)

This item is to amend HR Policy L-8, to renew Military Leave benefits through March 2015.

Explanation: Human Resources Policy L-8, Military Leave, is amended to extend the previously ratified supplement to an employee's military pay by an

amount not to exceed the employee's regular base pay, (i.e., no overtime, certification pay, educational incentive pay or special duty pay, etc.), for those employees called to active military duty. This amendment also extends the City health and basic life insurance coverage for employees called to active military duty at the same rates as for active employees. Both benefits expired April 1, 2014. In order to be effective, the benefits must be renewed by commission action.

Fiscal Note: Policy L-8 funds are currently budgeted for the Fiscal Year 2014.

RECOMMENDATION City Commission approve the revision to Human Resources Policy L-8, Military Leave.

[130930_Military Leave PolicyL-8_20140515.doc.pdf](#)

[130933.](#)

U.S. Department of Justice Bulletproof Vest Partnership Program Funding (NB)

This is a request for City Commission approval for the Gainesville Police Department to apply for funding through the Bulletproof Vest Partnership Program.

Explanation: The U.S. Department of Justice, Bureau of Justice Assistance, allows law enforcement to apply for grant funding through the Bulletproof Vest Partnership Program. The program reimburses law enforcement agencies for up to fifty percent (50%) of the total costs of purchasing bulletproof vests to replace zylon bulletproof vests. The City needs to replace 190 vests for fiscal year 2015 at an approximate cost of \$111,834.

The Gainesville Police Department has applied for the grant. The match would come from the Federal Forfeiture funds in the amount of \$55,917. This is a permissible use of Federal Forfeiture funds as stated in the Guide to Equitable sharing for State and Local Law Enforcement Agencies.

Fiscal Note: The City of Gainesville will be able to purchase up to \$111,834 in bulletproof vests and be reimbursed for fifty percent (50%) of the cost, up to a maximum of \$55,917. The fifty percent (50%) of funding from the Gainesville Police Department is requested to come from departmental Forfeiture Funds. The unreserved balance of the fund as of March 26, 2014 is \$1,173,806.

RECOMMENDATION The City Commission authorize the City Manager to: 1) accept the grant funds if awarded; 2) execute any other necessary documents, subject to review by the City Attorney as to form and legality; and 3) approve the expenditure from Federal Forfeiture funds in the amount of \$55,917.

Alternative Recommendation

The City Commission decline the grant funds if awarded and come up with an alternative source of funding to replace the vests.

[130934.](#)

Violent Gang and Gun Crime Reduction Program (Project Safe Neighborhoods) (NB)

This is a request for City Commission approval for the Gainesville Police Department to accept a grant award from the U.S. Department of Justice, Office of Justice Programs, and Bureau of Justice Assistance in implementing gang and gun crime enforcement, intervention, and prevention initiatives within the community.

Explanation: The Gainesville Police Department has applied for the U.S. Department of Justice's Violent Gang and Gun Crime Reduction Program, also known as Project Safe Neighborhood (PSN), in support of its efforts to reduce gun and gang-related violent crime. The grant deadline was May 12, 2014. The recipient of this grant with a population size of Gainesville could be awarded up to \$150,000 total for 2 years. This grant will enable the City of Gainesville to more effectively counter the increasing gang and gang associated activities occurring locally, particularly in the Pine Ridge community. Gang related disturbances have accelerated in this neighborhood to include gang members resorting to assembling and detonating explosives. One of these explosives was purposely detonated near a group of responding Police Officers. Research conducted by the Office of Juvenile Justice and Delinquency Prevention finds that gang violence is a product of social disorganization and presumes gangs become chronic and serious problems in communities where key organizations are inadequately integrated and where there are insufficient resources to target gang-involved youth.

Funding from this grant will also be used for operational expenses, employment assistance, and supplies in order to address this issue via prevention, suppression, and intervention.

This grant strongly encourages the incorporation of a research partner which can be an independent contractor, academic institution, a state Statistical Analysis Center or a research organization. The research partner will assist with analyzing criminal data and developing a proactive plan for gun crime and gang violence reduction. The Gainesville Police Department is required to set aside a minimum of 20% of its proposed budget to support research operations and activities. A selection process will be developed to identify and select a research partner for this program.

Fiscal Note: There is no match requirement for this grant.

RECOMMENDATION

The City Commission authorize the City Manager to: 1) accept the grant if awarded, by the U.S. Department of Justice Office of Justice Programs, Bureau of Justice Assistance; and 2) if awarded,

execute any grant documents, subject to approval as to form and legality by the City Attorney.

[130935.](#)

Budget Calendar Amendment (NB)

This is a request to adjust the start time and add an additional half-day to the City Commission Strategic Planning Retreat in June 2014 to discuss the City Commission FY2015/2016 biennial strategic plan.

Explanation: On November 21, 2013 the City Commission approved dates to discuss items related to the FY2015/2016 biennial budget. Included in those dates was the City Commission Strategic Planning Retreat scheduled for Wednesday, June 11, 2014 from 9:00AM - 6:00PM. In preparation for the retreat, staff has found that an earlier start time on June 11th and an additional half-day on June 12th will be needed to provide adequate time for scheduled events.

Fiscal Note: There is no fiscal impact.

RECOMMENDATION

The City Commission adjust the start time to 8:00AM on June 11, 2014 and schedule an additional half-day on June 12, 2014 from 1:00PM - 6:00PM to the City Commission Strategic Planning Retreat.

[130944.](#)

University of Florida Surplus Warehouse Program (B)

This item requests that the City Commission authorize the City Manager to sign as Authorized Representative for the University of Florida Surplus Warehouse Program Application for Eligibility to Receive University of Florida Surplus Property.

Explanation: The University of Florida Surplus Warehouse program acquires surplus from the University of Florida and transfers it to eligible public entities and non-profit organizations to assist in deferring the cost of new equipment. In order to participate, the City must submit letter of authorization listing employees given authorization to sign and pick up surplus property as part of the program.

Fiscal Note: None

RECOMMENDATION

The City Commission authorizes the City Manager to sign and submit a letter of authorization to the University of Florida Surplus Warehouse program, as approved by the City Attorney as to form and legality.

[130944 Authorization Letter 20140515.pdf](#)

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

[130965.](#)

Strategic Planning Session (NB)

Explanation: This is a request to hold a strategic planning session for GRU on June 24, 2014 from 1:00 to 5:00 p.m. GRU has initiated a planning process to develop strategic priorities. Staff would like to present the work done thus far and get Commission and customer input into these strategic priorities.

Fiscal Note: There is no fiscal impact.

RECOMMENDATION

The City Commission participate in the strategic planning session.

CITY ATTORNEY, CONSENT AGENDA ITEMS

[130931.](#)

CHERON HAMPTON-BATES, PERSONALLY AND AS NATURAL GUARDIAN OF BRYCE BATES, A MINOR V. THE CITY OF GAINESVILLE, FLORIDA, A MUNICIPAL CORPORATION, AND CPL. TIMOTHY DURST, IN HIS INDIVIDUAL CAPACITY, COURT CASE NO. 1:12-CV-00174-MP-GRJ

Explanation: On June 16, 2010, at approximately 3:30 in the afternoon, Corporal Timothy Durst, a canine officer with the Gainesville Police Department, responded to a reported burglary in progress. The suspects were described as two teenage Hispanic males and a teenage Hispanic female.

Corporal Durst drove into an apartment complex behind the scene of the reported burglary, and observed an individual on a bicycle appearing to flee away from him. Bryce Bates, a 10-year old, African-American male, was riding his bicycle to the mailbox at his mother's request when Corporal Durst arrived at the scene. Bates turned away from the police vehicle, fell to the ground and ran in the opposite direction of Corporal Durst, toward his home. Corporal Durst called for Bates to stop, Bates continued to run, and Corporal Durst released his canine. Corporal Durst acted under the suspicion that Bates was one of the reported burglars. The police dog chased Bates to the door of his apartment, caught him and bit him. On the other side of the screen door, Bates' mother watched helplessly as the dog pinned Bates against the door. Both Bates and a neighbor would testify that they did not hear Corporal Durst's directions or warnings. Ultimately, there was no evidence connecting Bates to any criminal activity.

Bates and his mother filed suit against the City and Corporal Durst individually. They alleged civil rights and battery counts against the City and false arrest, excessive use of force and infliction of emotional distress against Durst.

The parties attempted to settle the case at various times, including before the suit was actually filed, but were unsuccessful. The case proceeded in federal court, depositions were taken, and the matter set for trial. Recently, the parties were able to work out a settlement, subject to the approval of the City Commission. The proposed settlement of \$85,000 would pay \$50,000 to Bates' mother and father, \$10,000 to Bates, and \$25,000 to Bates to fund the purchase of a prepaid college fund or otherwise used for Bates' college education. The payment of these amounts would also satisfy the attorney's fees in the case.

While the medical expenses in this case were not significant, Bates and his mother would argue for psychological damages and pain and suffering. In addition, they would be entitled to reasonable attorney's fees in the case if they prevailed. The attorney's fees through trial could exceed the amount of the settlement.

It is the recommendation of the City Attorney's Office, the Risk Management Department and the Chief of Police that the case be settled for this amount.

Fiscal Impact: City's General Insurance Fund and the City's Insurance Carrier.

RECOMMENDATION

The City Commission 1) approve the terms of the negotiated settlement; and 2) authorize the City Attorney to settle the claims of Cheron Hampton-Bates and Bryce Bates resulting from an incident that occurred on June 16, 2010.

[130936.](#)

MICHELLE PISANO VS. GAINESVILLE REGIONAL UTILITIES; FCHR NO.: 201400690 (NB)

Explanation: On April 29, 2014, the City of Gainesville received a Notice of Filing of Complaint of Discrimination from the Florida Commission on Human Relations. Ms. Michelle Pisano, a current City employee, alleges that she has been discriminated against based on her age and religion and she claims she has been retaliated against for opposing discriminatory practices.

RECOMMENDATION

The City Commission authorize the City Attorney to represent the City in the case styled Michelle Pisano vs. Gainesville Regional Utilities; FCHR No.: 201400690.

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS[130963.](#)**City Commission Minutes (B)****RECOMMENDATION**

The City Commission approve the minutes of April 17, 23, and May 1, 2014.

[130963 minutes 20140515.pdf](#)

[130953.](#)**Appointments to the City Commission Advisory Boards and Committees (NB)****RECOMMENDATION**

The City Commission appoint:
Rebecca J. Hightower to the Gainesville Housing Authority for a term to expire 8/1/18
Nora Kilroy and Thomas Rider for reappointment to the Student Community Relations Advisory Board for a term to expire 9/30/16
Isabella Newan to the Student Community Relations Advisory Board for a term to expire 9/30/15
John Snyder to the Public Recreation and Parks Board for a term to expire 6/1/17
Katherine Kinsley-Momberger to the Art in Public Places for a term to expire 9/30/17
Nicholas Stamper to the Gainesville Energy Advisory Committee for a term to expire 9/30/17
Racheal Johnson to the Citizens Advisory Committee for Community Development for a term to expire 11/1/17
Byron Harper to the Gainesville Enterprise Zone Development Agency for a term to expire 3/31/18
Penny Weber for reappointment to the Nature Centers Commission for a term to expire 11/1/17
Elizabeth Stacey to the Historic Preservation Board for a term to expire 6/1/17.

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**COMMITTEE REPORTS, CONSENT AGENDA ITEMS****RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE,
CONSENT****PUBLIC SAFETY COMMITTEE, CONSENT**

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE, CONSENT

[130924.](#)

Selection of External Auditors for the Annual Financial Statements Audit - Gainesville Regional Utilities Segment (B)

Explanation: Florida Statutes section 218.39 and Gainesville Code of Ordinances section 2-433 require the City Commission to employ an independent certified public accountant, not connected with the government of the City, to audit the accounts maintained and the financial statements prepared by the City for each fiscal year. The City's current contract for professional auditing services for the GRU segment concluded after completion of all reports associated with the financial audit for the fiscal year ending September 30, 2013.

On March 6, 2014, the City Commission authorized the issuance of a Request for Proposals (RFP) for professional auditing services for the annual financial statements audit - GRU segment utilizing the methodology and selection factors recommended by the Audit, Finance and Legislative Committee. As a result, an RFP was publicly issued and provided to interested firms on March 7, 2014.

On April 4, 2014, the City received eight qualified responses to the GRU segment. Each proposal contained a technical qualifications proposal and a separately sealed price proposal. The proposals were evaluated in accordance with the criteria set forth in the RFP by staff members of the City Auditor's Office and the GRU and General Government Finance Departments. Proposals were assigned a composite score on technical and written criteria, excluding the price proposal. GRU Purchasing staff then opened the fee proposals and assigned points to each proposal with higher points given to the lowest submitted fee proposal. Qualified local businesses received an additional five percent of the total evaluation points in accordance with the City's Local Preference Ordinance.

Based on the evaluated technical qualifications, written proposals and fees related to each proposal, we request that the Committee recommend the City Commission approve the following ranking of the proposals received for external auditing services, GRU segment:

<i>FIRM</i>	<i>RANK</i>
<i>Purvis, Gray & Company, LLP</i>	<i>1</i>
<i>Carr, Riggs & Ingram, LLC</i>	<i>2</i>
<i>Baker Tilly Virchow Krause, LLP</i>	<i>3</i>

We also request the Committee recommend that the City Commission authorize the City Auditor to execute a professional services contract with the top ranked firm for the GRU segment for a period of three years beginning with the Fiscal Year 2014 audit, with an option to renew for one additional three year term, subject to approval of the City Attorney

as to form and legality. If, for any reason, an agreement with the selected proposer cannot be reached, the City Auditor will initiate negotiations with the second ranked firm, continuing through the rankings until an agreement is reached or all proposals are rejected.

Fiscal Note: The first-ranked firm for the GRU segment, Purvis, Gray & Company, LLP, submitted a proposed first-year fee of \$139,500. This proposal, obtained through a competitive process, is approximately \$28,000 lower than the \$167,597 in fees paid for the GRU segment of the Fiscal Year 2013 external audit.

The term of the contract will be for three years, with an option to renew for one additional three year term. The RFP was structured to allow for annual price increases beginning with the second year of the agreement, based on the Consumer Price Index (CPI) for the Southern Region. However, the increase will never exceed 5% per year.

General Government Segment

Based upon the terms of the contract between the City and Carr, Riggs and Ingram, LLC, and a recommendation from the Audit, Finance and Legislative Committee, the City Commission approved a proposed three year extension of the agreement for professional auditing services - General Government segment on March 20, 2014. The City Auditor executed the extension on April 2, 2014 with a fee of \$96,160 for the General Government segment of the Fiscal Year 2014 external audit.

RECOMMENDATION

The Audit, Finance and Legislative Committee recommends that the City Commission:

- 1) Approve the ranking of the proposals received for external auditing services for the annual financial statements audit - Gainesville Regional Utilities (GRU) segment, and
- 2) Authorize the City Auditor to execute a professional services contract with the top ranked firm for a period of three years beginning with the Fiscal Year 2014 financial statements audit, with an option to renew for one additional three year term, subject to approval of the City Attorney as to form and legality.

Legislative History

5/8/14 Audit, Finance and Approved as Recommended
 Legislative
 Committee

[130924 - RFP-GRU Segment - May2014 AFLC Agenda Item-Award of Audit Ser](#)
[130924A - Bid Tab Solicitation 2014-050.pdf](#)

EQUAL OPPORTUNITY COMMITTEE, CONSENT

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS**END OF CONSENT AGENDA****ADOPTION OF THE REGULAR AGENDA****CHARTER OFFICER UPDATES****CLERK OF THE COMMISSION****CITY MANAGER****GENERAL MANAGER FOR UTILITIES**[130955](#)**General Contractor for Water Reclamation Facilities Dewatering Project (B)**

Explanation: Water/Wastewater Systems operates two water reclamation facilities, the Kanapaha Water Reclamation Facility (KWRF) and the Main Street Water Reclamation Facility (MSWRF), which receive wastewater from customers throughout GRU's service area. The water reclamation process produces biosolids which are currently treated through a Class B aerobic digestion process and beneficially reused as a fertilizer and soil additive at a local Whistling Pines Ranch (WPR) agricultural site through a long term agreement. This method has been used successfully for over 30 years, but due to recent regulatory changes, the process must be changed. On February 17th, 2011, the City Commission executed a settlement agreement and consent order with Alachua County Board of County Commissioners to cease application of Class B biosolids at the WPR site by February 21, 2016.

To comply with the settlement agreement and consent order dated February 22nd, 2011, GRU considered all viable alternatives for future reuse of biosolids. GRU will issue a request for proposals to select one or more interested parties to take and reuse GRU's biosolids. In conjunction with this new process, GRU will need to construct biosolids dewatering facilities in order to reduce the water content of its biosolids.

To assist GRU with the project, a contract with CH2MHill, Inc. for engineering design services was approved by the City Commission on May 12, 2012. Through bench and pilot testing, GRU selected centrifuges as the equipment technology to produce 20% solids. Due to the long lead time for the centrifuges, GRU has purchased the equipment after approval by the City Commission on September 19, 2013. The engineer has designed a new dewatering building located at the KWRF to house the dewatering centrifuges, as well as designed

improvements to supporting facilities for dewatering at both KWRF and MSWRF. These proposed facility improvements will take approximately two years to construct.

The new dewatering process will require subsequent improvements at both KWRF and MSWRF primarily associated with enhanced screening of inorganic solids that pass through the treatment process and cause premature wear and tear to the centrifuge equipment. The total cost of all improvements is approximately \$23,000,000 to be completed from FY2014 through FY2020. The next steps in the project will be to select a viable alternative for future reuse of biosolids and the design and construction of the enhanced screening facilities.

An Invitation to Bid was issued by Purchasing to eighteen known general contractors that perform this type of work. In addition, the bid was posted on GRU's web page and listed on the Mid State Builders Exchange, Inc. Eight firms attended the mandatory pre-bid meeting and four bids were received. The Bid tabulation is attached for your reference.

Fiscal Note: Funding is included in the proposed Water/Wastewater Capital Improvements budget.

RECOMMENDATION

The City Commission: 1) authorize the Interim General Manager, or her designee, to execute a contract with Ortega Industrial Contractor, Inc. for construction services as the General Contractor for the GRU dewatering project and 2) approve the issuance of a purchase order to Ortega Industrial Contractor, Inc. for these services in the amount of \$13,230,556, subject to approval of the City Attorney as to form and legality, subject to the final appropriation of funds.

[130955 Gen Contractor Water Recl Fac Dewatering Proj Presentation 20140515](#)

[130955 Bid Tab-Dewatering Facility 20140515](#)

[130955 Settlement Agreement Dewatering Facility 20140515](#)

[130946.](#)

Reimbursement for Reclaimed Water Distribution System in The Estates of Wilds Plantation (B)

Explanation: The use of reclaimed water in place of groundwater or GRU drinking water for irrigation reduces the demand on the potable water supply, and GRU receives revenue to offset the cost of installation.

The developer known as The Estates of Wilds Plantation, Inc. has agreed to install a reclaimed water distribution system in its proposed 99-unit single-family residential development located at 10000 SW 24th Avenue. The developer's cost to construct the reclaimed water system is \$293,411.00. This amount includes all design, construction, labor, and materials.

Fiscal Note: Monies for this project are available in the FY15 Water and Wastewater Capital Improvements Budget.

RECOMMENDATION

The City Commission authorize the General Manager or her designee to negotiate and execute an agreement for reimbursement to The Estates of Wilds Plantation, Inc. for the construction of the reclaimed water distribution system in an amount not to exceed \$293,411.00 subject to approval of the City Attorney as to form and legality.

[130946 Reclaimed Water Reimbursement Agreement-EWP 20140515](#)

CITY ATTORNEY

[130954.](#)

RETENTION OF OUTSIDE LEGAL COUNSEL FOR UTILITIES BOND, BOND DISCLOSURE AND FINANCIAL TRANSACTIONS (NB)

Explanation: In March 2014, the City Utilities Attorney invited eleven law firms to participate in a competitive Request for Proposal (RFP) process in order to retain utilities bond and bond disclosure counsel for the Gainesville Regional Utilities system. The eleven firms were invited to participate based on the depth and relevancy of their experience in representing public entities in bond and financial transactions and the ability and capacity of the firm to handle multiple areas of legal expertise that often arise in bond and financial transactions. Ten law firms expressed interest in participating in the RFP process.

From March 26 to April 14, 2014, Mark Benton, the City's Finance Director and Shayla McNeill, the Utilities Attorney, conducted telephonic interviews with the ten law firms. Also present for many of the telephonic interviews were Linda Vaughn, GRU Investments, and Joann Dorval, GRU Purchasing Manager. Upon completion of the interviews, the Utilities Attorney selected the three most highly qualified law firms based on relevant experience with utility bond issuance and disclosure and cost effective rates. In addition, the selected firms value and support diversity as follows:

Broad and Cassel actively encourages and seeks out highly qualified minority candidates and participates in forums specifically geared toward attracting minority candidates. The firm's stated belief is that by recruiting, hiring, and promoting people of different cultures, backgrounds, beliefs and preferences, the quality of work life is improved. The firm's diversity efforts have been recognized, as it was ranked 20th overall in the 2011 "Top 100 Law Firms for Diversity" in MultiCultural Law Magazine and was also recognized in 2012 as 1st in the "Top 25 Law Firms for Hispanic-Americans" listing and 17th in the "Top 100 Law Firms for Wome" listing.

Holland & Knight has a firm-wide Diversity Council, Affinity Groups, local office Diversity Committees, mentoring programs and other diversity-related programs and initiatives. The firm's 20-member Diversity Council oversees its diversity initiatives and programs, provides support for diversity-related charitable and community organizations, and explores avenues for increasing diversity among suppliers and business partners. The firm's seven Affinity Groups (African American Affinity Group; Asian/Pacific Islander Affinity Group; Lesbian, Gay, Bisexual and Transgender Affinity Group; Hispanic Affinity Group; Native American Affinity Group; Women's Initiative; The Rising Stars Program; and the Veterans Affinity Group) help to sustain an environment that is inclusive and supportive, which fosters both personal and professional success. The firm's standing Diversity Committees devise and implement programs and community outreach unique to their locations. The leaders of the local Diversity Committees meet regularly with the Diversity Partner to discuss issues and share information on their various events, sponsorships and best practices.

Since 1990, Orrick's Diversity and Inclusion Committee has advised management on a broad range of initiatives to ensure that Orrick is successful in hiring, retaining and promoting diverse lawyers. The firm's diversity and inclusion committees are actively involved in the firm's recruiting efforts, orientation, summer program, training and mentoring programs, and pro bono and community activities. Diverse lawyers play an integral role in managing the firm as members of the firm's board, office and practice group leaders, and committee chairs. Orrick's diversity program includes: Affinity Groups; Mentoring Program; Women's Initiative and Lean In Circles; Diversity Liaisons to Each Practice Group's Associate Review Committee; Unconscious Bias Training for All Partners and Of Counsel; Alternative Work Schedule Policy and On-Ramping Program; Custom Track Options; Pipeline Initiatives to Support Diverse Youth; Paid Membership in Diverse Professional Associations; Associate Development Benchmarks and Career Guidance Counselors; and Supplier Diversity Program. The firm was ranked 16th overall in the 2011 'Top 100 Law Firms for Diversity' in MultiCultural Law Magazine.

The Office of the City Attorney will enter into standard form retention letters with Broad and Cassel for disclosure counsel services; with Holland & Knight for bond and disclosure counsel services; and with Orrick, Herrington & Sutcliffe, LLP, for bond and disclosure counsel. The rates quoted by these firms represent a significant savings to Gainesville Regional Utilities. The rates will be specified in the retention letters as hourly rates for certain services and fixed rates for many bond and financial transactions.

Fiscal Note: Funding for the bond counsel services and disclosure counsel services will be paid from GRU budgeted funds.

RECOMMENDATION

The City Commission authorize Broad and Cassel, Holland & Knight, and Orrick, Herrington & Sutcliffe, LLP, to represent the City in bond, bond disclosure and other financial transactions for the

Gainesville Regional Utilities System as specified in retention letters issued by the Office of the City Attorney.

CITY AUDITOR

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE

PUBLIC SAFETY COMMITTEE

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

COMMISSION COMMENTS (if time available)

RECESS

RECONVENE

PLEDGE OF ALLEGIANCE (5:30pm)

Bob Gasche

Gator Detachment of the Marine Corp League

PROCLAMATIONS/SPECIAL RECOGNITIONS

[130961](#)

Buchholz High School Math Team (NB)

RECOMMENDATION

The City Commission recognize the Buchholz High School Math Team.

[130962.](#)**Amaleah Mirti, Eastside High School Senior (NB)****RECOMMENDATION**

The City Commission recognize Amaleah Mirti, Eastside High School Senior, World Food 2014 International Intern.

[130948.](#)**Memorial Day - May 26, 2014 (B)****RECOMMENDATION**

Gator Detachment of the Marine Corp League Bob Gasche and Purple Heart Veteran Steve Dodd to accept the proclamation.

[130948_MemorialDay_20140515.pdf](#)

[130949.](#)**Emergency Medical Services Week - May 18-24, 2014 (B)****RECOMMENDATION**

Gainesville Fire Rescue Fire Chief Gene Prince, Deputy Fire Chief Jeff Lane and Special Operations Chief Don Sessions to accept the proclamation.

[130949_EMSWeek_20140515.pdf](#)

[130950.](#)**Internal Audit Awareness Month - May, 2014 (B)****RECOMMENDATION**

North Central Florida Chapter of the Institute of Internal Auditors President John Byrd to accept the proclamation.

[130950_InternalAudit_20140515.pdf](#)

[130951.](#)**Gainesville Police Department Volunteer Appreciation Day - May 28, 2014 (B)****RECOMMENDATION**

GPD Police Officer/Volunteer Coordinator Officer Ryan McCazzio to accept the proclamation.

[130951_GPDVolunteer_20140515.pdf](#)

[130952.](#)**Older Americans Month - May, 2014 (B)****RECOMMENDATION**

JoAnna Emerson to accept the proclamation.

[130952_OlderAmericans_20140515.pdf](#)

[130979.](#)**National Community Action Month May 2014 (B)****RECOMMENDATION**

*Central Florida Community Action Agency Inc.
Chief Executive Director Charles Harris to accept
the proclamation.*

[130979 CommunityAction 20140515.pdf](#)

CITIZEN COMMENT (6:00pm)**PUBLIC HEARINGS****RESOLUTIONS- ROLL CALL REQUIRED****ORDINANCES, 1ST READING- ROLL CALL REQUIRED**[130633.](#)**MORATORIUM ON INTERNET GAMING/GAMBLING
BUSINESSES (B)**

Ordinance No. 130633

An ordinance of the City of Gainesville, Florida, enacting a temporary moratorium to prohibit the filing, acceptance or processing of any permit, development order, or any other official action of the City having the effect of permitting or allowing the construction or operation of any internet gaming/gambling business within the city limits, providing a severability clause; providing repealing clauses; and providing an effective date.

Explanation: On January 16, 2014, the City Commission approved a 6-month moratorium to immediately prohibit the filing, acceptance, or processing of any permit, development order, or any other official action of the City having the effect of permitting or allowing the construction or operation of any internet gaming/gambling business (commonly referred to as "internet cafes") within city limits. The purpose of this moratorium is to temporarily prevent the further establishment and proliferation of internet gaming/gambling businesses throughout the City during a period that provides the City with sufficient time to hold public hearings, and adopt, if necessary, an ordinance amending the City of Gainesville Code of Ordinances to prohibit such uses throughout the City. To properly effectuate this temporary moratorium, this ordinance prohibits any official action of the City as described above, unless an application for such official action was properly filed with the City on or before 5:00 p.m. on January 16, 2014.

In order to allow time to draft and process an ordinance to prohibit internet gaming/gambling businesses, this ordinance extends the moratorium through 11:59 Pm on September 18, 2014. This is slightly

longer than approved by the City Commission on January 16, 2014, but is necessary to process the subsequent prohibition ordinance.

The Gainesville Police Department recommends the moratorium and subsequent prohibition as necessary to preserve the public peace and to safeguard the health, safety, morals and welfare of the community and citizens thereof. Internet gaming/gambling businesses, as will be further described below, are inherently deceptive and allow users to take part in activities as if they were engaging in gambling activities prohibited by Florida law. It is well documented that gambling can lead to harmful behavior and is often an addictive activity that has an unreasonable adverse effect upon persons that are statistically at risk for gambling addictions and other similar compulsive behaviors. There is also a direct relationship between internet gaming/gambling businesses and disturbances of the peace and good order of the community. Finally, state law (as most recently clarified by the Florida Legislature in 2013) makes internet gaming/gambling businesses unlawful in the State of Florida. However, enforcement of these state laws by local authorities occurs "after-the-fact" (i.e., after the opening and operation of such establishments) and is often difficult and costly given that a local government cannot readily determine, absent a law enforcement investigation and clear understanding of the state gambling laws, whether such an operation is lawful. Therefore, this moratorium and subsequent prohibition will serve a valid public purpose, will operate in harmony with state law, and will provide the City with a clear and proactive mechanism for elimination of these establishments.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

1/16/14 City Commission Approved as Recommended

[130633A_HB 155 - Final Bill Analysis_20140116.pdf](#)

[130633B_Chapter 2013-2 Laws of Florida_20140116.pdf](#)

[130633A_draft ordinance_20140515.pdf](#)

[130846.](#)

VACATION OF RIGHT-OF-WAY - UNIVERSITY PLACE BLOCK 6 (B)

Ordinance No. 130846; Petition No. PB-14-39 SVA

An ordinance of the City of Gainesville, Florida, to vacate, abandon and close unimproved right-of-way located in the vicinity of Block 6 of the University Place subdivision, between SW 1st Avenue and SW 2nd Avenue and running east for approximately 210 feet from SW 10th Street, as more specifically described in this ordinance; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

This petition/ordinance will vacate the right-of-way of an unimproved 15-foot wide alley located between SW 1st and 2nd Avenues, and running east for approximately 210 feet from SW 10th Street. The right-of-way lies south of Lots 6-9 and north of Lots 10-13 within Block 6 of the University Place subdivision. The right-of-way is unimproved and is not being used for a public purpose. The remainder of this originally platted alley right-of-way was previously vacated by the City in 1990. The applicant is requesting the right-of-way vacation to allow for the development of a multi-family building on the adjacent properties. The request satisfies the requirements for a street vacation and complies with the appropriate policies of the Comprehensive Plan.

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

CITY ATTORNEY MEMORANDUM

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

RECOMMENDATION *The City Commission (1) approve Petition PB-14-39 SVA and (2) adopt the proposed ordinance.*

[130846A_draft ordinance_20140515.pdf](#)

[130846B_Staff report_20140515.pdf](#)

[130846C_Attach A_Application_20140515.pdf](#)

[130846D_Attach B_Survey_20140515.pdf](#)

[130846E_cpb minutes draft.pdf](#)

[130846F_staff ppt_20140515.pdf](#)

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

PLAN BOARD PETITIONS

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

[130967.](#)

City Commissioner Ceremony - Commissioner Susan Bottcher (NB)

RECOMMENDATION *The City Commission hear comments from City*

Commissioners, the public and Commissioner Susan Bottcher.

[130966.](#)

City Commissioner Ceremony - Commissioner Thomas Hawkins (NB)

RECOMMENDATION

The City Commission hear comments from City Commissioners, the public and Commissioner Thomas Hawkins.

UNFINISHED BUSINESS

COMMISSION COMMENT

CITIZEN COMMENT (If time available)

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