

# City of Gainesville

City Hall  
200 East University Avenue  
Gainesville, Florida 32601



## **Meeting Agenda - Final**

**February 2, 2017**

**1:00 PM**

**MODIFIED AGENDA**

**City Hall Auditorium**

## **City Commission**

***Mayor Lauren Poe (At Large)***

***Commissioner Harvey Budd (At Large)***

***Mayor-Commissioner Pro Tem Helen Warren (At Large)***

***Commissioner Charles Goston (District 1)***

***Commissioner Todd Chase (District 2)***

***Commissioner Craig Carter (District 3)***

***Commissioner Adrian Hayes-Santos (District 4)***

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

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

[140412.](#)

**Bid Award - Annual Contract for Provision of Coarse and Fine Aggregate Material (B)**

**This item involves a request for the City Commission to authorize bid awards to Junction City Mining LLC and Conrad Yelvington Dist., A Preferred Materials Company Inc. for Coarse and Fine Aggregate material.**

*Explanation: The City of Gainesville and Alachua County jointly advertised Invitations to Bid (ITB) in June 2016 for Annual Coarse and Fine Aggregate Material for a (1) one-year term with the option to extend the agreement for (2) two additional, (2) two-year terms. The ITB contained a provision that the City of Gainesville would negotiate a single two-party contract for the services being obtained by the City of Gainesville.*

*The Public Works Department wishes to execute contracts to both bidders: 1) One contract with Junction City Mining LLC. for Coarse and Fine Aggregate material; and 2) One contract with Conrad Yelvington Dist., A Preferred Materials Company Inc. for Coarse and Fine Aggregate material.*

*Fiscal Note: The primary funding source is from the FY 2017 Public Works Department Operating Budget. However, some purchases may be funded through individual CIP project accounts.*

**RECOMMENDATION**

*The City Commission: 1) authorize the City Manager to execute contracts with Junction City Mining LLC and Conrad Yelvington Dist., A Preferred Materials Company Inc. for Coarse and Fine Aggregate material, subject to approval of the City Attorney as to form and legality; and 2) authorize the City Manager to execute any and all related documents and extensions.*

**Legislative History**

11/6/14 City Commission Approved as Recommended

[140412 BidAward 20141106.pdf](#)

[140412 Bid Recommendation 20170202.pdf](#)

[140413.](#)

**Bid Award - Annual Contract for Provision of Liquid Asphalt Material (B)**

**This item involves a request for the City Commission to authorize bid awards to Asphalt Paving Systems, Inc. and North Florida Emulsions Inc. for Liquid Asphalt Material.**

*Explanation: The City of Gainesville and Alachua County jointly advertised Invitations to Bid (ITB) in July 2016 for Liquid Asphalt Material for a (2) two-year term with the option to extend the agreement for (2) two additional, (2) two-year terms. The ITB contained a provision that the City of Gainesville would negotiate a single two-party contract for the services being obtained by the City of Gainesville.*

*The Public Works Department wishes to execute contracts to both bidders: 1) One contract with Asphalt Paving Systems, Inc. for Liquid Asphalt Material; and 2) One contract with North Florida Emulsions, Inc. for Liquid Asphalt Material.*

*Fiscal Note: The primary funding source is from the FY 2017 Public Works Department Operating Budget. However, some purchases may be funded through individual CIP project accounts.*

**RECOMMENDATION**

*The City Commission: 1) authorize the City Manager to execute contracts with Asphalt Paving Systems, Inc. and North Florida Emulsions Inc. for Liquid Asphalt Material, subject to approval of the City Attorney as to form and legality; and 2) authorize the City Manager to execute any and all related documents and extensions.*

**Legislative History**

11/6/14 City Commission Approved as Recommended

[140413 BidTab 20141106.pdf](#)

[140413 Bid Recommendation 20170202.pdf](#)

[160646.](#)**Bid Award - Landscape and Irrigation Installation on SE 2nd Avenue (B)**

**This item is a request for the City Commission to approve the bid award to Gainesville Landscape Contractors, Inc. for the Landscape and Irrigation Installation on SE 2nd Avenue, median from SE 3rd Street to SE 7th Street, in the amount of \$52,374.20.**

*Explanation: The City of Gainesville advertised Invitations to Bid (ITB) for the Landscape and Irrigation Installation on SE 2nd Avenue, median from SE 3rd Street to SE 7th Street. The following firms responded with bids; John L. Fleming DBA: Urban Greenscapes LLC, Oasis Landscape Services, Inc. John L. Fleming DBA: Urban Greenscapes LLC was the lowest bidder but failed to submit the required HUD documents which deemed his bid non responsive. Gainesville Landscape contractors, Inc. submitted the second lowest bid in the amount of \$52, 374.20 along with the required HUD documents and were therefore awarded the bid.*

*Fiscal Note: Funding in the amount of \$52,374.20 for the Landscape and Irrigation Installation on SE 2nd Avenue is identified in the Public Works Department FY 2017 CIP budget, \$39,592.53 of the project will be funded from CDBG/HUD grant funds.*

**RECOMMENDATION**

*The City Commission: 1) authorize the City Manager to execute the contract with Gainesville Landscape Contractors, Inc. for Landscape and Irrigation Installation on SE 2nd Avenue median from SE 3rd Street to SE 7th Street, subject to approval of the City Attorney as to form and legality; and 2) authorize the City Manager to execute any and all related documents.*

[160646 Bid Tab 20170119.pdf](#)

[160487.](#)**Adoption of Gainesville Fire Rescue Standards of Cover and Strategic Plan (B)**

**This item requests the City Commission adopt the 2017 Gainesville Fire Rescue Standards of Cover and Strategic Plan.**

*Explanation: Gainesville Fire Rescue (GFR) became an accredited agency on March 11, 2014. The Commission on Fire Accreditation International (CFAI) requires accredited fire rescue agencies to periodically submit their standards of cover (SOC) and strategic plans for adoption by their governing bodies. The Commission first adopted the GFR Strategic Plan and SOC on October 4th, 2012.*

*In 2016, GFR updated its 2015 Strategic Plan and prepared its fourth*

edition of the SOC. These two documents work together to establish service level objectives and future planning to meet the fire, medical, rescue, and special hazard risk needs of the community.

The updates incorporate the findings of a management study of station locations and staffing. The recommendations include items in the near and longer term and are used by GFR for department planning and request processes. The SOC and Strategic Plan do not bind or commit the City Commission to any implementation or expenditures. These documents are updated annually and are evolutionary. Changes in service demands or the impact of new initiatives can and will alter these plans over the years.

*Fiscal Note:* There is no fiscal impact from adoption of these documents.

**RECOMMENDATION**            The City Commission adopt the 2017 Gainesville Fire Rescue Standards of Cover and Strategic Plan.

[160487A\\_GFR Standards of Cover 2017\\_20170202.pdf](#)

[160487B\\_GFR Strategic Plan 2017\\_20170202.pdf](#)

[160487C\\_Fire Station Location Study\\_20170202.pdf](#)

## 160669.

### **Surplus Property Sale (NB)**

**Staff recommends all items at Surplus Lot to be declared surplus and disposed of through contract methods.**

*Explanation:* Each year, there are approximately 2,500 surplus property items stored at the City's Surplus Lot located at the Public Works Compound on 39th Avenue. These surplus items consist of scrap materials, office equipment and furniture, construction equipment, vehicles, abandoned and unclaimed property and miscellaneous items. In an attempt to reduce storage costs and increase revenue, staff has implemented changes to the auction process. The method of disposing of surplus property is outlined in the City's Financial Services Procedure Manual. Typical disposal methods are: transfer to other City departments; public auction; sealed competitive bids; and donation to another governmental agency. The surplus property auctions are now being held monthly or bi-monthly at the auctioneer's site or through an online auction process. This process has increased the cash flow for the surplus process as well as reduced storage and personnel costs.

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

**RECOMMENDATION**            The City Commission declare all materials, equipment and vehicles stored at the Surplus Lot as surplus property and authorize the sale of such property for the time period covering FY2017.

[160688.](#)

**RYAN SHEPPARD V. OFFICER ROBERT KENNEDY, IN HIS INDIVIDUAL CAPACITY; EIGHTH JUDICIAL CIRCUIT, CASE NO. 2016-CA-4348 (B)**

*Explanation:* On January 19, 2017, Officer Kennedy was served with a Summons and Complaint filed by Ryan Sheppard. Mr. Sheppard was arrested by Officer Kennedy in 2012 on charges of tampering with physical evidence and resisting arrest without violence. Mr. Sheppard alleges there was no probable cause for the arrest and search and that excessive force was used, resulting in a violation of his constitutional rights. He claims to have suffered damages, including physical injuries, pain and suffering, emotional distress and mental anguish. Mr. Sheppard is seeking compensatory and punitive damages as well as attorney's fees.

**RECOMMENDATION**

The City Commission authorize the City Attorney and/or special counsel if insurance coverage is available to represent the individual officer in the case styled Ryan Sheppard v. Officer Robert Kennedy, in his Individual capacity; Eighth Judicial Circuit, Case No. 2016-CA-4348.

[160688\\_Ryan Sheppard Consent\\_20170202.pdf](#)

[160707.](#)

**EEOC CHARGE - YVETTE JONES V. CITY OF GAINESVILLE; EEOC CHARGE No. 510-2017-00983 (NB)**

*Explanation:* On January 17, 2017, the City of Gainesville received a Charge of Discrimination from the U.S. Equal Employment Opportunity Commission. Ms. Jones, a former City employee, alleges discrimination because of her race and sex in violation of Title VII of the Civil Rights Act and because of her disability and for taking medical leave in violation of The Americans with Disabilities Act (ADA), as well as unlawful retaliation.

**RECOMMENDATION**

The City Commission authorize the City Attorney to represent the City in the case styled Yvette Jones v. City of Gainesville; EEOC CHARGE No. 510-2017-00983.

[160711.](#)

**RETENTION OF NORTON ROSE FULBRIGHT TO ADVISE THE CITY IN THE REVIEW OF LEGAL ISSUES ASSOCIATED WITH A POTENTIAL PURCHASE OR OTHER BENEFICIAL TRANSACTION INVOLVING THE GAINESVILLE RENEWABLE ENERGY CENTER FACILITY (NB)**

**MODIFICATION - CHANGED TEXT FILE LANGUAGE.**

*Explanation:* In late October 2016, GRU Management, GREC Management and

*counsel for both parties participated in mediation in a good faith effort to resolve the pending arbitration between the parties (AAA Case No. 01-16-000-8157). Although a settlement was not reached, the mediation did result in a continued dialog between the General Manager for Utilities and the President of GREC to explore a potentially mutually beneficial transaction. As GRU Management works to analyze the feasibility and structure of any such transaction, legal counsel with expertise in renewable energy power purchase agreements, utility acquisitions, permitting, tax and project finance structures will be needed to advise the City of legal issues associated with a potential purchase or other beneficial transaction involving the GREC facility. The City Attorney's Office assisted GRU Management in interviewing several large firms that have such expertise and capacity. As a result of that process, GRU Management desires to retain the firm of Norton Rose Fulbright to advise the City in its review and evaluation of potential transactions related to the GREC PPA.*

*Fiscal Note: The rates quoted by Norton Rose Fulbright are hourly rates of \$850 and tax counsel hourly rates of \$1000. It is unknown at this time how many hours of work will be requested of outside counsel. Funding for outside counsel will be paid either from GRU budgeted funds for legal expenses or from unanticipated cost savings that GRU realizes.*

**RECOMMENDATION**

*The City Commission continue this item to February 16, 2017 in order to allow the Utilities Advisory Board to review the item at their meeting on February 15, 2017.*

[160695.](#)

**City Commission Minutes (B)**

**RECOMMENDATION**

*The City Commission approve the minutes of January 10, 12, and 19, 2017.*

[160695\\_Minutes\\_20170202.pdf](#)

[160695\\_Minutes\\_1\\_20170202.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.**

[160649.](#)

**Status of the Remediation Work at the Cabot-Koppers Superfund Site (B)**

**The purpose of this item is to hear a presentation from Rusty Kestle,**

**Remedial Project Manager, United States Environmental Protection Agency (USEPA) and Kelsey Helton, Professional Geologist II, Florida Department of Environmental Protection Agency (FDEPA) on the status of the Cabot- Koppers Superfund site. \*\*STAFF PRESENTATION 15 MINS\*\***

*MODIFICATION - CHANGED TEXT FILE LANGUAGE AND NEW BACK-UP.*

*Explanation: Since the last update, Beazer East, Inc. (Beazer) and Cabot Corporation (Cabot) have completed a number of tasks as a part of the remediation of the Cabot-Koppers site. USEPA and FDEP will update the Commission on the tasks completed and the status of the overall project.*

*The Cabot-Koppers Superfund site consists of 140 acres located in the City of Gainesville, Florida. The site is made up of two properties: the Cabot property and the Koppers property. The western portion of the site is the Koppers property which includes 90 acres. The eastern portion of the site is the Cabot property which covers 50 acres. Beazer is responsible for cleanup of the Koppers site. Cabot is responsible for cleanup of the Cabot site.*

*The Koppers property was a wood treatment facility that operated between 1916 and 2009. Businesses and residential units border the site to the north, west, and south of the site. The Gainesville Public Works Complex and Springstead Creek are located to the northeast of the site. The Cabot site and undeveloped lands border the site to the east.*

*The Cabot property produced pine based products and charcoal. Currently, a shopping mall, car dealership and several other businesses operate on the Cabot Corporation site.*

*In 1984 The United States Environmental Protection Agency (EPA) placed the Cabot-Koppers site on its Superfund Program's National Priorities List (NPL) because of contaminated soil and ground water. Beazer East, Inc. and Cabot Corporation are the potentially responsible parties (PRPs) for the clean-up.*

*The EPA has regulatory authority for the site and is responsible for ensuring that Beazer East, Inc. and Cabot Corporation comply with the Record of Decision (ROD) for the site. The ROD defines the required cleanup plan for the site. EPA issued its original ROD for the site in 1990. EPA issued a new ROD in 2011.*

*In July 2013, Beazer entered into an agreement with the Department of Justice for design and implementation of remedy for the Koppers Site. In November 2014, Beazer completed the remediation of contaminated soils for 103 residential structures, 7 commercial buildings, and 4 vacant lots located near the Koppers property. Beazer entered into a settlement agreement with the City of Gainesville in November 2014. The City used settlement funds from Beazer for infrastructure*



improvements in the community. In August 2016 GRU completed the water improvements to the offsite area in 2016. In December 2016, the Public Works Department completed the paving of the streets in the area.

In 2015 the City Commission heard a presentation on a blight study for the area and determined that it would seek alternative approaches to develop the areas, rather than the creation of another Community Redevelopment Area (CRA) District for the area. Staff will be preparing to discuss other alternative approaches to a CRA District as a part of the budget discussion in FY18.

*Fiscal Note:* Clean-up costs are being borne by the PRP's. There are some costs being absorbed by GRU and Public Works for reviewing information and providing input and feedback to EPA and FDEP on technical documents.

**RECOMMENDATION**

The City Commission: 1) hear a presentation from Rusty Kestle, EPA and Kelsey Helton, FDEP on the status of the Cabot-Koppers Superfund Site; 2) provide policy direction to City staff relating to the Superfund site; and 3) communicate the Commission's direction to the appropriate federal and state agencies.

[160649-MOD Presentation 20170202.pdf](#)

[130847.](#)

**Lot # 10 Status Report (B)**

**The City Commission to hear a status report on Lot #10.**

MODIFICATION - ADDITIONAL BACK-UP.

*Explanation:* In October, 2016, per City Commission direction, the City entered into an Amended and Restated Contract for Sale and Purchase with Horizon Hospitality Management, Inc. (HHM) for Lot #10. The Contract contained provisions regarding purchase price (\$1,078,500, the appraised value of the property at the time), certain benchmarks regarding performance (with respect to financing approval and site due diligence), and the provision of parking in the downtown parking garage as contained in a related License Agreement for Use of Parking Garage.

The Contract for Purchase indicated that HHM would construct a 180-220 room Embassy Suites hotel or other like full-service hotel; approximately 10,000 square feet of retail space; approximately 13-16,000 square feet of office space; and approximately 22-27,000 square feet of meeting space consistent with a specific urban form.

Regarding performance benchmarks, the first performance benchmark under the Amended and Restated Contract for Sale and Purchase had a deadline of November 11th and indicated that letter (s) of intent from all lenders and equity partners would be submitted. That deadline was not

*met and resulted in the following timeline:*

- November 11th - Deadline passes
- November 14th - Written demand letter sent by staff via certified mail to HHM
- November 17th - Certified mail received by HHM
- November 18th - November 29th - Cure Period based upon contract provisions
- November 29th - E-mail communication inclusive of attachments received by staff from HHM/agents to satisfy first performance benchmark
- November 29th - December 6th - Attachments reviewed by staff
- December 8th - Phone contact with HHM and agents regarding questions on November 29th submission
- December 15th - Written response to HHM indicating that November 29th submission is insufficient
- January 4th - E-mail communication inclusive of attachments received by staff from HHM and agents to satisfy December 15th written response
- January 23rd - Phone contact with HHM and agents regarding status of January 4th response to December 15th letter

*Fiscal Note: At this juncture, the original deposit of \$25,000 is subject to being retained as per the Amended and Restated Contract for Sale and Purchase.*

**RECOMMENDATION**

*The City Commission to hear a status report from staff.*

**Legislative History**

4/17/14	City Commission	Adopted (Resolution)
3/5/15	City Commission	Approved as Amended
5/21/15	City Commission	Heard
8/6/15	City Commission	Approved as Amended
8/20/15	City Commission	Approved, as shown above
9/3/15	City Commission	Approved as Recommended
1/21/16	City Commission	Approved as Amended
10/20/16	City Commission	Approved as Recommended

[130847A 3-10-14 Appraisal Lot10 20140417.pdf](#)  
[130847B Resolution for Lot 10 20140417.pdf](#)  
[130847C Exhibit A to Resolution 20140417.pdf](#)  
[130847D Exhibit B to Resolution 20140417.pdf](#)  
[130847C-MOD Exhibit A - Legal Description for Lot 10 20140417.pdf](#)  
[130847 Resolution 20140417.pdf](#)  
[130847A Horizon Hospitality Mgmt Proposal 20150305.pdf](#)  
[130847B Horizon Hospitality Mgmt Artist Rendering 20150305.pdf](#)  
[130847C Horizon Hospitality Mgmt Sample Hotel Conceptual Planning Efforts](#)  
[130847D Horizon Hospitality Mgmt Gainesville Hotel Oral Ppt Presentation 20150305.pdf](#)  
[130847E Horizon Hospitality Mgmt Economic Impact Analysis 20150305.pdf](#)  
[130847F Horizon Hospitality Mgmt Prototype siteplan drawings 20150305.pdf](#)  
[130847G Bedford Lodging Proposal 20150305.pdf](#)  
[130847H Bedford Lodging Ppt Presentation 20150305.pdf](#)  
[130847i FINAL ADD #1 20150305.pdf](#)  
[130847j FINAL RFP 20150305.pdf](#)  
[130847K Oral Eval Evaluator #1 #2 and #3 20150305.pdf](#)  
[130847L Written Eval Evaluator #1 #2 and #3 20150305.pdf](#)  
[130847M Lot #10-BID TAB 20150305.pdf](#)  
[130847N Proposal Eval Summary 20150305.pdf](#)  
[130847o Memo to City Commission dated 02-12-15 Recordings of Lot 10 RFP](#)  
[130847N MOD Proposal Eval Summary 20150305.pdf](#)  
[130847A Lot#10 Term Sheet 20150806.pdf](#)  
[130847B Letter 20150806.pdf](#)  
[130847 MOD Lot#10 Term Sheet 20150806.pdf](#)  
[130847B-MOD Email 20150806.pdf](#)  
[130847A Lot 10 Sale Contract 20150820.pdf](#)  
[130847B Lot 10 License Agreement for Parking \(Horizon Hospitality\) 20150820.pdf](#)  
[130847C Lot #10 Visuals 20150820.pdf](#)  
[130847A Interlocal Agreement 20150903.pdf](#)  
[130847B 2nd Amendment to Interlocal 20150903.pdf](#)  
[130847A 2nd Amendment to Interlocal 20150903.pdf](#)  
[130847B Interlocal Agreement 20150903.pdf](#)  
[130847C AC 8-10-15 Commission Mtg Minutes 20150903.pdf](#)  
[130847D AC 8-20-15 Special Mtg Agenda 20150903.pdf](#)  
[130847 Order 20150903.pdf](#)  
[130847 agreement 20150903.pdf](#)  
[130847B Parking Garage Financial Trends 383 space revised 20151119.pdf](#)

[130847A Lot 10 License Agreement for Parking 20160121.pdf](#)  
[130847B Parking Garage Financial Trends 383 space revised 20160121.pdf](#)  
[130847C First Amendment to Contract - Lot 10 20160121.pdf](#)  
[130847D Lot10 License for Parking Agreement Ppt 20160121.pdf](#)  
[130847E Executed Contract for Purchase HHM 20160121.pdf](#)  
[MOD 130847 Dec 31, 2015 Email RE New Contract Amendments 20160121.r](#)  
[130847 AppraisalofLot#10 20161020.pdf](#)  
[130847 Amended and Restated Contract for Sale and Purchase 20161020.pdf](#)  
[130847 Amended and Restated Contract for Lot 10 20170202.pdf](#)  
[130847A Demand Letter to HHM 20170202.pdf](#)  
[130847B HHM Letter of Intent 1 20170202.pdf](#)  
[130847C HHM Letter of Intent 2 20170202.pdf](#)  
[130847D City Response to HHM 20170202.pdf](#)  
[130847E HHM Response to City 20170202.pdf](#)  
[130847F City Letter to HHM regarding Request for Hearing 20170202.pdf](#)  
[130847 MOD COG-Telephone Log Emails for Project Mobilization-11-30-2016](#)  
[130847G Letter 20170202.pdf](#)

[160574.](#)

### **Citizen Engagement in Implementing the Strategic Plan Framework (B)**

**This is a request for the City Commission to receive a presentation and provide guidance on opportunities to engage citizens in support of further developing and implementing the strategic plan framework.**

*Explanation: On December 15th, 2016, the City Commission adopted the strategic plan framework, a lasting blueprint to guide us towards our best Gainesville. Vital to a successful implementation of the strategic plan framework is the continued involvement of citizens and community stakeholders.*

*During a few meetings in December 2016 and January 2017, interested citizens brought forth several recommendations to foster implementation of the framework, including a request for the Commission to establish a citizen advisory committee for prioritizing big ideas.*

*Concurrently, staff has been developing implementation plans for building citizen-centered and civic innovation systems, aligning the legislative agenda with the framework, crafting an internal and external strategic communications plan, and identifying connection points with budgetary planning and decision making.*

*Additionally, on January 5th, 2017, the Commission requested staff bring back options for a committee structure. Staff has identified two options to continue engaging the community in this process, specifically to assist in assessing and prioritizing big ideas.*

*Fiscal Note: None*

**RECOMMENDATION**

*The City Commission: 1) receive a presentation; and 2) provide guidance on opportunities to engage citizens in support of further developing and implementing the strategic plan framework.*

**Legislative History**

12/15/16 City Commission Approved as Recommended

[160574A\\_Framework\\_20161215.pdf](#)

[160574B\\_Presentation\\_20161215.pdf](#)

[160574\\_Citizen Advisory PPT Presentation\\_20170202.pdf](#)

[160574A\\_Big Ideas\\_20170202.pdf](#)

[160574B\\_Strategic Plan Framework\\_20170202.pdf](#)

[160712.](#)

**Memorandum of Agreement for Strategic Collaboration with the University of Florida (B)**

**This is a request for the City Commission to support the Mayor in signing the Memorandum of Agreement for Strategic Collaboration between the University of Florida and the City of Gainesville.**

*MODIFICATION - NEW BACK-UP.*

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

*To support further development and implementation of the Strategic Plan Framework, specifically the Civic Innovation system, city staff requests the Commission's support of a Memorandum of Agreement (MOA) with the University of Florida.*

*The MOA for Strategic Collaboration proposes that the City and University enter into a cooperative endeavor, advancing their respective strategic plans in the areas where those plans identify mutually beneficial initiatives in pursuit of shared goals. The MOA is intended to provide general guidance in outlining the intention of the City and University to collaborate in new ways. This MOA will lay the ground work and precede a more formal collaborative planning partnership between both entities, in support of Gainesville's strategic plan framework and the University's Strategic Development Plan. If supported by the Commission, it is proposed that this MOA be executed*

during the State of the City address planned for February 14, 2017.

*Fiscal Note: None*

**RECOMMENDATION**

The City Commission support the Mayor in signing the Memorandum of Agreement for Strategic Collaboration with the University of Florida.

[160712-MOD\\_MOU\\_20170202.pdf](#)

**160640.**

**Selection of External Auditors for Professional Auditing Services (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 expires after completion of all reports associated with the financial audit for the fiscal year ending September 30, 2016. City of Gainesville Resolution 150127 requires the City Auditor to be responsible for coordinating all financial audits, prepare Request for Proposals (RFP) for external audit firms; and, evaluate and rate all proposals.*

*On June 16, 2016, the City Commission authorized the issuance of a RFP for professional auditing services utilizing the methodology and selection factors recommended by the Audit and Finance Committee. On September 15, 2016, the City's Purchasing Division publicly issued the RFP prepared by the City Auditor's Office. Since City finances are segmented into two major areas, General Government and GRU, the RFP provided an opportunity for certified public accounting firms to submit a proposal for the General Government segment, the GRU segment, or both segments.*

*On October 27, 2016, the City received five (5) responses to the General Government segment and four (4) responses to the GRU segment. Proposals contained technical qualifications and a separately sealed price proposal. Two evaluation teams were appointed by the City Auditor to evaluate the proposals in accordance with criteria set forth in the RFP, excluding price proposals. Each segment's evaluation team consisted of one City Auditor staff member and two representatives from the respective Finance Department (General Government and GRU). On November 7, 2016, team members each submitted evaluation scores on the written proposals to Purchasing. Purchasing staff then opened the fee proposals and assigned points to the price proposals with higher points given to the lowest submitted fee proposal in each case. Qualified local businesses received an additional five percent of the total evaluation points in accordance with the City's Local Preference Ordinance. Composite scores and rankings were then computed. The two (2) highest ranked firms from each segment were asked to make oral presentations to the respective teams on November 30 (General*

Government) and December 1 (GRU). Based on the oral presentations, the final rankings were tabulated as follows:

*General Government Segment*

*1st - Carr, Riggs & Ingram, LLC  
2nd - Purvis, Gray and Company*

*GRU Segment*

*1st - Baker, Tilly, Virchow, Krause, LLP  
2nd - Purvis, Gray and Company*

*Fiscal Note: Professional Auditing Service fees for the City are included in the respective General Government and GRU budgets. Carr, Riggs & Ingram, LLC, the first-ranked firm for the General Government audit segment, submitted a first-year price fee of \$105,000; Baker, Tilly, Virchow, Krause, LLP, the first ranked firm for the GRU segment, submitted a first year price fee of \$116,100. The RFP was structured to allow for annual price adjustments beginning with the second year based on the Consumer Price Index (CPI) for the Southern Region, all urban consumers, all items, with a five percent (5%) limit on any increase. Should the City choose to extend the contract for the optional two (2) year extensions, prices will be negotiated with the respective contractor.*

**RECOMMENDATION**

*The Audit and Finance Committee recommended the City Commission: 1) accept the final ranking of the proposals for external auditing services for both the General Government and Gainesville Regional Utilities (GRU) segments; and 2) authorize the City Auditor to execute a professional services contract with the top-ranked firms for the General Government and GRU segments for a period of three years beginning with the fiscal year 2017 audit, with an option to negotiate and extend the contracts for up to two additional two-year periods, subject to approval of the City Attorney as to form and legality.*

**Legislative History**

1/10/17	Audit and Finance Committee	Approved as Recommended
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[160640 RFP Prof'l Audit Services-FINAL 20170110.pdf](#)  
[160640A RFP Prof'l Audit Svc-ADD#1-FINAL 20170110.pdf](#)  
[160640B RFP Prof'l Audit Svc-ADD#2-FINAL 20170110.pdf](#)  
[160640C RFP Prof'l Audit Svc-ADD#3-FINAL 20170110.pdf](#)  
[160640D RFP Prof'l Audit Svc-PROPOSAL-GRU\\_bakertilly-price 20170110.pdf](#)  
[160640E RFP Prof'l Audit Svc-PROPOSAL-GRU\\_bakertilly-technical 20170110](#)  
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[160640G RFP Prof'l Audit Svc-PROPOSAL-GRU\\_cri-technical 20170110.pdf](#)  
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[160640X RFP Prof'l Audit Svc-EVAL WRITTEN GG-evaluator#6 20170110.pdf](#)  
[160640Y RFP Prof'l Audit Svc-EVAL WRITTEN SUMMARY-GG 20170110.pdf](#)  
[160640Z RFP Prof'l Audit Svc-EVAL WRITTEN GRU-evaluator#1 20170110.pd](#)  
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[160696.](#)

### **Mayor Lauren Poe (NB)**

**RECOMMENDATION**

*The City Commission discuss a Complete Community Council and take appropriate action.*

[160697](#)

### **2017 Canvass Board (NB)**

**RECOMMENDATION**

*The City Commission appoint a citizen member or continue recruiting until the February 16, 2017, meeting.*

[160648](#)

### **Charter Officers' Annual Performance Evaluations and Consideration of Pay Increases (B)**

**The City Commission evaluate the performance of the Charter Officers from October 1, 2015 - September 30, 2016, and consider pay increases for the Charter Officers.**

*Explanation: The City Commission evaluates the performance of the Charter Officers*

*on an annual basis. This review covers the last fiscal year ending September 30, 2016. Each Charter Officer was asked to provide a report to, and discuss with, the City Commissions the accomplishments of his/her areas of responsibility for that period.*

*Market pay data for each Charter Officer was gathered from peer cities and utilities. Salary information is provided as backup.*

*During this same review period, the average pay increase for other City employees was 2%.*

*Fiscal Note: Salary increases for the Charter Officers are budgeted in a personal services contingency account. The cost to provide a 2% increase to the Charter Officers as budgeted is \$19,222. A 2% increase was approved in the FY'17 budget.*

**RECOMMENDATION**

*The City Commission: 1) review the performance of each Charter Officer and establish appropriate performance ratings; and 2) consider pay increases for 2017.*

[160648\\_Summary Form\\_20170202.pdf](#)

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

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

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

**RECESS**

**RECONVENE**

**PLEDGE OF ALLEGIANCE**

**PROCLAMATIONS/SPECIAL RECOGNITIONS**

**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****ORDINANCES, 1ST READING - ROLL CALL REQUIRED**[160216.](#)**VOLUNTARY ANNEXATION - 100 ACRES OF PROPERTY  
SOUTHWEST OF THE CURRENT CITY BOUNDARY (B)**

Ordinance No. 160216

An ordinance of the City of Gainesville, Florida, annexing approximately 100 acres of city-owned and privately-owned property that is generally located south of Tax Parcel No. 07240-049-000 and the existing City of Gainesville boundary, west of SW 41st Boulevard and Interstate 75, north of SW Williston Road, and east of SW 75th Street, as more specifically described in this ordinance, as petitioned for by the property owner(s) pursuant to Chapter 171, Florida Statutes; making certain findings; providing for inclusion of the property in Appendix I of the City Charter; providing for land use plan, zoning, and subdivision regulations, and enforcement of same; providing for persons engaged in any occupation, business, trade, or profession; providing directions to the Clerk of the Commission; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

**MODIFICATION - ADDITIONAL BACK-UP***Explanation: Introduction*

*This ordinance will annex into the corporate limits of the City of Gainesville approximately 100 acres of property that includes city and privately-owned property, and which is generally located south of Tax Parcel No. 07240-049-000 and the existing City of Gainesville boundary, west of SW 41st Boulevard and Interstate 75, north of SW Williston Road, and east of SW 75th Street, as more specifically described in the ordinance.*

*At the request of the property owners seeking annexation into the City of Gainesville, the City Commission on August 4, 2016, received and accepted a petition for voluntary annexation of the property and directed the City Attorney to prepare an annexation ordinance. On September 15, 2016, the City Commission approved a previous version of this Ordinance on first reading. Second reading of the previous version of this ordinance was continued multiple times, due to a hurricane, to allow time for City and County staff to coordinate transition of services issues and prepare an Urban Services Report, and at the private property owner's/petitioner's request. Because of the multiple continuations, and in order to provide the most thorough City Commission review and*

*public participation possible, this ordinance was re-advertised for a first and second reading.*

*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 Urban Services Report prepared by staff, 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**

8/4/16	City Commission	Approved as Recommended
9/15/16	City Commission	Adopted on First Reading (Ordinance)
10/6/16	City Commission	Continued
10/20/16	City Commission	Continued
11/3/16	City Commission	Continued
11/17/16	City Commission	Continued

[160216 SignedPetition 20160804.pdf](#)

[160216 draft ordinance 20160915.pdf](#)

[160216 Comments from Alachua County 20160915.pdf](#)

[160216B Urban Services Report 20161117.pdf](#)

[160216A draftordinance 20170202.pdf](#)

[160216B Presentation 20170202.pdf](#)

[160216-MOD Letter from County Mgr 20170202.pdf](#)

[160580.](#)

#### **APPENDIX A - SCHEDULE OF FEES, RATES AND CHARGES, UNIVERSITY OF FLORIDA WATER SERVICE RATES (B)**

Ordinance No. 160580

An ordinance of the City of Gainesville, Florida, amending the Code of Ordinances, by amending Appendix A, Schedule of Fees, Rates and Charges, to revise fees, rates, and charges for water service provided to the University of Florida; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

*Explanation:* WATER/WASTEWATER DEPARTMENT STAFF REPORT

*On January 5, 2017, the City Commission authorized the City Attorney to draft, and the Clerk of the Commission to advertise an ordinance adopting the recommended rates, fees and charges for water services for the University of Florida. Based on GRU's water cost of service study, water rates for the University of Florida are established by contract and updated annually in Appendix A of the Code of Ordinances. However, during the FY 2017 budget process, GRU staff inadvertently omitted revisions to the rates for water service to the University of Florida. The amended rates are reflected in the proposed ordinance.*

#### CITY ATTORNEY MEMORANDUM

*This ordinance requires two hearings. The first reading is scheduled for February 2, 2017. The second reading is scheduled for February 16, 2017.*

*Fiscal Note: The amended rates are likely to result in a projected revenue decrease of 1.4% for the water system in Fiscal Year 2017.*

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

#### Legislative History

1/5/17            City Commission            Approved as Recommended

[160580 Appendix A Section 3 Water - UF corrected rates 20161214](#)

[160580 Appendix A Section 3 Water - UF corrected rates 20170105](#)

[160580 Draft Ordinance.pdf](#)

## ORDINANCES, 2ND READING - ROLL CALL REQUIRED

## 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

## ADJOURNMENT

