

# City of Gainesville

City Hall  
200 East University Avenue  
Gainesville, Florida 32601



## **Meeting Agenda - Final**

**November 3, 2016**

**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.***

**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**

[150179.](#)

**First Amendment to McGurn License Cancellation and Termination Agreement (B)**

**This is a request for the City Commission to approve a First Amendment to the McGurn License Cancellation and Termination Agreement.**

*Explanation: The McGurn License Agreement for Use of Parking Garage was executed in December 2003 by the City of Gainesville and Kenneth and Linda McGurn. The Agreement is applicable to operations regarding the City's SW Downtown Parking Garage.*

*On January 21, 2016 the City Commission approved a termination of the McGurn License Agreement for Use of Parking Garage in order to make parking spaces available to Horizon Hospitality Management Inc. for proposed development of Lot #10. The License Cancellation and Termination Agreement was executed on February 9, 2016.*

*Early termination of the McGurn License Agreement is a contingency of the Amended and Restated Contract for Sale and Purchase for Lot #10 approved by the City Commission on October 20, 2016, and McGurn has accepted early termination of the Agreement without any future*

*encumbrances upon parking spaces contemplated in the Agreement.*

*The First Amendment to License Cancellation and Termination Agreement indicates the following:*

*City shall pay MCG an amount as calculated in accordance with Paragraph 18 of the License Agreement as of the actual date of Closing on the sale of Lot 10, as full and complete consideration for this cancellation and termination of the License Agreement. Payment shall be made upon Closing on the sale of Lot 10 to Horizon Hospitality Management, Inc.*

*If the Closing on the sale of Lot 10 does not occur on or before November 30, 2017, then the Termination Agreement, as amended by this First Amendment, shall expire, and the terms of the License Agreement shall remain in full force and effect.*

*Upon Closing on the sale of Lot 10, at the time the City makes payment to MCG pursuant to Section 3 above, the City and MCG shall execute, in recordable form, a Termination and Release of License Agreement. The City shall thereafter record the Termination and Release in the Public Records of Alachua County, Florida.*

*Fiscal Note: Based upon the CPI level as of September 30, 2015, the proposed early termination of the McGurn License Agreement for Use of Parking Garage would total \$1,953,579. However, a precise amount will be calculated at closing.*

*In the short-term, initiating the termination of the Agreement will require the City to utilize \$1,953,579 or final closing amount of General Fund reserves to make the termination payment. Assuming the sale of Lot #10 to Horizon Hospitality closes, the \$1,078,500 payment for Lot 10 will flow back into reserves, leaving a net reserve reduction of approximately \$875,079.*

**RECOMMENDATION**

*The City Commission: 1) approve the First Amendment to License Cancellation and Termination Agreement contingent upon closing on the sale of Lot #10 property to Horizon Hospitality Management, Inc.; and 2) authorize the City Manager to execute this agreement subject to review by the City Attorney as to form and legality and deliver it with payment upon the closing on the sale of Lot #10.*

[150179 License Agreement and Amendments 20150806.pdf](#)  
[150179A License Agreement and Amendments 20160107.pdf](#)  
[150179B License Cancellation and Termination Agreement 20151119.pdf](#)  
[150179A License Agreement and Amendments 20160121.pdf](#)  
[150179B McGurn Termination Agreement 20160121.pdf](#)  
[150179C Executed Contract for Purchase HHM 20160121.pdf](#)  
[150179D McGurn Proposed Termination Ppt 20160121.pdf](#)  
[150179 FirstAmendmentToLicenseCancellationAndTerminationAgreement 20160121.pdf](#)

[160327.](#)

**Interlocal Agreement Between Alachua County and the City for Recycling Processing (B)**

**This item is a request for the City Commission to approve an Interlocal Agreement with Alachua County for the processing of recyclables generated by the City's Solid Waste Residential Curbside Collection program.**

*Explanation: In 2009 City and County working cooperatively determined that the processing of the community's residential recycling would be best served by contracting directly with the processor and marketer of the recyclable materials rather than leaving that responsibility to the hauler.*

*A seven (7) year contract was negotiated with SP Recycling Corporation to process the recyclables from the residential collection programs of both the City and the County at the rate of \$45/ton, which cost was at least partially offset by revenues paid to the City and County for the market value of the material that was resold by the processor. The amount of revenue paid to the City and County was calculated using a sliding scale of 10% to 50% of the Weighted Average Price of the materials based on published commodity prices in industry publications, such as the Official Board Markets, the London Exchange, and Waste News.*

*SP Recycling Corporation filed bankruptcy in 2014 and assigned their contract to Alachua County. This contract expires September 30, 2016.*

*Taking into account the current depressed commodities prices, and with an eye toward creating a processing agreement that will remain sustainable despite market fluctuations; the County is proposing abolishing the flat fee and revenue share and replacing it with a sliding scale tipping fee that becomes a revenue share at prices above \$119.99/ton. Under this agreement the City will pay the County a processing fee on a sliding scale per ton based upon the blended total rate for commodity sales from the previous month.*

*Fiscal Note: The City's net cost for processing recyclables for the past 20 months was \$291,642. Assuming the same quantity of recyclables processed*

and the same average blended total rate for commodity sales in FY17, the City's net cost for processing is estimated to be \$292,792 under the new sliding schedule of fees.

Funding is allocated and identified in the Solid Waste Fund through the monthly residential Refuse Rate.

**RECOMMENDATION**            The City Commission authorize the City Manager to execute the Interlocal Agreement between Alachua County and the City of Gainesville for Recycling Processing through September 30, 2018 subject to approval by the City Attorney as to form and legality.

[160327 Agreement 201601103.pdf](#)

[160394.](#)

### **State Lobbying and Advocacy Services for the City of Gainesville and Gainesville Regional Utilities (B)**

**This item is to request renewal of the State lobbyist contract with William J. Peebles of Peebles and Smith, Inc.**

*Explanation:* On December 2, 2012 the City retained the services of William J. Peebles of Peebles & Smith, Inc. as a state lobbyist in Tallahassee, FL. in connection with matters concerning the City on behalf of its General Government and its Utility. The first extension to this agreement was dated November 26, 2013. The current agreement to the contract for State of Florida lobbying and advocacy services will end on November 30, 2016.

The consultant provides lobbying and advocacy services and monitors important legislative matters that could affect the city in areas of housing, utilities, water projects, economic redevelopment, transportation, and other areas. The contract extension for the City of Gainesville's agreement for State of Florida Lobbying and Advocacy Services will start on December 1, 2016 and will end on September 30, 2017 in order to bring it in line with our fiscal calendar.

*Fiscal Note:* Consultant services not-to-exceed \$25,000 for the City's General Government; and a maximum amount not-to-exceed \$25,000 for Gainesville Regional Utilities, for a combined maximum amount not to exceed \$50,000.

**RECOMMENDATION**            The City Commission renew the contract with Peebles and Smith, Inc. for FY 2016-17.

[130694 Peebles & Smith Agreement 20161020.pdf](#)

[160456.](#)

### **Programming at Wilhelmina Johnson Resource Center by the Cultural Arts Coalition (B)**

**This is a request to accept the bid proposal made by the Cultural Arts Coalition to provide educational programming at the Wilhelmina Johnson Resource Center.**

*Explanation: Since 2002, the Cultural Arts Coalition (CAC) has held the contract to provide recreational, cultural arts and educational programming for both youth and adults in the Wilhelmina Johnson Resource Center (WJRC). Part of the contract gives CAC responsibility for the operation of WJRC, a City-owned facility. Outsourcing to CAC allows the City to provide art exhibits, environmental education, martial arts, dance classes, and many other educational and uplifting activities in the heart of Gainesville.*

*Through three different Requests for Proposals (RFP) processes, the CAC has been the successful bidder, the last being in 2011.*

*The current contract expires in 2016 and the City recently completed the RFP process, with CAC being the only bidder. Their proposal met the evaluative criteria of the RFP and is recommended as the recipient for the 2016-2019 contract. This initial contract would be for a period of three years with the possibility of two additional, two-year extensions.*

*Fiscal Note: The CAC will submit monthly reports for program activities and building usage, and will be reimbursed up to \$50,000 per year to provide programming at WJRC. The annual \$50,000 was approved as part of the City's general fund budget.*

**RECOMMENDATION**

*The City Commission approve the selection of Cultural Arts Coalition, Inc. to be the provider of educational programming at Wilhelmina Johnson Resource Center and authorize the City Manager or his designee to enter into a contract with the CAC, subject to approval by the City Attorney as to form and legality.*

[160456A Invitation to Bid 20161103.pdf](#)

[160456B Addendum No. 1 20161103.pdf](#)

[160456C Addendum No. 2 20161103.pdf](#)

[160456D CAC Bid Proposal 20161103.pdf](#)

[160456E Written Evaluation Forms \(3\) 20161103.pdf](#)

[160456F Award Public Notice 20161103.pdf](#)

[160456G Draft Contract 20161103.pdf](#)

[160475.](#)

**Human Resources Policy E-7: Outside Employment or Business Activity (B)**

**This is a request for the City Commission is to amend HR Policy E-7: Outside Employment or Business Activity.**

*Explanation: Human Resources Policy E-7: Outside Employment or Business Activity is amended to include volunteer activities, to eliminate a limitation of the current limitations on association, and to clarify the type of relationship that would or could potentially represent a conflict.*

*Policy E-7 currently limits "Association with any business considered as having a questionable reputation that would reflect unfavorably upon the employee or the City." Staff believes this limitation is overly subjective and recommends eliminating the statement.*

*Policy E-7 currently prohibits an employee from holding outside employment with "any business entity or agency which engages in business or contractual agreement with the City," even where the outside employment would not interfere or conflict with the employee's duties with the City. The proposed amendment would clarify that such outside employment is prohibited where the "employment or contractual relationship interferes with or is in conflict with the proper performance of employee's duties with the City."*

*Currently, there is no language governing volunteer activities. The proposed amendment includes a new provision that expressly requires employees to seek supervisory approval prior to volunteering if the volunteer service interferes with or is in conflict with the proper performance of the employee's duties with the City.*

*Fiscal Note: There is no fiscal impact for the changes to HR Policy E-7.*

**RECOMMENDATION**

*The City Commission approve revisions to Human Resources Policy E-7.*

[160475\\_E-7 Outside Employment or Business Activity\\_20161103.pdf](#)

[160507.](#)

**City Commission Minutes (B)**

**RECOMMENDATION**

*The City Commission approve the minutes of October 6 and October 20, 2016.*

[160507\\_CCOM Minutes\\_20161103.pdf](#)

[160503.](#)

**Resignation of Mary Held from the City Beautification Board (B)**

**RECOMMENDATION**

*The City Commission accept the resignation of Mary Held, effective immediately.*

[Resignation Mary Held\\_20161103\\_160503.pdf](#)

[160515.](#)

**Appointments to City Commission Advisory Boards and Committees**

(NB)

MODIFICATION - Added Item

**RECOMMENDATION**

The City Commission appoint:  
Lissa Campbell for reappointment to the City Beautification Board for a term to expire 11/1/19  
Frederick Sowder and Gracy Castine to the Gainesville/Alachua County Cultural Affairs Board for a term to expire 9/30/19  
Amanda Williams to the Citizen Advisory Committee for Community Development for a term to expire 11/1/19  
Martha Miller for reappointment to the Regional Transit System for a term to expire 9/30/19  
Joseph Floyd to the Bicycle/Pedestrian Advisory Board to fill a vacancy for a term to expire 12/31/18.

## 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.**

[160500.](#)

Audit of Vehicle Fuel Process (B)

*Explanation: In accordance with our Annual Audit Plan, the City Auditor's Office has completed the audit of the Vehicle Fuel Process - a Fleet Management function. We conducted this audit in accordance with Government Auditing Standards issued by the Comptroller General of the United States. Our report and the City Manager's response is 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.

[160500 Audit of Vehicle Fuel Process 20161103.pdf](#)

[160501.](#)

Audit of GRU SAP Upgrade - Interim Report I (B)

*Explanation: In accordance with our Annual Audit Plan, the City Auditor's Office has completed the audit of the GRU SAP Upgrade - Interim Report I - a GRU function. We conducted this audit in accordance with Government Auditing Standards issued by the Comptroller General of the United*



*States. Our report and the General Manager's response is attached for your review.*

**RECOMMENDATION**

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

[160501 GRU SAP Upgrade - Interim Report 1 20161103.pdf](#)

[160513.](#)

**General Policy Committee Referral List (B)**

*MODIFICATION - Added Item*

**RECOMMENDATION**

*The City Commission discuss the General Policy referral list and take action deemed appropriate.*

[160513\\_MOD referral list 20161103.pdf](#)

[160513\\_GPC Status Updates 20161103.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.**

**4:30 - 5:30pm Dinner Break**

**5:30 - Call to order Evening Session**

**PLEDGE OF ALLEGIANCE**

**Mr. Bob Gasche**

**PROCLAMATIONS/SPECIAL RECOGNITIONS**

[160502.](#)

**Veterans Day - November 11, 2016 (B)**

**RECOMMENDATION**

*Gator Detachment of the Marine Corp League Bob Gasche to accept the proclamation.*

**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**

[160430.](#)

**AMENDMENTS TO ELECTIONS CODE RELATING TO RUNOFF ELECTIONS AND EARLY VOTING (B)**

Ordinance No. 160430

An ordinance of the City of Gainesville, Florida, amending Chapter 9 of the Code of Ordinances relating to elections; amending Section 9-2 to provide that runoff elections shall be held on the sixth Tuesday following the first election and to provide that the election ordinance adopted each year shall provide the dates for early voting; amending Section 9-6.5 as it relates to early voting; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

*Explanation: In order to facilitate a new agreement with the Supervisor of Elections for City elections, the City Commission, at its meeting of October 6, 2016, authorized the City Attorney to draft an ordinance changing sections of the City's Code relating to elections to change the time in between the regular election and the runoff election to six weeks as opposed to the current four week period and to amend the early voting provisions for municipal elections. The ordinance provides that early voting shall be conducted at dates and times set forth in the election ordinance adopted by the City Commission annually, provided that such dates and times are not inconsistent with state law. This ordinance requires two hearings and shall become effective immediately upon adoption; however it shall apply only to City elections conducted after January 1, 2018.*

**RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

[160430\\_electionagreement\\_20161006](#)

[160430\\_draft ordinance\\_20161103.pdf](#)

[160433.](#)

**APPENDIX A - SCHEDULE OF FEES, RATES AND CHARGES -**

**LANDLORD PERMITS (B)**

Ordinance No. 160433

An ordinance of the City of Gainesville, Florida, amending the fees for landlord permits 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 immediate effective date.

*Explanation: During the FY2017 budget process, the City Commission directed staff to reduce the landlord permit fee. As a result, this ordinance will reduce the fee for landlord permits issued within the first half of the permit year and the fee for landlord permit renewals from \$204.75 to \$175.75. The fee for landlord permits issued within the second half of the permit year will be reduced from \$102.50 to \$87.88.*

**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.*

[160433 draft ordinance 20161103.pdf](#)

**ORDINANCES, 2ND READING - ROLL CALL REQUIRED**

[160216.](#)

**VOLUNTARY ANNEXATION - 100 ACRES OF PROPERTY  
SOUTHWEST OF THE CURRENT CITY BOUNDARY**

**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 - Changed Text File Language**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 this Ordinance on first reading. Second reading has been continued twice due to a hurricane and to allow time for City and County staff to work on transition of services issues and prepare an Urban Services Report.*

*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.*

*Although the Act provides no further definitions or explanation to this point, 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: any unincorporated improved or developed area that is enclosed within and bounded on all sides by a single municipality; or 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 the 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.*

[160216\\_SignedPetition\\_20160804.pdf](#)

[160216\\_draft ordinance\\_20160915.pdf](#)

[160216\\_Comments from Alachua County\\_20160915.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**