

# City of Gainesville

City Hall  
200 East University Avenue  
Gainesville, Florida 32601



## **Meeting Agenda - Final-Revised**

November 4, 2021

1:00 PM

City Hall Auditorium

### **City Commission**

*Mayor Lauren Poe (At Large)*  
*Commissioner Reina Saco (At Large, Seat A)*  
*Commissioner Desmon Duncan-Walker (District 1)*  
*Commissioner Harvey Ward (District 2)*  
*Mayor Commissioner Pro-Tem David Arreola (District 3)*  
*Commissioner Adrian Hayes-Santos (District 4)*

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

## **Welcome to the City Commission meeting!**

### **Learn about the meeting process and how to participate.**

The City Commission makes policies and conducts City business in an open forum. The **agenda** outlines what will happen during the meeting. It includes the following sections:

**Consent Agenda (CA):** Business items that the Commission approves together in one motion to save time. The Commission may remove an item to discuss separately.

**Regular Agenda:** Includes Business Discussion (**BD**) items considered by the Commission for action during the meeting. The Commission may re-order or remove discussion items.

Note: The **(B)** after an agenda item's title means that Backup materials are included. Click the links on the agenda to view the documents. An **(NB)** after the title means there are no Backup materials for the item.

**Public Comment.** Share your opinion with the Commission for the official record. The following public comment options may be available for this meeting.

Find specific public comment details for each meeting on the [Public Meeting Calendar](#) or the Notice of Meetings on the City's website. Verbal comments are usually limited to three (3) minutes.

**General Public Comment:** Share a comment about a topic or issue *not* on the Meeting Agenda. There is one 30-minute General Public Comment period at the beginning of the meeting.

- **Pre-recorded comment:** Call to record a voice comment *before* the meeting. Visit the [Public Meeting Calendar](#) for details. Comments received by the deadline will be played at the meeting.
- **In-person comment:** Neighbors present in the meeting chambers may comment at the designated time. Safety protocols will be observed.
- **Comment by phone:** Neighbors may call by phone to share a comment during the meeting. Dial toll-free: 1-800-742-1099. A moderator will call on you to speak. Mute the sound on your computer/device if you are watching the meeting online. State your name clearly for the record.

#### **Public Comment on Agenda Items**

- **In-person comment:** Neighbors present in the meeting chambers may comment at the designated times. Safety protocols will be observed.
- **Comment by phone:** Neighbors may call by phone to share a comment during the meeting. Dial toll-free: 1-800-742-1099. A moderator will call on you to speak. Mute the sound on your computer/device if you are watching the meeting online. State your name clearly for the record.

**Written Public Comment:** Submit a general comment or a comment on the meeting agenda. Your comments will be shared with the City Commissioners and added to the official meeting record.

- **Mail** to the City of Gainesville, City Clerk: P.O. Box 490, Station 19, 32627-0490
- **Email** to [citycomm@cityofgainesville.org](mailto:citycomm@cityofgainesville.org)
- **E-Comment:** Visit the "Agenda & Minutes" page on the City's website [www.cityofgainesville.org](http://www.cityofgainesville.org). Click the "eComment" link for a meeting agenda to leave comments on specific items.

The City of Gainesville encourages civil public speech. Disruptive behavior is not permitted during City Commission meetings. Please do not bring food, drinks, props, signs, posters, or similar materials into the Auditorium. Cheering and applause are only permitted during the Proclamations/Special Recognitions portion of the meeting.

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

**AGENDA STATEMENT**

*"The City of Gainesville encourages civility in public discourse and requests that speakers direct their comments to the Chair. Signs, props and posters are not permitted in the meeting room."*

**ROLL CALL**

**INVOCATION**

**CA ADOPTION OF CONSENT AGENDA (CA) - GRU, General Government, Audit & Finance Committee and General Policy Committee Items**

**CA-1 [200604](#) Amended and Restated Interlocal Agreement Creating the Joint Food System Policy Board (B)**

*Explanation: On June 1, 2021, the Alachua County Board of County Commissioners and the Gainesville City Commission entered into an Interlocal Agreement Creating the Joint Food System Policy Board. After meeting, the Joint Board decided it was in the best interests of the Joint Board to appoint additional members who represent additional stakeholders in the community in order to achieve the goals of the board. The additional board members are a representative of Florida Agricultural and Mechanical University, a representative of Santa Fe College, and a resident of an urban area impacted by food insecurity. The Board of County Commissioners has approved the Amended and Restated Interlocal Agreement.*

*Fiscal Note: None.*

**RECOMMENDATION**

*The City Commission approve the Amended and Restated Interlocal Agreement Creating the Joint Food System Policy Board and authorize the Mayor to execute the agreement on behalf of the City of Gainesville.*

**Legislative History**

|          |  |                          |
|----------|--|--------------------------|
| 12/15/20 | City Commission                                  | Approved, as shown above |
| 3/29/21  | City Commission                                  | Approved, as shown above |
| 5/20/21  | City Commission                                  | Approved, as shown above |
| 8/5/21   | Joint City/County<br>Food System Policy<br>Board | Approved, as shown above |

[200604\\_Collaborative Community Food Projects\\_2021-08-05.pdf](#)

[200604\\_Interlocal Agreement\\_20211104](#)

CA-2      [210598.](#)

**Appointments to City Commission Advisory Boards and Committees  
(B)**

**RECOMMENDATION**

*The City Commission appoint:*

*Chirayu Patel to the City Beautification Board for a full term ending 11/1/2024, and Paul Ferdinand to the Student Seat, term ending 9/30/2022.*

*Jenna Horner to the Gainesville Art In Public Places Trust for a partial term ending 9/30/2023.*

*Maya Razdan to the Student Seat of the Gainesville Human Rights Board for a full term to end on 9/30/2022.*

*Richard Bennett to the Nature Center Commission for a full term to end on 11/1/2024.*

*Benjamin Fox to the Public Recreation and Parks Board for a partial term to end 6/30/2023.*

*Sean Amiel, Jon Parker and Maya Razdan to the Student Community Relations Advisory Board for full terms ending on 9/30/2022.*

*Aymee Ginard Cepeda to the SHIP - Affordable Housing Advisory Committee for a partial term ending 7/1/2022.*

*Dana Wilson to the Student Seat of the Tree Advisory Board for a full term ending 9/30/2022.*

*Benjamin Fox to the Alternate City Position for the Wild Spaces Public Places Citizens Oversight Committee for a full term ending 9/30/2025.*

[210598 CBB Applications 20211104](#)  
[210598 GAPPT Application 20211104](#)  
[210598 GHRB Applications 20211104](#)  
[210598 NCC Application 20211104](#)  
[210598 PRPB Applications 20211104](#)  
[210598 SCRAB Applications 20211104](#)  
[210598 SHIP Applications 20211104](#)  
[210598 TAB Application 20211104](#)  
[210598 WSPP Application 20211104](#)  
[210598 Advisory Board and Commission Ballot Form 20211104](#)

CA-3      [210484.](#)

**Contract for Purchase and Sale of Real Property - Airport Industrial Park (B)**

This item seeks City Commission approval of a Contract for Purchase and Sale of Real Property in the City's Airport Industrial Park to facilitate a UF Health Sterile Processing Center.

*AGENDA UPDATE - REMOVE ITEM*

*Explanation: On September 3, 2021, staff received a contract from Shands Teaching Hospital and Clinics Inc. regarding the proposed acquisition of property in the City Airport Industrial Park.*

*The proposed acquisition of the subject property (Parcel ID # 08162-005-000 and the northeastern portion of tax parcel #08161-003-000) would be to facilitate the development of a UF Health Sterile Processing Center.*

*Proposed terms of the Contract are as follows:*

*Purchase price of \$312,500 for the 8.3 acre more or less lot or \$37,650 per acre*

*Buyer funds AIP Lot split to accommodate disposition*

*Acceptable Title/Survey*

*City/Airport approval of proposed site plan and building permits*

*Seller agrees to indemnify Buyer for pre-existing environmental condition*

*90 day due diligence period (with up to two 60 day extensions)*

*Closing to occur 60 days following due diligence period*

*Reverter provision requiring project commencement*

*The subject property will need to be processed through the City's land regulatory process as a lot split and this will allow remaining property 6.3 acre mol lot immediately to the west to be acquired by an existing food distribution business that has expressed interest concurrently.*

*In terms of background, the City of Gainesville over time has sold property fee simple in the Airport Industrial Park to assist in retaining, expanding and attracting industrial development.*

*The Airport Industrial Park represents an economic development partnership between the City and Airport. In this case the benefit would derive from the provision of jobs which is reported as 140 full time staff and a net of 67 with transfer of 73 full time staff from other on-site UF Health Departments as well as additional surgical growth at UF Health that can serve growing community needs.*

*The development of the subject property would be in keeping with the City's development review process/procedures and the recorded Airport Industrial Park Deed Restrictions.*

*The Gainesville Alachua County Regional Airport Authority (GACRAA) provided their initial consent to the sale at their regular meeting on September 30, 2021.*

*Strategic Connection*

*Goal 4: Resilient Local Economy...increase the number of successful and sustainable, small and locally owned businesses.*

*Fiscal Note: The purchase price offered for Parcel ID # 08162-005-000 and the northeastern portion of tax parcel #08161-003-000 is \$312,500 or \$37,650 per acre which is generally in line with the industrial market for property in this area based upon the recent appraisals.*

**RECOMMENDATION**

*The City Commission direct: 1) the City Manager to execute the Contract for Purchase and Sale of Real Property regarding Parcel ID #08162-005-000 and the northeastern portion of tax parcel #08161-003-000 in the Airport Industrial Park and all related documents subject to approval of form by the City Attorney.*

[210484.A City Airport Agreements on AIP 20211118.pdf 20211118](#)

[210484.B Airport Acreage Both Parcels 2021-121-3.pdf 20211118](#)

[210484.C Revised Vacant Land Contract with signature 09-03-21.pdf 20211111](#)

[210484.D Santang.Shands.AirportInd.9.25.21.pdf 20211118](#)

CA-4 [210549.](#)**Release of Agreements and Mortgages by the United States  
Department of Commerce, Economic Development Administration (B)**

*Explanation: The Economic Development Administration (EDA) and the City accepted two offers of financial assistance in the construction of a technology incubator, (hereafter the "Project", locally known as GTEC). The first was dated on or about February 8th, 1999, in the amount not to exceed \$1,440,000.00 and the second dated September 11, 2000, in the amount not to exceed \$270,000 for the construction of the Project on the property. Whereas the offers of financial assistance awards respectively bear EDA award No. 04-11-04392 and 04-01-04729, respectively.*

*The City entered into the agreement and mortgage with the EDA on or about October 12, 1999, and had it recorded in Official Records Book 2258 at Page 1302 in the Office of the Circuit Court Clerk in and for Alachua County, Florida ("First Mortgage"). In connection with the second offer, the City entered into the agreement and mortgage in favor of EDA on or about December 7, 2000, and recorded in Official Records Book 2326 at Page 2398 in the Office of the Circuit Court Clerk in and for Alachua County, Florida ("Second Mortgage").*

*Whereas, both the First and Second Mortgage has an obligation period of (20) twenty years and therefore the terms of both have elapsed and expired, the City requested that the EDA execute a satisfaction and release of both respective mortgages.*

*To complete the release of mortgage, the following documents must be authorized to be recorded at the Office of the Circuit Court Clerk in and for Alachua County, Florida, by no later than November 8, 2021.*

*Release of Mortgages*

*Escrow Letter*

*Covenant of Use (Note, the City Commission must authorize the Mayor to sign this document).*

*The Covenant of Use is required by the EDA and binds the City to the following:*

*I. Pursuant to 13 C.F.R. §314.10, the Released Land is and shall henceforth be subject to and encumbered by the following covenant and restriction, to wit:*

*a.) At no time shall the Released Land be used in violation of the nondiscrimination requirements set forth in 13 C.F.R. § 302.20, and*

*b.) At no time shall the Released Land be used for explicitly religious activity prohibited by applicable federal law.*

*II. It is stipulated and agreed that the terms of this Covenant constitute a reasonable restraint on, alienation of use control and possession of or title to the Released Land given the federal interest expressed herein.*

*III. This Covenant shall run with the land and shall bind the City and its successors in title in and to the Released Land.*

*Strategic Connection*

*Goal 3: A Great Place to Live & Experience*

*Goal 4: Resilient Local Economy*

*Fiscal Note: Filing fees for the three documents will be determined at filing at the Office of the Circuit Court Clerk in and for Alachua County, Florida.*

**RECOMMENDATION**

1) *The City Commission to authorize the Mayor to sign the Covenant of Use.*

2) *The City Commission authorize City staff to file the three documents at the Office of the Circuit Court Clerk in and for Alachua County, Florida by the November 8, 2021 deadline.*

[210549 A Release of Mortgages 2021.11.04.pdf](#)

[210549 B Escrow Letter 2021.11.04.pdf](#)

[210549 C Final Covenant of Use 2021.11.04.pdf](#)

CA-5      [210558.](#)

**Second Amendment to Master Services Agreement with the University of Florida Board of Trustees (UF) and the City of Gainesville (B)**

This is a request for the City Commission to authorize the City Manager to execute the Second Amendment to the Master Services Agreement with the University of Florida Board of Trustees and the City of Gainesville for Regional Transit System.

*Explanation: For more than a decade, there has been a partnership between the University of Florida Board of Trustees (UF) and the City of Gainesville Regional Transit System (RTS) to provide public transit services to the UF community (including students, employees, spouses, and retirees).*

*The proposed amendment extends the existing agreement for 2 years and provides for a rate increase for the UF's FY22 and FY23 terms (the terms run July 1st to June 30th as outlined in the agreement). Service levels fluctuate based on UF's needs and RTS capacity to deliver quality safe service. The negotiated service rate for regular service was \$68.36 per hour in FY21. The new negotiated service rate for regular service will be \$71.44 per hour in FY22, and \$75.00 per hour in FY23.*

*Strategic Connection: Goal 3: A Great Place to Live & Experience by providing transit services for the University of Florida community.*

*Fiscal Note: Based on current service levels, it is estimated that RTS will receive approximately \$10 million in revenue for services provided from the UF Master Services Agreement.*

**RECOMMENDATION**

*The City Commission authorize the City Manager or their designee to execute the Second Amendment to the Master Services Agreement and any related documents necessary between the University of Florida Board of Trustees and the City of Gainesville, subject to approval by the City Attorney as to form and legality.*

[210558A Draft Second Amendment 20211104](#)

[210558B UF Agreement w 1st Amendment 20211104](#)

**CA-6**      [190284.](#)

**Request to Approve Data Protection Policy (B)**

*Explanation: City staff was directed by the Digital Access Committee to create a Data Protection Policy during the meeting on January 13, 2020 as it relates to municipal data privacy with data collected from the City of Gainesville's Smart Cities initiatives. Smart City technology are platforms that capture data that will enable us to optimize municipal services for efficiency and convenience. The Policy conveys that data which are collected from a Smart City initiative will only be used as intended and not inform other operational entities like law enforcement. At the Digital Access Committee meeting on September 13, 2021, the committee requested this move to the City Commission for approval.*

*Strategic Connection*

*Goal 5: "Best in Class" Neighbor Services.*

*Fiscal Note: No direct financial impact.*

**RECOMMENDATION**

*The City Commission approve the Data Protection Policy.*

**Legislative History**

|          |                          |                          |
|----------|--------------------------|--------------------------|
| 10/14/19 | Digital Access Committee | Discussed                |
| 11/20/19 | Digital Access Committee | Continued                |
| 12/9/19  | Digital Access Committee | Approved, as shown above |
| 1/13/20  | Digital Access Committee | Approved, as shown above |

|          |                          |                          |
|----------|--------------------------|--------------------------|
| 2/10/20  | Digital Access Committee | Approved, as shown above |
| 7/27/20  | Digital Access Committee | Approved, as shown above |
| 10/12/20 | Digital Access Committee | Discussed                |
| 2/8/21   | Digital Access Committee | Discussed                |
| 4/12/21  | Digital Access Committee | Discussed                |
| 5/3/21   | Digital Access Committee | Discussed                |
| 6/14/21  | Digital Access Committee | Approved, as shown above |
| 9/13/21  | Digital Access Committee | Approved, as shown above |

[190284\\_GNV Data Policy\\_20201104](#)

[190284\\_Customer Data Sets Collected by GRU 2020013](#)

[NEW 190284 GRU Commercial Customer Data Collected 20200210](#)

[190284\\_GPD Data\\_20200210.pdf](#)

[190284\\_GNV Data Policy\\_20201109.pdf](#)

[190284\\_Memo IT Data Policy Ver 1-76.pdf\\_20210913](#)

CA-7      [210560.](#)

**State Housing Initiatives Partnership Program Affordable Housing Advisory Committee Incentives and Recommendations Report (B)**

*Explanation: The City of Gainesville receives affordable housing funding from the State Housing Initiatives Partnership (SHIP) Program, established in 1992 by the William E. Sadowski Affordable Housing Act. The Florida Housing Finance Corporation (FHFC) administers the SHIP Program. In 2007, the Florida Legislature passed House Bill 1375 (F.S. 420.9076). That bill mandates that cities and counties receiving SHIP funds appoint an Affordable Housing Advisory Committee (AHAC) to review the impact on affordable housing of their established policies, procedures, ordinances, land development regulations and adopted Comprehensive Plan. Based on that review, the AHAC is to recommend actions, initiatives and incentives to encourage or facilitate affordable housing, while protecting the ability of property values to increase.*

*Between March and October 2021, the City's AHAC held four (4) public meetings to discuss their recommendations for the Incentives and Recommendations Report (IRR), including a Public Hearing held on October 12, 2021. At that Public Hearing, the City's AHAC presented the proposed IRR, received public comments and adopted the IRR. As outlined in the IRR, AHAC reviewed, evaluated and proposed various incentives to encourage the development of affordable housing, while*

protecting the ability of property values to rise. State law requires the City's AHAC to submit the IRR to the City Commission, and the City to submit the IRR to the FHFC by December 31, 2021. Staff recommends that the City Commission accept the AHAC's IRR. Attached for reference is a copy of the AHAC's IRR.

*Strategic Connection: This item is connected to Goal 3: A Great Place to Live & Experience in the City's Strategic Plan.*

*Fiscal Note: None*

**RECOMMENDATION**

*The City Commission: 1) accept the AHAC's Incentives and Recommendations Report; 2) approve the submittal of the AHAC's Incentives and Recommendations Report to the Florida Housing Finance Corporation by December 31, 2021; and 3) authorize the City Manager or designee to execute all necessary documents required for the submittal of the AHAC's Incentives and Recommendations Report, subject to approval by the City Attorney as to form and legality.*

[210560A IRR 2021 Adopted 20211104](#)

[210560B Presentation 20211104](#)

CA-8      [210563.](#)

**City of Gainesville 2021 Operating Funds Investment Policy Statement (B)**

This item involves amendments to the 2020 City of Gainesville Investment Policy Statement

*Explanation: Sections 2-227 and 2-438 of the Code of Ordinances authorizes the Director of Finance and/or subordinates designated by the Director to invest and reinvest funds, execute trades and otherwise conduct business involving the investment of the funds of the city, in accordance with the city's approved investment policy. Pursuant to the City Code of Ordinances, this amended 2021 Operating Funds Investment Policy Statement (IPS) is being submitted for approval by the City Commission.*

*This Operating Funds Investment Policy Statement applies to the City's surplus operating funds. The IPS outlines investment processes and reporting requirements, identifies allowable and restricted investments, specifies permissible investment asset allocation ranges, and identifies investment performance benchmarks. The IPS was developed in accordance with GFOA best practices guidelines and the prudent person rule, with the objective of seeking reasonable long term investment returns while preserving capital and maintaining liquidity. The 2021 IPS has been amended to allow investment in mutual funds containing investment grade fixed income securities, expand on internal controls and*

settlement procedures, update broker dealer requirements, and provide reference to the City's Operating Funds Investment Committee and Finance Committee. The 2021 IPS was reviewed and approved by the City Attorney in September 2021.

*Strategic Connection: This aligns Best in Class Neighbor Services*

*Fiscal Note: The Operating Funds Investment Policy Statement itself has no direct financial impact on the City, however it does determine how the City's surplus operating funds can be invested. Expected investment returns for the City's operating funds are included in the City's annual budget.*

**RECOMMENDATION**            The City Commission approve the City of Gainesville 2021 Operating Funds Investment Policy Statement.

[210563 2021 City Operating Funds Investment Policy Statement Markup 2021](#)

**CA-9            [210395.](#)            The City of Gainesville Housing Action Plan (Finalized Draft) (B)**

*Explanation: On February 18, 2021, the City Commission gave a directive to create a Housing Action Work Plan in support of the City of Gainesville's Housing Action Plan (GHAP). The purpose of this item is to present the summary of the GHAP, the internal work plan and various municipal examples of housing affordability programs. The GHAP is a five-year proposal that has been operationalized via an internal process or Housing Action Work Plan (GHAWP) that involves various city departments. Both documents seek to successfully address the availability of affordable housing in the City; to establish protocols and standards of affordability in all housing discussions; and, to set expectations and requirements related to new construction initiatives throughout the City.*

*Over several years, city leaders, the Office of Housing & Community Development (HCD), along with other City departments, and the Florida Housing Coalition (FHC), have collaborated to engage the Gainesville community in conversation about neighborhood and area housing needs. Outreach included meetings with community partners as well as industry associations and related networks to incorporate a multi-sector approach toward the development of a comprehensive housing plan.*

*The finalized draft of the Gainesville Housing Action Plan (GHAP) provides a framework as the city moves forward in support of affordable housing strategies.*

*Fiscal Note: No fiscal impact at this time.*

**RECOMMENDATION**            The City Commission approve the scheduling of a special meeting to hear the Housing Action Plan.

**Legislative History**

10/28/21 General Policy Committee Withdrawn

[210395A\\_Memo\\_20211028](#)

[210395B\\_Housing Action Plan\\_20211028](#)

[210395C\\_Work Plan\\_20211028](#)

[210395D\\_Affordable Housing Initiatives\\_20211028](#)

[210395E\\_Community Engagement Summary\\_20211028](#)

[210395F\\_2021 HUD Income Limits\\_20211028](#)

[210395G\\_Presentation\\_20211028](#)

CA-10 [210604.](#)

**Tri-party Memorandum of Understanding for Construction of Public Safety Driving Range (B)**

AGENDA UPDATE - ADDED ITEM

*Explanation:* The Kirkpatrick Center Institute of Public Safety at Santa Fe College provides a driving range that is used for training of Gainesville Police and Alachua County Sheriff Deputies at 3737 NE 39th Avenue. The driving range is in need of repaving. Santa Fe College, the City of Gainesville and Alachua County Sheriff's Office agree to equally share the cost of repaving the driving range at an estimated cost of \$230,000.

The City will receive \$66,667 from Santa Fe College and \$76,667 from ACSO for a total of \$166,334. The City will contribute \$23,000 and the remaining contribution will be in kind services provided by the City's Public Works Department. Santa Fe College will also incur the \$10,000 cost to have the skid pad reinstalled after the City's Public Works Department finishes the repaving.

*Strategic Connection:*

This project is related to Goal 5: "Best In Class" Neighbor Services. It aids in objective 1. Maintain, hire, train and retain professional community builder dedicated to serving the Gainesville Community.

*Fiscal Note:* The estimated project cost is \$230,000. The City will contribute \$ 23,000. Those Funds are available in the Gainesville Police Department Budget for this project. Additionally, the Public Works Department will incur approximately \$50,000 of in-kind services for this project.

**RECOMMENDATION**

The City Commission: 1) approve entering into this tri-party Memorandum of Understanding (MOU) with Santa Fe College and the Alachua County Sheriff's Office, and 2) authorize the City Manager to execute the MOU subject to approval of terms of conditions by the City Attorney's Office.

[210604A\\_Exhibit A\\_20211104](#)

CA-11      [210608.](#)                      **Approval of Pilot of Special Multi-Year Event at Depot Park (Full Moon Fever Festival) (B)**

*Explanation: This Pilot Multi-Year Event at Depot Park proposal is to establish a fee structure for a multi-year special event with increased rates per year for the Full Moon Fever Festival, which is replacing the Annual Tom Petty Birthday Bash and will take place in October 2022. It is a two-day event that will be fenced off to the public and will feature ticket sales ranging in price from \$25 - \$230. This event will necessitate a total of 6 day closure to the park beginning on October 19, 2022, and ending October 24, 2022. The official event dates of the Festival are October 22, 2022 - October 23, 2022. Piloting this event will permit staff to develop a sufficient understanding of the operational impact of the park closure for the event and the new fee structure. Outputs from the Festival will help to inform event planning policy going forward.*

*For the purpose of the Pilot, the updated recommended fees are as follows: In year 2022 - \$15,000; fee for total park closure for up to and not to exceed six (6) days; In year 2023 - \$17, 500 fee for total park closure for up to and not to exceed six (6) days; In Year 2024 - \$20,000 fee for total park closure for up to and not to exceed six (6) days.*

*Strategic Connection:*

*A Great Place to Live and Experience*

*Fiscal Note*

*None.*

**RECOMMENDATION**

*The City Commission authorize the City Manager or the City Manager's designee to negotiate and execute an agreement with Red Light Management for a 3-year agreement for the Full Moon Fever Festival subject to approval by the City Attorney for form and legal sufficiency.*

[210608.A Depot Park Special Event Guide & Application - unsigned 20211104](#)

[210608.B Pilot Policy Red Light Management 2022 20211104](#)

## **ADOPTION OF REGULAR AGENDA**

**EARLY PUBLIC COMMENT - Members of the public who are unable to wait for their agenda item(s) to be called during the meeting may speak during Early Public Comment. Comment is limited to three (3) minutes on one agenda item or five (5) minutes on two or more agenda items. Speaking during Early Public Comment waives the right to comment during later agenda items.**

**GENERAL PUBLIC COMMENT - Members of the public may speak for up to three (3) minutes per meeting on any item not on the agenda. General Public Comment may be submitted in advance by pre-recorded voice message only (see page 2 for details). The General Public Comment period shall not exceed 30 minutes total.**

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

**BD-1 [210597](#) Appointment of the City's First External Audit Committee Member (B)  
AGENDA UPDATE - REVISED BACK-UP**

*Explanation: The Audit Committee, through oversight of the Internal Audit function, ensures the City's governance, operational risk management, and internal control processes are suitably designed and working as intended to achieve strategic goals and objectives.*

*On July 22, 2021 the City Commission approved bifurcating the Audit and Finance Committee and adding an external subject matter expert to the Audit Committee to strengthen governance of organizational risks, management of fraud risk, City's internal control environment, and stewardship of the City's resources. The new Audit Committee structure becomes effective January 1, 2022. (Legistar file # 210180)*

*The external Audit Committee Member position was posted on the City's website, Advisory Boards and Committees page, and closed October 15, 2021. Of applicants received, one applicant met all requirements.*

**RECOMMENDATION**

*The Office of the City Auditor is pleased to recommend Mr. Harold Monk for the position of External Audit Committee Member. Mr. Monk has extensive experience auditing counties and municipalities in Florida. He is the immediate past Chair of the Auditing Standards Board of the AICPA. Mr. Monk has served the Florida Institute of Certified Public Accountants as a member of numerous committees, as a member of the Board of Governors, and as a CPE Discussion Leader.*

*Mr. Monk is an active speaker throughout the country on accounting and auditing issues. He has also served as a technical investigating officer for the Florida State Board of Accountancy. For several years, he chaired the joint task force for the Auditor General's office and the Florida State Board of Accountancy responsible for reviewing governmental audits filed with the State. In 2002, US Comptroller General David Walker appointed him to the Advisory Council for the U.S.*

*Government Accountability Office. He has been reappointed twice and continues to serve on the Advisory Council. Mr. Monk is the 2010 recipient of the AICPA's Gold Medal for Distinguished Service, the highest award the AICPA gives to a member.*

[210597A\\_Monk Harold Resume\\_20211104](#)

[210597\\_Monk Harold Application\\_20211104](#)

**BD-2      [210596.](#)      **Appointments to the City Plan Board, Development Review Board and the Regional Transit System Advisory Board (B)****

**RECOMMENDATION**

*The City Commission discuss the appointment to the City Plan Board, Development Review Board and the Regional Transit System Advisory Board and take appropriate action.*

[210596\\_CP\\_Ballot & Applications\\_20211104](#)

[210596\\_DRB\\_Ballot & Applications\\_20211104](#)

[210596\\_RTS\\_Ballot & Applications\\_20211104](#)

**BD-3      [210543.](#)      **Commissioner Adrian Hayes-Santos - Alachua County and City of Gainesville - Fire Hydrant and Public Street Lighting Service Agreement (B)****

**RECOMMENDATION**

*The City Commission direct the City Manager and City Attorney to negotiate with the County to amend the agreement so that the City may use the funding of its choice to pay the street light financial obligation instead of the designated general fund as the only funding source for the obligation.*

[210543 A\\_Hayes-Santos Fire Hydrant and Public Streetlighting Service Agree](#)

[210543 B\\_Fire Hydrant and Public Streetlighting Service City & County Agree](#)

**BD-4      [210498.](#)      **Wild Spaces & Public Places Presentation on the Addition of Restrooms at Unity Park and Albert "Ray" Massey (Westside) Park (B)****

*Explanation: Presentation by Wild Spaces & Public Places staff on the addition of restrooms at Unity Park and Albert "Ray" Massey (Westside) Park and an update on Wild Spaces & Public Places projects currently in construction.*

*Strategic Connection: This item is connected to Goal 3: A Great Place to Live and Experience in the City's Strategic Plan and is a high priority.*

*Fiscal Note: Discussion of the various options available to add restrooms at Unity Park and Albert "Ray" Massey (Westside) Park and funding these additional amenities through the Wild Spaces & Public Places unobligated fund balance utilizing higher-than-anticipated revenue generated during the FY21 of approximately ~\$670,000.*

**RECOMMENDATION**

*The City Commission hear a presentation by Wild Spaces & Public Places on the addition of restrooms at Unity Park and Albert "Ray" Massey (Westside) Park and receive an update on Wild Spaces & Public Places projects currently in construction.*

[210498 WSPP Slides 20211104](#)

**BD-5      [210591.](#)      **Gainesville Regional Utilities' Proposed FY23 Budget Calendar (NB)****

*Explanation: Staff requests the City Commission approve dates to discuss items related to the FY23 GRU annual budget. Topics of discussion will include: Debt Overview, including proposed amendments to the Debt Policy related to de-levering and credit metric targets*

*Rating Agency Overview*

*Cash, Liquidity and Reserves Update and Overview, including a review of financial condition by system*

*Investment Program Review*

*Customer, Sales and Revenue Forecast*

*Proposed FY23 O & M Budget*

*Proposed FY23 Capital Budget*

*Proposed FY23 Fuels Budget*

*Review of the fuel adjustment, fuel millage rate, and fuel levelization balance process*

*Staff requests the City Commission approve the following dates:*

*Wednesday, December 1, 2021*

*Tuesday, January 25, 2022*

*Monday, February 7, 2022*

*Monday, March 21, 2022*

*Monday, April 18, 2022*

*Monday, May 2, 2022*

*Monday, May 16, 2022 and*

*Monday, June 6, 2022*

*All meeting times will be from 3:00 p.m. to 5:00 p.m., except for January 25, 2022, which will be from 4:00 p.m. to 6:00 p.m.*

*Fiscal Note: None*

**RECOMMENDATION**

*The City Commission approve the dates and times requested by staff for the FY23 GRU budget process.*

BD-6

[210599.](#)**Litigation to Challenge Section 1 of CS/House Bill 1 (NB)**

*Explanation:* On May 20, 2021, the City Commission heard from legal counsel for advocacy groups, the Public Rights Project (PRP) and the Community Justice Project (CJP), who solicited the City to allow them to file litigation in the name of the City on a pro-bono basis challenging Section 1 of CS/House Bill 1 (2021) which created a process that allows a City Commissioner or the State Attorney to appeal a funding reduction in the operating budget of the City's police department. In accordance with the City Commission direction at that meeting, the City Attorney's Office entered into a retention letter with PRP and CJP that authorized three attorneys with those groups to represent the City.

Also in accordance with the City Commission direction, PRP and CJP presented a draft Complaint at the August 5, 2021 City Commission Meeting and discussed their plans to speak to other cities about joining the litigation and to other attorneys about representing the cities. CJP and PRP also requested, and the City Commission adopted, Resolution No. 201001 in which the Commission "states that it is suffering a current injury because its FY2022 budget considerations are impacted by HB 1" and "authorizes Community Justice Project and Public Rights Project to file a lawsuit bringing a facial challenge to Section 1 of CS/HB 1 on behalf of the City as a Plaintiff."

Since that time, the City Commission has adopted its FY2022 budget and the appeals period has run, with no appeal being filed by a City Commissioner or by the State Attorney.

PRP recently contacted the City Attorney's Office to request that the City retain additional attorneys with the Southern Poverty Law Center and the law firm of Jenner & Block to represent the City in filing this litigation and that the City allow additional cities (currently seven) to be co-Plaintiffs. PRP presently anticipates filing this litigation by the end of 2021. Appropriate professional conflict checks will need to be completed prior to retaining the additional firms/attorneys.

The City Attorney's Office continues to recommend against filing this litigation and against allowing advocacy groups (who are pursuing their own positions/agendas) to represent the City.

*Fiscal Note:* None, the existing retention letter specifies this litigation is pro-bono meaning no costs or fees will be paid by the City.

**RECOMMENDATION**

PRP recommends the City Commission: Direct the City Attorney's Office to issue a supplemental retention letter adding the Southern Poverty Law Center and Jenner & Block as outside counsel and allow other cities to be added to the litigation as Plaintiffs.

The City Attorney's Office recommends the City Commission: Take no further action in pursuit of

*this litigation at this time and direct the City Attorney's Office to terminate the existing retention letter. The City Attorney's Office will continue to monitor and update the City Commission on any litigation that may be filed by other cities concerning CS/HB 1.*

**BD-7      [210594.](#)      Commissioner David Arreola - Department of Energy Grant Opportunity (B)**

*Explanation: During the October 25, 2021 Joint City and County Water and Climate Policy Board meeting, members discussed Alachua County's application for a grant opportunity pertaining to community solar energy. One of the challenges of tackling climate change is community education and funding for renewable energies. Staff suggested this obstacle could be overcome by applying for assistance through the U.S. Department of Energy's Local Energy Action Program (Communities LEAP). Communities LEAP, which was launched on September 15, 2021, is designed to help communities "take direct control of their clean energy future". If awarded this grant, Alachua County and Gainesville could partner with community organizations to fund clean energy opportunities in the community.*

**RECOMMENDATION**

- 1) Authorize GRU General Manager to co-sign with Alachua County's application for the Department of Energy grant; and
- 2) Direct GRU to coordinate with Alachua County and community organizations with potential grant implementation.

[210594\\_Arreola\\_DOE\\_Grant\\_Opportunity\\_20211104](#)

**BD-8      [210603.](#)      Update on GRU's Proposal Process for UF's Invitation to Negotiate (B)**

*Explanation: Background*

*On September 9, 2021, GRU's vision to serve as University of Florida's on-campus energy supplier was drawn into clearer focus when UF issued an Invitation to Negotiate ("ITN") for a Central Energy Plant Project. The ITN is divided into two phases, the first being a request for Statements of Qualifications ("SOQ") for the purpose of shortlisting respondents. Those respondents who are shortlisted will be invited to submit a proposal in response to the subsequently issued ITN Phase II.*

*This public procurement process gives GRU an excellent opportunity to showcase its industry experience in the design, financing, construction, operation, and maintenance of resilient and highly efficient facilities such as GRU's South Energy Center, which currently serves the UF Health*

*South Campus, south of Archer Rd.*

*The Central Energy Plant project will provide a modern, efficient, and resilient source of electricity, chilled water and steam to meet the current and future campus needs. The University has prescribed, at a high level, the technology, specifications, and other requirements and will provide more detailed schematic plans and specifications for the facility to shortlisted firms. The facility will employ Combined Heat and Power (CHP) to meet the university's power and steam requirements. The CHP plant will provide resiliency, very high efficiency, and the lowest carbon footprint practicable for the application.*

*Further information on the ITN may be found at the following address:  
<<https://procurement.ufl.edu/wp-content/uploads/2021/10/UF-Energy-ITN-Phase-I-Addendum-Final.pdf>>*

*The impetus for UF to engage in this public procurement process began in 2017 when UF created a process to replace the steam generation capacity that would disappear with the expiration of UF's contract with the current on-campus cogeneration facility. UF also desired to replace their adjacent backup boiler and chiller plant with more modern and efficient facilities. After performing extensive due diligence, UF has laid the framework of this public procurement process which they intend to:*

- Support its chilled water and steam production critical to supplying air conditioning, heating, humidity control and other process needs for its network of 131 campus buildings;*
- Leverage third-party industry expertise in the design, financing, construction, operation, and maintenance of the energy plant;*
- Shift responsibility for on-going maintenance and technical enhancements to a third party; and,*
- Raise capital from an up-front concession payment that could be used to fund deferred maintenance of campus infrastructure.*

*This work must be completed prior to the conclusion of the University's contract for steam in 2027. The university's steam is currently produced by an on-campus Duke Energy plant, which will be decommissioned at that time.*

*Fundamentally, UF's almost four-year vetting process has led them to trust market forces to deliver the best solution to their campus energy needs, under the most innovative District Energy structure currently being used in the marketplace - a public-private partnership, known as a P3.*

*Opportunity for GRU*

*As noted above, GRU already has designed, financed, constructed, operated, and maintained an energy facility, off-campus, dedicated to serving the entire energy needs of the UF Health South Campus. The South Energy Center has been a successful and financially beneficial enterprise for GRU. We envision a similar opportunity resulting from the*

*UF on-campus procurement process. In particular, the potential on-campus relationship with UF could deliver the following synergies, opportunities and overall benefits to GRU:*

- Leverage GRU's renewable resources and demand-side management platforms to continue to improve the community environmental footprint.*
- Generate additional net revenues which could mitigate future electric rate increases and/or provide stability in general fund transfer capabilities.*
- Integrate GRU's operational capabilities across the territory, allowing GRU to take advantage of economies of scale with its workforce, commodity, and O&M purchases.*
- Expand on an established partnership platform to facilitate more collaboration between the City and UF.*

#### *Timeline*

*In order to qualify to bid on the project, all interested parties must submit a Statement of Qualifications (SOQ) by November 10, 2021, at 2:00 PM. GRU's qualifications will include the makeup of GRU's team of experts, such as 1) Financial Advisor, 2) Engineering and Procurement Contractor (EPC contractor), 3) Financial Partners, 4) Legal Counsel, , and 5) other in-house project team members.*

*After submission of the SOQ, UF will review the SOQ with an announcement of the short-listed proposers to occur in December 2021.*

*The draft Phase II of the Invitation to Negotiate (ITN) is planned to be issued in January 2022. That will be followed by the final ITN Phase II which is planned to be issued in June 2022.*

*The planned submission of a final proposal is projected for September 2022, with a selection on or about October 2022.*

*A public procurement of this size and magnitude will be very prescribed and deliberate. The further the process moves along, the more firm the dates will become. For now, the most important deadline is November 10, 2021. That's the date when GRU will have to submit its SOQ to determine if we will be short-listed as a proposer in the ITN process.*

#### *Next Considerations*

*To be considered for a valid submission under the SOQ, GRU needs Commission approval to enter into agreements with the following entities:*

- Finance Partner - GRU has selected JP Morgan as its finance partner for the UF project. The City Commission will need to grant GRU's general manager the authority to enter into an agreement with JP Morgan in order to validate their inclusion on the SOQ. Under the agreement, JP Morgan will be entitled to a \$ 2.25 million fee under one condition - GRU will need to be the winning proposer. If GRU doesn't win the selection process, JP Morgan receives nothing.*

· *Legal firms - The City Attorney's office interviewed several law firms that could handle the size and scope of the future agreements surrounding the P3 partnership, such as Concession Agreements, EPC contracts, O&M agreements, financing and bond issuance, etc. After evaluating the qualifications of several firms, the City Attorney's office has selected Holland & Knight as outside counsel to assist in all aspects of the negotiations and bond issuance. Because the fees will exceed \$100,000 if GRU is shortlisted, the City Commission will need to grant the City Attorney's office authorization to enter into an agreement with outside counsel for legal fees in excess of \$100,000. GRU doesn't envision a major expense until and if GRU is selected as a short-listed proposer. If GRU is chosen as a short-listed proposer, legal fees are estimated between \$300,000 and \$600,000. These fees are estimates and do not include unanticipated legal issues.*

· *Engineering Procurement and Construction ("EPC") Contractor - GRU procurement solicited requests for qualification for EPC contractors through the Demandstar online market portal to team with GRU to construct the Central Energy Plant project, if GRU is successful in winning the UF bid. Three firms submitted conforming statements of qualifications and were invited to conduct oral discussions in accordance with the Consultants Competitive Negotiation Act (CCNA) F.S. 287.055 and City of Gainesville Procurement Policies. The three firms were ranked in the following order: 1) Frank Lill & Son; 2) Hatch; and 3) GAI Consulting. As a result, staff is recommending initiating contract negotiations with the top-ranked firm, Frank Lill & Son, as required by Florida statute. If staff is unable to negotiate an acceptable contract with the top ranked firm, negotiations will be made with the next firm in the order of ranking. A summary of the scoring for each firm is attached. Just like the JP Morgan agreement, the City Commission will need to grant GRU the authority to enter negotiations and execute a Teaming agreement and an EPC agreement with the top ranked EPC contractor. The EPC contractor will be paid in accordance with the time and material provision within the agreement. If GRU doesn't make the short-list of proposers, minimal expenses will be incurred, since work will not begin in earnest until GRU's acceptance as a short-listed proposer.*

*The next decision point for the City Commission is sometime in December, if GRU were to be short-listed. Today's request is just the first step in the entire process.*

*Fiscal Note: GRU has brought this project before the City Commission to gain its approval to submit a SOQ, along with granting the general manager the ability to enter into two agreements; an agreement with JP Morgan, and an agreement with a contractor for Engineering, Procurement and Construction (EPC), as well as to grant the City Attorney the authorization to retain outside counsel. The financial commitment behind these agreements are minimal until and unless GRU is chosen as a short-listed proposer. At this time, GRU estimates costs not to exceed \$200,000 through the SOQ submission date. Those pre-SOQ costs will come from savings or reprioritizing items within GRU's budget.*

*If GRU is short-listed, potential post-SOQ expenses will include the costs*

of the EPC Contractor, and our transaction and bond counsel. At this time, GRU considers those costs to be in the following range:

EPC Contractor - \$300,00 to \$450,000

Counsel - \$300,000 to \$600,00\*

\*excludes unanticipated legal issues.

**RECOMMENDATION**

GRU staff recommends that the City Commission:

1. Authorize the General Manager for Utilities to submit a Statement of Qualifications to the University of Florida for the Central Energy Plant Project
2. Authorize the General Manager to execute an agreement with JP Morgan to act as GRU's financial advisor in connection with the Invitation to Negotiate Central Energy Plant Project issued by UF. The agreement will be subject to the City Attorney's approval as to legal form and content.
3. Authorize the General Manager to negotiate and execute a Teaming Agreement, and other agreements for EPC services as may be required to support GRU's proposal to UF, to the highest ranked firm, Frank Lill and Son, subject to the City Attorney's approval as to legal form and content. In the event that an agreement cannot be negotiated with the highest ranked bidder, authorize the General Manager to negotiate and execute agreements with the second-highest ranked firm, subject to the City Attorney's approval as to legal form and content.
4. Authorize the City Attorney's office to retain Holland & Knight as outside counsel to assist GRU in responding to the Invitation to Negotiate and to negotiate agreements for and advise GRU as to UF's Central Energy Plant Project

[210603\\_2021-071\\_Final\\_Ranking\\_Bid\\_Tab\\_20211104](#)

BD-9

[210453.](#)

**University of Florida Campus Development Agreement (B)**

*Explanation: The University of Florida, City of Gainesville and Alachua County are parties to a Campus Development Agreement (CDA) for the period 2015-2025. The University of Florida requests to update the CDA to extend the term through 2030 and incorporate its updated Campus*

*Master Plan for 2020-2030. The Campus Master Plan and CDA are governed by Florida Statutes, Chapter 1013.30 including a requirement to adopt the CDA “consistent with the requirements of s. 163.3225” for public hearings.*

*Strategic Connection:*

*Goal 3 of the City Commission’s Strategic Plan concerns making Gainesville a great place to live and experience.*

*Fiscal Note: None*

**RECOMMENDATION**      *The City Commission adopt the 2020-2030 UF Campus Development Agreement and schedule the second and final public hearing on 11/18/21.*

**Legislative History**

9/27/21      City Commission      Approved, as shown above

[210453A\\_Background Information\\_20210927](#)

[210453B\\_UF- City of Gainesville Campus Master Development Letter\\_2021092](#)

[210453C\\_Campus Development Agreement 2020-2030 FINAL DRAFT\\_202109](#)

[210453\\_CDA Sept 2021\\_20210927](#)

[210453A\\_Campus Development Agreement 2020-2030 FINAL DRAFT\\_202110](#)

**BD-10**      [210550.](#)

**Commissioner Adrian Hayes-Santos: Discussion on Parking for Micromobility Services (B)**

AGENDA UPDATE - REMOVE ITEM

**RECOMMENDATION**      *The City Commission hear a staff report, discuss and take any action deemed necessary.*

**BD-11**      [210601.](#)

**Commissioner Adrian Hayes-Santos: Parking in Midtown (B)**

AGENDA UPDATE - REMOVE ITEM

*Explanation: Parking availability is a growing issue in the midtown area. Parking was also one of the top concerns in our most recent neighborhood survey. The Standard has a large parking garage at NW 13th Street and NW 3rd Ave that currently is prohibited by its PD zoning (Ordinance 120615) from offering it’s parking spaces to the general public. The parking garage has many open parking spaces that could be made available to the public to help alleviate parking need in the midtown area if the PD zoning is changed.*

**RECOMMENDATION**      *The City Commission either 1) direct staff to strike*

*the language from The Standard's PD (Ordinance 120615) Condition 6, or 2) just limit the parking can be used by other developments.*

[210601\\_120615\\_Ordinance\\_20211104](#)

## CC COMMISSION COMMENT

4:30 - 5:30pm DINNER BREAK

5:30pm - CALL TO ORDER - Evening Session

## PLEDGE OF ALLEGIANCE

## PR PROCLAMATIONS/SPECIAL RECOGNITIONS (PR)

- PR-1**      [210588.](#)      **National Hospice and Palliative Care Month - November, 2021 (B)**  
RECOMMENDATION      *Haven Hospice Representatives Marc Andreozzi and Jason Stuart to accept the proclamation.*  
[210588 National Hospice and Palliative Care Month 20211104](#)
- PR-2**      [210587.](#)      **Native American Heritage Month - November, 2021 (B)**  
RECOMMENDATION      *Ojibwe/Odawa Indians Migizi Miigwan Nicole Nesberg to accept the proclamation.*  
[210587 Native American Heritage Month 20211104](#)
- PR-3**      [210589.](#)      **Family Court Awareness Month - November, 2021 (B)**  
RECOMMENDATION      *One Mom's Battle Representatives Tina Swithin and Molly Scarce to accept the proclamation.*  
[210589 Family Court Awareness Month 20211104](#)
- PR-4**      [210615.](#)      **Special Recognition of Commissioner Gail Johnson (NB)**  
**AGENDA UPDATE - ADDED ITEM**  
RECOMMENDATION      *The City Commission recognize Commissioner Gail Johnson.*

**EARLY PUBLIC COMMENT - Members of the public who are unable to wait for their agenda item(s) to be called during the meeting may speak during Early Public Comment. Comment is limited to three (3) minutes on one agenda item or five (5) minutes on two or more agenda items. Speaking during Early Public Comment waives the right to comment during later agenda items.**

**RE RESOLUTIONS - ROLL CALL REQUIRED (RE)**

**RE-1      [210593.](#)                      Resolution Authorizing Extension of the Existing Letter of Credit with Respect to GRU's Tax-Exempt Commercial Paper Program (B)**

*Explanation: GRU's debt portfolio includes two commercial paper programs. In order to obtain the lowest interest rate GRU maintains lines of credit to secure its outstanding commercial paper. The lines of credit provide funds to pay investors the principal amount of the commercial paper investments as they mature, in the event of a market disruption that precludes the issuance of renewal commercial paper.*

*The line of credit on our tax-exempt commercial paper program currently held by Bank of America expires November 30, 2021. Our financial advisor, PFM Financial Advisors, LLC, has engaged, at the direction of GRU, in discussions with Bank of America regarding terms for extension of the facility. Bank of America was agreeable to a three year extension of the facility at terms favorable to GRU.*

*Fiscal Note: The cost of the three year extension is 43 basis points, a reduction of 12 basis points, or \$150,000 per year compared to the cost of the current three year agreement.*

**RECOMMENDATION**

*The City Commission approve 1) the resolution authorizing an extension of the existing liquidity agreement with Bank of America for GRU's tax-exempt commercial paper program, subject to the approval of the City Attorney as to form and legality and 2) the form of the amendment to the Letter of Credit for the liquidity facility and amended and restated fee letter.*

[210593\\_TECF\\_facility\\_renewal\\_Resolution\\_2021November\\_20211104](#)

**RE-2      [210566.](#)                      Resolution of the City of Gainesville, Florida Authorizing Participation in the Florida Municipal Investment Trust (B)**

This item involves the investment of City of Gainesville surplus operating funds.

*Explanation: The Florida Municipal Investment Trust (FMIVT) is an intergovernmental investment pool authorized by Section 163.01 and Section 218.415,*

*Florida Statutes, for units of local government in Florida. The FMLvT is administered by the Florida League of Cities, and offers various fixed income investment funds which are suitable for investing local government surplus operating funds. The FMLvT Agreement and Declaration of Trust requires the City to become a party to the Agreement and Declaration of Trust in order to participate in its investment funds. The City Attorney has prepared the attached Resolution to that effect.*

*Strategic Connection: This aligns with all of the strategic goals.*

*Fiscal Note: Participation in the Florida Municipal Investment Trust will provide the City with additional surplus operating fund investment opportunities. Expected investment returns for the City's operating funds are included in the City's annual budget.*

**RECOMMENDATION**

*The City Commission adopt the Resolution of the City of Gainesville, Florida; authorizing the Director of Finance to execute documents for the City to join with other local governmental units as a participant in the Florida Municipal Investment Trust.*

[210566 Florida Municipal Investment Trust Resolution 20211104](#)

## **NBR RESOLUTIONS (NBR) - NON BINDING**

**NBR-1      [210546.](#)      Commissioner Reina Saco - Resolution in Support of Cuba (B)**

*Explanation: The images of failing hospitals, citizens brutalized, and children being taken away from their families as recently as two months ago provide a vivid testimonial of why the Cuban people took to the streets of their island to protest the Cuban regime. Cuban-American students living in the Gainesville area wish to demonstrate solidarity with their struggle by continuing the fight for their freedom 90 plus miles north of its center. They ask that the Gainesville City Commission join with them to press the conversation concerning the dignity of freedom with this symbolic Resolution denouncing the Communist dictatorship of Cuba.*

**RECOMMENDATION**

*The City Commission adopt the proposed Resolution.*

[210546 Saco City of Gainesville Resolution in Support of Cuba 20211104](#)

**NBR-2      [210042.](#)      Commissioner Harvey Ward - Resolution In Support of the City of Gainesville Being Certified a BEE CITY USA (B)**

**RECOMMENDATION**

*The City Commission adopt the proposed resolution.*

**Legislative History**

6/17/21 City Commission Approved, as shown above

[210042 Revised HLW City of Gainesville Resolution Bee City 20211104](#)

## PH PUBLIC HEARINGS (PH)

## SR ORDINANCES, 2ND READING - ROLL CALL REQUIRED (SR)

### SR-1 [210064](#) **Voluntary Annexation - 282.86 Acres of Privately-Owned Property West of SW Williston Rd and South of SW 62nd Ave (B)**

Ordinance No. 210064

An ordinance of the City of Gainesville, Florida, annexing approximately 282.86 acres of privately-owned property generally located on the west side of SW Williston Road, south of SW 62nd Avenue and the City of Gainesville city limits, north of SW 78th Lane, and east of SW 63rd Boulevard, 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 City Clerk; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

*Explanation: This ordinance will annex into the corporate limits of the City of Gainesville tax parcels 06982-000-000, 07002-000-000 (a portion of), 07231-000-000 (a portion of), and 06980-000-000; consisting of approximately 282.86 acres of privately-owned property generally located on the west side of SW Williston Road, south of SW 62nd Avenue and the City of Gainesville city limits, north of SW 78th Lane, and east of SW 63rd Boulevard. On May 19, 2021, the City Commission received and accepted a petition for voluntary annexation and directed the City Attorney to prepare this annexation ordinance.*

*Municipal annexation in Florida is governed by the Municipal Annexation or Contraction Act (the "Act"), which is found in Chapter 171, Florida Statutes. Section 171.044, F.S., sets forth the requirements and procedure for voluntary annexation, whereby property owners may voluntarily request a municipality to include their property within the corporate limits of that municipality. Besides various procedural requirements, Section 171.044, F.S., sets forth the following substantive requirements for voluntary annexations: 1) the proposed annexation area must be "contiguous" to the municipality; 2) the proposed annexation area*

must be "reasonably compact"; and 3) the annexation must not create any "enclaves."

*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 and the fact that a property owner has voluntarily requested to be annexed into the City of Gainesville, city staff recommends adoption of this voluntary annexation ordinance. The City Commission must decide, based on the map of the annexation area, the opinion and testimony of city staff, and other competent substantial evidence included in the record, whether the proposed annexation meets the essential requirements of the applicable state annexation law as described herein.*

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

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

**Legislative History**

|          |                 |                                      |
|----------|-----------------|--------------------------------------|
| 6/17/21  | City Commission | Approved as Recommended              |
| 10/21/21 | City Commission | Adopted on First Reading (Ordinance) |

[210064A\\_draft ordinance\\_20210916](#)

[210064B\\_Henderson Annexation\\_USR\\_Final\\_2](#)

[210064C\\_Henderson Annexation\\_Petitions\\_20210617](#)

[210064A\\_draft ordinance\\_20211021.pdf](#)

**SR-2**        [210065.](#)

**Voluntary Annexation - 59.80 Acres of Privately-Owned Property South of SW Archer Road and East of SW 44th Street (B)**

## Ordinance No. 210065

An ordinance of the City of Gainesville, Florida, annexing approximately 59.80 acres of privately-owned property generally located south of SW Archer Road, west of I-75, north of the City of Gainesville city limits, and east of SW 44th 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 City Clerk; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

*Explanation: This ordinance will annex into the corporate limits of the City of Gainesville tax parcels 06800-007-001, 06813-000-000, 06813-001-000, 06974-040-000, 07240-001-008, and 07240-050-000; consisting of approximately 59.80 acres of privately-owned property generally located south of SW Archer Road, west of I-75, north of the City of Gainesville city limits, and east of SW 44th Street. On May 19, 2021, the City Commission received and accepted a petition for voluntary annexation and directed the City Attorney to prepare this annexation ordinance.*

*Municipal annexation in Florida is governed by the Municipal Annexation or Contraction Act (the "Act"), which is found in Chapter 171, Florida Statutes. Section 171.044, F.S., sets forth the requirements and procedure for voluntary annexation, whereby property owners may voluntarily request a municipality to include their property within the corporate limits of that municipality. Besides various procedural requirements, Section 171.044, F.S., sets forth the following substantive requirements for voluntary annexations: 1) the proposed annexation area must be "contiguous" to the municipality; 2) the proposed annexation area must be "reasonably compact"; and 3) the annexation must not create any "enclaves."*

*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 and the fact that a property owner has voluntarily requested to be annexed into the City of Gainesville, city staff recommends adoption of this voluntary annexation ordinance. The City Commission must decide, based on the map of the annexation area, the opinion and testimony of city staff, and other competent substantial evidence included in the record, whether the proposed annexation meets the essential requirements of the applicable state annexation law as described herein.*

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

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

**Legislative History**

6/17/21            City Commission            Approved as Recommended  
10/21/21            City Commission            Adopted on First Reading (Ordinance)

[210065A draft ordinance 20210916](#)

[210065B Fred Bear Health Park Annexation Petitions 20210617](#)

[210065C Incumbency Certificate - NFRMC Inc 210126 20210617](#)

[210065D Fred Bear Health Park Annexation\\_USR](#)

[210065A draft ordinance 20211021](#)

[210065A draft ordinance 20211104.pdf](#)

**AR    ORDINANCES, ADOPTION READINGS - ROLL CALL REQUIRED**

**FR    ORDINANCES, 1ST READING - ROLL CALL REQUIRED (FR)**

**FR-1            [210034.](#)                    **Quasi-Judicial - Rezoning 4.1 Acres located at 55 NW 23rd Avenue (B)****

ORDINANCE NO. 210034

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning approximately 4.1 acres of property generally located at 55 NW 23rd Avenue, as more specifically described in this ordinance, from Limited Industrial (I-1) to Warehouse and Wholesaling (W); providing

directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

*Explanation:* **STAFF REPORT**

*This ordinance will rezone approximately 4.1 acres of property located at 55 NW 23rd Avenue from Limited Industrial (I-1) to Warehousing and Wholesaling (W). This ordinance was initiated by an application from the property owner. The City Plan Board held a public hearing on May 27, 2021, where it voted to recommend approval of this rezoning. In addition, staff recommends approval of this rezoning. This ordinance requires two hearings and shall become effective upon adoption.*

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

[210034A draft ordinance 20211104](#)

[210034B PB-21-31 ZON StaffReport 20211104](#)

[210034C PB 21-31 ZON Salvation Army ZON Staff Presentation CCOM 2](#)

**FR-2**            [210107.](#)

**Vacation of Public Right-of-Way - Portions of the 50ft wide SW 8th Lane located in the 900 Block of SW 8th Lane (B)**

Ordinance No. 210107

An ordinance of the City of Gainesville, Florida, to vacate, abandon, and close certain portions of a public right-of-way located in the 900 block of SW 8th Lane, as more specifically described in this ordinance; providing directions to the City Clerk; providing a severability clause; providing a repealing clause; and providing an effective date.

**AGENDA UPDATE - ADDITIONAL BACK-UP ADDED**

*Explanation:* **STAFF REPORT**

*This ordinance was privately initiated and requests to vacate portions of the 50ft wide SW 8th Lane right-of-way (ROW) that abut three tax parcels (15569-004-000, 15568-008-000, and 15572-000-000) located in the 900 block of SW 8th Lane. Portions of the ROW are unpaved with tree and shrub vegetation, specifically the State of Florida/UF portion of the ROW at the end of SW 8th Lane. All property owners for the abutting properties have signed the application requesting the ROW vacation. The ROW to be vacated is approximately 0.15 acres in total, with the total length of the proposed ROW vacation being approximately 134 ft.*

*Per Section 30-3.41 of the Land Development Code, the City Commission may vacate a public right-of-way only upon its finding that the criteria in both 1 and 2 as provided below have been met:*

1. *The public right-of-way no longer serves a public purpose and the vacation of the public right-of-way is in the public interest, which shall be based on a consideration of the following:*
  - a. *Whether the public benefits from the use of the subject right-of-way as part of the city street system;*
  - b. *Whether the proposed action is consistent with the Comprehensive Plan;*
  - c. *Whether the proposed vacation is consistent with the minimum block size requirements and other applicable street connectivity standards;*
  - d. *Whether the proposed action would deny access to private property;*
  - e. *The effect of the proposed action upon public safety;*
  - f. *The effect of the proposed action upon the safety of pedestrians and vehicular traffic;*
  - g. *The effect of the proposed action upon the provision of municipal services including, but not limited to, emergency service and waste removal;*
  - h. *The necessity to relocate utilities both public and private; and*
  - i. *The effect of the proposed action on the design and character of the area.*

2. *If the public right-of-way is a street, the city shall not vacate the right-of-way except if the following additional criteria are met:*
  - a. *The loss of the street will not foreclose reasonably foreseeable future bicycle/pedestrian use;*
  - b. *The loss of the street will not foreclose non-motorized access to adjacent land uses or transit stops;*
  - c. *The loss of the street is necessary for the construction of a high density, mixed-use project containing both residential and non-residential uses or creating close proximity of residential and non-residential uses; and*
  - d. *There is no reasonably foreseeable need for any type of transportation corridor for the area.*

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

**RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

[210107A\\_draft ordinance\\_20211104](#)

[210107B\\_PB\\_21\\_00063\\_SVA\\_SW8thLN\\_StafReport\\_withAppendices\\_202110](#)

[210107C\\_PB-21-00063\\_SVA\\_SW\\_8th\\_LN\\_20211104](#)

[210107\\_ROW\\_Vacation\\_City\\_Commission\\_Meeting\\_20211104](#)

## 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**