

# City of Gainesville

City Hall  
200 East University Avenue  
Gainesville, Florida 32601



## **Meeting Agenda - Final**

**November 17, 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****ADOPTION OF CONSENT ITEMS - GRU, General Government, Audit & Finance Committee and General Policy Committee Items**

[100607.](#)

**Reallocation of Capital Improvement Program Funding From Army Reserve Building Remediation to Reserve Park Planning, Design, and Construction (NB)**

**This is a request for the reallocation of Capital Improvement Program funding from Army Reserve Building remediation to Reserve Park Planning, Design and Construction.**

*Explanation: On September 1, 2016, the City Commission approved the agreements with Phalanx Defense Systems. The City subsequently closed with Phalanx and conveyed ownership to the northern portion of the property containing the buildings. Phalanx has been busy renovating the building and preparing to occupy the property.*

*City staff has been talking with Friends of Reserve Park and Phalanx about moving forward with plans for the planning, design, and development of Reserve Park. The City previously budgeted \$163,919 in Capital Improvement Program funding for Army Reserve building remediation. Since the City no longer needs this funding for that purpose, staff is requested that the funds be reallocated for the planning, design and construction of Reserve Park.*

*Fiscal Note: There is \$163,919 allocated in the FY15-19 CIP for remediation costs for the Army Reserve Building. The funding is no longer needed for this purpose and is available to be allocated to another project.*

RECOMMENDATION

*The City Commission approve the reallocation of \$163,919 in Capital Improvement Program funding from Army Reserve Building remediation costs to Reserve Park Planning, Design and Construction.*

[100607A Letter to Stearns-Brown NE Veterans Park 20110707.pdf](#)  
[100607B Letter to Secretary of Defense 20110707.pdf](#)  
[100607C Photo W Parking looking SE 9 20110707.pdf](#)  
[100607D Photo SW Portion looking SE 9 20110707.pdf](#)  
[100607A Site Map 20120924.pdf](#)  
[100607B ECP Report 20120924.pdf](#)  
[100607C Estimated Operation Costs Report 20120924.pdf](#)  
[100607A Army Reserve Property Action Plan 20141113.pdf](#)  
[100607B Oct 2012 Army Reserve PPT 20141113.pdf](#)  
[100607C Nov 2012 CHW Draft Report 20141113.pdf](#)  
[100607A Army Reserve Property Action Plan 20141218.pdf](#)  
[100607B Draft Nov 13 2014 RCAPW Minutes 20141218.pdf](#)  
[100607C USAR Action Plan PPT 20141218.pdf](#)  
[100607 Army Reserve Property Action Plan 20150514.pdf](#)  
[100607 Reserve Park Presentation 20150813.pdf](#)  
[100607 Reserve Park Presentation 20150820.pdf](#)  
[100607A Real Property Policies 20151210.pdf](#)  
[100607B Visioning Session Report 20151210.pdf](#)  
[100607C Draft RFP Parameters 20151210.pdf](#)  
[100607A Real Property Policies 20151217.pdf](#)  
[100607B Visioning Session Report 20151217.pdf](#)  
[100607C Draft RFP Parameters 20151217.pdf](#)  
[100607A Boundaries of Reserve Park 20160201.pdf](#)  
[100607B Reserve Property RFP Evaluative Criteria 20160201.pdf](#)  
[100607 Boundaries of Reserve Park 20160204.pdf](#)  
[100607 MOD Reserve Property RFP Evaluative Criteria 20160204.pdf](#)  
[100607A US Army Reserve Property-BID TAB 20160519.pdf](#)  
[100607B RFP for U.S. Army Reserve Property 20160519.pdf](#)  
[100607C RFP for U.S. Army Reserve Property-Add#1, 2 20160519.pdf](#)  
[100607D Alachua County Housing Authority proposal 20160519.pdf](#)  
[100607E Phalanx proposal 20160519.pdf](#)  
[100607F Written Evaluations 20160519.pdf](#)  
[100607G ACHA Presentation 20160519.pdf](#)  
[100607H Presentation-Phalanx 20160519.pdf](#)  
[100607I Oral Evaluations 20160519.pdf](#)  
[100607J RFP Memo re Audio from evaluation proceedings 20160519.pdf](#)  
[100607-MOD Phalanx Deal Structure 20160616.pdf](#)  
[100607A Phalanx Letter of Intent 20160721.pdf](#)

[100607 Letter of Intent 20160818.pdf](#)  
[100607A Phalanx - Purchase and Sale Agreement - 8-24-16 final draft 201609](#)  
[100607B Exhibit A to Contract for Sale and Purchase 20160901.PDF](#)  
[100607C Easement - ingress egress and public utilities 20160901.PDF](#)  
[100607D Phalanx - First Mortgage - 8-24-16 final draft 20160901.pdf](#)  
[100607E Phalanx - Promissory Note - 8-24-16 final draft 20160901.pdf](#)  
[100607F Phalanx - Special Warranty Deed - 8-24-16 final 20160901.pdf](#)  
[100607 Deed 20160901.pdf](#)

[160474.](#)

**Approval for Public Works to apply for the St. Johns River Water Management District's Fiscal Year 2017 REDI Communities & Innovative Projects Cost-Share (RCIPCS) Funding Program (B)**

**This item is a request for approval for Public Works to apply for the St. Johns River Water Management District's Fiscal Year 2017 REDI Communities & Innovative Projects Cost-Share (RCIPCS) Funding Program.**

*Explanation: The St. Johns River Water Management District announced the availability of approximately \$5 million in cost-share funding for projects that further the implementation of the District's Core Mission Areas, Strategic Plan, Water Management Program, Surface Water Improvement and Management (SWIM) Plans, and Regional Water Supply Plans (RWSP).*

*Public Works desires to submit an application for the Suburban Heights: Beville Creek Restoration Project, which is currently at the 100% design phase, is an innovative project and has been permitted through SJRWMD. The application would include a request for \$299,754.50. Our total estimated construction costs are \$599,509.00.*

*The St. Johns River Water Management District's share of the awarded project would not exceed 50% of the total project construction costs. Projects eligible for this cost-share funding should not begin before the District's Governing Board approval of the REDI / Innovative projects ranking and funding level on December 13, 2016 but must start by December 31, 2017 or the contract is subject to termination. These requirements line up very well with our project timeline.*

*Fiscal Note: The grant requires local matching funds. Matching funds are available in the adopted Public Works Department Stormwater Management budget.*

**RECOMMENDATION**

*The City Commission: 1) authorize staff to submit a St. Johns River Water Management District cost-sharing application for the Suburban Heights - Beville Creek Restoration Project; 2) authorize the City Manager or designee to execute all contract*

documents and other necessary documents if the grant is awarded, subject to approval by the City Attorney as to form and legality.

[160474A\\_Cost Share Application\\_20161117.pdf](#)

[160474B\\_Presentation\\_20161117.pdf](#)

[160522.](#)

**Recordation of Restrictive Covenant for Cade Museum's State Grant Award (B)**

MODIFICATION - CHANGED TEXT FILE LANGUAGE AND REVISED BACK-UP

*Explanation:* In August 2016, the Florida Department of the State, Division of Cultural Affairs awarded the Cade Museum Foundation, Inc. a \$500,000 Cultural Facilities Grant to assist with the development of the museum's Creativity Lab and Fab Lab. Per the Grant Award Agreement, a recordation of a restrictive covenant is required to ensure that the facility will be used as a cultural facility, as defined in the restrictive covenant, for at least (10) years following the execution of the grant award agreement. The City's lease with the Cades also requires that the property and structure be used as a cultural facility for the term of the lease. However, in the event there is a default by the Cade's, the City has agreed that the mortgage lender could lease the property to a business. At that point, the City would begin to receive market rate rent for the property. The Restrictive Covenant requested by the state required that the City agree that if there is a default, the loan would be repaid and that if it wasn't repaid that the loan would be a lien against the City's property. The Restrictive Covenant has been reviewed by the City Attorney who has requested changes be made to: 1) clarify that the City would not be required to repay the loan to the state in the event the Cade's were in default; and 2) that a default by the Cade's would not result in a lien on the museum property. To date, the State has agreed to the first portion of the request but has not responded to the second request. Staff believes that the state will agree to some version of the second request but may need additional assurances to protect the state's investment in the property. City staff will continue to negotiate with the state to obtain the appropriate language satisfactory to all parties.

*Fiscal Note:* Revisions to the Restrictive Covenant were requested by the City Attorney to ensure that the City of Gainesville would not be required to repay any grant funds in the event of a violation.

**RECOMMENDATION**

The City Manager to the City Commission, Authorize the City Manager to: 1) complete the negotiations with the state regarding the language of the Restrictive Covenant; and 2) to execute the Restrictive Covenant entered into by the City of Gainesville, the Cade Museum Foundation, Inc., and the Department of State, Division of Cultural Affairs subject to approval by the City Attorney as to form and legality.

[MOD\\_160522\\_RESTRICTIVE COVENANT\\_20161117.pdf](#)

[160522\\_RESTRICTIVE COVENANT\\_20161117.pdf](#)

[160524.](#)

**REQUEST TO REMOVE ITEMS FROM UAB REFERRAL LIST  
(NB)**

*Explanation:* At the February 4, 2016 City Commission meeting, the chair of the Regional Utilities Committee (RUC) presented the RUC's outstanding referral list to discuss the disposition of the remaining items in preparation for sunset of the RUC. The Commission voted to move three of those items, numbers 130812, 130957 and 150371 to the soon-to-be-formed Utility Advisory Board (UAB) for continued discussion.

Over the course of two meetings, the UAB reviewed their referral list and voted to recommend removal of items 130812 - GRU Electric Wholesale Sales Strategy and 130957 - Energy Supply Planning (Power 2020) from the list. The Board agreed with the General Manager's assessment that GRU's wholesale sales strategy is sound and that recent contracts with Winter Park and JEA were successful for GRU. They also agreed that GRU's new management structure should hopefully instill public trust and allay fears of a similar situation to the GREC contract.

With regard to Power 2020, the GM explained that energy supply planning is ongoing and that GRU will keep the UAB and the City Commission fully informed of any updates, and the Board agreed that was acceptable.

**RECOMMENDATION**            Remove items 130812 and 130957 from the UAB referral list.

[160517.](#)

**JACOB T. RODGERS V. WILLIAM STORMANT, AND CITY OF GAINESVILLE, D/B/A GAINESVILLE REGIONAL UTILITIES; EIGHTH JUDICIAL CIRCUIT, CASE NO. 2016-CA-659 (B)**

*Explanation:* On February 24, 2016, Plaintiff Jacob Rodgers filed a Complaint in the Circuit Court of the Eighth Judicial Circuit, in and for Alachua County, Florida against William Stormant, an Energy Measurement and Regulation Manager employed by the City. On August 31, 2016, Plaintiff Jacob Rodgers filed a Motion for Leave to File Amended Complaint to Add Party. Subsequently, the Court granted Plaintiff's Motion on September 1, 2016 to add the City as a defendant. On November 2, 2016, the Plaintiff attempted to serve the City with a Summons and Amended Complaint. Jacob Rodgers alleges that he was involved in an automobile accident with a City vehicle on October 7, 2015 at the intersection of NW 39th Avenue (SR 222) and NW 115th Terrace, in Gainesville. At the time of the accident, it is believed that the City

employee was driving a City-owned take-home vehicle on his way home from work outside of the course and scope of his employment with the City. Jacob Rodgers claims to have suffered bodily injury and disability, emotional and physical pain and suffering, loss of capacity for the enjoyment of life, lost wages in the past and future, and the expense of medical care and treatment in the past and future. Mr. Rodgers seeks money damages in excess of \$15,000.00.

**RECOMMENDATION**            The City Commission authorize the City Attorney to represent the City in the case styled Jacob T. Rodgers v. William Stormant, and City of Gainesville, d/b/a Gainesville Regional Utilities; Eighth Judicial Circuit, Case No. 2016-CA-659.

[160517\\_Jacob Rodgers Consent\\_20161117.pdf](#)

[160512.](#)

### **City Commission Minutes (B)**

**RECOMMENDATION**            The City Commission approve the minutes of October 25, and November 3, 2016.

[160512\\_Minutes\\_20161117.pdf](#)

[160536.](#)

### **Annual Maintenance Fees and Licenses for Granicus Managed Services (B)**

**This item requests the City Commission to authorize the issuance of a purchase order not to exceed \$66,861.80 for annual maintenance fees and licenses for Granicus Managed Services.**

*Explanation:* Granicus was one of the earliest providers of video streaming services in the United States, and in particular Florida. The City contracted for some of the earliest services and eventually Granicus bought the Daystar Corporation which was sole source provider of the City's Legistar automated agenda system.

Granicus is a provider for video streaming, agenda management and other services. This year the agreement will add Automated Tracking and Approval for the City Manager's Office and enable the use of a Portable Encoder for the ability to stream meetings from remote locations.

This amendment to the Service Agreement will formalize the negotiated pricing as recommended by the Purchasing Department.

*Fiscal Note:* Funds in the amount of \$66,861.80 are available from the Clerk of Commission Budget.

**RECOMMENDATION**            The City Commission authorize the Clerk of the Commission to execute a purchase order and



*execute a First Amendment to Granicus, Inc. Service Agreement, a sole source vendor, in the amount not to exceed \$66,861.80 for payment of the annual maintenance fees and licenses subject to the approval by the City Attorney as to form and legality.*

[160536\\_FirstAmendmentGranicusAgreement\\_20161117.pdf](#)

[160551.](#)

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

MODIFICATION - ADDED ITEM

**RECOMMENDATION**

*The City Commission appoint:  
Ashley Murphy to the Citizen Advisory Committee for Community Development to fill a vacancy for a term to expire 11/1/17  
Selena Patterson to the City Beautification Board for a term to expire 11/1/19  
Luke Jolly to the Bicycle/Pedestrian Advisory Board to fill a vacancy for a term to expire 12/31/17  
Gloria Li to the Student Community Relations Advisory Board as a voting member for a term to expire 9/30/17.*

[160555.](#)

**Resignation of Anthony Rychkov a Voting Student Member from the Student Community Relations Advisory Board and Dave Miller from the Nature Centers Commission (B)**

MODIFICATION - ADDED ITEM

**RECOMMENDATION**

*The City Commission accepts the resignation of Anthony Rychkov and Dave Miller, effective immediately.*

[160555\\_ResignationRychkov\\_Miller\\_20161117.pdf](#)

**ADOPTION OF REGULAR AGENDA**

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

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

[160496.](#)

**Special Event Support Policy for General Government (B)**

**This item relates to City Commission consideration and approval of a policy addressing City support for non-profit and government agency special events. \*\*ESTIMATED STAFF PRESENTATION 10 MINUTES\*\***

*Explanation: At the August 4, 2016 City Commission meeting, the issue of City co-sponsorship of special events came up for discussion. Recently, an increasing number of organizations have requested the City to support their special events on City property which, if approved, results in a reduction of City fees for the special event.*

*The City is becoming a significant hub for festivals and special events resulting in increasing interest in the use of City property in which to hold them. Non-profit organizations and government agencies often seek reductions in fees, fee waivers and/or City co-sponsorship of their events. This increased level of activity and the expectation that this will continue to increase in the future results in the need for the City to be establish sound policies and procedures for managing these requests.*

*Fee Reductions, Fee Waivers and Co-sponsorships for events and programs have been handled on a case by case basis. In the past, the City Commission budgeted City Commission contingency funds which could be used for Commission-directed projects, donations, sponsorships and co-sponsorship requests which were brought before the Commission for consideration. During the Fiscal Year 2010 budget process, the City Commission contingency funds were eliminated from the budget.*

*For organizations interested in funding support from the City, staff has encouraged groups to consider applying for the Support Service Grants if they meet the general requirements. The Parks, Recreation and Cultural Affairs Department manage the Support Services Grant process that occurs during the 2-year budget cycle. Grants are available to 501 (c) (3) non-profit organizations to help cover the cost of City provided services needed to support the special events. Staff has developed a policy for City Commission consideration outlining how these requests could be handled in the future.*

*Fiscal Note: Revenues generated through applications, permits, rentals and related fees help offset administrative/operating costs and are generally deposited in the general fund and are calculated each year as anticipated revenues. If Fee Reductions, Fee Waivers and/or Support Grants increase this may result in a decline in anticipated revenues and an increase in operating costs for certain departments.*

**RECOMMENDATION**

*The City Commission: 1) hear a presentation from City staff on the draft policy; 2) provide input and, guidance on the draft policy; and 3) direct staff to finalize the policy and return to the City Commission with a resolution for adoption of the policy.*

[160496\\_Special Events Fee Waiver Policy\\_20161117.pdf](#)

[160264.](#)

### Living Wage Paid to City Employees (B)

**This is a request for the City Commission to discuss the City's Living Wage paid to City Employees. \*\*ESTIMATED STAFF PRESENTATION 30 MINUTES\*\***

*Explanation: In March 2003, the City Commission adopted Ordinance Number 020663 creating Article IX of Chapter 2, establishing a living wage requirement for certain employees of contractors providing selected services to the City. The ordinance applies to all contractors or subcontractors who employ 50 or more persons and who provide covered services purchased by the City under a single contract over \$100,000. The living wage specified in the ordinance was set at \$8.70/hour for those offering health benefits and \$9.95/hour for those not offering health benefits. The living wage is based on the federal poverty guidelines for a family of four as determined by the U. S. Department of Health and Human Services (DHHS) and published in the Federal Register. The ordinance requires an adjustment annually in accordance with publication of the new federal poverty guidelines. The current living wage rate is \$11.6827/hour (health benefit wage) and \$12.93/hour (non-health benefit wage).*

*In July 2015, the City's Living Wage Ordinance was amended to codify the City's longstanding practice of providing a living wage to regular employees of the City.*

*On November 19, 2015 the City Commission referred to the Legislative and Organizational Policy Committee a discussion of the City's Living Wage and how it impacts the City and those that contract with the City.*

*On April 12, 2016 the Legislative and Organizational Policy Committee discussed the City's Living Wage and continued the discussion to a future date.*

*On September 22, 2016, the General Policy Committee discussed the City's Living Wage. Staff was instructed to defer changes related to contractors to a future date. A discussion of the Living Wage for City employees was referred back to the City Commission.*

*Fiscal Note: The annual cost of adjusting the Living Wage to \$12.00 hourly for City Employees is \$28,212 for Regular (permanent) Employees; and \$300,603 for All Employees.*

*The annual cost of adjusting the Living Wage to \$12.25 hourly for City Employees is \$58,310 for Regular (permanent) Employees; and \$369,695 for All Employees.*

**RECOMMENDATION**

**The City Commission discuss and provide**

*direction to staff: (1) which City employee groups will be covered by the City's Living Wage; (2) how annual adjustments to the base hourly rate should be made; (3) the base hourly rate of the Living Wage paid to City Employees; and (4) Direct the City Manager to negotiate changes with affected unions.*

*NOTE: The City has three employee groups: (1) Regular (Budgeted Headcount a/k/a Permanent), (2) Temporary, and (3) Temp-Seasonal/Temp-Intern. The Living Wage currently applies to Regular (Permanent) employees only.*

[160264\\_Staff Analysis\\_Living Wage\\_20160929.pdf](#)

[160264A\\_Staff Analysis\\_Living Wage Adjustment for City Employees\\_2016110:](#)

[160264B\\_PPT\\_20161103.pdf](#)

[160264A\\_PPT\\_Living Wage Adjustment\\_20161117.pdf](#)

[160264B\\_LW Staff Analysis\\_20161117.pdf](#)

### [160516.](#)

#### **Appointments to the Citizens Advisory Committee for Community Development, Regional Transit System Advisory Board and Student Community Relations Advisory Board (B)**

*MODIFICATION - ADDED ITEM*

##### **RECOMMENDATION**

*The City Commission appoint to the Citizens Advisory Committee for Community Development one member either Jamis Godwin (3), Jamie Bell (2), Elliot Welker (2), Rachel Yoho (1), Manuel Pardo (1) or Joseph Peralta (1); to the Regional Transit Advisory Board one member either Frank Avery (4) or Jason Leagle (4); and to the Student Community Relations Advisory Board one Administrative Voting Member either Thomas Rider (2), Nora Kilroy (2) Dominique Easterling (2) or Kevin Baron (1).*

[160516\\_AppointmentsA\\_20161117.pdf](#)

[160516\\_AppointmentsB\\_20161117.pdf](#)

[160516\\_AppointmentsC\\_20161117.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**

**PROCLAMATIONS/SPECIAL RECOGNITIONS**

[160537.](#)

**Rosa Parks Day - December 1, 2016 (B)**

RECOMMENDATION      *Reverend Milford Griner to accept the proclamation.*

[160537\\_RosaParks\\_20161117.pdf](#)

[160538.](#)

**World Pancreatic Cancer Day - November 17, 2016 (B)**

RECOMMENDATION      *Amy Osteryoung and Huntley Johnson to accept the proclamation.*

[160538\\_PancreaticCancer\\_20161117.pdf](#)

**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**

[160389.](#)

**TEXT CHANGE - ADD VETERINARY SERVICES AND ANIMAL SPECIALTY SERVICES AS PERMITTED USES BY RIGHT IN THE AUTOMOTIVE-ORIENTED BUSINESS ZONING DISTRICT (B)**

Ordinance No. 160389, Petition PB-16-101 TCH

An ordinance of the City of Gainesville, Florida, amending Section 30-62 -

Automotive-oriented business district (BA) of the Land Development Code (Chapter 30 of the City of Gainesville Code of Ordinances) to add veterinary services and animal specialty services (except veterinary) as permitted uses by right within the BA zoning district; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

*Explanation:* **PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT**

*This petition and ordinance propose to amend the list of permitted uses within the Automotive-oriented business district (BA) to add veterinary services as a specially regulated use within enclosed structures and animal specialty services (except veterinary) within enclosed structures. Veterinary services include establishments of licensed practitioners primarily engaged in the practice of veterinary medicine, dentistry, or surgery, for a variety of animal species. Animal specialty services include establishments providing services to animals that do not include veterinary care, such as grooming, boarding services, animal shelters, and training. Currently, veterinary services are permitted within enclosed buildings as a specially regulated use in a wide range of commercial and mixed-use, and office zoning districts as a specially regulated use. Similarly, animal specialty services are also permitted within the mixed-use, commercial, industrial, and downtown (Central City district) zoning districts within enclosed buildings.*

*The BA district is established to identify and delineate those commercial land uses involved in automotive sales as well as other large scale commercial uses with similar locational needs. An additional purpose is to provide suitable locations for activities that are compatible with and mutually supportive of those uses by requiring appropriate buffering, screening, or similar compatibility enhancements, to maintain its harmony with adjacent and surrounding land uses. The addition of veterinary services and animal specialty services to the BA zoning district is consistent with the intent of the BA zoning district which currently allows a variety of other non-automotive commercial uses. The proposed uses are generally less intense in terms of noise, traffic, and other compatibility concerns than many of the uses allowed by right within the BA zoning. Any potential compatibility issues will be further mitigated by limiting both uses within enclosed structures. As a result, it is not anticipated that the addition of these uses will result in compatibility concerns with adjacent land uses or within the BA zoned properties within the City. Finally, the addition of these uses to the BA zoning district will provide greater consistency of allowable uses between the various mixed-use and commercial zoning districts within the City.*

*On September 22, 2016, the City Plan Board held a public hearing on this Petition and by a vote of 5-0 recommended the City Commission approve this Petition.*

**CITY ATTORNEY MEMORANDUM**

*This ordinance requires two hearings and shall become effective immediately upon adoption at second reading.*

**RECOMMENDATION**

*The City Commission: 1) approve Petition No. PB-16-101 TCH; and 2) adopt the proposed ordinance.*

[160389\\_Staff report and Exhibits A-B\\_20160922](#)

[160389A\\_draft ordinance\\_20161117.pdf](#)

[160389B\\_Staff report and Exhibits A-B\\_20161117](#)

[160389C\\_CP B minutes draft\\_20161117](#)

[160389D\\_Staff ppt\\_20161117](#)

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

[160216.](#)

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

Ordinance No. 160216

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

*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](#)

[160216B\\_Urban Services Report\\_20161117.pdf](#)

#### **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](#)

## **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**