

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Meeting Agenda - Final

May 18, 2017

1:00 PM

MODIFIED AGENDA

City Hall Auditorium

City Commission

Mayor Lauren Poe (At Large)

Mayor-Commissioner Pro Tem Harvey Budd (At Large)

Commissioner Helen Warren (At Large)

Commissioner Charles Goston (District 1)

Commissioner Harvey Ward (District 2)

Commissioner 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.

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**[170022.](#)**City Commission Minutes (B)****RECOMMENDATION**

The City Commission approve the minutes of April 6, April 20, and May 2, 2017.

[170022 Minutes 20170518.pdf](#)

[160968.](#)**Contract Award to Transitional Living of North Central Florida dba Center for Independent Living of North Central Florida, for ADA Eligibility and Certification Determination, etc. (B)**

This item is a request to approve the recommended award and execute a contract with Transitional Living of North Central Florida dba Center for Independent Living of North Central Florida, for ADA Eligibility and Certification Determination, etc.

Explanation: On March 28, 2017, the City's Purchasing Division solicited a Request for Proposal (RFP) for ADA Eligibility and Certification Determination, etc. The RFP process was implemented in compliance with, and as required by, the Federal Transit Administration (FTA), Florida Statutes and City of Gainesville policies.

Transitional Living of North Central Florida dba Center for Independent Living of North Central Florida's proposal was the only response submitted by the deadline. Their submission contained both a technical proposal and a price proposal which City staff evaluated and found to be acceptable after negotiations with the vendor were completed.

RTS desires to enter into a contract with Transitional Living of North Central Florida dba Center for Independent Living of North Central Florida for five (5) years, at an annual amount of \$95,000.

Fiscal Note: Funds from the Federal Transit Administration (FTA) and the Florida Department of Transportation (FDOT) in the amount of \$95,000 annually are available in the RTS ADA operating budget for these services.

RECOMMENDATION

The City Commission authorize the City Manager or his designee to execute a contract with Transitional Living of North Central Florida dba Center for Independent Living of North Central Florida, for ADA Eligibility and Certification Determination, etc., subject to approval by the City Attorney as to form and legality.

[160968A_ADA Cert RFP_20170518.pdf](#)

[160968B_Addendum 1_20170518.pdf](#)

[160968C_Addendum 2_20170518.pdf](#)

[160968D_CIL Response_20170518.pdf](#)

[160968E_Bid Record_20170518.pdf](#)

[160968F_Negotiation Email Confirmation_20170518.pdf](#)

[160968G_Proposal Evaluation_20170518.pdf](#)

[160969.](#)

Contract Award to Tolar Manufacturing Company, Inc., for Bus Stop Amenities (B)

This item is a request to approve the recommended award and execute a contract with Tolar Manufacturing Company, Inc., for Bus Stop Amenities.

Explanation: On April 5, 2017, the City's Purchasing Division solicited an Invitation to Bid (ITB) for bus stop amenities. The ITB process was implemented in compliance with, and as required by, the Federal Transit Administration (FTA), Florida Statutes and City of Gainesville policies.

Four (4) proposals were submitted by the deadline. The lowest bid meeting all requirements and specifications was from Tolar Manufacturing Company, Inc.

RTS desires to enter into a contract for three (3) years with Tolar Manufacturing Company, Inc., not to exceed \$225,000 annually.

Fiscal Note: Funds from the Federal Transit Administration (FTA) and the Florida Department of Transportation (FDOT) in the amount of \$225,000 annually are available in the RTS capital budget.

RECOMMENDATION *The City Commission: 1) award the bid to the lowest responsive, responsible bidder; and 2) authorize the City Manager or his designee to execute a contract, subject to approval by the City Attorney as to form and legality.*

[160969A_Bus Stop Amenities ITB_20170518.pdf](#)

[160969B_Addendum 1_20170518.pdf](#)

[160969C_Addendum 2_20170518.pdf](#)

[160969D_Engineering Design Construction Manual_20170518.pdf](#)

[160969E_Submittal-Brasco Intl Inc_20170518.pdf](#)

[160969F_Submittal-Jericho Palm_20170518.pdf](#)

[160969G_Submittal-PRIDE Enterprises_20170518.PDF](#)

[160969H_Submittal-Tolar Manuf Co_20170518.pdf](#)

[160969I_Bid Record_20170518.pdf](#)

[160969J_Bid Tab ITB_20170518.pdf](#)

[160995.](#)

Assistance to Firefighters Fire Prevention and Safety Grant Application FY2016 (NB)

This item requests that the City Commission authorize the City Manager or designee to apply for and, if awarded, accept grant funds from the FY2016 US Department of Homeland Security, Federal Emergency Management Agency Fire Prevention and Safety Grant Program.

Explanation: The Fire Prevention and Safety Grants are part of the Assistance to Firefighters Grants and support projects that enhance the safety of the public and firefighters from fire and related hazards. The primary goal is to reduce injury and prevent death among high-risk populations. The application period for the FY2016 funding opens April 17, 2016 and closes May 19, 2017. Gainesville Fire Rescue proposes the submission of an application that would fund a Home Fire Sprinkler initiative, to raise community awareness about the lifesaving benefits of installing a home sprinkler system in newly constructed homes; funding to revive GFR's "Project Get Alarmed" smoke alarm, CO detector, and home safety evaluation program, which targets economically challenged residents; and the purchase of an inflatable fire safety house designed to enhance home fire safety education and awareness. The Home Fire Sprinkler Initiative will augment GFR's planned economic impact study of all community specific incentives available to absorb the full cost of

installing a residential fire sprinkler system, funding for which was approved by the City Commission in October 2015. Project Get Alarmed has proven to be a resounding community success since 2004, but inconsistent funding creates a concerning backlog of applications. The inflatable fire safety house is customizable and designed to deliver numerous fire safety messages, as well as, participation-based lessons, including practice of home escape plans.

Fiscal Note: The City could receive up to \$103,750. Matching funds of five percent (5%) or approximately \$5,187.50 will be identified in the department's budget.

RECOMMENDATION

The City Commission authorize the City Manager or designee to: 1) submit the grant application; and 2) if awarded, execute the grant contract, pending approval by the City Attorney as to form and legality.

[160997](#)

LiDAR - Light Detection and Ranging Update (B)

This item is to approve an expenditure of \$115,200 and request City Commission approval to accept cost share funding from St. Johns River Water Management District, Florida Department of Environmental Protection, and University of Florida.

MODIFICATION - CHANGED TEXT FILE LANGUAGE

Explanation: The City Of Gainesville high density LiDAR project is a value added enhancement to the digital orthophotography and low density LiDAR being developed for the Alachua County Property Appraiser by the Florida Department of Revenue. A hydrologic digital elevation model will be developed from the LiDAR data. The digital elevation model will be a community resource that is used to plan site and roadway improvements and utility extensions. LiDAR was last collected in the Gainesville Urban Area in 2008. Data collection technology has improved greatly since that time.

By joining with the Alachua County Digital Orthophotography Project, the City will save mobilization costs. Additional volume discounts are received by including the areas of interest (the St. Johns River Water Management District, the Florida Department of Environmental Protection, the Florida Department of Transportation, the University of Florida, and Gainesville Regional Utilities) into seamless coverage of the Gainesville Urban Area.

Fiscal Note: The total project amount is not to exceed \$115,200. The cost share contributions are available from: St. Johns River Water Management District \$16,000, Florida Department of Environmental Protection \$17,200, Florida Department of Transportation \$30,000, University of Florida \$2,000, Gainesville Regional Utilities \$20,000. The cost share from the Florida Department of Transportation is included in the Second

Amendment to the Interlocal Agreement for Allocation and Implementation of the NPDES Requirements for the Orange Creek Basin Management Action Plan. The Gainesville Regional Utilities cost share contribution has been approved by management staff. The City Of Gainesville Public Works Department will administer the contract agreement and contribute \$30,000 in SMU funding. \$6,200 of the Florida Department of Environmental Protection contribution may be used for additional field surveys if needed.

RECOMMENDATION

The City Commission: 1) authorize the total expenditure of not to exceed \$115,200 and 2) authorize the City Manager to accept the cost share funding from the St. Johns River Water Management District, the Florida Department of Environmental Protection and the University of Florida, and to execute all related documents, subject to approval by the City Attorney as to form and legality.

[160997A_Lidar Acquisition_20170518.pdf](#)

[160997B_Aerial Lidar_20170518.pdf](#)

[161001.](#)

Interlocal Agreement for the Allocation and Implementation of National Pollutant Discharge Elimination System (NPDES) Program Requirements and for Orange Creek Basin Management Action Plan (OCBMAP) Projects (B)

This item requests City Commission approval to execute an Interlocal Agreement between Alachua County and the City of Gainesville for the allocation and implementation of NPDES program requirements and OCBMAP projects.

Explanation: The City of Gainesville, Alachua County (County), and the Florida Department of Transportation (FDOT) entered into a tri-party Interlocal Agreement for the joint implementation of the National Pollutant Discharge Elimination System (NPDES) Phase II Municipal Separate Stormwater Systems (MS4) program in the Gainesville Urbanized Area in September of 2001. This Interlocal Agreement presented a financial plan for the implementation of programs to meet requirements of the Clean Water Act. Since that time the City has served as the administrative body of the Gainesville Clean Water Partnership - a Partnership under which the City, County and FDOT have worked cooperatively on programs that meet Clean Water Act requirements.

Upon expiration of the tri-party agreement on September 30, 2012, FDOT and Alachua County mutually agreed to enter into separate five-year Interlocal Agreements with the City for continued collaborative implementation of programs that meet permit requirements. The City is

establishing an agreement with the FDOT for the time period covering 2018-2022. The City and County seek to establish a similar agreement for this time period.

Fiscal Note: Over the five-year term of the agreement, the County will provide up to \$796,480 to the City of Gainesville for allocation and implementation of NPDES programs. The City's portion of the costs for implementation of NPDES programs is up to \$1,608,599 over the five-year term contingent on approval of Stormwater Management Utility fund (SMU) allocations.

RECOMMENDATION

The City Commission: 1) approve the Interlocal Agreement with Alachua County for the allocation and implementation of the NPDES Program Requirements; and 2) authorize the City Manager to execute the Interlocal Agreement with Alachua County, subject to approval by the City Attorney as to form and legality.

[161001 Agreement 20170518.pdf](#)

[160921.](#)

WILLIAM TROTTER, JR. VS. TONY JONES IN HIS OFFICIAL CAPACITY AS CHIEF OF POLICE OF GAINESVILLE, FLORIDA; OFFICER TONY FERRO, INDIVIDUALLY; AND OFFICER JOHN DOE, INDIVIDUALLY; COURT CASE NO. 1:17-CV-53 (B)

Explanation: On March 3, 2017, Plaintiff William Trotter filed a Complaint in the U.S. District Court for the Northern District of Florida against the City of Gainesville, Officer Tony Ferro, and an additional unnamed officer. On April 5, 2017, Officer Ferro and Chief Jones were served with a Summons and Complaint. Mr. Trotter was arrested by Officer Ferro in 2014 on charges of resisting arrest without violence. Mr. Trotter alleges there was no probable cause for the arrest and search and that excessive force was used, resulting in a violation of his constitutional rights. He claims to have suffered bodily injuries, pain and suffering, and other compensatory damages. Mr. Trotter is seeking compensatory and punitive damages as well as attorney's fees.

RECOMMENDATION

The City Commission authorize special counsel since insurance coverage is available to separately represent the City and the individual officers in the case styled William Trotter, Jr. vs. Tony Jones in his Official Capacity as Chief of Police of Gainesville, Florida; Officer Tony Ferro, Individually; and Officer John Doe, Individually; Court Case No. 1:17-CV-53.

[160921 William Trotter vs Tony Jones et al 20170518.pdf](#)

170046.

General Policy Committee Referral List - Removal of Items (NB)

MODIFICATION - ADDED ITEM

RECOMMENDATION

The City Commission approve the removal of the following items from the General Policy Committee Referral List.

1) 160264; 2) 160277; 3)160307; 4)160310; 5) 160465; 6) 160518; 7) 160652; 8) 160816; 9) 160940; 10) 160979; 11)160980; 12) 170021; 13) 170025; and 14) 170027.

[170047.](#)

General Policy Committee Referral List - Amend General Policy Committee Referral List (B)

MODIFICATION - ADDED ITEM

RECOMMENDATION

The City Commission approve the amended General Policy Committee Referral List.

1) 140699 (add 170027); 2)150991 (add 160307); 3) 160101(rename to: Broadband Connectivity Update); 4) 160311 (rename to: Discussion of Reducing Minor Arrests by GPD; 5) 160396 (add 160310); 6) 160461 (rename to:Discussion of the Federal and State Legislative Affairs; 7) 160464 (add 160980); 8) 160774 (rename to: Human Resources Family Leave Policy; 9) 160876 (add 170021 and 170025); and 10) 160879 (add 160979).

[170047 MOD Referral List_20170518.pdf](#)

ADOPTION OF THE 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.

[170002.](#)

Options for Consideration of a Forensic Audit Biomass Contract Procurement (B)

MODIFICATION - ADDED BACK-UP

Explanation: At the July 16, 2015 City Commission meeting, the Commission requested the City Auditor conduct a review and report back with options for a possible forensic audit of the GREC contract.

RECOMMENDATION

The City Auditor recommends that the City Commission consider the options presented and

act according to Commission desires.

[170002 Options For Forensic Audit 20170518.pdf](#)

[170002A Exhibits A- II w Appendix tabbed and labeled 20170518.pdf](#)

[170010.](#)

Proposed Gainesville Renewable Energy Center Asset Purchase Agreement Evaluation (B)

MODIFICATION - ADDED BACK-UP

Explanation: On April 6, 2017, the City Commission amended the 2017 Annual Audit Plan to add an evaluation by the City Auditor of the proposed purchase of the GREC plant.

RECOMMENDATION

The City Auditor recommends that the City Commission accept the report.

[170010 Proposed GREC Asset Purchase Agreement Eval 20170518.pdf](#)

[170010B Appendix B - GREC Asset Purchase Evaluation Calculations 201705](#)

[150938.](#)

Interlocal Agreement with Alachua County for Local Option Fuel Tax (B)

Section 336.025, Florida Statutes allow counties to impose local option gas tax of one to eleven cents on motor fuel sold in a county, with the revenue generated by such tax to be used by county and municipal governments only for transportation expenditures authorized by law. There are three interlocal agreements with Alachua County identifying the formulas for the distribution of these funds.

MODIFICATION - ADDITIONAL BACK-UP AND NEW POWERPOINT

Explanation: On November 14, 2016 during the Joint City Commission/County Commission meeting the City Commission took the following action: 1) set aside 10% funding for the other municipalities and split the remaining 90% between City of Gainesville and Alachua County 45% / 45% for a ten year term with a five year reopener; and 2) directed staff to review possible joint funding of RTS service benefiting areas such as the SWAG or other possible joint projects.

Florida Statutes Chapter 336.025 provides that the County may establish an interlocal agreement with one or more municipalities representing a majority of the population of the incorporated area within the County prior to June 1st for the continuation of the Local Option Gas Tax for the subsequent calendar year. Therefore, if the City Commission desires to enter into an Interlocal Agreement for distribution of the 4th, 5th, and 6th cents of Local Option Gas Tax an agreement must be executed between the City of Gainesville and Alachua County by June 1, 2017.

This topic was discussed at the March 6, 2017 Joint City Commission/County Commission meeting. The City Commission approved a motion to authorize the City Manager to negotiate an agreement with the net result of a 45% / 45% split over a 10 year period. This was intended to allow flexibility for the County to receive a higher level of funding in the early years as long as the final total distribution over the 10 years equals the 45% / 45% split.

Subsequently the County Commission met on March 30, 2017 as part of a budget meeting and discussed the gas tax including four potential options from the County's perspective that were provided to the City Manager by the County Manager. After discussion, the County Commission approved a motion directing the County Manager to "proceed with option 4" and prepare his Preliminary Budget based on the 4th, 5th and 6th cents of the gas tax expiring at the end of 2017. A second motion directed "the Chair, Vice Chair and County Manager to meet counterparts (City of Gainesville Mayor, Mayor Pro-Tem, and City Manager) to discuss electioneering strategy and timing of any of these tax issues with the notion of placing an infrastructure tax for transportation and public safety on a 2020 ballot so we can make room for the Children's Services Initiative on the 2018 ballot and authorize a Chair letter to the City of Gainesville requesting a meeting."

The City Commission has received two additional letters from the County Commission on May 3, 2017 and May 10, 2017 and also briefly discussed the topic at the May 4, 2017 City Commission meeting as requested by Commissioner Budd.

Fiscal Note: Using updated projections of total tax revenue, if the 4th, 5th and 6th cents of the gas tax are not renewed in 2018, the City will experience an annual reduction in gas tax revenue of approximately \$1,494,694. The specific FY 18 reduction in revenue would be approximately \$1,121,021 since the tax will be collected for the first three months of FY 18 through December 31, 2017. The loss in revenue would need to be addressed as part of the FY 18 budget.

As a reminder, the City's portion of the annual revenue from the 11 cents of Local Option Gas Tax under the current distributions is approximately \$5,359,912. Alachua County's portion is \$6,772,026 and the Other Municipalities receive \$1,210,042. Under the City Commission's recommended funding split the City would receive \$6,003,891, Alachua County would receive \$6,003,891 and the Other Municipalities would receive in total \$1,334,198.

The Staff Analysis has not been modified from the last version and remains in the backup.

RECOMMENDATION

The City Commission hear a brief update and discuss the item.

Legislative History

5/5/16	City Commission	Discussed
5/12/16	General Policy Committee	Discussed

5/19/16	City Commission	Approved as Amended
10/13/16	General Policy Committee	Discussed
11/14/16	City Commission	Approved, as shown above
12/8/16	General Policy Committee	Discussed
3/6/17	City Commission	Approved, as shown above
4/13/17	General Policy Committee	Heard

[150938B Gas Tax Estimates under Different Agreement Options 20160505.pdf](#)
[150938A Gas Tax Graph 20160505.pdf](#)
[150938-MOD Gas Tax Powerpoint 20160505.pdf](#)
[150938 agreement local option fuel tax 20160519.pdf](#)
[150938A Gas Tax Presentation GPC 20161013.pdf](#)
[150938B Proposed Interlocal Spreadsheet 20161013.pdf](#)
[150938C Transp Exp-Self Defined Spreadsheet 20161013.pdf](#)
[150938D Transp Exp AFR Spreadsheet 20161013.pdf](#)
[150938E Transp Exp DOT Spreadsheet 20161013.pdf](#)
[150938F Population Spreadsheet 20161013.pdf](#)
[150938G Road Miles Spreadsheet 20161013.pdf](#)
[150938H Charts and Graphs 20161013.pdf](#)
[150938A Staff Analysis Local Option Gas Tax 20161114.pdf](#)
[150938B Attachment A Overall Priority List 20161114.pdf](#)
[150938C Attachment B Road Projects 20161114..pdf](#)
[150938D Attachment C Transit Projects 2016 - 8 years 20161114.pdf](#)
[150938E Attachment D Map 20161114.pdf](#)
[150938F Attachment E Gas Tax 16 20161114.pdf](#)
[150938G Gas Tax Fund 20161114.pdf](#)
[150938H Local Option Fuel Taxes 20161114.pdf](#)
[150938I 2015LOFTrates 20161114.pdf](#)
[150938A Staff Analysis 20161208.pdf](#)
[150938B Attachment A Overall Priority List 20161208.pdf](#)
[150938C Attachment B Road Projects 20161114..pdf](#)
[150938D Attachment C Transit Projects 2016 - 8 years 20161208.pdf](#)
[150938E Attachment D Map 20161208.pdf](#)
[150938F Attachment E Gas Tax 16 20161208.pdf](#)
[150938G Gas Tax Fund 20161208.pdf](#)
[150938H Local Option Fuel Taxes 20161208.pdf](#)
[150938I 2015LOFTrates 20161208.pdf](#)
[150938J County Presentation 20161208.pdf](#)
[150938 Options List 20170413.pdf](#)
[150938A Letter Road Projects 20170518.pdf](#)
[150938B Letter Proposed Joint Mtg 20170518.pdf](#)
[150938A-MOD Presentation 20170518.pdf](#)
[150938B-MOD Interlocal for addl five cents 20170518.pdf](#)
[150938C-MOD Interlocal for addl five cents - first amendment 20170518.pdf](#)
[150938D-MOD Reductions Memo 20170518.pdf](#)

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

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

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

4:30 - 5:30pm Dinner Break

5:30 - Call to order Evening Session

PLEDGE OF ALLEGIANCE

Mr. Bob Gasche

PROCLAMATIONS/SPECIAL RECOGNITIONS

[170028.](#)

Special Recognition of Energy Delivery Apprentice Line Workers (NB)

Explanation: Each year, the Florida Municipal Electric Association (FMEA) sponsors the Florida Lineman Competition. Utilities from around the state send their best and brightest journeyman and apprentice line workers to compete in team and individual events designed to showcase their skills and abilities. Competitors earn points for completing the tasks as quickly as possible and lose points if safety standards and proper work practices are not met.

The Energy Delivery Electric Transmission and Distribution division took nine Apprentice Line Workers to the FMEA's 17th Annual Florida Lineman Competition in Lakeland, Florida, on April 22 & 23, 2017. This year's event was hosted by Lakeland Electric and held at Tigertown Complex in Lakeland.

Representing GRU in the competition were Dalton Thacker, Cason Nessmith, Justin Dickerson, Sam Bailey, Kortland Key, Michael Morgan, John Reger, Chris Morrow and Daniel Ash. Jason Gore, Gary McKenzie and David Sparks represented GRU as judges for the competition.

Out of 76 Apprentice linemen in the competition, GRU's Michael Morgan placed first in the overall competition and Daniel Ash placed fourth.

Michael received a check to be applied towards participation in the national competition. Michael also received a second place trophy for the Crossarm Brace Change Out and fifth place in the Apprentice Written Test. Dan Ash also placed first in the Hurt Man Rescue, third in the Crossarm Brace Change Out and fourth in the Insulator Relocation. Also receiving trophies were Kortland Key, who placed first in the Cross Arm Brace Change Out, second in the Mystery Event and fourth in the Hurt Man Rescue; John Reger, who placed fourth in the Apprentice Written Test; and Cason Nessmith, who placed fifth in the Hurt Man Rescue. Justin Dickerson placed fifth in the Phase Transfer event.

Overall this was a very successful endeavor for GRU. Our apprentice line workers competed to a very high standard and represented GRU well. This whole team gave the utility some bragging rights that have eluded us for several years. We have a great future in store with these young guys coming up.

RECOMMENDATION *The City Commission hear a presentation by Energy Delivery staff and Apprentice Line Workers.*

[170039.](#)

Special Recognition for Pineridge Community Center Volunteers (B)

RECOMMENDATION *The City Commission hear the Special Recognitions for the Pineridge Community Center Volunteers 2017*

Geneva Webb

*Temple Shir Shalom:
Rabbi Michael Joseph
Mrs. Randy Kraft
Ms. Normal Green
Ms. Helen Korablue
Ms. Marsal Storch
Ms. Pat Heilmann*

*Aces in Motion (Tennis Group)
Mr. Addison Staples
Ms. Shannon Fenn
Ms. Kajeen Monroe
Mr. Kelly Sykes*

*BHS
Ms. Flammond and Students*

*Greater Bell United Methodist Church- Brooker, FL
Mrs. Altamease Douglas
Ms. Helen Morten*

Peaceful Paths

*Ms. Amanda Gleason
Ms. Katie Groves
Ms. Alice Primack
Ms. Cheryl Poe
Mr. Tom Bullock*

[170039_PineridgeRecognitions_20170518.pdf](#)

[170036.](#)

Memorial Day - May 29, 2017 (B)

RECOMMENDATION

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

[170036_MemorialDay_20170518.pdf](#)

[170037.](#)

Small Business and Economic Development Month - May 2017 (B)

MODIFICATION - CHANGED TEXT FILE LANGUAGE

RECOMMENDATION

*Nkwanda Jah and Associate Vice President,
Economic Development, Santa Fe College CIED
Dug Jones to accept the proclamation.*

[170037_SmallBusinessEconomicDevelopment_20170518.pdf](#)

[170038.](#)

Emergency Medical Services Week - May 21-27, 2017 (B)

RECOMMENDATION

*Gainesville Fire Rescue to accept the
proclamation.*

[170038_EMSWeek_20170518.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

[160999.](#)

Resolution for Interlocal Agreement for the Allocation and Implementation of National Pollutant Discharge Elimination System (NPDES) Program Requirements and for Orange Creek Basin Management Action Plan (OCBMAP) Projects (B)

This item is a Resolution authorizing the City Manager to execute an

Interlocal Agreement between the Florida Department of Transportation and City of Gainesville for the allocation and implementation of NPDES program requirements and OCBMAP projects.

Explanation: The City of Gainesville, Alachua County (County), and the Florida Department of Transportation (FDOT) entered into a tri-party Interlocal Agreement for the joint implementation of the National Pollutant Discharge Elimination System (NPDES) Phase II Municipal Separate Stormwater Systems (MS4) program in the Gainesville Urbanized Area in September of 2001. This Interlocal Agreement presented a financial plan for the implementation of programs to meet requirements of the Clean Water Act. Since that time, the City has served as the administrative body of the Gainesville Clean Water Partnership - a Partnership under which the City, County and FDOT have worked cooperatively on programs that meet Clean Water Act requirements.

Upon expiration of the tri-party agreement on September 30, 2012, FDOT and Alachua County mutually agreed to enter into separate five-year Interlocal Agreements, covering the permit period of 2012-2017 with the City for continued collaborative implementation of programs that meet permit requirements. This agreement will continue these collaborations for the 2018-2022 permit period.

Fiscal Note: Over the five-year term of the agreement, from October of 2018 to September of 2022, the FDOT will provide up to \$1,085,095 to the City of Gainesville for allocation and implementation of NPDES programs and OCBMAP projects. The City of Gainesville's portion of the costs for implementation of NPDES programs is \$1,608,599 and select OCBMAP projects is \$550,000 for a total of up to \$2,158,599 over the five-year term contingent on Stormwater Management Utility funds (SMU) and the Capital Improvement Plan process allocation to meet the required match for these programs and projects.

RECOMMENDATION

The City Commission adopt the Resolution authorizing the City Manager to execute an interlocal agreement with the Florida Department of Transportation, subject to approval by the City Attorney as to form and legality.

[160999A_Resolution_20170518.pdf](#)

[160999B_FDOT_Agreement_20170518.pdf](#)

[161000.](#)

Resolution for Local Agency Program Agreements for Norton Multimodal Trail (B)

Resolution authorizing the City Manager to execute a Local Agency Program (LAP) agreement between the City of Gainesville and the Florida Department of Transportation for design and construction of

**the extension of the Norton multimodal trail from NW 45th Ave
(current trail termini) to NW 39th Ave.**

Explanation: The Florida Department of Transportation (FDOT) notified the City of funding availability in FY2016-2017 and FY2017-2018 for the design and construction of the multimodal trail between NW 45th Ave and NW 39th Ave. This is in response to the City's application for funding under the Transportation Alternatives program through the Metropolitan Transportation Planning Organization (MTPO) dated October 2013.

The project was identified as a priority in the MTPO's List of Priority Projects and Transportation Improvement Plan. Construction of the project aligns with the City's strategic framework that seeks to plan for a better future, promote opportunities for all citizens, and to be a community model by providing a mix of facility types that encourage alternative transportation and physical activity.

The City of Gainesville is a FDOT certified local agency. The resolution allows the City to enter into agreements with FDOT to presently fund and implement projects and receive reimbursement when FDOT funding is scheduled. The City is requesting to enter into an agreement with FDOT for design and construction of the Norton Trail project.

Fiscal Note: The project will be funded by FDOT through a LAP agreement for design, construction, and construction engineering and inspection (CEI); a total of \$328,800 is available from FDOT in FY2016-2017 and FY2017-2018. In addition, approximately \$24,000 is available in TMPA funds to advance the design phase.

RECOMMENDATION

The City Commission adopt the resolution authorizing the City Manager to execute all necessary documents related to the Local Agency Program agreement, subject to review by the City Attorney as to form and legality.

[161000A Resolution NortonTrail 20170518.pdf](#)

[161000B Exhibit B Construction- 20170518.pdf](#)

[161000C Exhibit B Design 20170518.pdf](#)

[161000D MTPO Priority List 20170518.pdf](#)

[161000E Site Illustration 20170518.pdf](#)

ORDINANCES, 1ST READING - ROLL CALL REQUIRED

[160682](#)

**VACATION OF PUBLIC RIGHT-OF-WAY - PORTION OF
SOUTH SIDE OF SW 5TH AVENUE LYING BETWEEN SW 11TH
DRIVE AND SW 10TH DRIVE (B)**

Ordinance No. 160682; Petition PB-16-181 SVA

An ordinance of the City of Gainesville, Florida, to vacate, abandon, and close a certain portion of public right-of-way on the south side of SW 5th Avenue lying between SW 11th Drive and SW 10th Drive, as more specifically described in this ordinance; providing directions to the Clerk of the Commission; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

This ordinance vacates a public right-of-way that is an approximately 10'x150' portion of SW 5th Avenue (south side) lying between SW 11th Drive and SW 10th Drive. The property is located in the University Heights Special Area and University Heights Historic District-South. According to the applicant, the purpose of the request is to allow three relocated historic structures to be closer to the sidewalk; to match a previous vacation of public right-of-way located in the vicinity of SW 5th Avenue; and to allow for a more efficient placement of point of service locations for GRU.

The criteria for the vacation of public streets or public places are found in both Policy 10.2.1 of the Transportation Mobility Element of the Comprehensive Plan and Section 30-192 of the Land Development Code. Specifically, Policy 10.2.1 of the Transportation Mobility Element states that the City shall not close or vacate streets except under the following conditions: 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.

Section 30-192 of the Land Development Code states that, in order to vacate public right-of-way, the City Commission shall find that: A) the public street or public place no longer serves a public purpose; or B) the vacation of the public street or public place is in the public interest. In making this determination, Section 30-192 requires the City Commission to consider the following criteria in determining whether the vacation is in the public interest: 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 action would deny access to private property; D) the effect of the proposed action upon public safety; E) the effect of the proposed action upon the safety of pedestrians and vehicular traffic; F) the effect of the proposed action upon the provision of municipal services including but not limited to emergency service and waste removal; G) the necessity to relocate both public and private utilities; and H) the effect of the proposed action on the design and character of the area.

The City Plan Board, on February 23, 2017, held a public hearing and voted to recommend that the City Commission approve Petition PB-16-181 SVA.

CITY ATTORNEY MEMORANDUM

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

RECOMMENDATION *The City Commission: 1) approve Petition No. PB-16-181 SVA; and 2) adopt the proposed ordinance.*

[160682 Staff report and Exh A-B 20170223](#)

[160682_draft ordinance 20170518.pdf](#)

[160682B Staff report and Exh A-B 20170518](#)

[160682C CPB minutes 20170518](#)

[160682D Staff PPT 20170518](#)

[160740.](#)

AMENDMENT TO ELECTIONS CODE RELATING TO THE DESIGNATION OF THE REGISTRATION AND QUALIFYING OFFICER (B)

Ordinance No. 160740

An ordinance of the City of Gainesville, Florida, amending Chapter 9 of the Code of Ordinances relating to elections; amending Section 9-6 as it relates to the designation of the registration and qualifying officer; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: The City Commission at its meeting of February 16, 2017 approved the Interlocal Agreement for Election Services. The Agreement provides that the Clerk of the Commission is designated as the registration and qualifying officer for City elections. This amendment addresses this provision of the Agreement and also provides that the City may contract with the Supervisor of Elections to take back these duties. This ordinance requires two hearings and shall become effective immediately upon adoption.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

2/16/17 City Commission Approved, as shown above

[160740 Election Services Agreement 20170216.pdf](#)

[160740 election agreement 20170216.pdf](#)

[160740 Elections Agreement 20170216.pdf](#)

[160740 draft elections ordinance 20170518.pdf](#)

[160744.](#)

**VOLUNTARY ANNEXATION - 108 ACRES OF PROPERTY
SOUTH OF SW ARCHER ROAD AND WEST OF I-75 (B)**

Ordinance No. 160744

An ordinance of the City of Gainesville, Florida, annexing approximately 108.3 acres of privately-owned property that is generally located south of SW Archer Road, west of Tax Parcel No. 07240-049-000 and the existing City of Gainesville boundary, north of SW 57th Avenue, and east of SW 63rd Boulevard, as more specifically described in this ordinance, as petitioned for by the property owners 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: This ordinance, at the request of the property owners of the subject property, will annex into the corporate limits of the City of Gainesville approximately 108.3 acres of privately-owned property that is generally located south of SW Archer Road, west of Tax Parcel No. 07240-049-000 and the existing City of Gainesville boundary, north of SW 57th Avenue, and east of SW 63rd Boulevard, as more specifically described in this ordinance. At the request of the property owners seeking annexation into the City of Gainesville, the City Commission on March 2, 2017, received and accepted a petition for voluntary annexation of the property and directed the City Attorney to prepare an 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."

Contiguous

Section 171.031, F.S., of the Act defines "contiguous" as follows: "a substantial part of a boundary of the territory sought to be annexed by a municipality is coterminous with a part of the boundary of the municipality. The separation of the territory sought to be annexed from the annexing municipality by a publicly owned county park; a right-of-way for a highway, road, railroad, canal, or utility; or a body of water, watercourse, or other minor geographical division of a similar nature, running parallel with and between the territory sought to be annexed and the annexing municipality, shall not prevent annexation under this act, provided the presence of such a division does not, as a practical matter, prevent the territory sought to be annexed and the annexing municipality from becoming a unified whole with respect to municipal services or prevent their inhabitants from fully associating and trading with each other, socially and economically."

When used in the context of municipal annexation, a Florida District Court of Appeal has articulated further that "contiguous" means "touching or adjoining in a reasonably substantial...sense." City of Sanford v. Seminole County, 538 So. 2d 113 (Fla. 5th DCA 1989).

Reasonably Compact

The Act requires voluntary annexations to be "reasonably compact," and defines "compactness" in Section 171.031, F.S., as: "concentration of a piece of property in a single area and precludes any action which would create enclaves, pockets, or finger areas in serpentine patterns. Any annexation proceeding in any county in the state shall be designed in such a manner as to ensure that the area will be reasonably compact."

The Act provides no further definitions or explanation of the "reasonably compact" requirement (with the exception of defining "enclave" as discussed below; 'enclave' is mentioned in the Act both within the definition of 'compactness' and as a stand-alone provision of the Act). However, case law from Florida's mid-level courts (i.e., Florida District Courts of Appeal; no cases on point from the Supreme Court of Florida) provide further elaboration on the "reasonably compact" requirement. Specifically, case law has defined the term "pocket" (which is included in the statutory definition of "compactness") as meaning "a small isolated area or group" when viewed "in relationship to the overall scope and configuration of the parcel in question and the surrounding municipal property," or meaning a voluntary annexation may not leave a small isolated unincorporated area "in a sea of incorporated property." City of Center Hill v. McBryde, 952 So. 2d 599 (Fla. 5th DCA 2007); City of Sanford v. Seminole County, 538 So. 2d 113 (Fla. 5th DCA 1989). Further, the term "serpentine" (which is also included in the statutory definition of "compactness") has been defined to mean "winding or turning one way and another," meaning voluntary annexations may not be shaped in a finger pattern that are winding or turning. City of Sanford v. Seminole County.

Enclave

Section 171.031, F.S., of the Act defines "enclave" as: "(a) any unincorporated improved or developed area that is enclosed within and bounded on all sides by a single municipality; or (b) any unincorporated improved or developed area that is enclosed within and bounded by a single municipality and a natural or manmade obstacle that allows the passage of vehicular traffic to that unincorporated area only through the municipality."

General Purpose of Municipal Corporation

A Florida Court of Appeal has described that, as a city considers any particular annexation of land, it is helpful to consider the general purpose and goals of a municipal corporation as follows: "the legal as well as the popular idea of municipal corporation in this country, both by name and use, is that of oneness, community, locality, vicinity; a collective body, not several bodies, a collective body of inhabitants-that is, a body of people collected or gathered together in one mass, not separated into distinct masses, and having a community of interest because residents of the same place, not different places. So, as to territorial extent, the idea of a city is one of unity, not of plurality; of compactness or contiguity, not separation or segregation." City of Sanford v. Seminole County.

Discussion

It is the opinion of city staff that the procedural and substantive requirements for voluntary annexation described in Section 171.044, F.S., have been met as follows: First, the annexation area is "contiguous" to the city limits because a substantial part of a boundary of the annexation area is coterminous with a part of the city boundary, and is touching or adjoining the city limits in a reasonably substantial sense. Second, the annexation area is "reasonably compact" because it is a reasonable concentration of property in a single area and does not create any enclaves, pockets, or finger areas in serpentine patterns. This annexation would not result in a pattern of land that is winding or turning, and would not create any small isolated unincorporated area that is left in a sea of incorporated property when viewed in relationship to the overall scope and configuration of the annexation area and surrounding municipal property. Third, this annexation would not create any "enclaves" because the annexation would not result in any unincorporated property that is either enclosed and bound on all sides by the city limits; or enclosed within and bounded by the city limits and a natural or manmade obstacle that allows the passage of vehicular traffic to that unincorporated area only through the city.

Therefore, and in light of the general purpose of municipal incorporation described above and the fact that a property owner has voluntarily requested to be annexed into the City of Gainesville, city staff recommends adoption of this voluntary annexation ordinance.

The City Commission must decide, based on the map of the annexation area, the opinion and testimony of city staff, and other competent

substantial evidence included in the record, whether the proposed annexation meets the essential requirements of the applicable state annexation law as described herein.

CITY ATTORNEY MEMORANDUM

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

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

3/2/17 City Commission Approved as Recommended

[160744A Letter of Transmittal 20170302](#)

[160744B 06943-002-000 20170302](#)

[160744C 06944-000-000 20170302](#)

[160744D 06944-001-000 20170302](#)

[160744E 06949-000-000 20170302](#)

[160744F 06949-001-000 20170302](#)

[160744G 06949-002-000 20170302](#)

[160744H 06951-000-000 20170302](#)

[160744I 06952-000-000 20170302](#)

[160744J 06952-001-000 20170302](#)

[160744K 06952-002-002 20170302](#)

[160744L 06952-003-000 20170302](#)

[160744M Annexation Map-Archer rd 20170302](#)

[160744 draft ordinance 20170518.pdf](#)

[160744B Staff PPT 20170518](#)

[160951.](#)

**WRITTEN INVESTMENT PLAN - ORDINANCE AND POLICY
(B)**

ORDINANCE NO. 160951

An Ordinance of the City of Gainesville, Florida, amending Sections 2-226, 2-227 and 2-438 regarding the director of finance and investment of funds of the City; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

MODIFICATION - ADDITIONAL BACK-UP

Explanation: Section 218.415, Florida Statutes, requires that investment activity by a local government must be consistent with a written investment plan

adopted by the governing body. After reviewing Government Finance Officers Association recommendations and other cities' investment ordinances, Finance Department staff proposes amending the City's Code of Ordinances to update the allowable types of investments and clarify that the Finance Director or his/her delegated subordinates have authority to invest funds of the City. In addition, Finance Department staff proposes updating the City's Investment Policy and obtaining City Commission approval of same. The ordinance requires two hearing and shall become effective immediately upon final adoption. The Policy will become effective upon Commission approval.

RECOMMENDATION *The City Commission: 1) adopt the proposed ordinance, and 2) approve the City Investment Policy.*

[160951_Written Investment Plan - Ordinance and Policy_20170518.pdf](#)

[160951A_City Investment Policy 2017_20170518.pdf](#)

[140818](#)

TEXT CHANGE - COMPREHENSIVE REVISION TO THE LAND DEVELOPMENT CODE (B)

Ordinance No. 140818

An ordinance of the City of Gainesville, Florida, comprehensively revising the Land Development Code (Chapter 30 of the City of Gainesville Code of Ordinances) by deleting the entirety of the existing text and adopting new text to delete certain existing zoning districts and special area plans, to create new zoning districts with associated regulations, and to reorganize, update, and clarify the text of the Land Development Code; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

This ordinance comprehensively amends the Land Development Code (Chapter 30 of the City of Gainesville Code of Ordinances) by deleting the entire existing text and adopting new text to: delete certain existing zoning districts and special area plans; create eight new zoning districts (called transect zones) with associated regulations; update and streamline many of the review and approval processes; and reorganize, update and clarify the text of the Land Development Code.

The City Plan Board, which acts pursuant to the authority granted in Section 4.02 of the Charter Laws of the City of Gainesville and which acts as the Local Planning Agency pursuant to Section 163.3174, Florida Statutes, held a series of public hearings and on December 3, 2014, voted to recommend that the City Commission approve this amendment to the text of the Land Development Code. Subsequently, the City Commission held a series of public hearings and on September

30, 2015, approved the petition associated with this ordinance and authorized the drafting of this ordinance.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings and shall become effective when Ordinance Nos. 140817 and 140819 become effective as provided therein.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

3/30/15	City Commission	Continued (Petition)
4/16/15	City Commission	Continued (Petition)
5/12/15	City Commission	Continued (Petition)
6/18/15	City Commission	Approved as Recommended
9/24/15	City Commission	Approved as Recommended

[140818A Staff report 20150330.pdf](#)
[140818B Exh A Application 20150330.pdf](#)
[140818C Exh B-1 Transect Zones and Standards 20150330.pdf](#)
[140818D Ch 30 Table of Contents 20150330.pdf](#)
[140818E Art I GenProvisions 20150330.pdf](#)
[140818F Art II Def and Rules 20150330.pdf](#)
[140818G Art III Vested Rights Reviewing 20150330.pdf](#)
[140818H Art IV ReviewAuthAndProced 20150330.pdf](#)
[140818I Art V District Regs 20150330.pdf](#)
[140818J Art VI Spec Reg Uses 20150330.pdf](#)
[140818K Art VII DevSubdivDesign 20150330.pdf](#)
[140818L Art VIII Parking and Loading Regs 20150330.pdf](#)
[140818M Art IX EnvMgmt 20150330.pdf](#)
[140818N Art X Sign Regs 20150330.pdf](#)
[140818O CPB minutes 20150330 .pdf](#)
[140818A Staff report 20150416.pdf](#)
[140818B Exh A Application 20150416.pdf](#)
[140818C Exh B-1 Transect Zones and Standards 20150416.pdf](#)
[140818D Ch 30 Table of Contents 20150416.pdf](#)
[140818E Art I GenProvisions 20150416.pdf](#)
[140818F Art II Def and Rules 20150416.pdf](#)
[140818G Art III Vested Rights Reviewing 20150416.pdf](#)
[140818H Art IV ReviewAuthAndProced 20150416.pdf](#)
[140818I Art V District Regs 20150416.pdf](#)
[140818J Art VI Spec Reg Uses 20150416.pdf](#)
[140818K Art VII DevSubdivDesign 20150416.pdf](#)
[140818L Art VIII Parking and Loading Regs 20150416.pdf](#)
[140818M Art IX EnvMgmt 20150416.pdf](#)
[140818N Art X Sign Regs 20150416.pdf](#)
[140818O CPB minutes 20150416 .pdf](#)
[140818A Staff report 20150512.pdf](#)
[140818B Exh A Application 20150512.pdf](#)
[140818C Exh B-1 Transect Zones and Standards 20150512.pdf](#)
[140818D Ch 30 Table of Contents 20150512.pdf](#)
[140818E Art I GenProvisions 20150512.pdf](#)
[140818F Art II Def and Rules 20150512.pdf](#)
[140818G Art III Vested Rights Reviewing 20150512.pdf](#)
[140818H Art IV ReviewAuthAndProced 20150512.pdf](#)

[140818I_Art V_District Regs_20150512.pdf](#)
[140818J_Art VI_Spec Reg Uses_20150512.pdf](#)
[140818K_Art VII_DevSubdivDesign_20150512.pdf](#)
[140818L_Art VIII_Parking and Loading Regs_20150512.pdf](#)
[140818M_Art IX_EnvMgmt_20150512.pdf](#)
[140818N_Art X_Sign Regs_20150512.pdf](#)
[140818O_CPB minutes_20150512.pdf](#)
[140818A_Staff report_20150618.pdf](#)
[140818B_Exh A_Application_20150618.pdf](#)
[140818C_Exh B-1 Transect Zones and Standards_20150618.pdf](#)
[140818D_Ch 30 Table of Contents_20150618.pdf](#)
[140818E_Art I_GenProvisions_20150618.pdf](#)
[140818F_Art II_Def and Rules_20150618.pdf](#)
[140818G_Art III_Vested Rights Reviewing_20150618.pdf](#)
[140818H_Art IV_ReviewAuthAndProced_20150618.pdf](#)
[140818I_Art V_District Regs_20150618.pdf](#)
[140818J_Art VI_Spec Reg Uses_20150618.pdf](#)
[140818K_Art VII_Development and Subdivision Design_20150618.pdf](#)
[140818L_Art VIII_Parking and Loading Regs_20150618.pdf](#)
[140818M_Art IX_EnvMgmt_20150618.pdf](#)
[140818N_Art X_Sign Regs_20150618.pdf](#)
[140818O_CPB minutes_20150618.pdf](#)
[140818A_Staff report_20150930.pdf](#)
[140818B_Exh A_Application_20150930.pdf](#)
[140818C_Exh B-1 Transect Zones and Standards_20150930.pdf](#)
[140818D_Ch 30 Table of Contents_20150930.pdf](#)
[140818E_Art I_GenProvisions_20150930.pdf](#)
[140818F_Art II_Def and Rules_20150930.pdf](#)
[140818G_Art III_Vested Rights Reviewing_20150930.pdf](#)
[140818H_Art IV_ReviewAuthAndProced_20150930.pdf](#)
[140818I_Art V_District Regs_20150930.pdf](#)
[140818J_Art VI_Spec Reg Uses_20150930.pdf](#)
[140818K_Art VII_Development and Subdivision Design_20150930.pdf](#)
[140818L_Art VIII_Parking and Loading Regs_20150930.pdf](#)
[140818M_Art IX_EnvMgmt_20150930.pdf](#)
[140818N_Art X_Sign Regs_20150930.pdf](#)
[140818O_CPB minutes_20150930.pdf](#)
[140818B_Exec Summary and Revised Staff Rreport_2017051817](#)

[140818C Staff PPT 20170518](#)
[140818A1 draft ordinance 20170518.pdf](#)
[140818A2 draft ordinance exhibit A cover & TOC 20170518.pdf](#)
[140818A3 draft ordinance exhibit A Article I 20170518.pdf](#)
[140818A4 draft ordinance exhibit A Article II 20170518.pdf](#)
[140818A5 draft ordinance exhibit A Article III 20170518.pdf](#)
[140818A6 draft ordinance exhibit A Article IV 20170518.pdf](#)
[140818A7 draft ordinance exhibit A Article V 20170518.pdf](#)
[140818A8 draft ordinance exhibit A Article VI 20170518.pdf](#)
[140818A9 draft ordinance exhibit A Article VII 20170518.pdf](#)
[140818A10 draft ordinance exhibit A Article VIII 20170518.pdf](#)
[140818A11 draft ordinance exhibit A Article IX 20170518.pdf](#)
[140818A12 draft ordinance exhibit A Article X 20170518.pdf](#)

[140820.](#)

LEGISLATIVE REZONING - AMEND ZONING MAP ATLAS BY REMOVING SPECIAL AREA PLANS AND REZONING APPROXIMATELY 1,829 ACRES OF PROPERTY (B)

Ordinance No. 140820

An ordinance amending the Zoning Map Atlas of the City of Gainesville, Florida, by deleting the Special Area Plan for NW 39th Avenue overlay zoning district; deleting the Special Area Plan for Triangle overlay zoning district; deleting the Special Area Plan for College Park overlay zoning district; deleting the Special Area Plan for Traditional City overlay zoning district; deleting the Special Area Plan for Central Corridors overlay zoning district; deleting the Special Area Plan for University Heights overlay zoning district; deleting the Special Area Plan for Southwest 13th Street overlay zoning district; deleting the Special Area Plan for Southeast Gainesville Renaissance Initiative Area overlay zoning district; rezoning approximately 1,829 acres of property FROM one of the following zoning districts: Single-Family Residential (RSF-1), Single-Family Residential (RSF-3), Single-Family Residential (RSF-4), Residential Low-Density (RMF-5), Multiple-Family Medium-Density Residential (RMF-6), Multiple-Family Medium-Density Residential (RMF-7), Multiple-Family Medium-Density Residential (RMF-8), Residential Low-Density (RC), Residential Mixed-Use (RMU), Residential High-Density (RH-1), Residential High-Density (RH-2), Office Residential (OR), General Office (OF), General Business (BUS), Automotive-Oriented Business (BA), Tourist-Oriented Business (BT), Mixed-Use Low-Intensity (MU-1), Mixed-Use Medium-Intensity (MU-2), Central City District (CCD), Urban Mixed-Use District 1 (UMU-1), Urban Mixed-Use District 2 (UMU-2), Warehousing and

Wholesaling (W), Limited Industrial (I-1), General Industrial (I-2), Medical Services (MD), Public Services and Operations District (PS), or Planned Development District (PD) TO one of the following zoning districts: Educational Services (ED), Medical Services (MD), General Business (BUS), Downtown (DT), Urban 9 (U9), Urban 8 (U8), Urban 7 (U7), Urban 6 (U6), Urban 5 (U5), Urban 4 (U4), Urban 3 (U3), or Urban 2 (U2), as more specifically described in this ordinance; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

MODIFICATION - ADDITIONAL BACK-UP

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

This ordinance will amend the Zoning Map Atlas of the City of Gainesville by removing existing special area plans and rezoning approximately 1,829 acres of land, or roughly 4.52% of the city's land area. This large-scale rezoning to new transect zoning districts is associated with the comprehensive amendment to the City's Land Development Code (Ordinance No. 140818). This rezoning also implements and is consistent with Ordinance Nos. 140817 and 140819, which amend the Comprehensive Plan and the Future Land Use Map to create new land use categories.

This rezoning focuses on the area around downtown and near the University of Florida. However, most of the neighborhoods within this area that currently have single-family zoning districts are not included. The rezoning also includes properties along the existing major corridors that radiate from that area (including stretches of University Avenue, West 13th Street, West 6th Street, Main Street, Waldo Road, and Hawthorne Road). Most of these areas are currently subject to one or more special area plans (Traditional City, University Heights, College Park, SW 13th Street, SEGRI, Central Corridors). The proposed rezoning to the transect zones will simultaneously remove the special area plan designations that apply to these areas today.

The City Plan Board, which acts pursuant to the authority granted in Section 4.02 of the Charter Laws of the City of Gainesville and which acts as the Local Planning Agency pursuant to Section 163.3174, Florida Statutes, held a series of public hearings and on December 3, 2014, voted to recommend that the City Commission approve this rezoning. Subsequently, the City Commission held a series of public hearings and on September 30, 2015, approved the petition associated with this ordinance and authorized the drafting of this ordinance.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings and shall become effective when Ordinance Nos. 140817, 140819 and 140818 become effective as provided therein.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

3/30/15	City Commission	Continued (Petition)
4/16/15	City Commission	Continued (Petition)
5/12/15	City Commission	Continued (Petition)
6/18/15	City Commission	Approved as Recommended
9/24/15	City Commission	Approved as Recommended

[140820A Staff report 20150330.pdf](#)
[140820B Attach A Application 20150330.pdf](#)
[140820C Maps D-1 - Exh D-5 20150330.pdf](#)
[140820D Attach E List of Parcels 20150330.pdf](#)
[140820E CPB minutes 20150330 .pdf](#)
[140819 & 140820 Nancy Loeper \(Citizen\) Letter 20150330.pdf](#)
[140820A Staff report 20150330.pdf](#)
[140820B Attach A Application 20150330.pdf](#)
[140820C Maps D-1 - Exh D-5 20150330.pdf](#)
[140820D Attach E List of Parcels 20150330.pdf](#)
[140820E CPB minutes 20150330 .pdf](#)
[140820A Staff report 20150512.pdf](#)
[140820B Attach A Application 20150512.pdf](#)
[140820C Maps D-1 - Exh D-5 20150512.pdf](#)
[140820D Attach E List of Parcels 20150512.pdf](#)
[140820E CPB minutes 20150512 .pdf](#)
[140820F Zoning Maps 20150512.pdf](#)
[140820G Area Maps 20150512.pdf](#)
[140820H Overall Zoning Map Plan Board Recommendation 20150512 \(2\).pdf](#)
[140820I Overall Zoning Map Alternative Recommendation 20150512 \(1\).pdf](#)
[140820J staff ppt 20150512.pdf](#)
[140820 Letter 20150512.pdf](#)
[140820A Staff report 20150618.pdf](#)
[140820B Attach A Application 20150618.pdf](#)
[140820C Maps D-1 - Exh D-5 20150618.pdf](#)
[140820D Attach E List of Parcels 20150618.pdf](#)
[140820E CPB minutes 20150618 .pdf](#)
[140820F Zoning Maps 20150618.pdf](#)
[140820G Area Maps 20150618.pdf](#)
[140820H Overall Zoning Map Plan Board Recommendation 20150618.pdf](#)
[140817I Maps Existing and Proposed Zoning 20150618.pdf](#)
[140820J staff ppt 20150618.pdf](#)
[140820A Staff report 20150930.pdf](#)
[140820B Attach A Application 20150930.pdf](#)
[140820C Maps D-1 - Exh D-5 20150930.pdf](#)
[140820D Attach E List of Parcels 20150930.pdf](#)
[140820E CPB minutes 20150930 .pdf](#)
[140820F Zoning Maps 20150930.pdf](#)

[140820G Area Maps 20150930.pdf](#)
[140820H Overall Zoning Map Plan Board Recommendation 20150930.pdf](#)
[140820I Overall Zoning Map Alternative Recommendation 20150930.pdf](#)
[140820J staff ppt 20150930.pdf](#)
[140820B Revised Staff Report 20170518](#)
[140820A1 draft ordinance 20170518.pdf](#)
[140820A2 draft ordinance exhibit A SAP maps 20170518.pdf](#)
[140820A3 draft ordinance exhibit B parcel list 20170518.pdf](#)
[140820A4 draft ordinance exhibit C zoning district maps 20170518.pdf](#)
[140820 MOD Additional Back-up 20170518.pdf](#)

TRANSMITTAL HEARINGS

[140817.](#)

COMPREHENSIVE PLAN AMENDMENT - DELETE CERTAIN EXISTING AND CREATE NEW LAND USE CATEGORIES IN FUTURE LAND USE ELEMENT AND UPDATE TRANSPORTATION MOBILITY ELEMENT (B)

Ordinance No. 140817

An ordinance of the City of Gainesville, Florida, amending the Comprehensive Plan of the City of Gainesville by deleting certain existing and creating new land use categories in the Future Land Use Element and by updating the Transportation Mobility Element to coordinate with the revisions to the Future Land Use Element, as more specifically described in this ordinance; amending Objective 4.1 and Policy 4.1.1 of the Future Land Use Element to delete certain existing land use categories and create new land use categories; amending Policy 4.3.7 of the Future Land Use Element relating to the Urban Village; amending Objective 4.6 and Policy 4.6.1 of the Future Land Use Element relating to consistency between land use categories and zoning districts; amending Objective 10.3 and its policies of the Transportation Mobility Element relating to design standards within the Transportation Mobility Program Area; amending Objective 10.4 and its policies of the Transportation Mobility Element relating to automotive-oriented developments within the Transportation Mobility Program Area; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

This ordinance amends the City's Comprehensive Plan to provide for a comprehensive revision to the Land Development Code, by deleting

certain existing and creating new land use categories in the Future Land Use Element and by updating certain objectives and policies of the Future Land Use Element and the Transportation Mobility Element. The backup material contains all of the proposed text changes to the Comprehensive Plan.

Several new land use categories are being proposed to form the basis for the new zoning districts being added in the Land Development Code update. Some existing land use categories are proposed for deletion because they are being replaced by the new categories. In addition, several policies in the Future Land Use and Transportation Mobility Elements are being amended or deleted to reflect the City's new direction related to zoning districts and new regulations for auto-oriented uses such as drive-through facilities and gas stations.

The City Plan Board, which acts pursuant to the authority granted in Section 4.02 of the Charter Laws of the City of Gainesville and which acts as the Local Planning Agency pursuant to Section 163.3174, Florida Statutes, held a series of public hearings and on December 3, 2014, voted to recommend that the City Commission approve this Future Land Use Map amendment. Subsequently, the City Commission held a series of public hearings and on September 30, 2015, approved the petition associated with this amendment to the Comprehensive Plan and authorized the drafting of this ordinance.

CITY ATTORNEY MEMORANDUM

Section 163.3184, Florida Statutes, sets forth the procedure for amending the Comprehensive Plan. The first hearing is the transmittal stage and must be advertised at least seven days prior to the hearing. The second hearing is the adoption stage and must be advertised at least five days prior to the hearing. Within ten working days after the first hearing, the City must transmit the amendment to the reviewing agencies and to any other local government or state agency that has filed a written request for same. These agencies have 30 days after receipt of the amendment to forward comments to the City. The City must consider any written comments received during the second hearing. If adopted on second reading, the City will forward the amendment within ten working days to the state land planning agency and any party that submitted written comments.

Within 30 days following the City's adoption of this amendment to the Comprehensive Plan, any affected person may file a petition with the State Division of Administrative Hearings to request a hearing to challenge the amendment's compliance with Chapter 163, Florida Statutes. If not timely challenged, this amendment shall become effective 31 days after the state land planning agency notifies the City that the amendment package is complete. If timely challenged, this amendment shall become effective when the state land planning agency or the Administration Commission issues a final order determining that this amendment is in compliance with Chapter 163, Florida Statutes. No

development orders, development permits, or land uses dependent on this amendment may be issued or commenced before this amendment has become effective.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

3/30/15	City Commission	Continued (Petition)
4/16/15	City Commission	Continued (Petition)
5/12/15	City Commission	Approved as Amended
6/18/15	City Commission	Approved as Recommended
9/24/15	City Commission	Approved as Recommended

[140817A Staff report 20150330.pdf](#)
[140817B ExA-1 Proposed text changes to Comp Plan 20150330.pdf](#)
[140817C Exh B-1 Application to amend the text of the Comp Plan 20150330](#)
[140817D CPB minutes 20150330 .pdf](#)
[140817E staff ppt 20150330.pdf](#)
[140817A Staff report 20150416.pdf](#)
[140817B ExA-1 Proposed text changes to Comp Plan 20150416.pdf](#)
[140817C Exh B-1 Application to amend the text of the Comp Plan 20150416](#)
[140817D CPB minutes 20150416 .pdf](#)
[140817E-MOD staff ppt 20150416.pdf](#)
[140817F-MOD 4-16-15 CCOM Discussion Topics 20150416.pdf](#)
[140817G-MOD Supplemental Information for the April 16 20150416.pdf](#)
[140817H-MOD 4-16-15 Draft amended Permitted Uses within Transect Zones](#)
[140817I-MOD Matrix Comparisons 20150416.pdf](#)
[140817J-MOD Maps Existing and Proposed Zoning 20150416.pdf](#)
[140817A revised staff report 20150512.pdf](#)
[140817B Exhibit A-1 20150512.pdf](#)
[140817C Exh B-1 Application to amend the text of the Comp Plan 20150512](#)
[140817D CPB minutes 20150512 .pdf](#)
[140817E 4-16-15 CCOM Discussion Topics 20150512.pdf](#)
[140817F Supplemental Information for the April 16 20150512.pdf](#)
[140817G 4-16-15 Draft amended Permitted Uses within Transect Zones 20150512](#)
[140817H Matrix Comparisons 20150512.pdf](#)
[140817I Maps Existing and Proposed Zoning 20150512.pdf](#)
[140817A revised staff report 20150618.pdf](#)
[140817B Exhibit A-1 20150618.pdf](#)
[140817C Exh B-1 Application to amend the text of the Comp Plan 20150618](#)
[140817D CPB minutes 20150618 .pdf](#)
[140817E 4-16-15 CCOM Discussion Topics 20150618.pdf](#)
[140817F Supplemental Information for the April 16 20150618.pdf](#)
[140817G 4-16-15 Draft amended Permitted Uses within Transect Zones 20150618](#)
[140817H Matrix Comparisons 20150618.pdf](#)
[140817I Maps Existing and Proposed Zoning 20150618.pdf](#)
[140817 petition 20151806.pdf](#)
[140817A staff report 20150930.pdf](#)
[140817B Exhibit A-1 20150930.pdf](#)
[140817C Exh B-1 Application to amend the text of the Comp Plan 20150930.r](#)
[140817D CPB minutes 20150930 .pdf](#)

[140817E 4-16-15 CCOM Discussion Topics 20150930.pdf](#)

[140817F Supplemental Information for the April 16 20150930.pdf](#)

[140817G 4-16-15 Draft amended Permitted Uses within Transect Zones 20150930.pdf](#)

[140817H Matrix Comparisons 20150930.pdf](#)

[140817I Maps Existing and Proposed Zoning 20150930.pdf](#)

[140817A draft ordinance 20170518.pdf](#)

[140819.](#)

LAND USE CHANGE - AMEND FUTURE LAND USE MAP BY CHANGING LAND USE CATEGORIES FOR APPROXIMATELY 1,829 ACRES OF PROPERTY (B)

Ordinance No. 140819

An ordinance amending the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use categories of approximately 1,829 acres of property, as more specifically described in this ordinance, each property of which is being changed from either Mixed-Use High-Intensity (MUH), Urban Mixed-Use 1 (UMU-1), Urban Mixed-Use 2 (UMU-2), Mixed-Use Residential (MUR), Residential High-Density (RH), Mixed-Use Low-Intensity (MUL), Mixed-Use Medium-Intensity (MUM), Public and Institutional Facilities (PF), Office (O), Residential Low-Density (RL), Residential Medium-Density (RM), Commercial (C), Single-Family (SF), or Industrial (I) TO Education (E), Office (O), Commercial (C), Urban Core (UC), Urban Mixed-Use High-Intensity (UMUH), Urban Mixed-Use (UMU), Mixed-Use Office/Residential (MOR), or Residential Low-Density (RL), as more specifically described in this ordinance; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

This ordinance will change the land use category of approximately 1,829 acres of land, or roughly 4.52% of the city's land area. This large-scale land use change implements and is consistent with the Comprehensive Plan text amendment in Ordinance No. 140817 that deletes certain existing and creates new land use categories. This ordinance is also associated with the comprehensive amendment to the City's Land Development Code (Ordinance No. 140818) and the associated legislative rezoning (Ordinance No. 140820).

The area proposed for changes primarily consists of developed properties, with only about 14.1% of those parcels being vacant (257.3 acres). Excluded areas include properties that are: currently single-family and will continue to have that designation; currently Residential Low-Density and will continue to have that designation; or

currently have another land use designation (such as Public and Institutional Facilities) that will not be changed.

Since the majority of the area (approximately 85.9%) is already developed, it is anticipated that the proposed changes will primarily result in redevelopment or infill that will occur over a period of 10 - 50 years. Since these developed areas are all within a central portion of the city, they are adequately served by existing public facilities such as streets, potable water, wastewater, water supply, public schools, recreation, and transit services. As redevelopment occurs, new infrastructure such as stormwater systems and utility upgrades may be required and will be the responsibility of the developer. This entire area falls within the city's Transportation Mobility Program Area, which was formed when the city rescinded transportation concurrency in 2013.

The City Plan Board, which acts pursuant to the authority granted in Section 4.02 of the Charter Laws of the City of Gainesville and which acts as the Local Planning Agency pursuant to Section 163.3174, Florida Statutes, held a series of public hearings and on December 3, 2014, voted to recommend that the City Commission approve this Future Land Use Map amendment. Subsequently, the City Commission held a series of public hearings and on September 30, 2015, approved the petition associated with this amendment to the Comprehensive Plan and authorized the drafting of this ordinance.

CITY ATTORNEY MEMORANDUM

Section 163.3184, Florida Statutes, sets forth the procedure for amending the Comprehensive Plan. The first hearing is the transmittal stage and must be advertised at least seven days prior to the hearing. The second hearing is the adoption stage and must be advertised at least five days prior to the hearing. Within ten working days after the first hearing, the City must transmit the amendment to the reviewing agencies and to any other local government or state agency that has filed a written request for same. These agencies have 30 days after receipt of the amendment to forward written comments to the City, which the City must then consider during the second hearing. If adopted on second reading, the City will forward the amendment within ten working days to the state land planning agency and any party that submitted written comments.

Within 30 days following the City's adoption of the amendment, any affected person may file a petition with the State Division of Administrative Hearings to request a hearing to challenge the amendment's compliance with Chapter 163, Florida Statutes. No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before this amendment has become effective as provided in the ordinance.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

3/30/15	City Commission	Continued (Petition)
4/16/15	City Commission	Continued (Petition)
5/12/15	City Commission	Continued (Petition)
6/18/15	City Commission	Approved as Recommended
9/24/15	City Commission	Approved as Recommended

[140819A staff report 20150330.pdf](#)
[140819B Maps Exh A-1 -Exh A-3 20150330.pdf](#)
[140819C Exh B-1 Comp Plan GOPs 20150330.pdf](#)
[140819D Exh C-1 Application 20150330.pdf](#)
[140819E ExE-1 Listing of Parcels 20150330.pdf](#)
[140819F CPB minutes 20150330 .pdf](#)
[140819 & 140820 Nancy Loeper \(Citizen\) Letter 20150330.pdf](#)
[140819A staff report 20150416.pdf](#)
[140819B Maps Exh A-1 -Exh A-3 20150416.pdf](#)
[140819C Exh B-1 Comp Plan GOPs 20150416.pdf](#)
[140819D Exh C-1 Application 20150416.pdf](#)
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[140819C Exh B-1 Comp Plan GOPs 20150512.pdf](#)
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[140819C Exh B-1 Comp Plan GOPs 20150618.pdf](#)
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[140819B Maps Exh A-1 -Exh A-3 20150930.pdf](#)
[140819C Exh B-1 Comp Plan GOPs 20150930.pdf](#)
[140819D Exh C-1 Application 20150930.pdf](#)
[140819E ExE-1 Listing of Parcels 20150930.pdf](#)
[140819F CPB minutes 20150930 .pdf](#)
[140819B Revised Staff report 20170518](#)
[140819A1 draft ordinance 20170518.pdf](#)
[140819A2 draft ordinance exhibit A property list 20170518.pdf](#)
[140819A3 draft ordinance exhibit B Maps 20170518.pdf](#)

ORDINANCES, 2ND READING - ROLL CALL REQUIRED

PLANNING PETITIONS

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

COMMISSION COMMENT

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