

# City of Gainesville

City Hall  
200 East University Avenue  
Gainesville, Florida 32601



## **Meeting Agenda - Final**

**April 19, 2018**

**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.***

**CALL TO ORDER -****AGENDA STATEMENT**

*"Citizens are encouraged to participate in City of Gainesville meetings. In general, speakers will be limited to 3 (three) minutes per agenda item. Additional time may be granted by the Mayor or by the City Commission as directed. The City of Gainesville encourages civility in public discourse and requests that speakers limit their comments to specific motions and direct their comments to the Chair. Signs or Props are not permitted in the meeting room. Citizens are encouraged to provide comments in writing to the Clerk of the Commission before meetings and/or during meetings for inclusion into the public record. Citizens may also provide input to individual commissioners via office visits, phone calls, letters and e-Mail, that will become public record. In some instances, i.e., Quasi-Judicial Hearings, these particular contacts may be prohibited."*

**ROLL CALL****INVOCATION****ADOPTION OF CONSENT ITEMS - GRU, General Government, Audit & Finance Committee and General Policy Committee Items**[170992.](#)**City Commission Minutes (B)****RECOMMENDATION**

*The City Commission approve the minutes of April 5, and April 10, 2018.*

[170992A\\_April 5 2018 Minutes\\_20180517.pdf](#)

[170992B\\_CityCommissionWorkshop\\_20180410.pdf](#)

[170992C\\_JointCityUABWorkshop\\_20180410.pdf](#)

[160772.](#)**Wild Spaces Public Places Proposed FY 18-20 Projects (B)**

**This is a request to the City Commission to approve a budget for Wild Spaces Public Places for FY 2018 through 2020 and the associated projects.**

*Explanation: The Voter Referendum on the Wild Spaces Public Places (WSPP) passed on November 8, 2016 and the collection of the ½ cent sales tax began on January 1, 2017. The City began to receive revenues in late March, approximately \$484,000 per month, or \$5,808,000 per year.*

*At the General Policy Committee meeting on April 12, 2018, the Committee heard a presentation on the proposed projects for fiscal year*

2018 through 2020, as outlined in the WSPP Projected 2018-2020 Expense List. This included the proposed Wild Spaces Public Places staffing plan and associated operating costs.

*Fiscal Note:* The Wild Spaces Public Places sales tax was approved by voters for eight years and is expected to generate \$46,551,152 in revenue to the City. This agenda item requests approval for spending \$16,282,000 in fiscal years 2018-2020. The \$16,282,000 proposed FY18-20 budget includes the addition of 3.3 FTEs in FY18 (2 Program Coordinators, .8 City Architect, and .5 Assistant PRCA Director), 1 additional FTE for a Technical Support Specialist Sr. (starting in FY19) and one part time Intern. Operating costs were estimated at 8 percent of salary. Wage increases and cost of living were estimated at 5 percent each year.

**RECOMMENDATION**      *The City Commission approves spending \$16,282,000 of the Wild Spaces Public Places revenues on the WSPP Projected 2018-2020 Expense List*

**Legislative History**

2/16/17	City Commission	Referred to the General Policy Committee
4/13/17	General Policy Committee	Approved, as shown above - See Motion(s)
4/20/17	City Commission	Approved as Recommended

[160772A\\_WSPP\\_Staff\\_Analysis\\_20170413.docx](#)

[160772B\\_WSPP\\_2017\\_Proposed\\_Expense\\_Schedule\\_20170413.xlsx](#)

[160772C\\_MasterPlanRankedProjectList\\_20170413.xlsx](#)

[160772D\\_WSPP\\_99\\_Project\\_List\\_20170413.pdf](#)

[MOD\\_160772A\\_WSPP\\_2017\\_Proposed\\_Expense\\_Schedule\\_20170420.xlsx](#)

[160772\\_2018-2020\\_WSPP\\_Project\\_List\\_20180419.pdf](#)

[170939.](#)

**Amended Interlocal Agreement Creating the North Central Florida Regional Hazardous Materials Response Team to Include Levy County (B)**

**This item requests that the City Commission approve the Amended Interlocal Agreement Creating the North Central Florida Regional Hazardous Materials Response Team and authorize the Mayor to execute the amended agreement to include Levy County.**

*Explanation:* In July 1999, the City Commission authorized the City Manager to execute the Interlocal Agreement Creating the North Central Florida Regional Hazardous Materials Team for Region 3 in the emergency plan for the Local Emergency Planning Council (LEPC). The team utilizes shared resources to jointly respond to and safely mitigate hazardous materials emergencies. The original agreement was entered into on

March 14, 2000 and the Team was established in 2001. Executive Order 17-128 from Florida Governor Scott has changed the definition of the North Central Florida Planning District to include Levy County. This amendment documents the addition of Levy County to the agreement.

*Fiscal Note:* There is no fiscal note.

**RECOMMENDATION**

The City Commission adopt the Amended Interlocal Agreement and authorize the Mayor to execute the agreement subject to approval by the City Attorney as to form and legality.

[170939A Memo from NCFRHMR 20180419.pdf](#)

[170939B Amended Interlocal Agreement for Hazmat Team 20180419.pdf](#)

[170954.](#)

**RJP Enterprises Emergency Restoration Work (B)**

**This item is a request for City Commission approval to enter into an agreement with RJP Enterprises to perform emergency restoration work to stormwater management facilities.**

*Explanation:* Hurricane Irma damaged several stormwater facilities within the City's limits. Public Works staff has applied for and been awarded grants from the USDA for repair of the stormwater facilities damaged by hurricane Irma. The grant agreement is on today's agenda. One of the requirements of the USDA Grant Agreement is that the repair work must be completed within four months. Additionally, these projects should be completed before the commencement of hurricane season to avoid additional damages and to protect the public health and safety.

Two other projects, the Sweetwater Wetlands Sediment Removal and the Tumblin Creek Sediment Removal, must be completed prior to the commencement of hurricane season or the City may incur additional damages. Repair of these facilities will protect the public health and safety by preventing sediment from draining into the aquifer.

RJP Enterprises is currently under contract with the State of Florida's Department of Transportation (FDOT) for maintenance and repair of FDOT stormwater management facilities. The City's Procurement Policies and Procedures allow the City to enter into agreements through cooperative purchases with other governmental agencies. The City's Procurement Director has reviewed the FDOT Agreement with RJP Enterprises and has determined that it meets the City's Procurement Policies and Procedures and the City is not required under its policies to bid this work. Public Works Staff is reviewing the USDA policies to determine whether the USDA grant requires that the City bid the work.

If the contract is approved by the City Commission, RJP Enterprises, a general contractor, will perform sediment removal at Sweetwater

*Wetlands and Tumblin Creek.*

*Fiscal Note: The total estimated construction cost that will be carried out under the RJP Enterprises Agreement will not exceed \$500,000 subject to the receipt of federal grant funds. The cost will be allocated from the undesignated Stormwater Utility Fund balance.*

**RECOMMENDATION**

*The City Commission authorize the City Manager, or designee to execute the agreement with RJP Enterprises for sediment removal at Sweetwater Wetlands and Tumblin Creek, subject to approval by the City Attorney as to form and legality.*

[170954 RJP Agreement 20180419.pdf](#)

[170955.](#)

**Bid Award - Professional Design Services for Wild Spaces Public Places (B)**

**This is a request for the City Commission to authorize the City to enter into continuing services agreements with seventeen (17) qualified Design Firms to help facilitate Wild Spaces Public Places Projects.**

*Explanation: The Voter Referendum on the Wild Spaces Public Places (WSPP) passed on November 8, 2016 and the collection of the ½ cent sales tax began on January 1, 2017. The Wild Spaces Public Places program office will need to utilize a diverse group of design professionals to carry out many of the Wild Spaces Public Places projects.*

*On January 29, 2018 the City of Gainesville issued a request for qualifications (RFQ) for Professional Design Services for Wild Spaces Public Places Projects, bid WSPP-180054-DM. Written submittals from design professionals were due February 28, 2018 and oral presentations were conducted on March 29, 2018. The review panel found seventeen (17) design firms to be qualified to work on one or more Wild Spaces Public Places projects. Six (6) of the seventeen (17) design firms have offices in Gainesville. This contract shall remain in force for an initial period of three (3) years and may be renewed at the City's option for two (2) additional one (1) year periods.*

*Fiscal Note: The Wild Spaces Public Places sales tax was approved by voters for eight years and is expected to generate \$46,551,152 in revenue to the City.*

**RECOMMENDATION**

*The City Commission: 1) award the Professional Design Services for Wild Spaces Public Places continuing services contract to seventeen (17) design firms; and 2) authorize the City Manager or designee to execute all contract documents and other necessary documents, subject to approval by the City Attorney as to form and legality.*

[170955A\\_WSPP RFQ Award Recommendation\\_20180419.pdf](#)

[170955B\\_BID 180054-DM Design Services\\_20180419.pdf](#)

[170756.](#)

**GPD Body Worn Cameras and Taser Contract (B)**

**Approval of contract for new equipment for uniformed officers.**

*Explanation: At the direction of the City Commission, the Gainesville Police Department reviewed body worn cameras for public transparency use by its uniformed officers. GPD also needs to replace its Taser equipment due to the current inventory has reached warranty expiration. GPD advertised for a request for quote on Demandstar and did not receive any responses.*

*Axon is the sole manufacture of the Taser, and also manufactures body worn cameras and a device that integrates wireless signaling between the cameras, the Taser, and patrol vehicle. They are the only company that has this combination. This contract also includes unlimited secure data storage, a delivery system for court, redaction software for proper redaction function, Taser supplies and replacement of damaged units during the life of the contract. This contract includes the purchase of 107 cameras, 107 signal units, and 190 Tasers.*

*Fiscal Note: GPD has CIP funding for FY 2018 in the amounts of \$100,000 Body Worn Cameras and \$63,165 for Tasers. FY 2019, \$300,000 in CIP and \$81,729 in General Funds for Body Worn Cameras, and \$65,717 in General Funds for Tasers. Budgeted Amount Totaling \$610,611.*

*This is a two part multi-year contract, 3 years for the Body Worn Cameras and 5 years for the Tasers. but the payments were configured to be paid in the 2018 and 2019 fiscal years. The total for this contract over the two years is \$609,972. To continue the Body Worn Camera program beyond year 3, additional funding would need to be identified.*

**RECOMMENDATION**

*The City Commission authorize the City Manager or designee to execute the AXON agreement subject to approval of the City Attorney as to form and legality.*

[170756A\\_Axon Master Agreement\\_20180405](#)

[170756B\\_Axon MOSS Statement\\_20180405](#)

[170756C\\_Axon Bid Process\\_20180405](#)

[170927.](#)

**Support for United States Department of Agriculture - Natural Resource Conservation Service Emergency Watershed Grant (B)**

**This item is a request for the City Commission's approval to accept a grant from the United States Department of Agriculture, Natural Resource Conservation Service (NRCS) Emergency Watershed Program.**

*Explanation: The NRCS will offer the City a grant to repair stormwater facilities damaged by flooding associated with Hurricane Irma. The six projects include: Erosion Repair & Stabilization Turtle Ditch, 100 Block SE 24th St; Erosion Repair & Stabilization Duval Big Ditch, 2600 Block NE 11th Place; Erosion Repair & Stabilization Smokey Bear Ditch, 2600 Block NE 15th Street; Airport Industrial Park Creek Stabilization and tree removal, 4600 Block NE 48th Avenue; NW 8th Avenue at Hogtown Creek Sediment Removal, Loblolly Floodplain Debris Removal; and NW 53rd Avenue Ditch Stabilization, 3100 NW 53rd Avenue.*

*The construction projects must be completed within four months of execution of the grant agreement(s). The work will be completed by contract labor.*

*Fiscal Note: The amount of the estimated construction cost is \$1.5 million. A 25% local match is required. The local match will be allocated from the undesignated Stormwater Utility Fund balance.*

**RECOMMENDATION**

*The City Commission: 1) authorize the City Manager to enter into the grant agreement and to execute all related documents, subject to approval by the City Attorney as to form and legality; and 2) authorize the City Manager to enter into the appropriate emergency restoration contracts associated with this grant agreement subject to approval by the City Attorney as to form and legality.*

**Legislative History**

4/5/18 City Commission Withdrawn

[170927 Memo 20180419.pdf](#)

[170953.](#)

**Voluntary Annexation Petition for 0.87+/- Acre Parcel on Tower Road (B)**

**This is the submission of a petition for voluntary annexation of parcel 06655-021-000 which is owned by The Emory Group LLC. There is one commercial building on the parcel. The total annexation area is approximately 0.87+/- acres and is located on Tower Road between W University Avenue and NW 4th Boulevard.**

**MODIFICATION - MOVED FROM REGULAR TO CONSENT AGENDA**

*Explanation: Mitch Glaeser, Managing Member of The Emory Group, LLC has submitted a petition to the City of Gainesville for voluntary annexation of parcel 06655-021-000.*

*This parcel is located east of Tower Road /NW 75th Street, west of the City of Gainesville boundary and 06654-003-000, north of parcel 06655-105-001 and south of 06655-021-002.*

*In order to annex these parcels into the City limits, the owner must submit a petition to the City of Gainesville for voluntary annexation. Staff has reviewed the requirements of the the Municipal Annexation or Contraction Act (Chapter 171, Florida Statutes). This area meets the requirements of the Act and is appropriate for annexation.*

*Fiscal Note: The current taxable value of the parcel is approximately \$561,300 and is being annexed with the intent of future development. The cost of providing municipal services has not been determined at this time, but will continue to be assessed as the development moves forward.*

**RECOMMENDATION**

*The City Commission: 1) receive the petitions for annexation and make findings that it contains the signature of the property owners or authorized agents; 2) authorize the Mayor to provide notice to the Board of County Commissioners; and 3 ) authorize the City Attorney to prepare and the Clerk of the Commission to advertise ordinances relating to the annexation of the area, if appropriate.*

[170953A Petition Mitch Glaeser 20180419](#)

[170953B Glaeser Map 20180419](#)

## 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.**

[170944.](#)

**Staffing for Adequate Fire and Emergency Response (SAFER)  
Firefighter Grant Program FY2017 Funds (NB)**

**This item involves a request to apply for and accept a grant, if awarded, from the Federal SAFER Grant Program for the hiring of firefighters.**

*Explanation: The Staffing for Adequate Fire and Emergency Response Act was established by Congress in 2004. This Act authorizes funding to local fire departments for the purpose of increasing the number of firefighters to*



meet industry-minimum standards for safety and effective deployment. The Department of Homeland Security (DHS) Federal Emergency Management Agency (FEMA) SAFER Grant was approved in January 2018, and the Congress allocated \$345 million to the FY2017 program.

In March 2011, Gainesville Fire Rescue (GFR) was successful in obtaining a SAFER grant of \$1.6 million to staff Fire Station-8. Again in 2014, we were awarded \$1.14 million in support of a new Squad company.

GFR is requesting approval to apply for SAFER grant funding to staff a four-person aerial/ladder apparatus (Quint) capable of fire suppression, vehicle extrication, rescues, emergency medical services (EMS) and other all-hazard responses. This unit will be deployed to serve the rapidly growing southwest and adjoining service areas, and to comply with national response standards for apparatus and personnel.

Development in the SW and associated areas, particularly the increase in the number of multi-story occupancies, presents additional coverage risk and potential for elevated structural firefighting and rescue services. A second GFR unit and the upgrade to Quint capabilities is part of the deployment plan to maintain the two-unit level of service currently provided under the FSAA. The other unit serving that area is a three-person unit (Squad) at GFR Station 9 (4213 SW 30th Avenue).

A permanent station location is being sought to serve this area for the longer term. Regardless of the outcome of talks between the City and County regarding the future of the FSAA, it has been established that County Station 80 which serves the southwest portion of the City will move at some point in time. When this occurs the City's obligation to provide fire services in that area will increase. The demand for services is increasing rapidly in this area; it has grown by 15% in the last two years alone, reaching nearly 4,000 responses in 2017. Without adding resources to meet the current and growing needs it will require temporary deployment changes that are not sustainable in the long term and result in coverage issues elsewhere in the city.

The SAFER Grant presents an opportunity to address some of these issues and the following options are available:

*Defer SAFER Application:* Current levels of service in the southwest will remain consistent in the near term, but service levels will diminish after June 1st and with increasing demands and longer response times. This area has the highest call volume and continues to grow. When other variables such as pending and future annexations are taken into account, the need is exacerbated.

*Apply for SAFER:* If the grant is awarded, and should the City agree to accept, the additional resources will accommodate existing and future demand for the foreseeable future. Acceptance of the grant would require careful consideration of the future financial implications that the City would need to plan for, including some impact in FY19.

*Choosing to deploy a Quint, rather than an Engine will improve GFRs ability to meet the national standard to immediately engage in interior firefighting and rescue operations while meeting OSHA and NFPA safety requirements for elevated structural firefighting. This deployment model significantly improves firefighter survivability and rescue of trapped occupants. Additionally, the unit will fulfill an ISO requirement for the number of Ladder Company's in the City, improving GFRs score at the next evaluation in 2019.*

*Meeting standards with personnel from the first arriving company is becoming increasingly vital as response times grow and call loads continue to increase. Increased demand without additional units directly contributes to increased time for the arrival of the first and later arriving units. GFR has already submitted an application for the FY2017 Assistance to Firefighters Grant (AFG), that if awarded will off-set the cost of the Quint aerial apparatus and its equipment estimated at \$1.0 million.*

*To partially account for the increased funding needs for fire and EMS services resulting from community expansion, the Special Assessment for Fire Services rate per factored fire protection unit (FFPU) was updated from \$78.00/FFPU to \$101.0/FFPU for FY18 and expected to increase annual revenue by \$1.6 million. The adjustment was the first since the program began in FY2010. It is expected to generate an approximate increase in total revenue from \$5.3 million to \$6.9 million. This amount represents approximately 50% of the assessable costs related to providing fire services not related to the costs of Emergency Medical Services.*

*This unit will assist GFR to address the fire, rescue and the EMS needs resulting from growing demand for services in the SW and adjoining areas and impact service delivery city-wide. Therefore, GFR is seeking funding through the SAFER program to significantly lower the initial cost to hire additional firefighters needed.*

*Fiscal Note: The SAFER Grant Program reimbursement and match methodology is based on a three-year program: Year (1) and (2), the grant provides 75% of the amount request. For Year (3) the grant portion reduces to 35%. The corresponding match for FY 19, based on a phase in of the new services, is estimated at \$200K. The FY 20 and 21 match is estimated at \$350K and \$850K respectively. At the end of the grant period, the full cost to the City is estimated at \$1.3 million.*

**RECOMMENDATION**

*The City Commission: 1) authorize the City Manager or designee to apply for and accept a grant, if awarded, from the US Department of Homeland Security for the SAFER Grant Program; 2) if the grant is awarded, authorize the City Manager or designee to execute the grant agreement and other grant-related documents, subject to approval by the City Attorney as to form*

and legality; 3) development of an implementation plan that would address long term funding options as well as grant acceptance criteria (such as FSAA and other City-County conditions); and 4) approve the required payment process for hiring of personnel and expending the grant funds for compliance with associated Federal requirements.

[170386.](#)

### Zero Waste Workshop Scheduling (B)

*Explanation:* During the March 22, 2018 General Policy Committee meeting, the committee members requested Zero Waste workshop sessions be scheduled with stakeholders and community members.

*Fiscal Note:* None at this time.

#### RECOMMENDATION

The City Commission provide direction and expected outcomes for these workshops.

#### Legislative History

9/7/17	City Commission	Referred to the General Policy Committee
3/22/18	General Policy Committee	Approved, as shown above

[170386A\\_RESOLUTION\\_20180322.pdf](#)

[170386B\\_Resolution\\_20180322.pdf](#)

[170386C\\_Zero Waste Proposal Presentation\\_20180322.pdf](#)

[170386D\\_draft ordinance for discussion\\_20180322.pdf](#)

[170386A\\_Zero Waste Budget and Timeline Memo\\_20180419.pdf](#)

[170386B\\_Draft Resolution Declaring Gainesville Zero Waste Community\\_20180322.pdf](#)

[170799.](#)

### Guidelines for Land Development Code Update (B)

#### MODIFICATION - ADD ITEM

*Explanation:* At the February 15, 2018 City Commission meeting, the City Commission referred a discussion item to the General Policy Committee to discuss developing guidelines around the annual update of the Land Development Code. The item referral was precipitated by Commission direction to the Department of Doing to prepare and draft various code revisions to effect changes to the City's sidewalk regulations. These revisions were processed by staff on an expedited schedule.

The intent of this item is to allow the Commission an opportunity to provide direction regarding the process for annual updates and guidance on what types of changes warrant expedited treatment.

*Fiscal Note: None.*

**RECOMMENDATION**

*The City Commission: 1) hear a presentation from staff, 2) provide guidance on process and 3) remove this item from the GPC referral list.*

**Legislative History**

2/1/18 City Commission Referred to the General Policy Committee

[170799A Staff PPT 20180419.pdf](#)

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

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

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

**RECESS -**

**RECONVENE -**

**PLEDGE OF ALLEGIANCE**

**PROCLAMATIONS/SPECIAL RECOGNITIONS**

[170988.](#)

**City of Gainesville Citizens' Academy 2018 Graduates (NB)**

*Explanation: The City of Gainesville Communications Office offers the Citizens' Academy, dubbed "Gainesville 101," to educate Gainesville citizens on the diverse services their city government provides and to inform them on how they can become engaged with their local government.*

*Participants in this year's Citizens' Academy enjoyed behind the scene views of several city government operations, met with government officials, toured facilities, and asked questions at seven weekly sessions. The City of Gainesville's Citizens' Academy is proud to present its twenty-first graduating class.*

**RECOMMENDATION**

*The City Commission: 1) recognize the accomplishments of the 2018 City of Gainesville Citizens' Academy graduates; and 2) hear brief*

*comments from the class speaker on what they have learned.*

[170995.](#)

**Special Recognition for Ms. Alexandria Brady-Mine (B)**

**RECOMMENDATION**      *The City Commission hear the Special Recognition.*

[170995\\_MsAlexandriaBradyMine\\_20180419.pdf](#)

[170994.](#)

**39th Annual 5th Avenue Arts Festival Days - April 21-22, 2018 (B)**

**RECOMMENDATION**      *Cultural Arts Coalition, Inc. Executive Director Nkwanda Jah to accept the proclamation.*

[170994\\_5thAveArtsFestival\\_20180419.pdf](#)

[170977.](#)

**Child Abuse Prevention Month - April 2016 (B)**

**RECOMMENDATION**      *Alachua County Child Abuse Prevention Task Force Chair Cathy Winfrey and Task Force Members Jenn Petion and Carroll to accept the proclamation.*

[170977\\_ChildAbusePreventionMonth\\_20180419.pdf](#)

[170993.](#)

**Volunteer Recognition Day - April 19, 2018 (B)**

**RECOMMENDATION**      *Project Youth Build Executive Director Jonathan Leslie, Risa Paarasuk and Chen Yin-Hsuen.*

[170993\\_VolunteerRecognition\\_20180419.pdf](#)

[170978.](#)

**Fair Housing Month 2018 (B)**

**RECOMMENDATION**      *Interim Equal Opportunity Director Dr. Bridget S. Lee and officials from the Alachua County Equal Opportunity Office, Gainesville Housing Authority, Alachua County Housing Authority, Gainesville Housing & Community Development Department, Alachua County Housing Division, and other housing partners to accept the proclamation.*

[170978\\_FairHousingMonth\\_20180419.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**

[170911.](#)

**SPECIAL ELECTION - ANNEXATION BY REFERENDUM - 38.95 ACRES OF PROPERTY KNOWN AS STERLING PLACE (B)**

Resolution No. 170911

A resolution of the City Commission of the City of Gainesville, Florida, calling a special election to be held on June 12, 2018; submitting a referendum on annexation to a vote of the registered electors of an unincorporated area of Alachua County known as "Sterling Place," as described in detail by Ordinance No. 170520; providing ballot language; providing directions to the Clerk of the Commission; and providing an effective date.

*Explanation: Pursuant to Ordinance No. 170520 and Sections 9-4 and 9-5 of the Code of Ordinances of the City of Gainesville, this Resolution instructs the Mayor to issue a proclamation calling for a special election for this annexation.*

**RECOMMENDATION**

*The City Commission adopt the proposed resolution.*

[170911A draft resolution 20180419.pdf](#)

[170911B\\_Mayoral Proclamation\\_20180419pdf.pdf](#)

[170883.](#)

**SPECIAL ELECTION - ANNEXATION BY REFERENDUM - 23.40 ACRES OF PROPERTY KNOWN AS FINLEY WOODS PHASE I (B)**

Resolution No. 170883

A resolution of the City Commission of the City of Gainesville, Florida, calling a special election to be held on June 12, 2018; submitting a referendum on annexation to a vote of the registered electors of an unincorporated area of Alachua County known as "Finley Woods Phase I," as described in detail by Ordinance No. 170762; providing ballot language; providing directions to the Clerk of the Commission; and providing an effective date.

*Explanation: Pursuant to Ordinance No. 170762 and Sections 9-4 and 9-5 of the Code of Ordinances of the City of Gainesville, this Resolution instructs the Mayor to issue a proclamation calling for a special election for this annexation.*

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

[170883A\\_draft\\_resolution\\_20180419.pdf](#)

[170883B\\_Mayoral\\_Proclamation\\_20180419pdf.pdf](#)

[171005.](#)

**Resolution authorizing intervention into a lawsuit challenging portions of the State Statute preempting municipal rules or regulation of firearms and ammunition. (B)**

RESOLUTION NO. 171005

A Resolution of the City Commission of the City of Gainesville, Florida, authorizing and directing the intervention into a lawsuit seeking a Declaration that the provisions punishing elected officials set forth in Section 790.33, Florida Statutes, for violating the preemption related to the regulation of firearms and ammunition are invalid and seeking a Declaration that the application of the general preemption to any rules relating to firearms and ammunition that a municipality may desire to enforce on municipally owned property is invalid and unconstitutional; authorizing the retention of outside legal counsel; inviting other cities to join the lawsuit; directing the Clerk to distribute this Resolution to all cities in Alachua County; authorizing City officials to carry out this Resolution and providing for an effective date.

**MODIFICATION - ADD ITEM**

*Explanation: At the March 1st City Commission meeting, Commissioner Harvey Ward placed an item on the agenda titled Discussion of Potential Resolution Regarding Firearms. After much discussion regarding the state preemption of local firearms regulation and the onerous personal penalties imposed on municipal officials who violate that preemption, a motion was made and seconded to direct the City Attorney to draft an ordinance banning assault rifles, high capacity gun magazines and bump stocks. That motion failed by a vote of 2-5, as the City Attorney advised she could not draft an ordinance that was clearly unlawful and City Commissioners were concerned about the onerous personal penalties they could face for taking such action. A subsequent motion was then made and approved by a vote of 7-0 to: 1) authorize the Mayor to draft a letter requesting the County to enact a five-day waiting period and require background checks for all gun sales in Alachua County; 2) direct the City Attorney to join other cities with an amicus brief to advocate legal challenges filed by Weston and Coral Gables on state law preemptions for gun regulation; 3) direct the City Attorney to draft a resolution in*

*support of a ban on assault rifles, high capacity gun magazines, bump stocks and to oppose arming teachers in Florida schools and send copies of the resolution to the Legislative Delegation, and the Governor; and 4) direct staff to reach out to other cities who want to work on gun control to create a network for future action.*

*At the March 15th City Commission meeting, the Commission adopted, by a vote of 7-0, Resolution No. 170840 recognizing gun violence as a public health and safety emergency; requesting that the Florida Legislature take action to protect the citizens of Gainesville or relieve restrictions placed on Florida cities and counties to allow us to take action and expressing opposition to arming Florida teachers.*

*Since that time, the City Attorney's Office has reached out to Florida cities reported to be engaging in litigation regarding the State preemption of firearms and ammunition. The City Attorney's Office found that 10 South Florida cities and 31 of their elected officials filed litigation on April 2, 2018 challenging portions of the State Statute preempting municipal rules or regulation of firearms and ammunition. Such litigation is required to be filed in Leon County, Florida, as the named defendants are the Governor and other State Officials who in their official capacity have a role in enforcing and administering the firearms preemption statute. The lawsuit challenges two aspects of the State statute, the first is the personal penalties imposed on local officials who violate the State Firearms preemption and the second is that the statute seems to leave cities (unlike other private property owners) without the authority to keep their premises, visitors and employees safe by imposing rules regarding firearms on property that the city owns. The lawsuit seeks a judgment declaring that these portions of the State Statute are unconstitutional and such other relief as the Court deems just and proper. A copy of the filed Complaint for Declaratory Relief is included in the back-up for this agenda item. Since the filing of the litigation, 4 additional cities have voted to intervene.*

*Since the legal issues are the same for all cities and any such lawsuit would have to be filed in Leon County, such a joint effort appears to be a prudent use of city resources and evidences a united front of action before the Court and State Officials. Based on the Commission direction on March 1st, the City Attorney's Office has prepared this Resolution authorizing the intervention of the City (and those individual Commissioners in their official capacity who choose to participate) into the lawsuit and authorizing the retention of the law firm of Weiss Serota Helfman Cole & Bierman (the "Firm") (who serves as the City Attorney for the City of Weston) to represent the City of Gainesville and named individual City Commissioners in this litigation, including all appeals, for a flat fee of \$10,000 to be further reduced when more than 15 cities join the lawsuit. If this Resolution is adopted, the City Attorney will enter into a retainer agreement with the Firm for the representation.*

*Fiscal Note: The cost of this unanticipated \$10,000 expense can be paid from funds available in the External Legal Services account in the City Attorney's Office budget, or such other funds as the Commission deems*



appropriate.

**RECOMMENDATION**

1) *The City Commission determine if it desires for the City to intervene in the lawsuit as a named plaintiff and if so, adopt the Resolution; and 2) If the Resolution is adopted, each individual Commissioner should determine if he/she desires to be named (in their official capacity) as a plaintiff as provided in the Resolution.*

[171005\\_draft\\_resolution\\_20180419.pdf](#)

[171005\\_City of Weston et al v Governor et al\\_20180419.pdf](#)

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

[170520.](#)

**ANNEXATION BY REFERENDUM - 38.95 ACRES OF PROPERTY KNOWN AS STERLING PLACE (B)**

Ordinance No. 170520

An ordinance of the City of Gainesville, Florida, annexing approximately 38.95 acres of property known as "Sterling Place" that is generally located south of NW 73rd Avenue, west of NW 43rd Street, north of NW 64th Boulevard, and east of NW 52nd Terrace, as more specifically described in this ordinance, pursuant to Chapter 171, Florida Statutes; making certain findings; providing for inclusion of the property in Appendix I of the City Charter; providing for a referendum election; providing directions to the Clerk of the Commission; providing ballot language; 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 a severability clause; and providing effective dates.

*Explanation: Municipal annexation in Florida is governed by the Municipal Annexation or Contraction Act, which is found in Chapter 171, Florida Statutes. Under the Act, annexations can occur either by a referendum on annexation or by a voluntary annexation whereby each of the property owners of a given area petition the city to include their property within the city limits. Section 171.0413, F.S., sets forth the requirements and procedure for annexations by referendum. After the preparation of an Urban Services Report and the adoption of an annexation ordinance, the annexation ordinance is submitted to a vote of the registered electors of the proposed annexation area and the annexation does not become effective unless there is a majority vote for annexation.*

*This ordinance is a referendum annexation ordinance that proposes to annex into the corporate limits of the City of Gainesville approximately*

38.95 acres of property that is generally located north of Millhopper Road and west of NW 43rd Street, known as Sterling Place. The subject area is unincorporated, compact, and contiguous to the current city boundaries. On February 15, 2018, the City Commission approved an Urban Services Report setting forth the plans to provide urban services to the subject property. If the City Commission adopts this annexation ordinance, the annexation will be submitted to a vote of the registered electors of the proposed annexation area at a special election by mail ballot on June 12, 2018. If there is a majority vote for the annexation, the annexation will be effective on June 22, 2018. If there is a tie vote or majority vote against the annexation, the annexation shall not become effective and the area shall not be the subject of another referendum annexation ordinance for a period of two years from the date of referendum.

Because this ordinance calls for a referendum by special election, Sections 9-4 and 9-5 of the Code of Ordinances requires the special election to be ordered by the City Commission by a resolution instructing the Mayor to issue a proclamation. The resolution and Mayoral Proclamation are included in the backup to this item.

#### CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings and the annexation will not become effective until 10 days following a majority vote for annexation at the referendum on annexation.

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

#### Legislative History

11/16/17	City Commission	Approved as Recommended
2/15/18	City Commission	Approved as Recommended
4/5/18	City Commission	Adopted on First Reading (Ordinance)

[170520A\\_Letter from HOA requesting annexation\\_20180215.pdf](#)

[170520B\\_AnnexationMap\\_20180215.pdf](#)

[170520C\\_Sterling Place Voluntary Annexation USR\\_20180215](#)

[170520B\\_Staff PPT\\_20180405.pdf](#)

[170520A\\_draft ordinance\\_20180405.pdf](#)

[170520B\\_resolution\\_20180419.pdf](#)

[170520C\\_Mayoral Proclamation\\_20180419.pdf](#)

[170762.](#)

#### **ANNEXATION BY REFERENDUM - 23.40 ACRES OF PROPERTY KNOWN AS FINLEY WOODS PHASE I (B)**

## Ordinance No. 170762

An ordinance of the City of Gainesville, Florida, annexing approximately 23.40 acres of property known as "Finley Woods Phase I" that is generally located south of SW 62nd Avenue , west of SW Williston Road, north of SW 78th Lane, and east of SW 51st Terrace, as more specifically described in this ordinance, pursuant to Chapter 171, Florida Statutes; making certain findings; providing for inclusion of the property in Appendix I of the City Charter; providing for a referendum election; providing directions to the Clerk of the Commission; providing ballot language; 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 a severability clause; and providing effective dates.

*Explanation: Municipal annexation in Florida is governed by the Municipal Annexation or Contraction Act, which is found in Chapter 171, Florida Statutes. Under the Act, annexations can occur either by a referendum on annexation or by a voluntary annexation whereby each of the property owners of a given area petition the city to include their property within the city limits. Section 171.0413, F.S., sets forth the requirements and procedure for annexations by referendum. After the preparation of an Urban Services Report and the adoption of an annexation ordinance, the annexation ordinance is submitted to a vote of the registered electors of the proposed annexation area and the annexation does not become effective unless there is a majority vote for annexation.*

*This ordinance is a referendum annexation ordinance that proposes to annex into the corporate limits of the City of Gainesville approximately 23.40 acres of property that is generally located south of SW 62nd Avenue, known as Finley Woods Phase I. The subject area is unincorporated, compact, and contiguous to the current city boundaries. On February 15, 2018, the City Commission approved an Urban Services Report setting forth the plans to provide urban services to the subject property. If the City Commission adopts this annexation ordinance, the annexation will be submitted to a vote of the registered electors of the proposed annexation area at a special election by mail ballot on June 12, 2018. If there is a majority vote for the annexation, the annexation will be effective on June 22, 2018. If there is a tie vote or majority vote against the annexation, the annexation shall not become effective and the area shall not be the subject of another referendum annexation ordinance for a period of two years from the date of referendum.*

*Because this ordinance calls for a referendum by special election, Sections 9-4 and 9-5 of the Code of Ordinances requires the special election to be ordered by the City Commission by a resolution instructing the Mayor to issue a proclamation. The resolution and Mayoral Proclamation are included in the backup to this item.*

**CITY ATTORNEY MEMORANDUM**

*This ordinance requires two hearings and the annexation will not become effective until 10 days following a majority vote for annexation at the referendum on annexation.*

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

**Legislative History**

2/1/18	City Commission	Approved as Recommended
2/15/18	City Commission	Approved as Recommended
4/5/18	City Commission	Adopted on First Reading (Ordinance)

[170762A\\_Finley Woods Annexation Request\\_20180215.pdf](#)

[170762B\\_USR Finley Woods Phase 1 Annexation\\_20180215](#)

[170762B\\_Staff PPT\\_20180405.pdf](#)

[170762A\\_draft ordinance\\_20180405.pdf](#)

[170762B\\_resolution\\_20180419.pdf](#)

[170762C\\_Mayoral Proclamation\\_20180419pdf.pdf](#)

[170438.](#)

**QUASI-JUDICIAL - HISTORIC PROPERTY TAX EXEMPTION -  
415 NW 4th Street (B)**

Ordinance No. 170438

An ordinance of the City of Gainesville, Florida, finding that property located at 415 NW 4th Street, Gainesville, Florida, as more specifically described in this ordinance, qualifies for an ad valorem tax exemption for historic properties; granting an exemption from ad valorem tax for certain improvements beginning January 1, 2018, and continuing for 10 years under certain conditions; authorizing the Mayor and the Clerk of the Commission to sign the Historic Preservation Property Tax Exemption Covenant between the property owner and the City; providing a severability clause; providing a repealing clause; and providing an effective date.

*Explanation: Chapter 25, Article IV, of the Code of Ordinances authorizes the City Commission to grant ad valorem tax exemptions for historic properties pursuant to Florida law. In order to approve a property for such exemption, the Historic Preservation Board (HPB) and the City Commission must determine that a particular property is eligible for the property tax exemption (i.e., historical designation or contributing property) and that it has been improved consistent with the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.*

The process for a property owner to receive a historic preservation property tax exemption entails two steps. First, the property owner submitted Part 1 (Preconstruction Application) of the Historic Preservation Property Tax Exemption Application for the restoration, renovation, or rehabilitation of a contributing residential building in the Pleasant Street Historic District. Part 1 was approved by the HPB on December 07, 2016, with a finding that the property was eligible for the exemption and that the improvements met the required standards.

Second, the applicant completed the improvements and submitted Part 2 of the property tax exemption application (Final Application for Review of Completed Work). Staff inspected the completed work and found the work meets the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings as well as the City's Guidelines for Rehabilitating Historic Buildings. On October 3, 2017, the HPB approved Part 2 with a finding that the eligible property has been improved consistent with the required standards; the HPB recommended the City Commission approve same. The renovations eligible for the tax exemption total \$15,000.00. However, pursuant to City Code and State Statute, the actual amount of the exemption will be determined by the County Property Appraiser.

The property is located at 415 NW 4th Street and includes a residential home (constructed in approximately 1930 according to Pleasant Street Historic District National Register nomination) that is a contributing structure to the Pleasant Street Historic District. This project included a full rehabilitation of the contributing structure, including custom-built replacement of windows and doors, the removal of a structurally damaged chimney, new wood porch columns, repair and in-kind replacement of wood siding, porch flooring, roofing, interior rehabilitation including new bathroom and kitchen, light fixtures, washer and dryer, doors and interior finishes restoration.

#### CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings and shall become effective immediately upon adoption; however, the ad valorem tax exemption shall be effective as of January 1, 2018, in accordance with Section 196.1997(10), Florida Statutes.

#### RECOMMENDATION

The City Commission: 1) approve Part 2 of the Historic Preservation Property Tax Exemption Application; and 2) adopt the proposed ordinance.

#### Legislative History

4/5/18 City Commission Adopted on First Reading (Ordinance) and Approved the Recommendation

[170438 Staff Report 20171003.pdf](#)

[170438A draft ordinance 20180405.pdf](#)

[170438B Staff PPT 20180405.pdf](#)

[170521.](#)**QUASI-JUDICIAL - HISTORIC PROPERTY TAX EXEMPTION -  
416 NE 2nd Avenue (B)**

Ordinance No. 170521

An ordinance of the City of Gainesville, Florida, finding that property located at 416 NE 2nd Avenue, Gainesville, Florida, as more specifically described in this ordinance, qualifies for an ad valorem tax exemption for historic properties; granting an exemption from ad valorem tax for certain improvements beginning January 1, 2018, and continuing for 10 years under certain conditions; authorizing the Mayor and the Clerk of the Commission to sign the Historic Preservation Property Tax Exemption Covenant between the property owner and the City; providing a severability clause; providing a repealing clause; and providing an effective date.

*Explanation: Chapter 25, Article IV, of the Code of Ordinances authorizes the City Commission to grant ad valorem tax exemptions for historic properties pursuant to Florida law. In order to approve a property for such exemption, the Historic Preservation Board (HPB) and the City Commission must determine that a particular property is eligible for the property tax exemption (i.e., historical designation or contributing property) and that it has been improved consistent with the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.*

*The process for a property owner to receive a historic preservation property tax exemption entails two steps. First, the property owner submitted Part 1 (Preconstruction Application) of the Historic Preservation Property Tax Exemption Application for the restoration, renovation, or rehabilitation of a contributing residential building in the Northeast Residential Historic District. Part 1 was approved by the HPB on June 6, 2017, with a finding that the property was eligible for the exemption and that the improvements met the required standards.*

*Second, the applicant completed the improvements and submitted Part 2 of the property tax exemption application (Final Application for Review of Completed Work). Staff inspected the completed work and found the work meets the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings as well as the City's Guidelines for Rehabilitating Historic Buildings. On November 7, 2017, the HPB approved Part 2 with a finding that the eligible property has been improved consistent with the required standards; the HPB recommended the City Commission approve same. The renovations eligible for the tax exemption total \$68,000.00. However, pursuant to City Code and State Statute, the actual amount of the exemption will be determined by the County Property Appraiser.*

*The property is located at 416 NE 2nd Avenue and includes a residential home (constructed in 1909 according to the Florida Master Site File) that is a contributing structure to the Northeast Residential Historic District. This project included installation of new wood picket and privacy fencing at the perimeter of the property, new air conditioning system with new interior registers, and electrical re-wiring and upgrade of the entire house to meet current building codes.*

#### CITY ATTORNEY MEMORANDUM

*This ordinance requires two hearings and shall become effective immediately upon adoption; however, the ad valorem tax exemption shall be effective as of January 1, 2018, in accordance with Section 196.1997(10), Florida Statutes.*

#### RECOMMENDATION

*The City Commission: 1) approve Part 2 of the Historic Preservation Property Tax Exemption Application; and 2) adopt the proposed ordinance.*

#### Legislative History

4/5/18            City Commission            Adopted on First Reading (Ordinance) and Approved the Recommendation

[170521\\_Staff report w Exhibits 1-3\\_20171107.pdf](#)

[170521A\\_draft ordinance\\_20180405.pdf](#)

[170521B\\_Staff PPT\\_20180405.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

## ADJOURNMENT -