

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Meeting Agenda - Final

November 19, 2015

1:00 PM

MODIFIED AGENDA

City Hall Auditorium

City Commission

Mayor Ed Braddy (At Large)
Commissioner Harvey Budd (At Large)
Commissioner Helen Warren (At Large)
Commissioner Charles Goston (District 1)
Commissioner Todd Chase (District 2)
Mayor-Commissioner Pro Tem Craig Carter (District 3)
Commissioner Randy Wells (District 4)

Persons with disabilities who require assistance to participate in this meeting are requested to notify the Office of Equal Opportunity at 334-5051 or call the TDD phone line at 334-2069 at least two business days in advance.

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 THE CONSENT AGENDA (Including both General Government and Gainesville Regional Utilities items)****CITY MANAGER, CONSENT AGENDA ITEMS****GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS****CITY ATTORNEY, CONSENT AGENDA ITEMS****CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS**[150523.](#)**Updated Referral Lists (B)****RECOMMENDATION**

The City Commission receive the referral lists updated with strategic initiatives and remove the recommended referrals.

[150523_Referral Lists_20151119.pdf](#)[150528.](#)**City Commission Minutes (B)****RECOMMENDATION**

The City Commission approve the minutes of October 15, October 29, November 3, and November 5, 2015.

[150528_Minutes_20151119.pdf](#)

[150476.](#)**Appointments to City Commission Advisory Boards and Committees (NB)****RECOMMENDATION**

The City Commission appoint:

Ricardo R. Sabater to the Student Community Relations Advisory Board for a term to expire 9/30/16

Daniel C. Harloff to the Citizens Advisory Committee for Community Development for a term to expire 11/1/18

Juanita Miles Hamilton to the SHIP Affordable Housing Advisory Committee for a term to expire 7/1/17

Kimberly Buchholz and Adam Boudreaux to the City Beautification Board for a term to expire 11/1/18

Jacob Adams to the Bicycle/Pedestrian Advisory Board for a term to expire 12/31/18

Kali Blount to the Regional Transit System Advisory Board for a term to expire 9/30/18

Lyana G. Matonti to the Public Recreation and Parks Board as a Student Member for a term to expire 9/30/17

Krisjanna L. Olson to the Nature Centers Commission as a Student Member for a term to expire 9/30/17

Alexis R. Boenker to the Citizens Advisory Committee for Community Development as a Student Member for a term to expire 9/30/17

Robert B. Maldonado to the Gainesville/Alachua County Cultural Affairs Board as a Student Member for a term to expire 9/30/17

Robert B. Maldonado to the Gainesville Human Rights Board as a Student Member for a term to expire 9/30/17

Harold Shaw to the Gainesville Energy Advisory Committee as a Student Member for a term to expire 9/30/17

John V. Petito to the Regional Transit System Advisory Board as a Student Member for a term to expire 9/30/17

Bryana D. Boileau to the Tree Advisory Board as a Student Member for a term to expire 9/30/17

Allison J. Reagan to the Development Review Board as a Student Member for a term to expire 9/30/17

Allison J. Reagan to the Historic Preservation Board as a Student Member for a term to expire 9/30/17

Les Brown to the Bicycle/Pedestrian Advisory Board as a Student Member for a term to expire 9/30/17.

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

END OF CONSENT AGENDA

ADOPTION OF THE GENERAL GOVERNMENT REGULAR AGENDA (Read if any, each item added or modified)

GENERAL GOVERNMENT-RELATED CITIZEN COMMENT (not to exceed 30 minutes in length)

CLERK OF THE COMMISSION

CITY MANAGER

[150503.](#)

Alachua County Students to Successful Citizens System of Care Program (B)

This item is a request for the City Commission to hear a presentation from Alachua County Schools and the Juvenile Justice Council requesting the City's support to include the Alachua County Public Schools System of Care in its Legislative Packet for FY 2017.

****Presentation Time: 20 Minutes****

Explanation: The System of Care is a local program that addresses the needs of at-risk youth and families. The program was developed by a network of local agencies, partnering with the School Board of Alachua County (SBAC). The SBAC and its partners are requesting funding for the pilot program in FY 2016. Data is collected to monitor the progress of at-risk youth and families, with a comprehensive approach to services.

The goals of the System of Care program are to assess and treat at-risk students according to their needs, train school personnel, improve classroom behavior and reduce suspensions, increase academic achievement and overall graduation rates, increase employment of positive student engagement strategies by School Resource Police/Deputies, and decrease juvenile arrests.

The Students to Successful Citizens/System of Care was created as a

result of concerns from local agencies that at-risk youth and families were not receiving adequate services. There was a need for unified network of services to provide: intake, assessment, and assistance that is tailored to meet the individual needs of the youth in our community. The goal is to provide high quality, child centered, family focused, cost effective, community-based services to high risk youth and their families. State and local agencies, parents and providers work together to plan, share resources, and provide tailored services for our youth. These agencies included, but are not limited to: the School Board of Alachua County, Gainesville Police Department, Florida Department of Juvenile Justice, Alachua County Sheriff's Department, Florida State Attorney's Office, Meridian Health Care, and the Juvenile Justice Council.

Four elementary schools and three middle schools have been chosen to pilot the Students to Successful Citizens/System of Care program. Students and families benefit from a multi-tiered system of support services. These services are implemented as tiered supports, based on the school and individual student needs.

Tier 1 - Creating trauma-informed and emotionally responsive school cultures

Tier 2 - Behavior interventions and agency referrals

Tier 3 - Identification and Referral to System of Care

In late July/early August, leadership/student services teams at the identified pilot schools were required to participate in a full day of training. Principals, Assistant Principals, deans and counselors were included in this training. Appropriate school psychologists and social workers were also included. The training included:

- 2 - 3 hours of Trauma-Sensitive School training
- 2 - 3 hours of Restorative Justice training
- 2 hours of System of Care training, which included identification of students, the referral procedures, and the Students to Successful Citizens/System of Care processes and procedures.

In August/September, school-based training was provided to all faculty and staff. This training is ongoing throughout the school year.

Once a student is identified as a candidate for services through the Students to Successful Citizens/System of Care, the school counselor will communicate with the family to explain the referral process. Referral forms will be forwarded to the staffing office. The administrator will review all intake forms, assess needs, and schedule a staffing meeting with the family, school, and appropriate providers. A staff meeting will be held to discuss specific needs and develop an individualized student System of Care Action Plan. A case manager works with the family to assist them in accessing the services plan. The case manager works closely with the service providers to obtain monthly follow up and facilitate communication with all parties to ensure that the plan is implemented with fidelity.

Services under the Students to Successful Citizens/System of Care are available to students that meet at least one of the following:

- *Is enrolled in a public school and may display emotional/behavior problems.*
- *Is under the supervision of the Juvenile Justice System or the Local Domestic Relations Court.*
- *Is a ward of the Department of Justice.*
- *May need additional educational services.*

When all parties agree that sufficient progress has been made (i.e., there has been a reduction in school misbehavior, reduction in truancy, improvement in school grades, and/or improvement in self-concept as measured by the Pierce-Harris Self-Concept survey), the student will exit the Students to Successful Citizens/System of Care. Parents may also voluntarily discontinue their participation at any time. If progress is not made, a follow up staffing will be held to discuss barriers and adjust the Staffing Action Plan as necessary.

Fiscal Note: At this time no funds are being requested by the Alachua County Juvenile Justice Council to support this request for funding for a Pilot Program. In-kind Services from the City Department and Divisions are currently supporting the Alachua County System of Care Program.

RECOMMENDATION

The City Commission hear a presentation from the Alachua County Juvenile Justice Council and support their request to include the System of Care Pilot Program in the City of Gainesville's Legislative Packet or else to provide policy direction on how the City can directly assist and support the System of Care program.

[150503_System of Care Presentation_20151119.pdf](#)

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

GENERAL GOVERNMENT COMMITTEE REPORTS (PULLED FROM CONSENT)

COMMUNITY DEVELOPMENT COMMITTEE

[140292.](#)

Landlord Permits (B)

This item is a request by the Community Development Committee for the City Commission to consider a reduction of the Landlord Permit fee as part of the FY2017 budget process, and approve the

multiple-unit discount. *ESTIMATED STAFF PRESENTATION
TIME: 10 minutes.*****

Explanation: On August 21, 2014, the City Commission referred the issue of landlord permits to the Community Development Committee (CDC). On March 4, 2015, staff made a presentation to the CDC that provided an overview of the landlord permit program, a history of the program including legislative action taken by the City Commission, and recommendations for items to consider implementing. The CDC continued the item, without taking action, to the September 2, 2015 CDC meeting. In the interim, a fee study was conducted by an outside consultant and staff engaged stakeholders from the real estate and property management industry and private citizens. On September 2, 2015, the item was heard by the CDC and the committee was provided staff recommendations, stakeholder input gained by staff, and stakeholder input from real estate professionals, the Gainesville/Alachua County Association of Realtors, and private citizens. The CDC received input and has made the following recommendations to the City Commission:

- 1. Reduce the Landlord Permit fee \$204.75 to \$118. The new fee will take effect at the start of the next permit cycle beginning on August 1, 2016. The CDC recommends that the resulting annual revenue loss of approximately \$391,635 from the General Fund not affect the Code Enforcement Division budget or level of service. This will require an amendment to Appendix A - Schedule of rates, fees and charges.*
- 2. Remove the tiered landlord permit fee increase for delinquent permits and include a single fee increase of 25% for late payment. This will require an amendment to Appendix A - Schedule of rates, fees and charges.*
- 3. Amend the landlord permit ordinance, Chapter 14-5 Article 1, to allow the Special Magistrate for Code Enforcement to hear permit revocation cases. This process is currently handled administratively by staff.*
- 4. Amend Chapter 14-5 Article 1, to allow for landlord permits to be transferred to a new owner when a property is sold and remains a rental property.*
- 5. Amend Chapter 14-5 Article 1, to clarify and define the existing provision that a Landlord Permit is required when a dwelling is occupied by any person "unrelated" to the owner.*
- 6. Direct staff to improve communications with property managers who are registered on landlord permits when issues arise with properties they manage.*
- 7. Direct staff to provide more detailed report status updates to issues reported via 311GNV.*

On September 17, 2015 the City Commission approved CDC recommendations 2-7 and the referral remained in the Community Development Committee. On October 14, 2015, staff made a presentation to the CDC with a recommendation to continue the discussion of the permit fee, consider adjusting the fee structure for multiple dwelling units on a single parcel, options related to the limit of unrelated persons per dwelling unit in single-family zoning districts and

an alternative to the current permit revocation process.

At the September 2015 CDC meeting, the committee approved two items for recommendation to the City Commission.

- 1. Provide a 50% permit fee discount for multiple dwelling units on a single parcel with one owner owning all dwelling units. The owner will be responsible for the full permit fee on one dwelling unit and receive a 50% discounted fee for each additional unit on the parcel.*
- 2. The CDC recommends that staff provide the City Commission with a proposal to reduce the landlord permit fee to \$118 to be considered during the FY2017 budget process. The proposed fee amount may be adjusted depending on items considered by the CDC and approved by the City Commission that may affect the number of permits issued or overall cost of the program. Staff will make recommendations during the budget process.*

The CDC will continue to discuss recommendations related to relative occupied properties, owner occupied rental properties, alternatives to the current permit revocation process, and the limit of unrelated persons per single-family dwelling unit.

Fiscal Note: Approval of the multiple unit discount will result in a reduction of landlord permit revenue of approximately \$27,000 annually based on the current permit fee. Staff will present information about budget implications related to proposals to amend the permit fee during the FY2017 budget process.

RECOMMENDATION

The City Commission: 1) approve staff bringing forward a proposal to reduce the landlord permit fee during the FY2017 budget process; and 2) approve the multiple unit discount of 50% and direct the City Attorney to draft and the Clerk of the Commission to advertise an ordinance to implement the multiple unit discount.

Legislative History

8/21/14	City Commission	Referred to the Community Development Committee
3/4/15	Community Development Committee	Discussed
9/2/15	Community Development Committee	Discussed
9/17/15	City Commission	Approved, as shown above
10/14/15	Community Development Committee	Discussed

[140292_Landlord Permit Review_20150304.pdf](#)

[140292_FY14 GAINESVILLE \(FL\) - LL CAP FINAL_20150902.pdf](#)

[140292A_Landlord Permit Program_20150917.pdf](#)

[140292B_fee study_20150917.pdf](#)

[140292C_3-4-15 CDC Minutes_20150917.pdf](#)

[140292_Landlord Permit PPT_20151014.pdf](#)

[140292_Landlord Permit presentation_20151119.pdf](#)

LEGISLATIVE AND ORGANIZATIONAL POLICY COMMITTEE

[150103.](#)

Removal of the Criminal Conviction History Checkbox from the Employment Application (B)

Discuss removing the Employment Application Checkbox that identifies whether applicants have a criminal arrest history. **STAFF PRESENTATION 5 MINS**

Explanation: At the June 10, 2015 City Commission meeting, the City Commission referred to the Legislative and Organizational Policy Committee a discussion of removing the Employment Application Checkbox that identifies whether the applicant has a criminal arrest history.

The “Ban the Box” or “Fair Chance” initiative serves to 1) ensure that applicants who have a criminal background are not discouraged from applying for jobs for which they are qualified; and 2) provide applicants a fair chance at having qualifications considered for job opportunities without the stigma of a conviction record. The U.S. Equal Employment Opportunity Commission (EEOC) endorsed removing the conviction question from job applications as a best practice in 2012, and the movement to “Ban the Box” has gained momentum exponentially nationwide in recent years.

This item was discussed at the November 4, 2015 Legislative and Organizational Policy Committee with a recommendation to bring the item back to the full City Commission for discussion. The City will continue to conduct background checks on candidates prior to extending an offer of employment. Human Resources reviews the information received, and when negative information is obtained, makes individual assessments, considering the age of the offense and its relevance to the job in making hiring decisions.

Fiscal Note: There is no fiscal impact.

RECOMMENDATION

The City Commission 1) approve removing the Criminal Conviction History Checkbox from the City’s Employment Application; and 2) remove the item from the referral list.

Legislative History

6/10/15 City Commission Referred to the Legislative and Organizational Policy Committee

[150103_Application Process_20151104.pdf](#)

GENERAL GOVERNMENT ADVISORY BOARD/COMMITTEE REPORTS. Reports must be placed on the agenda by Charter Officer, through staff liaison after approval by Board/Committee.

[150522.](#)

Appointment to the Bicycle/Pedestrian Advisory Board and City Beautification Board (B)

RECOMMENDATION

The City Commission discuss one appointment to the Bicycle/Pedestrian Advisory Board and one student seat appointment to the City Beautification Board and take appropriate action.

[150522a_Appointments_20151119.pdf](#)

[150522b_Appointments_20151119.pdf](#)

GENERAL GOVERNMENT-RELATED ITEMS FROM OUTSIDE AGENCIES. Must be submitted by a Charter Officer. Update limited to ten (10) minutes.

GENERAL GOVERNMENT-RELATED ITEMS FROM MEMBERS OF THE CITY COMMISSION

[150535.](#)

Mayor Ed Braddy - Emergency Services Unit (ESU) (NB)

RECOMMENDATION

The City Commission hear a presentation.

[150536.](#)

Mayor Ed Braddy - Guide to Greater Gainesville (NB)

RECOMMENDATION

The City Commission discuss this matter.

[150537.](#)

Commissioner Craig Carter - Charter Amendment for Chief of Police (NB)

RECOMMENDATION

The City Commission discuss this matter.

GENERAL GOVERNMENT-RELATED COMMISSION COMMENTS (if time permits)

GAINESVILLE REGIONAL UTILITIES items of a time-sensitive or important nature or pulled from Consent. Must be submitted or pulled the Mayor, a City Commissioner or a Charter Officer.

[150519.](#)

REPLACEMENT OF CREDIT AGREEMENT FOR COMMERCIAL PAPER NOTES, SERIES C (B)

A RESOLUTION OF THE CITY OF GAINESVILLE, FLORIDA AUTHORIZING THE REPLACEMENT OF AN EXISTING CREDIT AGREEMENT WITH RESPECT TO ITS UTILITIES SYSTEM COMMERCIAL PAPER NOTES, SERIES C; APPROVING THE FORM OF A CREDIT AGREEMENT WITH BANK OF AMERICA, N.A., AND DELEGATING TO AUTHORIZED OFFICERS THE AUTHORITY TO NEGOTIATE AND FINALIZE THE TERMS THEREOF; AUTHORIZING THE PAYMENT OF COSTS OF ISSUANCE RELATED TO THE TRANSACTIONS DESCRIBED HEREIN; AUTHORIZING PROPER OFFICIALS TO DO ALL OTHER THINGS DEEMED NECESSARY OR ADVISABLE IN CONNECTION WITH THE ISSUANCE OF THE REPLACEMENT CREDIT FACILITY; PROVIDING CERTAIN OTHER MATTERS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

MODIFICATION - Additional Back-up, New Presentation and Waive Rules to hear item in the afternoon.

Explanation: On October 5, 1992, the City adopted its Second Supplemental Subordinated Utilities System Revenue Bond Resolution, as amended, supplementing the Amended and Restated Subordinated Utilities System Revenue Bond Resolution authorizing the issuance of its Utilities System Commercial Paper Notes, Series C. These Notes were secured by a Credit Agreement dated March 1, 2000, issued by Bayerische Landesbank Girozentrale ("BLB"), which expires November 30, 2015. BLB has decided to exit this business in its entirety and elected not to extend or renew the terms thereof.

The City, through its Financial Advisor, Public Financial Management (PFM), requested information and submissions for an alternate credit facility. The following five (5) banks responded to the RFI: Bank of America, N.A.; Barclays Bank PLC; JP Morgan Chase Bank, N.A.; Mizuho Bank, Ltd.; and Sumitomo Mitsui Banking Corporation.

Based on a review of evaluative criteria including, but not limited to, facility fees, proposed term, long-term and short-term bank ratings and other fees, expenses, and terms, Bank of America, N.A. provided the most responsive submission.

Fiscal Note: The facility fee under the current BLB Credit Agreement is 16 basis points, which translates to an annual cost of approximately \$136,000. The fee proposal from Bank of America, N.A. is 40 basis points for a term of three years, which equals an annual cost of approximately \$340,000. The BLB facility was established over 15 years ago and since that time the economic landscape has changed. The financial crisis sparked changes in not only financial regulation and compliance, but also general market conditions and bank economics. As a result, pricing close to the BLB agreement is no longer available in the market and has not been for many years.

RECOMMENDATION

The City Commission 1) approve the selection of Bank of America, N.A. as the liquidity support provider for the Tax-Exempt Commercial Paper Notes, Series C; 2) approve the form of the draft credit agreement between the City and Bank of America N.A. and the related Fee Letter, each in substantially the form submitted with such changes thereto as the General Manager or his designee executing may approve as necessary or desirable and in the best interests of GRU, such approval to be evidenced by the execution and delivery thereof, and subject to the approval of the City Attorney as to form and legality; 3) authorize the Clerk of the Commission, General Manager, Chief Financial Officer, or other Authorized Officers to execute (as defined in the Utilities Bond Resolution) such documents as may be necessary or desirable to proceed with the transaction pursuant to this City Commission authorization and delegation, subject to the approval of the City Attorney as to form and legality; and 4) approve the attached Authorizing Resolution.

[150519 Credit Facility Replacements 20151119](#)

[150519 Resolution w-Exhibits GRU CP Notes 20151119](#)

[150519 Commercial Paper Credit Facility Replacement Pres. 20151119](#)

[150519 Commercial Paper Offering Memo GRU Series C 20151119](#)

5:30 P.M.

PLEDGE OF ALLEGIANCE (5:30pm)

**PROCLAMATIONS/SPECIAL RECOGNITIONS Placed on Agenda by
Commissioner or Charter Officer**

[150491.](#)

City of Gainesville's Citizens' Academy Fall 2015 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 inform them on how they can become more involved in their local government.

Participants in this session's Citizens' Academy went behind the scenes of city government operations, met with government officials, toured facilities and asked questions at seven weekly sessions. This is the 18th graduating class of the City of Gainesville's Citizens' Academy.

RECOMMENDATION

The City Commission: 1) recognize accomplishments of Gainesville 101 Fall 2015 City of Gainesville Citizens' Academy graduates; and 2) hear brief comments from the class speaker on what they have learned.

[150499](#)

Florida Public Transportation Association 2015 Awards Received by Regional Transit System (NB)

This item involves a request for the City Commission to recognize the Florida Public Transportation Association (FPTA) 2015 Awards received by the Regional Transit System (RTS).

Explanation: On Monday, October 26, 2015 during their annual conference the Florida Public Transportation Association (FPTA) awarded the City of Gainesville's Regional Transit System (RTS) the 2015 Outstanding System of the Year Award.

FPTA officials reviewed 37 transit organizations in the state for proficiency in safety measures, efficient operation procedures, providing additional value and service to riders (customer service), financial management, containment of employee costs and improving absentee rates, staff development, marketing, community relations, as well as, implementing effective and productive administration techniques. RTS excelled in all areas and received the 2015 award to go with its 2008 FPTA Outstanding System of the Year award.

RTS is the only agency that has won the prestigious award twice. It showcases the effort and work that RTS employees do day-to-day to provide safe, reliable and efficient transportation options to Gainesville citizens.

RTS consistently ranks at the top of Florida public transportation agencies in trips per capita, passenger trips per revenue hour and operating expenses per passenger trip (lowest cost). The partnerships with the University of Florida, Santa Fe College, the Florida Department of Transportation, the Federal Transit Administration, Alachua County and others allow RTS to continue to grow and excel in providing transportation services to the Gainesville community

The RTS Marketing and Communications Division also received awards at the conference; they received a first place award for Signage and Graphics and a second place for Internal/Employee Communications.

Fiscal Note: There is no fiscal impact associated with this item.

RECOMMENDATION *The City Commission recognize the Florida Public Transportation Association 2015 Awards received by the Regional Transit System.*

[150468.](#)

Prematurity Awareness Month - November 2015 (B)

RECOMMENDATION *March of Dimes Executive Director Tammy Dygert to accept the proclamation.*

[150468_proclamation_20151119.pdf](#)

[150469.](#)

National Family Caregivers Month - November 2015 (B)

RECOMMENDATION *Elder Options Tom Rinkoski to accept the proclamation.*

[150469_proclamation_20151119.pdf](#)

[150470.](#)

National Hospice Palliative Care Month - November 2015 (B)

RECOMMENDATION *Haven Hospice Community Liaison Audrey Williams to accept the proclamation.*

[150470_HospicePalliative_20151105.pdf](#)

6:00 P.M.

CITIZEN COMMENT (to end at a time certain of 6:30pm or at such later time as allows for 30 minutes of citizen comment)

PUBLIC HEARINGS

RESOLUTIONS- ROLL CALL REQUIRED

[150492.](#)

Qualified Target Industry (QTI) Resolution - Project Night (B)

This item seeks City Commission approval for a QTI Resolution associated with prospective job creation for the location within the City of Gainesville of Project Night.

Explanation: A company seeking approval of a Qualified Target Industry (QTI) has requested confidential treatment of information concerning plans, intentions, or interests of such company in relocating its business activities to Gainesville. The Gainesville Area Chamber of Commerce is referring to the company as "Project Night" to protect the identity of the company pursuant to Section 288.075, Florida Statutes.

Project Night has indicated that it will create up to 140 net new jobs within three years at an average wage of approximately \$55,000 (with benefits) within the City of Gainesville. In addition to the creation of jobs in the three-year period, this firm has pledged a capital investment of approximately \$85,000 in a similar timeframe.

The QTI incentive is a State tool available to Florida communities to encourage job growth in targeted, high value added businesses. Pre-approved applicants creating jobs in Florida receive refunds on the various State taxes they pay including corporate, sales, ad-valorem, insurance premium and other taxes. The QTI incentive is performance based and the firm will only receive funds based upon jobs created and meeting other criteria as required by Florida statute.

Due to the incentive calculated per job (\$3,000 per job per QTI incentive, \$1,000 per job associated with 150% of the average annual wage and \$2,000 for jobs located in an Enterprise Florida designated High Impact Business Sector) the total incentive would be \$840,000. Of this, the City would be asked to provide a 10% match (\$84,000) over a period of eight years with an equal 10% match (\$84,000) coming from Alachua County for a total local match of \$168,000.

The Gainesville Area Chamber of Commerce and its economic development arm, the Council for Economic Outreach (CEO), have worked with Enterprise Florida and Project Night and recommends approval of this request.

Fiscal Note: If this item is approved, the City Commission agrees to budget and appropriate up to \$84,000 over eight years in the event that tax refunds are approved by the State.

RECOMMENDATION

The City Commission: 1) adopt the QTI Resolution; 2) authorize the Mayor to execute and the Clerk to attest to the QTI Resolution regarding Project Night; and 3) direct the City Manager to forward the executed QTI Resolution to Enterprise Florida.

[150492A_draft_resolution_20151119.pdf](#)

[150500.](#)

Resolution for 5310 Grant Application (B)

This item is a request for the City Commission to adopt a Resolution

to allow the Regional Transit System (RTS) to apply for a 5310 Grant to purchase paratransit trips and paratransit vehicles to provide ADA service to the disabled citizens of Gainesville.

MODIFICATION - Revised Back-up.

Explanation: Federal funds are available through the Federal Transit Administration (FTA) and the Florida Department of Transportation (FDOT) to purchase paratransit trips and replacement vans. In the past, a generic resolution adopted by the City Commission authorizing the City Manager or his designee to execute and file applications for such grants was sufficient. FDOT has stated the Resolution must have specific verbiage, in the format approved by their attorney, and be adopted within 30 days of the application due date which is December 11, 2015.

RTS is requesting that the City Commission adopt the Resolution allowing the application to go forward to apply for much needed paratransit trips and paratransit vans to maintain the paratransit fleet.

Fiscal Note: RTS will use capital replacement funds (received from the RTS Paratransit Contract for use of city owned vehicles) as match money. Funds are allocated in the RTS FY16 budget to provide the 50% match for the trips.

RECOMMENDATION

The City Commission: 1) adopt the Resolution; and 2) authorize the City Manager to execute related Joint Participation Agreement(s) with the Department of Transportation, subject to approval by the City Attorney as to form and legality.

[150500_Resolution 5310 FY 16_20151119.pdf](#)

[150501.](#)

Resolution for 5311 Grant Application (B)

This item is a request for the City Commission to adopt a Resolution to allow the Regional Transit System (RTS) to apply for a 5311 Grant to purchase Demand Response trips and to continue to provide Route 23 transportation services to the citizens of Gainesville.

MODIFICATION - Revised Back-up.

Explanation: Federal funds are available through the Federal Transit Administration (FTA) and the Florida Department of Transportation (FDOT) to purchase demand response trips and to provide Route 23 that operates between the Oaks Mall and Santa Fe College (SF). The funding is set up on a 5-year cycle and is issued either yearly or every 3 years.

The current funding cycle has begun and RTS will use the funds to purchase demand response trips in rural Alachua County and will continue to provide the Route 23 from SF to the Oaks Mall.

In the past, FDOT has accepted generic resolutions adopted by the City Commission authorizing the City Manager or his designee to execute and file applications for such grants, but this is no longer sufficient. FDOT now requires that resolutions submitted with Federal grant packages have specific verbiage in the format approved by their attorney and be adopted within 30 days of the application due date which is December 11, 2015. RTS is requesting that the City Commission pass the Resolution allowing the application to go forward to apply for much needed transportation services.

Fiscal Note: The monies for Demand Response trips and Route 23 are considered operational funds and require a 50/50 match. RTS will use monies received from Alachua County Contract for several routes touching the rural area as the local match.

RECOMMENDATION

The City Commission: 1) adopt the Resolution to allow the Regional Transit System (RTS) to apply for a 5311 Grant to purchase Demand Response trips; 2) allow RTS to continue to provide Route 23 transportation services to the citizens of Gainesville; and 3) authorize the City Manager to execute related Joint Participation Agreement(s) with the Department of Transportation, subject to approval by the City Attorney as to form and legality.

[150501 Resolution 5311 FY 16 20151119.pdf](#)

[150502.](#)

Resolution for 5339 Grant Application (B)

This item is a request for the City Commission to adopt a Resolution to allow the Regional Transit System (RTS) to apply for a 5339 Grant to purchase paratransit vans and mobile data equipment to provide ADA service to the disabled citizens of Gainesville.

MODIFICATION - Revised Back-up.

Explanation: Federal funds are available through the Federal Transit Administration (FTA) and the Florida Department of Transportation (FDOT) to purchase replacement vans. In the past, a generic resolution adopted by the City Commission authorizing the City Manager or his designee to execute and file applications for such grants was sufficient. FDOT has stated the Resolution must have specific verbiage, in the format approved by their attorney, and be adopted within 30 days of the application due date which is December 11, 2015. RTS is requesting that the City Commission adopt the Resolution allowing the application to go forward to apply for much a needed paratransit vehicles in order to maintain the paratransit fleet.

Fiscal Note: RTS will use capital replacement funds (received from the RTS Paratransit Contract for use of city owned vehicles) as match money to obtain the federal funds to purchase the needed vehicle. Funds are

available in the RTS FY16 budget.

RECOMMENDATION

The City Commission: 1) adopt the Resolution; and 2) authorize the City Manager to execute related Joint Participation Agreement(s) with the Department of Transportation, subject to approval by the City Attorney as to form and legality.

[150502 Resolution 5339 FY 16 20151119.pdf](#)

[150520.](#)

RESOLUTION ADOPTING THE RECORDING OF A REGULATORY ASSET AND PENSION LIABILITIES ASSOCIATED WITH THE IMPLEMENTATION OF NEW ACCOUNTING STANDARDS ISSUED BY THE GOVERNMENTAL ACCOUNTING STANDARDS BOARD (B)

A RESOLUTION OF THE CITY OF GAINESVILLE, FLORIDA, AUTHORIZING AND PROVIDING FOR THE RECORDING OF PENSION LIABILITIES AS A REGULATORY ASSET RELATED TO PENSION COSTS PURSUANT TO GOVERNMENT ACCOUNTING STANDARDS BOARD STATEMENT NO. 62; AND PROVIDING AN EFFECTIVE DATE.

Explanation: GRU is required to follow accounting standards issued by the Governmental Accounting Standards Board ("GASB"). For fiscal year 2015, GRU adopted the provisions of GASB Statement No. 68, Accounting and Financial Reporting for Pensions, and GASB Statement No. 71, Pension Transition for Contributions Made Subsequent to the Measurement Date. These statements establish standards for measuring pension liabilities, deferred outflows of resources and deferred inflows of resources related to pension liabilities, and pension expenses and were required by GASB to be implemented for fiscal year 2015.

This resolution approves regulatory treatment for the required effects of these statements which will allow GRU to record pension costs as a regulatory asset rather than a reduction in net position related to pension costs, in accordance with GASB 62, paragraphs 476-500, Regulated Operations.

Fiscal Note: There is no fiscal impact related to the adoption of this accounting treatment.

RECOMMENDATION

The City Commission adopt the proposed resolution.

[150520 Resolution and Policy Modifications Regulatory Items 20151119](#)

[150520 GASB 68 Presentation 20151119](#)

[150512.](#)**UTILITY GOVERNANCE ALTERNATIVES (B)**

MODIFICATION - Added Item and Moved to the Evening.

Explanation: At its November 5, 2015 meeting, the City Commission adopted, on first reading, an ordinance to create a utility advisory board. In addition, the Commission continued its discussion of: 1) placing a binding referendum question before the voters (by adopting a proposed charter amendment ordinance that creates a utility governance board with relevant expertise appointed by the City Commission); or 2) placing a non-binding referendum question before the voters (by adoption of a resolution) to gauge voter interest in the City Commission proposing a charter amendment to create a utility governance board with relevant expertise appointed by the City Commission.

At the November 5, 2015 City Commission meeting, the City Commission directed the City Attorney's Office to work with Commissioner Budd to draft a non-binding referendum question and place it on the November 19th City Commission meeting agenda. The City Attorney's Office discussed the matter with Commissioner Budd and provided him with the following draft question:

"Should the City prepare and submit a charter amendment to the city electors on the spring 2017 city election ballot which amendment, if approved, would remove policy-making authority and management oversight over the City's electric, water, wastewater, natural gas and telecommunication utilities from the elected City Commission and grant that policy-making authority and management oversight to a citizen board with relevant expertise appointed by the City Commission?"

In addition, at the November 5, 2015 meeting, the City Commission requested the City Attorney's Office provide each member of the Commission with a draft ordinance that would place a binding referendum question before the voters. As requested, the City Attorney's Office provided a draft charter amendment ordinance via email on Monday, November 9th and that draft is included in the back-up to this agenda item.

As drafted, the charter amendment would add a new section 4.04 to the City Charter. Section 4.04 is divided into ten (10) paragraphs that address the following matters:

Paragraphs 1-3 create and establish the membership of the board; Paragraphs 4 and 5 define the responsibilities and duties of the board; Paragraph 6 identifies the responsibilities and authority that the city commission retains over the utilities; Paragraph 7 defines the responsibilities and duties of the general manager of utilities and Paragraphs 8, 9, and 10 reaffirm that the utilities remain a city asset; that utility employees remain city employees; and that the utility board will have all rights and obligations with respect to existing utility obligations, including contracts and bonds, as the City Commission had.

The Regional Utilities Committee (RUC) met on Thursday, November 12, 2015 and discussed the draft charter amendment (Legistar No. 150524 titled GRU Governance - Draft Charter Amendment.) At the meeting, the RUC suggested revisions as follows:

Change the name of the governing body from Board of Trustees to Board of Directors.

Remove paragraph 4(b) regarding renewable energy.

Remove the word compensation from paragraph 6(b) and replace it with reimbursement for training and out of pocket expenses for travel to training and professional meetings associated with utility business.

Change the authority to employ and set the compensation for the general manager from solely the board of directors to the city commission with agreement from the board of directors. This would require a change to paragraph 4(v), paragraph 6(l), and paragraph 7(a).

Change paragraph 5(e) to reflect that the current general fund transfer formula provided by Resolution No. 130852 will continue through September 30, 2019 at which time the city commission will establish a new general fund transfer amount by ordinance.

RECOMMENDATION

The City Commission: 1) discuss the draft charter amendment ordinance and revisions suggested by the Regional Utilities Committee; 2) discuss the draft non-binding referendum language; and 3) decide whether to take any further action with respect to utility governance alternatives.

Legislative History

11/5/15 City Commission Discussed

[150512_Draft Charter Amendment_20151119.pdf](#)

150521.

CITY COMMISSION RULES (B)

Resolution No. 150521

A RESOLUTION AMENDING AND RESTATING IN ITS ENTIRETY THE RULES OF THE CITY COMMISSION TO ELIMINATE THE REGIONAL UTILITIES COMMITTEE; PROVIDING A REPEALING CLAUSE AND PROVIDING AN EFFECTIVE DATE.

Explanation: The City Commission, as part of its discussions of creating a Utility Advisory Board (the ordinance for which is on this agenda for second reading), agreed to eliminate the Regional Utilities Committee. The rules have been updated consistent with the Commission direction.

RECOMMENDATION

The City Commission adopt the proposed Resolution.

[150521_draft_resolution_20151119.pdf](#)

ORDINANCES, 1ST READING- ROLL CALL REQUIRED**ORDINANCES, 2ND READING/ADOPTION READING- ROLL CALL REQUIRED**

[140384.](#)

**GRU GOVERNANCE - UTILITY ADVISORY BOARD
CREATION (B)**

Ordinance No. 140384

An ordinance of the City of Gainesville, Florida, amending the Code of Ordinances to repeal the existing Energy Advisory Committee and create a new Utility Advisory Board to assist with governance of the City's electric, gas, telecommunications, water and wastewater utilities; by repealing the text within the existing Division 7. of Article V. Boards, Commissions and Committees of Chapter 2 Administration and replacing it with text that creates the Utility Advisory Board; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: At the October 8, 2015 Regional Utility Committee (RUC) meeting, the RUC reviewed a draft ordinance creating a utility advisory board. The RUC recommended that the City Commission move forward with the draft ordinance but that the composition of the membership of the board be changed. The RUC recommended that the board be comprised of nine members appointed by the City Commission. The membership would include: (1) a representative of a major business, (2) a person with utility management experience; (3) a person with investment banking/financial or CPA experience; (4) a licensed attorney with business/contract/corporate law experience; (5) a person with engineering experience; (6) and (7) two City Commissioners; (8) one County Commissioner; and (9) one person with any qualifications the commission deems relevant or beneficial to service on the board.

At the October 12, 2015 City Commission General Policy Committee meeting, the Commission discussed the draft ordinance and the RUC recommended changes. The Commission determined to proceed with the utility advisory board ordinance however, the Commission changed the advisory board composition. The advisory board would have seven members appointed by the City Commission instead of nine. The Commission determined that the composition of the utility advisory board would be: (1) a representative of a major business, (2) a person with utility management experience; (3) a person with investment banking/financial or CPA experience; (4) a licensed attorney with business/contract/corporate law experience; (5) a person with

engineering experience; and (6) and (7) two persons with any qualifications the Commission deems relevant or beneficial to service on the board. The Commission also determined that a minimum of one board member must reside outside of the City's limits.

The draft ordinance incorporates the changes made by the City Commission at its October 12, 2015, General Policy Committee meeting.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings and shall become effective immediately upon adoption at second reading. At second reading of this ordinance, the City Attorney's office will also place a Resolution on the agenda that revises the Rules of the City Commission by eliminating the Regional Utilities Committee.

RECOMMENDATION The City Commission adopt the proposed ordinance.

Legislative History

10/21/14	General Policy Committee	Approved, as shown above
1/21/15	General Policy Committee	Approved as shown above (See Motion)
2/26/15	City Commission	Discussed
3/30/15	City Commission	Continued
4/2/15	City Commission	Approved, as shown above
7/2/15	City Commission	Referred to the Regional Utilities Committee
9/17/15	City Commission	Discussed
10/12/15	General Policy Committee	No Action Taken
11/5/15	City Commission	Adopted on First Reading (Ordinance)

[140384 FMEA Governance Presentation 2014.10.21](#)
[140384 Governance Chart 2014.10.21](#)
[140384 GRU Governance and APPA Workshop 2014.10.21](#)
[140384 GRU Governance Memorandum 2014.10.21](#)
[140384 Utility Governance Changes and Examples 20150121.pdf](#)
[140384 Outline of Proposed Advisory Committee 20150330.pdf](#)
[140384 Lakeland Information 20150330.pdf](#)
[140384 GRUadvisoryboardproposal 20150226.pdf](#)
[140384 draft language to create utility board 20150702.pdf](#)
[140384 GEAC 20151008](#)
[140384 Draft Perry Bill 20151008](#)
[140384 Draft Ordinance Language Util Brd 20151008](#)
[140384 City Charter Article I 20151008](#)
[140384A draft ordinance 20151105.pdf](#)
[140384A revised draft ordinance 20151105.pdf](#)

[150395.](#)

DEFINING AND ALLOWING MEDICAL MARIJUANA DISPENSARIES IN CERTAIN ZONING DISTRICTS (B)

Ordinance No. 150395, Petition PB-15-80 TCH

An ordinance of the City of Gainesville, Florida, amending the Land Development Code (Chapter 30 of the City of Gainesville Code of Ordinances) to allow Medical Marijuana Dispensaries, as defined in this ordinance, as a permitted use in certain zoning districts; by amending Section 30-23 to add definitions; by amending the following zoning districts to add Medical Marijuana Dispensaries as a permitted use by right: Office Residential District (OR), General Office District (OF), General Business District (BUS), Mixed-Use Low Intensity District (MU-1), Mixed-Use Medium Intensity District (MU-2), Urban Mixed-Use District 1 (UMU-1), Urban Mixed-Use District 2 (UMU-2), Central City District (CCD), Medical Services District (MD), and Corporate Park District (CP); providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

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

This ordinance will amend the Land Development Code to define and allow "Medical Marijuana Dispensaries" in certain zoning districts. In 2014 the Legislature of the State of Florida enacted the "Compassionate Medical Cannabis Act of 2014" (codified in Section 381.986, Florida

Statutes), which authorizes physicians licensed under Chapter 458 or Chapter 459 of the Florida Statutes to order low-THC cannabis for specified patients. Amongst other restrictions, the Compassionate Medical Cannabis Act of 2014 provides that a physician may only order low-THC cannabis for a patient suffering from cancer or a physical medical condition that chronically produces symptoms of seizures or severe and persistent muscle spasms and only if no other satisfactory alternative treatment options exist for that patient. "Low-THC Cannabis," as defined in this ordinance in accordance with the Compassionate Medical Cannabis Act of 2014, means a plant of the genus Cannabis, the dried flowers of which contain 0.8 percent or less of tetrahydrocannabinol and more than 10 percent of cannabidiol weight for weight.

In accordance with the Compassionate Medical Cannabis Act of 2014, Florida Statutes and Chapter 64-4 of the Florida Administrative Code, the City has the authority to provide zoning regulations for the dispensing of low-THC cannabis permissible under the Act. This ordinance will allow within certain zoning districts the dispensing of low-THC cannabis strictly in accordance with and as limited by the Compassionate Medical Cannabis Act of 2014.

The City Plan Board on September 24, 2015, held a public hearing and voted to recommend adoption of this ordinance.

CITY ATTORNEY MEMORANDUM

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

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

11/5/15 City Commission Approved (Petition) and Adopted on First Reading (Ordinance)

[150395B_Staff report_20151105.pdf](#)

[150395C_Append A Application-20151105.pdf](#)

[150395D_Append B Supplemental Docs Exh B-1 thru Exh B-3-20151105.pdf](#)

[150395E_CPB minutes_20151105.pdf](#)

[150395F_staff ppt_20151105.pdf](#)

[150395A_draft ordinance_20151105.pdf](#)

[150304.](#)

QUASI-JUDICIAL - HISTORIC PROPERTY TAX EXEMPTION - 420 NE 5th STREET (B)

Ordinance No. 150304

An ordinance of the City of Gainesville, Florida, finding that property

located at 420 NE 5th 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, 2016, 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: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT REPORT

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/rehabilitation of a contributing residential building in the Northeast Residential Historic District. Part 1 was approved by the HPB on May 7, 2013, with a finding that the property was eligible for the exemption and that the proposed improvements met the required standards.

Second, the applicant completed the restoration/rehabilitation work 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 August 4, 2015, 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 \$258,934.71. However, pursuant to City Code and State Statute, the actual amount of the exemption will be determined by the County Property Appraiser. The renovations include both interior and exterior work. The exterior work included: a rear porch addition with a roof pitch to match the existing porch of the house; the house exterior was stripped and painted; missing architectural details (railing and gingerbread) was replaced or restored; new brick skirting was added to the perimeter foundation of the house; and an existing freestanding garage was demolished and a new garage was constructed with a 1/2 story

apartment. The interior improvements included: rebuilding the masonry fireplace and installing a salvaged historic mantle; existing original trim was reused and supplemented with either new wood or salvaged material; original and historically appropriate doors were installed; living room ceiling was removed and became vaulted and exposed the stained glass window at the south gable; and the house received new wiring, plumbing, HVAC and all new finishes.

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, 2016.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

11/5/15 City Commission Adopted on First Reading (Ordinance) and Approved the Recommendation

[150304A draft ordinance 20151105.pdf](#)

[150304B staff report 20151105.pdf](#)

[150304C Exh1 Part 1 Application and Backup Material 20151105.pdf](#)

[150304D Exh2 Rehabilitaion Costs and Receipts-20151105.pdf](#)

[150304E Exh3 Photos 20151105.pdf](#)

[150304F Exh4 Application 20151105 .pdf](#)

[150304G HPB minutes 20151105 .pdf](#)

[150304H staff ppt 20151105.pdf](#)

[150350](#)

VACATION OF PUBLIC RIGHT-OF-WAY - 207 FEET OF UNIMPROVED ALLEY BETWEEN SW 7TH TERRACE AND SW 6TH STREET, SOUTH OF SW 4TH AVENUE (B)

Ordinance No. 150350; Petition PB-15-63 SVA

An ordinance of the City of Gainesville, Florida, to vacate, abandon, and close an unimproved alley public right-of-way that extends for 207 feet between SW 7th Terrace and SW 6th Street, south of SW 4th Avenue, as more specifically described in this ordinance; reserving a utilities easement; providing a severability clause; providing a repealing clause; and providing an effective date.

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

This ordinance vacates an unimproved alley public right-of-way that extends for 207 feet between SW 7th Terrace and SW 6th Street, south of SW 4th Avenue, as more specifically described and shown in the

ordinance. The subject alley was originally part of a larger public right-of-way that was dedicated to the public by a plat; however, the City in 1972 vacated all of that public right-of-way except the portion that is the subject of this ordinance. The public right-of-way to be vacated is 22 feet wide and approximately 207 feet in length, and is not improved or used for public access. Currently, large trees and site improvements (parking areas) exist within or closely adjacent to the subject alley. Vacation of this public right-of-way will allow for the future redevelopment of a unified city block, which may not occur as proposed without the vacation. Authorization from the abutting property owners is included with the application.

Staff recommends approval of this vacation of public right-of-way, based on criteria for the vacation of public streets or public places found in Section 30-192 of the Land Development Code, and on the enumerated criteria found in Policy 10.2.1 of the Transportation Mobility Element.

After public notice was published in the Gainesville Sun on July 7, 2015, the City Plan Board held a public hearing on August 27, 2015, and by a vote of 5-0 recommended approval of this request to vacate the subject public right-of-way.

CITY ATTORNEY MEMORANDUM

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

RECOMMENDATION The City Commission adopt the proposed ordinance.

Legislative History

11/5/15 City Commission Approved (Petition) and Adopted on First Reading (Ordinance)

[150350B_staff_report_20151105.pdf](#)

[150350C_ExA-1_Authorization_from_property_owners_20151105.pdf](#)

[150350D_ExB-1_Survey_20151105.pdf](#)

[150350E_Maps_20151105.pdf](#)

[150350F_ExF-1TRC_Comments-20151105.pdf](#)

[150350G_CPB_minutes_20151105.pdf](#)

[150350H_staff_ppt_20151105.pdf](#)

[150350A_draft_ordinance_20151105.pdf](#)

[150089](#)

LAND USE CHANGE - PAYNES PRAIRIE SHEETFLOW RESTORATION PROJECT (B)

Ordinance No. 150089; Petition No. PB-15-13 LUC

An ordinance amending the Future Land Use Map of the City of

Gainesville Comprehensive Plan by changing the land use category of approximately 258 acres of property that is generally located in the 3400 block of SW Williston Road and contains the Paynes Prairie Sheetflow Restoration Project and Sweetwater Wetlands Park, as more specifically described in this ordinance, from Alachua County Preservation to City of Gainesville Public and Institutional Facilities (PF); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Fiscal Note: None.

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 (7) days prior to the hearing. The second hearing is the adoption stage and must be advertised at least five (5) days prior to the hearing. Within ten (10) 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 (10) 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, any affected person may file a petition with the State Division of Administrative Hearings to request a hearing to challenge the compliance of this amendment 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: (1) receive letters from the Florida Department of Economic Opportunity, North Central Florida Regional Planning Council, St. Johns River Water Management District, Florida Department of Environmental Protection, and Florida Department of Education, and (2) adopt the proposed ordinance.

Legislative History

9/3/15 City Commission Approved (Petition) and Adopted on First Reading (Ordinance)

[150089A_draft ordinance_20150903.pdf](#)

[150089B_staff report_20150903.pdf](#)

[150089C_Append A_Comprehensive Plan GOPs_20150903.pdf](#)

[150089D_Append B_Supplemental Docs_Exh B-1thruExh B-10_20150903.pdf](#)

[150089E_Append C_Application_ExhC-1_20150903.pdf](#)

[150089F_CPB minutes_20150903.pdf](#)

[150089G_staff ppt_20150903.pdf](#)

[150090.](#)

QUASI-JUDICIAL - REZONING - PAYNES PRAIRIE SHEETFLOW RESTORATION PROJECT (B)

ORDINANCE NO. 150090; Petition No. PB-15-14 ZON

An ordinance amending the Zoning Map Atlas of the City of Gainesville, Florida, by rezoning approximately 258 acres of property that is generally located in the 3400 block of SW Williston Road and contains the Paynes Prairie Sheetflow Restoration Project and Sweetwater Wetlands Park, as more specifically described in this ordinance, from Alachua County Conservation (C-1) to City of Gainesville Public Services and Operations District (PS); 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 REPORT

This ordinance will amend the City's Zoning Map Atlas by rezoning the Paynes Prairie Sheetflow Restoration Project (PPSRP) and Sweetwater Wetlands Park property (approximately 258 acres) from Alachua County Conservation (C-1) to City of Gainesville Public Services and Operations District (PS). The property is at the southern edge of the City, in the 3400 block of SW Williston Road. The City and State-owned land was voluntarily annexed on April 16, 2015, by Ordinance No. 140618.

The property is adjacent to undeveloped land (wooded uplands, wetlands) to the north and east, and undeveloped land (wetlands) to the south. Paynes Prairie Preserve State Park is to the east, south and north (also to the north is the 125-acre Sweetwater Preserve, an Alachua County nature park). Undeveloped land (wooded uplands) is to the west. The adjacent lands to the north, south, east and west are in the Alachua County Preservation future land use category.

The PPSRP is a unique public utility project of the City of Gainesville and Gainesville Regional Utilities (GRU) that provides stormwater treatment, water quality enhancement and Floridan aquifer protection, wetland enhancement and creation, and passive recreation amenities at Sweetwater Wetlands Park. Many components of the PPSRP have been completed, and Sweetwater Wetlands Park opened in May 2015

and provides public access to its trails, boardwalks and overlooks.

The proposed Public Services and Operations District (PS) zoning district allows for public utilities (e.g., stormwater treatment) and other uses that serve a public purpose (e.g., public use areas for bird watching and nature study), and is an appropriate land use category for the PPSRP. The proposed PS zoning district includes a list of permitted uses for the property, including: water conservation areas; water reservoirs and control structures; stormwater treatment facilities; public lands designated for open space or conservation; wildlife management; local nature park with nature trails and boardwalks, restrooms and pavilions; visitor/education center; security residence; and accessory uses customarily incidental to any permitted principal use. In addition, this ordinance requires all future development activity to be in substantial compliance with the Final Development Plan that was approved in 2012 by the Alachua County Development Review Committee (Project No. 2009121601_F).

At its public hearing on May 28, 2015, the City Plan Board recommended approval to the City Commission by a vote of 7-0.

Fiscal Note: None.

CITY ATTORNEY MEMORANDUM

The City Commission approved this ordinance on first reading on September 3, 2015.

This ordinance requires two hearings and shall become effective when the amendment to the City of Gainesville Comprehensive Plan adopted by Ordinance No. 150089 becomes effective as provided therein.

RECOMMENDATION The City Commission adopt the proposed ordinance.

Legislative History

9/3/15 City Commission Approved (Petition) and Adopted on First Reading (Ordinance)

[150090A draft ordinance 20150903.pdf](#)

[150090B staff report 20150903.pdf](#)

[150090C Append A Comprehensive GOPs Exh A-1 20150903.pdf](#)

[150090D Append B Supplemental Docs Exh B-1 thru Exh B-11 20150903.pdf](#)

[150090E Append C Application Exh C-1 20150903.pdf](#)

[150090F CPB minutes 20150903 .pdf](#)

[150090G staff ppt 20150903.pdf](#)

[150111.](#)

LAND USE CHANGE - 2100 NE 39TH AVENUE (B)

Ordinance No. 150111; Petition No. Petition No. PB-15-44 LUC
An ordinance amending the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of approximately 498 acres of property that is generally located at 2100 NE 39th Avenue and is bordered on the north by NE 53rd Avenue, on the south by NE 39th Avenue, on the west by NE 15th Street, and Waldo Road approximately 440 feet to the east, as more specifically described in this ordinance, from Planned Use District (PUD) to Residential Low-Density (RL), Residential Medium-Density (RM), Office (O) and Business Industrial (BI); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Fiscal Note: None.

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 (7) days prior to the hearing. The second hearing is the adoption stage and must be advertised at least five (5) days prior to the hearing. Within ten (10) 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 (10) 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, any affected person may file a petition with the State Division of Administrative Hearings to request a hearing to challenge the compliance of this amendment 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: (1) receive letters from the Florida Department of Economic Opportunity, North Central Florida Regional Planning Council, St. Johns River Water Management District, Florida Department of Environmental Protection,

and Florida Department of Education, and (2) adopt the proposed ordinance.

Legislative History

9/3/15 City Commission Approved (Petition) and Adopted on First Reading (Ordinance)

[150111A_draft ordinance_20150903.pdf](#)

[150111B_staff report_20150903.pdf](#)

[150111C_Append A_Comp Plan GOPs_20150903.pdf](#)

[150111D_Append B_Supplemental Docs_Exh B-1 thru Exh B-1_20150903.pdf](#)

[150111E_Append C_Application_Exh C-1_20150903.pdf](#)

[150111F_CPB minutes_20150903.pdf](#)

[150111G_staff ppt_20150903.pdf](#)

[150111_Hatchet Creek- City Commission Presentation_20150903.pdf](#)

150112.

QUASI-JUDICIAL - REZONING - 2100 NE 39TH AVENUE (B)

Ordinance No. 150112, Petition PB-15-43 ZON

An ordinance amending the Zoning Map Atlas of the City of Gainesville, Florida, by rezoning approximately 498 acres of property that is generally located at 2100 NE 39th Avenue and is bordered on the north by NE 53rd Avenue, on the south by NE 39th Avenue, on the west by NE 15th Street, and Waldo Road approximately 440 feet to the east, as more specifically described in this ordinance, from Single-Family Residential district (RSF-1) (3.5 units/acre), Single-Family Residential district (RSF-4) (8 units/acre), and Limited Industrial district (I-1) to Single-Family/Multiple-Family Residential district (RMF-5) (12 units/acre), Multiple-Family Residential district (RMF-8) (8-30 units/acre), General Office district (OF), and Business Industrial district (BI); 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 amend the Citys Zoning Map Atlas by rezoning approximately 498 acres of undeveloped property in east Gainesville from Single-Family Residential district (RSF-1) (3.5 units/acre), Single-Family Residential district (RSF-4) (8 units/acre), and Limited Industrial district (I-1) to Single-Family/Multiple-Family Residential district (RMF-5) (12 units/acre), Multiple-Family Residential district (RMF-8) (8-30 units/acre), General Office district (OF), and Business Industrial district (BI). The property surrounds the City Ironwood Golf Course and is traversed by Little Hatchet Creek, and is bordered on the north by NE 53rd Avenue, on the south by NE 39th Avenue, on the west by NE 15th Street, and Waldo Road approximately 440 feet to the east.

Surrounding uses include single-family and two-family residential development, GRU's Murphree water treatment plant and wellfield, undeveloped rural/agricultural land, a mobile home park, undeveloped light industrial land, mini-storage, a gas station/convenience store, and the City of Gainesville's tree farm. Gainesville Regional Airport is to the east across Waldo Road.

From the 498 total acres of the subject property, 216 acres (located on most of the southern half of the property) will be rezoned Business Industrial (BI). Most of the area proposed for BI is within the DNL 60 Airport Noise Zone, in which residential development is not allowed but many non-residential uses are allowed. Much smaller portions of the BI area are in the more restrictive DNL 65 Noise Zone, the less restrictive DNL 55 Noise Zone, or are outside of the Airport Noise Zones (along NE 53rd Boulevard).

In addition, from the 498 total acres of the subject property, 19 acres located in the northwestern part of property along NE 53rd Avenue will be rezoned to General Office (OF), 203 acres located across much of the northern half of the property plus a small area in the southwestern part of the property will be rezoned to Single-Family/Multiple-Family Residential district (RMF-5) (12 units/acre), and 60 acres located primarily in the easternmost part of the property will be rezoned to Multiple-Family Residential district (RMF-8) (8-30 units/acre).

The property is adjacent to the following zoning districts: Public Services and Operations (PS) to the north (across NE 53rd Avenue); Limited Industrial (I-1), Manufactured/Mobile Home Park (Alachua County district), and Industrial Services and Manufacturing (Alachua County district) to the east; Airport Facility, I-1, Single-Family Residential (RSF-4) (8 units/acre), PS, and Single-Family Residential (RSF-1) (8 units/acre) to the south; and PS, RSF-1, RMF-5, and General Business (BUS) to the west. The property is not within Plan East Gainesville, a non-regulatory plan that has been accepted by both the City and County Commissions, but is adjacent to areas that are part of Plan East Gainesville. As stated in the application documents, "this land use change and rezoning proposal will help realize the vision of the Plan East Gainesville initiative by encouraging the development of a mixed-use employment center near the Gainesville Regional Airport."

The Gainesville Regional Airport Authority on March 15, 2015, voted unanimously to support the proposed rezoning to BI, in order to exclude residential uses within the DNL 60 Airport Noise Zone.

The property contains regulated natural resources (strategic ecosystem, a significant natural community, listed species, wetlands and surface waters) that will be subject to the provisions of Division 4. - Regulated Natural and Archaeological Resources and to other applicable regulations of the Land Development Code.

The City Plan Board held a public hearing on June 25, 2015, where it voted 5-0 to recommend approval of this rezoning.

Fiscal Note: None.

CITY ATTORNEY MEMORANDUM

The City Commission approved this ordinance on first reading on September 3, 2015.

This ordinance requires two hearings and shall become effective when the amendment to the City of Gainesville Comprehensive Plan adopted by Ordinance No. 150111 becomes effective as provided therein.
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RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

9/3/15 City Commission Approved (Petition) and Adopted on First Reading (Ordinance)

[150112A_draft ordinance_20150903.pdf](#)

[150112B_Staff report_20150903.pdf](#)

[150112C_Append A_Comp Plan GOPs_Exh A-1-20150903.pdf](#)

[150112D_Append B_Supplemental Docs_Exh B-1 thru Exh B-14_20150903.pdf](#)

[150112E_Append C_Application_Exh C-1_20150903.pdf](#)

[150112F_CPB minutes_20150903.pdf](#)

[150112G_staff ppt_20150903.pdf](#)

[150112_Hatchet Creek- City Commission Presentation_20150903.pdf](#)

[150113.](#)

**COMPREHENSIVE PLAN AMENDMENT - HATCHET CREEK
PLANNED USE DISTRICT (B)**

Ordinance No. 150113, Petition PB-15-55 CPA

An ordinance amending the Comprehensive Plan of the City of Gainesville, Florida, by deleting Policy 4.3.5 and its associated map concerning the Hatchet Creek Planned Use District from the Future Land Use Element; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Fiscal Note: None.

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 (7) days prior to the hearing. The second hearing is the adoption stage and must be advertised at least five (5) days prior to the hearing. Within ten (10)

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 (10) 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, any affected person may file a petition with the State Division of Administrative Hearings to request a hearing to challenge the compliance of this amendment 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: (1) receive letters from the Florida Department of Economic Opportunity, North Central Florida Regional Planning Council, St. Johns River Water Management District, Florida Department of Environmental Protection, and Florida Department of Education, and (2) adopt the proposed ordinance.

Legislative History

9/3/15 City Commission Approved (Petition) and Adopted on First Reading
(Ordinance)

[150113A_draft ordinance_20150903.pdf](#)

[150113B_staff report_20150903.pdf](#)

[150113C_ExhA-1_Proposed Land Use Element_20150903.pdf](#)

[150113D_ExhB-1_Associated Map Hatchet Creek PUD_20150903.pdf](#)

[150113E_ExhC-1_Application_20150903.pdf](#)

[150113F_CPB minutes_20150903.pdf](#)

[150113G_staff ppt_20150903pptx.pdf](#)

PLAN BOARD PETITIONS

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

[150494.](#)

Mayor Ed Braddy - Jasmin Hall EO Case. (NB)

RECOMMENDATION

The City Commission hear comments regarding Jasmin Hall's case.

Legislative History

11/5/15 City Commission Deferred

UNFINISHED BUSINESS

COMMISSION COMMENT

CITIZEN COMMENT (If time permits)

ADJOURNMENT (no later than 11:00PM - Mayor to schedule date and time to continue meeting)