

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Meeting Agenda - Final

March 15, 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.

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

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

ROLL CALL**INVOCATION****ADOPTION OF CONSENT ITEMS - GRU, General Government, Audit & Finance Committee and General Policy Committee Items**[170870.](#)**City Commission Minutes (B)**

RECOMMENDATION *The City Commission approve the minutes of February 15, 19, 27 and March 1, 2018.*

[170870_Minutes 2-27-18_20180315.pdf](#)

[170870_Minutes_20180315.pdf](#)

[170870_Minutes_20180315.pdf](#)

[170870_Minutes_20180315.pdf](#)

[170891.](#)**Non-Compliance with Attendance Requirements (B)**

RECOMMENDATION *The City Commission approve the removal of Rachel Wayne from the Gainesville Cultural Affairs Board (CAB), effective immediately.*

[170891_Rachel Wayne_20180315.pdf](#)

[170890.](#)**Resignation of Laura NeSmith from the Art in Public Places Trust (B)**

RECOMMENDATION *The City Commission accepts the resignation of*

Laura NeSmith, effective immediately.

[170890_Laura NeSmith_20180315.pdf](#)

[170907.](#)

Resignation of Darin Cook from the Utility Advisory Board (B)

MODIFICATION - ADDED ITEM

RECOMMENDATION

The City Commission accepts the resignation of Darin Cook, effective immediately.

[170907_Darin Cook_20180315.pdf](#)

[170741.](#)

Budget Calendar (NB)

The City Commission to approve dates for discussion of the FY2019 budget.

Explanation: Staff requests the City Commission approve dates to discuss items related to the FY2019 budget. Topics of discussion will include an updated Capital Improvement Plan, Fire Assessment, Millage Rate and the Budget.

In response to feedback and suggestions received prior to and during last year's budget process, staff is recommending shifting the budget discussions and deliberations earlier in the calendar year to primarily occur in the spring, with an approval of the proposed tentative budget and millage rate for General Government to occur in July, in accordance with the State Department of Revenue's Truth in Millage requirements. GRU will set their July budget dates in a separate item.

Staff requests the City Commission approve the following dates:

02/08/2018 - 1:30pm - 5:00pm - Budget planning workshop, FY2017 Look Back-Big Wins

04/24/2018 - 2:00pm - 4:00pm General Government: Looking Forward & CIP; 4:00 - 5:30pm GRU - Budget

05/08/2018 - 1:30pm - 3:30pm General Government; 3:30pm - 5:00pm GRU - Budget

05/15/2018 - 1:30pm - 3:30pm General Government; 3:30pm - 5:00pm GRU - Budget

05/22/2018 - 2:00pm - 4:00pm General Government; 4:00pm - 5:30pm GRU - Budget

05/23/2018 - 1:30pm - 3:30pm General Government; 3:30pm - 5:00pm GRU - Budget

07/17/2018 - 1:30pm - 3:30pm General Government; 3:30pm - 5:00pm GRU - Budget

Adopt GRU Tentative FY19 Budget

Adopt Preliminary Fire Assessment Rate, by resolution,

Set Proposed Tentative Millage Rate, by resolution,

Adopt Proposed Tentative GG FY19 Budget

09/06/2017 - 6:00pm - Adopt Final Fire Assessment Rate, Adopt Ordinances on 1st reading related to Fee or Rate Changes (if any), Hold 1st Public Hearing to Adopt Budgets and Set Millage Rate for FY2019
 09/20/2017 - 6:00pm - Adopt Ordinances on 2nd reading related to Fee or Rate Changes (if any), 2nd Public Hearing to Adopt Budgets and Set Millage Rate for FY2019.

Staff suggests the City Commission set the Preliminary Fire Assessment Rate immediately after the budget discussion on July 17, 2018, as well as the set the Proposed Tentative Millage and adopt Proposed Tentative Budgets immediately after budget discussions on July 17, 2018, which will require the City Commission to waive the rules to hear the Resolutions before 6:00pm.

Truth in Millage or TRIM requirements set forth in State Statutes require that various taxing authorities hold their public hearings on different dates and/or times in order to allow taxpayers to attend each hearing and provide feedback if desired. Taxing Authorities that cross multiple jurisdictions are given first priority on setting their public hearing dates. As a result, The City of Gainesville is required to set their public hearing dates in September so as not to conflict with the County, the School Board, the Library District and the Water Management Districts. In the event a conflict arises, staff will submit a revised schedule for September 2018 requesting alternative special meeting dates. These potential conflicts will not be known until July 2018.

Fiscal Note: The cost of conducting these meetings is available in the FY 2018 Operating Budget.

RECOMMENDATION

The City Commission: 1) Approve the dates requested by staff; 2) Waive the City Commission Rules to hear the Resolutions to approve the Preliminary Fire Assessment Rate before 6:00pm on July 17, 2018; and 3) Waive the City Commission Rules to hear the Resolutions to Set the Proposed Tentative Millage and Adopt the Proposed Tentative Budgets before 6:00pm on July 17, 2018.

Legislative History

2/1/18 City Commission Continued

[170854.](#)

Support for State of Florida Division of Emergency Management Grant for Acquiring 921 NW 25th Terrace (B)

This item is a request for the City Commission approval to accept a grant from the Florida Department of Emergency Management (FDEM) funded through the Hurricane Loss Mitigation Program (HLMP).

Explanation: The FDEM has offered the City a grant to acquire, demolish, and remove

debris from the listed property located at 921 NW 25th Terrace
Gainesville, Alachua County, Florida, 32605.

The above listed property has flooded repeatedly and is not located within a FEMA high risk area. The grant will provide the funding for the City to acquire, demolish and remove all associated debris, to clear the site. The acquired property will be incorporated into the Loblolly Conservation Area owned and managed by the City of Gainesville.

Fiscal Note: The amount of the grant from FDEM is for \$97,000. There is not a local match required.

RECOMMENDATION

The City Commission: 1) approve the grant from FDEM 2) authorize the City Manager to execute all related documents, subject to approval by the City Attorney as to form and legality.

[170854 Agreement 20180301.pdf](#)

[170863.](#)

Department of Doing Requests to Add Staff and Budget Additional Funding for Professional Services (B)

A request to approve a change to the FY 18 budget for the Department of Doing Building Division to add personnel and increase the funding for professional services.

Explanation: The Building Division is funded through an Enterprise Fund. The fund requires that fees paid by users are utilized to pay for the service provided. Building division budgets, by necessity, are generally very fluid; in times of high growth the budget increases in order to meet the needs of the customers. The City is experiencing high levels of building development. Unlike any time in the past, we have many multi-story buildings under construction, in permit review, or seeking development approval through the site plan process. Currently there are ten projects in the entitlement process that have four or more stories. We have conducted first step meetings on another six projects with plans for multi-story buildings. In addition, subdivision plats recently approved or seeking approval will create 751 residential lots.

The division has been successful in filling seven positions in the last year and both inspectors and plans examiners are cross training to gain additional certifications. Multiple certifications provide the flexibility to fill gaps in demand by allowing one employee to perform multiple inspections or plan reviews. The team has been remarkable in its commitment to meeting increasing demands. And yet, demand for service exceeds the capacity of our current staff.

The Building Division is seeking allocation of the Enterprise Fund for the following:

Approval to change all current inspector positions to Inspector IV positions. Please see attached organizational chart and budget amendment details. This change is being requested in order to facilitate the promotion of inspectors who pass the state certification test(s). In response to a critical shortage of building inspectors and plans examiners, House Bill 1021 amended Florida law to create an apprenticeship (referred to in statute as an intern) program. Staff has worked with Santa Fe College, the University of Florida, and the Alachua County School District to create a program to bring students or recent graduates into the program. The department is seeking approval to budget up to three apprentice positions. An intern position is being sought to allow the University of Florida to partner with the City to hire a doctoral student to create a software program to perform residential plan review. This is anticipated to be a four year endeavor.

Approval to allocate funds for Personnel Services. The Building Division is seeking allocation of funds to add the following six positions: Chief Plans Examiner, Inspector, Plans Examiner, Apprentice Building Inspector (2), Apprentice Plans Examiner (1), and an Intern. The Building Division is also seeking approval to allocate funds for the implementation of the re-organization the department's Strategic Customer Service area.

Approval to allocate funds for Professional Services. The Building Division requests the allocation of funds for Professional Services for the following: Tech Support Services for new Land Management software implementation, technical support for development of interactive building code using Artificial Intelligence (AI), and funding for partnership with the University of Florida to develop prototype software to use AI for residential building plan review.

Fiscal Note: The Building Fund has a current fund balance of: \$5,347,980.

The Building Division is seeking to allocate \$631,622 of the fund's balance to Personnel Services and \$175,000 of the fund's balance to Professional Services for a total of \$806,622 to be allocated from the Building Fund to the Building Division.

RECOMMENDATION

The City Commission authorize amendments to the Building Division Budget for the allocation of additional funds from the building enterprise fund to increase the allocation for professional services and add up to six new positions.

[170863A Building Division Budget Amendment 20180315](#)

[170863B Department of Doing Org Chart 20180315](#)

[170869.](#)

Human Resources Policy L-8, Military Leave (B)

Explanation: Human Resources Policy L-8, Military Leave, is amended to extend the

previously ratified supplement to an employee's military pay by an amount not to exceed the employee's regular base pay, (i.e., no overtime, certification pay, educational incentive pay or special duty pay, etc.), for those employees called to active military duty. This amendment also extends the City health and basic life insurance coverage for employees called to active military duty at the same rates as for active employees. Both benefits expire April 1, 2018. In order to be effective, the benefits must be renewed by commission action.

Fiscal Note: Policy L-8 funds are currently budgeted for Fiscal Year 2018.

RECOMMENDATION The City Commission approve revision to Human Resources Policy L-8, Military Leave.

[170869A_Human Resources Policy L-8, Military Leave Policy_20180315.pdf](#)

[170869B_Human Resources Policy L-8, Military Leave Policy Strikethrough_20](#)

[170871.](#)

Request to approve an agreement settling The Standard parking garage's encroachment into City Right-of-Way along NW 3rd Avenue (B)

Explanation: LM Gainesville, LLC, owns property located on the northwest corner of NW 13th Street and W University Avenue, which was recently constructed into a development known as The Standard. Construction of the parking garage at the north end of the development resulted in a certain portion of the parking garage's building footers encroaching into the public Right-of-Way owned by the City along NW 3rd Avenue. The above-ground portion of the encroaching footers have been substantially shaved/eliminated, resulting in the encroachment being predominately underground. The total encroachment area is approximately 91 square feet, and includes an encroachment into the Right-of-Way of approximately two feet at the widest portion. The appraisal completed at the direction of the City valued the encroachment area at \$14,200. In addition, because of the encroachment, the owner was unable to construct the living green-wall structure at the lower, pedestrian-level along the sidewalk as was required by the property's approved Planned Development zoning. This resulted in four blank concrete panels where the green-wall structure would have otherwise been constructed.

The City and LM Gainesville, LLC, (and any successor owners) have agreed to settle this encroachment issue. The terms of this settlement involve the City granting to LM Gainesville, LLC, easement rights to the encroachment area for the life of the parking garage in return for: 1) \$75,000 in compensation; and 2) LM Gainesville, LLC's agreement to complete a mural on the four blank concrete panels that were intended for a green-wall, as well as a Mural Easement granted to the City to ensure that a mural is provided for the life of the parking garage.

Because this agreement involves granting an easement to City property

for greater than two years, it must receive approval of the City Commission per the City's Real Estate Policy.

RECOMMENDATION

The City Commission: 1) approve the Easement Agreement and Mural Agreement between the City and LM Gainesville, LLC; and 2) authorize the Mayor and the City Manager to execute Agreements and any associated documents, subject to the approval of the City Attorney as to form and legality.

[170871A Easement Agreement_20180315.pdf](#)

[170871B Mural Easement_20180315.pdf](#)

[170871C Mural Pictures_20180315.pdf](#)

[170660.](#)

Cornerstone Land Condominium (B)

Explanation: The City Commission, at its meeting on January 18, 2018 approved the creation of Cornerstone, a Condominium by authorizing the execution and recording/filing of the original Declaration of Condominium, the Articles of Incorporation for Cornerstone Condominium Association, Inc., and the Declaration of Easements (collectively, the Condominium Documents).

After recording the Condominium Documents, errors in the legal descriptions were discovered. The purpose of this agenda item is to authorize the execution and recording of the necessary corrective documents on behalf of the City.

In addition, the Board of Directors of Cornerstone Condominium Association, Inc., a Florida not for profit corporation, will also have to take action to effectuate the necessary corrective documents on behalf of the Condominium Association.

RECOMMENDATION

The City Commission: 1) authorize the Mayor to execute the Consent and Joinder to the Amendment to the Declaration of Condominium of Cornerstone, A Condominium; and 2) authorize the Mayor to execute the Amendment to Declaration of Easements.

Legislative History

12/19/17	City Commission	Withdrawn
1/18/18	City Commission	Approved as Recommended

[170660A_Declaration of Condominium_20180118.pdf](#)

[170660B_Articles of Incorporation_20180118.pdf](#)

[170660C_Bylaws_20180118.pdf](#)

[170660D_Declaration of Easements_20180118.pdf](#)

[170660E_Estimated Operating Budget_20180118.pdf](#)

[170660A_Amendment to Declaration of Condominium_20180315.pdf](#)

[170660B_Amendment to Declaration of Easements_20180315.pdf](#)

ADOPTION OF REGULAR AGENDA

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

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

[170851.](#)

Appointments to the Gainesville Human Rights Board and Historic Preservation Board (B)

RECOMMENDATION

The City Commission interview and appoint members to the Gainesville Human Rights Board and the Historic Preservation Board.

[170851_HumanRightsBoard_20180301.pdf](#)

[170851_HistoricPreservationBoard_20180301.pdf](#)

[170877.](#)

Modification to The Energy Authority's Guarantees (B)

MODIFICATION - CHANGED TEXT FILE LANGUAGE TO ADD THE UTILITY ADVISORY BOARD RECOMMENDATION

Explanation: On February 28, 2000, the City Commission approved GRU's membership in The Energy Authority (TEA), an organization comprised of public power organizations throughout the United States whose primary function is to buy and sell wholesale energy for its members at the best possible prices.

Guarantees have always been important in the electric and gas markets. These guarantees are provided to potential Sellers by TEA on our behalf in one of two forms depending upon what is required by the Seller. The first is a Bank Letter of Credit. The total amount of the current TEA letter of credit is \$29 million. The second is a Trade Guaranty which is essentially a written document promising to pay. The current total of the TEA trade guaranty is \$144.5 million.

In order to access a broader pool of counterparties with which to do business and to assist with operational and management expenses, TEA has determined it would be beneficial to establish another form of guaranty, a Bank Line of Credit. The Bank Line of Credit permits TEA to borrow under a revolving line of credit rather than asking for additional capital contributions from the members. To create this third alternative, funds would be moved from the existing TEA trade guaranty to the line of credit, thereby providing a third guaranty without increasing the total dollar amount of the existing guarantees. TEA is not asking for an increase in the Advance from its members. The Advance Agreement will continue to permit the TEA board to reallocate the components of the Advance between the Trade Guaranty and the Bank Guaranty. That is how TEA will accommodate the additional collateral that will be needed by the bank to provide the revolving line of credit - by increasing the amount of the Bank Guaranty and decreasing the amount of the Trade Guaranty. This reduction in the Trade Guaranty requires an amendment to the "Guaranty Limit" provided in the Trade Guaranty under Section 7 of the Amended and Restated Electric Advance Agreement.

This item was presented to the UAB on March 8, 2018.

Fiscal Note: The total dollar amount of TEA's existing guarantees will not be increased by the proposal. If approved, TEA will be able to offer three forms of guarantees to potential Sellers.

RECOMMENDATION

The City Commission authorize the General Manager or his designee to execute and deliver such documents as may be required to effect amendments to the Restated and Amended Electric Advance Agreement with The Electric Authority to enable The Electric Authority to add a third alternative guaranty in the form of a Bank Line of Credit.

At their March 8, 2018 meeting, the UAB voted unanimously to recommend that the City Commission approve the staff recommendation.

[170877 Restated and Amended Electric Advance Agreement 20180308](#)

[170877 Blackline - Restated and Amended Electric Advance Agreement 20180308](#)

[170830.](#)

Expansion to the Scope of Cost of Service Study (B)

Explanation: Willdan Financial Services made a presentation on the Cost of Service study to the Utility Advisory Board (UAB) at their February 8, 2018 meeting. At the conclusion of the presentation the UAB requested that the City Commission consider an expansion to the scope of service of Willdan's contract to include development of electric rate structure alternatives that will:

- Benefit residential economically disadvantaged customers*
- Promote conservation*

Fiscal Note: The price proposed by Willdan for the expanded scope of service is:

- \$63,100 if GRU is able to provide sufficient information regarding economically disadvantaged customers. Such information would include historic consumption and billing data, energy efficiency of housing stock etc.
- \$82,100 if Willdan is required to generate this data, using customer surveys and working in cooperation and coordination with outside agencies serving the target population.

RECOMMENDATION *The City Commission authorize expanding the Cost of Service Study scope of services with Willdan Financial Services to include development of electric rate structure alternatives that will benefit residential economically disadvantaged customers and structures that will promote conservation.*

[170830 COS Presentation for CCom 20180227](#)

[170830 GRU COS FINAL REPORT 20180227](#)

[170877 Willdan Scope Change Proposal 20180315](#)

[170900.](#)

Request for Joint Meetings between the City Commission and the Utility Advisory Board (NB)

Explanation: At the UAB's February 8, 2018, regular meeting, staff presented GRU's budget calendar, which includes dates for meetings with the City Commission. The UAB requested that the meetings scheduled with the City Commission on May 8th, May 15th, May 22nd and May 23, 2018 be made joint meetings with the UAB. The Board thinks this will be more efficient, as well as to give them additional time to review the budget.

RECOMMENDATION *Consider the UAB's request for joint budget meetings on May 8, May 15, May 22 and May 23, 2018, and take any action deemed appropriate.*

[170904.](#)

Commissioner Harvey Budd - Update and Highlights on Washington D.C. Lobbying Trip (NB)

RECOMMENDATION *The City Commission hear an update from City Manager Anthony Lyons and Mayor Poe on lobbying efforts from March 4, - March 7, 2018.*

[170913.](#)

General Policy Committee Referral List and Legislative/Policy Process for the City (B)

MODIFICATION - ADDED ITEM

Explanation: At the March 8, 2018, General Policy Committee (GPC) Meeting, the City Commission directed staff to place the GPC referral list on the March 15th City Commission Regular Meeting agenda for discussion. The Charter Officers met to discuss the GPC referral list and ideas for a new legislative/policy process for the City. As a result of their discussion, the Charter Officers recommend that the City Commission schedule GPC items to be heard through the GPC Meeting on April 26th (a copy of this proposed schedule is included in the back-up), allow the remaining GPC referral items to automatically sunset on April 30th in accordance with the current City Commission Rules (a copy of this sunset list is included in the back-up) and recess GPC meetings until September. This would allow the City Commission and Staff time to focus on the budget, items already discussed/approved (such as the joint City/County issues of homelessness and the CRA) and designing a new legislative/policy process. A timeline for a conceptual legislative/policy process is included in the back-up and the Charter Officers would like to present further details on this concept to the City Commission at the April 10th City Commission Special Meeting.

RECOMMENDATION

(1) Hold GPC Meetings through April 26th to hear items on the referral list; (2) GPC stand in recess from May through August and schedule the next GPC Meeting for September 13, 2018; and (3) add a discussion of a new legislative/policy process to the April 10th Meeting Agenda.

[170913_MOD_GPC Referral List through April 30 2018_20180315.pdf](#)

[170913_MOD_To Be Sunset GPC List_20180315.pdf](#)

[170913_MOD_Proposed Policy Calendar_20180315.pdf](#)

[170767.](#)

Youth Summit Report (B)

This is to present the Full Report and Recommendations on Afterschool Programs for Youth in Gainesville and Alachua County. ** ESTIMATED PRESENTATION 15 MINUTES**

TIME CERTAIN - 3:00 PM

Explanation: Beginning in October of 2017, community youth service providers from across Alachua County came together for a Youth Services Summit initiated by the City of Gainesville Mayor and City Commission and led by the Parks, Recreation and Cultural Affairs Department. The request of the Mayor and City Commission was to collect information on services available to students in Gainesville during after-school hours, identify gaps where students were underserved and collaborate on recommendations to close these gaps in programming. Attendees of the Youth Summit sessions included a variety of service providers,

community leaders and organizational leaders from groups with interests in education, afterschool programming, health, wellness and commerce.

Alachua County is aware that the academic achievement gap in its public schools is the highest in the state of Florida; in a study of racial inequity in Alachua County, the Bureau of Economic and Business Research at the University of Florida reported that 27.7% of Black third-grade students were proficient in reading, compared to 74% of Non-Hispanic White third-graders. This study identified lack of access to afterschool and summer programs as one of the factors leading to this disparity. Afterschool programs can play an important role in improving academic performance when key factors, such as access, consistent participation, program quality and strong partnerships are ensured. Throughout the Summit, a number of barriers to access for underserved student populations were identified and it was the consensus among service providers that with increased resources and support, these barriers to access could be reduced. It is the belief of the Youth Summit participants that improved access to more high-quality afterschool programs for underserved student populations could have significant impacts on levels of students' academic achievement and be integral to reducing disparities in Alachua County Public Schools and the broader Gainesville community.

The participants of the Youth Services Summit present the Full Report and submit the following Recommendations in Brief: 1) A central organization or committee needs to be established to assume a permanent leadership role for after-school programs and services; 2) The most effective and efficient way to reach more children and provide more after school opportunities is to expand the services already in place at school sites; 3) A common core of services needs to be established and similarly structured programs offered in order to provide equity for all participants; 4) All programs should utilize similarly structured evaluation tools to effectively measure success and develop consistent improvement; 5) Providers all agreed that parents and youth should be surveyed to further identify specific needs for afterschool programming; 6) Collaboration among service providers is the key to additional funding; and 7) Summit attendees believe that the Wallace Foundation Model for Out-of-School Time services can easily be applied in Alachua County and encourage our elected leaders at the city, county and school board to consider adopting this model and hosting a forum in late summer or early fall.

Through the Youth Services Summit collaboration, a Master Directory of Programs has been developed and a Master Roster of Afterschool Providers and Proponents defined. It is recommended that the Youth Services Summit continue to work together in whole or in part to continue to advance the need for more quality afterschool programs and support the Mayor, City Commission, Alachua County Commission and Alachua County School Board and the needs of our youth.

Fiscal Note: None at this time but any follow-up activities will require funding. This should be done in the context of budget discussions.

RECOMMENDATION

The City Commission to hear a presentation on the Wallace Foundation Model and Summit Report.

Legislative History

1/31/18 City Commission Discussed

[170767A Wallace Foundation PPT 20180315.pdf](#)

[170767B Youth Summit Full Report and Recommendations 20180315.pdf](#)

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

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

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

4:30 - 5:30pm Dinner Break

5:30 - Call to order Evening Session

PLEDGE OF ALLEGIANCE

PROCLAMATIONS/SPECIAL RECOGNITIONS

[170889.](#)

Girl Scout Week - March 12-18, 2018 (B)

RECOMMENDATION

Troop 1040 and Cluster Co-Leader Gillian Lord Ward and Jenni VanHart and Troop 555 and Cluster Leader Kristen Bryant to accept the proclamation.

[170889_GirlScoutWeek 20180315.pdf](#)

[170914.](#)

MLK 50th Assassination Anniversary and Commemoration (B)

MODIFICATION - ADDED ITEM

RECOMMENDATION

Honorable Rodney Long to accept the proclamation.

[170914_MLKAssassinationAnniversaryCommemoration 20180315.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

[170840.](#)

A Resolution Recognizing Gun Violence as a Public Health and Safety Emergency (B)

Resolution No. 170840

A RESOLUTION OF THE CITY OF GAINESVILLE, FLORIDA, 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; EXPRESSING OPPOSITION TO ARMING FLORIDA TEACHERS; PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Explanation: The City Commission, at its meeting of March 1, 2017, discussed a draft resolution prepared by Commissioner Ward and directed the City Attorney to "[d]raft a resolution in support of a ban on assault rifles, high capacity gun magazines, bump stocks and to oppose arming teachers in Florida schools." The City Attorney's Office placed Commissioner Ward's draft in City Resolution format and updated it to include a ban on bump stocks and high capacity magazines and opposition to arming teachers as per the motion approved by the City Commission.

RECOMMENDATION

The City Commission: (1) adopt the proposed Resolution, and (2) direct the Clerk of the Commission to send copies of the Resolution to the Alachua County Legislative Delegation and the Governor.

[170840_Gun Resolution Draft February 2018_20180301.pdf](#)

[170840_gun_resolution_links_20180301.pdf](#)

[170840_C-Hayes-Santos Proposal Request_20180301.pdf](#)

[170840_draft_resolution_20180315.pdf](#)

ORDINANCES, 1ST READING - ROLL CALL REQUIRED

[170483.](#)**LAND USE CHANGE - SOUTHWEST CORNER OF SW 52nd STREET AND SW 20th AVENUE (B)**

Ordinance No. 170483; Petition PB-17-92 LUC

An ordinance of the City of Gainesville, Florida, amending the Future Land Use Map of the Comprehensive Plan by changing the land use category of approximately 18.5 acres of property generally located at the southwest corner of SW 52nd Street and SW 20th Avenue, as more specifically described in this ordinance, from Planned Use District (PUD) and Residential Medium-Density (RM) to Mixed-Use Low-Intensity (MUL); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: DEPARTMENT OF DOING STAFF REPORT

This ordinance will amend the Future Land Use Map of the Comprehensive Plan by changing the land use category of approximately 18.5 acres of undeveloped property in east Gainesville from Planned Use District (PUD) and Residential Medium-Density (RM) to Mixed-Use Low-Intensity (MUL). The proposed MUL land use will encourage development of this undeveloped property located in an urbanized area, will allow a mix of residential and non-residential uses, and is compatible with the surrounding area. The northern 4.8 acres (along SW 20th Avenue) of this property received PUD land use in 2010, and Planned Development District (PD) zoning in 2012. The existing PUD/PD allows:

- * Uses consistent with the MUL land use category.*
- * MAX of 10 residential units (MAX 2 bedrooms/unit).*
- * MAX of 45,000 sq. ft. of non-residential use (20,000 sq. ft. retail/commercial, and 20,000 sq. ft. of office).*
- * 5,000 sq. ft. for a stand-alone bank with drive-through lane, and various other requirements.*

This property was undeveloped at the time of the PUD/PD approvals and remains so today, despite "diligently pursuing potential tenants for half a decade," as stated in the applicant's report. The proposed land use amendment includes the adjacent 13.7-acre, undeveloped property to the south, which has Residential Medium-Density land use (and RMF-6 zoning). The substantially expanded area in combination with the proposed MUL land use will increase the potential amount of both residential and non-residential use relative to the current PUD and RM land use designations, and will provide additional development flexibility. This land use change is consistent with the Comprehensive Plan and is supportive of the City's objectives of discouraging urban sprawl, encouraging infill development, and promoting transportation choice.

The City Plan Board held a public hearing on October 26, 2017, where it

voted to recommend approval of this amendment to the Future Land Use Map of the Comprehensive Plan.

CITY ATTORNEY MEMORANDUM

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

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

RECOMMENDATION

The City Commission: 1) approve Petition No. PB-17-92 LUC; and 2) adopt the proposed ordinance.

[170483_Staff report w Appendices A-C_20171026.pdf](#)

[170483A_draft ordinance_20180315.pdf](#)

[170483B_Staff report w Appendices A-C_20180315.pdf](#)

[170483C_Staff PPT_20180315.pdf](#)

[170484.](#)

QUASI-JUDICIAL - REZONING SOUTHWEST CORNER OF SW 52ND STREET AND SW 20TH AVENUE (B)

Ordinance No. 170484; Petition PB-17-93 ZON

An ordinance of the City of Gainesville, Florida, amending the Zoning Map

Atlas by rezoning approximately 18.5 acres of property generally located at the southwest corner of SW 52nd Street and SW 20th Avenue, as more specifically described in this ordinance, from Planned Development District (PD) and Residential Multi-Family (RMF-6) to Mixed-Use Low-Intensity (MU-1); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: DEPARTMENT OF DOING STAFF REPORT

This ordinance will amend the Zoning Map Atlas of the City of Gainesville by rezoning approximately 18.5 acres of undeveloped property in east Gainesville from Planned Development District (PD) and Residential Multi-Family (RMF-6) to Mixed-Use Low-Intensity (MU-1). The proposed MU-1 zoning will encourage development of this undeveloped property in an urbanized area, will allow a mix of residential and non-residential uses, and is compatible with the surrounding area. The northern 4.8 acres (along SW 20th Avenue) of this property received PD zoning in 2012, which currently allows:

** Uses consistent with the MU-1 district.*

** MAX of 45,000 sq. ft. of non-residential use (20,000 sq. ft. for retail/commercial; 20,000 sq. ft. of office; and 5,000 sq. ft. for a stand-alone bank with drive-through lane), and various other requirements.*

This property was undeveloped at the time of the PD approval and remains so today, despite "diligently pursuing potential tenants for half a decade," as stated in the applicant's report. The proposed rezoning to MU-1 includes the adjacent approximately 13.7-acre undeveloped property to the south, which has RMF-6 zoning. The substantially expanded area in combination with the proposed MU-1 zoning will increase the potential amount of both residential and non-residential use relative to the current PD and RMF-6 zoning, and will provide flexibility that is lacking under the current zoning. The proposed rezoning is consistent with the Comprehensive Plan and is supportive of the City's objectives of discouraging urban sprawl, encouraging infill development, and promoting transportation choice.

The City Plan Board held a public hearing on October 26, 2017, where it voted to recommend approval of this rezoning.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearing and shall become effective when the amendment to the City of Gainesville Comprehensive Plan adopted by Ordinance No. 170483 becomes effective as provided therein.

RECOMMENDATION

The City Commission: 1) approve Petition No. PB-17-93 ZON; and 2) adopt the proposed ordinance.

[170484_Staff report w Appendices A-C_20171026.pdf](#)

[170484A_draft ordinance_20180315.pdf](#)

[170484B_Staff report w Appendices A-C_20180315.pdf](#)

[170484C_Staff PPT_20180315.pdf](#)

[170831.](#)

TEXT CHANGE - AMENDING SIDEWALK REGULATIONS IN THE LAND DEVELOPMENT CODE (B)

Ordinance No. 170831; Petition PB-18-15 TCH

An ordinance of the City of Gainesville, Florida, amending the Land Development Code (Chapter 30 of the City of Gainesville Code of Ordinances) relating to sidewalk regulations; by amending Section 30-3.36. Minor Subdivisions; by amending Section 30-3.37. Subdivisions; by amending Section 30-4.11. Generally; by amending Section 30-4.13. Building Form Standards; by amending Section 30-4.21. Design Standards; by amending Section 30-6.3. Level of Service Standards; by amending Section 30-6.18. Sidewalks and Shared-Use Bicycle Paths; by amending Section 30-6.19. Access Management; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: DEPARTMENT OF DOING STAFF REPORT

This ordinance will amend an array of sidewalk regulations in the Land Development Code (LDC). The intent of the changes is to improve and enhance the public sidewalk area throughout the City and to recognize the need for wider sidewalks within the core areas of the City currently undergoing redevelopment. Subsequent to the adoption of the LDC, the Department of Doing has received significant input regarding the need to expand minimum sidewalk dimensions within areas of the City with high volumes of pedestrian activity. This issue has been discussed by the City Plan Board at several public hearings and by the City Commission and members of the public during hearings regarding the work of the Urban Standards Team. Additionally, the Department of Doing has had several meetings with transportation engineers from the FDOT District 2 office to discuss ways the City and FDOT can better coordinate the streetscape design along University Avenue and 13th Street.

The revisions include:

- Increasing the minimum width of sidewalks on all Storefront designated streets from 5' to 10'.*
- Eliminating outdated loophole provisions exempting industrial zoned property undergoing redevelopment from providing sidewalks.*
- Eliminating obsolete and conflicting sidewalk provisions that reduce consistency and predictably.*
- Revising Code language to strengthen requirements restricting*

placement of permanent physical obstructions (light poles, utility enclosures, street signs, etc.) within the sidewalk area.

The City Plan Board at a public hearing on February 22, 2018, voted to recommend that the City Commission approve this amendment to the Land Development Code.

CITY ATTORNEY MEMORANDUM

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

RECOMMENDATION *The City Commission: 1) approve Petition No. PB-18-15 TCH; and 2) adopt the proposed ordinance.*

[170831_Staff report w Appendix A_20180222.pdf](#)

[170831A_draft ordinance_20180315.pdf](#)

[170831B_Staff report w Appendix A_20180315.pdf](#)

[170831C_Staff PPT_20180315.pdf](#)

[160200.](#)

ORDINANCE PROHIBITING THE USE OF CONVERSION THERAPY ON MINORS (B)

ORDINANCE NO. 160200

An ordinance of the City of Gainesville, Florida amending Chapter 17 of the Code of Ordinances, relating to offenses, by creating Article IV, to be entitled "Conversion Therapy," to prohibit licensed professionals from engaging in counseling efforts, practices, or treatments with the goal to change a minor's sexual orientation or gender identity; amending Section 2-339 to provide a civil citation penalty; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: On July 7, 2016, the City Commission referred the topic of prohibiting the use of conversion therapy to the General Policy Committee. On December 14, 2017, the General Policy Committee directed staff to draft a proposed ordinance.

Major professional associations of mental health practitioners and researchers in the United States and elsewhere for nearly 40 years have agreed that being lesbian, gay, bisexual, transgender or gender nonconforming, or questioning (LGBTQ) is not a mental disease, disorder or illness, deficiency or shortcoming. The American Psychological Association's Task Force on Appropriate Therapeutic Responses to Sexual Orientation ("APA Task Force") conducted a systematic review of peer-reviewed journal literature on sexual orientation change efforts ("SOCE") (also referred to as "conversion" or "reparative"

therapy), and issued its report in 2009, citing research that sexual orientation change efforts can pose critical health risks to lesbian, gay, and bisexual people, including confusion, depression, guilt, helplessness, hopelessness, shame, social withdrawal, suicidality, substance abuse, stress, disappointment, self-blame, decreased self-esteem and authenticity to others, increased self-hatred, hostility and blame toward parents, feelings of anger and betrayal, loss of friends and potential romantic partners, problems in sexual and emotional intimacy, sexual dysfunction, high-risk sexual behaviors, a feeling of being dehumanized and untrue to self, a loss of faith, and a sense of having wasted time and resources. In this context, as detailed more fully in the attached ordinance, conversion therapies have been deemed harmful, without medical basis, and overwhelmingly "contraindicated" as tools to "help" LGBTQ individuals, and only serve to further ostracize, harm and pose risk to such individuals.

This ordinance bans the practice of conversion therapy within the City of Gainesville on minors (i.e., persons under 18 years old) and, significantly, is not intended to prevent mental health providers from expressing their views to patients, whether minors or adults, about SOCE, homosexuality, or any other topic; prevent mental health providers from recommending SOCE to patients, whether minors or adults; prevent mental health providers from administering SOCE to any person who is 18 years of age or older; prevent mental health providers from referring minors to unlicensed counselors, such as religious leaders; prevent unlicensed providers, such as religious leaders, from administering SOCE to minors or adults; or prevent minors from seeking SOCE from mental health providers in other municipalities, counties, or states which do not prohibit such therapies already.

The City seeks to adopt this ordinance as a local law to protect minors subject to conversion therapy efforts as minors are not effectively protected by other means, including, but not limited to, other state statutes, local ordinances, or federal legislation.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

7/7/16	City Commission	Referred to the General Policy Committee
11/9/17	General Policy Committee	Continued
12/14/17	General Policy Committee	Approved, as shown above

[160200_Prohibiting_Conversion_Therapy_20171214.pdf](#)

[160200_Prohibiting_Conversion_Therapy_20180315.pdf](#)

[170608.](#)

**QUASI-JUDICIAL - REZONING 1.48 ACRES OF PROPERTY
LOCATED AT 1135 SW 11TH AVENUE (B)**

Ordinance No. 170608; Petition No. PB-17-115 ZON

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning approximately 1.48 acres of property generally located at 1135 SW 11th Avenue, as more specifically described in this ordinance, from Single-Family (RSF-1) district to Urban 8 (U8) district; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: DEPARTMENT OF DOING STAFF REPORT

This ordinance will rezone approximately 1.48 acres of property that is generally located at 1135 SW 11th Avenue from Single-Family (RSF-1) district to Urban 8 (U8) district, which will allow a mix of residential and non-residential uses. The applicant's intent (stated in the notice to the September 27, 2017, neighborhood workshop) "is to construct a second phase to The Nine apartment complex."

The subject property is located at the southwest corner of SW 11th Avenue and SW 11th Terrace, and is adjacent and east of the 3.7-acre, 4-story, 188-unit, multi-family development called "The Nine" (Phase 1) that is currently under construction. This ordinance will substantially increase the redevelopment potential for this property that is proximate to a major corridor (SW 13th Street/US 441) and is within walking distance of the P.K. Yonge Developmental Research School (K-12), the University of Florida, UF Health hospitals, and the Veterans Administration hospital. The property is in the UF Context Area and is in the College Park/University Heights Community Redevelopment Area. The property is approximately 560 feet to the east of SW 13th Street/US 441, and is in a part of the City that has been steadily changing from single-family residential to multiple-family and mixed-use land use in recent years.

The City Plan Board held a public hearing on January 25, 2018, where it voted to recommend approval of this rezoning.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings and shall become effective when the amendment to the City of Gainesville Comprehensive Plan adopted by Ordinance No. 170607 becomes effective as provided therein.

RECOMMENDATION

The City Commission: 1) approve Petition No. PB-17-115 ZON; and 2) adopt the proposed ordinance.

[170608 Staff report w Appendices A - C 20171205.pdf](#)

[170608 Staff report w Appendices A-C 20180125.pdf](#)

[170608A draft ordinance 20180315.pdf](#)

[170608B Staff report w Appendices A-C 20180315.pdf](#)

[170608C Staff PPT 20180315.pdf](#)

ADOPTION READING/ORDINANCES, 2ND READING - ROLL CALL REQUIRED

[170607.](#)

LAND USE CHANGE- 1.48 ACRES OF PROPERTY LOCATED AT 1135 SW 11TH AVENUE (B)

Ordinance No. 170607; Petition No. PB-17-114 LUC

An ordinance of the City of Gainesville, Florida, amending the Future Land Use Map of the Comprehensive Plan by changing the land use category of approximately 1.48 acres of property generally located at 1135 SW 11th Avenue, as more specifically described in this ordinance, from Single-Family (SF) to Urban Mixed-Use (UMU); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: DEPARTMENT OF DOING STAFF REPORT

This ordinance will amend the Future Land Use Map of the Comprehensive Plan by changing the land use category of approximately 1.48 acres of property that is generally located at 1135 SW 11th Avenue from Single-Family (SF) to Urban Mixed-Use (UMU), which will allow a mix of residential and non-residential uses. The applicant's intent (stated in the notice to the September 27, 2017, neighborhood workshop) "is to construct a second phase to The Nine apartment complex."

The subject property is located at the southwest corner of SW 11th Avenue and SW 11th Terrace, and is adjacent and east of the 3.7-acre, 4-story, 188-unit, multi-family development called "The Nine" (Phase 1) that is currently under construction. This ordinance will substantially increase the redevelopment potential for this property that is proximate to a major corridor (SW 13th Street/US 441) and is within walking distance of the P.K. Yonge Developmental Research School (K-12), the University of Florida, UF Health hospitals, and the Veterans Administration hospital. The property is in the UF Context Area and is in the College Park/University Heights Community Redevelopment Area. The property is approximately 560 feet to the east of SW 13th Street/US 441, and is in a part of the City that has been steadily changing from single-family residential to multiple-family and mixed-use land use in recent years.

The City Plan Board held a public hearing on January 25, 2018, where it voted to recommend approval of this amendment to the Future Land Use Map of the Comprehensive Plan.

CITY ATTORNEY MEMORANDUM

This proposed amendment to the Comprehensive Plan involves a use of 10 acres or fewer and qualifies as a small-scale development amendment. The City Commission may adopt small-scale development amendments with a single public hearing.

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 challenged within 30 days after adoption, this amendment shall not become effective until the state land planning agency or the Administration Commission issues a final order determining that the adopted amendment is in compliance with Chapter 163, Florida Statutes. If unchallenged, this amendment shall become effective 31 days after adoption.

RECOMMENDATION *The City Commission: 1) approve Petition No. PB-17-114 LUC; and 2) adopt the proposed ordinance.*

[170607_Staff report w Appendices A-C_20171205.pdf](#)

[170607_Staff report w Appendices A-C_20180125.pdf](#)

[170607A_draft ordinance_20180315.pdf](#)

[170607B_Staff report w Appendices A-C_20180315.pdf](#)

[170607C_Staff PPT_20180315.pdf](#)

[160685.](#)

TEXT CHANGE - AMENDING MEDICAL MARIJUANA DISPENSING FACILITY REGULATIONS AND PERMITTED ZONING DISTRICTS (B)

Ordinance No. 160685, Petition PB-16-185 TCH

An ordinance of the City of Gainesville, Florida, amending the Land Development Code (Chapter 30 of the City of Gainesville Code of Ordinances) relating to Medical Marijuana Dispensing Facilities by amending Section 30-2.1 to delete and amend definitions; amending Section 30-4.12 to add Medical Marijuana Dispensing Facilities as a use by right in the Urban 6 (U6) and Urban 7 (U7) transect zoning districts; amending Section 30-4.19 to add Medical Marijuana Dispensing Facilities as a use by right in the Automotive-Oriented Business (BA), Tourist-Oriented Business (BT),

Business Industrial (BI), and Warehousing and Wholesaling (W) zoning districts and as a use allowable by Special Use Permit in the Corporate Park (CP), Limited Industrial (I-1), and General Industrial (I-2) zoning districts; amending Section 30-4.23 to add Medical Marijuana Dispensing Facilities as a use by right in the Airport Facility (AF) zoning district; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: DEPARTMENT OF DOING STAFF REPORT

In 2014, the Florida Legislature enacted the Compassionate Medical Cannabis Act of 2014, codified in Section 381.986, Florida Statutes, which provided for the distribution of low-THC medical cannabis for certain qualified patients and specified the authority of local governments to provide zoning regulations for the associated medical cannabis dispensaries. The Compassionate Medical Cannabis Act of 2014, among other restrictions, provided that a physician could only order low-THC cannabis (marijuana) 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. On November 19, 2015, the City Commission adopted Ordinance No. 150395, which amended the Land Development Code to define and allow Medical marijuana dispensaries to dispense low-THC medical marijuana in certain zoning districts.

In 2016, the Legislature adopted HB 307 and substantially amended the 2014 Act to (among various other things) expand the forms of cannabis available for medical purposes and expand the kinds of patients that may receive medical marijuana. Among the many changes, the expanded state law provided additional definitions and numerous requirements for dispensing organizations.

In response to this 2016 amendment to state law, the City Plan Board on January 26, 2017, at the conclusion of a public hearing that included testimony by staff and from four members of the public (two of whom represented one of the dispensing organizations approved by the Florida Department of Health per Section 381.986, Florida Statutes, to cultivate, process, transport, and dispense medical marijuana), voted 4-2 to recommend that the City update the current definitions in the City's Land Development Code (LDC) for Medical marijuana dispensaries in accordance with then current state law, but recommended against reducing the number of zoning districts where Medical marijuana dispensaries are an allowable use, and recommended against the special regulations proposed by staff, with the exception of minimum separation requirements from schools and other Medical marijuana dispensaries. However, the City Commission on March 2, 2017, held a public hearing and, in rejection of the City Plan Board recommendation, approved the petition and the drafting of an ordinance in accordance with the 2016 state law and staff's recommended implementing regulations.

In June 2017, during the drafting of the ordinance directed by the City Commission in March 2017, the Florida Legislature enacted SB 8-A and implemented Article X, Section 29 of the Florida Constitution approved by Florida voters (Amendment 2) in November 2016. This new state law (reflected in updated Section 381.986, Florida Statutes) essentially: 1) increased the type and kind of medical marijuana available for qualifying patients; 2) increased the class of patients that qualify for medical marijuana in the state; and 3) limited the zoning authority of local governments related to medical marijuana dispensing facilities by mandating that jurisdictions choose between banning such facilities citywide or allowing and regulating them the same as pharmacies.

This LDC amendment will allow Medical marijuana dispensing facilities in the City of Gainesville and will regulate them as if they were pharmacies. This amendment will update the definition of Medical marijuana dispensing facility in accordance with current state law and will add it as an allowable use, either by right or by Special Use Permit, to a number of zoning districts that were chosen because they mirror those that allow general retail uses such as pharmacies (pharmacies are regulated in the LDC as a general retail use). Not included in this LDC amendment are regulations such as certain separation requirements, which were previously directed by the City Commission, because such regulations are not applied to pharmacies within the City and are therefore now improper under state law.

Definition Changes

This LDC amendment makes it consistent with current state law. The amendment will clarify that Medical marijuana dispensing facilities may dispense cannabis to medical patients for medical purposes pursuant to all current applicable regulations of the State of Florida, as may be amended from time to time. The LDC amendment complies with state law and limits any dispensing of marijuana to medical uses only, and any future state law change that would allow the dispensing of recreational marijuana would subsequently need to be considered by the City Commission before such use could be allowed in the City of Gainesville, unless the City's authority in this area had been preempted by the Florida Legislature.

Zoning Changes

Medical marijuana dispensing facilities are already allowed by-right in the following zoning districts: U8 (Urban 8); U9 (Urban 9); DT (Downtown); MU-1 (Mixed-Use Low-Intensity); MU-2 (Mixed-Use Medium-Intensity); OR (Office Residential); OF (General Office); CP (Corporate Park); BUS (General Business); and MD (Medical Services).

This LDC amendment adds Medical marijuana dispensing facilities as a use-by-right in the following zoning districts: U6 (Urban 6); U7 (Urban 7); BA (Automotive-Oriented Business); BT (Tourist-Oriented Business); BI (Business Industrial); W (Warehousing and Wholesaling); and AF

(Airport Facility). In addition, the use will be allowed by Special Use Permit in the following zoning districts: CP (Corporate Park); I-1 (Limited Industrial); and I-2 (General Industrial).

Of the total area of the City, approximately 28 percent is comprised of zoning districts in which the proposed use would be allowed. This area will be reduced to approximately 15 percent of the total area of the City due to the state-law required 500-foot minimum separation distance from a public or private elementary school, middle school, or secondary school, and due to airport development area limitations pertaining to Gainesville Regional Airport, which is located the AF (Airport Facilities) district.

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

3/2/17	City Commission	Approved (Petition)
3/1/18	City Commission	Approved (Petition) and Adopted on First Reading (Ordinance)

[160685 Staff report and Appendices A&B 20170126](#)

[160685A Staff report and Appendices A&B 20170302](#)

[160685B Letter to City 20170302](#)

[160685C Sumter County FL Ordinance 2017-01 20170302](#)

[160685D CPB minutes draft 20170302](#)

[160685E Staff ppt 20170302](#)

[160685E MOD Staff ppt 20170302](#)

[160685 Staff Report w Exhibits A-B 20170928.pdf](#)

[160685A draft ordinance 20180301.pdf](#)

[160685B Staff Report w Exhibits A-B 20180301.pdf](#)

[160685C Staff ppt 20180301.pdf](#)

[160834.](#)

ORDINANCE AMENDING CHAPTER 26 - TRAFFIC AND MOTOR VEHICLES (B)

ORDINANCE NO. 160834

An ordinance of the City of Gainesville, Florida, amending Chapter 26 of the Code of Ordinances relating to Parking, by amending Section 26-50 to provide an exception to the prohibition against backing up to a curb; amending

Section 26-71 and Section 26-73 to provide for implementation of a remote pay system; amending Section 26-117 to authorize the city manager to take action regarding designation of controlled vehicular parking areas and allow affected parties to request a public hearing; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: At the City Commission Meeting of April 6, 2017, the City Attorney was directed to draft an ordinance amending Chapter 26, Traffic and Motor Vehicles relating to parking.

The Office of the City Attorney worked with City and CRA staff to address the following within this ordinance:

The Public Works Department is implementing a smartphone mobile pay (or remote pay) system at metered parking spaces in the City. The Community Redevelopment Agency is also implementing smartphone mobile pay at the on-street parking spaces in the NW 1st Avenue reconstruction project. This ordinance amends Section 26-71 and Section 26-73 to allow for this technology. The parking meters will still take coins at the meter but customers will also be able to pay via credit or debit card on the app. Replacing the individual parking meters with the ability to accept credit cards is currently not cost feasible. The app will make it possible to accept payment other than coins.

The City will be implementing back-in angled parking on the CRA South Main Street project and the Public Works Department's SW 6th Street project. This ordinance amends Section 26-50 to allow for back-in parking.

Current Section 26-117, "Criteria and Procedures for Establishing Controlled Vehicular Parking Areas" is a cumbersome process that requires approval of the City Commission for every change, regardless of the magnitude of the change. This ordinance delegates authority to the City Manager to designate, or remove the designation of, controlled vehicular parking areas.

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

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

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

4/6/17	City Commission	Approved as Recommended
3/1/18	City Commission	Adopted on First Reading (Ordinance)

[160834 parking ordinance 20180301.pdf](#)

PLANNING PETITIONS

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

COMMISSION COMMENT

10:00pm or earlier - Adjourn - If later than 10:00pm, the Commission may waive the rules to extend the meeting or may schedule a date/time to continue the meeting