

# City of Gainesville

City Hall  
200 East University Avenue  
Gainesville, Florida 32601



## **Meeting Agenda - Final-Revised**

**February 6, 2020**

**1:00 PM**

**City Hall Auditorium**

### **City Commission**

***Mayor Lauren Poe (At Large)***  
***Commissioner Helen Warren (At Large)***  
***Commissioner Gail Johnson (At Large)***  
***Commissioner Gigi Simmons (District 1)***  
***Mayor-Commissioner Pro Tem 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****Prophet George Young****ADOPTION OF CONSENT ITEMS - GRU, General Government, Audit & Finance Committee and General Policy Committee Items**[190925.](#)**Approval of Minutes from the January 14 and January 16, 2020 City Commission Meetings (B)**

**RECOMMENDATION**      *The City Commission approve the minutes of January 14 and January 16, 2020.*

[190925 January 14, 2020 Minutes 20200206.pdf](#)

[190925\(A\) January 16, 2020 Minutes 20200206.pdf](#)

[190889.](#)**Non-Compliance with Attendance Requirements (B)**

**RECOMMENDATION**      *The City Commission approve the removal of Christine Larsen from the Public Recreation and Parks Board, effective immediately.*

[190889 PRPB ATTENDANCE-SHEET 1-20200220.pdf](#)

[190889 PRPB ATTENDANCE-SHEET 2-20200220.pdf.pdf](#)

[190871.](#)**City Commission Code Enforcement Workshop (NB)**

**RECOMMENDATION**

*The City Commission approve a Code Enforcement Workshop scheduled for February 26, 2020 at 5:00 PM.*

[190820.](#)

**Purchase of Ballistic Protection Equipment for Gainesville Fire Rescue (NB)**

This item requests the City Commission authorize the purchase of Ballistic Protection Equipment with designated funds for Gainesville Fire Rescue.

**AGENDA UPDATE - REMOVE ITEM**

*Explanation: The City Manager has prioritized this item submitted in the FY20-24 Capital Improvement Plan development, a request for Ballistic Protection Equipment for all GFR Operational Personnel. The equipment, including vests and helmets, is necessary to give every firefighter on shift the ballistic protection needed to respond and provide service in the event of an act of violence such as an active shooter incident, civil disturbance or similar type threat.*

*Funding has been identified in the FY20 Capital Improvement Fund account 360-820-M124-5220-3009 for the one-time purchase of 72 sets of ballistic protection equipment. Gainesville Fire Rescue has initiated the Request For Qualifications process which includes local vendor preference criteria.*

*Fiscal Note: The estimated cost of the project is \$150,000. Funds have been identified in the FY20 Capital Improvement Plan.*

**RECOMMENDATION**

*The City Commission authorize the City Manager or designee to: 1) work with the City's Purchasing staff to execute the appropriate purchasing process, and 2) execute a contract with the selected vendor subject to approval by the City Attorney as to form and legality.*

[190858.](#)

**Special Joint City/County Meeting Regarding the GCRA Work Plan (NB)**

*Explanation: Approve a Special Joint City/County Meeting at the John R. "Jack" Durrance Auditorium on March 31, 2020 from 3:00 p.m. - 6:00 p.m. so that the City can provide to the County Commission an annual report of its Community Redevelopment Work Plan in accordance with Section 2-407 of the City Code of Ordinances.*

*Fiscal Note: None*

RECOMMENDATION

Approve the Special Joint City/County Meeting on March 31, 2020.

[190903.](#)

**GRU Operational Update for October, November and December 2019 (B)**

*Explanation:* Staff has prepared statistical reports of GRU's daily operations for the months of October, November and December 2019.

*Fiscal Note:* None.

RECOMMENDATION

Receive reports.

[190903 GRU Ops Update 2019 Oct 20200206](#)

[190903 GRU Ops Update 2019 Nov 20200206](#)

[190903 GRU Ops Update 2019 Dec 20200206](#)

[190917.](#)

**Recording of Regulatory Assets (NB)**

*Explanation:* Gainesville Regional Utilities prepares its financial statements in accordance with Governmental Accounting Standards Board Statement No. 62, paragraphs 476-500 Regulated Operations, and records various regulatory assets and liabilities. This allows us, contingent upon legislative approval of recording the regulatory asset, to align revenues and expenses where appropriate for rate recovery.

*In this regard we are requesting that the City Commission approve the recording of a regulatory asset in conjunction with the accounting for the DHR facility. This asset is being depreciated on a straight-line basis, or an equal amount each year over the life of the asset. The principal payments on the debt issued to acquire the asset are graduated, increasing over time in the early years of the amortization schedule. This results in a difference between depreciation expense and principal payments with the expense exceeding the principal payments in the early years. Utilizing regulatory accounting will recognize a revenue on the income statement in the amount of the difference between depreciation and principal payments with a corresponding regulatory asset on the balance sheet.*

*Fiscal Note:* There is no cash flow impact associated with this item.

RECOMMENDATION

The City Commission approve utilizing regulatory accounting associated with recording depreciation expense of the DHR facility.

[190664.](#)

**Revision to GRU's FY21 Budget Calendar (B)**

AGENDA UPDATE - CHANGED TEXT FILE

*Explanation:* At the December 5, 2019 meeting, the City Commission approved GRU's proposed budget calendar. The first two workshops were scheduled for January 28th and February 25th. Subsequent to the Commission's approval of the budget calendar, staff presented item number 190804 - GRU's Generation Transition Plan 2020-2022 - at the January 16, 2020 Commission meeting. The Commission felt that they and the public needed time to review the plan further in a workshop setting and staff offered to use the January 28th budget workshop date for that purpose.

The budget material that staff had planned to discuss in the February 25th workshop was designed to build upon the material that would have been discussed in the January 28th workshop. Given those circumstances, GRU is requesting that the February 25th workshop be cancelled and the material for both January 28th and February 25th be discussed in the April 21st budget workshop. If approved, the revised calendar will follow the schedule below.

April 21, 2020, 3:00-5:00 p.m. - Budget Process & Philosophy; O&M and Capital, Sales, Customer & Revenue Forecast; and Debt Service, Cash and Liquidity

May 13, 2020, 5:00-7:00 p.m. - Budget Open Topics

May 26, 2020, 4:00-6:00 p.m. - Fuels and first review of rates

June 16, 2020, 3:00-5:00 p.m. - Special meeting to approve the GRU budget prior to the readings of the Budget Ordinance in September.

*Fiscal Note:* None.

**RECOMMENDATION**

The City Commission:

1) Approve the revised schedule of workshops and a special meeting for discussion of GRU's proposed FY21 budget.

**Legislative History**

12/5/19 City Commission Approved as Recommended

[190664 GRU Draft 2021 Budget Calendar 20191205.](#)

**190923.**

**Audit of Internal Controls and Data Security for the use of Driver's License and Motor Vehicle Record Data Exchange (B)**

*Explanation:* The Department of Highway Safety and Motor Vehicles (HSMV) requires the City to submit an annual statement indicating compliance with Memorandum of Understanding No. 0124-19 and formally certifying that it has adequate controls in place to protect the personal data from unauthorized access, distribution, use, modification, or disclosure. In accordance with our Annual Audit Plan, the City Auditor's Office completed the Florida HSMV Internal Control and Data Security Audit. Our report identifies data security recommendations, summarizes key actions taken by management, and includes the formal certification of compliance signed by the City Manager and the Interim City Auditor. Our audit was conducted in accordance with Government Auditing Standards

issued by the Comptroller General of the United States and Information System Audit and Assurance Standards issued by ISACA (Information Systems Audit and Control Association).

**RECOMMENDATION**

*The Interim City Auditor recommends that the City Commission accept the Interim City Auditor's report and the formal certification of compliance signed by the City Manager and the Interim City Auditor.*

[190923\\_HSMV\\_MOU\\_20200205](#)

[190805.](#)

**First Amendment to the Interlocal Agreement between Alachua County and the City of Gainesville for Recycling Processing (B)**

This item is a request for the City Commission to retroactively approve an amendment to the Interlocal Agreement between Alachua County and the City for Recycling Processing; extending the term through FY20.

*Explanation: Alachua County has provided processing and marketing of residential recyclables for the City of Gainesville since SP Recycling filed for bankruptcy in 2014. With the current depressed commodities prices and with the goal of creating a processing agreement that will remain sustainable despite market fluctuations, the City and County agreed to a new sliding scale tipping fee for FY19 that becomes a revenue share at commodity prices above \$149/ton. Under this agreement the City will pay the County a processing fee on a sliding scale per ton based upon the blended total rate for commodity sales for the current month. This First Amendment extends the agreement through the end of FY20.*

*Fiscal Note: The City's net cost for processing recyclables in FY19 was \$207,974. Although commodity prices have been very difficult to predict in the current recyclables market, it is anticipated that processing costs will remain approximately the same for FY20 until the market for recycling commodities improves.*

*Funding is allocated and identified in the Solid Waste Fund through the monthly residential refuse rate.*

**RECOMMENDATION**

*The City Commission retroactively authorize the execution of the First Amendment to the Interlocal Agreement between Alachua County and the City of Gainesville for Recycling Processing through September 30, 2020 subject to approval by the City Attorney as to form and legality.*

[190805A\\_Executed Agreement for Recycling Processing\\_20191206.pdf](#)

[190805B\\_First Amendment Agreement for Recycling Processing\\_20200206.pdf](#)

[190897.](#)

**Sweetwater Recreational Trail Phase I Design - Authorization of a Task Assignment under a Wild Spaces & Public Places professional design continuing services agreement (B)**

This item is a request for the City Commission to approve a Task Assignment in the amount of \$153,930 for professional design services for the Sweetwater Recreational Trail Phase I with DRMP, Inc.

*Explanation: In 2012, the City Commission approved the Parks, Recreational and Cultural Affairs Vision 2020 Master Plan. This plan brought to light the need for additional multiuse trails and better connectivity between parks. In April of 2017 the City entered into a \$3,000,000 interlocal agreement with the County for projects of mutual interest to the County and the City. The Sweetwater Recreational Trail is the first priority project under this agreement. Staff worked with the DRMP design team in 2019 to develop a schematic layout of the entire trail project to better identify the constraints, design challenges, and gather stakeholder input. This Task Assignment will expand upon that initial effort.*

*The project involves constructing a ±0.7 mile long, 12' wide multi-use asphalt path within a GRU easement. Phase 1 of the trail will extend from the Hawthorne Trail (northern limit) to SE Williston Road/SR 331 (southern limit). The easement is primarily used for electric transmission and has unimproved maintenance paths from the north and south. The central portion of the easement is bisected by Sweetwater Branch and is surrounded by steep slopes, gabion revetments, floodplain, landfill strata, and wetlands. The southern section of the easement contains a lift station with a turnaround area. GRU has plans to improve the southern access path and use it as a daily haul route for vac trucks to access their storage area near Sweetwater Branch. Jones Edmunds is designing this daily haul route for GRU and it was determined during a field meeting that they will perform the trail design and permitting in this area to cut costs and reduce the amount of coordination.*

*DRMP, Inc. is an approved vendor under the Wild Spaces & Public Places professional design continuing services agreements to help facilitate Wild Spaces & Public Places projects. They have experience facilitating projects similar to the Sweetwater Recreational Trail Phase I.*

*Fiscal Note: Funds in the amount of \$153,930 are available for professional design services for the Sweetwater Recreational Trail Phase I from the Sweetwater Recreational Trail WSPP ½ cent sales tax project account.*

**RECOMMENDATION**

*The City Commission: 1) authorize the City Manager or designee to execute all contract documents and other necessary documents, subject to approval by the City Attorney as to form and legality.*

[190897A County Interlocal for \\$3 million 20200206](#)

[190897B DRMP WSPP Design Services Master Agreement 20200206](#)

[190897C Sweetwater Recreational Trail Task Assignment 2 20200206](#)

[190897D SWEETWATER TRAIL PHASE 1-STATUS SET-20190731 2020020](#)

[190920.](#)

**Update to the Administrative Service Agreement with ICMA Retirement Corporation to Administer the City's Deferred Compensation and Defined Contribution Qualified Retirement Plans (401a). (B)**

This item requests that the City Commission approve the administrative services agreement with ICMA Retirement Corporation

*Explanation: The ICMA Retirement Corporation (ICMA-RC) has been the administrator of the City's 457 Deferred Compensation Program and its three Qualified Defined Benefit Plans under section 401 of the Internal Revenue Code (IRC) for many years. Over the past two years the City and ICMA-RC have been discussing ways that enhanced services could be provided while looking at alternative fee structures to benefit the participants. As a result of those discussions, ICMA-RC has provided an updated Administrative Services Agreement that accomplishes both.*

*First, the new agreement will immediately lower the fees members pay to 3.5 basis points or .00035% of the account balance. This fee represents the lowest fee in the State for a program with plan assets under management for a program of our size. The benefit to participants is that it will reduce administrative fees thus allowing for more available assets to invest to help fund those members retirement.*

*In addition, the agreement will provide additional retirement planning services such as Guided Pathways, a road map to retirement planning, and optional Managed Accounts that will allow members to allocate all or portions of their assets to a more actively managed investment.*

*This agreement is a win/win for members, it will reduce costs and increase services for those who participate. ICMA-RC has been a valuable partner in providing both access to supplemental retirement options to our employees and the necessary educational tools to effectively plan for retirement.*

*Fiscal Note: No employer fiscal impact, fees are paid from participants assets. The new fee structure will lower the cost of participation for our employees.*

**RECOMMENDATION**

*The City Commission: 1) Approve the Administrative Services Agreement with ICMA-RC; 2) Authorize the City Manager to execute the agreement subject to approval of the*



City Attorney as to form and legality.

[190920A\\_Gainesville City of - 300646 109086 109056 108827 - R9 - With Fee I](#)  
[190920B\\_Managed Accounts Service Agreement COG\)\\_ 20200206.pdf](#)

[190928.](#)

### **G5 Public Records Policy (B)**

AGENDA UPDATE - ADDED ITEM

**RECOMMENDATION**            *The City Commission approve the revised policy.*

[190928 G-5 Public Records Policy DRAFT 01.31.20 20200206.pdf](#)

[190939.](#)

### **RFP#HRDX-200015-GD Background Screening Services (B)**

AGENDA UPDATE - ADDED ITEM

*Explanation: A Request for Proposal (RFP) was issued and managed through the City's Procurement Department. The City received seven (7) responses to the RFP. All bid proposals received were dispersed to the evaluation committee. The RFP evaluation committee reviewed and determined one (1) of the seven (7) bid proposals met all minimum requirements specified in the RFP. HireRight, LLC was identified as the one (1) firm which submitted a bid proposal which met all minimum qualifications as specified in the RFP. The bid proposals were ranked based on RFP specifications. HireRight, LLC bid proposal received the highest ranking. HireRight was invited to provide an oral presentation to the evaluation, through which the firm successfully demonstrated capability to meet the City's background check solution need.*

*Fiscal Note: Estimated annual cost is \$100,000.*

**RECOMMENDATION**            *The City Commission approve the contract with HireRight, LLC to provide background screening services services.*

[190939A\\_200015 -Award Recommendation Transmittal 20200206.pdf](#)

## **ADOPTION OF REGULAR AGENDA**

**EARLY PUBLIC COMMENT - Members of the public who are unable to wait for their agenda item(s) to be called during the meeting may speak during Early Public Comment. Comment is limited to three (3) minutes on one agenda item or five (5) minutes on two or more agenda items. Speaking during Early Public Comment waives the right to comment during later agenda items.**

**GENERAL PUBLIC COMMENT - Members of the public may speak for up to three (3) minutes per meeting on any item not on the agenda. Individuals may choose to speak during any one of the General Public Comment periods during the meeting.**

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

[190791.](#)

**General Government Budget Calendar (NB)**

**The City Commission approves dates for discussion of the FY2021 annual budget.**

*AGENDA UPDATE - REMOVE ITEM*

*Explanation: Staff requests the City Commission approve dates to discuss items related to the FY2021 annual budget. Topics of discussion will include an updated Capital Improvement Plan, Fire Assessment, Millage Rate and the General Government Budget.*

*Staff recommends 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.*

*Staff requests the City Commission approve the following dates:*

06/04/2020 6:00pm Set preliminary Fire Assessment Rate by resolution.

06/17/2020 1:30pm-5:00pm General Government Budget @ Ironwood

07/16/2020 6:00pm 1. Set proposed tentative Millage Rate by resolution.  
2. Set proposed tentative General Government Budget by resolution.

09/10/2020 6:00pm 1. Adopt ordinances on 1st reading related to Fee or Rate changes (if any).  
2. Adopt Final Fire Assessment Rate by resolution.  
3. Hold 1st Public Hearing to adopt tentative Budgets and set tentative Millage Rate for FY2021 by resolution.

09/24/2020 6:00pm 1. Adopt Ordinances on 2nd reading related to Fee or Rate

Changes (if any).  
2. 2nd public Hearing to Adopt final Budgets and Set final Millage Rate for FY2021 by resolution.

*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 2020 requesting alternative special meeting dates. These potential conflicts will not be known until July 2020.

**RECOMMENDATION**            *The City Commission: 1) Approve the dates requested by staff.*

**Legislative History**

1/16/20            City Commission            Continued

[190764.](#)

**Mayor Lauren Poe - Update of Gainesville Sister Cities and Welcoming Gainesville (B)**

**RECOMMENDATION**            *The City Commission discuss and take action deemed appropriate.*

[190764\\_Welcoming Gainesville-Sister Cities\\_20200206.pdf](#)

[190882.](#)

**Ratification of Agreement between the Police Benevolent Association (PBA) Bargaining Unit and the City of Gainesville for February 1, 2020 through September 30, 2022 (B)**

This item is to ratify a successor agreement between the City and the PBA Bargaining Unit.

*Explanation: This Agreement has been reached through negotiations between the PBA Bargaining Unit and the City of Gainesville, and was ratified by the PBA Bargaining Unit on December 23, 2019. This Agreement extends the current Collective Bargaining Agreement through September 30, 2022.*

*A copy of the Agreement is on file in the Office of the Clerk of the Commission. After February 6, 2020, the Agreement will be on file in the Human Resources Department.*

*Fiscal Note: Funding for initial raises in the amount \$43,000 will be derived from General Fund fund balance.*

*Funding for FY 21 and FY 22 raises will be derived from the proposed FY21 and FY22 budgeted payroll for GPD in the amount of \$34,000 and \$36,000, respectively.*

**RECOMMENDATION**            *The City Commission ratify the Agreement*

between the PBA Bargaining Unit and the City of Gainesville, extending the Agreement through September 30, 2022.

[190882A\\_PBA 2020-2022 Underline-Strikethrough\\_20200206.pdf](#)

[190882B\\_PBA 2020-2022 Final \(Clean\) Version\\_20200206.pdf](#)

[190894.](#)

### 2020 Census Update (B)

*Explanation:* On December 9, 2019, a Census update was provided via City Manager Memorandum No. 19004 (attached). The following is an additional update.

*Fiscal Note:* The approved budget for the Census is \$125,000.

**RECOMMENDATION**

The City Commission hear an update regarding the 2020 Census.

[190894A\\_Census Update Memo 19004\\_20200206.pdf](#)

[190894B\\_Census Presentation FINAL\\_20200206.pdf](#)

[180816.](#)

### Immigration Policy for Gainesville Police Department (B)

*Explanation:* At the January 16, 2020 Regular City Commission Meeting, the Commission deferred the discussion clarifying Gainesville Police Department's legal obligation and policies with regard to federal immigration enforcement including General Orders 40.3.

**RECOMMENDATION**

The Commission hear an immigration policy update via Gainesville Police Department (GPD).

**Legislative History**

3/7/19	City Commission	Referred to the General Policy Committee
3/28/19	General Policy Committee	Continued
4/11/19	General Policy Committee	Approved, as shown above
9/16/19	City Commission	Approved, as shown above
1/16/20	City Commission	Withdrawn

[180816\\_GO 40.3 Revised Immigration Policy\\_20200116](#)

## COMMISSION COMMENT

**4:30 - 5:30pm DINNER BREAK**

**5:30 - CALL TO ORDER - Evening Session**

**PLEDGE OF ALLEGIANCE****PROCLAMATIONS/SPECIAL RECOGNITIONS**[190799](#)**African American Studies Day-February 21, 2020 (B)****RECOMMENDATION**

*African American Studies Professor Emeritus Dr. Jacob U'Mofe Gordon to accept proclamation.*

**Legislative History**

1/16/20 City Commission Heard

[190799\\_African American Studies Day\\_20200206](#)

[190910](#)**National Gun Violence Survivors Week -February 1 through February 8, 2020 (B)****RECOMMENDATION**

*Moms Demand Action Alachua County local Co-lead, Helen Kirklin to accept proclamation.*

[190910\\_Proclamation Natinal Gun Violence Survivors Week 2020\\_20200206](#)

[190918](#)**Black History Month February, 2020 (B)****RECOMMENDATION**

*Scherwin Henry to accept proclamation.*

[190918\\_Proclamation Black History Month 2020\\_20200206](#)

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**GENERAL PUBLIC COMMENT - Members of the public may speak for up to three (3) minutes per meeting on any item not on the agenda. Individuals may choose to speak during any one of the General Public Comment periods during the meeting.**

**RESOLUTIONS - ROLL CALL REQUIRED**[190902.](#)**Resolution Authorizing the Issuance of Gainesville Regional Utilities System Revenue Bonds 2020 Series A (B)**

*Explanation: At the October 17, 2019 City Commission meeting the Commission authorized the General Manager to execute, within prescribed execution parameters and timeframes, a range of financial transactions. One of the transaction types authorized was refunding of fixed rate bonds. Subsequent to this authorization staff has pursued a refunding of \$10.505 million of outstanding 2010 Series C Utilities System Revenue Bonds. The authorizing resolution in October contemplated public offerings to execute refundings of fixed rate bonds. Given the relatively small size of the proposed 2010 Series C Bonds refunding issue, staff and our financial advisor have determined that the most efficient manner to execute this transaction would not be through a public offering but rather through a direct placement with a single purchaser. The proposed Thirty-Third Supplemental Utilities System Revenue Bond Resolution authorizes such a direct placement and is being done as part of the bonds authorized by the resolution adopted on October 17, 2019. Due to federal tax law requirements Bank of America, N.A. will pursuant to a forward delivery agreement, agree to purchase the bonds on or about July 3, 2020 and the proceeds will be held in escrow with U.S. Bank and used to redeem the refunded bonds on October 1, 2020.*

*Fiscal Note: Refunding the 2010 Series C Bonds will result in reduced debt service expense.*

**RECOMMENDATION**

*The City Commission approve the Thirty Third Supplemental Utilities System Revenue Bond Resolution, Forms of the Forward Bond Purchase Agreement, Continuing Covenant Agreement, and Acceptance of Office of Paying Agent Agreement, and authorize the execution and delivery thereof, subject to approval of the City Attorney as to form and legality.*

[190902 Series 2020A Resolution 20200206](#)

[190880.](#)

**First Quarter Amendment through December 31, 2019 to the FY 2020 General Government Financial and Operating Plan Budget(B)**

Resolution No. 190880

A Resolution of City Commission of the City of Gainesville, Florida; relating to its general government budget for the fiscal year beginning October 1, 2019 and ending September 30, 2020; amending Resolution No. 190397, adopted September 26, 2019, by making certain adjustments to the General Government Financial and Operating Plan Budget; and providing an immediate effective date.

**AGENDA UPDATE - ADDED ITEM**

*Explanation: The purpose of this amendment is to accurately reflect and incorporate into the City's FY 2020 General Government budget those transactions and activities that were not anticipated during the budget process.*

*Fiscal Note: All of the recommended changes are funded either by increases in revenue budgets, decreases in expenditure budgets, or decreases in appropriate fund balances.*

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

[190880A\\_1st Budget Amendment Resolution\\_20200205.pdf](#)

[190880B\\_FY2020 1st QTR Amendatory and Summary\\_20200205.pdf](#)

## **PUBLIC HEARINGS**

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

[190129.](#)

#### **Ordinance Amending Regulations for Utility Use of Public Rights-of-Way (B)**

Ordinance No. 190129

An ordinance of the City of Gainesville, Florida, amending the City of Gainesville Code of Ordinances Chapter 23, Article VI - Public Rights-of-Way Use by Utilities and Appendix A, Schedule of Fees, Rates, and Charges, relating to regulations that apply to public rights-of-way use by utilities, including communications facilities and small wireless facilities; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

*Explanation: STAFF REPORT*

*This ordinance will amend the City's regulations in Chapter 23 of the Code of Ordinances that apply to public rights-of-way (ROWs) use by utilities, including communications facilities and small wireless facilities, as required by the Florida Legislature's 2019 adoption of Senate Bill 1000. On March 1, 2018, the City Commission adopted Ordinance No. 170786 and substantially revised the City's regulations regarding use of public ROWs by utilities, primarily in response to the Florida Legislature's 2017 amendment to Section 337.401, Florida Statutes, which required cities to allow the collocation of small wireless facilities on certain utility poles within public ROWs and which provided certain procedural and substantive limitations on local governments. Subsequently, the Governor of the State of Florida approved Senate Bill 1000 on June 25, 2019, which further limits the authority of local governments to regulate their public ROWs regarding use by communications services providers.*

*The City's regulatory program for utility use of public ROWs recognizes*

*that public ROWs are a unique and physically limited resource and seeks to use and manage this resource by thoughtfully balancing the objectives of safety, aesthetics, economic vitality, and service delivery, all within the complicated context of overlapping federal, state, and local regulations that apply particularly to the communications industry. Accordingly, Chapter 23 Article VI of the City's Code of Ordinances requires any person or entity that desires to use the City's ROWs for any utility use to first receive a permit and to meet certain substantive and procedural requirements. The City/GRU is exempt from this permitting requirement, except when acting as a communications services provider.*

*One of the primary changes mandated by the Florida Legislature in 2017 was that local governments were for the first time required to allow the collocation of small wireless facilities on existing City (non-GRU) utility poles that are greater than 15 feet in height, subject to certain restrictions. Importantly, that 2017 law did not require local governments to allow the installation of new utility poles within public ROWs by communications services providers in order to accommodate small wireless facility collocation, and accordingly the City's 2018 ordinance did not allow for such. However, the 2019 Senate Bill 1000 now requires local governments to allow communications services providers to install a new utility pole when the provider demonstrates that it is not reasonably able to provide wireless service by collocation on an existing aboveground utility pole. This change could have a substantial impact on the presence of communications infrastructure within the City's public ROWs. As a result, the City's allowance of collocation on existing GRU poles (which make up the vast majority of existing utility poles within City limits) would significantly help to meet the demand for wireless infrastructure collocation and would therefore minimize the installation of new utility poles.*

*In addition to the primary changes mentioned above, this ordinance amends other procedural and substantive provisions of the City's Code in accordance with 2019 HB 1000, such as: definition amendments; amendments to the registration requirements; limitations on the City's ability to require small wireless facilities to convert from aboveground to underground; limitations on the security the City may require from utility providers to secure performance and compliance with the City's Code; and amendments to the timeline for appeals of City permitting decisions. This ordinance also amends Appendix A to provide for certain allowable fees.*

*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**

1/16/20            City Commission            Adopted on First Reading (Ordinance)



[190129A\\_draft ordinance\\_20200116.pdf](#)

[190129B\\_PowerPoint Presentation\\_20200116.pptx](#)

[190308.](#)

**Ordinance Amending Chapter 18 of the Code of Ordinances Relating to Parks, Recreation and Cultural Affairs (B)**

Ordinance No. 190308

An ordinance of the City of Gainesville, Florida, amending portions of Chapter 18 of the City Code of Ordinances relating to Parks, Recreation and Cultural Affairs, by amending the title of Chapter 18; by amending Section 18-1 regarding the Director of Parks, Recreation and Cultural Affairs; by amending Section 18-18 to update the list and names of parks; by amending Sections 18-20 and 18-21 relating to prohibited activities; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

*Explanation: This ordinance updates the title for the Director of Parks, Recreation and Cultural Affairs. The list of city parks has been amended to reflect the addition of new parks, and renaming of parks. Lastly, the prohibited activities have been clarified to include littering, and swimming and water access at nature parks.*

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

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

**Legislative History**

1/16/20            City Commission            Adopted on First Reading (Ordinance)

[190308A\\_draft ordinance\\_20200116.pdf](#)

[190419.](#)

**Voluntary Annexation - 86.64 Acres of Property Located Near SW Williston Road & SW 34th Street (B)**

Ordinance No. 190419

An ordinance of the City of Gainesville, Florida, annexing approximately 86.64 acres of privately-owned property generally located south of SW Williston Road, west of SW 29th Drive, north of SW 56th Avenue, and east of SW 34th Street, as more specifically described in this ordinance, as petitioned for by the property owner(s) pursuant to Chapter 171, Florida Statutes; making

certain findings; providing for inclusion of the property in Appendix I of the City Charter; providing for land use plan, zoning, and subdivision regulations, and enforcement of same; providing for persons engaged in any occupation, business, trade, or profession; providing directions to the Clerk of the Commission; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

*Explanation: This ordinance, at the request of property owner(s) of the subject property, will annex into the corporate limits of the City of Gainesville approximately 86.64 acres of privately-owned property that consists of parcels numbers 07176-007-000, 07176-010-000, 07176-011-000, 07240-037-000, 07176-016-000, 07176-012-000, 7240-000-000 (a portion of), and 07176-000-000 (a portion of), generally located south of SW Williston Road at the intersection of SW Williston Road and SW 34 Street. On October 3, 2019, the City Commission received and accepted a petition for voluntary annexation and directed the City Attorney to prepare this annexation ordinance.*

*Municipal annexation in Florida is governed by the Municipal Annexation or Contraction Act (the "Act"), which is found in Chapter 171, Florida Statutes. Section 171.044, F.S., sets forth the requirements and procedure for voluntary annexation, whereby property owners may voluntarily request a municipality to include their property within the corporate limits of that municipality. Besides various procedural requirements, Section 171.044, F.S., sets forth the following substantive requirements for voluntary annexations: 1) the proposed annexation area must be "contiguous" to the municipality; 2) the proposed annexation area must be "reasonably compact"; and 3) the annexation must not create any "enclaves."*

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

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

*The City Commission must decide, based on the map of the annexation area, the opinion and testimony of city staff, and other competent substantial evidence included in the record, whether the proposed annexation meets the essential requirements of the applicable state annexation law as described herein.*

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

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

**Legislative History**

10/3/19	City Commission	Approved as Recommended
1/16/20	City Commission	Adopted on First Reading (Ordinance)

[190419A Rocky Point Voluntary Annexation Petition 20191003](#)

[190419B rocky point rd annex overview map 20191003](#)

[190419 draft ordinance 20200116.pdf](#)

[190419 Rocky Point Staff Presentation Updated 20200116.pdf](#)

[190419 Rocky Point Annexation USR 2 20200116.pdf](#)

[190287.](#)

**Land Use Change - 5.07 Acres of Property Located at 4551 NW 39th Avenue (B)**

Ordinance No. 190287

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 5.07 acres of property generally located at 4551 NW 39th Avenue, as more specifically described in this ordinance, from Alachua County Low Density Residential to City of Gainesville 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: STAFF REPORT***

*This ordinance will amend the Future Land Use Map of the Comprehensive Plan by changing the land use category of approximately 5.07 acres of property located at 4551 NW 39th Avenue. This property was voluntarily annexed into the City on February 21, 2019. As a result of annexation, the City must now assign appropriate land use*

and zoning designations. The property's current land use category is Alachua County Low Density Residential and this ordinance will change the land use category to City of Gainesville Mixed-Use Low-Intensity (MUL).

The City Plan Board held a public hearing on October 9, 2019, where it voted to recommend approval of this amendment to the Future Land Use Map of the Comprehensive Plan. On December 5, 2019, the City Commission heard a presentation on this application, gave direction to City staff, and authorized the drafting of this ordinance. This proposed amendment to the Comprehensive Plan involves a use of 10 acres or fewer and qualifies as a small-scale development amendment, which allows the City Commission to adopt this ordinance with a single public hearing.

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 adoption. If timely challenged, this amendment shall become effective when the state land planning agency or the Administration Commission issues a final order determining that this amendment is in compliance with Chapter 163, Florida Statutes. No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before this amendment has become effective.

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

**Legislative History**

12/5/19            City Commission            Approved (Petition)

[190287A\\_PB-19-77\\_Staff\\_Report\\_20191205](#)

[190287B\\_PB-19-77\\_Staff\\_Presentation\\_20191205](#)

[190287C\\_PB-19-77\\_Property\\_Owner\\_Developable\\_Area\\_Map\\_20191205](#)

[190287\\_PRES\\_191205\\_NIMBA\\_CC\\_1\\_20191205.pdf](#)

[190287A\\_draft\\_ordinance\\_20200206.pdf](#)

[190287B\\_PB-19-77\\_Staff\\_Report\\_20200206](#)

[190287C\\_PB-19-77\\_Property\\_Owner\\_Developable\\_Area\\_Map](#)

[190287D\\_CPB\\_190109\\_Minutes\\_20200206](#)

[190287E\\_PB-19-77\\_Staff\\_Presentation\\_20200206](#)

[190288.](#)

**Quasi-Judicial - Rezoning 5.07 Acres of Property Located at 4551 NW 39th Avenue (B)**

## Ordinance No. 190288

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning approximately 5.07 acres of property generally located at 4551 NW 39th Avenue, as more specifically described in this ordinance, from Alachua County Residential Single Family (R-1A) district to City of Gainesville Mixed-Use Low-Intensity (MU-1) district; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

*Explanation: STAFF REPORT*

*This ordinance rezones approximately 5.07 acres of property located at 4551 NW 39th Avenue. The subject property was voluntarily annexed into the City on February 21, 2019. As a result of annexation, the City must now assign appropriate land use and zoning designations. The property's current zoning is Alachua County Residential Single Family (R-1A), and this ordinance will change the zoning to City of Gainesville Mixed-Use Low-Intensity (MU-1). The City Plan Board held a public hearing on October 9, 2019, where it voted to recommend approval of this rezoning. On December 5, 2019, the City Commission held a public hearing on this application, gave direction to City staff, and authorized the drafting of this ordinance.*

*This ordinance requires one hearing and will become effective when the amendment to the City of Gainesville Comprehensive Plan adopted by Ordinance No. 190287 becomes effective as provided therein.*

**RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

**Legislative History**

12/5/19 City Commission Approved (Petition)

[190288A\\_PB-19-78 ZON Staff Report\\_20191205](#)

[190288B\\_PB-19-78 ZON Staff Presentation\\_20191205](#)

[190288C\\_PB-19-78 Property Owner Developable Area Map](#)

[190288\\_PRES\\_191205\\_NIMBA\\_CC\\_1\\_20191205.pdf](#)

[190288A\\_draft ordinance\\_20200206.pdf](#)

[190288B\\_PB-19-78 ZON Staff Report\\_20191205](#)

[190288C\\_PB-19-78 Property Owner Developable Area Map\\_20200206](#)

[190288D\\_CPB\\_190109 Minutes\\_20200206](#)

[190288E\\_PB-19-78 ZON Staff Presentation\\_20200206](#)

[190535.](#)

**Land Use Change - 3.85 Acres of Property Located at 5200 SW 41st Boulevard (B)**

## Ordinance No. 190535

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 3.85 acres of property generally located at 5200 SW 41st Boulevard, as more specifically described in this ordinance, from Alachua County Heavy Industrial to City of Gainesville Industrial (IND); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

*Explanation: STAFF REPORT*

*This ordinance will amend the Future Land Use Map of the Comprehensive Plan by changing the land use category of approximately 3.85 acres of property located at 5200 SW 41st Boulevard. This property was voluntarily annexed into the City on October 4, 2018. As a result of annexation, the City must now assign appropriate land use and zoning designations. The property's current land use category is Alachua County Heavy Industrial and this ordinance will change the land use category to City of Gainesville Industrial (IND).*

*The City Plan Board held a public hearing on October 24, 2019, where it voted to recommend approval of this amendment to the Future Land Use Map of the Comprehensive Plan. 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 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 adoption. If timely challenged, this amendment shall become effective when the state land planning agency or the Administration Commission issues a final order determining that this amendment is in compliance with Chapter 163, Florida Statutes. No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before this amendment has become effective.*

**RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

[190535A\\_draft ordinance\\_20200206.pdf](#)

[190535B\\_StaffReport With Appendices A-C\\_20200206](#)

[190535C\\_CPBMinutes\\_20200206](#)

[190535D\\_Staff PPT\\_20200206](#)

[190536.](#)**Quasi-Judicial - Rezoning 3.85 Acres of Property Located at 5200 SW 41st Boulevard (B)**

Ordinance No. 190536

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning approximately 3.85 acres of property generally located at 5200 SW 41st Boulevard, as more specifically described in this ordinance, from Alachua County Industrial Services and Manufacturing (MS) district to City of Gainesville General Industrial (I-2) district; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

*Explanation: STAFF REPORT*

*This ordinance rezones approximately 3.85 acres of property located at 5200 SW 41st Boulevard. The subject property was voluntarily annexed into the City on October 4, 2018. As a result of annexation, the City must now assign appropriate land use and zoning designations. The property's current zoning is Alachua County Industrial Services and Manufacturing (MS), and this ordinance will change the zoning to City of Gainesville General Industrial (I-2). The City Plan Board held a public hearing on October 24, 2019, where it voted to recommend approval of this rezoning.*

*This ordinance requires one hearing and will become effective when the amendment to the City of Gainesville Comprehensive Plan adopted by Ordinance No. 190535 becomes effective as provided therein.*

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

[190536\\_StaffReport with Appendices A-C\\_20191024](#)

[190536A\\_draft ordinance\\_20200206.pdf](#)

[190536B\\_StaffReport&Appendices\\_20200206](#)

[190536C\\_191024 CPBMinutes\\_20200206](#)

[190536D\\_Staff PPT\\_20200206](#)

[190537.](#)**Land Use Change - 4.4 Acres of Property Located West of I-75 in the Finley Woods Annexation Area (B)**

Ordinance No. 190537

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 4.4 acres of property generally located south of Tax Parcel No. 07240-049-000, west of SW 41st Boulevard and Interstate 75, north of SW Williston Road, and east of SW 75th Street, as more specifically described in this ordinance, from Alachua County Light Industrial to City of Gainesville Industrial (IND); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

*Explanation: STAFF REPORT*

*This ordinance will amend the Future Land Use Map of the Comprehensive Plan by changing the land use category of approximately 4.4 acres of property located south of Tax Parcel No. 07240-049-000, west of SW 41st Boulevard and Interstate 75, north of SW Williston Road, and east of SW 75th Street. This property was voluntarily annexed into the city on February 16, 2017. As a result of annexation, the city must now assign appropriate land use and zoning designations. The property's current land use category is Alachua County Light Industrial and this ordinance will change the land use category to City of Gainesville Industrial (IND).*

*The City Plan Board held a public hearing on October 24, 2019, where it voted to recommend approval of this amendment to the Future Land Use Map of the Comprehensive Plan. 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 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 adoption. If timely challenged, this amendment shall become effective when the state land planning agency or the Administration Commission issues a final order determining that this amendment is in compliance with Chapter 163, Florida Statutes. No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before this amendment has become effective.*

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

[190537\\_StaffReport With Appendices A-C\\_20191024](#)

[190537A\\_draft ordinance\\_20200206.pdf](#)

[190537B\\_StaffReport&Appendices\\_20200206](#)

[190537C\\_CPB191024 Minutes\\_20200206](#)

[190537D\\_Staff PPT\\_20200206](#)



[190538.](#)**Quasi-Judicial - Rezoning 4.4 Acres of Property Located West of I-75 in the Finley Woods Annexation Area (B)**

Ordinance No. 190538

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning approximately 4.4 acres of property generally located south of Tax Parcel No. 07240-049-000, west of SW 41st Boulevard and Interstate 75, north of SW Williston Road, and east of SW 75th Street, from Alachua County Agricultural district to City of Gainesville Business Industrial (BI) district; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

*Explanation: STAFF REPORT*

*This ordinance rezones approximately 4.4 acres of property located south of Tax Parcel No. 07240-049-000, west of SW 41st Boulevard and Interstate 75, north of SW Williston Road, and east of SW 75th Street. This property was voluntarily annexed into the city on February 16, 2017. As a result of annexation, the city must now assign appropriate land use and zoning designations. The property's current zoning is Alachua County Agricultural and this ordinance will change the zoning to City of Gainesville Business Industrial (BI).*

*The City Plan Board held a public hearing on October 24, 2019, where it voted to recommend approval of this rezoning. This ordinance requires one hearing and shall become effective when the amendment to the City of Gainesville Comprehensive Plan adopted by Ordinance No. 190537 becomes effective as provided therein.*

**RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

[190538\\_StaffReport With Appendices A-C\\_20191024](#)

[190538A\\_draft ordinance\\_20200206.pdf](#)

[190538B\\_StaffReport&Appendices\\_20200206](#)

[190538C\\_CPB191024 Minutes\\_20200206](#)

[190538D\\_Staff PPT\\_20200206](#)

**ORDINANCES, 1ST READING - ROLL CALL REQUIRED**[190292.](#)**Text Change - Amending the Land Development Code Related to Recreational Vehicle Parks (B)**

Ordinance No. 190292

An ordinance of the City of Gainesville, Florida, amending the Land Development Code (Chapter 30 of the City of Gainesville Code of Ordinances) by adding recreational vehicle park as a permitted use by right in certain zoning districts with associated regulations; by amending Section 30-2.1 Definitions; by amending Section 30-4.19 Permitted Uses in Mixed-Use and Nonresidential Districts; by amending Article V. Use Standards to add regulations for recreational vehicle park; by amending Section 30-4.12, Section 30-4.16, Section 30-4.19, Section 30-4.23, Section 30-5.5, Section 30-5.13, Section 30-5.19, Section 30-5.21, Section 30-5.28 and Appendix A Schedule of Fees, Rates and Charges to update code references because of numbering changes; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

AGENDA UPDATE - NEW POWERPOINT PRESENTATION

*Explanation:* STAFF REPORT

*This ordinance will add "recreational vehicle parks" as a permitted use by right in the Limited Industrial (I-1), Automotive-Oriented Business (BA), Tourist-Oriented Business (BT), and Business Industrial (BI) zoning districts. The definition of Recreational Vehicle is amended and the definition of Recreational Vehicle Park is added. The permitted use table for in Section 30-4.19 is amended and a new section is added in Article V, Division 1, concerning use standards to regulate the proposed new use.*

*The City Plan Board held a public hearing on October 9 2019, where it voted to recommend approval of this amendment to the Land Development Code. This ordinance requires two hearings and will become effective immediately upon adoption at second reading.*

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

[190292 Staff Report with Exhibits 1-5 20191009](#)

[190292A draft ordinance 20200206.pdf](#)

[190292 2020-02-06 RV Park Text Amendment PPT Applicant 20200206.pdf](#)

[190292B Staff PPT 20200206](#)

[190420.](#)

**Voluntary Annexation - Oak Hall Private School, 42.97 Acres of Property Located Near SW Tower Road & SW 13th Road (B)**

Ordinance No. 190420

An ordinance of the City of Gainesville, Florida, annexing approximately 42.97

acres of privately-owned property generally located west of Tower Road, south of SW 13th Road, north of SW 18th Boulevard, and east of SW 83rd Street, as more specifically described in this ordinance, as petitioned for by the property owner(s) pursuant to Chapter 171, Florida Statutes; making certain findings; providing for inclusion of the property in Appendix I of the City Charter; providing for land use plan, zoning, and subdivision regulations, and enforcement of same; providing for persons engaged in any occupation, business, trade, or profession; providing directions to the Clerk of the Commission; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

*Explanation: This ordinance, at the request of property owner(s) of the subject property, will annex into the corporate limits of the City of Gainesville approximately 42.97 acres of privately-owned property west of Tower Road, south of SW 13th Road, north of SW 18th Boulevard, and east of SW 83rd Street. On October 3, 2019, the City Commission received and accepted a petition for voluntary annexation and directed the City Attorney to prepare this annexation ordinance.*

*Municipal annexation in Florida is governed by the Municipal Annexation or Contraction Act (the "Act"), which is found in Chapter 171, Florida Statutes. Section 171.044, F.S., sets forth the requirements and procedure for voluntary annexation, whereby property owners may voluntarily request a municipality to include their property within the corporate limits of that municipality. Besides various procedural requirements, Section 171.044, F.S., sets forth the following substantive requirements for voluntary annexations: 1) the proposed annexation area must be "contiguous" to the municipality; 2) the proposed annexation area must be "reasonably compact"; and 3) the annexation must not create any "enclaves."*

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

to that unincorporated area only through the city.

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

The City Commission must decide, based on the map of the annexation area, the opinion and testimony of city staff, and other competent substantial evidence included in the record, whether the proposed annexation meets the essential requirements of the applicable state annexation law as described herein.

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

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

**Legislative History**

10/3/19            City Commission            Approved as Recommended

[190420A\\_oakhall\\_Application\\_20191003](#)

[190420B\\_oakhall\\_annex\\_overview\\_map\\_20191003](#)

[190420A\\_draft\\_ordinance\\_20200206.pdf](#)

[190420B\\_Oak\\_Hall\\_School\\_Voluntary\\_Annexation\\_USR\\_20200206](#)

[190420C\\_OakHallAnnexation\\_Staff\\_PPT\\_20200206](#)

[190607.](#)

**Quasi-Judicial - Historic Property Tax Exemption - 305 NE 6th Street (B)**

Ordinance No. 190607

An ordinance of the City of Gainesville, Florida, finding that property located at 305 NE 6th 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, 2020, and continuing for 10 years under certain conditions; authorizing the Mayor and the Clerk of the Commission to sign the Historic Preservation Property Tax Exemption Covenant between the property owner and the City; providing a severability clause; providing a repealing clause; and providing an effective date.

*Explanation: Chapter 25, Article IV, of the Code of Ordinances authorizes the City Commission to grant ad valorem tax exemptions for historic properties pursuant to Florida law. In order to approve a property for such exemption, the Historic Preservation Board (HPB) and the City*

*Commission must determine that a particular property is eligible for the property tax exemption (i.e., historical designation or contributing property) and that it has been improved consistent with the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.*

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

*Second, the applicant completed the improvements and submitted Part 2 of the property tax exemption application (Final Application for Review of Completed Work). Staff inspected the completed work and found the work meets the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings as well as the City's Guidelines for Rehabilitating Historic Buildings. On November 5, 2019, 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 are estimated at \$300,000.00. However, pursuant to City Code and State Statute, the actual amount of the exemption will be determined by the County Property Appraiser.*

*The property is located 305 NE 6th Street and includes a residential home constructed in 1922 that is a contributing structure to the Northeast Residential Historic District.*

*This ordinance requires two hearings and will become effective immediately upon adoption; however, the ad valorem tax exemption will be effective as of January 1, 2020, in accordance with Section 196.1997(10), Florida Statutes.*

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

[190607\\_HP-16-6\\_StaffReport\\_20191105](#)

[190607A\\_draft\\_ordinance\\_20200206.pdf](#)

[190607B\\_HP-16-6\\_StaffReport\\_20200206](#)

[190607C\\_HP-16-6\\_Minutes\\_20200206](#)

[190607D\\_StaffPPT\\_Part2AdvaloremTaxExmpt\\_20200206](#)

[190885](#).

**Ordinance Adding 2020 Election Early Voting Date (B)**

## Ordinance No. 190885

An ordinance of the City of Gainesville, Florida, amending Section 1 of Ordinance No. 180901 to add an additional day to the early voting period for the 2020 regular city election; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

*Explanation: Upon second reading on June 20, 2019, the City Commission passed Ordinance No. 180901, setting the date of the 2020 regular election and run-off election, if necessary; setting the dates of the candidate qualifying period; and setting the early voting dates for the 2020 regular election and run-off election, if necessary. The 2020 regular election is to be held in conjunction with the statewide Presidential Preference Primary election on Tuesday, March 17, 2020. Per Ordinance No. 180901, early voting for the regular election was to occur from Saturday, March 7, 2020 to and including Saturday, March 14, 2020. The Alachua County Supervisor of Elections has provided notice that the dates for early voting for the 2020 statewide Presidential Preference Primary election shall be from Friday, March 6, 2020 to and including Saturday, March 14, 2020. This Ordinance amends Section 1 of Ordinance No. 180901 to add Friday, March 6, 2020 to the early voting period for the regular election that is to be held in conjunction with the statewide election. Upon adoption of this ordinance, the early voting period for the City's regular election shall be from Friday, March 6, 2020 to and including Saturday, March 14, 2020.*

**RECOMMENDATION**

The City Commission adopt the proposed ordinance.

[190885\\_draft ordinance\\_20200206.pdf](#)

**GENERAL PUBLIC COMMENT - Members of the public may speak for up to three (3) minutes per meeting on any item not on the agenda. Individuals may choose to speak during any one of the General Public Comment periods during the meeting.**

**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**