

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Meeting Agenda - Final-Revised

August 15, 2019

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****ADOPTION OF CONSENT ITEMS - GRU, General Government, Audit & Finance Committee and General Policy Committee Items**[190261.](#)**City Commission Minutes (B)**

RECOMMENDATION *The City Commission approve the minutes of August 1, 2019 (2).*

[190261_Board of Trustees General Employees' Pension Plan August 1 Minutes](#)

[190261\(A\) August 1 Minutes 20190818.pdf](#)

[190163.](#)**Appointments to City Commission Advisory Boards and Committees (B)**

RECOMMENDATION *The City Commission appoint:
Ana Fajardo to the Bicycle/Pedestrian Advisory Board for a term to expire 12/31/2020.*

Suzanne Kiker to the Gainesville Cultural Affairs Board for a term to expire 9/30/2022.

Craig Carter and Marie Small to the Gainesville Housing Authority for full terms to expire 8/1/2023.

Zachariah Chou to the Regional Transit System Advisory Board for a term to expire 9/30/2022.

Richard German as a Voting Student Member to the Student Community Relations Advisory Board for a term to expire 9/30/2020.

[190163_BPAB Applications_20190815.pdf](#)

[190163_GCAB Applications_20190815.pdf](#)

[190163_GHA Applications_20190815.pdf](#)

[190163_RTS Applications_20190815.pdf](#)

[190163_SCRAB Applications_20190815.pdf](#)

[190192.](#)

Rental Housing Committee Minutes (B)

RECOMMENDATION *The City Commission approve the Rental Housing Committee minutes of May 28, 2019.*

[190192 Rental Housing Committee Minutes_20190815.pdf](#)

[190194.](#)

Cancellation of City Commission Meeting (NB)

RECOMMENDATION *The City Commission cancel the September 19, 2019 Commission meeting.*

[190187.](#)

Joint City Commission/Alachua County School Board Meeting (NB)

Explanation: At the General Policy Committee meeting held on May 9, 2019, there was a motion to schedule a Joint City Commission/Alachua County School Board meeting in the fall.

RECOMMENDATION *The Commission approve a Joint City Commission/Alachua County School Board meeting to be held on November 6, 2019 at 2:00 pm at the School Board District Office Boardroom.*

[190112.](#)

Request to Rename a Neighborhood Park to “Unity Park” (B)

This item involves a request to rename NE 31st Avenue Park located at 1700 NE 31st Avenue to “Unity Park.”

Explanation: On February 28, 2005, the City Commission referred the matter of naming City parks, recreation areas, and facilities to the Recreation and the Cultural Affairs Committee. The Recreation and Cultural Affairs Committee forwarded their recommendations to the Commission on June 16, 2005. The City Commission adopted the Committee's recommendations at their August 8, 2005 meeting. The general policy

states that either the City of Gainesville Public Recreation and Parks Board, Nature Centers Commission or Cultural Affairs Board would be responsible for recommending to the City Commission approval of all names of parks, recreation areas, facilities, and centers managed by the City of Gainesville Parks, Recreation & Cultural Affairs Department.

At their October 18, 2018 meeting, the Public Recreation and Parks Board received a request from Wild Spaces, Public Places Director Elizabeth (Betsy) Waite to rename the NE 31st Avenue Park to "Unity Park." The request was a result of an open house held in the community where names were voted on, and "Unity Park" was the most popular choice from attendees. The request was accompanied by the required petition with more than the necessary 50 signatures of adults within the City and an explanation of why the name was proposed.

On January 16, 2019, the Public Recreation and Parks Board unanimously voted to recommend renaming the park "Unity Park."

Fiscal Note: None.

RECOMMENDATION *The City Commission approve the request to rename the park at 1700 NE 31st Avenue as "Unity Park."*

[190112A_WSPPreq_20190815](#)

[190112B_PRABMemo_20190815](#)

[190112C_Petition_20190815](#)

[190112D_CommEngmt_20190815](#)

[190112E_PkNamingPol_20190815](#)

[190113.](#)

Request to Rename a Neighborhood Park to "Oakview Park" (B)

This item involves a request to rename Kiwanis/Girl Scout Park located at NW 8th Street & NW 8th Place to "Oakview Park."

Explanation: On February 28, 2005, the City Commission referred the matter of naming City parks, recreation areas, and facilities to the Recreation and the Cultural Affairs Committee. The Recreation and Cultural Affairs Committee forwarded their recommendations to the Commission on June 16, 2005. The City Commission adopted the Committee's recommendations at their August 8, 2005 meeting. The general policy states that either the City of Gainesville Public Recreation and Parks Board, Nature Centers Commission or Cultural Affairs Board would be responsible for recommending to the City Commission approval of all names of parks, recreation areas, facilities, and centers managed by the City of Gainesville Parks, Recreation & Cultural Affairs Department.

At their March 20, 2019 meeting, the Public Recreation and Parks Board

received a request from Wild Spaces, Public Places Director Elizabeth (Betsy) Waite to rename Kiwanis/Girl Scout Park to "Oakview Park." The request was a result of an open house held in the community where names were voted on, and "Oakview Park" was the most popular choice from attendees, and is also the name of the neighborhood directly to the north of the park. This name change should reduce confusion between this park and Kiwanis Challenge Park. The request was accompanied by the required petition with more than the necessary 50 signatures of adults within the City and an explanation of why the name was proposed.

On May 15, 2019, the Public Recreation and Parks Board unanimously voted to recommend renaming the park "Oakview Park."

Fiscal Note: None.

RECOMMENDATION The City Commission approve the request to rename Kiwanis/Girl Scout Park located at NW 8th Street & NW 8th Place as "Oakview Park."

[190113A_WSPPreq_20190815](#)

[190113B_PRABMemo_20190815](#)

[190113D_CommEngmt_20190815](#)

[190113E_PkNamingPol_20190815](#)

[190113C_Petition_20190815](#)

[190160.](#)

Regional Transit System (RTS) Proposed Fall 2019 Transit Service Changes (B)

This is a request for the City Commission to review and approve the proposed Regional Transit System (RTS) Fall 2019 Service Changes.

Explanation: RTS makes transit service changes three times a year. These changes coincide with the semester schedules for the University of Florida (UF) and Santa Fe College (SFC). RTS plans to maintain the same level of service as the Spring 2019 with minor schedule modifications that will affect a few routes. RTS presented these changes for feedback at an advertised public meeting on July 24, 2019 of the RTS Citizen Advisory Board (CAB). See back-up for the presentation that was reviewed with the CAB.

Fiscal Note: In fiscal year 2019-20, RTS will receive approximately \$13.8 million from UF for transit services and \$1 million from SFC for transit services.

RECOMMENDATION The City Commission: 1) approve the proposed Fall 2019 service changes effective August 19, 2019; and 2) authorize the City Manager or his designee to execute any related documents, subject to approval by the City Attorney as to form

and legality.

Legislative History

7/24/19 Regional Transit Discussed
 System Advisory
 Board

[190160 RTS Fall 2019 Service Changes 20190724](#)

[190180.](#)

Interlocal Agreement to Create a Joint Strategic Zero Waste Plan (B)

Agreement between Alachua County and the City of Gainesville to contract with Kessler Consulting, Inc. to assist in creating a joint strategic plan to move the City and County toward a goal of Zero Waste. The City's share of the Total Projected Budget for this work is \$62,260.

Explanation: After the City Commission and Board of County Commissioners both passed resolutions adopting a Zero Waste goal, the parties agreed to work together to create a strategic plan identifying and exploring various alternatives for solid waste reduction/diversion/recycling. They further agreed to engage the assistance of a qualified contractor utilizing an existing contract from another local government that has been competitively procured. Kessler Consulting, Inc. (the Contractor) who wrote the training manual for the Zero Waste Certification program used by the Solid Waste Association of North America will conduct an analysis of our current systems, assist with the development of a strategic plan, and create a timeline for implementation.

The purpose of this interlocal agreement is to establish the responsibilities of the City and County in the procurement of a consultant to: 1) evaluate and report to the Parties the current status of waste reduction/diversion/recycling in the City and County; 2) use those results to analyze policies, programs and infrastructure in order to develop strategies that will offer the greatest potential for waste reduction/diversion/ recycling in our community and; 3) issue a report containing recommended strategies and laying out a Strategic Plan for achieving Zero Waste.

The City and County agree that the costs and expenses to be incurred in accomplishing the intent of this joint plan will be apportioned equally between the Parties. After execution by the Parties, this Interlocal Agreement shall commence and continue through September 30, 2020 with the option for both Parties to extend the term of this Agreement for additional one-year periods.

Fiscal Note: The City's share of the Total Projected Budget for this work is \$62,260.

Funds for this work are provided for and available in the Solid Waste Enterprise Fund.

RECOMMENDATION

The City Commission authorize the Charter Officer (or designee) to execute the Interlocal Agreement, subject to approval by the City Attorney as to form and legality.

[190180 Interlocal CoG County ZeroWaste 20190815](#)

[190228.](#)

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

Explanation: The City has an MOU with Florida Highway Safety and Motor Vehicles to allow the City's Risk Management to access its stored drivers' information. The MOU requires an audit of internal control and data security by 9/28/2019. GRU has requested the City Auditor's Office to conduct this audit.

RECOMMENDATION

The City Commission approves the amendment of the FY2019 Annual Audit Plan to include this audit.

[190228 MOU-HSMV-0124-19 20190815](#)

[190265.](#)

Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY2019 Local Solicitation (B)

This is a request for the City Commission to authorize the Gainesville Police Department to submit an Edward Byrne Memorial Justice Assistance Grant FY2019 Local Solicitation application and to accept and execute the grant if awarded.

AGENDA UPDATE - ADDED ITEM

Explanation: The Edward Byrne Memorial Justice Assistant Grant is a direct award based on JAG formula (violent crime and population). This program furthers the Department's mission by assisting local efforts to prevent or reduce crime and violence. The City of Gainesville Police Department is eligible for an award of \$66,126.00. This money may be used to provide additional personnel, equipment, supplies, contractual support, training, technical assistance and information systems for criminal justice. The grant application is due August 23, 2019. This year the City and County are required to apply for the funds jointly as a disparate jurisdiction. The City will be applying for the funds and subgranting the County portion back to the County through an interlocal agreement.

Fiscal Note: There is no match requirement and no fiscal impact on the General Fund budget

RECOMMENDATION

The City Commission 1) authorize the City Manager to apply for, and to accept and execute the grant award and any other necessary documents (interlocal agreement with Alachua

County), subject to review by the City Attorney as to form and legality; and 2) approve the expenditures as outlined in the approved grant award.

[190265a_JAGByrneGrantFY2019_20190815](#)

ADOPTION OF REGULAR AGENDA

GENERAL PUBLIC 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.

[190226.](#)

Patticakes on the Plaza Request to Sublease (B)

Explanation: The Bo Diddley Plaza renovation project in 2016 included a shell café that was constructed on the northeast corner of the Plaza. The Plaza Café concept served to activate that portion of the plaza and provide additional offerings for visitors and workers in the downtown area. The City of Gainesville entered into a Master Lease agreement with Jan Patterson, owner of Patticakes, Inc. on April 6, 2016. The Master Lease is a period of five (5) years that commenced on October 1, 2016 and ends on September 30, 2021. Under the terms of this Master Lease agreement, the lease may be extended for up to five (5) additional one - year terms at the option of the Tenant, provided Tenant is not or has not been in default under the terms of the Master Lease. Since 2016, the Plaza Café has been occupied by Jan Patterson, owner of Patticakes, Inc.

Patticakes, Inc. would like to enter into a consent to sublease agreement with Di Fede, LLC. The Plaza Café concept would be subleased to Joe Di Bartolo, an entrepreneur with over 35 years of restaurant experience and his partner Matthew DiBernardo who has worked in the coaching profession for 30 years. Their concept "City Slice" would involve creating community around a family owned pizzeria that offers pizza, stromboli's, salads, desserts and a grab-and-go food option with \$1 pizza slices.

According to Di Fede, LLC "City Slice" desires to work with the local community and businesses bringing people together at the Bo Diddley Plaza. They believe that by creating a family atmosphere they would be a positive influence to the Downtown Gainesville culture. Their vision includes offering a 10% discount to first responders, provide eco-friendly and timely deliveries via bicycles, working with Bo Diddley Plaza programming and community events, and implement a "pay it forward" program to increase people serving each other in the community. Di Fede, LLC are excited about the opportunity to expand their business in

downtown Gainesville and look forward to the prospect of offering their “City Slice” at Bo Diddley Plaza.

In accordance with the terms of the existing Master Lease, in order for Patticakes, Inc. to complete the sublease, action is required to authorize the Interim City Manager with the authority to sign and execute the Consent to Sublease agreement.

Fiscal Note: None

RECOMMENDATION

1) City Commission to authorize Interim City Manager to execute Consent to Sublease agreement.

[190226 Patticakes Consent to Sublease Agreement 20190815.pdf](#)

[190226 Patticakes on the Plaza Executed Lease20190815.pdf](#)

[190226 Patticakes - 1st Amendment.doc-20190815.pdf](#)

[180315.](#)

Broadband Study Next Steps (B)

Explanation: At the City Commission meeting of June 20, 2019 the Commission received a Broadband Feasibility Study presentation from Doug Dawson, President of CCG Consulting, on the potential for the City providing broadband services to Gainesville and the surrounding area (the “Project”). This study was commissioned by the Broadband Subcommittee. Mr. Dawson’s study was to determine whether or not it was feasible to provide one gigabit product at the lowest price in the nation.

While he reported that it may be feasible, there are legal and financial hurdles that the commission and its staff have to address. The first step is to determine the public purpose for the provision of one gigabit of broadband. It is an important step because a municipality may not expend funds unless the expenditure is supported by a public purpose. For this particular expenditure, the City Attorney’s Office will be recommending that any moneys borrowed or bonds issued be validated through a bond validation proceeding in circuit court. The City Attorney’s office will walk the Commission through the necessary steps to identify the public purpose. We anticipate bringing this back to the Commission at the first meeting in October. The City Attorney’s Office will also reach out to the County Attorney’s Office to understand the County’s intent for the use of additional sales tax for this Project.

GRU Finance will be reviewing the financial models provided by the consultant during the same time frame as the City Attorney’s legal analysis. On a parallel track, GRUCom staff will initiate discussions with the City Commission to determine:

- *Who may be eligible for digital divide pricing?*
- *What product will be offered to serve digital divide households?*

Once GRU’s Financial Staff, GRUCom staff, and City Attorney’s Office have completed their reviews, if the City Commission determines to move forward with the Project, the Commission will need to appropriate

additional funds as follows:

- Approximately \$100,000 to \$150,000 for Bond Counsel and Independent Financial Advisors to explore the market and determine the bonding costs and capabilities of the City for the Project
- Approximately \$30,000 to perform the digital divide study once the City Commission has set the parameters. Surveying will be developed and performed to estimate eligible customers and the pricing needed to achieve the greatest reach, with the resulting data to be used to estimate additional construction costs and to produce new financial models.
- Detailed engineering study to refine cost estimates
- Analysis of City fiber policies and practices
- Public education campaign
- Operational analysis and plan

Fiscal Note: The current fiscal impact to the City will be dedication of staff time. It is estimated that GRU's financial staff analysis will require approximately 150 hours of senior level staff time. GRUCom's discussions with commissioners to understand the parameters of the digital divide will require approximately 40 hours of staff time. The City Attorney's Office estimates approximately 80 hours of in-house attorney time. Staff is not requesting commission appropriate funding at this time. If the Commission determines to proceed after hearing the staff's analysis in October, staff will ask the Commission to appropriate additional funding to complete the project review as follows:

	Minimum	Maximum
Bond Counsel & Financial Advisor	\$100,000 - \$150,000	
Digital Divide study	\$30,000	\$30,000
Engineering, fiber policy analysis, public education campaign	\$200,000 - \$350,000	
Total cost range	\$330,000 - \$530,000	

RECOMMENDATION *The City Commission hear the presentation from staff. No action currently required.*

Legislative History

9/20/18	City Commission	Approved as Recommended
6/20/19	City Commission	Approved, as shown above

[180315 ITN 20180913](#)
[180315 CGC Proposal 20180913](#)
[180315 Broadband Study Presentation 20190620](#)
[180315 broadband expansion feasibility Analysis Pres 20180920](#)
[180315 Broadband Study Report 20190620](#)
[180315 Feb2017 GPC Presentation 20190620](#)
[180315 Broadband Survey Results 20190620](#)
[180315 Survey Area Map 20190620](#)
[180315 Broadband Next Steps Presentation 20190815](#)

[190278.](#)

Notice of Intent to Repeal Ordinance No. 170487 and Ordinance No. 190114 relating to the prohibition of single-use carry out plastic bags and expanded polystyrene containers.

AGENDA UPDATE - ADDED ITEM

Explanation: On August 14, 2019, the 3rd District Court of Appeals issued its Opinion in Case No. 3D17-0562 Florida Retail Federation, Inc. vs. The City of Coral Gables, Florida. A copy of the Opinion is attached in the back-up to this item. The 3rd DCA Opinion concludes "Because sections 403.708(9), 403.7033, and 500.90 are constitutional and by their plain language preempt the City's Ordinance regulating "polystyrene containers," we reverse the trial court's final judgment in favor of the City and remand for entry of final judgment in favor of FRF." This Opinion is now binding law in the State. In light of this and pursuant to the repeal requirements of Section 57.112, Florida Statutes, the Office of the City Attorney advises the City Commission to approve the Notice of Intent to Repeal Ordinances No. 170487 and No. 190114 (attached as back-up to this item) and proceed to hold public hearings on a repeal ordinance.

RECOMMENDATION

The City Commission (1) approve the Notice of Intent to repeal Ordinance No. 170487 and Ordinance No. 190114; (2) authorize the Mayor to execute the Notice of Intent; (3) direct the City Attorney to prepare and advertise an ordinance to repeal Ordinance No. 170487 and Ordinance No. 190114 for first reading on September 5, 2019 and second reading on September 12, 2019; and (4) direct the Clerk of the Commission to amend the Call for the Special Meeting on September 12, 2019 to include second reading of the ordinance to repeal Ordinance No. 170487 and Ordinance No. 190114.

[190278 Notice of Intent to Repeal Ordinance 20190815.pdf](#)
[190278 Opinion 20190815.pdf](#)

[190259.](#)**Commissioner Adrian Hayes-Santos - Discussion of Proposed Tax Levy (NB)****RECOMMENDATION***The City Commission discuss and take action deemed necessary.*[190260.](#)**Mayor Lauren Poe - Steps to Address Non-Violence in the City of Gainesville (NB)****RECOMMENDATION***The City Commission discuss and take action deemed appropriate.*[190279.](#)**Commissioner Harvey Ward - Downtown Charrette (NB)****RECOMMENDATION***The City Commission discuss and take action deemed necessary.***COMMISSION COMMENT****4:30 - 5:30pm DINNER BREAK****5:30 - CALL TO ORDER - Evening Session****PLEDGE OF ALLEGIANCE**[190235.](#)**Special Recognition for Samuel Schatz the 2019 Keep Florida Beautiful Outstanding Youth Champion Award Recipient (B)****RECOMMENDATION***The City Commission hear the Special Recognition.*[190235 Certificate1 Samuel Schatz 20190815.pdf](#)[190236.](#)**Special Recognition for Support of Reichert House (B)****RECOMMENDATION***The City Commission hear the Special Recognition.*[190236 Certificate1 Reichert House 20190815.pdf](#)[190237.](#)**Celebrate Women 2020 Month - March 2020 (B)**

RECOMMENDATION

Celebrate Women 2020 Coordinators Pamela Smith, Rosalie Miller, Kathleen Culver and Denise Matthews to accept the proclamation.

[190237_CelebrateWomen2020Month_20190815.pdf](#)

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

RESOLUTIONS - ROLL CALL REQUIRED

[180153.](#)

Community ID Card Program (B)

Explanation: On July 19, 2018, Mayor Poe placed an item on the City Commission agenda to discuss community identification cards. After discussion and presentation from a local group interested in issuing such cards, the Commission directed city staff to determine in what circumstances a locally-issued ID could be accepted in lieu of a state-issued ID, including, but not limited to, law enforcement, city services and medical care. The Charter Officers gathered information from their respective staff on when the City requests identification from third parties in their transactions/interactions with the City and created the table attached as back-up to this item. In addition, information provided by the entity that plans to issue community identification cards is attached as back-up to this item.

Fiscal Note: No fiscal impact, the City will not be issuing the identification cards.

RECOMMENDATION

The City Commission adopt the Resolution

Legislative History

7/19/18	City Commission	Approved, as shown above
10/11/18	General Policy Committee	Approved, as shown above
8/1/19	City Commission	Continued

[180153_FaithAction ID Program Resource_20180719.pdf](#)

[180153_8 Keys to a successful community ID program_20180719.pdf](#)

[180153_C-Arreola Submittal Community ID Program_20180719.pdf](#)

[180153_C Arreola Submittal Community ID_20180719.pdf](#)

[180153A_HRC Information_20181011.pdf](#)

[180153B Table - Charter Officers_20181011.pdf](#)

[180153_GNV City Comm. ID Resolution Draft_20190815.pdf](#)

[190184.](#)

Draft Resolution - Federal Immigration Enforcement (B)

Resolution No. 190184

A resolution of the City of Gainesville, Florida, reiterating the City Commission commitment to being a safe and inclusive Welcoming City; directing Charter Officers to notify the City Commission if a federal, state or local agency requests City staff to comply with an immigration detainer and/or engage in federal immigration enforcement; and consider initiating litigation in the event the City is asked to comply with an immigration detainer and/or engage in federal immigration enforcement; and providing an effective date.

Explanation: On August 1, 2019, the City Commission directed the City Attorney to draft his resolution.

RECOMMENDATION *The City Commission adopt the proposed resolution.*

Legislative History

8/1/19 City Commission Approved, as shown above

[190184A_Memorandum_20190801.pdf](#)

[190184B_Senate_Bill_168_20190801.pdf](#)

[190184C_Complaint_20190801.pdf](#)

[190184D_South_Miami_Resolution_20190801.pdf](#)

[190184E_General_Order_20190801.pdf](#)

[190184_draft_resolution_20190815.pdf](#)

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

[180678.](#)

Prohibiting Single-Use Plastic Straws and Stirrers (B)

Ordinance No. 180678

An ordinance of the City of Gainesville, Florida, amending the Code of Ordinances to prohibit single-use plastic straws and single-use stirrers by creating a new Division 5 within Article III of Chapter 27; by 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 effective date and an enforcement date.

Explanation: The City Commission, at its meeting of August 1, 2019 at first reading of the proposed ordinance, directed the City Attorney's Office to revise the wording on page 3, line 64 by deleting the words "Except upon request".

The General Policy Committee, at its meeting on February 14, 2019, discussed and directed staff to draft a straws by request ordinance for further discussion by the Commission. The City Commission, at its meeting on May 16, 2019, discussed the draft and directed the City Attorney's Office to finalize an ordinance for first reading.

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

Legislative History

1/17/19	City Commission	Referred to the General Policy Committee
1/24/19	General Policy Committee	Continued
2/14/19	General Policy Committee	Approved, as shown above
7/18/19	City Commission	Continued
8/1/19	City Commission	Adopted on First Reading (Ordinance)

[180678_2018-12-13_Council_Agenda_20190124_GPC_20190214.pdf](#)

[180678_Resolution_Ban_Cities_&_Counties_20190124_GPC_20190214.pdf](#)

[180678_draft_ordinance_20190718.pdf](#)

[180678_draft_ordinance_20190815.pdf](#)

[181064.](#)

Voluntary Annexation - 11.18 Acres of Property South of E University and West of SE 38th Street (B)

Ordinance No. 181064

An ordinance of the City of Gainesville, Florida, annexing approximately 11.18 acres of privately-owned property generally located south of E University Avenue, west of SE 38th Street, north of parcel numbers 10889-000-000 and 10893-015-000, and east of parcel number 10890-000-000, 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 the property owner of the subject property, will annex into the corporate limits of the City of Gainesville approximately 11.18 acres of privately-owned property that consist of

parcels numbers 10891-000-000, 10891-001-000, and 18092-000-000, generally located south of E University Avenue, west of SE 38th Street, north of parcel numbers 10889-000-000 and 10893-015-000, and east of parcel number 10890-000-000. On June 6, 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.

CITY ATTORNEY MEMORANDUM

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

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

6/6/19 City Commission Approved as Recommended

8/1/19 City Commission Adopted on First Reading (Ordinance)

[181064A East University Avenue Property Voluntary Annexation 20190606.pdf](#)

[181064B East Univ Ave Annex Map 20190606.pdf](#)

[181064A draft ordinance 20190801.pdf](#)

[181064B East Lake Forest Voluntary Annexation USR 20190801](#)

[181064C County Notice 20190801](#)

[181064D EastLakeForest Staff Presentation 20190801](#)

ORDINANCES, 1ST READING - ROLL CALL REQUIRED

[181001.](#)

Ordinance Dissolving the Gainesville Community Redevelopment Agency and Creating the Gainesville Community Reinvestment Area (B)

ORDINANCE NO. 181001

An ordinance of the City of Gainesville, Florida, deleting in its entirety existing Chapter 2, Article V, Division 9 titled Community Redevelopment Agency, and replacing it with a new Chapter 2, Article V, Division 9 titled Gainesville Community Reinvestment Area in the City of Gainesville Code of Ordinances; providing directions to the codifier; providing a severability clause; providing a repealing clause; providing an effective date; and providing for dissolution of the Gainesville Community Redevelopment Agency and transfer to and acceptance of its assets and liabilities by the City.

Explanation: The City Commission, at its meeting of May 2, 2019, directed the City Attorney to draft and advertise this proposed ordinance.

After discussion at several meetings (Agenda Item #170788 heard at the February 12, 2018; March 12, 2018; April 30, 2018 and May 31, 2019 Joint City/County Commission Meetings), the City Commission and County Commission each approved an Interlocal Agreement that requires the County's annual contributions to the CPUH Redevelopment Trust Fund to be calculated using the City's millage rate; and 2) expressed the parties agreement to actively engage in a collaborative process to rethink, envision and design the future of the CRA with a goal

to reach consensus and develop a mutually agreeable solution. The executed Interlocal Agreement was recorded on July 18, 2018, in Official Record Book 4615, Page 591, of the Public Records of Alachua County.

After work by City and CRA staff, discussions by the City Commission and County Commission (Agenda Item #180389 heard at the October 11, 2018 General Policy Committee meeting; the November 1, 2018 City Commission meeting; the December 10, 2018 Joint City/County Commission meeting; the January 15, 2019 County Commission meeting and the February 11, 2019 Joint City/County Commission meeting), the City and County Commissions directed their respective Managers to negotiate an agreement based on a five part motion. The staff negotiated Agreement was presented to and approved by the City Commission on April 4, 2019; by the County Commission on April 9, 2019 and was recorded on April 11, 2019, in Official Record Book 4675, page 2154, of the Public Records of Alachua County. Among other provisions, Section 5 of the Agreement requires the City Commission to consider adoption of an ordinance amending Chapter 2, Article V, Division 9 titled "Community Redevelopment Agency" of the City Code of Ordinances to, at a minimum, rename the existing CRA, consolidate its four existing Agency areas (Downtown, College Park/University Heights, Fifth Avenue/Pleasant Street and Eastside), establish a consolidated restricted fund, provide a public process to review and revise the four existing Agency area redevelopment plans into one consolidated plan and address all other governance, management, fiscal and administrative matters necessary to accomplish Community Redevelopment.

City and CRA staff prepared a draft ordinance and presented same for Commission discussion on May 2, 2019. The draft was also shared with County staff. Since that time, the draft ordinance has been updated to include a legal description and boundary map, specify a 7-member advisory board, continue to restrict the use of the CRA trust funds that were collected prior to October 1, 2019 to the geographic redevelopment area in which they were collected, provide for an October 1, 2019 effective date to coincide with the City's budget year and specify that the existing redevelopment incentive programs will continue until such time as they are terminated and/or replaced with new programs for the GCRA.

RECOMMENDATION City Commission adopt the proposed ordinance.

Legislative History

5/2/19 City Commission Approved, as shown above

[181001_draft ordinance for discussion_20190502.pdf](#)

[181001A_draft ordinance_20190815.pdf](#)

[181065.](#)

Voluntary Annexation - 0.44 Acres of Property North of SW Archer Road and East of SW 50th Street (B)

Ordinance No. 181065

An ordinance of the City of Gainesville, Florida, annexing approximately 0.44 acres of privately-owned property generally located south of Oak Park Village and parcel number 06916-000-000, west of SW 47th Street, north of SW Archer Road, and east of SW 50th 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 the property owner of the subject property, will annex into the corporate limits of the City of Gainesville approximately 0.44 acres of privately-owned property that is parcel number 06933-000-000 and generally located south of Oak Park Village and parcel number 06916-000-000, west of SW 47th Street, north of SW Archer Road, and east of SW 50th Street. On June 6, 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.

CITY ATTORNEY MEMORANDUM

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

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

6/6/19 City Commission Approved as Recommended

[181065B_Voluntary Annexation Letter from Mayor Commissioner Pro Tem War](#)

[181065C_USR-ArcherHealthExtensionVoluntaryAnnexation_20190815](#)

[181065D_ArcherHealthExtensionAnnxtn_Staff PPT_20190815](#)

[181065A_draft ordinance_20190815.pdf](#)

GENERAL PUBLIC 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