

City of Gainesville

*City Hall
200 East University Avenue
Gainesville, Florida 32601*



Meeting Agenda

March 10, 2016

1:00 PM

City Hall, Roberta Lisle Kline Conference Room

Recreation, Cultural Affairs and Public Works

Committee

*Commissioner Randy Wells, Chair
Commissioner Helen Warren, Member*

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

CALL TO ORDER

ROLL CALL

ADOPTION OF THE AGENDA

APPROVAL OF MINUTES

[150793.](#)

Recreation, Cultural Affairs and Public Works Committee Meeting
Minutes of February 11, 2016 (B)

RECOMMENDATION

*The Recreation, Cultural Affairs and Public Works
Committee approve the minutes of February 11,
2016 as submitted.*

[150793_Draft 2-11-16 Minutes_20160310.pdf](#)

DISCUSSION OF PENDING REFERRALS

[150078.](#)

Prohibited Conduct in City Parks and Issuance of Trespass Warnings (B)

**This item addresses prohibited conduct and proposed park trespass
provisions that would apply to City parks.**

*Explanation: The Parks, Recreation and Cultural Affairs Department (PRCA) is
responsible for park properties owned or controlled by the City and listed
in the City Code of Ordinances Chapter 18 - Parks and Recreation. The
Department strives to provide clean and safe parks and programs for
children, adults and families to enjoy. PRCA had a policy that provided
for the ability to trespass individuals from specific City parks but the use
of the policy was suspended a few years ago based on litigation filed
and concerns raised about the City's process for trespassing individuals.*

*The Park Trespass provisions are proposed as an Administrative
Procedure. City staff has been working on the procedure, seeking input
from City staff and homeless advocates to address concerns. Staff has
met with homeless advocates a number of times and appreciates the
concerns raised and valuable suggestions provided.*

*The Park Trespass procedures are not intended to target any specific
population. The purpose of Park Trespass procedures are to: 1) protect
the City's investments in its parks, 2) keep parks safe, clean and
available to everybody in the community who wants to use them, and 3)
protect the public and City employees from hostile or threatening*

environments.

Concerns have been raised by homeless advocates about criminalizing homelessness. Staff views the Park Trespass as an important tool to help address criminal and/or inappropriate behavior in the City's parks by any park user. The goal is NOT to arrest anybody but to encourage legal and appropriate behavior that helps maintain clean and safe parks for the entire community.

The policy prohibits 1) criminal acts in City parks and 2) specified City code violations. The period of time that individuals would be trespassed from a specific park is intended to correspond with the severity of the violation (misdemeanors or felonies).

City staff will provide an overview of the draft procedure and seek any comments/input from the Committee. Staff would like the Committee to then advance the referral to the City Commission for a similar opportunity to receive input from the full City Commission. Staff will then finalize the Administrative Procedure for implementation.

Fiscal Note: There is no fiscal impact resulting from discussion of this matter. There is staff time associated with implementation of the procedure.

RECOMMENDATION

The Recreation, Cultural Affairs and Public Works Committee provide input and suggestions on the draft Administrative Procedure and advance the item to the City Commission for presentation and input.

Legislative History

7/2/15	City Commission	Referred to the Recreation, Cultural Affairs and Public Works Committee
8/13/15	Recreation, Cultural Affairs and Public Works Committee	Discussed

[150078_Park Trespass Provisions_20150813.pdf](#)

[150078_Prohibited Conduct and Issuance of Trespass_20160310.pdf](#)

[150406.](#)

Prohibiting Smoking in the Downtown "Bo Diddley" Plaza (NB)

This item involves an update to the Recreation, Cultural Affairs and Public Works Committee regarding a referral from the Gainesville City Commission on October 1, 2015 to reconsider the matter of prohibiting smoking in the Downtown "Bo Diddley" Plaza.

Explanation: During their July 1, 2010 meeting, the Gainesville City Commission discussed the topic of prohibiting smoking in the Downtown "Bo Diddley" Plaza, and referred the matter to the Public Safety Committee for further discussion and review.

Staff researched this matter and provided an update to the Public Safety Committee on September 27, 2010 including: 1) feedback from peer cities on what they do to address this issue (ban or restriction to specific areas); 2) advisory board feedback on the topic; 3) signage at the Plaza; 4) review of the current City ordinance governing activities allowed/prohibited in City parks; 5) consideration of cigarette butts and litter enforcement; and 6) designating specific areas for smoking at the Plaza during events.

The Public Safety Committee again discussed this referral at their January 10, 2011 meeting and heard from a representative from the State Health Department regarding the "Communities to Put Prevention to Work Program." The representative provided samples of signage and gave a list of Florida cities that have smoking restriction ordinances.

On February 17, 2011, the Public Safety Committee provided a report to the City Commission. At that time the Commission approved moving forward with voluntary compliance using signage. The Commission also authorized the City Manager to pursue partnerships with the Health Department and "Keep Alachua County Beautiful" for an educational campaign and to have appropriate staff monitor the situation and observe what is taking place in other Florida cities so the issue could be revisited in one year.

At the Committee's March 28, 2012 meeting, Dr. Stephen Pokorny, Director of Health Promotion for the Alachua County Health Department, gave a presentation on effects of a voluntary program to designate a few parks, including the Downtown Plaza as smoke-free zones which appeared to show significant reductions in smoking and consider regulations to legally ban smoking.

A presentation was provided at the May 3, 2012 City Commission meeting with City Commission direction of continuing and expanding voluntary signage to discourage smoking.

At the October 1, 2015 City Commission meeting, Mr. Barry Murphy appeared during Public Comment to express concerns about smoking in the Bo Diddley Plaza. Mr. Murphy suggested that the City brand an anti-smoking message "Bo says No to Smoking". The issue of smoking in parks was referred to the Recreation, Cultural Affairs and Public Works Committee.

At the December 10, 2015 the Recreation, Cultural Affairs and Public Works Committee meeting, the Committee heard an update from City Staff and the Health Department on this issue. The RCAPW Committee requested the City Attorney's office gather additional information and return to the Committee with an update.

There currently are no restrictions regarding smoking in City parks in the

City's ordinances. Although the Florida Attorney General's Office has opined that the Florida Clean Indoor Air Act broadly preempts local regulation of outdoor smoking, the City Attorney's Office is of the opinion that this is a debatable issue and is one that has not been decided by the courts or clearly addressed by the Legislature.

Fiscal Note: There are no costs associated with this referral at this time.

RECOMMENDATION *The Recreation, Cultural Affairs and Public Works Committee hear an update from City staff and provide any further guidance or direction.*

Legislative History

10/1/15	City Commission	Referred to the Recreation, Cultural Affairs and Public Works Committee
12/10/15	Recreation, Cultural Affairs and Public Works Committee	Discussed

- [150406A_Coral_Springs_ordinance_20151210.pdf](#)
- [150406B_CoG_Park_Regulations_20151210.pdf](#)
- [150406C_Casselberry_smoking_in_parks_20151210.pdf](#)
- [150406D_CoG_ordinance_20151210.pdf](#)
- [150406E_Fla_Clean_Indoor_Air_Act_20151210.pdf](#)
- [150406F_statewide_policies_20151210.pdf](#)
- [150406G_Smoke_Free_Zone_sign_20151210.pdf](#)
- [150406H_Dept_of_Health_assessment_20151210.pdf](#)
- [150406I_Dept_of_Health_assessment_2.pdf](#)
- [150406J_Sign_photos_20151210.pdf](#)
- [150406K_City_of_Parkland_20151210.pdf](#)

[150674.](#)

**Recreation, Cultural Affairs and Public Works Committee Referrals
(B)**

RECOMMENDATION *The Recreation, Cultural Affairs and Public Works Committee review and prioritize the list of pending referrals.*

Legislative History

1/14/16	Recreation, Cultural Affairs and Public Works Committee	Discussed
2/11/16	Recreation, Cultural Affairs and Public Works Committee	Discussed

[150674_Pending Referrals_20160114.pdf](#)

[150674_Pending Referrals_20160211.pdf](#)

[150674_Pending Referrals_20160310.docx](#)

MEMBER COMMENT

CITIZEN COMMENT

NEXT MEETING DATE -- Thursday April 14, 2016 at 1:00pm

ADJOURNMENT