

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Meeting Agenda - Final

March 1, 2018

1:00 PM

MODIFIED AGENDA

City Hall Auditorium

City Commission

Mayor Lauren Poe (At Large)

Mayor-Commissioner Pro Tem Harvey Budd (At Large)

Commissioner Helen Warren (At Large)

Commissioner Charles Goston (District 1)

Commissioner Harvey Ward (District 2)

Commissioner David Arreola (District 3)

Commissioner Adrian Hayes-Santos (District 4)

If you have a disability and need an accommodation in order to participate in this meeting, please contact the Office of Equal Opportunity at (352)334-5051 at least two business days in advance. TTY (Text Telephone Telecommunication Device) users please call 711 (Florida Relay Service). For Speech to Speech (STS) relay, please call 1-877-955-5334. For STS Spanish relay, please call 1-877-955-8773. For STS French Creole relay, please call 1-877-955-8707.

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

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

ROLL CALL**INVOCATION****PROPHET GEORGE YOUNG****ADOPTION OF CONSENT ITEMS - GRU, General Government, Audit & Finance Committee and General Policy Committee Items**[170842.](#)**City Commission Minutes (B)****RECOMMENDATION**

The City Commission approve the minutes of January 31, February 8, February 12, and February 14, 2018.

[170842_Minutes_20180301.pdf](#)[170842_A_Minutes_20180301.pdf](#)[170853.](#)**Resignation of Christopher Weaver from the Gainesville Housing Authority (B)****RECOMMENDATION**

The City Commission accepts the resignation of Christopher Weaver, effective immediately.

[170853_ResignationChristopherWeaver_20180301.pdf](#)[170774.](#)**Agreement with Micrographics Document Imaging Services for Scanning Services (B)**

This item is a request for the City Commission to approve an agreement between the City of Gainesville (City) and Micrographics for Document Imaging Services.

Explanation: The Public Works Department maintains the paper based files for all of the City's maps, construction drawings, right-of-way maps, etc. As the City moves into the digital age, it is necessary to scan, digitize, catalog and GIS code. This will allow documents to be accessed electronically by City staff as well as the general public, which enables us to be more citizen-centric.

Micrographics has provided document imaging services for both GRU Waste Water and the Human Resources Departments. Micrographics currently have a document imaging contract with the State of Florida, Suwannee County School District and the Department of Defense (Jacksonville Office).

This is a request to utilize the Suwannee County School District's contract to complete the project.

Fiscal Note: Funding in the amount of \$126,738.43 for the project was approved in the FY2018 Public Works Budget.

RECOMMENDATION

The City Commission: 1) approve the agreement with Micrographics for document imaging services and 2) 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.

[170774A_Permission to Piggyback RFP_20180301.pdf](#)

[170774B_RFP-Suwannee School Board_20180301.pdf](#)

[170774C_Adopted CIP Budget_20180301.pdf](#)

170804.

RFP Award - Enterprise Resource Planning (ERP) IT Consulting Services for the Technology Project (B)

This item is a request for the City Commission to authorize the RFP award to Berry Dunn to provide IT Consulting Services for the Enterprise Resource Planning Project.

Explanation: On November 1, 2018 the City's Purchasing Division solicited a Request for Proposals for IT Consulting Services. Two consulting firms submitted proposals: Berry Dunn McNeil & Parker, LLC and Extensys, Inc.

City Staff reviewed and scored the proposals on December 13, 2017 and the highest ranked firm, Berry Dunn McNeil & Parker, LLC, made an oral

presentation on January 25, 2018.

The final ranking of the firms are as follows:

1st - Berry Dunn McNeil & Parker, LLC

2nd - Extensys, Inc.

All documents relating to the RFP are included in the back-up.

Fiscal Note: The costs for IT consulting services provided by Berry Dunn McNeil & Parker, LLC will be negotiated to a fixed fee amount not to exceed \$331,000.00. These costs will be funded through the existing budget for the ERP Project.

RECOMMENDATION

The City Commission: 1) authorize the City Manager to initiate contract negotiations with Berry Dunn McNeil & Parker, LLC as the IT Consulting Services provider for the Enterprise Resource Planning Project; and 2) authorize the City Manager to execute the contract subject to approval by the City Attorney as to form and legality.

[170804A Bid Document 20180215.pdf](#)

[170804B Addendum1 20180215 .pdf](#)

[170804C Addendum2 20180215 .pdf](#)

[170804D Bid Record 20180215.pdf](#)

[170804E Submittal-BerryDunn 20180215.pdf](#)

[170804F Submittal-Extensys, Inc. 20180215.pdf](#)

[170804G All evaluation forms 20180215.pdf](#)

[170804H BerryDunn Oral Presentation 20180215.pdf](#)

[170804i EVALUATION TAB 20180215.pdf](#)

[170804J Award Notification 20180215.pdf](#)

[170804K Dept Recommendation Form-Completed 20180215.pdf](#)

170810.

Assistance to Firefighters Fire Prevention and Safety Grant Application FY2017 (B)

This item requests that the City Commission authorize the City Manager or designee to apply for and, if awarded, accept grant funds from the FY2017 US Department of Homeland Security, Federal Emergency Management Agency Fire Prevention and Safety Grant Program.

Explanation: The Fire Prevention and Safety Grants (FP&S) are part of the US Department of Homeland Security/Federal Emergency Management Agency Assistance to Firefighters Grant program and supports projects

designed to reach high-risk target groups and mitigate incidences of death, injury and property damage caused by fire and fire related hazards; as well as support efforts aimed to improve firefighter safety through research and development. The application period for the FY2017 FP&S Grant funds opens February 12, 2018 and closes March 16, 2018. Available funding for projects is \$34,500,000. Examples of eligible activities include: Community Risk Reduction; Code Enforcement; Technology and Product Development; and Database System Development.

Gainesville Fire Rescue proposes the submission of an application that would fund new software needed to integrate GFR's fire prevention program (inspections, investigations) with the pre-fire plans completed by emergency responders; a Home Fire Sprinkler Initiative to raise community awareness about the lifesaving benefits of installing a home sprinkler system in newly constructed homes; and funding to revive GFR's "Project Get Alarmed" smoke alarm, CO detector, and home safety evaluation program, which targets economically challenged residents. Integration of GFR's fire prevention and pre-fire planning efforts aligns with Goal 5C; Objective 5C.2 from the department's 2017 Strategic Plan and enhances firefighter safety by improving emergency responder awareness of unknown dangers found in many community buildings. The Home Fire Sprinkler Initiative will augment GFR's Economic Impact Study of all community specific incentives available to absorb the full cost of installing a residential fire sprinkler system, which was completed August 2017. Project Get Alarmed has proven to be a resounding community success since 2004, but inconsistent funding creates a concerning backlog of applications.

Fiscal Note: The required match for the City of Gainesville is 5%. The City could receive up to \$88,445.00. Matching funds of five percent (5%) or approximately \$4,422.25 will be identified in the department's budget.

RECOMMENDATION

The City Commission authorize the City Manager or designee to: 1) submit the grant application; 2) if awarded, execute the grant contract, pending approval by the City Attorney as to form and legality; and 3) approve required financial processes for expending the grant funds and matching funds.

[170810 Fire Prevention and Safety Grant Backup_20180301.pdf](#)

[170817.](#)

Voluntary annexation petitions for 12.24+ acres owned by multiple property owners south of SE Hawthorne Road and East of SE 27th Street (B)

This is the submission of petitions for voluntary annexation of parcels 16146-002-000, 16148-004-000, 16148-005-000, 16166-000-000, a portion of 16148-006-000, 16173-000-000, 16175-000-000, and

16147-000-000, which are owned by multiple property owners. There are 8 total parcels, one (1) of which have single family homes and seven (7) of which are vacant. The total annexation area is approximately 12.24+/- acres and is located south of SE Hawthorne Road and East of SE 27th Boulevard.

Explanation: David Duncan has submitted a petition to the City of Gainesville for voluntary annexation of parcels 16146-002-000, 16148-004-000, 16148-005-000, 16166-000-000, a portion of 16148-006-000. Janie Beckham Dunc has submitted a petition to the City of Gainesville for voluntary annexation of parcels 16175-000-000 and 16147-000-000. Jeanette Nobles has submitted a petition to the City of Gainesville for voluntary annexation of parcel 16173-000-000.

Collectively these parcels are located south of SE Hawthorne Road and the City of Gainesville boundary, east of SE 27th Street and the City of Gainesville boundary, North of SE 12th Place, and west of parcel 16172-000-000.

In order to annex these parcels into the City limits, the owner must submit a petition to the City of Gainesville for voluntary annexation. Staff has reviewed the requirements of the the Municipal Annexation or Contraction Act (Chapter 171, Florida Statutes). This area meets the requirements of the Act and is appropriate for annexation.

Fiscal Note: The current taxable value of the seven (7) vacant parcels is approximately \$211,600 and select parcels are being annexed with the intent of future development. The developer is proposing residential use for select parcels, which could potentially result in a greater taxable value and revenue from the fire assessment. The cost of providing municipal services has not been determined at this time, but will continue to be assessed as the development moves forward. Parcel 16147-000-000 has a single family residence, and the City reasonably anticipates extending urban services to the parcel without reducing services to existing city residents or increasing the millage rate.

RECOMMENDATION

The City Commission: 1) receive the petitions for annexation and make findings that it contains the signature of the property owners or authorized agents; 2) authorize the Mayor to provide notice to the Board of County Commissioners; and 3) authorize the City Attorney to prepare and the Clerk of the Commission to advertise ordinances relating to the annexation of the area, if appropriate.

[170817A Nobles Annexation Petition 20180301](#)

[170817B Beckham Annexation Petition 20180301](#)

[170817C Duncan Annexation Petition 20180301](#)

[170839.](#)**Nominations - Library District Board of Trustees (B)**

Explanation: The Library District's Board of Trustees consists of seven (7) members appointed by the Library District Governing Board. Three (3) of the seven members are City of Gainesville representatives, three (3) are Alachua County representatives, and one (1) is a representative of the Alachua County League of Cities. The term of City Representative Dr. Bessie Jackson expires on March 31, 2018.

The Library District advertised one City of Gainesville vacancy and one Alachua County from January 9, 2018 - February 9, 2018. Two applications for the City of Gainesville position were received.

The applications and a list of the current members of the Board of Trustees are attached.

RECOMMENDATION *The City Commission nominate the applicants for consideration of appointment by the Library District Governing Board.*

[170839_Nominations-Library District Board of Trustees_20180301.pdf](#)

[170838.](#)**Manufacturing Retention/Expansion Incentive Program for Electric Service - Double Envelope Application (B)**

This item pertains to a manufacturing retention/expansion incentive for electric service for Double Envelope.

Explanation: On February 1, 2018, the City Commission adopted the Manufacturing Retention/Expansion Incentive Program for Electric Service Ordinance applicable to businesses located within the Gainesville Enterprise Zone that meet certain eligibility and application requirements.

On February 12, 2018, Double Envelope submitted an application to the City for review. According to the Ordinance, the City Commission will evaluate the application to determine, in its sole discretion, if all eligibility and application requirements of the Ordinance have been met.

The application and a summary compliance sheet are attached for Commission review.

Fiscal Note: The annual impact of implementation of this incentive for Double Envelope has been estimated at \$80,000 annually.

RECOMMENDATION *The City Commission: 1) approve the Double Envelope application for the manufacturing retention/expansion incentive program for Electric Service.*

[170838A Compliance Table Expansion for Electric Service BSC-DE 2018030](#)
[170838B Application Manufacturing Retention Expansion Incentive Program I](#)
[170838C Ordinance No 170722_20180301.pdf](#)

ADOPTION OF REGULAR AGENDA

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

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

[170815.](#)

Strike Out Hunger Food Drive (B)

The purpose of this agenda item is to provide the City Commission with the results and outcomes of the 2017 Strike Out Hunger Food Drive for Gainesville/Alachua County and ask for continued support from the City during the 2018 Strike Out Hunger Food Drive. ** ESTIMATED PRESENTATION TIME 10 MINUTES. **

Explanation: The City of Gainesville and its employees, along with other community partners, have been collecting food for the needy in Gainesville/Alachua County for several years. The City has been a co-sponsor of the event since its inception and the City has been providing in-kind services (meeting space and staff time) to support the event. The Food Drive is organized by Rodney Long who started the event when he was a member of the Alachua County Board of County Commissioners. The City has been a committed partner in the effort to reduce poverty in Gainesville/Alachua County. Additionally, the City has been a major partner in the creation and development of the Hunger Abatement Plan for Gainesville and Alachua County.

The Strike Out Hunger Food Drive collects food and donations to restock food pantries for needy families throughout Gainesville and Alachua County. Without the annual food drive, many of the local food pantries would run out of food during the most critical time of the year, which is also the holiday season. Mr. Long has requested an opportunity to report the results and outcomes of the 2017 Strike Out Hunger Food Drive, and to request continued support from the City Commission for the 2018 Strike Out Hunger Food Drive.

Fiscal Note: The minimal cost to the City to participate in the annual Food Drive includes staff time and meeting space. In past years, the MLK Multi-Purpose Center and/or the Thomas Center have hosted approximately 10 or more planning meetings. Typically, the City charges \$130-\$170 per meeting at the Thomas Center to cover labor and

equipment. For that reason, if not waived, fees to Strike Out Hunger for those meetings are estimated at \$1,300 to \$2,000 for the year.

RECOMMENDATION

The City Commission: 1) hear a presentation on the 2017 Strike Out Hunger Food Drive for Gainesville/Alachua County; 2) consider the request for continued City support of, and participation in, the 2018 Strike Out Hunger Food Drive; and 3) waive any City building use fees for the 2018 Strike Out Hunger Food Drive meetings.

[170815A_2017 Strike Out Hunger Week Outcomes Ppt Report_20180301.pdf](#)

[170815B_2018 Strike Out Hunger Week City of Gainesville_20180301.pdf](#)

[170815C_2018 Strike Out Hunger Food Drive Brochure_20180301.pdf](#)

[170815D_IRS 501 C3 Determination Lettter_20180301.pdf](#)

[170851.](#)

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

MODIFICATION - REMOVE ITEM (Item will be heard at the March 15th City Commission Meeting)

RECOMMENDATION

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

[170667.](#)

Equal Opportunity Director Charter Officer Selection Process (B)

Explanation: Torey Alston, Equal Opportunity Director, resigned from his employment with the City of Gainesville effective February 6, 2018. Dr. Bridget Lee was selected to serve in an interim capacity at the January 18, 2018 City Commission meeting while the search for the regular full-time Equal Opportunity Director is being conducted.

In order to hire a new Equal Opportunity Director, the City Commission authorized the Human Resources Department to engage the services of an Executive Search Firm at the January 4, 2018 City Commission meeting to initiate a search to fill the vacant position. The Mercer Group, Inc. was selected to conduct a search and selection process for highly qualified candidates for the Equal Opportunity Director position.

Fiscal Note: Funds of \$15,750 for the executive search firm service are available within the current fiscal year operating budget. Equal Opportunity Director salary is approved in the FY'18 budget.

RECOMMENDATION

The City Commission receive an update from the Executive Search Firm and take any action deemed appropriate.

Legislative History

1/4/18 City Commission Approved as Recommended

1/18/18 City Commission Approved, as shown above

[170667-MOD_EO Director Executive Search 20180104.pdf](#)

[170667 MOD Job Description 20180118.pdf](#)

[170667 MOD AD 20180118.pdf](#)

[170667 MOD Resumes 20180118.pdf](#)

[170667A Charter Ofcr Employment Agrmnt PTO Carryover Cap 20180301.pdf](#)

[170667B Employment Agreement Carryover C Executed 20180301.pdf](#)

[170667C Equal Opportunity Director Job Description 20180301.pdf](#)

[170667D EO Director Recruitment Suggested Timeline 20180301.pdf](#)

[170667E The Mercer Group Search Firm Contract for HR signature 20180301.pdf](#)

[170851](#)

City Commission Priorities (B)

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

[170857 CCOM Priorities 20180301.pdf](#)

[170864.](#)

External Quality Control Review of the City Auditor's Office for the period October 2014 through September 2017 (B)

MODIFICATION - ADDED ITEM

Explanation: The City Auditor's Office conducts audits and attestation engagements in accordance with Government Auditing Standards issued by the Comptroller General of the United States. These standards require an independent external peer review every three years.

The independent review team, composed of two CPAs from the Association of Local Government Auditors, began their work weeks prior to arriving in Gainesville. They reviewed the operating policies and procedures of the City Auditor's Office and other relevant information. During on site work the week of February 19, 2018, the team closely examined the quality control system, conducted interviews, examined audit work to ensure it supported findings and conclusions, scrutinized audit workpapers, and tabulated required continuing professional education for each auditor.

The primary objective of the examination was to determine whether audit work performed by the City Auditor's Office during the three-year period October 2014 through September 2017 complied with Government Auditing Standards issued by the Comptroller General of the United States (2011 Revision).

Conclusion

The review team determined that the City Auditor's internal quality control system was suitably designed and operating effectively to provide reasonable assurance of full compliance with Government Auditing Standards. The review team's report, companion management letter, and written response from the City Auditor are attached.

RECOMMENDATION *The City Commission accept the External Quality Control Review report prepared by the Association of Local Government Auditors Review Team and the City Auditor's response.*

[170864 Ext. Quality Control Rev of City Auditor Office Oct 2014 thru Sep 2017](#)

[170700.](#)

First Amendment to Interlocal Agreement for the Distribution of the Local Option Fuel Tax (B)

On February 15, 2018, the City Commission approved the Interlocal Agreement for the Distribution of the Local Option Fuel Tax that was reached through mediated settlement between the City and the County. On February 21, 2018, the County recorded the executed Interlocal Agreement in the public records of Alachua County as required by State law. At its meeting on February 27, 2018, the County Commission (at the request of the City of Newberry) reconsidered the distribution of the tax proceeds as among the "small cities" (i.e., Alachua, Archer, Hawthorne, High Springs, LaCrosse, Micanopy, Newberry and Waldo). The County Commission approved and executed a First Amendment to the Interlocal Agreement to revise the distribution among the small cities and the County requests the City Commission approve the First Amendment on or before March 8th. The First Amendment is provided as back-up to this agenda item.

MODIFICATION - ADDED ITEM AND BACK-UP

RECOMMENDATION *Consider the First Amendment and take action deemed appropriate by the City Commission.*

Legislative History

1/18/18	City Commission	Continued
2/15/18	City Commission	Approved, as shown above

[170700 Interlocal Agreement Gas Tax 20170215.pdf](#)

[170700 Local Option Gas Tax 20180215.pdf](#)

[170700 Agreement 20180215](#)

[170700 1st Amendment to Local Option Gas Tax Interlocal Agreement 201803](#)

[170840.](#)

Commissioner Harvey Ward - Discussion of Potential Resolution

Regarding Firearms (B)

THIS ITEM WILL BE HEARD IN THE EVENING

MODIFICATION - ADDED BACK-UP

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

[170840 Gun Resolution Draft February 2018 20180301.pdf](#)

[170840_gun resolution links_20180301.pdf](#)

[170840 C-Hayes-Santos Proposal Request 20180301.pdf](#)

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

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

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

4:30 - 5:30pm Dinner Break

5:30 - Call to order Evening Session

PLEDGE OF ALLEGIANCE

PROCLAMATIONS/SPECIAL RECOGNITIONS

[170845.](#)

Karen Garren, Robert Garren, Charlie Pedersen, Eric Wright, Mary Logan, Danielle Ellis and Marwa Hussein Day - March 1, 2018 (B)

RECOMMENDATION *Star Good Neighbor Karen Garren and Robert Garren, Star Volunteer Charlie Pedersen, Eric Wright, Mary Logan, Danielle Ellis and Marwa Hussein to accept the proclamation.*

[170845 StarAwards 20180301.pdf](#)

[170846.](#)

Jervaughn Mavin Day- March 1, 2018 (B)

RECOMMENDATION *Youth Recreation Coach Jervaughn Mavin to*

accept the proclamation.

[170846_JervaughnMavin_20180301.pdf](#)

[170847.](#)

Steven Butler and The Actors' Warehouse, the Bulla Cubana Project Team and Jerry Uelsmann Day - March 1, 2018 (B)

RECOMMENDATION

Executive/Artistic Director Steven Butler, Bulla Cubana Project Team Project Organizer Randy Batista and Photographer Jerry Uelsmann to accept the proclamation.

[170847_ArtsAward_20180301.pdf](#)

[170848.](#)

Joseph Glover Day - March 1, 2018 (B)

RECOMMENDATION

Representing Joseph Glover, PhD Provost UF Dean of the College of Fine Arts Lucinda Lavelli to accept the proclamation.

[170848_JosephGlover_20180301.pdf](#)

[170849.](#)

Will Hooper Day - March 1, 2018 (B)

RECOMMENDATION

Youth Baseball, Inc. President Will Hooper to accept the proclamation.

[170849_WillHooper_20180301.pdf](#)

[170850.](#)

Meg Niederhofer Day - March 1, 2018 (B)

RECOMMENDATION

Meg Niederhofer to accept the proclamation.

[170850_MegNiederhofer_20180301.pdf](#)

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

PUBLIC HEARINGS

RESOLUTIONS - ROLL CALL REQUIRED

ORDINANCES, 1ST READING - ROLL CALL REQUIRED

[160685.](#)**TEXT CHANGE - AMENDING MEDICAL MARIJUANA DISPENSING FACILITY REGULATIONS AND PERMITTED ZONING DISTRICTS (B)**

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

An ordinance of the City of Gainesville, Florida, amending the Land Development Code (Chapter 30 of the City of Gainesville Code of Ordinances) relating to Medical Marijuana Dispensing Facilities by amending Section 30-2.1 to delete and amend definitions; amending Section 30-4.12 to add Medical Marijuana Dispensing Facilities as a use by right in the Urban 6 (U6) and Urban 7 (U7) transect zoning districts; amending Section 30-4.19 to add Medical Marijuana Dispensing Facilities as a use by right in the Automotive-Oriented Business (BA), Tourist-Oriented Business (BT), Business Industrial (BI), and Warehousing and Wholesaling (W) zoning districts and as a use allowable by Special Use Permit in the Corporate Park (CP), Limited Industrial (I-1), and General Industrial (I-2) zoning districts; amending Section 30-4.23 to add Medical Marijuana Dispensing Facilities as a use by right in the Airport Facility (AF) zoning district; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: DEPARTMENT OF DOING STAFF REPORT

In 2014, the Florida Legislature enacted the Compassionate Medical Cannabis Act of 2014, codified in Section 381.986, Florida Statutes, which provided for the distribution of low-THC medical cannabis for certain qualified patients and specified the authority of local governments to provide zoning regulations for the associated medical cannabis dispensaries. The Compassionate Medical Cannabis Act of 2014, among other restrictions, provided that a physician could only order low-THC cannabis (marijuana) for a patient suffering from cancer or a physical medical condition that chronically produces symptoms of seizures or severe and persistent muscle spasms, and only if no other satisfactory alternative treatment options exist for that patient. On November 19, 2015, the City Commission adopted Ordinance No. 150395, which amended the Land Development Code to define and allow Medical marijuana dispensaries to dispense low-THC medical marijuana in certain zoning districts.

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

In response to this 2016 amendment to state law, the City Plan Board on

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

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

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

Definition Changes

This LDC amendment makes it consistent with current state law. The amendment will clarify that Medical marijuana dispensing facilities may dispense cannabis to medical patients for medical purposes pursuant to all current applicable regulations of the State of Florida, as may be amended from time to time. The LDC amendment complies with state law and limits any dispensing of marijuana to medical uses only, and any future state law change that would allow the dispensing of recreational

marijuana would subsequently need to be considered by the City Commission before such use could be allowed in the City of Gainesville, unless the City's authority in this area had been preempted by the Florida Legislature.

Zoning Changes

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

This LDC amendment adds Medical marijuana dispensing facilities as a use-by-right in the following zoning districts: U6 (Urban 6); U7 (Urban 7); BA (Automotive-Oriented Business); BT (Tourist-Oriented Business); BI (Business Industrial); W (Warehousing and Wholesaling); and AF (Airport Facility). In addition, the use will be allowed by Special Use Permit in the following zoning districts: CP (Corporate Park); I-1 (Limited Industrial); and I-2 (General Industrial).

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

CITY ATTORNEY MEMORANDUM

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

RECOMMENDATION

The City Commission: 1) approve Petition No. PB-16-185 TCH and 2) adopt the proposed ordinance.

Legislative History

3/2/17 City Commission Approved (Petition)

[160685 Staff report and Appendices A&B 20170126](#)
[160685A Staff report and Appendices A&B 20170302](#)
[160685B Letter to City 20170302](#)
[160685C Sumter County FL Ordinance 2017-01 20170302](#)
[160685D CPB minutes draft 20170302](#)
[160685E Staff ppt 20170302](#)
[160685E MOD Staff ppt 20170302](#)
[160685 Staff Report w Exhibits A-B 20170928.pdf](#)
[160685A draft ordinance 20180301.pdf](#)
[160685B Staff Report w Exhibits A-B 20180301.pdf](#)
[160685C Staff ppt 20180301.pdf](#)

[160834.](#)

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

ORDINANCE NO. 160834

An ordinance of the City of Gainesville, Florida, amending Chapter 26 of the Code of Ordinances relating to Parking, by amending Section 26-50 to provide an exception to the prohibition against backing up to a curb; amending Section 26-71 and Section 26-73 to provide for implementation of a remote pay system; amending Section 26-117 to authorize the city manager to take action regarding designation of controlled vehicular parking areas and allow affected parties to request a public hearing; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

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

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

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

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

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

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

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

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

4/6/17 City Commission Approved as Recommended

[160834_parking_ordinance_20180301.pdf](#)

ORDINANCES, 2ND READING - ROLL CALL REQUIRED

[160485.](#)

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

Ordinance No. 160485; Petition PB-16-145 TCH

An ordinance of the City of Gainesville, Florida, updating, clarifying, and reorganizing the sign regulations in the Land Development Code by amending Section 30-2.1. Definitions; amending Article IX. Signs; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

This ordinance will update, clarify, and reorganize the sign regulations in the Land Development Code. Sections 163.3167 and 163.3177(1), Florida Statutes, requires the City of Gainesville to maintain a Comprehensive Plan to guide the future development and growth of the city by providing the principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental and fiscal development of the city. Section 163.3202, Florida Statutes, requires the city to adopt and enforce land development

regulations that are consistent with and implement the Comprehensive Plan, and that are combined and compiled into a single land development code for the city (the City of Gainesville's is Chapter 30 of the Code of Ordinances). Such land development regulations shall include certain minimum provisions, including the requirement to enact specific and detailed signage regulations. The City of Gainesville has adopted signage regulations in the Land Development Code in accordance with the Florida law outlined here and out of recognition that signs may prevent a safety hazard as well as present a safety hazard by distracting motorists, pedestrians and other members of the public, and because signs affect the aesthetic qualities and economic vitality of the community.

On August 7, 2014, the City Commission adopted Ordinance No. 130157 and amended the signage regulations in the City's Land Development Code after receiving substantial input from numerous stakeholders on ways to improve the signage regulations in effect at the time. Shortly thereafter in June 2015, the Supreme Court of the United States (Reed v. Town of Gilbert, Ariz., 135 S.Ct. 2218 (2015)) applied the First Amendment protections afforded to speech that is expressed through signage and further defined the constitutional requirement that signage regulations be "content-neutral." Prior to Reed, the general practice throughout the country was that signage regulations were only content-based, and therefore subject to heightened judicial scrutiny, if the government regulated the content because of a disagreement with the message. Reed has now clarified that signage regulations are content-based if they target a specific subject matter or make any distinction based on content, regardless of a government's motive, content-neutral justification or lack of animus towards the message.

As a result of Reed, jurisdictions around the country must revise their adopted signage regulations because many commonly-held signage regulations are now at risk of being deemed content-based. Common examples of such signage regulations are any provisions specifically tailored to "real-estate signs," "contractor signs," "election/political signs," or other particular subject matters. The clearest examples of content-neutral regulations are those regulating the size, location, lighting, number, and form of signs. In response to Reed, City staff has determined the need to further update, clarify, and reorganize the signage regulations in the City's Land Development Code. The most significant amendments include deleting subject matter regulations, including those for "contractor signs," "real estate signs," and "special-event signs," and instead regulating signage form based on "temporary signs" and "permanent signs."

At a public hearing on February 23, 2017, the City Plan Board voted to recommend that the City Commission approve this amendment to the sign regulations in the Land Development Code.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings and shall become effective

immediately upon adoption at second reading.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

2/15/18 City Commission Approved (Petition) and Adopted on First Reading (Ordinance)

[160485 Staff report and Exh A-B 20170223](#)

[160485B Staff report and Exh A-B 20180215.pdf](#)

[160485C Staff ppt 20180215.pdf](#)

[160485A draft ordinance 02152018.pdf](#)

[170526.](#)

ORDINANCE AMENDING CULTURAL AFFAIRS BOARD AND ART IN PUBLIC PLACES TRUST (B)

Ordinance 170526

An ordinance of the City of Gainesville, Florida, amending Sections 2-281 through 2-285, related to the Gainesville-Alachua County Cultural Affairs Board to align with changes made by Alachua County regarding the local arts agency; amending Sections 5.5-2 through 5.5-5, related to Art in Public Places Trust to align with changes made by Alachua County regarding the local arts agency; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: At the City Commission Meeting on November 16, 2017, the City Attorney was directed to draft an ordinance amending the City Code of Ordinances related to the Cultural Affairs Board and Art in Public Places Trust.

In 1991 the Board of County Commissioners designated the City of Gainesville as the Local Arts Agency for Alachua County. Subsequently the City Commission approved the creation of a joint City/County Commission-appointed Cultural Affairs Board to advise on cultural interests and Art in Public Places Trust to advise on public art for both the City and County. At their August 22, 2017 meeting, the Alachua Board of County Commissioners (BoCC) voted on consent to repeal its 1991 resolution and appoint Alachua County as the Local Arts Agency of Alachua County.

Consistent with the action taken by the BoCC, the City of Gainesville is no longer serving as the Local Arts Agency for Gainesville and Alachua County. Parks, Recreation and Cultural Affairs staff has worked with the City Attorney's office to revise the City ordinances that establish both the Gainesville-Alachua County Cultural Affairs Board and the Art in Public Places Trust. The revisions reduce the Cultural Affairs Board from the current 15 member structure (10 City Commission-appointed and 5

BoCC-appointed) to a 10 member City Commission-appointed board, alter the makeup of the 5-member Art in Public Places Trust from 3 City Commission-appointed members and 2 BoCC-appointed members to 5 City Commission-appointed members, and updates the Art in Public Places Trust art selection and acquisition process.

CITY ATTORNEY MEMORANDUM

This ordinance requires two readings. First reading will be held on February 15, 2018; second reading will be held on March 1, 2018.

Fiscal Note: Though not reflected in the ordinance change, moving forward the City will transfer the receipt of revenues from the sale of Arts Tags in Alachua County from the City to the County as well as the responsibility for disbursement of these funds. Disbursement is currently conducted through a formal City-administered grant process to awardees recommended by the Cultural Affairs Board. The City does not receive any administrative support for the administration of this grant from Arts Tags sales so there will be no revenue impact from this change.

The Art in Public Places Trust previously oversaw selection of public art projects funded by the County 1% for art ordinance. The ordinance calls for County funds generated from the 1% for art to remain in a special County account so there will be no revenue impact from this change.

RECOMMENDATION The City Commission adopt the proposed ordinance.

Legislative History

11/16/17	City Commission	Approved as Recommended
2/15/18	City Commission	Adopted on First Reading (Ordinance)

[170562A Arts Agency Ordinance Amendments Draft 20171116.pdf](#)

[170526B APPT masterplan 2009_20171116.pdf](#)

[170526_cultural affairs board_20180215.pdf](#)

[170786.](#)

ORDINANCE AMENDING REGULATIONS FOR OBSTRUCTIONS OF AND UTILITY USE OF PUBLIC RIGHTS-OF-WAY (B)

Ordinance No. 170786

An ordinance of the City of Gainesville, Florida, amending Chapter 23 - Streets, Sidewalks and Other Public Places in the City of Gainesville Code of Ordinances relating to regulations that apply to temporary obstructions of public rights-of-way and to regulations that apply to use of public rights-of-way by utilities, including communications facilities and small wireless facilities; by deleting Chapter 23, Article III - Encroachments and Obstructions; by deleting Chapter 23, Article VI - Registration Requirements

for Use of Public Rights-of-Way by Communications Services Providers and Other Wireline Users of Rights-of-Way; by renumbering the articles of Chapter 23; by adding a new Article V - Public Rights-of-Way Obstructions; by adding a new Article VI - Public Rights-of-Way Use by Utilities; 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 Chapter 23 of the Code of Ordinances regarding regulations for temporary obstructions of public rights-of-way (ROWs) and regulations for the use of ROWs by utilities, including for communications facilities and small wireless facilities. Essentially, this ordinance creates two distinct regulatory programs: one for general obstructions in ROWs, including anything from developers moving equipment or cranes in the ROWs to any other common ROW blockage, and the other for any utility use of the ROWs, including any private utility infrastructure installed either underground or aboveground. The City's ROWs are a unique and physically limited resource, and this ordinance seeks to use and manage this resource by thoughtfully balancing the objectives of safety, aesthetics, economic vitality, and service delivery.

The regulation of utilities within ROWs, and particularly the communications industry, is in a constant state of change because of a complicated system of overlapping federal, state, and local regulations, and because of the fast pace of emerging technology, including the changing infrastructure required to support the increased demand and capacity to receive and transmit data and voice communications. The primary driver of this ordinance was the Florida Legislature's 2017 amendment to Section 337.401, Florida Statutes, which now requires cities to allow the collocation of small wireless facilities on certain utility poles within ROWs.

Beginning in October 2016, the City enacted a series of moratoriums to allow for the crafting of this ordinance, and on September 7, 2017, the City adopted Ordinance No. 170179, which included provisions for the registration of entities that desire to install communications services facilities in ROWs. Whereas registration is essentially an information gathering mechanism and a prerequisite to any permitted use of ROWs, this ordinance completes the regulatory program by providing a permitting process and substantive requirements governing the use of ROWs.

This ordinance requires any person or entity that desires to use the City's ROWs for any utility use to first apply for and receive a permit. The City/GRU is exempt from this permitting requirement, except when acting as a communications services provider. In addition to providing general liability-shifting provisions and protections for any damage to persons or property resulting from permit issuance, this ordinance provides a thorough process for permit review and approval, in

accordance with federal and state law. The substantive provisions governing utility use of ROWs include a general rule that all new installations of utilities or facilities shall be installed underground, with the exception of certain allowable uses of existing aboveground utility infrastructure, such as the addition of wireline facilities. In addition, this ordinance will allow the collocation of small wireless facilities on existing City (non-GRU) utility poles that are greater than 15 feet in height. Importantly, this ordinance does not allow for the installation of new utility poles to accommodate collocation of small wireless facilities. In addition, although this ordinance requires that collocation shall be allowed on City poles that are not owned or managed by GRU, the ordinance does not prohibit collocation on GRU poles. Whether to allow collocation on GRU poles may be decided at any time, and should take into account many factors including those mentioned above as well as revenue from collocation fees, increased service delivery, and potential federal law implications. Finally, this ordinance provides certain objective design standards governing the collocation of small wireless facilities, including: a requirement that prohibits any ground-level equipment (facilities shall be installed underground or attached to a pole at a height of at least 8 feet above ground-level); a requirement to use a slim design, where equipment may not extend more than 30 inches beyond the supporting pole; a requirement that all equipment must be either installed inside the pole or covered with a shroud conforming to the pole's design, texture, and color; and a requirement that small wireless facilities may not extend greater than 10 feet higher than the height of the supporting pole.

CITY ATTORNEY MEMORANDUM

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

RECOMMENDATION *Adopt the proposed ordinance.*

Legislative History

2/15/18 City Commission Adopted on First Reading (Ordinance)

[170786A_draft ordinance_20180215.pdf](#)

PLANNING PETITIONS

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

COMMISSION COMMENT

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