

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Meeting Agenda - Final

February 16, 2017

1:00 PM

MODIFIED AGENDA

City Hall Auditorium

City Commission

Mayor Lauren Poe (At Large)

Commissioner Harvey Budd (At Large)

Mayor-Commissioner Pro Tem Helen Warren (At Large)

Commissioner Charles Goston (District 1)

Commissioner Todd Chase (District 2)

Commissioner Craig Carter (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*MODIFIED AGENDA***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**[160295.](#)**Wild Spaces Public Places Proposed Project and Implementation referral to the General Policy Committee (NB)**

This is a request for the City Commission to refer a discussion of the Wild Spaces Public Places Proposed Projects and Implementation to the General Policy Committee.

Explanation: The Voter Referendum on Wild Spaces Public Places passed on November 8, 2016 and the collection of the ½ cent sales tax began on January 1, 2017. Staff has developed a list of the proposed projects to be funded over the 8 year life of the sales tax. Discussion on the proposed projects and the implementation of the projects is requested.

Fiscal Note: The Wild Spaces Public Places sales tax was approved by voters for 8 years and is expected to generate almost \$50,000,000 in revenue to the City including \$3,000,000 received from Alachua County for partnership projects.

RECOMMENDATION

The City Commission refer Wild Spaces Public Places Proposed Projects and Implementation to the General Policy Committee.

Legislative History

8/22/16 City Commission Approved, as shown above
 1/5/17 City Commission Approved, as shown above
 1/19/17 City Commission Approved as Recommended

[160295A Letter 20160822.pdf](#)

[160295B Project List 20160822.pdf](#)

[160295C WSPP Staff Analysis 20160822.pdf](#)

[160295D Alachua County Backup WSPP 20160822.pdf](#)

[160295A WSPP Gainesville Interlocal Agrmnt 20170105.doc](#)

[160295B Project List 20170105.pdf](#)

[160295C WSPP Presentation for Joint City County Projects 20170105.pdf](#)

[160295 Interlocal Agreement with Project List 20170119.pdf](#)

[160295_interlocal agreement_20170119.pdf](#)

[160694.](#)

Bid Award - Suburban Heights: Beville Creek Restoration Project (B)

This item is a request for the City Commission to authorize the bid award to Landshore Enterprises LLC dba Erosion Restoration LLC for the construction of the Suburban Heights: Beville Creek Restoration Project.

Explanation: As part of the Capital Improvement Plan, FY2011-2015, SMU funding was allocated for a 1000' long creek restoration project in the Suburban Heights Neighborhood. The project will utilize Regenerative Stormwater Conveyances principals in conjunction with Biosorption Activated Media to reduce erosive conditions, improve water quality, promote groundwater recharge, and enhance the ecological and biodiversity within Beville Creek. The design of this project has been a collaborative effort involving Public Works, Parks Recreation and Cultural Affairs, Alachua County's Environmental Protection Department, St. Johns River Water Management District, the City's Environmentalist and Arborist; as well as, citizens in the Suburban Heights Community and the Agricultural and Biological Engineering Department at the University of Florida.

On December 21, 2016 the Purchasing Division solicited bids for the Suburban Heights: Beville Creek Restoration Project. A mandatory pre-bid conference was held on January 5, 2017 at 2:00 PM at the project site. A total of six (6) vendors attended the conference. All bids were due at 3:00 PM on January 18, 2017. A total of three (3) bids were received.

The Public Works Department recommends awarding this contract to Landshore Enterprises LLC dba Erosion Restoration LLC in the amount of \$739,995. Landshore Enterprises LLC dba Erosion Restoration LLC was determined to be the lowest responsible, responsive bidder as

stipulated by the City's competitive bidding process.

Fiscal Note: Funds in the amount of \$769,995 are available for the project; \$299,755 from the St. Johns River Water Management District's Fiscal Year 2017 REDI Communities & Innovative Projects Cost-Share (RCIPCS) Funding Program and \$470,240 is budgeted through SMU. The annual maintenance requirements will eliminate the need to manually operate weed eaters along the current slopes due to the planting of native species. There may be a need to replace sediment buildup periodically depending on weather. The BAM may require replacement in a 20 year horizon.

RECOMMENDATION

The City Commission: 1) award the bid to Landshore Enterprises LLC dba Erosion Restoration LLC for the construction of the Suburban Heights: Beville Creek Restoration Project; 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.

[160694A_BidAward_20170216.pdf](#)

[160694B_Presentation_20170216.pdf](#)

[160706.](#)

Refer the Discussion on the Draft Land Development Code (LDC) to the General Policy Committee (NB)

This is a request for the City Commission to refer a discussion on the Draft Land Development Code (LDC) to the General Policy Committee. Discussion topics will include the upcoming public hearing timing, an update on proposed improvements to the document as a result of review by the Office of the City Attorney and the Department of Doing, and soliciting feedback from the City Commission.

Explanation: The LDC has undergone a recent review by the Office of the City Attorney and the Department of Doing. The initial start of the update of the code was in 2012.

With a focus on creating a development code that is citizen and user friendly, we are crafting a code that is understandable to users regardless of the frequency of their interaction with the document. We are seeking the opportunity to share this vision with the Commission and solicit additional ideas on how to improve what we have created based on extensive stakeholder engagement. Our work has been based on improving the (document) user experience while being true to the tenets of community expectations for the built environment.

Examples of changes that have been made include:

- Placing all appeal provisions in one section
- Standardizing advisory board/commission language
- Inserting graphics to illustrate code provisions

- Amending “planner speak” to common usage phrasing
- Grouping all residential standards in one location
- Removing application form requirements, replacing with commission approval of forms
- Standardized how distance is measured
- Standardized language regarding “days” with regard to processing timing or appeals

In addition, the staff is seeking Commission input on new additions or revisions to the LDC that are being proposed as part of initiatives that are underway or are being proposed to further the purpose of creating a comprehensively vetted code. Examples of these types of changes include amending food truck regulations to allow food trucks in more districts, allowing the encroachment of balconies into the right of way in the downtown and allowing public parks in all residential zone districts.

Fiscal Note: None

RECOMMENDATION

The City Commission refer the discussion on the draft Land Development Code (LDC) to the General Policy Committee.

[160731.](#)

Human Resources Discipline Policies (NB)

This is a request for the City Commission to refer the Human Resources Discipline Policies item to the General Policy Committee for discussion.

Explanation: At its January 19, 2017 regular meeting, the City Commission had a discussion about employee disciplinary matters. In the course of that discussion, it was suggested that staff provide information about HR policies and collective bargaining provisions governing workplace investigation and discipline. Staff recommends that the General Policy Committee hear a presentation on workplace investigation and discipline.

Fiscal Note: There is no fiscal impact.

RECOMMENDATION

The City Commission refer the Human Resources Discipline Policies item to the General Policy Committee for discussion.

[160720.](#)

Body-Worn Camera Policy and Implementation Program (B)

This is a request for City Commission approval for the Gainesville Police Department to accept a grant, if awarded, from the U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), and the Bureau of Justice Assistance (BJA) through the Florida

Department of Law Enforcement in implementing a body-worn camera policy.

Explanation: The Gainesville Police Department has applied for the FY 2017 Body-Worn Camera Policy and Implementation Program grant. This program furthers the Department's mission by supporting the safe and fair administration of justice. The intent of the program is to help agencies develop, implement, and evaluate a BWC program as one tool in a law enforcement agencies comprehensive problem-solving approach to enhance officer interactions with the public and build community trust. The grant submission deadline is February 16, 2017. The grant awards can be up to \$750,000.

This grant will enable the City of Gainesville's Police Department to follow the lead of law enforcement agencies across the country and worldwide by using body-worn cameras (BWC) as a promising tool to improve law enforcement interactions with the public. BWCs can provide a visual and audio record of interactions. Some preliminary evidence indicates that the presence of BWCs helps strengthen accountability and transparency, and can assist in de-escalating conflicts, resulting in more constructive encounters between the police and members of the community.

Funding from this grant may be used to engage and inform the public and victim, privacy, and civil liberty advocacy groups about how the applicant will use its BWC project as a part of a larger initiative to improve transparency and accountability in encounters between police and the public. GPD will be required to work with the BJA-funded BWC training and technical assistance (TTA) provider as part of the policy development process review prior to full funding being released for procurement and implementation. The agency will also be encouraged to utilize the services of the TTA provider to assist in any areas of BWC policy development and implementation.

Fiscal Note: Federal funds awarded under this grant may not cover more than 50 percent of the total cost of this project, Mandatory in-Kind match funds are allowable. Matching funding will be contingent upon the amount awarded by the US department of Justice. All awards will be for a 24 month period with a begin date of October 1, 2017.

RECOMMENDATION

The City of Gainesville authorize the City Manager to: 1) accept the grant, if awarded, by the US Department of Justice(DOJ), Office of Justice Programs (OJP) and the Bureau of Justice Assistance(BJA) and 2) if awarded execute any grant grant documents, subject to approval as to form and legality by the City Attorney.

[160720_Grant Announcement_20170216.pdf](#)

[160741.](#)

Change Order to the Construction Contract for Thomas Center

Building B, Citizen Centered Improvements (B)

This item involves a request to approve a Change Order for the construction contract, 306 NE 6th Avenue, in order to provide a better final product and to address site conditions to provide network connectivity for existing and future building division staff.

Explanation: In February 2016, the City Commission approved staff's recommendation to allocate funding for Citizen Center Gainesville projects including funds for improvements to Thomas Center Building B. The contract award was to Oelrich Construction, Inc., for the project in accordance with approved plans and specifications. The project is nearing completion. During interior work within the Building Division it was discovered that the hardware and cabling needed to support the existing staff was inadequate to meet the growing need for computer ports. In addition, anticipating the department being fully staffed with the Commission approved FTEs the switch box was found to not have adequate capacity to handle all the anticipated computers. Finally, with the recent roll out of electronic plan review ensuring adequate wireless coverage to allow uploading of construction plans was found to be a needed upgrade to the existing wireless network in the building.

Additional funding is also being requested to complete finishes in the building division customer counter area, carpet replacement in three building division offices, and conversion of a waiting area into an office space for utilization by the building division.

The additional construction cost is estimated to be \$29,711.40. The contractor estimates the work to be \$25,836. Staff is adding a contingency of 15%.

The estimate for IT network equipment is \$15,288.66.

Fiscal Note: The original awarded amount for this project was \$294,000. Funding for the project was allocated from the General Fund (Citizen Centered Gainesville) and the Building Enterprise Fund. Change Order #1 will be for an additional \$29,711.40 from the Building Enterprise Fund. The Building Enterprise Fund balance is \$5,530,359.

RECOMMENDATION

The City Commission: 1) authorize the City Manager to execute Change Order #1 for the 306 NE 6th Avenue, Thomas Center Building B Citizen Centered Gainesville project; 2) modify the purchase order as necessary, not to exceed the construction cost of \$323,711.40; and 3) authorize the City Manager to purchase and authorize installation of \$15,288.66 for network equipment.

[160741_Thomas Center B Building Dept_20170216](#)

**GAINESVILLE; EIGHTH JUDICIAL CIRCUIT, CASE NO.
2017-CA-118 (B)**

Explanation: On January 26, 2017, the City was served with a Summons and Complaint filed by Tyris Miller in the Circuit Court against the City of Gainesville. Tyris Miller alleges that he was involved in an automobile accident with a City bus on November 19, 2015 on SW 61st Street, in Gainesville. Tyris Miller claims to have suffered significant and permanent loss of an important bodily function and/or permanent and significant scarring; permanent injury within a reasonable degree of medical probability other than scarring or disfigurement; aggravation or activation of an existing disease or physical defect; pain, suffering, disability, physical impairment, mental anguish, inconvenience, and a loss of capacity for the enjoyment of life; expenses of medical care and treatment in the past and in the future; and loss of wages and/or loss of earning capacity in the future. Mr. Miller seeks money damages in excess of the Circuit Court's jurisdictional threshold of \$15,000.00.

RECOMMENDATION

The City Commission authorize the City Attorney to represent the City and City employee acting in the course and scope of City employment in the case styled Tyris Miller vs. Abram Servance and City of Gainesville; Eighth Judicial Circuit, Case No. 2017-CA-118.

[160716_Tyris Miller Consent_20170216.pdf](#)

[160717.](#)

**EDDIE WESLEY VS. ABRAM SERVANCE AND CITY OF
GAINESVILLE; EIGHTH JUDICIAL CIRCUIT, CASE NO.
2017-CA-119 (B)**

Explanation: On January 26, 2017, the City was served with a Summons and Complaint filed by Eddie Wesley in the Circuit Court against the City of Gainesville. Eddie Wesley alleges that he was a passenger in a motor vehicle involved in an automobile accident with a City bus on November 19, 2015 on SW 61st Street, in Gainesville. Eddie Wesley claims to have suffered significant and permanent loss of an important bodily function and/or permanent and significant scarring; permanent injury within a reasonable degree of medical probability other than scarring or disfigurement; aggravation or activation of an existing disease or physical defect; pain, suffering, disability, physical impairment, mental anguish, inconvenience, and a loss of capacity for the enjoyment of life; expenses of medical care and treatment in the past and in the future; and loss of wages and/or loss of earning capacity in the future. Mr. Wesley seeks money damages in excess of the Circuit Court's jurisdictional threshold of \$15,000.00.

RECOMMENDATION

The City Commission authorize the City Attorney to represent the City and City employee acting in the course and scope of City employment in the case styled Eddie Wesley vs. Abram Servance

and City of Gainesville; Eighth Judicial Circuit,
Case No. 2017-CA-119.

[160717 Eddie Wesley Consent 20170216.pdf](#)

[160708.](#)

**WIRELESS TELECOMMUNICATION FACILITIES -
AUTHORIZATION TO PARTICIPATE FEDERAL RULE
MAKING (B)**

Explanation: In June 2016, the City's Public Works department received two right-of-way use permit applications to place two wooden poles with antenna of approximately 75" in height, in the City's rights-of-way (ROW). The applications were made by a company named Mobilitie which provides infrastructure for wireless telecommunication providers. The applications were incomplete and Mobilitie's permits were denied because they were incomplete and also because the applications did not meet current city ordinances. In December 2017, Mobilitie again filed an application for a right-of-way use permit. That application was also turned down for being incomplete. Pictures and plans of the proposed placement of the Mobilitie poles are included in the back up to give the Commission a better understanding of the City's need to regulate placement of utility poles. Without regulation on location of, size of and placement of such poles, the City would not be able to prevent multiple pole placements in its rights-of-way.

At the same time that Mobilitie approached the Public Works department for a right-of-way use permit, several other wireless telecommunication providers approached GRU seeking to collocate on existing GRU poles. City staff, in reviewing the applications and requests, realized that the City's codes needed to be updated to address the new infrastructure needs caused by increased capacity needs of wireless telecommunications users.

The City Attorney's Office retained Gray-Robinson, P.A., outside legal counsel to assist the City in these issues. City staff consisting of representatives from GRUCom, GRU Electric, Planning Department, Building Department, Public Works Department and City Attorney's office met with Gary Resnick of Gray-Robinson, P.A. Mr. Resnick recommended that the City adopt a moratorium on the permitting of wireless telecommunication facilities within the public rights-of-way, while the City makes policy decisions on how best to accommodate wireless telecommunication facilities in Gainesville. City staff and Mr. Resnick are currently working to prepare recommendations to address locations of small cell and DAS communication infrastructure, as well as suggested revisions to the city code to address changes in federal law.

While Gainesville and other Florida cities are attempting to address the new infrastructure placements proposed by wireless telecommunication facilities, the wireless telecommunication industry has sought federal and state intervention in the siting of infrastructure in public

rights-of-way. Mobilitie filed a Petition with the Federal Communication Commission (FCC) to obtain a declaration of Mobilitie's rights to access the rights-of-way under federal law. A copy of the petition filed by Mobilitie is included in the back-up. The FCC turned this petition into a larger, rulemaking proceeding, to review generally wireless facilities access to ROW, with a focus on small cells and DAS. A copy of the FCC Public Notice is also included in the back-up. From the comments in the Public Notice, the FCC may be considering preempting local governments' land use codes that conflict with FCC regulations and/or adopting unrealistic procedural requirements for local governments to process such applications.

Simultaneously, the wireless telecommunication industry in Florida has drafted a proposed Senate bill which would require municipal utilities to allow collocation of wireless communication facilities on municipally owned utility poles and allow access for wireless facilities in public rights-of-way. The proposed bill as currently written would not adequately remunerate the municipal utility for the costs associated with co-location and may allow the placement of new poles in ROW to accommodate wireless facilities. A copy of the bill is included in the back-up. The bill is mentioned here to give the City Commission a sense of the attempts to pre-empt local regulation of pole locations and wireless facilities within the City's rights-of-way. The Florida League of Cities is forming a work group to provide advice with respect to the language of the proposed legislation and revisions that may be made. The Florida Municipal Electric Authority (FMEA) is also reviewing the bill with its members.

Even if the above-mentioned Senate Bill is not adopted, Florida's regulation of telecommunication is unique from other states. The Florida state legislature has limited local government's ability to regulate placement of utility poles, small cells, and DAS through our codes. Florida local governments cannot enter into agreements or establish fees for the use of our rights-of-way for communications facilities. Our only substantive ability to regulate placement of such facilities is through our land use codes and regulations. If the FCC issues rules either pre-empting land use regulations or establishing a model for siting small cells and DAS, Florida local governments will be disadvantaged from local governments in other states.

Several local governments in Florida, as well as the Florida League of Cities and Florida Association of Counties have agreed to participate in a coalition to have Gary Resnick (our outside legal counsel for Gainesville's code revisions) to prepare and to submit comments representing the unique interest of Florida local governments. Mr. Resnick intends to explain the authority Florida local governments have to regulate such access to the rights-of-way and provide examples from the various cities to demonstrate each city's efforts to provide wireless telecommunication services to its citizens while protecting the ability to regulate within the City. Each of the cities would be charged a legal fee not to exceed \$2,500.00 for Mr. Resnick's efforts on behalf of the cities at the FCC.

RECOMMENDATION

The City Commission: 1) Join the Florida Local Government Coalition to file a response to the FCC regarding the FCC's Public Notice; and 2) Amend the existing retention letter with Gray Robinson, PA to allow Gary Resnick to represent the City in the FCC proceeding as a member of the coalition, for an amount not to exceed \$2,500.00

[160708A Pictures and Plans 20170216.pdf](#)

[160708B Mobilitie Petition to FCC 20170216.pdf](#)

[160708C FCC Public Notice 20170216.pdf](#)

[160708D Senate Bill 596 20170216.pdf](#)

[160736.](#)

Resignation of James Owens from the Board of Adjustment (B)**RECOMMENDATION**

The City Commission accepts the resignation of James Owens, effective immediately.

[160736 Resignation JamesOwens 20160216.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.

[160740.](#)

Interlocal Agreement for Election Services (B)

Explanation: The City and the Supervisor of Elections have been operating under an agreement dated December 16, 1986. On April 21, 2016, the Supervisor of Elections requested that a new agreement be negotiated. This proposed agreement is the result of those negotiations.

RECOMMENDATION

The City Commission approve the Interlocal Agreement for Election services and authorize the Mayor to execute.

[160740 Election Services Agreement 20170216.pdf](#)

[160711.](#)

RETENTION OF NORTON ROSE FULBRIGHT TO ADVISE THE CITY IN THE REVIEW OF LEGAL ISSUES ASSOCIATED WITH A POTENTIAL PURCHASE OR OTHER BENEFICIAL

TRANSACTION INVOLVING THE GAINESVILLE RENEWABLE ENERGY CENTER FACILITY (NB)

Explanation: In late October 2016, GRU Management, GREC Management and counsel for both parties participated in mediation in a good faith effort to resolve the pending arbitration between the parties (AAA Case No. 01-16-000-8157). Although a settlement was not reached, the mediation did result in a continued dialog between the General Manager for Utilities and the President of GREC to explore a potentially mutually beneficial transaction. As GRU Management works to analyze the feasibility and structure of any such transaction, legal counsel with expertise in renewable energy power purchase agreements, utility acquisitions, permitting, tax and project finance structures will be needed to advise the City of legal issues associated with a potential purchase or other beneficial transaction involving the GREC facility. The City Attorney's Office assisted GRU Management in interviewing several large firms that have such expertise and capacity. As a result of that process, GRU Management desires to retain the firm of Norton Rose Fulbright to advise the City in its review and evaluation of potential transactions related to the GREC PPA.

Fiscal Note: The rates quoted by Norton Rose Fulbright are hourly rates of \$850 and tax counsel hourly rates of \$1000. It is unknown at this time how many hours of work will be requested of outside counsel. Funding for outside counsel will be paid either from GRU budgeted funds for legal expenses or from unanticipated cost savings that GRU realizes.

RECOMMENDATION

The City Commission authorize the Office of the City Attorney, on behalf of GRU, to retain Norton Rose Fulbright for representation of the City in the review of issues associated with a potential purchase or other beneficial transaction involving the GREC facility.

Legislative History

2/2/17 City Commission Approved as Recommended

[160738.](#)

Proposed settlement agreement to resolve lawsuit by Alachua County concerning reverter clause in deed for original RTS property located at 100 SE 10th Avenue (B)

Explanation: On January 11 and February 1, 2017, the City Manager and County Manager conducted conflict assessment meetings in accordance with Section 164.1053, Florida Statutes, and reached a tentative resolution of the lawsuit in Alachua County v. City of Gainesville, Circuit Court Case No. 01-2016-CA-001445, subject to approval of the two governing bodies.

As a brief recap of the history, in 1981 Alachua County executed a deed to the City of Gainesville for Alachua County Tax Parcel #16005-000-000 for the purpose of assuming ownership and operation

of the regional transit system. The deed contained a reverter clause stating that title would revert to the County immediately if the City ceased using the property for a regional transit system. In November of 2014, Gainesville Regional Transit System (RTS) moved its operations center from this property to the new operations center at 34 E. 13th Road. On April 22, 2016, the County filed the aforementioned lawsuit, which was thereafter held in abeyance so that the parties could exchange information, explore possible resolution, and if necessary pursue the mandatory dispute resolution procedures in Chapter 164, Florida Statutes, before engaging in further litigation activity.

As indicated, on February 1, 2017, the County Manager and City Manager and staffs reached a tentative resolution, subject to drafting final settlement language and subject to governing body approval. Attached is a proposed Settlement and Forebearance Agreement that would resolve the lawsuit. The most significant elements consist of (1) release of the reverter restriction from the subject RTS property, which will allow the City to make decisions regarding the use of the property, subject only to Federal Transit Administration (FTA) approval on account of FTA grant restrictions; and (2) conveyance by the City to the County of a 200 acre parcel of land, Tax Parcel No. 07341-000-000, located at 10404 S.W. Williston Road, Gainesville, Florida 32618, just northwest of the junction of Williston Road and Wacahoota Road ("Williston-Wacahoota Property"), that is currently used for archery on a 50 acre portion of the property, the property is in all other respects used for conservation, and the County indicates it intends to utilize the property for conservation. The archery use is pursuant to an Agreement for Use of Archer Range Property, between the City and Gator Bowmen, Inc., that imposes some relatively minor obligations on the City (some utilities costs and recreation promotion) that the County does not wish to outright assume from the City; and the County requested that the City give notice of termination of the Agreement so that the County may seek renegotiated terms of the archery use on the property, or other options in the County's discretion.

As a matter of background on the Williston-Wacahoota Property, the City purchased the property in 1966 for approximately \$81,000 for the purpose of constructing a sanitary landfill. The City did not pursue the landfill construction, but attempted to sell the property in 1986 and again in the early 2000's attempted to exchange property with the US Forestry Service. The property has been included on Alachua County's Conservation Land Acquisition list for a number of years. City staff's understanding as relayed by County staff is that the County intends to use the property for conservation purposes, although they did not want to include any restrictions to that effect as part of the Agreement since the County was proposing no restrictions on use of the RTS property.

Fiscal Note: Conveyance of the Williston-Wacahoota Property would save the City approximately \$3,640 per year in expenses.

RECOMMENDATION

The City Commission (1) approve and authorize the Mayor to sign the Settlement and Forebearance Agreement; and (2) authorize the

Mayor and/or 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.

[160738_Settlement Agmnt.pdf](#)

[150908.](#)

License Agreement for Parking for City Parking Lot #2 (B)

This item involves a request for the City Commission to consider terms for a License Agreement for Parking for City Parking Lot #2.

Explanation: On December 3, 2015, the City Commission authorized staff to develop and pursue a competitive process for the licensing of parking spaces in City Parking Lot #2 that would result in a Licensing Agreement for Parking associated with stimulating redevelopment in the general area.

Staff released a Request for Proposals (RFP) on February 7, 2016 and received one proposal from The Collier Companies that was evaluated and deemed responsible and responsive to the minimum requirements of the RFP which included: 1) submittal of a proposal for a License Agreement for Parking (proposed terms) that would contribute to a redevelopment project within the general area; 2) submittal of draft architectural/engineering plans that depict the proposed redevelopment project; and, 3) references to three (3) similar urban core/redevelopment projects.

On April 21, 2016, the City Commission: 1) approved staff's recommended ranking; 2) directed staff to negotiate a License Agreement for Parking with the Collier Companies with regard to Parking Lot #2; and, 3) directed staff to return to the City Commission for final review and approval.

At the time, staff noted that in the event that the City Commission agreed with staff's ranking the License Agreement for Parking and the redevelopment project were subject to further negotiation and the routine development review process and therefore had their own paths to follow moving forward.

On June 28, 2016, the submitted project, 238 Development LLC, was continued at a meeting of the Development Review Board (DRB) due to concerns expressed by some adjacent property owners and DRB members with requested waivers from the Land Development Code. Subsequent to the original DRB continuance, on September 27, 2016, a revised project more consistent with applicable Land Development Code provisions and requesting fewer waivers was approved unanimously.

Modification to the project appears to be concentrated on urban form rather than substance as the project continues to be primarily multi-family with an emphasis upon provision of market rate, workforce

housing and some limited non-residential space. The estimated revised project cost is in the range of \$20 million dollars.

A copy of the September 27, 2016 DRB staff report is attached outlining the evolution of the project between the two DRB meetings.

Generally, terms of the proposed License Agreement for Parking for City Parking Lot #2 would consist of the following:

- 30 years at \$15,768/year with three 10 year extensions upon agreement of the parties. Currently, Parking Lot #2 generates \$0 income to the City.
- Parking Lot #2 shall be restricted to vehicle parking for the term of the lease (except for staging during project development and other related uses)
- Collier Companies shall be responsible for all improvements (estimated preliminary cost at \$100,000), maintenance and operations, insurance and taxes (if applicable)

Fiscal Note: Appraisals for estimated market rent and estimated fee simple value for Parking Lot #2 are attached.

RECOMMENDATION

The City Commission: 1) hear a brief presentation from staff, and 2) provide appropriate direction to staff on how to proceed.

Legislative History

4/21/16 City Commission Approved as Recommended

[150908A Lot 2 Addendas Docs 20160421.pdf](#)
[150908B Lot 2 Award Docs 20160421.pdf](#)
[150908C Lot 2 Bid Docs 20160421.pdf](#)
[150908D Lot 2 Presentation Materials 20160421.pdf](#)
[150908E Lot 2 Memo re Recorded Oral Presentations 20160421.pdf](#)
[150908F Lot 2 Oral Evaluation 20160421.pdf](#)
[150908G Lot 2 Vendor Submittals & Bid Record 20160421.pdf](#)
[150908H Lot 2 Written-Technical Evaluation 20160421.pdf](#)
[150908 238 University Parking Memo, dated 9-30-16 20161215.pdf](#)
[150908A Appraisal of Lot 2 Addendum 20161215.pdf](#)
[150908B Appraisal of Lot 2 20161215.PDF](#)
[150908C DRB 20160927 Agenda 20161215.pdf](#)
[150908D DRB Attachment A-3 20161215.pdf](#)
[150908E DRB Staff Report 20161215.pdf](#)
[150908A Lot 2 Addendas Docs 20170216.pdf](#)
[150908B Lot 2 Award Docs 20170216.pdf](#)
[150908C Lot 2 Bid Docs 20170216.pdf](#)
[150908D Lot 2 Presentation Materials 20170216.pdf](#)
[150908E Lot 2 Memo re Recorded Oral Presentations 20170216.pdf](#)
[150908F Oral Evaluation 20170216.pdf](#)
[150908G Lot 2 Vendor Submittals & Bid Record 20170216.pdf](#)
[150908H Lot 2 Written-Technical Evaluation 20170216.pdf](#)
[150908I 238 University Parking Memo 20170216.pdf](#)
[150908J Appraisal of Lot 2 Addendum 20170216.pdf](#)
[150908K Appraisal of Lot 2 20170216.pdf](#)
[150908L DRB 20160927 Agenda 20170216.pdf](#)
[150908M DRB Attachment A-3 20170216.pdf](#)
[150908N DRB Staff Report 20170216.pdf](#)
[150908O Parking Lot 2 Timeline 20170216.pdf](#)
[150908P Lot 2 Proposed License Agreement 20170216.pdf](#)

160735.

**Appointments to Historic Preservation Board, Board of Adjustment,
and Gainesville Human Rights Board (B)**

RECOMMENDATION

*The City Commission discuss appointments to the
Historic Preservation Board and Board of
Adjustment for a full term and Gainesville Human
Rights Board to fill a vacancy.*

[160735 AppointmentsHPB_BOA_HRB 20160216.pdf](#)

[160709](#)**Ordinance Revision to Allow Earlier Collection of Waste and Recycling in Specified Areas (B)**

This item is a request for the City Commission to approve revisions to the Commercial Franchise Ordinance Section 27-79(e) regarding collection of solid waste and recycling in certain commercial areas.

MODIFICATION - MOVED TO THE REGULAR AGENDA

Explanation: Gainesville's Commercial Service and Construction and Demolition Debris Franchise ordinance restricts haulers to collecting waste Monday through Saturday between the hours of 6:00 a.m. and 9:00 p.m. except in areas of mixed residential and commercial occupancy where collections may begin no earlier than 7:00 a.m. The City Manager or designee may authorize collection on Sunday where special needs of the customer make it necessary. In the event of an emergency, a franchisee may collect at times not allowed by this section, provided the City Manager grants prior approval. Prior approval for an earlier starting time has traditionally been provided to haulers each year on the Friday morning of the Homecoming Parade when thousands of pedestrians converge on University Avenue in the hours prior to the commencement of the parade. The areas where haulers may start collections early that day are usually confined to the first couple of blocks north and south of University Avenue from Main Street to NW 22nd Street. The opportunity to start early in those few blocks gives haulers the chance to empty dumpsters and vacate the area before it becomes congested with vehicular traffic, bicyclists and pedestrians.

In consideration of the amount of development and densification occurring along NW 1st Avenue from NW 13th Street to NW 20th Street; and taking into account that this is already a difficult area for various vendors and service vehicles to load and unload in; the Solid Waste Division is proposing that the City Commission consider a partial revision to the starting times listed in the ordinance. Such a revision would presumably be designed to grant an exception to specific commercial areas exhibiting a congested environment and a high volume of pedestrian traffic; and would be based upon safety and zoning criteria. The hours could be set by the City Manager or designee following input from business owners and residents of the respective areas. Areas adjacent to the University of Florida campus zoned UMU-1 and UMU-2 Urban Mixed Use, and areas in the core downtown area zoned CCD Central City District should be considered as possible zones where an earlier starting time might be appropriate and beneficial.

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

RECOMMENDATION

The City Commission authorize the City Attorney to draft an ordinance allowing an earlier start time for waste and recycling collectors in specific commercial areas the City Manager or designee deems appropriate based upon considerations

such as zoning, congestion, and safety concerns and following public outreach to the impacted areas.

[160709 Zoning Map 20170216.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

[160729.](#)

City of Gainesville's 95th Anniversary of Recognition by International City/County Management Association (NB)

This is a request for the City Commission to receive a special recognition by the International City/County Management Association (ICMA) on behalf of the Florida City County Management Association (FCCMA) in celebration of the City's 95th anniversary for operating under the Council-Manager form of government.

Explanation: One of the priorities of the FCCMA is to raise awareness of the values professional managers bring to the communities they serve. FCCMA is on a mission to support this priority through making presentations to cities celebrating milestone anniversaries during commission meetings and would like to recognize City Management, the City Commission and the City of Gainesville in general for being a prime example of professional management in action.

About two years ago, the FCCMA launched an effort focused on raising

awareness of the role of professionals in local government. A Harris Poll was conducted in 2009 and found that just 5% of citizens were able to describe the specific role of local government leadership in shaping their communities.

The FCCMA took a leadership role in an effort to raise awareness and would like to play a video that highlights one of the vehicles developed by both the ICMA and the FCCMA. The video provides the message of what Life, Well Run means for towns, cities and counties.

Fiscal Note: None

RECOMMENDATION *The City Commission receive the recognition from the special recognition.*

[160746.](#)

Phalanx Defense Systems Special Recognition to the City of Gainesville (B)

Phalanx Defense Systems has requested the opportunity to make a brief presentation and provide special recognition to the City of Gainesville.

MODIFICATION - NEW POWERPOINT PRESENTATION

Explanation: Phalanx Defense Systems Chief Executive Officer James Coats has requested to make a brief presentation and provide special recognition to the City of Gainesville. Phalanx Defense Systems entered into agreements with the City to acquire the former United States Army Reserve building on NE 8th Avenue after being selected by the City through an RFP process. Phalanx has been busy renovating the building as their new headquarters and will be moving their operations into the building soon.

Fiscal Note: None

RECOMMENDATION *The City Commission receive a presentation and special recognition.*

[160746-MOD Presentation 20170216.pdf](#)

[160753.](#)

Pop Warner Gator Varsity Cheerleader Day - February 16, 2017 (B)

RECOMMENDATION *PRCA Gator Varsity Cheerleaders Head Coach Lauren Harris, Assistant Coaches Teryn Patrick, Deannayce Mavin and Shambria Woods and Team Mom and Equipment Manager Rosa Alston-Rivers and Keondra Brown to accept the proclamation.*

[160753 PopWarnerCheer 20170216.pdf](#)

[160754.](#)**Menagerie in Motion Kinetic Derby Month - February 2017 (B)****RECOMMENDATION**

Active Streets Alliance Executive Director Joseph Floyd to accept the proclamation.

[160754_MenagerieinMotion_20170216.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**[160732.](#)**Application to FEMA for Reimbursement of Eligible Expenses Incurred during Hurricane Hermine (B)**

Explanation: On September 28, 2016, the President of the United States issued a major disaster declaration for the State of Florida which included Alachua County as a result of Hurricane Hermine. The City incurred approximately \$62,000 of expenses which are eligible for reimbursement from FEMA and the State of Florida.

Fiscal Note: The City spent approximately \$62,000 during Hurricane Hermine which is partially eligible for reimbursement from FEMA and the State of Florida. FEMA will reimburse 75% and the state 10% with the City responsible for 15% or approximately \$9,300 which will be appropriated from General Fund fund balance.

RECOMMENDATION

The City Commission: 1) adopt the Resolution; 2) approve the application for state and federal disaster funding; 3) authorize the City Manager or his designee to approve any related grant agreements and payment requests, subject to approval by the City Attorney as to form and legality; 4) request the Mayor to sign the applications for reimbursement; and 5) approve the appropriation of up to \$9,300 from General Fund fund balance.

[160732A_Resolution_20170216.pdf](#)

[160732B_Funding Agreement_20170216.pdf](#)

[160574.](#)**Resolution Establishing the Citizen Committee for Implementing the Strategic Framework (B)**

This item requests adoption of a resolution establishing a citizen advisory committee to assess and prioritize the community's big ideas to support implementing the strategic plan framework.

MODIFICATION - ADDED BACK-UP

Explanation: On December 15th, 2016, the City Commission adopted the strategic plan framework, a lasting blueprint to guide us towards our best Gainesville, a New American City. Vital to a successful implementation of the strategic plan framework is the continued involvement of citizens and community stakeholders.

On February 2nd, 2017, the Commission directed staff to compose a Resolution establishing a citizen advisory committee to assess and prioritize the community's big ideas to support implementing the Strategic Plan Framework. Per the Commission's direction, the committee will consist of 14 citizen members, have a 60-day life-span, participate in staff-facilitated workshops, and provide 12-15 recommendations of big ideas for the Commission's consideration during spring budget workshops.

This Resolution establishes a citizen committee and provides for its composition, responsibilities, operations and use of City resources.

Fiscal Note: None

RECOMMENDATION

The City Commission: 1) adopt the Resolution, and 2) appoint two citizen members per Commissioner.

Legislative History

12/15/16 City Commission Approved as Recommended

2/2/17 City Commission Adopted

[160574A Framework 20161215.pdf](#)

[160574B Presentation 20161215.pdf](#)

[160574 Citizen Advisory PPT Presentation 20170202.pdf](#)

[160574A Big Ideas 20170202.pdf](#)

[160574B Strategic Plan Framework 20170202.pdf](#)

[160574 Resolution 20170216.pdf](#)

[160574-MOD Applications 20170216.pdf](#)

ORDINANCES, 1ST READING - ROLL CALL REQUIRED

[150694.](#)

BLUES CREEK PLANNED DEVELOPMENT AMENDMENT (B)

ORDINANCE NO. 150694, PETITION NO. PB-15-115 PDA

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

Map Atlas by rezoning to Planned Development District (PD) approximately 36.7 acres of property located at 7000-7800 block of NW 58th Street, as more specifically described in this ordinance and commonly referred to as Blues Creek Unit 5, Phase 2; adopting PD maps, a PD report, and development conditions; providing for enforcement; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT REPORT

On May 19, 2016, June 2, 2016, and September 1, 2016, the City Commission heard this item. On September 15, 2016, the City Commission held a public hearing and approved the petition with certain revisions.

This Ordinance amends the existing Blues Creek Planned Development (PD) to reflect a new Unit 5, Phase 2 with up to 44 single-family detached lots.

The Blues Creek subdivision is generally located west of NW 43rd Street, south of NW 81st Avenue, and north of NW 69th Lane. The development's western boundary is contiguous with the City of Gainesville city limits in this area. The Unit 5, Phase 2 subdivision comprises an approximately 36.7-acre portion of the entire approximately 300-acre Blues Creek development. The lots within this portion of Blues Creek wrap along the western boundary of the 90.29-acre drainage easement, recreation, and conservation area as shown on the PD Layout Plan attached as Exhibit "B" to this ordinance.

The development of Blues Creek was originally approved as an Alachua County Planned Unit Development (PUD) by Zoning Resolution Z-81-68 that was adopted on July 21, 1981. The County PUD was further amended by a revised Master Plan for Blues Creek adopted and approved by Alachua County dated November 1999. Portions of the overall Blues Creek PUD were annexed into the City of Gainesville by City Ordinances 001161, 001162, 001163, 002393, and 040290. These annexations occurred in 2001, 2002, and 2005.

Subsequent to the annexations, the City of Gainesville applied City future land use and zoning designations to the property. The City applied Planned Development (PD) zoning to the property via Ordinances 030472 (adopted 10/27/03) and 041187 (adopted 11/28/05).

The Blues Creek PD is mostly built out with the exception of 16 lots within Unit 7 and the remaining portion of Unit 5 that is the subject of this Ordinance. Unit 5, Phase 1 consisted of 10 single-family detached units. This ordinance sets forth the PD maps, PD report and development conditions for the remainder of Unit 5, to be known as Unit 5, Phase 2 of the Blues Creek Planned Development.

CITY ATTORNEY MEMORANDUM

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

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

1/28/16	City Plan Board	Postponed (Petition) to the City Plan Board
5/19/16	City Commission	Approved (Petition)
6/2/16	City Commission	Approved, as shown above
9/1/16	City Commission	Continued
9/15/16	City Commission	Approved, as shown above

[150694 Staff report 20160128.pdf](#)
[150694A Exh A-1 Proposed PD Report Application Neighborhood Worksh](#)
[150694B ExA-2 Proposed PD Layout Plan 20160128.pdf](#)
[150694C Exh A-3 Natural Areas Resource Assessment 20160128.pdf](#)
[150694D ExA-4 Design Plant 20160128.pdf](#)
[150694E ExB-1 thru Exh B-5 Supplemntal Documents 20160128.pdf](#)
[150694F ExhC-1 Citizen letters regarding Blues Creek PD Amendment 2016](#)
[150694G Exh D eda Blues Creek memo 20160225.pdf](#)
[150694H Exh E GSE Memo 12680 Final Report SS 20160225.pdf](#)
[150694I Exh F Citizen Comments 2-17-16 Blues Crk 20160225.pdf](#)
[150694A Staff report 20160519 .pdf](#)
[150694B Exh A-1 Proposed PD Report Application Neighborhood Worksh](#)
[150694C ExA-2 Proposed PD Layout Plan 20160519.pdf](#)
[150694D Exh A-3 Natural Areas Resource Assessment 20160519.pdf](#)
[150694E ExA-4 Design Plant 20160519.pdf](#)
[150694F ExB-1 thru Exh B-5 Supplemntal Documents 20160519.pdf](#)
[150694G ExhC-1 Citizen letters regarding Blues Creek PD Amendment 2016](#)
[150694H Exh D eda Blues Creek memo 20160519.pdf](#)
[150694I Exh E GSE Memo 12680 Final Report SS 20160519.pdf](#)
[150694J Exh F Citizen Comments 2-17-16 Blues Crk 20160519.pdf](#)
[150694K 160128 and 160228 CPB minutes 20160519 .pdf](#)
[150694L Staff ppt 20160519.pdf](#)
[150694 Blues Creek Letters 1 20160519.pdf](#)
[150694 Blues Creek Letters 2 20160519.pdf](#)
[150694 Blues Creek Letters 3 20160519.pdf](#)
[150694 Blues Creek Letters 4 20160519.pdf](#)
[150694 Blues Creek Letters 5 20160519.pdf](#)
[150694 Blues Creek Letters 6 20160519.pdf](#)
[150694 Blues Creek Letters 7 20160519.pdf](#)
[150694 Blues Creek Letters 8 20160519.pdf](#)
[150694 Blues Creek Letters 9 20160519.pdf](#)
[150694 Blues Creek Letters 10 20160519.pdf](#)
[150694 Blues Creek Letters 11 20160519.pdf](#)
[150694 Blues Creek EDA Petitioner Powerpoint 20160519.pdf](#)
[150694 applicant forms 20160519.pdf](#)
[150694 MOD Goldman 20160519.pdf](#)
[150694 MOD Blues Creek Master Owners Association Letter 20160519.pdf](#)
[150694 MOD petition form 20160519.pdf](#)

[150694 MOD petition form 2 20160519.pdf](#)
[150694 Blues Creek Order 20160602](#)
[150694 BluesCreekAlternatitve1 20160804.pdf](#)
[150694 BluesCreekAlternatitve2 20160804.pdf](#)
[150694 BluesCreekAlternatitve3 20160804.pdf](#)
[150694 Powerpoint 20160804.pdf](#)
[150694 AffidavitofLarryRoss 20160804.pdf](#)
[150694 AffidavitofOneliaLazzari 20160804.pdf](#)
[150694 AffidavitofPeterWallace 20160804.pdf](#)
[150694 PB-15-115 CCOM 20160901.pdf](#)
[150694 Blues Creek PPT_EDA 20160901.pdf](#)
[150694 QJ forms 20160901.pdf](#)
[150694 QJ Form 20160901.pdf](#)
[150694 Goldman Back-up 20160901.pdf](#)
[150694 2016-09-01 Blues Creek FEMA Current Map 20160901.pdf](#)
[150694 2016-09-01 Blues Creek FEMA Proposed 20160901.pdf](#)
[150694 2016-09-01 BLUES CREEK Topographic Map 20160901.pdf](#)
[150694 2016-09-01Blues Creek Flowways 20160901.pdf](#)
[150694 BLUESCREEK Tree Exhibit 201600901.pdf](#)
[150694 Lidar Topography Blues Creek 20160901.pdf](#)
[150694 Gainesville City Commission Letter.Blues Creek.Conrad.8-25-161-2 20160901.pdf](#)
[150694 Bruce Blank Letter 8-28-16 re Blues Creek 20160901.pdf](#)
[150694 draft ordinance 20170216.pdf](#)
[150694 EDA presentation 20170216.pdf](#)
[150694B Staff ppt 20170216](#)

ORDINANCES, 2ND READING - ROLL CALL REQUIRED

[160216.](#)

VOLUNTARY ANNEXATION - 100 ACRES OF PROPERTY SOUTHWEST OF THE CURRENT CITY BOUNDARY (B)

Ordinance No. 160216

An ordinance of the City of Gainesville, Florida, annexing approximately 100 acres of city-owned and privately-owned property that is generally located south of Tax Parcel No. 07240-049-000 and the existing City of Gainesville boundary, west of SW 41st Boulevard and Interstate 75, north of SW Williston Road, and east of SW 75th Street, as more specifically described in this ordinance, 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: Introduction

This ordinance will annex into the corporate limits of the City of Gainesville approximately 100 acres of property that includes city and privately-owned property, and which is generally located south of Tax Parcel No. 07240-049-000 and the existing City of Gainesville boundary, west of SW 41st Boulevard and Interstate 75, north of SW Williston Road, and east of SW 75th Street, as more specifically described in the ordinance.

At the request of the property owners seeking annexation into the City of Gainesville, the City Commission on August 4, 2016, received and accepted a petition for voluntary annexation of the property and directed the City Attorney to prepare an annexation ordinance. On September 15, 2016, the City Commission approved a previous version of this Ordinance on first reading. Second reading of the previous version of this ordinance was continued multiple times, due to a hurricane, to allow time for City and County staff to coordinate transition of services issues and prepare an Urban Services Report, and at the private property owner's/petitioner's request. Because of the multiple continuations, and in order to provide the most thorough City Commission review and public participation possible, this ordinance was re-advertised for a first and second reading.

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."

Contiguous

Section 171.031, F.S., of the Act defines "contiguous" as follows: "a substantial part of a boundary of the territory sought to be annexed by a municipality is coterminous with a part of the boundary of the municipality. The separation of the territory sought to be annexed from the annexing municipality by a publicly owned county park; a

right-of-way for a highway, road, railroad, canal, or utility; or a body of water, watercourse, or other minor geographical division of a similar nature, running parallel with and between the territory sought to be annexed and the annexing municipality, shall not prevent annexation under this act, provided the presence of such a division does not, as a practical matter, prevent the territory sought to be annexed and the annexing municipality from becoming a unified whole with respect to municipal services or prevent their inhabitants from fully associating and trading with each other, socially and economically."

When used in the context of municipal annexation, a Florida District Court of Appeal has articulated further that "contiguous" means "touching or adjoining in a reasonably substantial...sense." City of Sanford v. Seminole County, 538 So. 2d 113 (Fla. 5th DCA 1989).

Reasonably Compact

The Act requires voluntary annexations to be "reasonably compact," and defines "compactness" in Section 171.031, F.S., as: "concentration of a piece of property in a single area and precludes any action which would create enclaves, pockets, or finger areas in serpentine patterns. Any annexation proceeding in any county in the state shall be designed in such a manner as to ensure that the area will be reasonably compact."

The Act provides no further definitions or explanation of the "reasonably compact" requirement (with the exception of defining "enclave" as discussed below; 'enclave' is mentioned in the Act both within the definition of 'compactness' and as a stand-alone provision of the Act). However, case law from Florida's mid-level courts (i.e., Florida District Courts of Appeal; no cases on point from the Supreme Court of Florida) provide further elaboration on the "reasonably compact" requirement. Specifically, case law has defined the term "pocket" (which is included in the statutory definition of "compactness") as meaning "a small isolated area or group" when viewed "in relationship to the overall scope and configuration of the parcel in question and the surrounding municipal property," or meaning a voluntary annexation may not leave a small isolated unincorporated area "in a sea of incorporated property." City of Center Hill v. McBryde, 952 So. 2d 599 (Fla. 5th DCA 2007); City of Sanford v. Seminole County, 538 So. 2d 113 (Fla. 5th DCA 1989). Further, the term "serpentine" (which is also included in the statutory definition of "compactness") has been defined to mean "winding or turning one way and another," meaning voluntary annexations may not be shaped in a finger pattern that are winding or turning. City of Sanford v. Seminole County.

Enclave

Section 171.031, F.S., of the Act defines "enclave" as: "(a) any unincorporated improved or developed area that is enclosed within and bounded on all sides by a single municipality; or (b) any unincorporated improved or developed area that is enclosed within and bounded by a

single municipality and a natural or manmade obstacle that allows the passage of vehicular traffic to that unincorporated area only through the municipality."

General Purpose of Municipal Corporation

A Florida Court of Appeal has described that, as a city considers any particular annexation of land, it is helpful to consider the general purpose and goals of a municipal corporation as follows: "the legal as well as the popular idea of municipal corporation in this country, both by name and use, is that of oneness, community, locality, vicinity; a collective body, not several bodies, a collective body of inhabitants-that is, a body of people collected or gathered together in one mass, not separated into distinct masses, and having a community of interest because residents of the same place, not different places. So, as to territorial extent, the idea of a city is one of unity, not of plurality; of compactness or contiguity, not separation or segregation." City of Sanford v. Seminole County.

Discussion

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 described above 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 Urban Services Report prepared by staff, 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

8/4/16	City Commission	Approved as Recommended
9/15/16	City Commission	Adopted on First Reading (Ordinance)
10/6/16	City Commission	Continued
10/20/16	City Commission	Continued
11/3/16	City Commission	Continued
11/17/16	City Commission	Continued
2/2/17	City Commission	Adopted on First Reading (Ordinance)

[160216 SignedPetition 20160804.pdf](#)

[160216 draft ordinance 20160915.pdf](#)

[160216 Comments from Alachua County 20160915.pdf](#)

[160216B Urban Services Report 20161117.pdf](#)

[160216A draftordinance 20170202.pdf](#)

[160216B Presentation 20170202.pdf](#)

[160216-MOD Letter from County Mgr 20170202.pdf](#)

160580.**APPENDIX A - SCHEDULE OF FEES, RATES AND CHARGES, UNIVERSITY OF FLORIDA WATER SERVICE RATES (B)**

Ordinance No. 160580

An ordinance of the City of Gainesville, Florida, amending the Code of Ordinances, by amending Appendix A, Schedule of Fees, Rates and Charges, to revise fees, rates, and charges for water service provided to the University of Florida; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: WATER/WASTEWATER DEPARTMENT STAFF REPORT

On January 5, 2017, the City Commission authorized the City Attorney to draft, and the Clerk of the Commission to advertise an ordinance adopting the recommended rates, fees and charges for water services for the University of Florida. Based on GRU's water cost of service study, water rates for the University of Florida are established by contract and updated annually in Appendix A of the Code of Ordinances. However, during the FY 2017 budget process, GRU staff inadvertently omitted revisions to the rates for water service to the University of Florida. The amended rates are reflected in the proposed ordinance.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings. The first reading is scheduled for February 2, 2017. The second reading is scheduled for February 16, 2017.

Fiscal Note: The amended rates are likely to result in a projected revenue decrease of 1.4% for the water system in Fiscal Year 2017.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

1/5/17 City Commission Approved as Recommended
2/2/17 City Commission Adopted on First Reading (Ordinance)

[160580 Appendix A Section 3 Water - UF corrected rates 20161214](#)

[160580 Appendix A Section 3 Water - UF corrected rates 20170105](#)

[160580 Draft Ordinance.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