

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Meeting Agenda - Final

March 2, 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**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**[160782.](#)**City Commission Minutes (B)****RECOMMENDATION**

The City Commission approve the minutes of January 31, February 2, and February 16, 2017.

[160782_Minutes_20170302.pdf](#)[160782_Minutes_20170302.pdf](#)[160786.](#)**Resignation of Debi Martinez from the Gainesville/Alachua County Cultural Affairs Board (B)****RECOMMENDATION**

The City Commission accepts the resignation of Debi Martinez, effective immediately.

[160786_ResignationDebiMartinez_20170302.pdf](#)[160768.](#)**FCHR CHARGE - NICOLE MARSHALL V. CITY OF GAINESVILLE; FCHR CHARGE No. 2017-00135 (NB)**

Explanation: On February 6, 2017, the City of Gainesville received a Charge of

Discrimination from the Florida Commission on Human Relations. Ms. Marshall, a former City employee, alleges discrimination because of her race, color, disability, as well as unlawful retaliation.

RECOMMENDATION

The City Commission authorize the City Attorney to represent the City in the case styled Nicole Marshall v. City of Gainesville; FCHR CHARGE No. 2017-00135.

[160743.](#)

Professional Services Agreement Extension for Financial Advisory Services (NB)

****This item was presented to the Utility Advisory Board on 2/15/17.****

Explanation: GRU employs the services of a financial advisor to assist in developing and implementing strategies to meet the Utility's long-term capital financing needs. The financial advisor supports staff in evaluating financial options, helps with technical aspects of designing financial arrangements and instruments, and aids in representing the Utility's interest in financial market dealings. Due to the significance of information provided by a financial advisor, it is imperative that GRU receive information from the most experienced and knowledgeable public utility financial advisory firm.

Public Financial Management, Inc. (PFM) has served as GRU's financial advisor since 2006, after being selected as a result of an extensive, competitive evaluation process. The current contract received authorization from the City Commission on January 19, 2012 to enter into a five year contract with PFM. The contract is set to expire on March 31, 2017, unless earlier amended. The contract provides for up to five-years of contract amendments upon mutual agreement of the parties and negotiation of the contract prices. Given the current economic environment, PFM's knowledge and experience with the complexity of GRU's structure and PFM's solid past performance, staff believes that it is in GRU's best interest to retain PFM's services for the extensive resources they offer.

A proposed monthly retainer fee of \$5000.00 per month is competitive in the industry. Other fees for bond, investment, and project expenses are paid based on established rates and the project requirements on an as-needed basis.

This item was presented to the Utility Advisory Board at its February 15, 2017 regular meeting.

Fiscal Note: Funds are available in the FY 2017 budget and will be requested in subsequent year budgets.

RECOMMENDATION

The City Commission: 1) authorize the General Manager, or his designee, to negotiate and

execute up to five (5) years of contract amendments with Public Financial Management, Inc. for Financial Advisory Services, subject to the approval of the City Attorney as to form and legality; and 2) approve the issuance of purchase orders to Public Financial Management, Inc. in amounts not exceeding \$120,000 for each year of the contract amendment pending final appropriation of funds for each fiscal year.

UAB Recommendation: The UAB recommends that the Commission approve the contract amendment.

[150907.](#)

Rules of the Utility Advisory Board (B)

Explanation: At their February 15, 2017 regular meeting, the Board did a final review of their draft rules, which had been revised by the City Attorney on the Board's behalf. They voted 5-1 (with member Annie Orlando in dissent and member Darin Cook absent) to accept the rules as drafted and to send them to the City Commission for final approval.

RECOMMENDATION *Approve the rules of the Utility Advisory Board as drafted.*

Legislative History

12/1/16 City Commission Approved as Recommended

[150907 Board Logistics Matrix 20160412](#)

[150907 UAB Draft Rules 20160504](#)

[150907 UAB Rules of Order - Draft 20160504](#)

[150907 UAB Draft Rules 20160720](#)

[150907 UAB Draft Rules 20161116](#)

[150907 UAB Draft Rules 20161201](#)

[150907 UAB Draft Rules 20170118](#)

[150907 UAB Draft Rules-Orlando Revision 20170118](#)

[150907 Draft Rules of Procedure - UAB 20170215](#)

[150907 Final UAB Rules of Procedure 20170302](#)

[150085.](#)

Implementation for Parks, Recreation & Cultural Affairs Master Plan and Continued Acquisition of Conservation and Park Land (B)

This item requests that the City Commission review and approve additions to the priority list of the Land Conservation and Park Acquisition Program.

Explanation: At the November 15, 2012 meeting, the City Commission approved the Parks, Recreation and Cultural Affairs (PRCA) Master Plan. The PRCA Master Plan calls for the City to acquire land adjacent to parks and centers in order to allow for future expansion.

Since 2009, the City has been attempting to acquire the first and second priority properties on the approved Land Conservation and Acquisition list. Some landowners have been willing to sell, but others have not. Since many of the priority landowners are unwilling to sell or are at an impasse on price, staff evaluated undeveloped parcels within City limits and outside the City limits but within the urban reserve for potential acquisition. Thirteen (13) parcels of interest were identified and added to the land acquisition priority listing on April 5, 2012. Twenty-one (21) passive/conservation parcels were approved to be added to the list by the City Commission on July 16, 2015.

This request is to add six (6) new parcels to the PRCA land acquisition list to expand four (4) parks. The first proposed addition would expand the City's 29th Road Nature Park by 3.54 acres. The second proposed addition would expand Colclough Pond Nature Park by 36.4 acres and potentially provide public access and parking. A third proposed addition would expand Split Rock Conservation Area by 15 acres and potentially provide public access and parking. The last proposed addition is adjacent to the City's TB McPherson Park and could expand the park to provide additional amenities and parking. Additionally, the Wild Spaces Public Places approved project list includes all four (4) parks for potential improvements.

In accordance with PRCA departmental policy on "Acquisition of Conservation Lands," additional parcels are selected by the following prioritization criteria: a) expand an existing conservation area; b) connect existing conservation areas together; or c) are within a Strategic Ecosystem, or have sensitive habitat, or the potential for species that are listed statewide or nationally as rare, threatened, or endangered.

Fiscal Note: None at this time.

RECOMMENDATION

The City Commission: 1) review the Land Conservation and Acquisition Table; and 2) approve this update to the priority list of the Land Conservation and Park Acquisition Program.

Legislative History

7/16/15 City Commission Approved, as shown above

[150085A_UpdatedList_20150716.pdf](#)

[150085B_Maps_20150716.pdf](#)

[150085A_Land_Acq_List_20170302.pdf](#)

[150085B_Acq_working_map_Jan_17_NW_20170302.pdf](#)

[150085C_Acq_working_map_Feb_17_SE_20170302.pdf](#)

[150085D_Acq_working_map_Feb_17_SW_20170302.pdf](#)

[160594.](#)

Revision to the Regional Transit System (RTS) Employee Bus Pass Program (B)

This item is a request for the City Commission to approve the continuation of the Employee Bus Pass Program as a routine RTS program, authorize the City Manager or designee to execute service agreements with local agencies for the Employee Bus Pass Program, and authorize approval authority to the City Manager or designee for future minor program modifications

Explanation: The Employee Bus Pass Program was created to alleviate traffic and parking problems, particularly at the University of Florida (UF) and Downtown. The program has been in effect since January 24, 2000, with UF employees being the first to participate. Currently over 30,000 employees from several agencies participate in the program including UF, Santa Fe College (SF), the City of Gainesville, Alachua County, UF Health, North Florida and South Georgia Veterans Health System (VA), and others.

RTS desires to continue the Employee Bus Pass Program. RTS reviewed usage rates between FY14 and FY16 and proposes establishing a variable cost program during the next period of contract renewals starting in 2017. This will help ensure the program goal of capturing \$0.75 per trip is more likely achieved. New participants can be offered a set base rate that is then adjusted based on usage rates at their next contract renewal period. This ensures that RTS captures its minimum target amount, while customizing the employers' costs for participating to align with actual use of the program.

Fiscal Note: The 2016 program brought in revenue in the amount of \$233,715. RTS projects that based on the program adjustment, revenues could increase by as much as \$47,000 for the 2017 program.

RECOMMENDATION

The City Commission: 1) approve the continuation of the Employee Bus Pass Program as a routine RTS program, 2) authorize the City Manager or his designee to execute service agreements with local agencies for the Employee Bus Pass Program, subject to approval by the City Attorney as to form and legality; and 3) authorize approval authority for the City Manager or designee for future minor

program modifications.

[160594 Employee Bus Pass Program Guidelines 20170302.pdf](#)

[160744.](#)

Voluntary Annexation Petitions for 100+ Acres Owned by Multiple Property Owners South of Archer Road and West of I-75 (B)

This is the submission of petitions for voluntary annexation of parcels 06943-002-000, 06944-000-000, 06944-001-000, 06949-000-000, 06949-001-000, 06949-002-000, a portion of 06951-000-000, 06952-000-000, 06952-001-000, 06952-002-002, and 06952-003-000, which are owned by multiple property owners. There are 11 total parcels, six (6) of which have single family homes and five (5) of which are vacant. The total annexation area is approximately 107.7+/- acres and is located south of Archer Road and West of I-75.

Explanation: Paul and Joan Florence have submitted a petition to the City of Gainesville for voluntary annexation of parcel 06943-002-000. Jeffery A. Brakke has submitted a petition to the City of Gainesville for voluntary annexation of parcel 06944-000-000 and parcel 06944-001-000. Denson & Herndon, Et Al have submitted a petition to the City of Gainesville for voluntary annexation of parcel 06949-000-000. Charlotte L. Howard has submitted a petition to the City of Gainesville for voluntary annexation of parcel 06949-001-000. Morris Sheffield has submitted a petition to the City of Gainesville for voluntary annexation of parcel 06949-002-000. Randall Coy Watson has submitted a petition to the City of Gainesville for voluntary annexation of a portion of parcel 06951-000-000. Youram S. Sukhram has submitted a petition to the City of Gainesville for voluntary annexation of parcel 06952-000-000. M.D. and Sharon Sheffield have submitted a petition to the City of Gainesville for voluntary annexation of parcel 06952-001-000. Mario and Eloisa Zarragoitia and Mario L. Zarragoitia have submitted a petition to the City of Gainesville for voluntary annexation of parcel 06952-002-002. Jerry A. Rosenberg has submitted a petition to the City of Gainesville for voluntary annexation of parcel 06952-003-000.

Collectively these parcels are located south of SW Archer Road, west of Parcel 07240-049-000, the City of Gainesville boundary, and Brooks Estate, north of SW 57th Avenue, and east of SW 63rd Boulevard.

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 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 parcels is approximately \$513,200, and select parcels are being annexed with the intent of future development.

The developer is proposing a residential use, 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.

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 Alachua County 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

[160744A Letter of Transmittal 20170302](#)

[160744B 06943-002-000 20170302](#)

[160744C 06944-000-000 20170302](#)

[160744D 06944-001-000 20170302](#)

[160744E 06949-000-000 20170302](#)

[160744F 06949-001-000 20170302](#)

[160744G 06949-002-000 20170302](#)

[160744H 06951-000-000 20170302](#)

[160744I 06952-000-000 20170302](#)

[160744J 06952-001-000 20170302](#)

[160744K 06952-002-002 20170302](#)

[160744L 06952-003-000 20170302](#)

[160744M Annexation Map-Archer rd 20170302](#)

160805.**Joint Meeting with Utility Advisory Board (NB)**

MODIFICATION - ADDED ITEM TO CONSENT AGENDA

Explanation: GRU staff is requesting a joint meeting of the City Commission and the Utility Advisory Board to discuss GRU's 5 year planning forecast.

RECOMMENDATION

The City Commission schedule a joint meeting with the Utility Advisory Board on March 23, 2017 at 1:00 p.m. at the Gainesville Regional Utilities Administration Building.

160760.**Nominations - Library District Board of Trustees (B)**

MODIFICATION - MOVED TO THE CONSENT AGENDA.

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 representative, three (3) are Alachua County representatives, and one (1) is a representative of the Alachua County League of Cities. The term of City Representative Robert Woody expires on March 31, 2017.

The Library District advertised one City of Gainesville vacancy, one Alachua County vacancy and one Alachua County League of Cities vacancy from January 10, 2017 - February 10, 2017. 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.

[160760_library_district_nominations_20170302.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.

[160267.](#)

Murphree Water Treatment Plant Electrical Upgrade (B)

****This item was presented to the UAB on 2/15/17.****

Explanation: The Murphree Water Treatment Plant (WTP) is the sole source of drinking water for 189,000 GRU customers daily. The treatment equipment used to produce drinking water is primarily powered by electricity. The electrical equipment for the most critical water treatment equipment was installed with the original plant in 1975. The equipment has reached the end of its functional life and spare parts are not readily available for this equipment. Several electrical components have recently failed resulting in time intensive and expensive repairs. GRU must replace and upgrade the power system components to ensure reliable and safe drinking water service to its customers.

The Murphree Water Treatment Plant Electrical Upgrade includes a new building with associated electrical equipment to power and control the existing plant processes. In 2015 the City Commission approved a contract with CH2M for design of the electrical system upgrades. Design was completed in 2016 and an informational item was presented to the

Utility Advisory Board (UAB) and City Commission in September 2016 to explain the proposed evaluated bidding process. The project is now entering the construction phase.

An Invitation to Bid was issued by GRU Purchasing to thirty-three (33) contractors and was posted on GRU's web page. A mandatory pre-bid meeting was held. Seven bids were received, four as no bids. Bids were evaluated based on pricing, experience, project approach, safety, small business, and local preference. Ortega Industrial Contractors, Inc. provided the best evaluated bid. A tabulation of the bids received is attached for reference.

The item was presented to the Utility Advisory Board on 2/15/17.

Fiscal Note: The construction contract is proposed to be awarded for \$7,937,885. The total construction phase cost is estimated at \$11,000,000 which includes outside engineering services, owner direct purchases, and GRU staff time. The construction phase has been planned in the water system capital budget over a 3 year period.

RECOMMENDATION

Staff recommends that the City Commission: 1) authorize the General Manager, or his designee, to execute a contract with Ortega Industrial Contractors, Inc., subject to approval by the City Attorney, for the construction of the Murphree Water Treatment Plant Electrical System Upgrade Project; and 2) approve the issuance of a purchase order to Ortega Industrial Contractors, Inc. for the project in the amount of \$7,937,885 subject to approval of the City Attorney as to form and legality, subject to the final appropriation of funds.

UAB Recommendation: The UAB is in agreement with staff's recommendation.

Legislative History

9/1/16	City Commission	Continued
9/15/16	City Commission	Continued
10/6/16	City Commission	Continued
10/20/16	City Commission	Heard

[160267 CH2M Elec Eval Facilities Asmt 2016.08.17](#)

[160267 Murphree Water Plant Elec Upgrade Pres 20160817](#)

[160267 CH2M Elec Eval Facilities Asmt 20160901](#)

[160267 Murphree Water Plant Elec Upgrade Pres 20160901](#)

[160267 MWTP Bid Tab wPricing 20170215](#)

[160267 MWTP Electric Upgrade Presentation 20170215](#)

[160267 MWTP Electric Upgrade Presentation 20170302](#)

[160267 CC Bid Tab 2016-090 with Pricing 20160302](#)

[160496.](#)**Special Event Support Policy for General Government (B)**

This item relates to City Commission consideration and approval of a policy addressing City support for non-profit and government agency special events. **ESTIMATED STAFF PRESENTATION 10 MINUTES**

Explanation: At the August 4, 2016 City Commission meeting, the issue of City co-sponsorship of special events came up for discussion. Recently, an increasing number of organizations have requested the City to support their special events on City property which, if approved, results in a reduction of City fees for the special event.

The City is becoming a significant hub for festivals and special events resulting in increasing interest in the use of City property in which to hold them. Non-profit organizations and government agencies often seek reductions in fees, fee waivers and/or City co-sponsorship of their events. This increased level of activity, and the expectation that this will continue to increase in the future, results in the need for the City to establish sound policies and procedures for managing these requests.

Fee Reductions, Fee Waivers and Co-sponsorships for events and programs have been handled on a case-by-case basis. In the past, the City Commission budgeted City Commission contingency funds which could be used for City Commission-directed projects, donations, sponsorships and co-sponsorship requests which were brought before the City Commission for consideration. During the Fiscal Year 2010 budget process, the City Commission contingency funds were eliminated from the budget.

Staff has encouraged organizations interested in funding support from the City to consider applying for the Support Service Grants if they meet the general requirements. The Parks, Recreation and Cultural Affairs Department manages the Support Services Grant process that occurs during the 2-year budget cycle. Grants are available to 501 (c) (3) non-profit organizations to help cover the cost of City provided services needed to support the special events. Staff has developed a policy for City Commission consideration outlining how these requests could be handled in the future.

At the November 17, 2016 meeting the City Commission requested staff to report back on revisions to the proposed fee waiver and financial impacts.

Fiscal Note: Revenues generated through applications, permits, rentals and related fees help offset administrative/operating costs and are generally deposited in the general fund and are calculated each year as anticipated revenues. If Fee Reductions, Fee Waivers and/or Support Grants increase this may result in a decline in anticipated revenues and an increase in operating costs for certain departments.

RECOMMENDATION

The City Commission: 1) hear a presentation from City staff on revisions to the draft policy; 2) provide additional input and guidance on the draft policy; and 3) direct staff to finalize the policy and return to the City Commission with a resolution for adoption of the policy.

Legislative History

11/17/16 City Commission Approved, as shown above

[160496 Special Events Fee Waiver Policy 20161117.pdf](#)

[160496A Special Events Fee Waiver Policy final draft 20170302.docx](#)

[160496B Graph 2014-2016 Events Revenue 20170302.pdf](#)

160739.**Grant Funding to Retrofit the Martin Luther King, Jr. Facility as an Emergency Shelter (NB)**

This item recommends that the City Commission authorize the City Manager to accept grant funds from the FY2016/17 State of Florida Division of Emergency Management Hurricane Shelter Retrofit Project program.

Explanation: The Martin Luther King, Jr. building was constructed in 1995 and should, therefore, meet the advanced building codes required post-Hurricane Andrew. Mr. Danny Kilcollins from the Florida Division of Emergency Management (FDEM) informed staff that the building could qualify for the FDEM grant-funded retrofit program.

The FDEM is offering the City reimbursement funding up to \$200,000 to complete the retrofit. The first phase provides funding up to \$15,000 to conduct an engineering study to determine the feasibility of retrofitting to current ARC 4496 hurricane shelter standards, as well as wind design and load path standards; to write an appropriate Scope of Work; and to estimate the cost to complete the needed work. The second phase funding provides up to \$185,000 for the installation of window, door, louver or other opening protection measures (or other types of minor structural projects), and for protection, wiring, and switching for buildings where generators may be used temporarily. The project must meet the ARC 4496 hurricane shelter selection guidelines upon completion of the grant activities/scope-of-work and be on the inventory for public shelter space for fifteen years.

The project will require coordination with Alachua County Emergency Management as the grant will not pay for a generator to power the facility. The generator costs will need to be identified during the first phase of the project. If the facility is operated as an approved shelter within Alachua County, the cost of the generator may be borne by the County. This will have to be evaluated as the project proceeds, however there may be a need to seek City funding through the General Fund

fund balance.

The City must notify FDEM of its intent by March 6th, 2017.

Fiscal Note: There is no match required. The only potential cost to the City may be associated with a generator purchase and installation which would need to be funded from General Fund fund balance.

RECOMMENDATION The City Commission authorize the City Manager to apply for, accept, and execute any and all related documents regarding the FDEM Shelter Retrofit Project subject to approval by the City Attorney as to form and legality.

[160789.](#)

Commissioner Todd Chase - Gainesville Candidate and Commissioner Oath (NB)

RECOMMENDATION The City Commission discuss and take action deemed appropriate.

[160799.](#)

Draft Memorandum of Understanding with GREC (B)

MODIFICATION - ADDED ITEM TO AGENDA.

Explanation: The impact of the Power Purchase Agreement (PPA) with GREC is both financial and operational in addition to legal. The core of the PPA's financial impact is GRU's obligation to pay GREC \$194,709 a day for what is termed "Available Energy". This cost represents GREC's cost of ownership and fixed cost of operations.

Staff believes that for the right buyout price, GRU can reduce the \$194,709 a day to which it is already obligated. A buyout of GREC's PPA will generate savings in the hundreds of millions of dollars if GRU can negotiate a reasonable buyout price.

Based on the history of the GRU/GREC relationship, staff believes that the draft, non-binding MOU, written from GRU's perspective, is critical in moving the conversation forward. The MOU sets a framework under which both GRU and GREC can move toward a contract to buy out the PPA. The MOU has not been executed by either GREC or GRU. GRU anticipates that there will be further discussions between the parties over the conditions.

Fiscal Note: The draft MOU is not a binding agreement. As further negotiation takes place, the fiscal impact will be thoroughly discussed in public forums.

RECOMMENDATION The City Commission and staff discuss:

1. The draft MOU, inherent risks of a purchase and how GRU weighed the risks
2. Future steps

[160799 GRU-GREC Draft MOU 20170302](#)

[160799 GRU-GREC MOU Facts 20170302](#)

[160799 Draft MOU w-GREC Presentation 20170302](#)

[160811.](#)

House Bill 759 regarding governance and management of certain of the City's utility assets (B)

MODIFICATION - ADDED ITEM TO AGENDA

Explanation: On Thursday, February 9, 2017, State Representative Chuck Clemons Sr., filed House Bill 759 (the "Bill") to amend the City's Charter to address governance and management of the City's electric, water, wastewater, reuse water, natural gas and communications utility assets. The Bill, as currently written, requires a City voter referendum to be held in March 2018 to approve or reject the following question: "Shall the Charter of the City of Gainesville be amended by creating the Gainesville Regional Utilities Authority as the governing board of Gainesville Regional Utilities and appointed by the City Commission of the City of Gainesville?" The Bill provides that if the referendum is approved by majority vote, the act shall take effect - meaning the City would then be required to implement the substantive provisions of the Bill.

With one key exception (described below), the substantive provisions of the Bill are the same as last year's CS/CS/HB 1355, which was approved by the State Legislature and then vetoed by the Governor. In his veto letter dated March 25, 2016, the Governor states his reasons for veto as follows: "Across Florida, hundreds of appointees serve on boards with critical governance and regulatory responsibilities for which the appointees are not compensated. The success of similar utility authorities that do not compensate board members demonstrates that qualified individuals will answer the call to serve the public, without consideration of a taxpayer supported payment." The Bill addresses the Governor's concern by deleting last year's compensation provisions and including the following language: "7.06 Member compensation. - Members of the authority shall serve without compensation but may receive reimbursement for per diem and travel expenses incurred in the performance of their duties, as provided in s. 112.061, Florida Statutes."

It is the professional opinion of the Charter Officers that the Act, if it becomes effective, will require substantial City resources (time and money) to implement and will materially affect the roles and areas of responsibility that are vested in each Charter Officer pursuant to the City Charter. As such, the Charter Officers believe it important for the City to prepare an impact statement that analyzes the expected effects of Bill. The impact statement will address the key substantive provisions of the Bill, which include, but are not limited to: what exactly does the bill create, duties of new board to the City, role of new board and new utilities manager, fiscal impacts, employment and human resource issues, and existing and future debt of the utilities systems. The impact

statement will also address issues on which the bill is either silent or provides little detail, but will nonetheless, in the professional opinion of the Charter Officers, affect the City if required to implement the Bill.

The impact statement will be fact-based and will not take any advocacy position. The impact statement is intended to be a useful resource for (and will be distributed to) the City's lobbyist(s), State Legislators and interested community groups and citizens. In addition, the impact statement can serve as a comprehensive set of talking points for City Commissioners and staff who speak to this issue in the community. Given the time sensitive nature of this matter, the Charter Officers will work to quickly prepare the impact statement for immediate distribution. The Charter Officers will update the impact statement, if needed, as the Bill makes its way through the State Legislative process.

RECOMMENDATION

Direct the City Attorney to work with the City Manager, General Manager for Utilities, Equal Opportunity Director, Clerk of the Commission and the City Auditor, to prepare and distribute an impact statement as described in this agenda item.

[160811 House Bill 759 20170302.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

[160777.](#)

**Jean Lansford, Carson Bell, John Jopling, Thomas Fasulo, Green
Clean Homes and Searchlight Yoga Day - March 2, 2017 (B)**

RECOMMENDATION *Star Good Neighbor Thomas Fasulo and John Jopling, Star Volunteer Carson Bell and Jean Lansford and Star Green Business Searchlight Yoga and Green Clean Homes to accept the proclamation.*

[160777_StarVolunteer_20170302.pdf](#)

[160777_StarVolunteerSign_20170302.pdf](#)

[160778.](#)

Shawn Harrigan Day - March 2, 2017 (B)

RECOMMENDATION *Shawn Harrigan to accept the proclamation.*

[160778_ShawnHarrigan_20170302.pdf](#)

[160779.](#)

Tom Hart and Leela Corman, Hector Puig and Hector Framing and Gallery and Angela Terrell Day - March 2, 2017 (B)

RECOMMENDATION *Artists/Educators Tom Hart and Lela Corman, Hector Framing and Gallery Owner Hector Puig and Educator Angela Terrell to accept the proclamation.*

[160779_ArtAward_20160302.pdf](#)

[160780.](#)

Ken and Linda McGurn Day - March 2, 2017 (B)

RECOMMENDATION *Citizens and Business Owners Ken and Linda McGurn to accept the proclamation.*

[160780_KenandLindMcGurn_20170302.pdf](#)

[160783.](#)

Florida Municipal Electric Association Day - March 2, 2017 (B)

RECOMMENDATION *GRU General Manager Ed Bielarski to accept the proclamation.*

[160783_FMEA_20170302.pdf](#)

[160784.](#)

Perry C. McGriff, Jr. Lifetime Blood Donor Week - March 6-10, 2017 (B)

RECOMMENDATION *Family of Perry C. McGriff, Jr. to accept the proclamation.*

[160784_PerryMcGriffJr_20170302.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

[160684.](#)

Restricted Decal Parking Area Zone 9 Expansion (B)

This item is a request to expand the existing Zone 9 restricted decal parking area to cover the area to the west side of SW 5th Terrace between West University Avenue and SW 2nd Avenue. The existing Zone 9 currently stops on SW 6th Street, one block to the west.

Explanation: A business property owner on SW 5th Terrace requested the City of Gainesville complete a feasibility study to implement decal parking in the blocks requested. The request was due to the lack of available parking in the immediate area. The request also included implementing spaces for short term or customer use parking. Zone 9 is a neighborhood decal parking zone that is established for Monday through Friday from 8:00 AM to 4:00 PM.

The Public Works Department Parking Operations staff conducted a study in accordance with the Gainesville Code of Ordinances, Chapter 26, Section 26-117, Criteria and Procedures for Establishing Controlled Vehicular Parking Areas. The ordinance requires that the parking occupancy rate be more than 50%. The study revealed that the occupancy rate for this area was greater than 86%. Based upon the results, the two property owners located in the proposed area were mailed ballots and both ballots were returned in favor of the expansion. The next step will be for the City Commission to hold a public hearing. A public notice was advertised and the registered property owners in the affected area have been noticed. The expansion can be implemented if, after the public hearing, the City Commission finds that the area meets the requirements of Chapter 26, Section 26-117 (a) of the Code of Ordinances and approves the expansion to include the studied area.

The existing parking spaces are all located on the west side of SW 5th Terrace, so the study did not include the east side of the street. The Continuum (425 W. University Ave) was not included in the study either because there is a five-level parking garage for the residents and visitors that is free for their use. There are three separate bays of parking in the studied area: 11 spaces, 4 spaces and 19 spaces. For best use, staff recommends the 11 and 19 space bays be designated Zone 9 decal parking and the 4 spaces in-between designated as two-hour time limited for visitor and customer use in the area.

Fiscal Note: Funding in the amount of \$300 is available in the Public Works operating budget for materials and supplies.

RECOMMENDATION

The City Commission: 1) hold a public hearing; 2) consider the findings of the study, the recommendation of the City Manager, the results of the vote of the property owners, and any other information the Commission deems relevant; and 3) decide whether to approve the expansion of Zone 9.

[160684_MapZone9Addition_20170216.pdf](#)

RESOLUTIONS - ROLL CALL REQUIRED**TRANSMITTAL HEARING**

[160486.](#)

COMPREHENSIVE PLAN AMENDMENT - TRANSPORTATION MOBILITY ELEMENT (B)

Ordinance No. 160486, Petition No. PB-16-143 CPA
An ordinance of the City of Gainesville, Florida, amending the Comprehensive Plan of the City of Gainesville by amending the Transportation Mobility Element to provide spacing requirements for the placement of fueling pumps and other accessory automotive uses in Policies 10.3.2 and 10.4.9; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

Fiscal Note: This petition amends Policies 10.3.2 and 10.4.9 of the Transportation Mobility Element of the Comprehensive Plan to provide greater flexibility for the placement of fueling pumps and associated canopies within proximity to residential zoning districts and PD zoned properties with predominantly residential uses.

This petition was initiated at the direction of the City Commission at their August 18, 2016 Regular City Commission Meeting during the discussion of Item 160134, which was a request to construct a gasoline service station with 12 fueling positions near the Greater Duval neighborhood. The Commission directed Planning staff to prepare amendments to the Transportation Mobility Element of the Comprehensive Plan to include additional flexibility for the placement of fuel pumps when proximate to residential zoned properties and to amend the Land Development Code to address the placement of gasoline stations when abutting single family neighborhoods.

Policies 10.3.2 and 10.4.9 of the Transportation Mobility Element regulate gasoline stations and the placement of fueling pumps within the City. Currently, Policy 10.3.2 requires that all fueling pumps be located

to the rear of buildings. The intent of the policy is to bring service station and associated convenience store buildings closer to the street and public sidewalk in order to provide a consistent street edge, improve pedestrian safety, improve site aesthetics, and comply with City requirements for building placement stipulated in many of the City's Special Area Plans. However, this requirement can result in fueling pumps and associated canopies, underground gasoline storage tanks, and loading and vehicular use areas being located closer to residential areas under certain circumstances. The proposed comprehensive plan text change proposes to amend this requirement to allow fueling pumps to be located at the side or the front of the building where a gasoline service station is located within 50' (straight line measurement) of a property with a residential zoning district or a PD zoning that is predominantly residential uses. This amendment would permit greater flexibility to locate the canopies and fueling stations further away from adjacent neighborhoods. Planning staff recommends a 50' radius in order to account for intervening right-of-way between the gas station and residential neighborhoods. Typical local street right-of-way widths range within the City between 36'-50' on average.

Planning staff has analyzed the existing operational gasoline service stations within the City limits and have determined that approximately 7 stores are located within a 50' proximity to residential zoning. All seven of these stations were built prior to the City implementing regulations within the Transportation Mobility Element requiring gasoline stations and convenience store facilities with fuel pumps to place fueling stations behind the service station building. As a result, the stations fuel pumps are currently considered legal non-conforming structures but would be rendered conforming with this amendment.

Public notice was published in the Gainesville Sun on October 11, 2016. The City Plan Board held a public hearing on October 27, 2016 and voted 6-1 to recommend the City Commission approve this petition.

CITY ATTORNEY MEMORANDUM

Section 163.3184, Florida Statutes, sets forth the procedure for amending the Comprehensive Plan. The first hearing is the transmittal stage and must be advertised at least seven days prior to the hearing. The second hearing is the adoption stage and must be advertised at least five days prior to the hearing. Within ten working days after the first hearing, the City must transmit the amendment to the reviewing agencies and to any other local government or state agency that has filed a written request for same. These agencies have 30 days after receipt of the amendment to forward comments to the City. The City must consider any written comments received during the second hearing. If adopted on second reading, the City will forward the amendment within ten working days to the state land planning agency and any party that submitted written comments.

Within 30 days following the City's adoption of this amendment to the

Comprehensive Plan, any affected person may file a petition with the State Division of Administrative Hearings to request a hearing to challenge the amendment's compliance with Chapter 163, Florida Statutes. If not timely challenged, this amendment shall become effective 31 days after the state land planning agency notifies the City that the amendment package is complete. If timely challenged, this amendment shall become effective when the state land planning agency or the Administration Commission issues a final order determining that this amendment is in compliance with Chapter 163, Florida Statutes. No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before this amendment has become effective.

RECOMMENDATION *The City Commission: 1) approve Petition No. PB-16-143 CPA; and 2) adopt the proposed ordinance.*

[160486 Staff report and Exhibits A-F_20161027](#)

[160486A draft ordinance 20170302.pdf](#)

[160486B Staff report and Exhibits A-F_20170302](#)

[160486C CPB minutes 20170302](#)

[160486D Staff ppt_20170302](#)

ORDINANCES, 1ST READING - ROLL CALL REQUIRED

[160484.](#)

TEXT CHANGE - AMENDING GASOLINE AND ALTERNATIVE FUEL SERVICE STATIONS (B)

Ordinance No. 160484, Petition PB-16-144 TCH

An ordinance of the City of Gainesville, Florida, amending Section 30-93 Gasoline and alternative fuel service stations (GN-554), and food stores (MG-54) with accessory gasoline and alternative fuel pumps of the Land Development Code (Chapter 30 of the City of Gainesville Code of Ordinances) to provide compatibility requirements; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

This petition amends Land Development Code Section 30-93. - Gasoline and alternative fuel service stations (GN-554), and food stores (MG-54) with accessory gasoline and alternative fuel pumps to provide compatibility requirements for the siting of these facilities near residentially zoned property.

This petition was initiated at the direction of the City Commission at the

August 18, 2016 Regular City Commission Meeting during the discussion of Item 160134, which was a request to construct a gasoline service station with 12 fueling positions near the Greater Duval neighborhood. The Commission directed Planning staff to amend the Transportation Mobility Element of the Comprehensive Plan to include additional flexibility for the placement of fuel pumps when proximate to residential zoned properties and to amend the Land Development Code to address the placement of gasoline stations when abutting residential neighborhoods.

Public notice was published in the Gainesville Sun on October 11, 2016. The City Plan Board held a public hearing on October 27, 2016 and voted 6-1 to recommend the City Commission approve this petition.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings and shall become effective when the amendment to the City of Gainesville Comprehensive Plan adopted by Ordinance No. 160486 becomes effective as provided therein.

RECOMMENDATION

The City Commission approve Petition No. PB-16-144 TCH; and 2) adopt the proposed ordinance.

[160484_Staff report and Exhibits A-F_20161027](#)

[160484A_draft ordinance_20170302.pdf](#)

[160484B_Staff report and Exhibits A-F_20170302](#)

[160484C_CPB minutes_20170302](#)

[160484D_Staff ppt_20170302](#)

[150406.](#)

ORDINANCE PROHIBITING SMOKING IN CITY PARKS AND RTS BUS FACILITIES (B)

Ordinance No. 150406

An ordinance of the City of Gainesville, Florida, amending the Code of Ordinances to prohibit smoking outdoors in all City parks and RTS bus facilities; by amending Article II and Article IV of Chapter 11.5; by amending Article II of Chapter 18; by amending Section 2-339 to provide a civil citation penalty; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: The City Commission, at its meeting of April 21, 2016, discussed prohibiting smoking outdoors in all City parks. Smoking is defined in Sec. 11.5-40 of the City Code as follows: the intake and exhalation by a person of smoke from tobacco, a tobacco substitute or other weed or plant, and also possessing, carrying, holding or otherwise having control of a lighted pipe, cigar, cigarette or other lighted smoking equipment, and the use of a nicotine dispensing device as defined in section 11.5-17

(□vaping□).

At its October 20, 2016 meeting, after further discussing the matter, the City Commission directed the City Attorney to draft ordinance language prohibiting smoking in all City parks and setting a \$25.00 fine for violation thereof. In drafting this ordinance, the office of the City Attorney, in consultation with City staff, also updated the code provisions that prohibit smoking at RTS bus facilities.

Fiscal Note: Fiscal impact is expected to be minimal.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

10/1/15	City Commission	Referred to the Recreation, Cultural Affairs and Public Works Committee
12/10/15	Recreation, Cultural Affairs and Public Works Committee	Discussed
3/10/16	Recreation, Cultural Affairs and Public Works Committee	Discussed
4/21/16	City Commission	Approved as Recommended
10/20/16	City Commission	Approved as Amended

[150406A_Coral Springs ordinance_20151210.pdf](#)

[150406B_CoG Park Regulations_20151210.pdf](#)

[150406C_Casselberry smoking in parks_20151210.pdf](#)

[150406D_CoG ordinance_20151210.pdf](#)

[150406E_Fla Clean Indoor Air Act_20151210.pdf](#)

[150406F_statewide policies_20151210.pdf](#)

[150406G_Smoke Free Zone sign_20151210.pdf](#)

[150406H_Dept of Health assessment_20151210.pdf](#)

[150406I_Dept of Health assessment 2.pdf](#)

[150406J_Sign photos_20151210.pdf](#)

[150406K_City of Parkland_20151210.pdf](#)

[150406_Draft Ordinance_20161020.pdf](#)

[150406_Draft Ordinance.pdf](#)

[160725.](#)

INFRASTRUCTURE IMPROVEMENT AREAS FOR WATER AND WASTEWATER GRAVITY COLLECTION SYSTEMS (B)

Ordinance No. 160725

An ordinance of the City of Gainesville, Florida, amending Section 6 of Ordinance No. 110541 and amending the Code of Ordinances, Appendix

A, Schedule of Fees, Rates and Charges, to revise infrastructure improvement area user fees for water and wastewater gravity collection in the Innovation District Area; 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 April 7, 2016, the City Commission adopted Ordinance No. 110541, creating the first infrastructure improvement area and imposing infrastructure improvement area user fees for the water and wastewater gravity collection systems, which are calculated and assessed based on the total heated and cooled building square footage, number of hotel rooms, number of motel rooms, or number of bedrooms of the new structure, and/or any addition to an existing structure. The fees were designed to be adjusted annually in order to ensure that the revenues collected from these fees will recover GRU's costs for water distribution and wastewater collection system capacity improvements within the designated infrastructure improvement area over time.

Ordinance No. 110541 included a retroactive effective date of December 5, 2013. However, upon further review, GRU staff determined that the retroactive provision in Ordinance No. 110541 was not practical to implement. First, development projects connecting to the system prior to April 7, 2016 (the ordinance adoption date) paid for infrastructure improvements associated with their projects in accordance with the ordinances and policies that existed at the time of connection. Second, staff was concerned that some of the customers who connected prior to April 7, 2016 may not have received adequate notice of the retroactive fee provisions. As a result, staff implemented the ordinance effective April 7, 2016.

On August 17, 2016, GRU Staff presented an item to the Utilities Advisory Board and on August 18, 2016, presented the item to the City Commission. The agenda item proposed an increase to the infrastructure improvement area user fees. The City Commission directed the City Attorney to draft and the Clerk of the Commission to advertise an ordinance to adopt the recommended increased fees. In addition, this Ordinance revises the effective date of Ordinance No. 110541 for the reasons stated above.

CITY ATTORNEY MEMORANDUM

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

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

[160725_Draft_Ordinance.pdf](#)

ORDINANCES, 2ND 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
2/16/17	City Commission	Adopted on First Reading (Ordinance)

[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](#)

[160398.](#)

LAND USE CHANGE - BETWEEN THE 1300 - 1800 BLOCK OF TOWER ROAD (75TH STREET) AND THE 1800 BLOCK OF SW 20TH AVENUE (B)

Ordinance No. 160398; Petition No. PB-16-107- LUC

An ordinance amending the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of approximately 157 acres of property that is generally located between the 1300-1800 block of Tower Road (75th Street) and the 1800 block of SW 20th Avenue, as more specifically described in this ordinance, from Alachua County Medium High Density Residential (8-14 DU/acre) and Low Density Residential (1-4 DU/acre) to City of Gainesville Mixed-Use Medium Intensity (12-30 units per acre) (MUM), Mixed-Use Low

Intensity (8-30 units per acre) (MUL), Residential Medium-Density (8-30 units per acre) (RM), Residential Low-Density (up to 12 units per acre) (RL), and Single-Family (up to 8 units per acre) (SF); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

Update since first reading: On December 15, 2016, the City Commission approved this ordinance on first reading. City staff then transmitted this ordinance to the state reviewing agencies in accordance with the statutory expedited review process for comprehensive plan amendments. During the 30-day comment period, the City received letters from the Florida Department of Economic Opportunity, North Central Florida Regional Planning Council, St. Johns River Water Management District, and Florida Department of Transportation. The comments received did not identify any adverse impacts to important state resources and facilities within the scope of review of the respective state agencies, and therefore did not necessitate any changes to the ordinance.

This petition for a large-scale amendment of the Future Land Use Map pertains to an approximately 157-acre, undeveloped property that was voluntarily annexed into the City on June 16, 2016 by Ordinance No. 150912. It is generally surrounded by developed residential areas (single-family, duplexes, and multi-family (including 4-plexes, and it abuts UF's radio tower property to its north. The majority (approximately 134.53 acres) of the property is between SW 75th Street/Tower Road which it fronts on its west side (across from which are single-family neighborhoods and Oak Hall School), and SW 20th Avenue to the southeast. The remainder of the property (approximately 22.2 acres) is on the south side of SW 20th Avenue and east of the Portofino, single-family residential development, west of I-75, and north of the City's Split Rock Conservation Area. This part of the property is both undeveloped and wooded, whereas the larger, northern part of the property is undeveloped but has mostly been logged.

The proposed large-scale amendment is consistent with the City's Comprehensive Plan and supports mixed use development and residential development of a vacant property within an urbanized area. Because this proposed comprehensive plan amendment allows for future development that exceeds the DRI (Development of Regional Impact, Section 390.06, F.S.) threshold for multi-use development, Future Land Use Element Policy 3.4.4 and Policy 10.8.1 of the Transportation Mobility Element (TME) pertain, which require large developments to address their regional impacts.

The City is required to place City land use (and zoning) on annexed property. This petition is related to Petition PB-16-108 ZON, which

proposes rezoning from Alachua County Multiple-family, medium-high density district (R-2A), and Single family, low density district (R-1a) to City of Gainesville MU-2: 12-30 units /acre mixed use medium intensity, MU-1: 8-30 units/acre mixed use low intensity, RMF-7: 8-21 units/acre multiple-family residential district, RMF-5: 12 units/acre single-family/multiple-family residential district, and RSF-4: 8 units/acre single-family residential district.

On September 22, 2016, the City Plan Board held a public hearing on the Petition and, by a vote of 4-1, recommended the City Commission approve the Petition.

Fiscal Note: None.

CITY ATTORNEY MEMORANDUM

Section 163.3184, Florida Statutes, sets forth the procedure for amending the Comprehensive Plan. The first hearing is the transmittal stage and must be advertised at least seven days prior to the hearing. The second hearing is the adoption stage and must be advertised at least five days prior to the hearing. Within ten working days after the first hearing, the City must transmit the amendment to the reviewing agencies and to any other local government or state agency that has filed a written request for same. These agencies have 30 days after receipt of the amendment to forward written comments to the City, which the City must then consider during the second hearing. If adopted on second reading, the City will forward the amendment within ten working days to the state land planning agency and any party that submitted written comments.

Within 30 days following the City's adoption of the amendment, any affected person may file a petition with the State Division of Administrative Hearings to request a hearing to challenge the amendment's compliance with Chapter 163, Florida Statutes. If not timely challenged, this amendment shall become effective 31 days after the state land planning agency notifies the City that the amendment package is complete. If timely challenged, this amendment shall become effective when the state land planning agency or the Administration Commission issues a final order determining that this amendment is in compliance with Chapter 163, Florida Statutes. No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before this amendment has become effective.

RECOMMENDATION

The City Commission: (1) receive letters from the Florida Department of Economic Opportunity, Alachua County Growth Management Department, Florida Department of Transportation, Suwannee River Water Management District, Florida Department of Environmental Protection, St. Johns River Water Management District, and North Central Florida Regional Planning Council; and (2) adopt the proposed ordinance.

Legislative History

12/15/16 City Commission Approved (Petition) and Adopted on First Reading (Ordinance)

[160398 Staff report and Appendices A-C_20160922](#)

[160398 draft ordinance 20161215.pdf](#)

[160398B Staff report and Appendices A-C_20161215](#)

[160398C CPB minutes 20161215](#)

[160398D Staff ppt 20161215](#)

[160398E Al. Co and Citizens comments 20161215](#)

[160398 MOD petition form 20161215.pdf](#)

[160398 & 160399 MOD PPT WestPark CC 20161215.pdf](#)

[160398 draft ordinance 20170302.pdf](#)

160399.

QUASI-JUDICIAL - REZONING - BETWEEN THE 1300 - 1800 BLOCK OF TOWER ROAD (75TH STREET) AND THE 1800 BLOCK OF SW 20TH AVENUE (B)

Ordinance No. 160399; Petition No. PB-16-108 ZON

An ordinance amending the Zoning Map Atlas of the City of Gainesville, Florida, by rezoning approximately 157 acres of property that is generally located between the 1300-1800 block of Tower Road (75th Street) and the 1800 block of SW 20th Avenue, as more specifically described in this ordinance from Alachua County Multiple-family, medium-high density district (8-14 units per acre) (R-2A), and Single-family low density district (1-4 units per acre) (R-1A) to City of Gainesville Mixed use medium intensity district (12-30 units per acre) (MU-2); Mixed use low intensity district (8-30 units per acre) (MU-1); Multiple-family medium density residential district (8-21 units per acre) (RMF-7); Residential low density district (up to 12 units per acre) (RMF-5), and Single-family residential district (up to 8 units per acre) (RSF-4); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: **PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT**

This zoning petition pertains to an approximately 157-acre, undeveloped property that was voluntarily annexed into the City on June 16, 2016 by Ordinance No. 150912. It is generally surrounded by developed residential areas (single-family, duplexes, and multi-family (including 4-plexes, and it abuts UF's radio tower property to its north. It also abuts undeveloped, wooded property that is on the east side of the UF property. The majority (approximately 134.53 acres) of the property is

between SW 75th Street/Tower Road which it fronts on its west side (across from which are single-family neighborhoods and Oak Hall School), and SW 20th Avenue to the southeast. The remainder of the property (approximately 22.2 acres) is on the south side of SW 20th Avenue and east of the Portofino, single-family residential development, west of I-75, and north of the City's Split Rock Conservation Area. This part of the property is both undeveloped and wooded, whereas the larger, northern part of the property is undeveloped but has mostly been logged.

The proposed rezoning is consistent with the City's Comprehensive Plan and supports mixed use development and residential development of a vacant property within an urbanized area. Because this proposed rezoning (and related comprehensive plan amendment) allows for future development that exceeds the DRI (Development of Regional Impact, Section 390.06, F.S.) threshold for multi-use development, Future Land Use Element Policy 3.4.4 and Policy 10.8.1 of the Transportation Mobility Element (TME) pertain, which require large developments to address their regional impacts.

The City is required to place City land use and zoning on annexed property. This petition is related to Petition PB-16-107 LUC, which proposes a large-scale comprehensive plan amendment from Alachua County Medium High Density Residential (8-14 DU/acre) and Low Density Residential (1-4 DU/acre) to City of Gainesville Mixed-Use Medium-Intensity (12 - 30 units per acre) (MUM), Mixed-Use Low-Intensity (8 - 30 units per acre) (MUL), Residential Medium-Density (8-30 units per acre) (RM), Residential Low-Density (up to 12 units per acre) (RL), and Single-Family (up to 8 units per acre) (SF).

On September 22, 2016, the City Plan Board held a public hearing on the Petition and, by a vote of 4-1, recommended the City Commission approve the Petition.

Fiscal Note: None.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings and shall become effective when the amendment to the City of Gainesville Comprehensive Plan adopted by Ordinance No. 160398 becomes effective as provided therein.

RECOMMENDATION The City Commission adopt the proposed ordinance.

Legislative History

12/15/16	City Commission	Approved (Petition) and Adopted on First Reading (Ordinance)
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[160399 Staff report and Appendices A-C 20160922](#)
[160399 draft ordinance 20161215.pdf](#)
[160399B Staff report and Appendices A-C 20161215](#)
[160399C CPB minutes 20161215](#)
[160399D Staff ppt 20161215](#)
[160399E Al. Co and Citizens comments 20161215](#)
[160399 MOD petition form 20161215.pdf](#)
[160398 & 160399 MOD PPT WestPark CC 20161215.pdf](#)
[160399 draft ordinance 20170302.pdf](#)

[160482.](#)

LAND USE CHANGE - 916 NW 66TH STREET (B)

ORDINANCE NO. 160482; PETITION NO. PB-16-141 LUC

An ordinance of the City of Gainesville, Florida, amending the Future Land Use Map of the Comprehensive Plan by changing the land use category of property generally located at 916 NW 66th Street, as more specifically described in this ordinance, from Alachua County Office/Medical (O/M) to City of Gainesville Office (O); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

This petition for a small-scale amendment of the Future Land Use Map pertains to a 0.91-acre property identified as Tax Parcel No. 06340-007-000, which is generally located north of W Newberry Road, south of NW 10th Place, east of NW 69th Terrace and Interstate 75, and west of NW 66th Street. This property was voluntarily annexed into the City of Gainesville by Ordinance 160156 effective on September 15th, 2016. The property is currently developed with an existing 10,016 square foot CVS pharmacy and is surrounded by the North Florida Regional Medical Center (NFRMC) complex. The site also abuts existing commercial development along Newberry Road.

The proposed small-scale land use change from Alachua County Office/Medical (O/M) to City of Gainesville Office (O) will allow a mix of residential and non-residential uses including medical offices and similar facilities that are consistent with the existing Alachua County land use designation.

This property abuts NFRMC properties with City of Gainesville Office land use to the north and the east, Alachua County Office/Medical land use to the west, and Alachua County Tourist/Entertainment to the south. The respective zoning designations for the adjacent properties are City of Gainesville Medical Services district to the north and east, Alachua

County Hospital and Medical district to the west, and Alachua County Highway Oriented Business zoning to the south.

This petition is related to Petition PB-16-142 ZON, which proposes a zoning change from Alachua County Hospital and Medical district to City of Gainesville Medical Services zoning.

Public notice was published in the Gainesville Sun on October 11, 2016. The City Plan Board held a public hearing on October 27, 2016 and voted 7-0 to recommend the City Commission approve the petition.

CITY ATTORNEY MEMORANDUM

This proposed amendment to the Comprehensive Plan involves a use of 10 acres or fewer and qualifies as a small-scale development amendment. The City Commission may adopt small-scale development amendments with a single public hearing.

Within 30 days following the City's adoption of this amendment, any affected person may file a petition with the State Division of Administrative Hearings to request a hearing to challenge the compliance of this amendment with Chapter 163, Florida Statutes. If challenged within 30 days after adoption, this amendment shall not become effective until the state land planning agency or the Administration Commission issues a final order determining that the adopted amendment is in compliance with Chapter 163, Florida Statutes. If unchallenged, this amendment shall become effective 31 days after adoption.

RECOMMENDATION *The City Commission: 1) approve Petition No. PB-16-141 LUC; and 2) adopt the proposed ordinance.*

[160482_Staff report and Apendices A-C_20161027](#)

[160482A_draft ordinance_20170302.pdf](#)

[160482B_Staff report and Apendices A-C_20170302](#)

[160482C_CPB minutes_20170302](#)

[160482D_Staff ppt_20170302](#)

[160482A_draft ordinance_20170302.pdf](#)

[160483.](#)

REZONING - 916 NW 66TH STREET (B)

Ordinance No. 160483; Petition No. PB-16-142 ZON

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning property generally located at 916 NW 66th Street, as more specifically described in this ordinance, from Alachua County

Hospital Medical (HM) district to City of Gainesville Medical Services district (MD); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

This rezoning petition pertains to a 0.91-acre property identified as Tax Parcel No. 06340-007-000, which is generally located north of W Newberry Road, south of NW 10th Place, east of NW 69th Terrace and Interstate 75, and west of NW 66th Street. This property was voluntarily annexed into the City of Gainesville by Ordinance 160156 effective on September 15th, 2016. The property is currently developed with an existing 10,016 square foot CVS pharmacy and is surrounded by the North Florida Regional Medical Center (NFRMC) complex. The site also abuts existing commercial development along Newberry Road.

The proposed zoning change from Alachua County Hospital and Medical (HM) district to City of Gainesville Medical Services district (MD) zoning will allow a variety of medical uses along with a small selection of additional non-residential uses which are consistent with the allowable uses permitted within the existing Alachua County zoning.

This property abuts NFRMC properties with City of Gainesville Office land use to the north and the east, Alachua County Office/Medical land use to the west, and Alachua County Tourist/Entertainment to the south. The respective zoning designations for the adjacent properties are City of Gainesville Medical Services district to the north and east, Alachua County Hospital and Medical district to the west, and Alachua County Highway Oriented Business zoning to the south.

This petition is related to Petition PB-16-141 LUC, which proposes a small-scale land use amendment from Alachua County Office/Medical land use to City of Gainesville Office. The proposed rezoning to MD will implement the associated land use change.

Public notice was published in the Gainesville Sun on October 11, 2016. The City Plan Board held a public hearing on October 27, 2016 and voted 7-0 to recommend the City Commission approve the petition.

CITY ATTORNEY MEMORANDUM

This ordinance requires one hearing. This ordinance shall become effective immediately upon adoption; however, the rezoning implemented by this ordinance shall become effective when the amendment to the City of Gainesville Comprehensive Plan adopted by Ordinance No. 160482 becomes effective as provided therein.

RECOMMENDATION

The City Commission: 1) approve Petition No. PB-16-142 ZON; and 2) adopt the proposed ordinance.

[160483_Staff report and Appendices A-C_20161027](#)

[160483A_draft ordinance_20170302.pdf](#)

[160483B_Staff report and Appendices A-C_20170302](#)

[160483C_CPB minutes_20170302](#)

[160483D_Staff ppt_20170302](#)

PLANNING PETITIONS

[160685.](#)

Amend the Land Development Code to update definitions relating to the dispensing of medical marijuana, delete Medical marijuana dispensary from the list of permitted uses in certain zoning districts, and add Medical marijuana dispensary as a specially regulated use (Article VI) (B)

Petition PB-16-185 TCH. City Plan Board. Amend the definition of Medical marijuana dispensary, delete the definition of Low-THC cannabis, and delete Medical marijuana dispensary from the list of permitted uses in certain zoning districts. Add Medical marijuana dispensary as a specially regulated use (Article VI), and establish requirements including but not limited to minimum distance requirements between medical marijuana dispensaries and certain other uses.

*** Expected presentation time 10 minutes***

MODIFICATION - REVISED POWERPOINT.

Explanation: The City Commission struck Legistar No. 160221 (Ordinance No. 160221, Petition PB-16-84 TCH, which pertained to updating definitions in the Land Development Code related to medical marijuana) from the agenda on September 15, 2016 and referred the matter to the General Policy Committee. The City Commission expressed interest in making significant changes to the ordinance, including where medical marijuana dispensaries can be located. The General Policy Committee reviewed several options presented by staff at the Committee's meeting on November 10, 2016, and provided guidance to staff for revising the Land Development Code. That guidance is reflected in this new petition.

Staff is recommending that Medical marijuana dispensary be deleted from the list of permitted uses in the MU-1, OR, OF, MD, CP, and CCD zoning districts. This would limit the number of Medical marijuana dispensaries and minimize the potential proliferation of a use with which the City has no direct experience to date. The regulations can be revisited in the future, if and as warranted, based on the City's experience with regulating medical marijuana dispensaries under the proposed regulations. Medical marijuana dispensary is to remain on the list of permitted uses in the BUS, MU-2, UMU-1, and UMU-2 zoning districts.

Staff is recommending that Medical marijuana dispensary be deemed a Specially Regulated Use and therefore added to Article VI of the LDC. Recommended requirements for this proposed specially regulated use include minimum distances between medical marijuana dispensaries and minimum distances from: places of religious assembly; residential zoning districts; and schools. Additional proposed requirements include prohibitions on what can be dispensed or sold (e.g., no alcohol), no on-site consumption of cannabis or alcohol, limitation on hours for on-site dispensing, security lighting, safety and security systems; and drop safe or cash management device for restricted access to cash receipts.

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 seven dispensing organizations that have been approved (by the Department of Health per Section 381.986, Florida Statutes, to cultivate, process, transport and dispense medical marijuana) the City Plan Board voted 4-2 to approve the petition but with substantial revisions to the staff recommendation. The Plan Board recommended retaining Medical marijuana dispensary as a permitted use in all 9 zoning districts in which it is currently allowed, in contrast to the staff recommendation to retain it a permitted use in only four zoning districts. The Plan Board recommended allowing all cannabis products allowed under Florida law now or in the future, as opposed to the staff- recommended allowance under Section 381.986, Florida Statutes, as may be amended from time to time. The Plan Board did not recommend that there be any specified operational requirements for medical marijuana dispensaries, in contrast to the various operational requirements recommended by staff, all but one of which are statutory requirements. Finally, the Board recommended that the only minimum distance requirements be between medical marijuana dispensaries (1,320 ft.) and between medical marijuana dispensaries and schools (750 ft.). The staff recommendation included those two in addition to minimum distance requirements pertaining to residential zoning districts and to places of religious assembly.

Public notice was published in the Gainesville Sun on January 10, 2017. The City Plan Board held a public hearing on January 26, 2017 and voted 4-2 (Nay: Clark, Tecler) to approve the petition with revisions (see Recommendation below).

Fiscal Note: None.

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition PB-16-185 TCH with the following revisions:

- Allow all cannabis products legally established now or in the future by the State of Florida.
- Continue to allow Medical marijuana dispensary as a permitted use in all of the zoning districts (OR, OF, BUS, MU-1, MU-2, UMU-1, UMU-2, CCD; MD and CP) in which it is currently

a permitted use.

· Limit the proposed Specially Regulated Use Requirements (Article VI) for Medical marijuana dispensary to a 1,320-ft. minimum distance between Medical marijuana dispensaries, and to a 750-ft. minimum distance to schools (accredited public or private school offering any grades from kindergarten through 12th grade).

The Plan Board voted 4-2 (Nay: Clark, Tecler).

Staff to City Commission - Approve Petition PB-16-185 TCH.

Staff to City Plan Board - Approve Petition PB-16-185 TCH.

[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](#)

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