

City of Gainesville

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



Meeting Agenda - Final

October 16, 2017

3:00 PM

City Hall Auditorium

Community Redevelopment Agency

*Adrian Hayes-Santos (Chair)
Harvey Ward (Chair Pro Tempore)
Helen Warren (Member)
Charles Goston (Member)
Lauren Poe (Member)
Harvey Budd (Member)
David Arreola (Member)*

CALL TO ORDER**ROLL CALL****ADOPTION OF THE CONSENT AGENDA****SECRETARY CONSENT**[170464.](#)

September 18, 2017 CRA Meeting Minutes (B)

*Fiscal Note: None***RECOMMENDATION***CRA Secretary to the CRA Board: Approve the minutes of the September 18, 2017 meeting.*[170464_MINUTES_20171016.pdf](#)**EXECUTIVE DIRECTOR CONSENT**[170449.](#)**Florida African American Heritage Preservation Network (FAAHPN)
Awards A. Quinn Jones Grant (NB)***Explanation: The Florida African American Heritage Preservation Network (FAAHPN) is a professional association organized in 2001 by the John Gilmore Riley Center Museum.**FAAHPN serves as an informational and technical assistance resource in response to a growing interest in preserving Florida's African American culture, that of the African Diaspora and that of other related ethnically diverse historic resources globally.**In 2016 FAAHPN awarded the A. Quinn Jones Museum & Cultural Center up to \$14,000 for the network partner grant for fiscal year 2016-17. The funds were used for professional services, marketing, exhibits and professional development.**The A. Quinn Jones Museum & Cultural Center has been awarded up to \$14,000 for the network partner grant for fiscal year 2017-2018. The funds can be used for any number of operations and design activities for the museum such as; professional services, marketing, equipment, software, exhibits and professional development.**Fiscal Note: None***RECOMMENDATION***CRA Secretary to the CRA Board: Receive the Florida African American Heritage Preservation grant up to the amount of \$14,000.00.*

[170463.](#)**CRA Project Summary October (NB)**

Explanation: As a regular informational item on CRA agendas, Staff provides a brief update on selected referrals, redevelopment projects and development agreements under review. This monthly update is typically a limited sampling of the CRA's many on-going projects, as opposed to a complete list.

CRA Wide

Façade Grant, Project Manager, Jessica Leonard - The Façade Grant program is a competitive matching grant program that is designed to encourage reinvestment in building facades, specifically those located on highly visible target corridors within each district. Staff is happy to announce we approved a total of 35 façade grants in FY17. Enthusiastically we are expecting the approval of multiple façade grants in each district as a continued effort is placed in concentrated outreach and community engagements to help aid in awareness of the program. We currently have multiple façade grant projects underway across the four redevelopment areas and have multiple applications waiting to be approved with the new FY18 budget coming available this month.

Strategic Planning - On this Agenda**Eastside Redevelopment Advisory Board (ERAB)**

Heartwood, Project Manager, Michael Beard - In May 2017, Staff worked with the City's Purchasing Department on a public solicitation, which lead to the addition of O'Steen Brothers, Inc. as the Heartwood site work contractor. The contracted site work would include utility infrastructure, wetland improvements, paved streets, curb and gutter, sidewalks, and pad ready sites.

At the August 3rd City Commission meeting, Staff was approved to secure a loan from the City of Gainesville for the Heartwood site work and prioritize the repayment of the Home Fund Revenues from the lot sale proceeds. Staff has been working with the CRA Attorney and the City's Purchasing Department to develop a framework for the sale of the individual lots

Cotton Club Grant Management, Project Manager, Stephanie Seawright - The CRA entered into an agreement with the Cotton Club to provide matching funds for a Division of Cultural Facilities Grant to complete the renovation project. At this time, the Cotton Club has nearly expended the CRA's funding with approved work on the project. At its June 19, 2017 meeting, the CRA Board approved the request for an extension of the agreement until December 31, 2017. Staff is continually meeting with Cotton Club representatives onsite for progress updates and anticipated completion schedule. Renovations are proceeding according to the new construction schedule and are projected to be completed within the

agreement extension term limits.

Cornerstone Phase 1 Development, Project Manager, Stephanie Seawright-- Staff has been working with the City Attorney's office and Holland & Knight LLP to develop the condominium documents. The proposed condominium cluster is structured as a two-phased land condominium. Phase I will contain 6 units consisting of the land only (not improvements constructed on each unit). Phase II will include the 4 units to the west of SE 21st Street on the Master Plan. In the coming weeks, Staff will provide an overview of the steps and timeline to create a land condominium at Cornerstone and the related items to be addressed as Staff works with legal counsel to move this process to completion.

Eastside Redevelopment Area Residential Paint Voucher Program, Project Manager, Stephanie Seawright - The Residential Paint Program will provide an eligible applicant with a voucher for paint and painting supplies up to \$500 to be used for the exterior painting of their home. In addition the CRA will be responsible for providing power washing services for the homes.

We are currently accepting applications, and have pending applications for several residences in the Eastside area. We have painted 14 homes to date.

Greater Duval Neighborhood Revitalization Initiative (NRI), Project Manager, Stephanie Seawright - CRA launched a partnership with Alachua Habitat for Humanity called the "Partnership for Paint" program. The program allows the CRA to offer a grant of up to \$500 to eligible home owners in the NRI area. The \$500 grant will be applied to the fee associated with participation in Habitat for Humanity's "A Brush with Kindness" program. As of January the partnership has completed 21 homes in the Greater Duval Neighborhood. We currently have no applications pending. Additional work through the NRI includes the development of new gateway signage, homeownership, and mentoring and mentoring programs.

Downtown Redevelopment Advisory Board (DRAB)

Cade Museum, Project Manager, Andrew Meeker - Following the CRA Board's approval of the Development Agreement terms at their April 2017 meeting, Staff is actively coordinating with the Cade and their construction efforts. Substantial completion is anticipated in the Fall of 2017 with the grand opening in early 2018.

Downtown Plaza, Project Manager, Nigel Hamm - For the month of September staff will continue to have our weekly programming with Free Yoga, Zumba and Capoeira. Every week staff will be playing music in the plaza from 11am - 1pm Monday - Friday called The Lunchtime Mix. Each day will have its own theme from R & B to Yacht Rock. For information on September Events please visit the websites:

- Every Friday from 8pm to 10pm: Free Fridays Concert Series:*

<<http://gnvculturalseries.org/free-fridays-concert-series/>>

- Website: www.bodiddleyplaza.com <<http://www.bodiddleyplaza.com>>*
- Facebook: <<https://www.facebook.com/BoDiddleyPlazaGNV/>>*

Downtown Redevelopment Area Residential Voucher Paint Program, Project Manager, Stephanie Seawright - The Residential Paint Program will provide an eligible applicant with a voucher for paint and painting supplies up to \$500 to be used for the exterior painting of their home. In addition the CRA will be responsible for providing power washing services for the homes.

We are currently accepting applications, and have pending applications for several residences in the Downtown area. We have painted 8 homes to date.

University Avenue Substation, Project Manager, Stephanie Seawright - Staff is working with the County to move forward with the redevelopment of this property. As a result of this collaborative effort, Staff desires to determine project boundaries, lease terms, organizational responsibilities and financial feasibility.

Depot Park, Project Manager, Ori Baber - Staff continues to work closely with Parks, Recreation, and Cultural Affairs and the Depot Park Staff to manage the operational expense budget, warranties, and maintenance. Installation of shade sails in the playground is scheduled for November through December. During this time, the rest of the park, including the splash pad, pavilion, promenade, and overlooks will remain open. Check the Depot Park calendar for a list of on-going programs and events (<<http://www.depotpark.org/events>>).

Historic Depot Building, Project Manager, Ori Baber - The 'Pop-a-Top General Store' and 'The Boxcar' at the Depot Building continue to provide refreshments, snacks, and live entertainment to visitors to Depot Park and the Downtown area. Staff is working with Parks, Recreation, and Cultural Affairs and City Facilities to develop a transition plan. Construction of an ADA compliant ramp at the Depot Building was completed in September. Per the lease agreement, Staff is working with the tenant to install a 6ft kitchen hood in the Depot Building which will allow greater food offerings.

Power District, Project Manager, Andrew Meeker - On this Agenda

College Park University Heights Redevelopment Advisory Board

Innovation Square, Project Manager, Sarit Sela - The CRA continues to serve as a participant in the many on-going private public partnership discussions between the University of Florida Development Corporation (UFDC) and private development. The northern extension of the SW 9th Street greenway from SW 2nd Ave. to SW 1st Ave. is in the conceptual planning phase. As this and other potential partnerships develop, Staff will return to the Board for any necessary approvals.

NW 5th Avenue (1300-2000 blk), Project Manager, TBD - The preliminary electrical undergrounding design with the required electrical easement locations has been received from GRU, providing the CRA a basis for beginning easement acquisition discussions with property owners. The electrical undergrounding easements required are extensive and involve many properties along the entire project corridor from NW 13th Street to NW 20th Street. The CRA is in the process of procuring professional services to evaluate and determine potential electrical easements reduction (quantity and sizes). The stakeholders along this corridor are numerous. The CRA project manager continues to meet with individual property owners along the corridor to determine the feasibility of the acquisition of all of the easements required for both the undergrounding of the electric utility and the uninterrupted connection of the sidewalks on the southern side of NW 5th Avenue. Once the reduction of the electrical easements (sizes & quantities) has been determined and the private property outreach process is completed over the coming months, the Board will receive a presentation on the status of the undergrounding feasibility as well as the overall project, including cost estimates.

The Standard Development Agreement, Project Manager, Andrew Meeker - The City of Gainesville Community Redevelopment Agency and LM Gainesville, LLC entered into a development agreement on May 15, 2015. This development agreement reimburses for infrastructure intended to benefit the public. The CRA was made aware that Landmark made application on behalf of the Chick-fil-a, to put restaurant furniture on the sidewalk area along NW 13th Street and W. University Avenue. The CRA was made aware that Landmark intends to lease and place outdoor furniture on property to be transferred to the City Of Gainesville free of all encumbrances. Leasing sidewalk area to one of the Standard tenants violates the terms of the Development Agreement. A letter was sent to the Landmark Properties general counsel on May 18, 2017 informing them that if Landmark has indeed leased the sidewalk to the tenants then Landmark is in default of the Development Agreement. The CRA, CoG staff, and Landmark are working together on solutions. Development Agreement compliance will continue to be evaluated overtime as the project is completed and DOT & CoG ROW encroachments are reviewed. The CRA staff will continue to update any status changes.

NW 1st Avenue Streetscape (NW 16th St to NW 20th St), Project Manager, Sarit Sela - Project is substantially complete. Outstanding items include utility conversion from overhead to underground (GRU, AT&T and Cox) and pole removal and replacement of temporary concrete by poles with permanent concrete.

To date, 18 grants, with a total CRA investment of up to \$180K, were approved to support local property and business owners and encourage curb appeal improvements on private properties. Staff is working with additional interested properties on pending applications.

Staff has been coordinating football Game Day activities with stakeholders, GPD and PWD to ensure safety and accessibility in the project area.

South Main Street, Project Manager, Andrew Meeker - Following the Board's June 17, 2017 approval of the project plans and Construction Manager At-Risk GMP (Guaranteed Maximum Price) proposal, Staff is working thru the various tasks (engineering, permitting, construction coordination, communications, etc.) required prior to construction scheduled to begin in October of 2017. In the near future, Staff anticipates bringing forth an item for consideration associated with an enhanced and targeted Façade Grant program for the properties abutting South Main Street to supplement the public right-of-way investments being made.

Fifth Avenue Pleasant Street Redevelopment Board

A.Q. Jones Museum & Cultural Center, Project Manager, Stephanie Seawright -

Staff is working with Manley Design to come up with a landscaping design which will incorporate the trailhead for the Heritage Trail. Furnishings for the multipurpose room have been ordered and should arrive in October. Funding for these projects is through the WSPP budget for the A. Quinn Jones Museum & Cultural Center

The hours of operation for the public are Sunday - Thursday 12:00 pm - 5:00 pm with appointments being available for Fridays and Saturdays. The CRA and PRCA staff is meeting regularly to make sure for a seamless transition of the project.

Fifth Avenue/Pleasant Street Redevelopment Area Residential Voucher Paint Program, Project Manager, Stephanie Seawright

The Residential Paint Program will provide an eligible applicant with a voucher for paint and painting supplies up to \$500 to be used for the exterior painting of their home. In addition the CRA will be responsible for providing power washing services for the homes.

We are currently accepting applications, and have pending applications for several residences in the FAPS area. We have painted 15 homes to date.

Historic Heritage Trail, Jessica Leonard, Project Manager -

Staff has been collaborating with Parks, Recreation & Cultural Affairs department and Public Works Department as this trail provides opportunities to impact the entire Fifth Avenue/Pleasant Street neighborhood through improved infrastructure connections and updated amenities. Staff is continuing to move forward with the project with the recent onboarding of MAM Exhibit Design firm to assist the Gainesville CRA with research and planning design services. A design and program development schedule is being assembled for the outdoor museum

exhibit fabrication.

Seminary Lane, Project Manager, Michael Beard - In October 2016, the Gainesville Florida Housing Corporation (GFHC) and Gainesville Housing Authority (GHA) boards, the majority owner of the site, approved to sale of the entire 6.55 acre Master Plan of the Seminary Lane Project. CRA Staff in conjunction with the Gainesville Florida Housing Corporation has selected Bosshardt Realty as the listing agent for the development. After working with Bosshardt Realty, the Property Owners Gainesville Florida Housing Corporation, and its partner, Gainesville Housing Authority, the Listing and Development and Disposition Agreements have been executed and the property has been listed. Staff will begin reviewing current offers on the property during the first week in October.

Fiscal Note: None at this time

RECOMMENDATION

CRA Executive Director to the CRA Board:
Receive project update from Staff

ADOPTION OF THE REGULAR AGENDA

SECRETARY

EXECUTIVE DIRECTOR

[170429.](#)

Power District (B)

Explanation: The Power District is a unique 17-acre redevelopment opportunity of active as well as inactive GRU facilities located in Southeast Gainesville between Downtown and Depot Park. The CRA on behalf of GRU and the City is acting as an agent for redevelopment. To date, significant pre-development due diligence work such as community engagement, crafting the 2013 Redevelopment Plan, rezoning, technical studies, special events, and environmental analysis has been completed. As a result, in 2016 the CRA began a multi-phase solicitation process to assess interest of the private development market to partner with the public sector on the implementation of the Power District. The goal of the solicitation process was to identify and encourage interested private development parties, determine the market's desire, approach, and outline the general terms of a potential public private partnership all while ensuring the community vision and core planning principles of the adopted 2013 Redevelopment Plan are maintained throughout the development process. With limited public resources available to fully execute the vision for the Power District, the public private partnership approach is being pursued to identify and prioritize market based projects that will serve as a catalyst for long-term sustained economic and community investments.

In April 2016 the CRA issued a RFQ (Request For Qualifications)

seeking qualified developers desiring to participate in the redevelopment of the Power District. A total of three proposals were received from the following firms (1) Concept Companies of Gainesville, FL; (2) Cross Street Partners of Baltimore, MD; and (3) 1220G/Collier Companies of Gainesville, FL. All three firms that submitted their qualifications were considered responsive, responsible, and qualified by the CRA Board in July 2016. This approval advanced all three firms to the next phase of the development solicitation process of an Invitation To Negotiate (ITN).

The ITN solicitation was advertised to the three previously qualified development teams in December 2016. This marked the beginning of a multi-phased negotiation period between the representatives of the CRA, GRU, and the City along with each development team in order to evaluate developer concepts, proposals, and terms of a public private partnership. Concept Companies decided to not pursue the ITN and served as a consultant to the 1220G/Collier Companies team. Over the subsequent months, evaluation committee members conducted detailed analysis and reviews of the proposals and Best and Final Offer submittals in order to determine which submission addressed the Objectives outlined in the ITN of: (a) develop the highest-quality, most comprehensive expression of the Redevelopment Plan and community's interests and objectives; (b) assure the timely completion of the project; and (c) provide the most significant financial contributions and assurances to the project and City. On October 2nd, the evaluation committee convened with GRU's Purchasing Department to discuss and select as a recommendation to the CRA Board the most responsive and responsible development proposal.

The evaluation committee unanimously ranked Cross Street Partners as the most responsive and responsible vendor based on the following criteria as outlined in the ITN solicitation.

- 1. Development Concept: Is the concept in keeping with Redevelopment Plan goals and objectives?*
- 2. Compatibility & Integration: Does it create a seamless concept that ties various aspects of the community together?*
- 3. Public Benefit: How will the concept make use of local vendors, tenants and other local resources?*
- 4. Project Viability: Is the project a financially feasible enterprise and a plausible response to the marketplace?*
- 5. Fiscal Impact to City: How do the above impact the City's financial position?*

The consensus of the evaluation committee was that Cross Street Partners demonstrated the technical, financial, and management experience/resources acting as a Master Developer by not only outlining what they wanted to do, but also how they would do it through a public

private partnership. The committee agreed Cross Street Partners provided a thorough understanding of the goals of the Power District Redevelopment Plan by utilizing and incorporating the many previously completed pre-development reports initiated by the CRA while also proposing a market-based redevelopment investment and implementation strategy.

If the evaluation committee's recommendation is approved by the CRA Board, Staff would begin detailed negotiations of a memorandum of understanding (MOU) and a development agreement outlining the specific terms and conditions of each vested party. Once the subsequent negotiations result in mutual agreement, a draft MOU and development agreement would be presented to the Board for review and consideration.

Fiscal Note: None

RECOMMENDATION

CRA Executive Director to CRA Board:

(1) Approve the evaluation committee's ranking for ITN 2017-022 of:

#1 = Cross Street Partners

#2 = 1220G/Collier Companies

(2) Authorize the CRA Executive Director or designee to negotiate a public private partnership with Cross Street Partners. If negotiations with Cross Street Partners fail, authorize the CRA Executive Director or designee to negotiate with 1220G/Collier Companies.

CRA Board to City Commission:

(1) Approve the evaluation committee's ranking for ITN 2017-022 of:

#1 = Cross Street Partners

#2 = 1220G/Collier Companies

(2) Authorize the CRA Executive Director or designee to negotiate a public private partnership with Cross Street Partners. If negotiations with Cross Street Partners fail, authorize the CRA Executive Director or designee to negotiate with 1220G/Collier Companies.

(3) Recommend the City Commission discuss, review, and consider a disposition strategy for additional "expanded boundary" land to be included in the Power District.

Downtown Redevelopment Advisory Board to CRA Board:

(1) Motion that the Evaluation Committee go back into ITN phase and try to extract additional

information from both companies.

[170429A_PRESENTATION_20171016.pdf](#)

[170429B_1220G_BAFO_REDACTED_20171016.pdf](#)

[170429C_1220G_CLARIFICATIONS_20171016.pdf](#)

[170429D_CROSS_STREET_BAFO_REDACTED_20171016.pdf](#)

[170429E_CROSS_STREET_CLARIFICATIONS_20171016.pdf](#)

[170429F_FINANCIAL_BAFO_ANALYSIS_20171016.pdf](#)

[170429G_PD_ITN_NOTICE_OF_RANKING_20171016.pdf](#)

[170429H_PD_ITN_20171016.pdf](#)

[170429I_PD_ITN_EVALUATION_RANKING_AUDIO.MP3](#)

170430.

CRA Strategic Planning (B)

Explanation: At the February 2017 Board meeting, CRA Staff introduced the Community Vitality Report as a way to take inventory of completed projects and better understand their effects on the quality of life in the CRA Districts. The objectives of the effort were to measure the impacts of community initiatives, to gauge progress towards the redevelopment objectives, and to strengthen the ability to identify future projects with the greatest potential to contribute to community vitality. During this Vitality Report effort, there were specific themes that arose including: layers, scale, connectivity, health, authenticity, and partnerships. Those themes will be used as a foundation for the CRA's forthcoming strategic planning process.

The CRA strategic planning process was developed in order to provide clear linkage between the goals and objectives outlined in each of the area's Redevelopment Plan and the CRA projects which are pursued and implemented. The process is designed to maximize efficiency and promote action-oriented redevelopment activities and a timely implementation of CRA initiatives. The end result of strategic planning is the creation of a document called a Roadmap, a high level snapshot of CRA projects over a 5 year period. The document is utilized to help coordinate the budgets, timelines, resources, and partnerships necessary to bring reinvestment to the community and to achieve implementation of high-quality redevelopment projects.

At this meeting, Staff will provide an update of what's been accomplished since the last strategic planning process in the areas of community initiatives, community partnerships, community engagement, CRA talent and efficiencies and provide an overview of the strategic planning process that will run from September through December 2017.

Fiscal Note: None at this time

RECOMMENDATION

CRA Executive Director to the CRA Board: Hear presentation

[170430_PRESENTATION_20171016.pdf](#)

CRA ATTORNEY

[170447.](#)

Changes to Composition of Community Redevelopment Agency Board (B)

Explanation: At the August 2017 Community Redevelopment Agency Board meeting, the Chairman asked if the composition of the current CRA Board, consisting of the seven City Commissioners, could be reconstructed to include some Alachua County Commissioners. The Florida Attorney General, Pam Bondi, has previously answered the question in the negative in response to the City of Lauderdale Lakes, Attorney General Opinion 2015-05 (2015).

The Community Redevelopment Act, Part III, Chapter 163, Florida Statutes, authorizes local governments to create a community redevelopment area and authorizes the local government to exercise the powers set out in the act for the purpose of eliminating slum and blight within the community redevelopment area. The act sets forth the procedure for establishing the community redevelopment area and then creating the community redevelopment agency. There are two distinct statutory sections that a local government may use in creating the community redevelopment agency. Each of these statutes has distinctive requirements as to the number of board members, the composition of the board, and the timing of the creation of the board.

Number of Members

Section 163.356, Florida Statutes, allows the local government to create an agency with no fewer than five and no greater than nine members. Section 163.357(1), provides that "as an alternative to appointing no fewer than five or more than seven members" the governing body may appoint itself as the community redevelopment agency. If the governing body has five members, it may add two additional members, Section 163.357(3)(c), Florida Statutes.

Composition of the Board

Section 163.356(2), Florida Statutes provides that the governing body creating the agency may enter into an interlocal agreement with taxing authorities to include one or more members of the taxing authority's governing body. Additionally, 163.356(3)(b) permits the governing board to appoint any person as a commissioner if:

he or she resides or is engaged in business, which means owning a business, practicing a profession, or performing a service for compensation, or serving as an officer or director of a corporation or other business entity so engaged, within the area of operation of the

agency, which shall be coterminous with the area of operation of the county or municipality, and is otherwise eligible for such appointment under this part.

Thus, if the community redevelopment agency board is created under Section 163.356, Florida Statutes, the agency board could consist of any composition of city and county commissioners and non-elected persons living in or owning a business within the community redevelopment area.

Section 163.357, Florida Statutes is the method the City of Gainesville utilized to create the Gainesville Community Redevelopment Agency. Subsection (1)(a) permits the governing body to declare itself to be the community redevelopment agency. If the governing body declares itself to be the community redevelopment agency, subsection (1)(b) requires the members of the governing body to serve as members of the community redevelopment agency. The attorney general has opined that once the governing board has elected to serve as the community redevelopment agency, the individual members of the community redevelopment agency may not resign his or her membership in the community redevelopment agency, unless he or she also resigns the city commission membership, see AGO 89-60 (1989).

Therefore, all seven members of the Gainesville city commission must serve as members of the community redevelopment agency. Section 163.357(1)(c), Florida Statutes only permits the city commission to appoint two additional members if the city commission consists of five members. Because there are currently seven city commission members, the city commission may not add county commissioners to the community redevelopment agency under Section 163.357, Florida Statutes. Accordingly, the only method for having both city and county commissioners serving on the community redevelopment agency is to utilize the method set forth in Section 163.356, Florida Statutes.

Timing of Creation of the Board

Section 163.356(2), Florida Statutes sets forth the timing for creating an agency composed of city and county commissioners and other qualified individuals as follows:

When the governing body adopts a resolution declaring the need for a community redevelopment agency, that body shall, by ordinance, appoint a board of commissioners of the community redevelopment agency, which shall consist of not fewer than five or more than nine commissioners. . . . As provided in an interlocal agreement between the governing body that created the agency and one or more taxing authorities, one or more members of the board of commissioners of the agency may be representatives of a taxing authority, including members of that taxing authority's governing body, whose membership on the board of commissioners of the agency would be considered an additional duty of office as a member of the taxing authority governing body.

[emphasis supplied]

Compare the timing of the above section to Section 163.357(1)(a), Florida Statutes which provides:

. . . the governing body may, at the time of the adoption of a resolution under s.163.355 [finding of necessity], or at any time thereafter by adoption of a resolution, declare itself to be an agency, in which case all the rights, powers, duties, privileges, and immunities vested by this part in an agency will be vested in the governing body of the county or municipality, subject to all responsibilities and liabilities imposed or incurred.

[emphasis supplied]

A community redevelopment agency created pursuant to Section 163.356, Florida Statutes may only be created at the time of adoption of the resolution declaring a need for a community redevelopment agency. A community redevelopment agency created pursuant to Section 163.357, Florida Statutes may be created permits the governing board to name itself the community redevelopment agency at the original determination of need for the agency or at any time thereafter.

An additional distinguishing provision between the two sections is found in Section 163.357(2)(b), Florida Statutes which provides that

If the governing body declares itself to be an agency which already exists, the new agency is subject to all of the responsibilities and liabilities imposed or incurred by the existing agency.

There is no corresponding provision in Section 163.356, Florida Statutes.

According to Attorney General Opinion 84-74, once a governing board declares itself to be the community redevelopment agency pursuant to section 163.357(1), Florida Statute, the governing body may not change the composition between citizens and the governing body. Additionally, according to Attorney General Opinion 89-60, a city councilmember who serves as a member of the community redevelopment agency established pursuant to section 163.357, Florida Statute, may not resign from the community redevelopment agency while retaining his position as a city councilmember. And finally, in AGO 2015-05, the Attorney General opined that once a governing body declared itself to be the community redevelopment agency, it could not change the composition of the agency utilizing Section 163.356, Florida Statutes.

Conclusion

In conclusion, the current composition of the Gainesville Community Redevelopment Agency Board may not be altered to include Alachua County Commissioners. There may be alternatives to allow the Alachua

County Commissioners to provide input into the Community Redevelopment Agency decisions.

RECOMMENDATION

CRA Attorney to the CRA Board: Hear report

[170447A_AGO 89-60_20171016.pdf](#)

[170447B_AGO 84-74_20171016.pdf](#)

[170447C_AGO 2015-05_20171016.pdf](#)

REPORTS FROM ADVISORY BOARDS/COMMITTEES

MEMBER COMMENT

CITIZEN COMMENT

ADJOURNMENT