

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Meeting Agenda - Final

January 17, 2019

1:00 PM

City Hall Auditorium

City Commission

Mayor Lauren Poe (At Large)

Commissioner Helen Warren (At Large)

Commissioner Gail Johnson (At Large)

Commissioner Gigi Simmons (District 1)

Commissioner Harvey Ward (District 2)

Commissioner David Arreola (District 3)

Mayor-Commissioner Pro Tem 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****ADOPTION OF CONSENT ITEMS - GRU, General Government, Audit & Finance Committee and General Policy Committee Items**[180656.](#)**City Commission Minutes (B)**

RECOMMENDATION *The City Commission approve the minutes of January 3, 2019.*

[180656_January 3, 2019 Minutes_20190117.pdf](#)

[180650.](#)**Resignation of Leslie Suskin from the Affordable Housing Advisory Committee (AHAC-SHIP) (B)**

RECOMMENDATION *The City Commission accepts the resignation of Leslie Suskin, effective immediately.*

[180650_Resignation Leslie Suskin_20190117.pdf](#)

[180651.](#)**Strategic & Financial Planning Workshop (NB)**

RECOMMENDATION *The City Commission approve a Strategic & Financial Planning Workshop for January 28, 2019 from 4:00pm to 8:00pm at the Gainesville Police Department Hall of Heroes.*

[180647.](#)

Request to Host & Participate in a Strategic & Financial Planning Priorities Workshop (NB)

This is a request for the City Commission to approve hosting and participating in a workshop on January 28, 2019 to discuss strategic and financial planning priorities.

Explanation: On December 15, 2016, the City Commission unanimously adopted the Strategic Plan Framework. The Strategic Framework, a lasting blueprint to guide us towards our best Gainesville of a New American City, serves as a unified document to guide policy development, support management and decision making, align resources and budget, and evaluate performance.

The Framework resulted from the Gainesville Creative Series, a 12-month process to redesign the strategic plan processes and supporting documents. Throughout 2016, the Commission and staff lead 4 public forums, facilitated more than 10 collaborative workshops with department directors and organizational leaders, toured 20 service areas to better evaluate the impact of the strategic plan on the city's day-to-day operations, connected with citizens at 24 in-person outreach sessions through community events and neighborhood meetings, conducted more than 40 interviews to enhance understanding of the strategic plan users' experiences and perspectives, and collected upwards of 450 big ideas to improve our city and design our best Gainesville. The Gainesville Creative Series facilitated connections with more than 2,400 citizens.

Staff has continued to engage with citizens and community stakeholders while leading efforts to gather data and information, build systems to support implementation, define desired goals and action plans, and align financial planning with strategic priorities.

During 2018, the Commission identified 7 priority projects to further implementation and began budgeting for these priorities in FY2019 - Wages, Affordable Housing, Youth Programming, Vision Zero, Zero Waste, Broadband, and the UF Partnership.

Staff requests the Commission host a workshop on January 28, 2019, to discuss continued implementation of the Strategic Framework and priority focus areas, and to establish financial planning guidelines for the upcoming budget cycle.

Fiscal Note: None

RECOMMENDATION

The City Commission 1) approve hosting and participating in a workshop on January 28, 2019, to discuss strategic and financial planning priorities.

[180649.](#)**Historic Preservation Annual Report 2018 (B)**

Explanation: The Historic Preservation division of the Department of Doing has prepared an annual report detailing the work of the Historic Preservation Board and preservation staff for the FY 2018 year. Preparation of an annual report is a duty of the Historic Preservation Board as outlined in Section 30-3.5 of the City's Land Development Code and outlines some of the highlights of the board's work during the 2018 year.

Fiscal Note: None.

RECOMMENDATION 1. Review the Historic Preservation Annual Report.

[180649A_HPB Annual Reporting 2018 20190117.pdf](#)

[180639.](#)**Authorize City Manager to sign contract with University of Florida for Automated Code Plan Review for Residential Building Permitting (B)**

AGENDA UPDATE - ADD ITEM

Explanation: Building on the momentum of partnerships between the University of Florida and the City of Gainesville, the Department of Doing has negotiated with the UF College of Design, Construction and Planning a contract for UF to develop an automated plan review program that will use computer software coded with information from the Residential Building Code to conduct plan review for compliance with the Florida Building Code. The project is expected to take 36-48 months.

The negotiations for this contract have taken since March as the University and City worked together to develop a contract that would serve the needs of both parties. The city engaged the services of an intellectual property attorney to ensure the interests of the city were clearly outlined in the contract.

Both parties are looking forward to having a signed contract and moving forward with this innovative work.

Fiscal Note: The contract amount is for \$134, 235.00. A portion of the funding was approved by the City Commission as part of a budget amendment for the Department of Doing Building Division in March 2018, Legistar Item 170863A. The Fund 416 (unaudited) fund balance for 30 Sept 2018 is \$5,577,607.

RECOMMENDATION The City Commission authorize the City Manager to sign the contract.

[180639A_UF City BIM Contract 20190117.pdf](#)

[180624.](#)**Wild Spaces and Public Places Agreement for Drainage Improvements on School Grounds (B)**

This item requests approval to enter into an Interlocal Agreement between the City of Gainesville and the School Board of Alachua County (SBAC) to reimburse the School Board for drainage improvements on Abraham Lincoln Middle School and Joseph Williams Elementary School grounds.

AGENDA UPDATE - ADD ITEM

Explanation: The School Board of Alachua County desires to offer its active recreational facilities at Abraham Lincoln Middle School and Joseph Williams Elementary School, located at 1001 Southeast 12th St., Gainesville, Florida 32641, for use and benefit of the general public, while retaining control of the facilities. The City is willing to reimburse the School Board using Wild Spaces and Public Places (WSPP) funding for immediate drainage improvements to school grounds in order for the facilities to be used. The cost is approximately \$100,000. Improvement to Lincoln Middle School is an approved project on the WSPP list of projects approved by the City Commission in February, 2016. Additional improvements to the school facilities will be scheduled at a later date. At that time, a joint use agreement will be developed. During the interim, requests to use the school facilities will be coordinated with the school principals.

Staff from the City and the School Board have met to discuss the drainage improvements and the City Attorney and the School Board Attorney have reviewed the draft agreement.

Fiscal Note: Wild Spaces and Public Places funding has been approved for specific 2018 to 2020 projects with a contingency fund established to be used for project contingency and small park improvement projects. The Lincoln Middle School Field Improvement is a project on the approved WSPP 2018-2020 project list with a budget of \$75,000. WSPP Contingency Funds will be utilized for any project costs above \$75,000.

RECOMMENDATION

The City Commission approve the agreement for drainage improvements on Abraham Lincoln Middle School and Joseph Williams Elementary School grounds.

[Exhibit A - Lincoln-Williams Drainage_20190117](#)

[Exhibit B - Lincoln-Williams Drainage final_20190117](#)

ADOPTION OF REGULAR AGENDA

GENERAL PUBLIC 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.

[180612.](#)

Appointment of Interim City Manager (B)

AGENDA UPDATE - ADD ADDITIONAL BACK-UP

Explanation: During the December 13, 2018 General Policy Meeting, the City Commission approved the First Amendment to the Employment Agreement between the City of Gainesville and City Manager Anthony Lyons. The First Amendment to the Employment Agreement stipulates that the last effective date of employment as City Manager for Anthony Lyons is January 18, 2019, meaning an Interim City Manager will need to be appointed effective January 18, 2019 at 5:01 p.m.

The Interim City Manager position was advertised from December 18-23, 2018.

During the January 3, 2019 City Commission meeting, Commissioners discussed candidates who applied for the position and the appointment of an Interim City Manager. Following the discussion, the City Commission decided to extend the open period to apply for the Interim City Manager position, with a January 10th deadline to submit applications.

Fiscal Note: Wages and benefits will be paid from the Personal Services Budget of the City Manager's Office.

RECOMMENDATION

The City Commission appoint an Interim City Manager and discuss qualifications and criteria for permanent full-time City Manager search.

Legislative History

12/13/18	General Policy Committee	No Action Taken
1/3/19	City Commission	Approved, as shown above

[180612 City Manager First Amendment to Employment Agreement 20190117.](#)

[180612 City Manager Job Description 20190107.pdf](#)

[180612 Bowie, Deborah Cover and Resume 20190117.pdf](#)

[180612 Varvel, Steve Cover Letter and Resume 20190117.pdf](#)

[180612 Michelle Park Cover Letter and Resume 20190117.pdf](#)

[180640.](#)

Gainesville Regional Utilities Cash Balance Study (B)

AGENDA UPDATE - ADD UAB RECOMMENDATION

Explanation: As discussed during the FY19 GRU budget presentations last summer, GRU cash balances have been deteriorating since FY15 and liquidity ratios have eroded to levels which could potentially imperil GRU's bond ratings. To assist us in addressing this issue, GRU has engaged its financial advisor, Public Financial Management (PFM) to conduct a Cash Balance Study (CBS). The purpose of the CBS is to establish prudent cash levels to accommodate various sources of cash flow variability as well as manage risk. The conclusions of the study are:

- There is a preferred level or range of cash balances for GRU
- The CBS should be periodically reviewed to reassess preferred cash levels in view of changing economic conditions as well as changes in GRU's risk profile

The fundamental reason for developing the CBS is to identify cash levels sufficient to absorb financial variability resulting from unexpected operating results. This will facilitate GRU's ability to establish rates that reflect long-term costs, without necessarily imposing the full impact of short-term volatilities.

Fiscal Note: None

RECOMMENDATION

The City Commission

- 1) receive a presentation on the Cash Balance Study and
- 2) approve the range of cash levels to be maintained by GRU as identified in the Cash Balance Study.

[180640 GRU Cash Balance Pres 20180110](#)

[180634.](#)

Ratification of Agreement between the International Association of Firefighters (IAFF), Local 2157, Professional Firefighters Bargaining Unit and the City of Gainesville for October 1, 2018 through September 30, 2021 (B)

Explanation: This Agreement has been reached through negotiations between the International Association of Firefighters (IAFF), Local 2157, Professional Firefighters Bargaining Unit and the City of Gainesville, and was ratified by the International Association of Firefighters (IAFF), Local 2157, Professional Firefighters Bargaining Unit. This Agreement extends the current Collective Bargaining Agreement through September 30, 2021.

A copy of the Agreement is on file in the Office of the Clerk of the Commission. After January 17, 2019, the Agreement will be on file in the Human Resources Department.

Fiscal Note: The agreed-to wage package is approximately \$260,000 over the budgeted amount for FY19. This difference will be recovered through expenditure reduction if needed.

RECOMMENDATION

The City Commission ratify the Agreement between the International Association of Firefighters (IAFF), Local 2157, Professional Firefighters Bargaining Unit and the City of Gainesville, extending the Agreement through September 30, 2021.

[180634 International Association of Firefighters \(IAFF\) 2018 - 2021 clean 2019](#)

[180634 Changes to IAFF Agreement 2018-2021 20190117.pdf](#)

[180634 International Association of Firefighters \(IAFF\) 2018 - 2021 underline-s](#)

[180658.](#)

2018 Land Development Code Amendments Informational Item (B)

Explanation: At the January 3rd City Commission meeting, the commission discussed the status of the remaining 2018 Land Development Code amendments that were unrelated to the housing and infill changes recommended by staff. These amendments include:

- *Downtown Arts and Culture amendments: (Remove event limitation, add outdoor recreation as an allowed use within downtown zoning, amend sidewalk café ordinance). Plan Board vote 6-0.*
- *Tree Ordinance components: (density bonuses, mitigation offset, exemptions for laurel and water oaks, building frontage regulation flexibility in order to preserve trees, and adding the urban forest ecological assessment and management plan to the list of permitted tree mitigation fund expenditures but otherwise retain the existing tree mitigation fund language) Plan Board vote 6-0.*
- *Clarity and Consistency amendments: (Podium buildings clarification, add personal services as an allowed use in U-4 zoning, remove 1.5' finished floor requirement, add health services to urban zones). Plan Board vote 5-0.*

The Commission approved the petition regarding the proposed code amendments at the August 16, 2018 meeting (Petition PB-18-101 TCH - Legislative Matter 180200).

The City Attorney's office has prepared the ordinances related to the aforementioned code amendments and have tentatively scheduled their first reading for the February 7th City Commission meeting.

Fiscal Note: None.

RECOMMENDATION

Hear a presentation from staff regarding the remaining code amendments and provide appropriate direction.

[180658A Staff PPT 20190117.pdf](#)

COMMISSION COMMENT**4:30 - 5:30pm DINNER BREAK****5:30 - CALL TO ORDER - Evening Session****PLEDGE OF ALLEGIANCE****PROCLAMATIONS/SPECIAL RECOGNITIONS**[180654.](#)**World Wetlands Day 2019 (B)****RECOMMENDATION***Dr. David Kaplan and Dr. Mark Clark to accept the proclamation.*[180654_World Wetlands Day 2019_20190117.pdf](#)[180659.](#)**National Law Enforcement Appreciation Day (B)****RECOMMENDATION***Chief Tony Jones to accept the proclamation.*[180659_National Law Enforcement Appreciation Day_20190117.pdf](#)**GENERAL PUBLIC COMMENT - For items not on the agenda, limited to 3 minutes per citizen and not to exceed 30 minutes total****RESOLUTIONS - ROLL CALL REQUIRED****PUBLIC HEARINGS**[171022.](#)**Quasi-Judicial - Request to Consider Two Additional Conditions to a Previously Approved Design Plat for Oaks Preserve Cluster Subdivision (B)**

Petition DB-18-17 SUB. EDA, Inc. (Sergio Reyes), agent for Oaks Preserve Parcel Owners. Design plat review for Oaks Preserve Cluster Subdivision, a residential subdivision of Tax Parcels: 06951, 06949-1, 06949, 06952-2-2, 06944-1, 069440, 06943-2, 06949-2 and 069521 to create 296 single-family residential lots. Zoned: RSF-4 (single-family residential 8 dwelling units per acre).

Explanation: On June 21, 2018, the City Commission approved with conditions the Oaks Preserve Design Plat Cluster Subdivision ("Design Plat"). As part of that approval, the City Commission requested that the Design Plat be brought back to the City Commission to ensure compliance with the stated conditions. As such, on December 6, 2018, the Design Plat was brought back to the City Commission so that city staff and the applicant could demonstrate compliance with the conditions the City Commission approved on June 21, 2018.

In addition, the Alachua County Commission sent a letter requesting that the City Commission adopt on December 6, 2018, one of the following additional conditions for the Design Plat:

- 1) Limiting access between Oaks Preserve and SW 47th Way to bicycle/pedestrian travel and emergency vehicle access until such time as future planned roadway connections into Oaks Preserve that can disperse traffic are completed; OR*
- 2) In the case that a fully functional access is deemed necessary by the City's Comprehensive Plan and Code, requiring the developer of Oaks Preserve to install appropriate traffic calming and a pedestrian facility on SW 47th Way.*

At the December 6, 2018, City Commission meeting, the City Commission discussed the following additional condition: That the applicant prohibits construction traffic from using SW 47th Way during construction.

At the end of their discussion on December 6, 2018, the City Commission considered a motion to approve the following two conditions (which again would be additional to the Design Plat conditions that the City Commission already approved on June 21, 2018): 1) That the applicant installs traffic calming devices on SW 47th Way; and 2) That the applicant prohibits construction traffic from using SW 47th Way during construction. The motion failed by a vote of 3 to 3. City staff believes there may have been some confusion surrounding this failed motion, as such, city staff is bringing this item back to the City Commission for clarity on the additional two conditions.

The only outstanding issue for the City Commission to address at this meeting is whether it wants to approve or not the addition of the following two conditions to the approved Design Plat: 1) That the applicant works with the neighborhood and the County to install traffic calming devices on SW 47th Way; and 2) That the applicant prohibits construction traffic from using SW 47th Way during construction.

City staff recommends approval of the two additional conditions based on compliance with Section 30-6.6 of the Land Development Code and Land Use and Transportation Mobility policies 1.2.7; 3.1.4; 6.1.2; and 6.1.6.

Fiscal Note: None

RECOMMENDATION

Staff to City Commission -- Adopt the following additional two conditions to the Design Plat approved on June 21, 2018: 1) That the applicant works with the neighborhood and the County to install traffic calming devices on SW 47th Way; and 2) That the applicant prohibits construction traffic from using SW 47th Way during construction.

Legislative History

6/21/18 City Commission Approved (Petition) with Staff Conditions, as Revised

12/6/18 City Commission Approved (Petition)

[171022_Staff Report_20180424.pdf](#)

[171022A_Summary of DRB Conditions_20180621.pdf](#)

[171022B_Staff Report w Appendices A-I_20180621.pdf](#)

[171022C_Oaks Preserve Enviro Report_20180621.pdf](#)

[171022D_DRB 180424 Minutes draft_20180621.pdf](#)

[171022E_Staff ppt_20180621.pdf](#)

[171022_Oaks Preserve - City Commission Presentation_Developer Material_20181206.pdf](#)

[171022A_Summary of CC Conditions w Exhibits A - C_20181206.pdf](#)

[171022B_Staff ppt_20181206.pdf](#)

[171022_Oaks Preserve - Developer City Commission Presentation_20181206.pdf](#)

[171022A_Summary of CC Conditions w Exhibits A - C_20190117.pdf](#)

[171022B_Staff PPT_20190117.pdf](#)

[171022_Oaks Preserve - Applicant CCOM Presentation_20190117.pdf](#)

ORDINANCES, 2ND READING - ROLL CALL REQUIRED

[170487.](#)

Ordinance Prohibiting the Use of Expanded Polystyrene Containers and Single-Use Carry Out Plastic Bags (B)

ORDINANCE NO. 170487

An ordinance of the City of Gainesville, Florida, amending the Code of Ordinances to prohibit the use of expanded polystyrene containers and single-use carry out plastic bags by creating a new Division 4 within Article III of Chapter 27; 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 effective date and an enforcement date.

Explanation: At the General Policy Committee Meeting of October 26, 2017, the City Attorney was directed to draft an ordinance prohibiting the use of expanded polystyrene containers and single-use carry out plastic bags.

The City Attorney drafted an ordinance and coordinated with City staff regarding the substance and implementation of the draft ordinance.

The City Attorney has advised the City Commission that Sections 403.7033 and 500.90, Florida Statutes, currently preempt the City from regulating plastic bags and expanded polystyrene containers; however, that preemption has been ruled unconstitutionally vague by a circuit court in Miami-Dade County. That decision has been appealed to the Third District Court of Appeals.

At the City Commission Meeting of December 6, 2018, the City Commission discussed the draft ordinance with certain revisions proposed by Commissioner Hayes-Santos. The Commission directed the ordinance with revisions be placed on the January 3, 2019 agenda for first reading.

The proposed ordinance prohibits food and retail establishments from providing expanded polystyrene containers or single-use carry out plastic bags to its customers, with limited exceptions for prepackaging and food safety. The ordinance also prohibits permittees of special events at City facilities from utilizing such containers or bags. The ordinance provides for a delayed enforcement date of August 1, 2019.

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

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

10/26/17	General Policy Committee	Approved, as shown above
8/6/18	City Commission	Approved, as shown above
12/6/18	City Commission	Approved, as shown above
1/3/19	City Commission	Adopted on First Reading (Ordinance)

[170487 Zero Waste 20171026 .pdf](#)
[170487 Zero Waste Presentation 20171026.pdf](#)
[170487 Single-Use Plastic Bags Ordinance -2017-13 - Coral Gables Signed 2f](#)
[170487 Prohibition of Expanded Polystyrene Signed Ordinance 2016-08 - Cora](#)
[170487A Joint COGAC ZerowastePPT 20180806.pdf](#)
[170386 RESOLUTION 20180322.pdf](#)
[170386B Resolution 20180322.pdf](#)
[170386C Zero Waste Proposal Presentation 20180322.pdf](#)
[170386D draft ordinance for discussion 20180322.pdf](#)
[170386A Zero Waste Budget and Timeline Memo 20180419pdf.pdf](#)
[170386B Draft Resolution Declaring Gainesville Zero Waste Community 2018f](#)
[170487A Zero Waste New Slides 20181206.pdf](#)
[170487B Joint COGAC Zerowaste5ppt170x 20181206.pdf](#)
[170487 Styrofoam and Plastic Bag Ordinance 12-6-18 \(Adrian Hayes-Santos V](#)
[170487 Polystyrene and plastic bag ordinance 20190103.pdf](#)
[170487 draft ordinance 20190117.pdf](#)

180111.

Land Use Change - Finley Woods 118 Acres on SW 62nd Avenue (B)

Ordinance No. 180111

An ordinance of the City of Gainesville, Florida, amending the Future Land Use Map of the Comprehensive Plan by overlaying the Planned Use District (PUD) land use category on approximately 118 acres of property generally located near the 4500 block of SW 62nd Avenue near SW 43rd Terrace, as more specifically described in this ordinance; providing land development regulations; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: STAFF REPORT

Update since first reading: On November 1, 2018, the City Commission approved this ordinance with amendments 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, 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 ordinance will amend the Future Land Use Map of the

Comprehensive Plan by overlaying the Planned Use District (PUD) land use category on approximately 118 acres of property that is generally located in the 4500 block of SW 62nd Avenue at SW 43rd Terrace. This land use change reflects the existing regulations established while under Alachua County jurisdiction prior to annexations into the city in February 2017 and June 2018.

Together, the properties comprise the entire Finley Woods subdivision and include both developed and undeveloped portions of the master planned community. In accordance with Comprehensive Plan Policy 4.4.1 of the Future Land Use Element, the City must facilitate incorporation of annexed property by establishing City land use designations and implementing zoning subsequent to annexation.

The City Plan Board held a public hearing on June 28, 2018, where it voted to recommend approval of this amendment to the Future Land Use Map of the Comprehensive Plan.

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 adopt the proposed ordinance.

Legislative History

11/1/18 City Commission Adopted on First Reading (Ordinance)

[180111 Staff Report w Appendices A-B 20180628.pdf](#)

[180111B Staff Report w Appendices A-B 20181101.pdf](#)

[180111C CPB minutes 20181101.pdf](#)

[180111D Staff PPT 20181101.pdf](#)

[180111A draft ordinance 20181101.pdf](#)

[180111A draft ordinance 20181115.pdf](#)

[180111A draft ordinance 20190117.pdf](#)

[180111B State Review Letters 20190117.pdf](#)

[180120.](#)

Quasi-Judicial - Rezoning Finley Woods 118 Acres on SW 62ND Avenue (B)

Ordinance No. 180120

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning approximately 118 acres of property known as Finley Woods generally located near the 4500 block of SW 62nd Avenue near SW 43rd Terrace, as more specifically described in this ordinance, from Alachua County Planned Development (PD) district to City of Gainesville Planned Development (PD) district; providing land development regulations; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: STAFF REPORT

This ordinance amends the Zoning Map Atlas of the City of Gainesville by rezoning approximately 118 acres of property known as Finley Woods, located in the vicinity of the 4500 block of SW 62nd Avenue near SW 43rd Terrace, from Alachua County Planned Development (PD) district to City of Gainesville Planned Development (PD) district. The proposed PD zoning and associated PD layout plan reflects the existing entitlements established while under Alachua County jurisdiction prior to annexations into the city in February 2017 and June 2018. Together, the properties comprise the entire Finley Woods subdivision and include both developed and undeveloped portions of the master planned community. In accordance with Comprehensive Plan Policy 4.4.1 of the Future Land Use Element, the City shall facilitate incorporation of annexed property by establishing city land use designations and implementing zoning subsequent to annexation.

The City Plan Board held a public hearing on June 28, 2018, where it voted to recommend approval of this rezoning. The City Commission approved this Ordinance on first reading on November 1, 2018.

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. 180111 becomes effective as provided therein.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

11/1/18 City Commission Adopted on First Reading (Ordinance)

[180120_Staff Report w Appendices A-B_20180628.pdf](#)

[180120B_Staff Report w Appendices A-B_20181101.pdf](#)

[180120C_CPB minutes_20181101.pdf](#)

[180120D_Staff PPT_20181101.pdf](#)

[180120A_draft ordinance_20181101.pdf](#)

[180466.](#)

Land Use Change - 0.875 Acres of Property Located at 209 NW 75th Street (B)

Ordinance No. 180466

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 approximately 0.875 acres of property generally located at 209 NW 75th Street, as more specifically described in this ordinance, from Alachua County Commercial (COM) to City of Gainesville Commercial (C); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: STAFF REPORT

This ordinance will amend the Future Land Use Map of the Comprehensive Plan by changing the land use category of approximately 0.875 acres of property located at 209 NW 75th Street, which is north of SW 20th Avenue. This property, which is developed with an existing vacant one-story commercial building, was voluntarily annexed into the city on September 6, 2018. As a result of annexation, the city must now assign appropriate land use and zoning designations. The property's current land use category is Alachua County Commercial and this ordinance will change the land use category to City of Gainesville Commercial.

The City Plan Board held a public hearing on October 25, 2018, where it voted to recommend approval of this amendment to the Future Land Use Map of the Comprehensive Plan.

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 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 adoption. 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 adopt the proposed ordinance.*

[180466_Staff Report w Appendices A- C_20181025.pdf](#)

[180466A_Staff Report w Appendices A- C_20190117.pdf](#)

[180466B_Staff PPT_20190117.pdf](#)

[180466A_draft ordinance_20190117.pdf](#)

[180467.](#)

Quasi-Judicial - Rezoning 0.875 Acres of Property Located at 209 NW 75th Street (B)

Ordinance No. 180467

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning approximately 0.875 acres of property generally located at 209 NW 75th Street, as more specifically described in this ordinance, from Alachua County Business Retail (BR) district to City of Gainesville Business (BUS) district; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: STAFF REPORT

This ordinance rezones approximately 0.875 acres of property located at 209 NW 75th Street. The subject property, which is developed with an existing vacant one story commercial building, was voluntarily annexed into the city on September 6, 2018. As a result of annexation, the city must now assign appropriate land use and zoning designations. The property's current zoning is Alachua County Business Retail (BR), and this ordinance will change the zoning to City of Gainesville Business (BUS).

The City Plan Board held a public hearing on October 25, 2018, where it voted to recommend approval of this rezoning.

CITY ATTORNEY MEMORANDUM

This ordinance requires one hearing and shall become effective when the amendment to the City of Gainesville Comprehensive Plan adopted by Ordinance No. 180466 becomes effective as provided therein.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

[180467 Staff Report w Appendices A-C_20181025.pdf](#)

[180467A Staff Report w Appendices A-C_20190117 - Copy.pdf](#)

[180467B Staff PPT_20190117.pdf](#)

[180467A draft ordinance_20190117.pdf](#)

[180481.](#)

Land Use Change - 0.987 Acres Bounded by NW 13th Terrace, NW 14th Terrace, NW 5th Avenue, and NW 6th Avenue (B)

Ordinance No. 180481

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 approximately 0.987 acres of property generally located and bounded by NW 13th Terrace, NW 14th Terrace, NW 5th Avenue, and NW 6th Avenue, as more specifically described in this ordinance, from Residential Low-Density (RL) to Mixed-Use Residential (MUR); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: STAFF REPORT

This ordinance amends the Future Land Use Map of the City of Gainesville's Comprehensive Plan by changing the land use category of approximately 0.987 acres of property that is located in the vicinity of and bounded by located NW 13th Terrace, NW 14th Terrace, NW 5th Avenue, and NW 6th Avenue, from Residential Low-Density (RL) to Mixed-Use Residential (MUR).

The properties form an entire city block. This change will allow the redevelopment of the block with a density that allows up to 75 dwelling units per acre compared to the 15 units per acre allowed under RL. The six buildings on the site were built between 1937 and 1957 and are generally in fair condition.

The applicants are requesting higher density land use in order to support mixed-use development. The block is located within walking distance of

the University of Florida campus and numerous retail establishments and restaurants. Transit is available with bus stops within two blocks, which would allow residents to use transit for many of their day-to-day activities. The increased density can help reduce driving, reduce traffic congestion, and the subsequent air pollution. The redevelopment of this block with a higher density will not require new streets, or water and sewer extensions.

This land use change will allow multiple-family housing types at a higher density, which supports nearby commercial developments that rely on high density residential development within walking distance such as The Standard and Hub 2, which is under development plan review. The higher density residential land use is more appropriate next to the high intensity fueling station/convenience store than lower density development with single-family and duplex type dwelling units.

The City Plan Board held a public hearing on October 25, 2018, where it voted to recommend approval of this amendment to the Future Land Use Map of the Comprehensive Plan.

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 will 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 will become effective 31 days after adoption.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

[180481_Staff Report w Appendices A-B_20181025.pdf](#)

[180481A_Staff Report w Appendices A-B_20190117.pdf](#)

[180481B_Staff PPT_20190117.pdf](#)

[180481A_draft ordinance_20190117.pdf](#)

ORDINANCES, 1ST READING - ROLL CALL REQUIRED

[180482.](#)

Quasi-Judicial - Rezoning 0.987 Acres Bounded by NW 13th Terrace, NW 14th Terrace, NW 5th Avenue, and NW 6th Avenue (B)

Ordinance No. 180482

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning approximately 0.987 acres of property generally located and bounded by NW 13th Terrace, NW 14th Terrace, NW 5th Avenue, and NW 6th Avenue, as more specifically described in this ordinance, from Urban 2 (U2) to Urban 5 (U5); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: STAFF REPORT

This ordinance amends the Zoning Map Atlas of the City of Gainesville by rezoning from Urban2 (U2) to Urban 5 (U5) approximately 0.987 acres of property, located in the vicinity of and bounded by NW 13th Terrace, NW 14th Terrace, NW 5th Avenue, and NW 6th Avenue.

The proposed Urban 5 zoning consisting of 0.99 acres of land would allow the redevelopment of the block with a density that allows up to 75 dwelling units per acre compared to the 15 units per acre allowed under Urban 2. The six buildings on the site were built between 1937 and 1957 and are generally in fair condition.

The applicants are requesting higher density zoning in order to support mixed-use development. The block is located within walking distance of the University of Florida campus and numerous retail establishments and restaurants. Transit is available with bus stops within two blocks, which would allow residents to use transit for many of their day-to-day activities. The increased density can help reduce driving, reduce traffic congestion, and the subsequent air pollution. The redevelopment of this block with a higher density will not require new streets, or water and sewer extensions.

There have been substantial changes in the character and development of the area in or near the subject properties in consideration for rezoning. The Standard mixed-use development with residential and commercial uses, including a hotel, is now operating in the northwest corner of NW 13th Street and West University Avenue. A Publix grocery store is across NW 13th Street from The Standard. The Hub 2 mixed-use development is under review and is located just north of the Publix, between NW 3rd and NW 4th Avenue. The Gate fueling station/convenience store just east of the subject properties is redeveloping into a more pedestrian friendly, urban location. A little further west in the College Park neighborhood is the One College Park mixed-use development. With the redevelopment in the surrounding area including several mixed-use developments, higher density development in the area is appropriate to provide the population base needed to support these commercial and office uses.

The proposed Urban 5 zoning designation will allow residential uses that

are compatible with the surrounding area. The proposed higher density residential development can serve as a "step down" in intensity from the Urban 6 and Urban 8 designated properties along NW 13th Street to the Urban 2 transect zones lying immediately to the west of the subject properties.

The rezoning request is consistent with the City's Comprehensive Plan and meets all applicable review criteria. The City Plan Board held a public hearing on October 25, 2018, where it voted to recommend approval of this rezoning.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings and will become effective when the amendment to the City of Gainesville Comprehensive Plan adopted by Ordinance No. 180481 becomes effective as provided therein.

RECOMMENDATION The City Commission adopt the proposed ordinance.

[180482_Staff Report w Appendices A-B_20181025.pdf](#)

[180482A draft ordinance 20190117](#)

[180397.](#)

Land Use Change - 81.575 Acres of Property Known as the Oaks Mall (B)

Ordinance No. 180397

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 approximately 81.575 acres of property known as the Oaks Mall generally located at the southwest corner of the intersection of W Newberry Road and NW 62nd Street, as more specifically described in this ordinance, from Commercial (C) to Urban Mixed-Use (UMU); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: STAFF REPORT

This ordinance amends the Future Land Use Map of the Comprehensive Plan by changing the land use category of approximately 81.575 acres property known as the Oaks Mall, located at the southwest corner of the intersection of W Newberry Road and NW 62nd Street, from Commercial (C) to Urban Mixed-Use (UMU).

The purpose of the request is to provide a more appropriate future land use category at a strategic location in our urbanized area, where a long-developed property is undergoing substantial change and is beginning to redevelop. The proposed large-scale land use amendment

will encourage redevelopment of the Oaks Mall, a major shopping center and former Development of Regional Impact with approximately 907,000 sq.ft. of GLA (gross leasable area). The proposed land use change to Urban Mixed-Use (UMU) will add residential and mixed-use development potential where none exists under the current Commercial (C) land use and general business district (BUS) zoning.

This large-scale land use amendment will increase the percentage of land uses that are mixed and within walking distance of important destinations. These destinations include the Oaks Mall and proximate commercial and office development, the North Florida Regional Medical Center (hospital and many other medical facilities), and nearby UF Health medical and dental offices at Hampton Oaks to the south along NW 62nd St. The proposed UMU land use and Urban 8 (U8) zoning is supportive of increasing choices in housing, offices, retail, and workplaces.

The proposed land use amendment and related rezoning will allow for this property to become a more dynamic, major node within the City of Gainesville.

The City Plan Board held a public hearing on September 27, 2018, where it voted to recommend approval of this amendment to the Future Land Use Map of the Comprehensive Plan.

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 adopt the proposed ordinance.*

[180397_Staff Report_20180927.pdf](#)

[180397A_Staff Report w Appendices A - B_20190117.pdf](#)

[180397B_Staff PPT_20190117.pdf](#)

[180397A_draft ordinance_20190117](#)

[180398.](#)

Quasi-Judicial - Rezoning 81.575 Acres of Property Known as the Oaks Mall (B)

Ordinance No. 180398

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning approximately 81.575 acres of property known as the Oaks Mall generally located at the southwest corner of the intersection of W Newberry Road and NW 62nd Street, as more specifically described in this ordinance, from General Business (BUS) district to Urban 8 (U8) district; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: STAFF REPORT

This ordinance amends the Zoning Map Atlas of the City of Gainesville by rezoning approximately 81.575 acres of property known as Oaks Mall, located the southwest corner of the intersection of W Newberry Road and NW 62nd Street, from General Business (BUS) district to Urban 8 (U8) district.

The purpose of the request is to provide more appropriate zoning at a strategic location in our urbanized area, where a long-developed commercial property (the Oaks Mall) is undergoing substantial change and is beginning to redevelop. The proposed rezoning will encourage redevelopment of the Oaks Mall, a major shopping center and former Development of Regional Impact with approximately 907,000 sq. ft. of GLA (gross leasable area). The proposed change to U8 zoning will strongly encourage infill development and redevelopment. This transect zoning district will add residential and mixed-use development potential where none exists under the current BUS zoning and Commercial land use.

The Oaks Mall is generally surrounded by commercial and other nonresidential development to the north, east and west, and is adjacent to the west and south to multi-family development (3-story, Hampton Oaks Apartments to the south) (3-story, Oaks Apartments to the south and west).

This proposed rezoning to U8 will allow residential density of 60 units per acre by right and up to 80 units per acre by Special Use Permit. The current BUS zoning (and Commercial land use) do not allow residential use. The proposed transect zoning and related mixed-use land use amendment is supportive of increasing choices in housing, offices, retail, and workplaces.

The proposed rezoning and related land use amendment will allow for this property to become a more dynamic, major node within the City of Gainesville. The requested rezoning is consistent with the Comprehensive Plan and meets all applicable review criteria.

The City Plan Board held a public hearing on September 27, 2018, where it voted to recommend approval of this rezoning.

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. 180397 becomes effective as provided therein.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

[180398_Staff Report_20180927.pdf](#)

[180398A_Staff Report w Appendices A-B_20190117.pdf](#)

[180398B_Staff PPT_20190117.pdf](#)

[180398A_draft ordinance_20190117](#)

[180412.](#)

Quasi-Judicial - Historic Property Tax Exemption - 430 NE 9th Avenue (B)

Ordinance No. 180412

An ordinance of the City of Gainesville, Florida, finding that property located at 430 NE 9th Avenue, Gainesville, Florida, as more specifically described in this ordinance, qualifies for an ad valorem tax exemption for historic properties; granting an exemption from ad valorem tax for certain improvements beginning January 1, 2019, and continuing for 10 years under certain conditions; authorizing the Mayor and the Clerk of the Commission to sign the Historic Preservation Property Tax Exemption Covenant between the property owner and the City; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: Chapter 25, Article IV, of the Code of Ordinances authorizes the City Commission to grant ad valorem tax exemptions for historic properties pursuant to Florida law. In order to approve a property for such exemption, the Historic Preservation Board (HPB) and the City

Commission must determine that a particular property is eligible for the property tax exemption (i.e., historical designation or contributing property) and that it has been improved consistent with the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

The process for a property owner to receive a historic preservation property tax exemption entails two steps. First, the property owner submitted Part 1 (Preconstruction Application) of the Historic Preservation Property Tax Exemption Application for the restoration, renovation, or rehabilitation of a contributing residential building in the Southeast Residential Historic District. Part 1 was approved by the HPB on September 1, 2015, with a finding that the property was eligible for the exemption and that the improvements met the required standards.

Second, the applicant completed the improvements and submitted Part 2 of the property tax exemption application (Final Application for Review of Completed Work). Staff inspected the completed work and found the work meets the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings as well as the City's Guidelines for Rehabilitating Historic Buildings. On October 2, 2018, the HPB approved Part 2 with a finding that the eligible property has been improved consistent with the required standards; the HPB recommended the City Commission approve same. The renovations eligible for the tax exemption total \$90,000.00. However, pursuant to City Code and State Statute, the actual amount of the exemption will be determined by the County Property Appraiser.

The property is located at 430 NE 9th Avenue and includes a residential home constructed in 1926 that is a contributing structure to the Northeast Residential Historic District. This project included a bathroom and closet addition.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings and will become effective immediately upon adoption; however, the ad valorem tax exemption will be effective as of January 1, 2019, in accordance with Section 196.1997(10), Florida Statutes.

RECOMMENDATION

The City Commission: 1) approve Part 2 of the Historic Preservation Property Tax Exemption Application; and 2) adopt the proposed ordinance.

[180412_Staff Report w Exhibits 1-3_20181002.pdf](#)

[180412A_Staff Report w Exhibits 1-3_20190117.pdf](#)

[180412B_Staff PPT_20190117.pdf](#)

[180412A_draft ordinance_20190117](#)

[180471.](#)**Ordinance Amending Landlord Permit Regulations (B)**

Ordinance No. 180471

An ordinance of the City of Gainesville, Florida, amending section 14.5-1 of the Code of Ordinances relating to landlord permits; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: At its meeting on November 1, 2018, the City Commission directed the City Attorney to draft an ordinance revising the code as requested by Code Enforcement.

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

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

11/1/18 City Commission Approved as Recommended

[180471. ARTICLE I. LANDLORD PERMITS 20181101.pdf](#)

[180471 landlord permits 20170117.pdf](#)

[171078.](#)**Ordinance Amending Local Business Tax Code Provisions (B)**

Ordinance No. 171078

An ordinance of the City of Gainesville, Florida, amending sections 25-50 and 25-50.1 of the Code of Ordinances related to the Local Business Tax to conform to statutory amendments and sunset provisions; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

AGENDA UPDATE - REMOVE ITEM

Explanation: The Florida Legislature enacted changes to Section 205.055, Florida Statutes, effective July 1, 2018, which affect the city's local business tax ordinance. This ordinance revises the City Code to be consistent with the statutory amendments and repeals provisions that have previously sunset.

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

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

[171078_local business tax_20190117.pdf](#)

GENERAL PUBLIC 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