

# City of Gainesville

City Hall  
200 East University Avenue  
Gainesville, Florida 32601



## **Meeting Agenda - Final**

**June 6, 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)***  
***Mayor-Commissioner Pro Tem Harvey Ward (District 2)***  
***Commissioner David Arreola (District 3)***  
***Commissioner Adrian Hayes-Santos (District 4)***

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

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

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

**ROLL CALL****INVOCATION**

**Prophet George Young**

**ADOPTION OF CONSENT ITEMS - GRU, General Government, Audit & Finance Committee and General Policy Committee Items**

[181072.](#)

**City Commission Minutes (B)****RECOMMENDATION**

*The City Commission approve the minutes of May 6, May 14, May 16 (2) and May 21, 2019.*

[181072\\_May 6 Minutes\\_20190606.pdf](#)

[181072\\_May 14 Minutes\\_20190606.pdf](#)

[181072\\_May 16 Minutes\\_20190606.pdf](#)

[181072\\_May 16 Minutes\\_20190606.pdf](#)

[181072\\_May 21 Minutes\\_20190606.pdf](#)

[190014.](#)

**City Commission Team Building Retreat (NB)**

*Explanation: On January 3, 2019 the City Commission requested to have a team building retreat.*

**RECOMMENDATION**

*The City Commission approve June 19, 2019 for the retreat.*

[181025.](#)**GRU Operational Update for April 2019 (B)**

*Explanation:* Staff has prepared a report of GRU's operations for the month of April 2019.

*Fiscal Note:* None.

**RECOMMENDATION**

Receive report.

[181025 Ops Update April 2019 All Depts 20190602](#)

[181002.](#)**Grant Application to Florida Department of State, Division of Cultural Affairs for General Program Support, Multidisciplinary Presenter Category (NB)**

This item requests approval by the City Commission for the Department of Parks, Recreation and Cultural Affairs (PRCA) to accept, if awarded, a General Program Support grant from the Florida Division of Cultural Affairs.

*Explanation:* The City of Gainesville Parks Recreation and Cultural Affairs Department, Cultural Affairs Division, has regularly applied to the Florida Department of State, Division of Cultural Affairs (DCA) for a general program support grant. The Department qualifies as a Level III organization and can apply for the highest level of funding, \$150,000. Staff has worked to prepare a general program support grant request for the June 1st deadline, requesting grant funds for FY 2020-2021 in the Multidisciplinary Presenter category.

Though this grant is for general program support, a detailed outline of how the funds will be spent is required with the application. If funded, the grant award for FY 2020-2021 will be applied to initiatives that will build PRCA's cultural program presenting capacity. The grant will provide funding for elements of the "352ArtsRoadmap" cultural master plan for the City of Gainesville and related marketing initiatives. It will provide support for the curation and marketing of Thomas Center Galleries' exhibitions, and artist fees for the spring "Jest Fest!" event.

The grant submission deadline is June 3, 2019; a panel review of applications will be scheduled for September; final recommendations will be announced in June 2020. The grant period for the next grant is July 1, 2020 - June 30, 2021.

*Fiscal Note:* The FY 2020-21 General Program Support, \$150,000 grant requires a 1:1 match. The matching funds will be met by expenses from the recurring budgets of the Hoggetowne Medieval Faire and the Downtown Cultural Series, which includes the Downtown Festival and Art Show, as well as the budget of the Thomas Center Galleries. No additional funds will be necessary to facilitate this request.

**RECOMMENDATION**

*The City Commission to 1) approve the request for the Department of Parks, Recreation and Cultural Affairs (PRCA) to accept the grant if awarded, from the Florida Department of State, Division of Cultural Affairs, and 2) authorize the City Manager or designee to execute the grant award agreement and other grant related documents, subject to approval by the City Attorney as to form and legality.*

[181049.](#)

**Contract Award to American Janitorial, Inc. for Janitorial Services for Regional Transit System Facilities (B)**

This item is a request to approve the recommended award and execute a contract with American Janitorial, Inc. for Janitorial Services for Regional Transit System Facilities.

*Explanation: On February 26, 2019, the City's Procurement Division solicited Request for Proposals (RFP) to provide janitorial services for Regional Transit System facilities. The RFP process was implemented in compliance with, and as required by, City of Gainesville policies. The bid documents were uploaded to Demandstar for bidder notification/downloading. 217 vendors were notified within Demandstar (59 of those vendors were included by the department). Of the 59 supplemental bidders, 33 were from the City's small business directory and 5 were from the Department of Management Services' Office of Supplier Diversity small business directory). 41 of the other vendors already signed up within Demandstar were identified as either small business, woman owned, Hispanic owned, native-American owned, veteran owned, or a combination of these. 7 bidders attended the non-mandatory prebid meeting/walk through. 7 bids were received by the submittal deadline (1 response received was from a local small business but was rejected for not submitting pricing). The highest ranked bidder, American Janitorial, Inc., was found to be responsive and responsible. RTS desires to enter into a contract with American Janitorial, Inc. for approximately five (5) years.*

*The documentation related to the RFP is included in the back-up. Some proposers have asserted that certain portions of the documentation are "confidential". Those portions asserted to be "confidential" cannot be made public and have been redacted from the back-up.*

*Fiscal Note: Funds in the amount of \$ 141,431.89 annually are available in the RTS operating budget.*

**RECOMMENDATION**

*The City Commission authorize the interim City Manager or designee to execute a contract with American Janitorial, Inc., for Janitorial Services for Regional Transit System Facilities, subject to approval by the City Attorney as to form and*

legality.

[181049A\\_RFP-RTSX-190033DS Janitorial Svc\\_20190606.pdf](#)

[181049B\\_Add1RFP-Janitorial\\_20190606.pdf](#)

[181049C\\_Add2RFP-Janitorial\\_20190606.pdf](#)

[181049D\\_Bid Record\\_20190606.pdf](#)

[181049E\\_Resp-AJI\\_20190606.pdf](#)

[181049F\\_Resp-BBPM\\_20190606.pdf](#)

[181049G\\_Resp-CSPNF-redact\\_20190606.pdf](#)

[181049H\\_Resp-CLR\\_20190606.pdf](#)

[181049I\\_Resp-SGS\\_20190606.pdf](#)

[181049J\\_Resp-Tribond-redact\\_20190606.pdf](#)

[181049K\\_CC Backup\\_20190606.pdf](#)

[181049L\\_Evaluation Summary\\_20190606.pdf](#)

[181049M\\_CC Backup\\_20190606.pdf](#)

[181049N\\_Award Rec Dept\\_20190606.pdf](#)

[181049O\\_Award Rec Ltrs\\_20190606.pdf](#)

[181049P\\_Award Public Notice\\_20190606.pdf](#)

[181049Q\\_Audio-CD\\_Eval Process\\_20190606.pdf](#)

[181058.](#)

**Request Approval to Contract with Enterprise Leasing Company of Florida, LLC., to provide a Van Pool Program as Requested and Funded by the Florida Department of Transportation (B)**

This item is to request that the City Commission authorize the Regional Transit System (RTS) to enter into a contract with Enterprise Leasing Company of Florida, LLC. to continue to provide a commuter van pool into the City of Gainesville and Alachua County per a request from the Florida Department of Transportation (FDOT).

*Explanation: The Florida Department of Transportation (FDOT) has requested that RTS act as a pass through for funding to allow the current Van Pool Program to continue to operate. There are thirteen vans currently in operation bringing workers into Gainesville to the VA Hospital and UF Health/Shands Medical Center. The vans currently originate in Lake City, Ocala, Jacksonville and Putman County. State funds are available through FDOT to fund the current Van Pool Program with Enterprise Leasing Company of Florida, LLC. FDOT has assured RTS that minimal staff time will be required to oversee this grant program. Staff believes this role is consistent with the mission of RTS and would like to avoid the potential loss of the services provided through the Commuter Assistance Program.*

*FDOT proposed a Public Transportation Grant Agreement (PTGA), discussed in agenda item #181057, to provide funding for this program and specified Enterprise Leasing Company of Florida, LLC. as a sole source provider of this service.*

*The FDOT grant will fully fund this project; no funding is required from the City. The City will not be responsible for managing day to day operations or maintenance/replacement of the vans used in the Van Pool Program. The administrative cost of RTS staff to oversee and monitor this project on behalf of FDOT is expected to be minimal and is proposed to be absorbed by RTS staff. If the staff time necessary for oversight turns out to be more than expected or sustainable with existing staff, RTS can seek additional FDOT financial support.*

*This contract is for a five year period.*

*Fiscal Note: This project is fully funded through a grant from the Florida Department of Transportation.*

**RECOMMENDATION**

*The City Commission authorize the City Manager or designee to execute the contract with Enterprise Leasing Company of Florida, LLC. and related documents, subject to approval by the City Attorney as to form and legality.*

[181058A Enterprise Contract for Van Pool 20190606.pdf](#)

[181064.](#)

**Voluntary Annexation Petition for 11.18 +/- Acres on E University Avenue (B)**

This is the submission of a petition for voluntary annexation of parcels 10891-000-000 and 10891-001-000 and 10892-000-000 which are owned by Southeastern Conference Association of Churches. There are no structures on the parcels. The total annexation area is approximately 11.18+/- acres and is located on E University Avenue south of Morningside Nature Center.

*Explanation: Gregory Mack, President of The Southeastern Conference Association of Churches, has submitted a petition to the City of Gainesville for voluntary annexation of parcels 10891-000-000, 10891-001-000, and 10892-000-000.*

*Parcels are located south of East University Avenue, west of Southeast 38th Street, north of tax parcel # 10889-000-000 and 10893-015-000 an east of tax parcel # 10890-000-000.*

*In order to annex these parcels into the City limits, the owner must submit a petition to the City of Gainesville for voluntary annexation. Staff has reviewed the requirements of the the Municipal Annexation or*

*Contraction Act (Chapter 171, Florida Statutes). This area meets the requirements of the Act and is appropriate for annexation.*

*Fiscal Note: The collective current taxable value of the parcels is approximately \$78,100. 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 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.*

[181064A East University Avenue Property Voluntary Annexation 20190606.pd](#)

[181064B East Univ Ave Annex Map 20190606.pdf](#)

[181065.](#)

**Stam Ventures, LLC Voluntary Annexation Petition for Property Located Near SW Archer Road and SW 50th Street (B)**

This is the submission of a petition for voluntary annexation of tax parcel 06930-000-000, which is owned by Stam Ventures, LLC. There is one single-family dwelling unit on the parcel. The total annexation area is approximately 0.44+/- acres and is located at 4221 SW 50th Street, adjacent to the Gainesville Health Care Center nursing home.

*Explanation: Stam Ventures, LLC has submitted a petition to the City of Gainesville for the voluntary annexation of tax parcel 06930-000-000, located at 4221 SW 50th Street. The property is located generally south of the Oak Park Village and tax parcel 06916-000-000, west of SW 47th Street, north of SW Archer Road, and east of SW 50th Street.*

*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 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 petition for annexation; and make findings that it contains the signature of the property owners or authorized agents; 2) authorize the Mayor to provide notice to the Board of County Commissioners; and 3) authorize the City Attorney to prepare and the Clerk of the Commission to advertise ordinances*

relating to the annexation of the area, if appropriate.

[181065A\\_ArcherHealtExtensionVoluntaryPetition\\_20160606.pdf](#)

[190009.](#)

### **Urban Forest Management Plan Update (NB)**

*Explanation: The purpose of this item is to give an interim report on the progress of the Urban Forest Management Plan and to provide information on the next steps of the plan to the General Policy Committee.*

*On March 22, 2018, the General Policy Committee heard a presentation on Gainesville's Urban Forest Ecological Assessment and next steps for the Urban Forest Management Plan. During this presentation, the General Policy Committee asked about the timeline of the management plan and were told that an update would be provided in 6 to 12 months.*

*Since the approval of the Urban Forest Management Plan contract in December 2018, the first steps of the management plan have been completed, including the public survey, establishment of the Public Committee, and development of a vision statement and goals for the management plan. The next steps include focus groups and formation of the Internal Technical Advisory Committee (ITAC). The ITAC will develop the key elements and objectives of the management plan based on the vision and goals developed by the Public Committee.*

*On December 8, 2016, the General Policy Committee heard a presentation on recommendations by the Tree Ordinance Stakeholder Committee regarding proposed changes on uses of the tree mitigation fund. One of the recommendations was to fund the Urban Forest Ecological Analysis and Urban Forest Management Plan. The General Policy Committee approved funding from Wild Spaces/Public Spaces for the assessment and plan.*

*On October 12, 2017, the General Policy Committee heard a presentation by University of Florida researchers regarding the Urban Forest Ecological Assessment and next steps for the City of Gainesville's Urban Forest Management Plan. The General Policy Committee approved staff to work on contracting for the Urban Forest Management Plan.*

*Fiscal Note: None.*

#### **RECOMMENDATION**

*The City Commission approve this request to add the Urban Forest Management Plan as a referral to the General Policy Committee.*

[160027.](#)

### **Authorization for the Renovation of the Hartman House at Hogtown Creek Headwaters Nature Park (B)**



This item is a request for the City Commission to approve the Guaranteed Maximum Price in the amount of \$399,869 for the renovation of the Hartman House at Hogtown Creek Headwaters Nature Park with J.E. Decker Construction Group, LLC.

*Explanation: The City of Gainesville acquired the Hogtown Creek Headwaters property in 2007 with grant funding assistance from Florida Communities Trust (FCT). The FCT grant agreement mandates several park features including a staffed nature center for environmental education purposes. An existing structure, a 1910 farm house previously belonging to the Hartman family, is proposed to be renovated for this purpose. The City applied for a grant from the State Division of Historic Resources to renovate the Hartman House but unfortunately the project did not receive funding. The project is, however, one of three projects to receive funding through a Wild Spaces & Public Places (WSPP) interlocal agreement with Alachua County reimbursing up to \$125,000 of the project costs. WSPP recommends authorizing this contract to J.E. Decker Construction Group, LLC in the amount of \$399,869 so that the Hartman House will be adaptively reused for the purposes of a nature center. Staff intends to apply for local historic designation for the structure after the renovation project is complete. Please see backup for this item for additional information. The Hartman House renovation project is funded through the Wild Spaces & Public Places ½ cent sales tax.*

*J.E. Decker Construction Group, LLC is one of the City's approved construction management firms for small projects (under \$2M). J.E. Decker Construction Group, LLC is a small, locally owned business who has experience facilitating similar projects.*

*Fiscal Note: Funds in the amount of \$399,869 are available for the renovation of Hartman House; \$116,749 from the Hartman House WSPP ½ cent sales tax account, \$125,000 from the WSPP interlocal agreement, and \$158,120 from the WSPP unobligated fund balance. Please note that the City Commission voted at the 11 April 2019 General Policy Committee meeting to use the WSPP unobligated fund balance to bridge the funding shortfall.*

*The annual operating and maintenance expense is estimated at \$97,263 for year one (this includes a one-time expense for a vehicle and IT equipment) and approximately \$65,000 in the following years. This increment addresses the cost of utilities, staffing, equipment and supplies to support a nature center at Hogtown Creek Headwaters Nature Park. This is a limited staffing model based upon discussions with the City Commission on May 16, 2019.*

**RECOMMENDATION**

*The City Commission: 1) approve the project task; and 2) authorize the City Manager or designee to execute all contract documents and other necessary documents, subject to approval by the City Attorney as to form and legality.*

Legislative History

6/16/16 City Commission Approved as Recommended  
 6/15/17 City Commission Approved as Recommended  
 6/21/18 City Commission Approved as Recommended

[160027C Continuing CM 20190606](#)

[160027D GMP PC-649 Hartman House Renovation 20190606](#)

[160027E Hartman House Report 2010 20190606](#)

[160027F Hartman House Renovation - Historic Designation and Renovation St](#)

[160027G Engagement Note - Hartman House 20190606](#)

[160027H Hogtown Creek Headwaters Nature Center O&M Transition 20190606](#)

[160027I Hogtown Creek Headwaters Nature Center Staffing Estimate 20190606](#)

[160027J Warranty Deed and FCT Grant for Hogtown Creek Headwaters Nature](#)

[180555.](#)**Allocation of Wild Spaces & Public Places (WSPP) funds for Clarence R. Kelly Center Project (B)**

This item is a request to allocate additional Wild Spaces & Public Places funds for design and construction services at the Clarence R. Kelly Recreation Center Project

*Explanation: In November 2012, the City Commission approved the Parks, Recreation and Cultural Affairs Vision 2020 Master Plan. During 2013 to 2015, citizens and staff worked together on the development of a specific list of projects referenced in the Master Plan.*

*On February 18, 2016, the City Commission approved a list of 99 potential projects and the prioritized list of projects with cost estimates. The Voter Referendum on the WSPP passed on November 8, 2016 and the collection of the one-half cent sales tax began on January 1, 2017 continuing through December 31, 2024. It is expected to generate \$46,551,152 in revenue to the City.*

*On April 19, 2018, a list of FY18-20 projects was approved by the City Commission. The list included \$100,000 for the design services for the Clarence R. Kelly Recreation Center. In 2018, staff worked with a design team and the community to establish a master plan for the site. On April 11, 2019, the General Policy Committee approved a building and park development scope of work, estimated to cost \$1,750,000. To support the projected design, permitting, and construction costs, staff is requesting the addition of \$1,650,000 to the project budget.*

*Fiscal Note: This project was approved by the City Commission for funding in the amount of \$100,000. This is a request to allocate an additional \$1,650,000 from the unappropriated WSPP fund balance for Clarence R.*

*Kelly Center design and construction.*

**RECOMMENDATION**      *The City Commission: 1) Approve the allocation of \$1,650,000 from unappropriated WSPP funds for Clarence R. Kelly Center design and construction.*

**Legislative History**

11/15/18	City Commission	Referred to the General Policy Committee
1/10/19	General Policy Committee	Approved, as shown above
4/11/19	General Policy Committee	Approved, as shown above
5/16/19	City Commission	Approved, as shown above

[180555D WSPP Update to City Commission April 2019 20190411 20190606](#)

[190010.](#)

**Authorization for the Construction of Improvements at Kiwanis Girl Scout (Oakview) Park (B)**

This item is a request for the City Commission to approve the Guaranteed Maximum Price in the amount of \$998,744.00 for Construction of Improvements at Kiwanis Girl Scout (Oakview) Park with J.E. Decker Construction Group, LLC.

*Explanation: The Wild Spaces & Public Places (WSPP) program and the Parks, Recreation and Cultural Affairs (PRCA) Department held two open houses, focus group meetings, an online survey and a neighborhood workshop to gather public input and to discuss the proposed redevelopment of Kiwanis Girl Scout Park (soon to be renamed Oakview Park). Based on that engagement a Master Plan was created for Oakview Park as part of the conceptual planning process. In 2018 the city hired a local landscape architecture company, Manley Design, and a local civil engineering firm, DRMP, to create construction drawings and acquire all permits for the park improvement project. Spring Park Subdivision was platted in 1942 and the Kiwanis Club of Gainesville constructed the building that exists on the park property for the Girl Scouts in 1955. The Girl Scouts occupied the building from 1955 through 2014 when they vacated the building. The City's Recreation Division will be issuing a Request for Proposal (RFP) to find a third party not-for-profit to use the renovated building for children's Science, Technology, Engineering and Mathematics (STEM) programming. The RFP can be brought before the City Commission for discussion before being issued if desired. WSPP recommends authorizing this contract to J.E. Decker Construction Group, LLC in the amount of \$998,744.00 to renovate the building on site, remove exotic invasive plant species around the creek and install new playground equipment at this neighborhood park. The Oakview Park improvement project is funded through the Wild Spaces &*

*Public Places ½ cent sales tax.*

*J.E. Decker Construction Group, LLC is one of the City's approved construction management firms for small projects (under \$2M). J.E. Decker Construction Group, LLC is a small, locally owned business who has experience facilitating similar projects.*

*Fiscal Note: Funds in the amount of \$998,744.00 are available for construction of improvements at Oakview Park; \$822,997.55 from the Oakview Park WSPP ½ cent sales tax account and \$175,746.45 from the Small Project/Contingency WSPP ½ cent sales tax account.*

*The annual operating and maintenance costs will be approximately \$4,900. This increment addresses the cost of utilities and supplies to support the public restroom and water fountain at Oakview Park.*

**RECOMMENDATION**      *The City Commission: 1) approve the project task; and 2) authorize the City Manager or designee to execute all contract documents and other necessary documents, subject to approval by the City Attorney as to form and legality.*

[190010A\\_GMP\\_Kiwanis\\_Park\\_20190606](#)

[190010B\\_Engagement\\_Note\\_-\\_KGSP\\_20190606](#)

[190010C\\_O&M\\_KGSP\\_20190606](#)

[190010D\\_Kiwanis\\_GSP\\_90%\\_plans\\_20190606](#)

[190010E\\_MD-Kiwanis\\_Girl\\_Scout\\_Park\\_20190606](#)

[190011.](#)

**General Government 2018 Financial Statement Audit Contract - First Amendment (B)**

*Explanation: The contract for audit of the financial statements of the City of Gainesville (General Government) Fiscal Year 2018 was signed on July 31, 2018 with Purvis Gray & Company LLP. The first year total, all-inclusive fee was forecast at Ninety-Five Thousand Six Hundred Dollars (\$95,600). However, the contract also contained provisions for conditions unforeseen by the Auditor - Purvis Gray & Company, LLP. The contract's price is now adjusted to a fixed fee of One Hundred Forty-Eight Thousand Six Hundred Dollars (\$148,600.00) to adjust for the substantial additional work effort.*

**RECOMMENDATION**      *The City Auditor recommends that the City Commission approve the contract amendment as written.*

[190011\\_Financial\\_Statement\\_Audit\\_First\\_Amendment\\_Purvis\\_20190606](#)

[180612.](#)

**City Manager Executive Search (B)**

This item is a request to approve the qualifying executive search firms and to authorize the recommended award to Colin Baenziger & Associates to conduct an executive search for the City Manager position.

*Explanation:* During the February 7th City Commission meeting, the City Commission authorized the Human Resources Director to initiate the procurement process to hire an executive search firm to assist in the City Manager selection process.

On March 13, 2019, the City's Procurement Division solicited a Request for Qualifications (RFQ #HRDX-190032-GD) for multiple executive search firms to provide service to the City of Gainesville. Multiple executive search firms submitted proposals by the April 10th due date. Staff reviewed and scored the proposals and evaluation of the written submittals resulted in the qualifying of the five firms listed:

1. Colin Baenziger & Associates
2. GovHR USA, LLC
3. Cooperative Personnel Services dba CPS HR Consulting
4. Baker Tilly Virchow Krause, LLP
5. MGT of America Consulting, LLC

*Fiscal Note:* Each department will fund their own use of the contract, as the need arises. The contract does not guarantee business will be given to each vendor, only that the vendor is qualified to do business with the City of Gainesville. The anticipated fiscal impact for the City Manager executive search is \$30,000. This amount includes \$22,000 in search fees and \$8,000 allocated for candidate travel, meals, and other expenses. This will be funded through unallocated general fund balance.

**RECOMMENDATION**

The City Commission 1) approve the five qualifying firms to do business with the City of Gainesville, 2) authorize the interim City Manager or a designee to execute a contract document with Colin Baenziger & Associates for executive search firm services for the City Manager position, subject to approval from the City Attorney as to form and legality and 3) to change under the job description (pg. 3) - Education & Experience - Major leadership role in a large organization.

**Legislative History**

12/13/18	General Policy Committee	No Action Taken
1/3/19	City Commission	Approved, as shown above
1/17/19	City Commission	Approved, as shown above
2/7/19	City Commission	Approved, as shown above
5/2/19	City Commission	Discussed

5/23/19 General Policy Approved as Modified  
Committee

[180612C\\_RFQ-GD-Executive Search Services\\_20190523.pdf](#)  
[180612D\\_RFQ Addendum 1 Executive Search Services\\_20190523.pdf](#)  
[180612E\\_Submittal-Baker Tilly Virchow Krause, LLP\\_20190523.pdf](#)  
[180612F\\_Submittal-Colin Baenziger & Associates\\_20190523.pdf](#)  
[180612G-Submittal Appendices-Colin Baenziger & Associates\\_20190523.pdf](#)  
[180612H\\_Submittal-CPS HR Consulting\\_20190523.pdf](#)  
[180612I\\_Submittal-GovHR Proposal\\_20190523.pdf](#)  
[180612J\\_Submittal-MGT Consulting Group\\_20190523.pdf](#)  
[180612K\\_Submittal-Renee Narloch & Associates\\_20190523.pdf](#)  
[180612L\\_Submittal-SGR Executive Recruitment Services\\_20190523.pdf](#)  
[180612M\\_Submittal-Sunshine Enterprise USA\\_20190523.pdf](#)  
[180612N\\_Submittal-Vinali LLC\\_20190523.pdf](#)  
[180612O\\_RFQ 190032 Evaluator 1 Notes and Ranking.pdf](#)  
[180612P\\_RFQ 190032 Evaluator 2 Notes and Ranking\\_20190523.pdf](#)  
[180612Q\\_RFQ 190032 Evaluator 3 Notes and Ranking\\_20190523.pdf](#)  
[180612R\\_RFQ #190032 Evaluation Form Summary\\_20190523.pdf](#)  
[180612S\\_RFQ Executive Search Services Bid Record\\_20190523.pdf](#)  
[180612T\\_RFQ CC Bid Tab Executive Search Services\\_20190523.pdf](#)  
[180612U\\_Award recommendation transmittal\\_20190523.pdf](#)  
[180612V\\_Executive Search Services Award Public Notice\\_20190523.pdf](#)  
[180612X\\_City Manager Search Criteria Survey\\_20190523.pdf](#)  
[180612W\\_City Manager 1019 Draft With Commission Feedback\\_20190523.pdf](#)

## 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.**

[190022.](#)

**Alachua County Sheriff's Office - Combined Communications Center Interlocal Agreement (B)**

**RECOMMENDATION**

*The City Commission hear a presentation from Sheriff Sadie Darnell and take action deemed necessary.*

[190022\\_FY 19 20 Budget Presentation for City of Gainesville for CCC Interlocal](#)

[181063.](#)**Appointments to the Board of Trustees of the Consolidated Police Officers' and Firefighters' Retirement Plan and Historic Preservation Board (B)**

**RECOMMENDATION**      *The City Commission interview and appoint members to the Board of Trustees of the Consolidated Police Officers' and Firefighters' Retirement Plan and Historic Preservation Board.*

[181063 BOT Applications 20190606.pdf](#)

[181063 Historic Preservation Applications 20190606.pdf](#)

[181018.](#)**Update on Office 365 Upgrade (B)**

**\*\*This item is informational. Approximate presentation time 10 minutes.\*\***

*Explanation: In January 2018, the Information Technology department embarked on a project to upgrade the City of Gainesville to Microsoft's Office 365 Government Community Compliance (GCC) Services with OneDrive. The CIO's vision was to provide a reliable and available digital workspace in which City of Gainesville employees could work collaboratively from anywhere at any time. Microsoft Office 365 provides the City with the basic productivity applications necessary to get work done in the modern enterprise. This environment allows for efficiency in daily work and a reduction in hardware costs in the technology environment.*

*Additional collaborative offerings like Microsoft Teams, Microsoft Groups and SharePoint Online are available to the business units. Other products will be offered as they become available in the GCC environment.*

*Fiscal Note: This upgrade was funded in the Information Technology Operations and Maintenance budget.*

**RECOMMENDATION**      *Hear presentation from staff.*

[181018 Office 365 Upgrade 20190606](#)

[180752.](#)**Affordable Housing Engagement Update (B)**

*Explanation: On February 20, 2019, the City Commission held a workshop to invite feedback and input on the city's engagement strategy for issues of housing affordability. During that workshop, citizens, Commissioners and staff worked together to articulate priorities for addressing local housing needs and to make suggestions for how best to engage the broader community around these issues. Additionally, staff created a housing needs and interests survey to increase opportunities for participation.*

*Staff worked with community partners, faith-leaders, and community leaders to conduct a series of small group discussions with community members across the city in order to get more comprehensive input on local housing needs and create a housing engagement framework.*

*Staff will present an overview of community input on community housing priorities as well as a housing engagement framework.*

*Fiscal Note: None*

**RECOMMENDATION**

*Staff recommends that the Commission 1) Hear a presentation from staff, 2) Discuss Commission participation in a workshop to address questions to answer before we engage and to develop strategies for equitable and inclusive engagement, and 3) Discuss devoting the work of a full time employee in Housing and Community Development to housing strategy working between the Department of Doing and Housing and Community Development.*

[180752A\\_Housing Affordability Engagement Note\\_20190606.pdf](#)

[180752B\\_Housing Report and Engagement Framework\\_PPT\\_20190606.pdf](#)

[180752C\\_City of Gainesville ForEveryoneHome Application\\_20190606.pdf](#)

[180752D\\_Housing Affordability Engagement Summary and Report\\_20190606.p](#)

[190000.](#)

**Gainesville Weyerhaeuser 121 Update (B)**

*Explanation: The purpose of this item is to discuss options and seek direction from the City Commission regarding the Gainesville Weyerhaeuser 121 property.*

*On June 7, 2018, at the owner/developer's request, the City Commission adopted Ordinance No. 170996 extending the deadline by which a PD rezoning ordinance must be adopted for the subject property to July 26, 2019. This was the fourth extension request granted since the approval of the original land use amendment over a decade ago.*

*Over the past year, the owner and city staff have met on several occasions to attempt to resolve several aspects of the proposal and work towards a resolution of the PD rezoning application, however, to date, staff and the owner have not reached consensus on all of the remaining issues. With the extension deadline set to expire on July 26, 2019, staff is seeking direction from the City Commission in how to proceed.*

*Staff has identified three possible options for the City Commission to consider:*

*Option 1: Direct staff to prepare a City-initiated land use amendment and related rezoning petition to designate the entire property to the City of*



*Gainesville Agricultural land use and the accompanying Agricultural zoning district. Staff recommends Option 1 in light of the age of the original PUD and the significant changes that have occurred over the past decade including, the adoption of a new City Land Development Code and environmental regulations, expansion of wetlands on the subject property, a change in property owner/developer, and the inability of staff and the owner to reach consensus on several critical issues.*

*Option 2: Take no action whereby the PUD land use portion of the site would revert to an Agricultural land use designation as described in more detail below. Staff does not necessarily recommend Option 2 because based on the Land Use Map adopted by the Commission in 2009, it would leave an island of Agricultural Land Use directly on SR 121, surrounded by oddly shaped pockets of Conservation and Residential Low-Density Land Use, which again are outdated because of changed land conditions, including most significantly, the expanded location of wetlands.*

*Option 3: Direct staff to advertise a public hearing on the Zoning application for the July 18th City Commission Meeting. Staff does not recommend Option 3 because of the points raised in Option 1. In addition, despite 20 months of good faith efforts, Staff and the Applicant have not reached consensus on significant remaining issues, such as the allowance of logging in wetland buffers and the Conservation Land Use areas. Option 3 is the owner/developer's preferred option.*

**Background:**

*The subject property consists of approximately 1,778-acre development called "Plum Creek" in the City's Comprehensive Plan, which is generally located north of US 441 and along the east and west sides of SR 121 (NW 22nd Street).*

*On January 26, 2009, the City Commission adopted Ordinance No. 070447 and assigned the following four land use categories to the 1778-acre Plum Creek: 1) Conservation; 2) Single-Family; 3) Residential Low-Density; and 4) Planned Use District (PUD) overlay with an underlying land use category of Agriculture. Ordinance No. 070447 specified that Planned Development (PD) zoning must implement the Plum Creek areas with a land use designation of Single-Family, Residential Low-Density, and PUD (all of Plum Creek except those areas with a Conservation land use designation). Although Ordinance No. 070447 stated that the rezoning to PD for the portions designated Single-Family and Residential Low-Density could occur incrementally over time upon request of the owner/developer, the ordinance gave a time limit to the owner/developer of 18 months to have a PD rezoning ordinance adopted for the PUD portion of Plum Creek. If this time limit was not met, the consequence was that the PUD land use overlay would be automatically removed and thereby leave that portion of Plum Creek with a land use category of Agriculture.*

On October 21, 2010, the City Commission adopted Ordinance No. 100189 and extended the subject PD rezoning deadline until July 26, 2012. On May 3, 2012, the City Commission adopted Ordinance No. 110700 and extended the deadline until July 26, 2016. On March 3, 2016, the City Commission adopted Ordinance No. 150540 and extended the deadline until July 26, 2018.

On June 15, 2017, the owner/developer submitted an application to have a PD rezoning ordinance adopted for the PUD portion of Plum Creek, and on October 26, 2017, the City Plan Board held a hearing on the application.

*Fiscal Note:* None.

**RECOMMENDATION**      *The City Commission discuss the update and direct staff to proceed with Option 1.*

[190000A Gainesville 121 - Letter follow-up to May 24 2019 meeting 20190606](#)

[181044.](#)

**Contract Award to MV Transportation, Inc. for ADA Paratransit Service in City of Gainesville and Alachua County (B)**

This item is a request to approve the recommended award and execute a contract with MV Transportation, Inc. for ADA Paratransit Service in City of Gainesville and Alachua County.

*Explanation:* On February 8, 2019, the City's Procurement Division solicited Request for Proposals (RFP) to provide ADA Paratransit service in City of Gainesville and Alachua County. The RFP process was implemented in compliance with, and as required by, the Federal Transit Administration (FTA), Florida Statutes, and City of Gainesville policies.

*The bid documents were uploaded to Demandstar for bidder notification/downloading. Four bids were received by the submittal deadline. The highest ranked bidder, MV Transportation, Inc., was found to be responsive and responsible. RTS desires to enter into a contract with MV Transportation, Inc. for five (5) years.*

*Fiscal Note:* Funds in the amount of approximately \$1.4 million have been provided by federal grants and budgeted by RTS for the provision of ADA Paratransit Services.

**RECOMMENDATION**      *The City Commission authorize the interim City Manager or designee to execute a contract with MV Transportation, Inc., for ADA Paratransit Service in City of Gainesville and Alachua County, subject to approval by the City Attorney as to form and legality.*

[181044A\\_RFP\\_ADA\\_Partransit\\_Svc\\_20190606.pdf](#)  
[181044B\\_Add1\\_RFP-ADA\\_Partransit\\_Svc\\_20190606.pdf](#)  
[181044C\\_Add1\\_RFP-ADA\\_Partransit\\_MVT\\_20190606.pdf](#)  
[181044D\\_Add1\\_RFP-ADA\\_Partransit\\_QAP\\_20190606.pdf](#)  
[181044E\\_Add2\\_RFP-ADA\\_Partransit\\_20190606.pdf](#)  
[181044F\\_Add3\\_RFP-ADA\\_Partransit\\_20190606.pdf](#)  
[181044G\\_Bid\\_Record\\_20190606.pdf](#)  
[181044H\\_Resp-GCLM\\_20190606.pdf](#)  
[181044I\\_Resp-ITLS\\_20190606.PDF](#)  
[181044J\\_Resp-MFM\\_20190606.pdf](#)  
[181044K\\_Resp-MVT\\_20190606.pdf](#)  
[181044L\\_Evaluation\\_Summary\\_20190606.pdf](#)  
[181044M\\_CC\\_Backup\\_20190606.pdf](#)  
[181044N\\_Award\\_Rec\\_Dept\\_20190606.pdf](#)  
[181044O\\_Award\\_Rec\\_Ltrs\\_20190606.pdf](#)  
[181044P\\_Award\\_Public\\_Notice\\_20190606.pdf](#)  
[181044Q\\_Audio-CD\\_Eval\\_Process\\_20190606.pdf](#)

[181069.](#)

**Neighborhood Parking Program Update (B)**

This item refers to an update of proposed actions to modify the City's neighborhood parking program permit zone boundaries

*Explanation: On April 24, 2019 the City Commission received an update on parking activities that included proposed changes to the neighborhood parking program to alter permit zone boundaries. This review of current business practice was prompted by a change in technology for issuing permits. The new technology will transition the program from paper permits that must be displayed on a vehicle to a virtual permit system that streamlines the customer experience, simplifies parking enforcement and improves the back-of-house administrative process. This new process does not require a trip to City Hall and can be done via phone, on-line, or through the parking app.*

*Public meetings and a survey were utilized to engage the community that included renters, property owners, and local businesses. The proposed changes were developed based on public input gathered at a stakeholder meeting held on January 17, 2019, a public workshop held on February 6, 2019 and from a survey with over 160 responses. Feedback received supported re-aligning boundaries.*

*A parking consultant (Tim Haas and Associates) was retained to provide best practice recommendations after conducting a review of current*

conditions, occupancy data and stakeholder comments.  
The consultant recommendations to implement first include updating the neighborhood parking permit zone by combining zones, eliminating underutilized zones and adding parking spaces for scooters in areas where there is no space for vehicle parking. The change in technology is providing an opportunity to improve service delivery now for FY20 while additional recommendations from the consultant require a more comprehensive review of parking data and stakeholder engagement. This review will also include prior parking plans and will be part of the Mobility Plan process.  
There are no changes proposed to the pricing structure.

*Fiscal Note:* There is no fiscal impact.

**RECOMMENDATION**      *The City Commission: 1) receive the update on proposed actions; and, 2) authorize the City Manager or designee to proceed with implementation of zone boundary changes for the FY20 parking program year that begins in August 2019.*

[181069A Parking Permit Memo 20190606.pdf](#)

[181048.](#)

**Mayor Lauren Poe - Committee Assignments (B)**

**RECOMMENDATION**      *The City Commission confirm the Mayor's appointments.*

[181048 City Commission Committee Assignments 2019-2020 20190606.pdf](#)

[190001.](#)

**Mayor Lauren Poe - Presentation by the Community Weatherization Coalition (CWC) - (B)**

**RECOMMENDATION**      *The City Commission hear a presentation and take action deemed necessary.*

[190001 CWC Presentation to City Commission 20190606.pdf](#)

[180850.](#)

**Mayor Lauren Poe - Memorial Street Name Signs (B)**

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

**Legislative History**

3/21/19      City Commission      Striken From the Agenda

[180850 Memorial Street Name Signs 20190321 20190606.pdf](#)

[190013.](#)**Commissioner Gail Johnson - Discussion of the Racial Equity Subcommittee (NB)****RECOMMENDATION**

*The City Commission discuss and take action deemed necessary.*

**COMMISSION COMMENT****4:30 - 5:30pm DINNER BREAK****5:30 - CALL TO ORDER - Evening Session****PLEDGE OF ALLEGIANCE****PROCLAMATIONS/SPECIAL RECOGNITIONS**[190016.](#)**Code Enforcement Officer Appreciation Week - June 3-7, 2019 (B)****RECOMMENDATION**

*Code Enforcement Division Manager Jeffrey S. Look to accept the proclamation.*

[190016\\_Code Enforcement Officer Appreciation Week\\_20190606.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**[181056.](#)**Public Hearing and Resolution for the Regional Transit System (RTS) Program of Projects (POP) FY 2019 (B)**

This item is a request to accept comments at a Public Hearing on the Regional Transit System Program of Projects (POP) FY 2019, and adopt a Resolution authorizing the filing of grant applications with the Federal Transit Administration and Florida Department of Transportation.

*Explanation: In order to remain eligible for federal and state funding, the Regional Transit System (RTS) is required annually to submit a Program of Projects (POP) to the Federal Transit Administration and a budget application for capital and operating projects to the Florida Department of Transportation. The application processes require notice to the public to provide opportunity for comment and input. The POP was presented to the RTS Advisory Board on May 22, 2019, and was published in the Gainesville Sun on May 13, 2019. Citizens will also be able to comment*

at a public hearing during the public hearing at the City Commission meeting. RTS ensures that the final POP incorporates modifications based on input during the public comment opportunities.

*Fiscal Note:* The revenue for the Program of Projects of \$35,637,500 is included in the Transportation Improvement Program approved by the Metropolitan Transportation Planning Organization.

**RECOMMENDATION**

The City Commission: 1) accept comments at a Public Hearing on the Regional Transit System Program of Projects for FY 2019; and 2) adopt the Resolution authorizing the Regional Transit System to file grant applications with the Federal Transit Administration and Florida Department of Transportation as outlined in the Program of Projects for FY 2019.

[181056A\\_POP Draft Announce FFY19 UAFG\\_20190606.pdf](#)

[181056B\\_POP Draft Resolution FFY19 UAFG\\_20190606.pdf](#)

[181057.](#)

**Resolution for a Commuter Assistance Program/Ride Share Grant to Maintain a Van Pool Program (B)**

This is a request for the City Commission adopt a resolution to allow the Regional Transit System (RTS) to continue the existing Van Pool Program that is operating in the Tri-County region around Gainesville.

*Explanation:* The Florida Department of Transportation (FDOT) has requested that RTS continue to act as a pass through for the funding to allow the van pool program to operate. There are fourteen (14) vans currently operating in the area bringing workers into Gainesville to the VA Hospital and Shands Medical center. The vans currently originate in Lake City, Ocala, Jacksonville and Putman County. State funds are available through FDOT to subsidize the current van pool program with Enterprise Leasing Company of Florida, LLC. The City will not be responsible for any portion of the day to day operations, management of the program, or vehicles associated with the van pool program. FDOT has assured RTS that there will only be very minimal staff time required to manage this grant program.

RTS is requesting the City Commission adopt a resolution allowing RTS to continue the oversight of the current program and provide the opportunity to develop additional van pool opportunities to other interested citizens.

*Fiscal Note:* The FDOT grant will fully fund this project. The administrative cost of RTS staff to oversee and monitor this project on behalf of FDOT is nominal.

**RECOMMENDATION**

The City Commission: 1) adopt the Resolution for

a Commuter Assistance Program/Ride Share Grant to Maintain a Van Pool Program; and 2) authorize the City Manager or designee to execute the related documents with FDOT, subject to approval by the City Attorney as to form and legality.

[181057A\\_FDOT Vanpool PTGA-Draft Resolution\\_20190606.pdf](#)

[181057B\\_FDOT Vanpool PTGA\\_20190606.PDF](#)

## PUBLIC HEARINGS

## ORDINANCES, 2ND READING - ROLL CALL REQUIRED

## ORDINANCES, 1ST READING - ROLL CALL REQUIRED

[180901.](#)

### **Ordinance Setting 2020 Election Dates, Early Voting Dates and Qualifying Dates (B)**

Ordinance No. 180901

An ordinance of the City of Gainesville, Florida, setting March 17, 2020 as the date for the 2020 regular City election and April 28, 2020 as the date for the 2020 run-off election, if necessary; setting the early voting dates for the 2020 regular city election and 2020 run-off election, if necessary; setting the dates for qualifying for the 2020 regular election; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

*Explanation: The City Commission, at its meeting of May 2, 2019, approved the dates for the 2020 regular city election, run-off election and early voting dates. Section 9-2 of the City Code of Ordinances requires that the dates be set by ordinance adopted no later than July 1 of each year. This ordinance sets forth the actual calendar dates for 2020 as follows:*

*Regular election - Tuesday, March 17, 2020*

*Run-off election (if necessary) - Tuesday, April 28, 2020*

*Early voting dates for regular election - Saturday, March 7, 2020 to and including Saturday, March 14, 2020*

*Early voting dates for run-off election (if necessary) - Saturday, April 18, 2020 to and including Saturday, April 25, 2020*

*Qualifying Period - From noon on Monday, January 27, 2020 to noon on Friday, January 31, 2020.*

**RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

**Legislative History**

5/2/19 City Commission Approved as Recommended

[180901\\_draft ordinance\\_20190606.pdf](#)

[180972.](#)

**Request to Establish the Finley Woods Community Development District (B)**

Ordinance No. 180972

An ordinance of the City of Gainesville, Florida, establishing the Finley Woods Community Development District, pursuant to Chapter 190, Florida Statutes; naming the District; describing the external boundaries of the District; describing the functions and powers of the District; designating five persons to serve as the initial members of the District's Board of Supervisors; providing a severability clause; providing a repealing clause; and providing an effective date.

*Explanation: STAFF REPORT*

*This item is a request from a private land owner/developer for the City Commission to create a Community Development District ("CDD") within the City of Gainesville. The first part of this agenda summary will provide a general overview of CDDs in Florida, including the mechanics and potential advantages and disadvantages of CDDs. The second part will provide details regarding the particular CDD that the City Commission has been asked to create.*

*Part I - CDDs in Florida*

*CDDs, as provided for in Chapter 190, Florida Statutes, are independent special taxing districts that operate as "a local unit of special-purpose government" to serve as an alternative method for financing and maintaining community development infrastructure and services. To grant the request and create the CDD, the City Commission adopts an ordinance that, per statute, may only include: 1) a description of the subject area; 2) the name of the CDD; and 3) the names of five people selected by the owner/developer to serve as the initial members of the CDD Board until they are replaced in accordance with state law by members elected by CDD residents. If approved, the CDD operates as an independent quasi-public entity with no oversight by the City of Gainesville and has the powers provided for in state law, which include amongst other things the power to borrow money and issue bonds and notes, to assess ad valorem taxes, to levy special assessments, to issue user charges or fees, and to exercise eminent domain. To determine whether to grant or deny the request to create a CDD, the City*



*Commission per statute shall consider the following factors:*

- 1) Whether all statements contained within the petition have been found to be true and correct.*
- 2) Whether the establishment of the CDD is inconsistent with any applicable element or portion of the state comprehensive plan or of the City's Comprehensive Plan.*
- 3) Whether the area of land within the proposed CDD is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as one functional interrelated community.*
- 4) Whether the CDD is the best alternative available for delivering community development services and facilities to the area that will be served by the CDD.*
- 5) Whether the community development services and facilities of the CDD will be incompatible with the capacity and uses of existing local and regional community development services and facilities.*
- 6) Whether the area that will be served by the CDD is amenable to separate special-district government.*

*The above criteria, particularly 4) and 6), necessitate prudent discretion from the City Commission. Therefore, it is helpful to review the purpose and mechanics of special taxing districts such as CDDs and some potential advantages and disadvantages of CDDs.*

*Special taxing districts historically began as a tool tied to traditional governmental functions such as providing public infrastructure, roads and bridges, water distribution, sewer services, fire and police safety, and the development of economically distressed areas, all under the general theory that municipalities were not equipped to handle certain functions with a particularly specific scope and that these items should not be, or just practically speaking could not be, supported by general government funds. The uses of special taxing districts expanded over the years, including for private real estate development as provided in Florida's Uniform Community Development District Act of 1980 (Chapter 190, F.S.). Under this Act, CDDs provide a mechanism whereby a developer-controlled CDD is able to: 1) obtain financing immediately through the issuance of long-term tax-exempt bonds at a lower cost than financing available through conventional lenders; 2) build the improvements immediately; and 3) structure the CDDs debt obligation to be paid back over time by the property owners within the CDD paying special assessments on their property tax bills. There are currently over 600 CDDs established throughout Florida, with the majority of those established between 2003-2007 during the housing boom and many experiencing default as a result of the housing crisis. Alachua County only has two CDDs: 1) Parker Road CDD approved by the Alachua County BOCC in 2006, which includes the Oakmont Development; and 2) Celebration Pointe CDD approved by the Alachua County BOCC in 2012.*

*The CDD structure can be advantageous for developers because projects can be completed with cheaper financing that is off the books of*

*the developer (since the debt is owned by the CDD), and the ultimate cost of the improvements need not be recouped from the developer's sales proceeds from the lots within the development because it will be paid by future owners over time. CDDs can be advantageous to homeowners because they may avail themselves of infrastructure and amenities that either the municipality or the developer may not have supported or financed; and because the debt is assumed long term via assessments on tax bills, the purchase price of the properties need not be inflated to account for the developer's need to repay the debt in the short term. CDDs can be advantageous for municipalities as an attractive economic development tool, whereby at no cost to the municipality developers can be incentivized by a CDD to provide infrastructure and services to residents leading to economic development and increased municipal tax revenues.*

*There are also a variety of potential disadvantages in the use of CDDs. First, CDDs are unilaterally controlled by the developer for generally between 6 and 8 years after creation with homeowners having little to no recourse in challenging the decisions of CDD Boards. Upon creation of a CDD, the developer may elect its own officers, employees, associates, or friends to serve on the CDD Board, and although the CDD Board is subject to the Sunshine Law and Public Records Law, Florida's Ethics Law exempts the developer's stockholders, officers, employees, or affiliates serving as CDD Board members or CDD employees from any conflict of interest limitations, and therefore they may permissibly make decisions in the best interests of the developer. Second, and even considering state law requires disclosures to prospective homebuyers within a CDD, the CDD structure can be confusing to homeowners, particularly its revenue collection on tax bills as a quasi-public entity and a CDD's powers and differences in respect to a Homeowner's Association or a municipality. In this vein, a potential criticism is that people who buy property in CDDs may unwittingly pay twice for any CDD benefits, meaning that even though the purchase price of the individual properties within a CDD theoretically need not be inflated to account for the developer's need to repay debt in the short term, the market rate purchase price may nevertheless be inflated as it naturally accounts for the infrastructure or amenities financed by the CDD since they are constructed immediately and then in addition the property owner will still be subject to long-term debt payments (i.e., assessments). Third, the law affords CDD liens imposed in connection with its assessments a superpriority that is coequal with other governmental liens, such as state, county, municipal, and school board taxes. This may have an impact on the conventional real estate lending market as well as the secondary mortgage market (similar to issues experienced with PACE programs). Fourth, the use of CDDs may present a difficulty for municipalities in treating similarly situated developers the same by also providing them with the CDD mechanism of lower-risk, lower-cost financing.*

*In light of this analysis, the City Commission should balance these competing interests and the potential advantages and disadvantages of CDDs as it determines whether to grant or deny any request to create a*

*CDD, specifically as it exercises its prudent discretion in considering the six statutory factors provided above. As a framework for making such a decision, staff offers that the approval of CDDs is most appropriate or clearly advantageous to the public health, safety, and welfare and therefore should be approved only when both of the following two conditions are met:*

- 1) The project could not occur without public support, meaning the project could not be accomplished through conventional financing or equity financing through traditional channels; and*
- 2) The project provides some unique benefit that furthers a discernable goal(s) of the City and the community, including but not limited to ameliorating an economically depressed or underserved area or providing uniquely beneficial infrastructure or services that would not otherwise be accomplished by the developer or the City.*

#### *Part II - Finley Woods CDD*

*The proposed Finley Woods CDD is a subset of the larger 118-acre Finley Woods Development. The 88-acre CDD boundaries will encompass Phases IC, II, and III of the subdivision and when constructed will contain 255 single-family residential lots. Phase IC is located south of SW 62nd Avenue and is currently under construction. Phases II and III are located north of SW 62nd Avenue. Phases II and III received design plat approval from the City Commission on February 7, 2019. Construction and engineering plans for Phase II are currently under review by City Departments. Electric service is currently provided by Clay Electric. Water and wastewater facilities are provided by GRU.*

*Infrastructure improvements that the Developer has proposed to finance through the City's creation of the Finley Woods CDD include: 1) entry signage; 2) stormwater facilities; 3) water and sewer service; 4) roadways; 5) street lights; and 6) roadway landscaping and hardscaping. Exhibit 7 of the Developer's CDD application provides cost estimates for all of the infrastructure improvements totaling \$10,897,287. With the exception of the proposed entry signage, it is important to note that the infrastructure improvements proposed by the Developer and outlined here are all required by the City's Land Development Code and are items that are typical with a common development of this type.*

#### *CITY ATTORNEY MEMORANDUM*

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

#### RECOMMENDATION

*The City Commission hear presentations and consider whether to establish the Finley Woods CDD.*

[180972A\\_draft ordinance\\_20190606.pdf](#)

[180972B\\_petition\\_20190606.pdf](#)

[180972C\\_supplement to petition\\_20190606.pdf](#)

[180972D\\_staff ppt\\_20190606.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**