

# City of Gainesville

City Hall  
200 East University Avenue  
Gainesville, Florida 32601



## **Meeting Agenda - Final-Revised**

**July 18, 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****ADOPTION OF CONSENT ITEMS - GRU, General Government, Audit & Finance Committee and General Policy Committee Items**[190037.](#)**City Commission Minutes (B)****RECOMMENDATION**

*The City Commission approve the minutes of June 10, and June 20, 2019.*

[190037\\_June 10 Minutes\\_20190718.pdf](#)

[190037\\_June 20 Minutes\\_20190718.pdf](#)

[190126.](#)**Resignation of Allison Basker from the Citizens' Advisory Committee for Community Development and Stan Livengood from the Pension Review Committee (B)****RECOMMENDATION**

*The City Commission accepts the resignation of Allison Basker and Stan Livengood, effective immediately.*

[190126\\_CACCD\\_Resignation\\_20190718.pdf](#)

[190126\\_PRC\\_Resignation\\_20190718.pdf](#)

[190127.](#)**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 August 21, 2019, GRU Multi-Purpose Room, for the retreat.*

[180386.](#)

**Contract Amendment to Covington Creative, LLC for Implementation Services for SAP Contact Center (B)**

*Explanation: GRU entered into a Contract on November 27, 2018, for implementation services for SAP Contact Center. SAP Contact Center is replacing existing Contact Center software and Interactive Voice Response (IVR) for the GRU Customer Call Center and Outage Reporting.*

*Staff is now seeking additional, optional services that were quoted in the bid response. Those services include application managed services and call center reporting software, EyeDogz.*

*This item was on the consent agenda of the UAB's July 11, 2019 meeting.*

*Fiscal Note: Funds in the amount of \$28,800 are available in the GRU Customer Operations budget. Subsequent annual cost for this item are estimated at \$16,400, subject to budget approval.*

**RECOMMENDATION**

*Staff Recommendation: The City Commission authorize the GRU General Manager or his designee to execute First Amendment to the Contract between The City of Gainesville d/b/a Gainesville Regional Utilities, and Covington Creative, LCC for Implementation Services for SAP Contact Center, subject to approval by the City Attorney as to form and legality.*

*UAB: The UAB voted 4-0, with members Alford, Miles and Porter absent, to advise the City Commission to approve the staff recommendation.*

**Legislative History**

10/18/18 City Commission Approved as Recommended

[180386 Intent to Award 20181011](#)

[180386 Non Submittal Forms 20181011](#)

[180386 RFP Implementation Services for SAP Contact Center 20181011](#)

[180386 SAP Contact Center Vendor List 20181011](#)

[180386 SAP Contact Ctr Bid Record 20181011](#)

[180386 Covington Creative Contract Amendment 1 20190711](#)

[180555.](#)

**Clarence R. Kelly Center Project - Authorization of a Task Assignment**

### under a Professional Design Services Agreement (B)

This item is a request for the City Commission to approve a Task Assignment in the amount of \$152,031 for professional design services for a new Clarence R. Kelly Center and surrounding project site development by Wannemacher Jensen Architects, Inc.

*Explanation: In 2018, staff worked with a design team and the community to establish a master plan for the Clarence R. Kelly Center 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, the City Commission authorized the addition of \$1,650,000 to the project budget on June 6, 2019.*

*In the summer of 2019 staff negotiated a design services task assignment with Wannemacher Jensen Architects, Inc. in the amount of \$152,031 to provide construction documents, facilitate project permitting and provide construction administration services for a new Clarence R. Kelly Center and surrounding project site development.*

*Wannemacher Jensen Architects, Inc. is an approved vendor under the Wild Spaces & Public Places professional design continuing services agreements to help facilitate Wild Spaces & Public Places projects. They have experience facilitating projects similar to the Clarence R. Kelly Center.*

*Fiscal Note: Funds in the amount of \$152,031 are available for professional design services for a new Clarence R. Kelly Center and surrounding project site development from the Clarence R. Kelly Center WSPP ½ cent sales tax project account.*

#### RECOMMENDATION

*The City Commission: 1) 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

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
6/6/19	City Commission	Approved as Recommended

[180555A\\_WSPP Update to GPC 20190110](#)

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

[180555E\\_WSPP Update to City Commission 20190516](#)

[180555Q\\_WSPP update to GPC 20190808](#)

[190130.](#)

**Master Services Agreement with the University of Florida Board of Trustees (UF) and the City of Gainesville (B)**

This is a request for the City Commission to authorize the City Manager to execute a new Master Services Agreement with the University of Florida Board of Trustees (UF) and the City of Gainesville for Regional Transit System (RTS) to provide unlimited access to public transit to the UF Community.

*Explanation: For more than a decade, there has been a partnership between the University of Florida Board of Trustees (UF) and the City of Gainesville Regional Transit System (RTS) to provide public transit services to the UF community (including students, employees, spouses, and retirees). The proposed Agreement will expire on June 30, 2021. The UF Transportation Fee Committee and RTS meet on an annual basis to evaluate the current service and determine the need to modify or add services. RTS staff has negotiated an hourly rate of \$67.25 per hour to cover operating costs through FY19, and a subsequent annual rate increase in accordance with the US Bureau of Labor Statistics National Consumer Price Index (CPI) capped at 3%. Should the CPI decrease, the hourly rate will remain the same for the corresponding contract period.*

*Enhanced services to UF during the 2019-2020 academic year will consist of an additional 5,068 hours of service as follows: 1) service hours will increase on City Routes 9, 28 and 37; 2) implementation of new City Route 150 (Haile Plantation to UF); and 3) additional weekend service on Route 37.*

*To comply with state and federal regulations and provide the customer service that the City and RTS are committed to, Four (4) new Transit Operators are needed. The recruitment and training period for these new positions will require that current RTS staff operate the service until the new employees are available.*

*Fiscal Note: The total anticipated FY20 annual revenue from UF of approximately \$13.8 million will cover budgeted expenses and the additional RTS positions.*

**RECOMMENDATION**

*The City Commission: 1) approve the additional Regional Transit System (RTS) positions effective August 19, 2019; and 2) authorize the City Manager or his designee to execute the Master Services Agreement and related documents between the University of Florida Board of*

*Trustees (UF) and the City of Gainesville, subject to approval by the City Attorney as to form and legality.*

[190130A\\_UF RTS Master Svc Agr Signed\\_20190718](#)

[190130B\\_UF RTS SOW Signed\\_20190718](#)

## 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.**

**TIME CERTAIN - 3:00 PM**

[190148.](#)

### Reichert House Update (B)

*Explanation: This is a time-certain request for 3pm on July 18, 2019, and in follow-up to the City Commission's request for a July update regarding 180848. Audit of City of Gainesville's Reichert House Youth Academy.*

*Fiscal Note: None*

#### RECOMMENDATION

*The City Commission hear an update by Interim City Manager Deborah Bowie regarding the Reichert House.*

[190148\\_JM RH Update\\_20190718.pdf](#)

[190115.](#)

### Appointments to the Public Recreation and Parks Board (B)

#### RECOMMENDATION

*The City Commission discuss appointments to the Public Recreation and Parks Board and take appropriate action.*

[190115\\_PRPB Ballot\\_20190718.pdf](#)

[190115\\_PRPB\\_Applications\\_20190718.pdf](#)

[190000.](#)

### Gainesville Weyerhaeuser 121 Update (NB)

*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. City staff received letters on May 28th and June 3rd, indicating Weyerhaeuser's agreement with several conditions related to the application. 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. Since the original adoption of the land use plan for the property, 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 changes on the City Commission. These facts warrant City Commission consideration.*

*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. Option 2 would leave an island of Agricultural Land Use directly on SR 121, surrounded by pockets of Conservation, Single-Family, and Residential Low-Density Land Use.*

*Option 3: Direct staff to begin the process for advertising a public hearing on the Zoning application for a future City Commission Meeting. 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 provide direction to staff on their preferred option.*

**Legislative History**

6/6/19 City Commission Withdrawn

[190149.](#)

**Mayor Lauren Poe - "BOOST" (B)**

AGENDA UPDATE - REVISED BACK-UP

**RECOMMENDATION**

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

[190149 YDRPP Research Statement \(1\) 20190718.pdf](#)

[190149 BOOST Presentation to CC\\_071619 \(1\) \(003\) 20190718.pdf](#)

[190077.](#)

**City Auditor Executive Search Plan (B)**

*Explanation: Carlos Holt, City Auditor, was terminated effective June 6, 2019. Eileen Marzak was named Interim City Auditor effective June 7, 2019. Qian Yuan will replace Eileen Marzak as Interim City Auditor on June 24, 2019. In order to hire a new City Auditor, it is necessary to initiate a*



search to find suitable candidates to fill this position.

*Fiscal Note:* The anticipated fiscal impact of the proposed recommendation is \$30,000. This amount includes \$24,000 in search fees and \$6,000 allocated for candidate travel and other expenses. This will be funded through unallocated general fund balance.

**RECOMMENDATION**

The City Commission (1) provide direction for an Executive Search Plan for the City Auditor position developed by the Human Resources Department, and (2) authorize the Human Resources Department to engage the services of an Executive Search Firm currently on retainer with the City to initiate the search.

[190077A\\_City Auditor Job Description\\_20190620.pdf](#)

[190150.](#)

**FY 2019-2020 Funding Recommendations and Annual Action Plan (Application) for Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME) Funds (B)**

*Explanation:* Each year the City of Gainesville receives an allocation of CDBG and HOME Program funds from HUD for local community development, housing activities, and public services. Unless otherwise modified, HUD has provided the total CDBG and HOME Programs allocation for FY 2019-2020 of \$1,849,733, which includes \$1,319,592 for CDBG and \$530,141 for HOME as outlined in Attachment A - HUD 2019 CDBG/HOME Program Allocations. The City's Housing & Community Development Division (HCD) administers the CDBG and HOME funds allocated to outside agencies and City projects.

In accordance with the City Commission's CDBG/HOME funding priorities, a portion of the CDBG/HOME funds are set-aside for the Block Grant Administration, City Housing Programs, City Codes Enforcement Programs and the Cold Night Shelter Program as outlined in Attachment B - FY 2019-2020 CDBG/HOME Program Funding Set-Asides. The remaining CDBG/HOME funds are made available to non-profit outside agencies through a competitive process for public services and other housing programs. This competitive process for the outside agencies includes application reviews, site visits, and funding recommendations made by the Citizens Advisory Committee for Community Development (CACCD), a 15-member citizen advisory board appointed by the City Commission to make important recommendations for the use of the CDBG and HOME Program funding. On June 18, 2019, the CACCD formulated its recommendations on allocating the CDBG and HOME "competitive" set-aside for non-profit outside organizations which included public participation to receive input from citizens regarding the outside agency funding recommendations (Attachment C - Citizen Engagement Summary). The CACCD's recommendations total \$170,000, for CDBG and \$60,000 for HOME. Copies of the CDBG and HOME applications

that were reviewed by the CACCD are on file in the Office of the Clerk of the Commission. The CACCD funding recommendation for CDBG & HOME Programs is outlined in Attachment D- CACCD FY 2019-2020 CDBG/HOME Funding Recommendations.

As a reminder, HUD recommended for local governments to implement a minimum \$10,000 threshold for grant awards in order to maximize efficiency of limited resources and grant effectiveness. For the past three fiscal years (FY 2016, FY 2017 and FY 2018) the \$10,000 minimum threshold has been in effect for the outside agency funding.

The Annual Action Plan (Application) that is submitted to HUD outlines the specific agencies and activities to be funded through CDBG and HOME in the upcoming fiscal year. The Application will be based on the City Commission's approval of the FY 2019-2020 CDBG and HOME funding allocations.

The City's Annual Action Plan must be submitted to HUD by August 16, 2019. The Proposed FY 2019-2020 Annual Action Plan is outlined in Attachment E.

*Fiscal Note:* The total CDBG and HOME Programs allocation for FY 2019-2020 is \$1,849,733. The funding allocation for each program is as follows: CDBG - \$1,319,592 and HOME - \$530,141.

**RECOMMENDATION**

The City Commission: 1) consider recommendations from the CACCD for the outside agencies that are designated to receive FY 2019-2020 CDBG and HOME funds; 2) approve the FY 2019-2020 CDBG and HOME set-aside funding for City projects: City Housing Programs, Block Grant Administration, Code Enforcement, and Cold Weather Shelter for the homeless; 3) authorize the City Manager or designee to prepare and submit the FY 2019-2020 Annual Action Plan (Application), including all understandings and assurances contained therein, to the U.S. Department of Housing and Urban Development for financial assistance under the Community Development Block Grant Program and HOME Investment Partnerships Program and to act on behalf of the City of Gainesville in all matters pertaining to the CDBG and HOME Programs; 4) authorize the City Manager or designee to take actions as appropriate to allocate the FY 2019-2020 CDBG and HOME funds; and 5) authorize the City Manager to execute subrecipient agreements with those outside agencies that are designated to receive FY 2019-2020 CDBG and HOME funding, subject to approval by the City Attorney as to form and legality.

[190150A HUD FY 2019 CDBG-HOME Program Allocations 20190718](#)  
[190150B FY 2019-2020 CDBG-HOME Program Funding Set Asides 20190718](#)  
[190150C Citizen Engagement Note 20190718](#)  
[190150D CACCD Memo CDBG-HOME Funding Recommendations 20190718](#)  
[190150E FY 2019-2020 Proposed Annual Action Plan 20190718](#)  
[190150F PowerPoint-FY 2019-2020 AAP CDBG HOME Funding Recommend.](#)

## COMMISSION COMMENT

**4:30 - 5:30pm DINNER BREAK**

**5:30 - CALL TO ORDER - Evening Session**

**PLEDGE OF ALLEGIANCE**

**PROCLAMATIONS/SPECIAL RECOGNITIONS**

[190146.](#)

**Parks, Recreation and Cultural Month - July 2019 (B)**

RECOMMENDATION

*Public Recreation and Parks Board Chair Bill Burger, Gainesville Cultural Affairs Board Chair David Ruiz and Nature Centers Commission Chair Grace Crummer to accept the proclamation.*

[190146 Parks Recreation and Cultural Month 20190718.pdf](#)

[190147.](#)

**International Clown Week - August 1-7, 2019 (B)**

RECOMMENDATION

*Gainesville Sunshine Clowns President Jane Arney and members of the Gainesville Sunshine Clowns to accept the proclamation.*

[190147 International Clown Week 20190718.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**

[190099.](#)

**Resolution - Commission Rules (B)**

Resolution No. 190099

A resolution amending and restating in its entirety the rules of the City Commission; providing a repealing clause and providing an immediate effective date.

*Explanation: This Resolution amends and restates the City Commission Rules in order to correct a scrivener's error regarding citizen comment. In the last sentence of Rule 10A, General Citizen Comment, it states, "Citizen comment at the end of the evening meeting is reserved only for those citizens who did not speak at the 1pm or 5:30 pm comment periods". In the "Order of Business" table in Rule 1, it states the final citizen comment period is "limited to citizens who did not speak at the 1pm and 5:30 pm general citizen comment periods." This resolution updates the language in the table in Rule 1, so that it matches the substantive content in Rule 10A. For ease of reference, the revision is highlighted in yellow on page 2 of the draft provided in the back-up to this agenda item.*

**RECOMMENDATION**      *Adopt the Resolution.*

[190099\\_draft\\_resolution\\_20190718.pdf](#)

[190137.](#)

### **Tentative General Government Financial and Operating Plan for Fiscal Year 2019-2020 (B)**

A resolution of the City Commission of the City of Gainesville, Florida; relating to its General Government Budget for the 2019-2020 fiscal year beginning October 1, 2019 and ending September 30, 2020; approving the proposed tentative General Financial and Operating Plan; and providing an immediate effective date.

**AGENDA UPDATE - REVISED BACK-UP**

*Explanation: The tentative General Government Budget for fiscal year 2019-2020 balanced Tentative General Government Budget is submitted for approval by the City Commission.*

**RECOMMENDATION**      *The City Commission adopt the proposed resolution.*

[190137\\_Resolution-Proposed General Government\\_20190718.pdf](#)

[190137A\\_FY2020 Budget in Brief Proposed Exhibit A\\_20190718.pdf](#)

[190137B\\_July 18th Budget PowerPoint\\_20190718.pdf](#)

[190055.](#)

### **Land Rights Resolution - FDOT Project to Upgrade and Renovate the Intersection of Newberry Road and Northwest 39th Road (B)**

This item is a request to adopt a Resolution to grant land rights to the Florida Department of Transportation (FDOT.)

*Explanation: The Florida Department of Transportation (FDOT) has an upcoming project to upgrade and renovate the intersection of Newberry Road and Northwest 39th Road. FDOT is requiring conveyance of fee title interest for ADA and Signal Improvements.*

*Staff believes it is in the best interest for the City to grant the request.*

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

**RECOMMENDATION**

*The City Commission: 1) adopt a Resolution granting land rights to the Florida Department of Transportation; and 2) authorize the Mayor to execute the Deed to the Florida Department of Transportation, subject to the approval of the City Attorney as to form and legality.*

[190055A Deed 20190718.pdf](#)

[190055B FDOT Resolution Deed SR26 20190718.pdf](#)

[190055C Sketch 20190718.pdf](#)

[190054.](#)

**Land Rights Resolution - FDOT to Upgrade and Renovate the Intersection of SE 15th Street and SR 20 (B)**

This item is a request to adopt a Resolution to grant land rights to the Florida Department of Transportation (FDOT.)

AGENDA UPDATE - REMOVE ITEM

*Explanation: The Florida Department of Transportation (FDOT) has an upcoming project to upgrade and renovate the intersection of SE 15th St and State Road 20 (Hawthorne Road). The Gainesville Community Redevelopment Agency is voluntarily donating approximately 66 Square Feet via a Perpetual Easement to the State of Florida Department of Transportation. This easement is for the use and benefit of the Florida Department of Transportation and will be used for American Disability Act improvements.*

*Staff believes it is in the best interest for the City to grant the request.*

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

**RECOMMENDATION**

*The City Commission: 1) adopt a Resolution granting land rights to the Florida Department of Transportation; and 2) authorize the Interim City Manager to execute the Perpetual Easement to the*

*Florida Department of Transportation, subject to the approval of the City Attorney as to form and legality.*

[190054A\\_FDOT Resolution SR 20\\_20190718.pdf](#)

[190054B\\_Perpetual Easement\\_20190718.pdf](#)

[190054C\\_Sketch 1\\_20190718.pdf](#)

[190054D\\_Sketch2\\_20190718.pdf](#)

[190145.](#)

**Reimbursement Resolution Related to Capital Projects (B)**

Resolution No. 190145

A Resolution expressing the intent of the city of Gainesville, Florida to incur costs related to capital projects located in the city of Gainesville and more particularly described herein; expressing the intent for purposes of compliance with united states treasury regulation section 1.150-2 to reimburse with the proceeds of revenue bonds the capital expenditures made with respect to such projects; providing for the issuance by the city of notes, bonds or other obligations in one or more series in an aggregate principal amount not exceeding \$8,500,000 to pay the cost of such projects; and providing an effective date.

*Explanation: During the FY18 budget process the City Commission approved a \$13.5 million bond issuance. Due to changes in strategy and budget constraints, this issuance did not take place. As part of the FY20 budget process, the City Commission tentatively approved an \$8.5 million bond issue to fund Fire Ladder Truck, Fire Station Land Evaluation & Acquisition, City Hall Roof Replacement, Body Worn Cameras, Radio Replacement, LED Streetlights, ADA Compliance projects and GFR Equipment Replacement. The attached Reimbursement Resolution provides a mechanism for the City to be reimbursed from bond proceeds for project costs that are incurred on or after the date of this Resolution and before the issuance of the Bonds while remaining in compliance with Treasury regulations. Adoption of this resolution will allow the City to be reimbursed from debt proceeds for certain costs incurred prior to issuance of debt to fund the acquisition.*

*Fiscal Note: The \$8.5 Million bond issue is anticipated to take place in the first quarter of FY20 and provide funding for the capital projects noted above, some of which may be purchased after the approval of this resolution but prior to receipt of the bond proceeds based on operational needs.*

**RECOMMENDATION**

*The City Commission adopt the Reimbursement Resolution related to capital projects.*

[190145\\_Reimbursement Resolution\\_20190718.pdf](#)

[190100.](#)**Resolution for Amendment to the Traffic Signal Maintenance and Compensation Agreement with FDOT (B)**

This item is a request to amend the Florida Department of Transportation Traffic Signal Maintenance and Compensation Agreement.

*AGENDA UPDATE - ADDED ITEM*

*Explanation: The Florida Department of Transportation (FDOT) currently compensates the City of Gainesville for maintenance of Intelligent Transportation System (ITS) infrastructure along the State Highway System (SHS). This includes traffic signals, school beacons, blank out signs, travel time detector, within city limits. This increase in compensation reflects new state FY19/20 rates.*

*Fiscal Note: The Florida Department of Transportation compensates the City annually for Traffic Signal Maintenance. The amount to be reimbursed for State FY19/20 is \$694,452.00. Last State FY18-19, the reimbursement amount was \$676,020.00. The 2.7265% reimbursement increase is due to the increase reimbursement rates for Traffic Signals and Intelligent Transportation System devices.*

**RECOMMENDATION**

*The City Commission: 1) adopt the Resolution for an Amendment to the Traffic Signal Maintenance and Compensation Agreement with the Florida Department of Transportation; and, 2) authorize the City Manager to execute all necessary documents, subject to approval by the City Attorney as to form and legality.*

[190100A Agree Traffic Signals 20190718](#)

[190100B Res150028 Traffic Signals 20190718](#)

[190100C Amend Traffic Signals 20190718](#)

[190100D Res160292 Traffic Signals 20190718](#)

[190100E Amend Traffic Signals 20190718](#)

[190100F Res170273 Traffic Signals 20190718](#)

[190100G Amend Traffic Signals 20190718](#)

[190100H Res171050 Traffic Signals 20190718](#)

[190100I PROPOSED Amend Traffic Signals 20190718](#)

[190100J PROPOSED Ex-A Traffic Signals 20190718](#)

[190100K DRAFT Res Traffic Signals 20190718](#)

[190140.](#)**Establish a Proposed Millage Rate for Fiscal Year 2019-2020(B)**

A resolution of the City Commission of the City of Gainesville, Florida; relating to the levy of general municipal purpose Ad Valorem taxes for the 2019-2020

fiscal year beginning October 1, 2019 and ending September 30, 2020; establishing a proposed Millage Rate; computing the rolled back rate; setting a public hearing; providing for notice to the Alachua County Property Appraiser; and providing an immediate effective date.

*AGENDA UPDATE - ADDED ITEM*

*Explanation: Section 200.065, of the Florida Statutes, requires the City Commission to advise the Property Appraiser of its rolled-back millage rate, its proposed millage rate, and of the time, date, and place at which a public hearing will be held to consider the proposed millage rate and the proposed tentative budget.*

*Fiscal Note: The estimated ad-valorem tax revenues for FY 2019-2020 will be determined by the proposed millage rate of 5.2974 which is the greater than last year's millage rate of 4.7474.*

**RECOMMENDATION**            *The City Commission adopt the proposed resolution.*

[190140 Resolution-Proposed Millage Rate 20190718.pdf](#)

## **PUBLIC HEARINGS**

### **ORDINANCES, 2ND READING - ROLL CALL REQUIRED**

### **ORDINANCES, 1ST READING - ROLL CALL REQUIRED**

[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.

*AGENDA UPDATE - NEW BACK-UP*

*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](#)

[180972E\\_Supplemental Affidavit\\_Kevin Plenzler\\_20190718.pdf](#)

[180972F\\_LTR T. Williams & Amended Declaration\\_20190718.pdf](#)

[180972G\\_Petitioner's Power Point\\_20190718.pdf](#)

[180678.](#)

**Prohibiting Single-Use Plastic Straws and Stirrers (B)**

Ordinance No. 180678

An ordinance of the City of Gainesville, Florida, amending the Code of Ordinances to prohibit single-use plastic straws and single-use stirrers by creating a new Division 5 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: The General Policy Committee, at its meeting on February 14, 2019, discussed and directed staff to draft an ordinance for further discussion by the Commission. The City Commission, at its meeting on May 16, 2019, discussed the draft and directed the City Attorney's Office to finalize an ordinance for first reading.*

**RECOMMENDATION**            *The City Commission adopt the proposed ordinance.*

**Legislative History**

1/17/19	City Commission	Referred to the General Policy Committee
1/24/19	General Policy Committee	Continued
2/14/19	General Policy Committee	Approved, as shown above

[180678 2018-12-13 Council Agenda 20190124 GPC 20190214.pdf](#)

[180678 Resolution Ban Cities & Counties 20190124 GPC 20190214.pdf](#)

[180678 draft ordinance 20190718.pdf](#)

[190114.](#)

**Clarifying Definitions and Providing a New Enforcement Date for the Prohibition of Single-Use Carry Out Plastic Bags and Expanded Polystyrene Containers (B)**

Ordinance No. 190114

An ordinance of the City of Gainesville, Florida, amending Sections 27-89 and 27-90 of the City Code of Ordinances, to clarify the definition of single-use carry out plastic bag; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date for this ordinance, but delaying enforcement of this ordinance and Ordinance No. 170487 until 8:00 A.M. on January 2, 2020.

AGENDA UPDATE - CHANGED TEXT FILE LANGUAGE AND NEW BACK-UP

*Explanation: The City Commission, at its meeting of March 21, 2019, discussed the plastic ban ordinance education campaign and some areas of the current code provisions they may wish to amend. This discussion was continued to the March 28th General Policy Committee meeting. The General Policy Committee, at its meeting of March 28, 2019 discussed these topics further and directed the City Attorney's Office to draft an ordinance to revise the current code provisions.*

AGENDA MODIFICATION

*Explanation of modification: This item is being modified to provide the City Commission with additional back-up and to revise the staff recommendation. On July 1, 2019, Section 57.112, Florida Statutes (Chapter Law 2019-151) became effective. A copy of the new statute is provided in the back-up. The new statute states "[i]f a civil action is filed against a local government to challenge the adoption or enforcement of a local ordinance on the grounds that it is expressly preempted by the State Constitution or by state law, the court shall assess and award reasonable attorney fees and costs and damages to the prevailing party." The new statute also provides that if a local government is given written notice that an ordinance is expressly preempted and the local government acts within 30 days to notice an intent to repeal the ordinance and then acts within 30 days to repeal the ordinance, attorney fees and costs may not be awarded. On July 15, 2019, the City*

received notice from the Florida Retail Federation and the Florida Restaurant & Lodging Association (pursuant to the new statute) requesting that the City repeal Ordinance No. 170487 regarding the prohibition of single-use carry out plastic bags and expanded polystyrene containers as such regulation is expressly preempted to the State by Sections 403.7033 and 500.90, Florida Statutes. A copy of this notice letter is provided in the back-up.

To avoid the risk of exposure for mandatory attorney fees, costs and damages, the City Attorney's Office recommends that the City Commission provide notice of its intent to repeal Ordinance No. 170487, direct the City Attorney to prepare and advertise a repealing ordinance and take no further action on proposed Ordinance No. 190114 at this time. The City Attorney's Office recommends repeal as a prudent step until the status of the State Law preemption is finally resolved. The Commission has been previously advised that there is on-going litigation regarding a similar Coral Gables ordinance and the state preemption statutes and although Coral Gables received a favorable ruling from the 11th Judicial Circuit for Miami-Dade County, that ruling is not binding precedent for the City of Gainesville and is currently on appeal before the Third District Court of Appeals. The Florida Retail Federation has informed the City Attorney that its attorney fees and costs in the Coral Gables litigation currently total \$102,500. This does not include an appeal to the Florida Supreme Court, which they are prepared to take, and does not include monetary damages which are likely to be asserted in future cases on behalf of their members. In addition, as the City was not planning to enforce the prohibitions until January 2, 2020, if the status of the State Law is resolved in a manner that clearly allows local governments to regulate, the City Commission can direct the City Attorney to promptly bring a prohibition ordinance back to the City Commission for adoption.

**RECOMMENDATION**

The City Commission (1) consider the newly enacted Section 57.112, Florida Statutes; (2) review the notice letter received by the City; (3) direct the City Attorney to prepare a Resolution (for the August 1st agenda) providing notice of its intent to repeal Ordinance No. 170487; (4) direct the City Attorney to prepare and advertise an ordinance to repeal Ordinance No. 170487 for first reading on August 1 and second reading on August 15; and (5) take no further action on proposed Ordinance No. 190114 at this time.

[190114\\_draft ordinance\\_20190718.pdf](#)

[190114A\\_Chapter 2019-151\\_20190718.pdf](#)

[190114B\\_July 15 2019 Letter\\_20190718.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**