

Legistar #

160725

ORDINANCE NO. 160725

An ordinance of the City of Gainesville, Florida, amending Section 6 of Ordinance No. 110541 and amending the Code of Ordinances, Appendix A, Schedule of Fees, Rates and Charges, to revise infrastructure improvement area user fees for water and wastewater gravity collection in the Innovation District Area; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

WHEREAS, at least ten (10) days' notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of the public hearings in the City Hall Auditorium located on the first floor of City Hall in the City of Gainesville; and

WHEREAS, the public hearings were held pursuant to the published notices described above, at which all interested parties had an opportunity to be, and were, in fact, heard; and

WHEREAS, imposing Infrastructure Improvement Area user fees is an exercise of the City's proprietary powers; and

WHEREAS, Infrastructure Improvement Area user fees were first imposed by the City by adoption of Ordinance No. 110541 on April 7, 2016, to pay for the design and construction costs of the water and wastewater gravity collection services infrastructure within defined area(s); and

WHEREAS, Infrastructure Improvement Area user fees collected by the City are used solely to reimburse the City for completed construction and/or to allow the City to fund the future design and construction of water and wastewater gravity collection services infrastructure within the defined area(s), including financing costs and interest incurred by the City; and

WHEREAS, Infrastructure Improvement Area user fees are governed by the principle that customers within the area(s) that pay the user fee receive a special benefit in a manner not shared by

1 other customers and shall be charged in exchange for the government service which benefits such
2 customer paying the user fee; and

3 **WHEREAS**, Infrastructure Improvement Area user fees are reasonable in relation to the
4 resulting value and benefit of the water and wastewater gravity collection services being provided to
5 the customers in the area(s); and

6 **WHEREAS**, Ordinance No. 110541, which first established the Innovation District
7 Infrastructure Area, provided a retroactive date of December 5, 2013. This date proved difficult to
8 implement and therefore, staff implemented Ordinance No. 110541 on April 7, 2016 (the date it was
9 adopted on second reading). This Ordinance amends Section 6 of Ordinance No. 110541 to reflect
10 the implementation date of April 7, 2016; and

11 **WHEREAS**, upon recommendation of City staff and direction of the Utility Advisory
12 Board on August 17, 2016 and the City Commission on August 18, 2016, this Ordinance also
13 increases the user fees on and after the effective date of this Ordinance;

14 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
15 **CITY OF GAINESVILLE, FLORIDA:**

16 **Section 1.** Section 6 (non-codified) of Ordinance No. 110541 is hereby amended to read as
17 follows:

18 Section 6. It is the express intent of the City that this ordinance shall take effect
19 ~~retroactively as of December 5, 2013~~ upon final adoption on April 7, 2016. ~~This ordinance is given~~
20 ~~retroactive effect in order to confirm actions taken and expenditures made by the City after the City~~
21 ~~Commission meeting on December 5, 2013, with regard to the design and construction of water and~~
22 ~~wastewater system capacity improvements within the Innovation District Infrastructure Area. In~~
23 ~~order to avoid a windfall to those customers that received a certificate of occupancy or certificate of~~

~~completion for an establishment or addition to an establishment within the Innovation District Infrastructure Area between December 6, 2013 and the date of adoption of this ordinance, those customers shall pay Infrastructure Improvement Area user fees in accordance with this ordinance for their establishment within 30 days of the date of adoption of this ordinance. As it is expressly recognized that those customers were on notice of, participated in and received the benefit of the development of the master plan described in this ordinance and concomitant construction of the capacity improvements within the Innovation District Infrastructure Improvement Area.~~

Section 2. The Water and Sewerage portions of the Utilities section in Appendix A – Schedule of Fees, Rates and Charges, is amended to revise the fees. Except as amended herein, the remainder of Appendix A remains in full force and effect.

APPENDIX A – SCHEDULE OF FEES, RATES AND CHARGES

UTILITIES:

(3) *Water:*

- n. Infrastructure improvement area user fees (§ 27-205) for water in the Innovation District Area shall be calculated based on the following rates:
 - 1. Commercial and institutional establishment \$~~0.91~~1.01/ft² gross building area
 - 2. Hotel and/or Motel establishments \$~~363.18~~ 402.15 per room*
 - 3. Laboratory (wet) establishment \$~~1.09~~1.21/ft² gross building area
 - 4. Multi-family residential establishment \$~~254.23~~281.51 per bedroom
 - 5. Office and Laboratory (dry) establishment \$~~0.54~~0.60/ft² gross building area
 - 6. Parking Garage \$~~0.54~~0.60/ft² gross building area

(4) *Sewerage:*

- n. Infrastructure improvement area user fees (§ 27-205) for wastewater in the Innovation District Area shall be calculated based on the following rates:
 - 1. Commercial and institutional establishment \$~~0.83~~1.02/ft² heated and cooled area
 - 2. Hotel and/or Motel establishments \$~~331.87~~ 408.84 per room*
 - 3. Laboratory (wet) establishment \$~~1.00~~1.23/ft² heated and cooled area
 - 4. Multi-family residential establishment \$~~232.31~~286.19 per bedroom
 - 5. Office and Laboratory (dry) establishment \$~~0.50~~0.62/ft² heated and cooled area

** The per room fee is applied to the number of hotel or motel rooms and no additional fee is applied for meeting rooms, kitchens, lobby areas and/or other rooms directly associated with the hotel or motel operation. Restaurant facilities or retail establishments within a hotel or motel shall be considered commercial establishments and shall pay all applicable fees.*

Section 3. It is the intention of the City Commission that the provisions of Section 2 of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Gainesville, Florida, and that the Sections and Paragraphs of this Ordinance may be renumbered or relettered in order to accomplish such intentions.

Section 4. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application hereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

Section 5. All ordinances or parts of ordinances, in conflict herewith are to the extent of such conflict hereby repealed.

Section 6. This ordinance shall become effective immediately upon final adoption.

PASSED AND ADOPTED this ____ day of _____, 2017.

LAUREN B. POE
MAYOR

Attest:

Approved as to form and legality:

KURT M. LANNON
CLERK OF THE COMMISSION

NICOLLE M. SHALLEY
CITY ATTORNEY

This ordinance passed on first reading this ____ day of _____, 2017.

This ordinance passed on second reading this ____ day of _____, 2017.