

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Meeting Agenda - Final

October 5, 2017

1:00 PM

City Hall Auditorium

City Commission

Mayor Lauren Poe (At Large)

Mayor-Commissioner Pro Tem Harvey Budd (At Large)

Commissioner Helen Warren (At Large)

Commissioner Charles Goston (District 1)

Commissioner 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

[170401.](#)

City Commission Minutes (B)**RECOMMENDATION**

The City Commission approve the minutes of August 14, August 16, August 17, August 24, September 7, and September 21, 2017.

[170401_CCOM_Minutes_20171005.pdf](#)

[170401_Minutes_20171005.pdf](#)

[170401_Minutes_20170921.pdf](#)

[170401_Clarifications and Additions to Minutes_20170928.pdf](#)

[170422.](#)

Resignation of Derek Wohlust from the Gainesville/Alachua County Cultural Affairs Board, Selena Patterson from the City Beautification Board, Harold Shaw from the Student Community Relations Advisory Board and Sheryl Eddie from the Regional Transit System Advisory Board (B)**RECOMMENDATION**

The City Commission accepts the resignation of Derek Wohlust, Selena Patterson, Harold Shaw and Sheryl Eddie, effective immediately.

[170422_ResignationWohlustPattersonShawEddie_20171005.pdf](#)

[170402.](#)

TeamBuilding Retreat (NB)

RECOMMENDATION

The City Commission approve the date of October 24th for the TeamBuilding Retreat at GRU's Multi-purpose Room from 1:30pm - 5:30pm.

[170367.](#)

Bid Award - Public Works Annual Contract for Redi-Mix Concrete Material (B)

This item is a request for the City Commission to authorize the bid award to Argos North America Corp. as the primary supplier and Smyrna Ready Mix Concrete, LLC. as the secondary supplier for the annual contract for Redi-Mix Concrete.

Explanation: On July 26, 2017, the Purchasing Division solicited bids for an initial one-year contract beginning October 1, 2017 for Redi-Mix Concrete with the option to renew for three additional one- year periods. Two (2) suppliers responded with bids, Argos North America Corp. and Smyrna Ready Mix Concrete, LLC. Argos North America Corp. is recommended as the overall lowest most responsive and responsible bidder meeting the specifications as set forth in the Invitation to Bid and Smyrna Ready Mix Concrete, LLC. is the second lowest responsible and responsive bidder meeting the specifications as set forth in the Invitation to Bid. The solicitation provided the option for Public Works to hire a primary and secondary supplier as the plants often go down and Public Works needs concrete daily.

The Public Works Department Operations Division purchases approximately 2000 cubic yards annually of Redi-Mix concrete for use in the routine maintenance of City streets and drainage facilities. Redi-Mix concrete is used in capital projects and in repairs to City facilities as necessitated by utility installations.

Fiscal Note: Funding sources are available and will be identified as needed through the Public Works Department FY 2018 Operating budget and the City's Capital Improvement Plan capital project accounts.

RECOMMENDATION

The City Commission authorize the City Manager to execute contracts and all related documents with Argos North America Corp. as the primary supplier and Smyrna Ready Mix Concrete, LLC. as the secondary supplier, subject to approval of the City Attorney as to form and legality.

[170367A_Argos_Proposal_20170921.pdf](#)

[170367B_Award_Recommendation_Transmittal_20170921.pdf](#)

[170367C_Bid_Record_20170921.pdf](#)

[170367D_Draft_Agreement-Primary_20170921.pdf](#)

[170367E_Draft_Agreement-Secondary_20170921.pdf](#)

[170367F_SRM_Proposal_20170921.pdf](#)

[170350.](#)

Use of Federal Forfeiture Funds for Police Equipment and Programs (NB)

This is a request for the City Commission to approve funding from the Federal Forfeiture funds for the amount not to exceed \$150,000.

Explanation: This item requests that the City Commission appropriate and expend an amount not to exceed \$150,000 from the Federal Law Enforcement Contraband Forfeiture Fund for needed equipment for events, computer software and law enforcement training. The chief law enforcement officer must approve the transfer and must ensure the recipient is a qualified entity.

Fiscal Note: This is a permissible use of Federal Forfeiture. Funding in the amount of \$150,000 is available from the Federal Law Enforcement Contraband Forfeiture Trust Fund. The uncommitted balance of fund as of August 22, 2017 is \$1,112,917.00.

RECOMMENDATION

The City Commission authorize the Gainesville Police Department to move forward with purchasing equipment/item with Federal Forfeiture funds for an amount not to exceed \$150,000.

[170370.](#)

Contract Award to Hicks Seal Coating and Striping, LLC dba Hicks Asphalt Paving & Concrete, for Bus Stop Improvements - Phases V and VI (B)

This item is a request to approve the recommended award and execute a contract with Hicks Seal Coating and Striping, LLC dba Hicks Asphalt Paving & Concrete, for Bus Stop Improvements - Phases V and VI.

Explanation: On July 26, 2017, the City's Purchasing Division solicited an Invitation to Bid (ITB) for Bus Stop Improvements - Phases V and VI. The ITB process was implemented in compliance with, and as required by, the Federal Transit Administration (FTA), Florida Statutes and City of Gainesville policies.

Two responses were submitted by the deadline. The lowest responsive, responsible bid was submitted by Hicks Seal Coating and Striping, LLC dba Hicks Asphalt Paving & Concrete.

RTS desires to enter into a contract with Hicks Seal Coating and Striping, LLC dba Hicks Asphalt Paving & Concrete in the amount of \$319,682.90 for these goods and services.

Fiscal Note: Funds from the Federal Transit Administration (FTA) and the Florida Department of Transportation (FDOT) in the amount of \$319,682.90 are available in the RTS capital budget.

RECOMMENDATION The City Commission authorize the City Manager or his designee to execute a contract with Hicks Seal Coating and Striping, LLC dba Hicks Asphalt Paving & Concrete, for Bus Stop Improvements - Phases V and VI, subject to approval by the City Attorney as to form and legality.

[170370A Bus Stop ITB 20171005.pdf](#)

[170370B ITB Project Plans 20171005.pdf](#)

[170370C Addendum 1 20171005.pdf](#)

[170370D Florida Safety Contractors Inc Response 20171005.pdf](#)

[170370E Hicks Seal Coating and Striping LLC Response 20171005.pdf](#)

[170370F Bid Record 20171005.pdf](#)

[170370G Award Public Notification 20171005.pdf](#)

[170370H Bid Tab 20171005.pdf](#)

[170325.](#)

Gainesville Regional Utilities Unaudited Internally Prepared Financial Statements for the Period Ended June 30, 2017 (B)

Explanation: The following item is presented for review: Unaudited Internally Prepared Financial Statements for the Period Ended June 30, 2017, including management's discussion and analysis.

RECOMMENDATION The City Commission accept the GRU Unaudited Internally Prepared Financial Statements for the period ended June 30, 2017.

Legislative History

9/21/17 City Commission Continued

[170325 Interim Financial Statements - Unaudited for PE 6.30.17 20171005](#)

[170326.](#)

Gainesville Regional Utilities Internally Prepared Actuals to Budget for the Period Ended June 30, 2017 (B)

Explanation: The following item is presented for review: Actuals to Budget for the period ended June 30, 2017, internally prepared.

RECOMMENDATION *The City Commission accept the GRU Internally Prepared Actuals to Budget for the year ended June 30, 2017.*

Legislative History

9/21/17 City Commission Continued

[170326 GRU Budget to Actuals for PE 6.30.17 20171005](#)

[170327.](#)

Gainesville Regional Utilities Internally Prepared Supplementary Data for the Period Ended June 30, 2017 (B)

Explanation: The following item is presented for review: Supplementary Data for the period ended June 30, 2017, internally prepared.

RECOMMENDATION *The City Commission accept the GRU Internally Prepared Supplementary Data for the year ended June 30, 2017.*

Legislative History

9/21/17 City Commission Continued

[170327 GRU Supplementary Data for PE 6.30.17 20171005](#)

ADOPTION OF REGULAR AGENDA

GENERAL CITIZEN 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.

[170392.](#)

Bloomberg Philanthropies 2017 Mayor's Challenge Idea and Solutions Presentation (B)

This item requests the City Commission receive a presentation regarding the Bloomberg Mayor's Challenge idea and solution sets and provide direction for the City of Gainesville's application.

Explanation: During the August 17, 2017 City Commission meeting, the Commission indicated their support to join the Bloomberg Philanthropies 2017 Mayor's Challenge. The Bloomberg Mayor's Challenge is an initiative to help city leaders create bold solutions to the most urgent issues of today. As part

of the Challenge, approximately 35 cities across the country will be awarded up to \$100,000 to test their solutions, and of those, five cities will win \$9 million, in total, to implement their ideas.

For the City of Gainesville, the Mayor's Challenge presents an opportunity to make progress toward our Strategic Framework and engage our partners in creating innovative solutions that can be replicated by other communities. Over the past year we have identified "big ideas" with our community and Commission through the development of our Strategic Framework, the recommendations of the Citizen's Committee and in discussions with our organizational staff and elected leadership.

In the month of September, Strategic Initiatives hosted two additional idea accelerator workshops with organizational leadership and the public to further refine the list of alternatives presented to the City Commission. Today we are seeking the Commission's direction on the challenge idea and solution set to pursue in our application to the 2017 Bloomberg Philanthropies Mayor's Challenge.

The deadline to submit the full application is October 20, 2017.

Fiscal Note: None

RECOMMENDATION

The City Commission: 1) receive a presentation; and 2) provide direction on the challenge and solution set for the October 20, 2017 application.

[170411.](#)

Code for Gainesville and the Department of Doing Collaboration (B)

This item requests the City Commission receive a presentation about the Code for Gainesville brigade, the Gainesville business portal, and the Department of Doing's Grow-It-Yourself kit.

Explanation: In December 2015, the City Commission unanimously adopted the Blue Ribbon Report, which included a recommended change to deploy a Department of Doing. Integral to becoming the most citizen centered city in the world, the Department of Doing is a modular governmental unit that facilitates the many different steps in the process of starting or growing a business. Partnering with the Code for Gainesville brigade to co-design a business portal and prototyping a Grow-It-Yourself (G.I.Y.) kit to jumpstart the citizen's journey, these two key resources aim to support a strong economy, one of the Strategic Framework's guiding questions.

Launched on the National Day of Civic Hacking in summer 2016, the Code for Gainesville brigade quickly began collaborating with the City of Gainesville to bring to life our vision of an online community resource, a local business portal. Throughout the past year, Code for Gainesville's developers, designers and coders have volunteered hundreds of hours

of their personal time towards achieving this vision. Today, we unveil the culmination of their work, recent progress achieved during the 2017 National Day of Civic Hacking, and their collaboration with the UF-Gainesville Fellows.

After interviewing numerous citizens who have had experience with starting or growing a business in Gainesville, the idea of a G.I.Y. kit was born; a kit filled with helpful tips, tools and insights on how to search for a location and build a business in Gainesville. The kit lays out a journey map for new businesses and explains the city steps in clear, easy-to-understand language.

Fiscal Note: None

RECOMMENDATION *The City Commission receive a presentation.*

[170432.](#)

Mayor Lauren Poe - Discussion of Regular Meetings (NB)

RECOMMENDATION *The City Commission discuss regular meeting dates and cancellation of meetings and take action deemed appropriate.*

[170433.](#)

Mayor-Commissioner Pro Tem Harvey Budd - Gainesville Regional Utilities (GRU) Billing Issues (NB)

RECOMMENDATION *The City Commission discuss GRU's billing issue and take action deemed appropriate.*

[160876.](#)

Mayor-Commissioner Pro Tem Harvey Budd - Gainesville Election Issues (NB)

Explanation: At the regular City Commission meeting of July 20, 2017 the Commission asked the City Attorney to prepare for further discussion a proposed charter amendment that would include 1) moving City elections to the fall of even-numbered years with the City's regular election being held at the time of the Primary election and a run-off to be held, if necessary, at the time of the General election in November; 2) changing the terms from 3 years to 4 years and maintaining a two consecutive term limit; and 3) developing a transition plan for the terms if the charter amendment were to pass.

RECOMMENDATION *The City Commission review the proposed charter amendment for further discussion.*

Legislative History

3/16/17	City Commission	Referred to the General Policy Committee
6/8/17	General Policy Committee	Approved, as shown above

7/20/17 City Commission Approved, as shown above
8/17/17 City Commission Approved, as shown above

[160876 Memo to CCOM re Elector Qualifications 20170608.pdf](#)

[160876 Election Date Changes Proposal 20170720.pdf](#)

[160876 - Proposed Charter Amendments.pdf](#)

COMMITTEE DISCUSSION ITEMS - Items placed on the agenda by the Audit & Finance Committee or General Policy Committee or moved from Consent

OTHER POLICY DISCUSSION ITEMS - If the Commission does not get to these items, they are continued to the next regular Commission meeting or such other regular or special meeting or workshop, as the Commission directs

INFORMATIONAL PRESENTATIONS - Items that do not request or require any Commission action. If the Commission does not get to these items, they are continued to the next regular Commission meeting or such other regular or special meeting or workshop, as the Commission directs.

4:30 - 5:30pm Dinner Break

5:30 - Call to order Evening Session

PLEDGE OF ALLEGIANCE

PROCLAMATIONS/SPECIAL RECOGNITIONS

[170418.](#)

White Cane Safety Awareness Month - October 2017 (B)

RECOMMENDATION

Council of the Blind President Spencer Morton to accept the proclamation.

[170418 WhitCaneSafetyMonth 20171005.pdf](#)

[170419.](#)

Fire Prevention Week - October 8 - 14, 2017 (B)

RECOMMENDATION

Gainesville Fire Rescue Fire Chief Jeff Lane, Assistant Fire Chief Steve Hesson and Risk Reduction Specialist Krista Ott to accept the proclamation.

[170419 FirePreventionWeek 20171005.pdf](#)

[170420.](#)

National Physician Assistant Week - October 6 - 12, 2017 (B)

RECOMMENDATION Florida Academy of Physician Assistants Jenni Johnson and Jessie Johnson to accept the proclamation.

[170420_PhysicianAssistantWeek_20171005.pdf](#)

[170421.](#)

National Arts and Humanities Month - October 2017 (B)

RECOMMENDATION College of the Arts Dean Lucinda Lavelli to accept the proclamation.

[170421_ArtsandHumanitiesMonth_20171005.pdf](#)

[170425.](#)

Mental Illness Awareness Month - October 2017 (B)

RECOMMENDATION Local Chapter National Alliance on Mental Illness Judy Broward to accept the proclamation.

[170425_MentalIllnessAwarenessMonth_20171005.pdf](#)

GENERAL CITIZEN COMMENT - For items not on the agenda, limited to 3 minutes per citizen and not to exceed 30 minutes total

PUBLIC HEARINGS

[170406.](#)

Adoption of the Citizen Participation Plan (B)

This item requests the City Commission to conduct a public hearing to adopt the Citizen Participation Plan .

Explanation: This item involves adopting the Citizen Participation Plan (CPP) which is required by the United States Department of Housing and Urban Development (HUD).

Programs funded by HUD include the Community Development Block Grant Program (CDBG) and the HOME Investment Partnerships Program (HOME). As an entitlement jurisdiction, the City annually receives funds from those programs. In FY2016, the City received a combined total of approximately \$1.68 million from those programs. The City uses CDBG and HOME funds for many types of services, including Homeowner Rehabilitation, Down Payment Assistance, Homeless Services, Code Enforcement and other services.

In accordance with Federal regulations, the City of Gainesville has prepared a CPP to provide for and encourage citizen participation in the

process of preparing and implementing plans related to programs funded by HUD.

The purpose of the CPP is to meet HUD's requirements and to explain how the City will accommodate and encourage citizen input, particularly for the City's program-eligible populations.

The CPP provides a guide for citizens and organizations to participate in an advisory role in assisting with the development of the following HUD-required documents: the Five Year Consolidated Plan, the Annual Action Plan, and the Assessment of Fair Housing. The CPP also helps citizens and organizations to participate in the review of the HUD-required Consolidated Annual Performance Evaluation Report. The CPP sets forth policies and procedures for citizen participation, which are designed to maximize the opportunity for engagement in the community development process. The CPP emphasizes and encourages participation by persons of low- and moderate-incomes, residents of blighted neighborhoods, residents of areas where community development funds are utilized, and residents of predominantly low- and moderate-income neighborhoods.

In particular, the CPP includes the following elements: How to contact City staff when citizens have questions; A description of the Citizens' Advisory Committee for Community Development; How to Access Information; Public Notice Requirements; Public Meeting Requirements; Grievance and Complaint Procedures; Special Needs Policies; and Anti-Displacement Policies.

At this time, only minor changes to the CPP are proposed. In response to HUD's new rule replacing the Analysis of Impediments to Fair Housing Choice with an Assessment of Fair Housing (AFH), the CPP has been revised to apply to the AFH. Other changes to the CPP include updated contact information.

On August 24, 2017, the City advertised a 30-Day Public Comment Period in the Gainesville Sun and the Gainesville Guardian. During that time period, paper and electronic copies of the Draft CPP have been available for public review and comment. The paper copies have been available at the City's Housing and Community Development Division Office in the Thomas Center, the City Clerk's Office in City Hall, the Alachua County Public Library Headquarters Branch (Downtown), the Cone Park Library Branch and the Library Partnership Branch. The Draft CPP also has been available on the Housing and Community Development Division webpage. Staff has not received any additional comments since the advertisement was published.

HUD does not require a Public Hearing in order to adopt the CPP. However, to ensure public input, staff recommends that the City Commission conduct a Public Hearing to adopt the CPP at their October 5, 2017 Regular Meeting.

Fiscal Note: HUD rules require Entitlement Jurisdictions, such as Gainesville, to

adopt a CPP in order to continue to receive CDBG and HOME funds. In FY2016, the City received a combined total of approximately \$1.68 million from those programs.

RECOMMENDATION

The City Commission: 1) hear a presentation from staff; 2) conduct a Public Hearing to gather public comments about the Citizen Participation Plan; and 3) adopt the Citizen Participation Plan.

[170406A Presentation 20171005.pdf](#)

[170406B CPP Notice of 30-Day Comment 20171005.pdf](#)

[170406C DRAFT CPP 20171005.pdf](#)

RESOLUTIONS - ROLL CALL REQUIRED

[170369.](#)

Resolution Declaring City Owned Properties as Surplus and Authorize the Disposition (B)

Request to declare as surplus and dispose of City Owned Properties Tax Parcel 11309-000-000 and 11317-000-000.

Explanation: The City acquired the vacant property known as Tax Parcel 11309-000-000, located at 1639 Southeast 4th Avenue through Code Enforcement foreclosure on May 4, 2009 (OR Book 3876, Page 128). Tax Parcel 11317-000-000, located at 502 Southeast 17th Terrace, was received through donation on October 22, 2001 (OR Book 2399, Page 17). The City has received a request from Alachua County Habitat for Humanity for a donation of the two parcels for housing infill. Both properties were routed to all departments for a determination of necessity. GRU and Cox Cable request the retainage of the east ten feet of Tax Parcel 11317-000-000 for utilities.

In accordance with the Real Property Policies adopted by the City Commission on April 18, 2013 (Resolution No. 100630), this item requests the City Commission adopt a resolution finding and declaring the properties as surplus. As defined in the Policies, surplus means "property which no longer serves a public purpose, or is in excess of the City's needs, or the sale of which would serve a greater public purpose than the retention of the property." If the Commission adopts the resolution, the Public Works Department will dispose of the property in a competitive manner. The City Commission can waive the competitive bid process and offer the properties to non-profit organizations that will construct affordable new housing for qualified low-income first-time homebuyers. The deed conveyance from the City will allow the selected recipient up to 2 years from the date of closing to build a new affordable home(s) on the properties. If a new home(s) is not built within this time period, then this property will revert back to the City for use as determined by the City at that time. The disposition of this property would

allow the opportunity to develop the vacant lots into useable housing stock and assist in the City's continuing effort to improve the quality of life in our neighborhoods for the benefit of all residents; and to increase the amount of affordable and low cost housing in the City. Staff believes it would be in the best interest of the City to return this parcel to the tax rolls, retaining the east ten feet of Tax Parcel 11317-000-000 for utilities.

Fiscal Note: Funding in the amount of \$100 for administrative costs is available in the Public Works Fiscal Year 2017 operating budget.

RECOMMENDATION

The City Commission: 1) adopt the Resolution declaring Tax Parcels 11309-000-000 and 11317-000-000 as surplus properties; 2) direct staff to dispose of the properties by competitive bid or offer the properties to a qualified nonprofit organization to be disposed of for affordable housing purposes; and 3) authorize the Mayor to sign and the Clerk to attest a Special Warranty Deed, subject to legal approval as to form and legality, retaining the east ten feet of Tax Parcel 11317-000-000 for utilities.

[170369A County Data Sheet 20170921.pdf](#)

[170369B RESOLUTION 20170921.pdf](#)

[170369C Map 20170921.pdf](#)

ORDINANCES, 1ST READING - ROLL CALL REQUIRED

[170410.](#)

APPENDIX A - SCHEDULE OF FEES, RATES AND CHARGES - STORMWATER (B)

Ordinance No. 170410

An ordinance of the City of Gainesville, Florida, amending the fee for stormwater management in Appendix A - Schedule of Fees, Rates and Charges of the Code of Ordinances; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: During several public meetings beginning May 2, 2017 and continuing through July 3, 2017, Budget and Finance staff presented the "Budget Workshop for the FY2018-2019 Budget Year" to the City Commission. As presented, the proposed FY2018 and FY2019 revenues included a continuation of the policy of 5% scheduled biennial increases of certain Appendix A fees, rates and charges.

On September 21, 2017, the City Commission adopted Ordinance No. 170013, approving the 5% increase in Appendix A fees, rates and charges.

Staff discovered that Ordinance No. 170013 inadvertently omitted an approved stormwater management fee, so this ordinance is being proposed to correct the omission and increase the stormwater management fee from \$9.00 to \$9.45 per equivalent unit.

CITY ATTORNEY MEMORANDUM

This ordinance requires two readings and will become effective immediately upon approval at second reading.

RECOMMENDATION The City Commission adopt the proposed ordinance.

[170410_draft ordinance_20171005.pdf](#)

[170256.](#)

VOLUNTARY ANNEXATION - 8.33 ACRES OF PROPERTY ALONG SW 20TH AVENUE (B)

Ordinance No. 170256

An ordinance of the City of Gainesville, Florida, annexing approximately 8.33 acres of privately-owned property that is generally located south of Sugarfoot Oaks Subdivision, west of SW 61st Terrace, north of SW 20th Avenue, and east of Parcel 06675-004-000, as more specifically described in this ordinance, as petitioned for by the property owners pursuant to Chapter 171, Florida Statutes; making certain findings; providing for inclusion of the property in Appendix I of the City Charter; providing for land use plan, zoning, and subdivision regulations, and enforcement of same; providing for persons engaged in any occupation, business, trade, or profession; providing directions to the Clerk of the Commission; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: This ordinance, at the request of the property owners of the subject property, will annex into the corporate limits of the City of Gainesville approximately 8.33 acres of privately-owned property that is generally located south of Sugarfoot Oaks Subdivision, west of SW 61st Terrace, north of SW 20th Avenue, and east of Parcel 06675-004-000. At the request of the property owners seeking annexation into the City of Gainesville, the City Commission on August 17, 2017, received and accepted a petition for voluntary annexation of the property and directed the City Attorney to prepare an annexation ordinance.

Municipal annexation in Florida is governed by the Municipal Annexation or Contraction Act (the "Act"), which is found in Chapter 171, Florida Statutes. Section 171.044, F.S., sets forth the requirements and procedure for voluntary annexation, whereby property owners may

voluntarily request a municipality to include their property within the corporate limits of that municipality. Besides various procedural requirements, Section 171.044, F.S., sets forth the following substantive requirements for voluntary annexations: 1) the proposed annexation area must be "contiguous" to the municipality; 2) the proposed annexation area must be "reasonably compact"; and 3) the annexation must not create any "enclaves."

Contiguous

Section 171.031, F.S., of the Act defines "contiguous" as follows: "a substantial part of a boundary of the territory sought to be annexed by a municipality is coterminous with a part of the boundary of the municipality. The separation of the territory sought to be annexed from the annexing municipality by a publicly owned county park; a right-of-way for a highway, road, railroad, canal, or utility; or a body of water, watercourse, or other minor geographical division of a similar nature, running parallel with and between the territory sought to be annexed and the annexing municipality, shall not prevent annexation under this act, provided the presence of such a division does not, as a practical matter, prevent the territory sought to be annexed and the annexing municipality from becoming a unified whole with respect to municipal services or prevent their inhabitants from fully associating and trading with each other, socially and economically."

When used in the context of municipal annexation, a Florida District Court of Appeal has articulated further that "contiguous" means "touching or adjoining in a reasonably substantial...sense." City of Sanford v. Seminole County, 538 So. 2d 113 (Fla. 5th DCA 1989).

Reasonably Compact

The Act requires voluntary annexations to be "reasonably compact," and defines "compactness" in Section 171.031, F.S., as: "concentration of a piece of property in a single area and precludes any action which would create enclaves, pockets, or finger areas in serpentine patterns. Any annexation proceeding in any county in the state shall be designed in such a manner as to ensure that the area will be reasonably compact."

The Act provides no further definitions or explanation of the "reasonably compact" requirement (with the exception of defining "enclave" as discussed below; 'enclave' is mentioned in the Act both within the definition of 'compactness' and as a stand-alone provision of the Act). However, case law from Florida's mid-level courts (i.e., Florida District Courts of Appeal; no cases on point from the Supreme Court of Florida) provide further elaboration on the "reasonably compact" requirement. Specifically, case law has defined the term "pocket" (which is included in the statutory definition of "compactness") as meaning "a small isolated area or group" when viewed "in relationship to the overall scope and configuration of the parcel in question and the surrounding municipal property," or meaning a voluntary annexation may not leave a small isolated unincorporated area "in a sea of incorporated property." City of Center Hill v. McBryde, 952 So. 2d 599 (Fla. 5th DCA 2007); City of

Sanford v. Seminole County, 538 So. 2d 113 (Fla. 5th DCA 1989). Further, the term "serpentine" (which is also included in the statutory definition of "compactness") has been defined to mean "winding or turning one way and another," meaning voluntary annexations may not be shaped in a finger pattern that are winding or turning. City of Sanford v. Seminole County.

Enclave

Section 171.031, F.S., of the Act defines "enclave" as: "(a) any unincorporated improved or developed area that is enclosed within and bounded on all sides by a single municipality; or (b) any unincorporated improved or developed area that is enclosed within and bounded by a single municipality and a natural or manmade obstacle that allows the passage of vehicular traffic to that unincorporated area only through the municipality."

General Purpose of Municipal Corporation

A Florida Court of Appeal has described that, as a city considers any particular annexation of land, it is helpful to consider the general purpose and goals of a municipal corporation as follows: "the legal as well as the popular idea of municipal corporation in this country, both by name and use, is that of oneness, community, locality, vicinity; a collective body, not several bodies, a collective body of inhabitants-that is, a body of people collected or gathered together in one mass, not separated into distinct masses, and having a community of interest because residents of the same place, not different places. So, as to territorial extent, the idea of a city is one of unity, not of plurality; of compactness or contiguity, not separation or segregation." City of Sanford v. Seminole County.

Discussion

It is the opinion of city staff that the procedural and substantive requirements for voluntary annexation described in Section 171.044, F.S., have been met as follows: First, the annexation area is "contiguous" to the city limits because a substantial part of a boundary of the annexation area is coterminous with a part of the city boundary, and is touching or adjoining the city limits in a reasonably substantial sense. Second, the annexation area is "reasonably compact" because it is a reasonable concentration of property in a single area and does not create any enclaves, pockets, or finger areas in serpentine patterns. This annexation would not result in a pattern of land that is winding or turning, and would not create any small isolated unincorporated area that is left in a sea of incorporated property when viewed in relationship to the overall scope and configuration of the annexation area and surrounding municipal property. Third, this annexation would not create any "enclaves" because the annexation would not result in any unincorporated property that is either enclosed and bound on all sides by the city limits; or enclosed within and bounded by the city limits and a natural or manmade obstacle that allows the passage of vehicular traffic to that unincorporated area only through the city.

Therefore, and in light of the general purpose of municipal incorporation

described above and the fact that a property owner has voluntarily requested to be annexed into the City of Gainesville, city staff recommends adoption of this voluntary annexation ordinance.

The City Commission must decide, based on the map of the annexation area, the opinion and testimony of city staff, and other competent substantial evidence included in the record, whether the proposed annexation meets the essential requirements of the applicable state annexation law as described herein.

CITY ATTORNEY MEMORANDUM

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

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

8/17/17 City Commission Approved as Recommended

[170256A_Voluntary Annexation Application_20170817.pdf](#)

[170256B_parcelmap_20170817.pdf](#)

[170256A_draft ordinance_20171005.pdf](#)

ORDINANCES, 2ND READING - ROLL CALL REQUIRED

160709.

ORDINANCE AMENDING SOLID WASTE COLLECTION TIMES FOR CERTAIN ZONES (B)

Ordinance 160709

An ordinance of the City of Gainesville, Florida, amending the Code of Ordinances relating to solid waste disposal by amending paragraph (e) of section 27-79 to provide for earlier solid waste collection times in certain zones; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: PUBLIC WORKS DEPARTMENT STAFF REPORT

Gainesville's Code of Ordinances restricts Commercial Service and Construction and Demolition Debris Franchise haulers to collecting waste Monday through Saturday between the hours of 6:00 a.m. and 9:00 p.m. except in areas of mixed residential and commercial occupancy where collections may begin no earlier than 7:00 a.m. The City Manager or designee may authorize collection on Sunday where special needs of the customer make it necessary. In the event of an emergency, a franchisee may collect at times not allowed by this section, provided the City Manager grants prior approval. Prior approval for an earlier starting time

has traditionally been provided to haulers each year on the Friday morning of the Homecoming Parade when thousands of pedestrians converge on University Avenue in the hours prior to the commencement of the parade. The areas where haulers may start collections early that day are usually confined to the first couple of blocks north and south of University Avenue from Main Street to NW 22nd Street. The opportunity to start early in those few blocks gives haulers the chance to empty dumpsters and vacate the area before it becomes congested with vehicular traffic, bicyclists and pedestrians.

In consideration of the density and mixed-use nature of the development occurring in parts of the City; and taking into account that these types of areas have difficulty loading and unloading solid waste containers the Solid Waste Division is proposing that the City Commission consider providing flexibility to the starting times listed in the ordinance. Such flexibility would provide the City Manager or designee the ability to determine whether there are operational justifications to allow earlier and/or later collection hours. Exception areas would presumably be designed to grant exceptions to specific commercial areas exhibiting congested daytime environments with high volume of pedestrian and/or bicycle or scooter-type traffic; and would be based upon safety and zoning criteria. The hours could be set by the City Manager or designee following input from business owners and residents of the respective areas. Some areas that might be initially considered would be adjacent to the University of Florida campus zoned UMU-1 and UMU-2 Urban Mixed Use, and areas in the core downtown area zoned CCD Central City District.

CITY ATTORNEY MEMORANDUM

This ordinance requires two readings. First reading will be held on September 21, 2017; second reading will be held on October 5, 2017.

Fiscal Note: None

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

2/16/17	City Commission	Approved as Recommended
9/21/17	City Commission	Adopted on First Reading (Ordinance)

[160709_Zoning Map_20170216.pdf](#)

[160709 Amend Solid Waste Collection Times_20170921.pdf](#)

[170353.](#)

SECOND EXTENSION OF MORATORIUM ON CONSTRUCTION OF WIRELESS COMMUNICATION FACILITIES IN PUBLIC RIGHTS-OF-WAY (B)

Ordinance No. 170353

An ordinance of the City of Gainesville, Florida, readopting and ratifying, in part, Ordinance No. 160401 and Ordinance No. 160798, and extending the time period of the temporary moratorium to prohibit the filing, acceptance or processing of any permit, development order, or any other official action of the City having the effect of permitting or allowing the placement of above-ground wireless communication facilities in the public rights-of-way within the city limits; providing a severability clause; providing repealing clauses; and providing an effective date.

Explanation: Ordinance No. 160401 was adopted by the City Commission on October 20, 2016, imposing a temporary moratorium on construction of wireless communication facilities in the public right-of-way until April 7, 2017. In January 2017, the Florida legislature began considering legislation that would preempt, limit, or provide additional direction to local governments regarding regulation of wireless communication facilities in the public rights-of-way. The proposed legislation was subject to numerous amendments and City staff deemed it ineffective to draft any ordinance until any new legislation was passed. Accordingly, Ordinance No. 160798 was adopted to extend the moratorium until October 7, 2017. The final version of the Advanced Wireless Infrastructure Deployment Act ("Act") was signed by the Governor on June 23, 2017, with an effective date of July 1, 2017. City staff began preparing ordinances that would be consistent with the new Act and would provide for the public health, safety and welfare of the citizens of Gainesville. To that end, the first ordinance, an amendment to Article VI, Section 23 of the City Code, was adopted by the City Commission on September 7, 2017. That ordinance partially repealed the moratorium as to placement of underground wireless communication facilities in the public rights-of-way. City staff anticipates that the next ordinance, an amendment to the City's land development code, will take an additional four months because it will need to be considered by the City's Plan Board, as well as the City Commission. Accordingly, the City staff recommends that the moratorium be extended until December 31, 2017.

The extended time period will end on December 31, 2017, or sooner if the City adopts the necessary implementing ordinances.

CITY ATTORNEY MEMORANDUM

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

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

9/21/17 City Commission Adopted on First Reading (Ordinance)

[170353A_draft ordinance_20170921.pdf](#)

PLANNING PETITIONS

CITIZEN 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