

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Meeting Agenda - Final-Revised

October 4, 2018

1:00 PM

City Hall Auditorium

City Commission

Mayor Lauren Poe (At Large)

Commissioner Helen Warren (At Large)

Commissioner Gail Johnson (At Large)

Commissioner Gigi Simmons (District 1)

Commissioner Harvey Ward (District 2)

Commissioner David Arreola (District 3)

Mayor-Commissioner Pro Tem Adrian Hayes-Santos (District 4)

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

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

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

ROLL CALL**INVOCATION****PROPHET GEORGE YOUNG****ADOPTION OF CONSENT ITEMS - GRU, General Government, Audit & Finance Committee and General Policy Committee Items**[180411.](#)**City Commission Minutes (B)****RECOMMENDATION**

The City Commission approve the minutes of September 13, September 18, September 19 and September 20, 2018.

[180411 September 13 Minutes 20181004.pdf](#)

[180411\(A\) September 18 Minutes 20181004.pdf](#)

[180411\(B\) September 19 Minutes 20181004.pdf](#)

[180411C September 20 Minutes 20181004.pdf](#)

[180385.](#)**Lisa Cue v. City of Gainesville; Circuit Court of the Eighth Judicial Circuit in and for Alachua County, FL; Case No.: 01-2017-CA-0582 (NB)**

Explanation: On April 18, 2016, Plaintiff Lisa Cue fell while walking on a City sidewalk located on NE 15th Street in Gainesville. She claimed to have tripped over an uneven section of sidewalk. Ms. Cue was transported for emergency medical treatment, and, ultimately, surgery for significant injuries sustained in the accident. Ms. Cue suffered breaks to both arms, including a comminuted, open fracture of her right ulnar bone.

Post-surgery, she underwent extensive physical therapy and rehabilitation. Her physicians opined that she suffered permanent injuries resulting from this accident, and she incurred medical bills exceeding \$116,000. Her physicians would also testify that she may need an additional surgery in the near future, and she should expect a more significant surgical procedure at a later date. Ms. Cue is right-hand dominant, and still experiences pain and limited range of motion in her right arm. At trial, in addition to medical damages, Ms. Cue would present claims for past and future mental anguish and pain and suffering.

Ms. Cue filed suit and served the City in March 2017. Both parties engaged in discovery in preparation for trial, and participated in Court-ordered mediation on August 28, 2018. The mediation initially reached an impasse, but, with the aid of the mediator, both parties continued to negotiate as discovery and trial preparation continued. The City denied liability for the accident, but recognized that the plaintiff's injuries and damages were unusual in severity, and therefore presented greater risk for an adverse jury verdict. Per the application of Florida's limited waiver of sovereign immunity contained in section 768.28, Florida Statutes, the City's liability and authority to settle claims such as this is limited to \$200,000 per person, and \$300,000 per incident.

After mediation and protracted negotiations, on September 7, 2018, representatives for the City reached a settlement of all claims with Ms. Cue and her attorneys in the amount of \$65,000.00, subject to the approval of the City Commission of the City of Gainesville. It is the recommendation of the City Attorney's Office and the Risk Management Department that the case be settled for that amount.

Fiscal Impact: Funds are available in the City's General Insurance Fund.

RECOMMENDATION

The City Commission 1) approve the terms of the negotiated settlement; and 2) authorize the City Attorney to settle the claim of Lisa Cue v. City of Gainesville; Circuit Court of the Eighth Judicial Circuit in and for Alachua County, FL; Case No.: 01-2017-CA-0582, on behalf of the City.

[170905.](#)

SW 62nd Blvd Wetland Mitigation (B)

This item is to obtain approval for the wetland mitigation approach as it relates to the SW 62nd Blvd project between Clark Butler Blvd and the existing southern terminus of SW 52nd Street near the Cabana Beach apartment complex.

Explanation: The SW 62nd Blvd project proposed to construct a new roadway connecting SW 43rd Street/Clark Butler Boulevard to SW 52nd Street near Interstate 75 (I-75). This connection will provide an additional

north-south roadway between two existing major east-west arterials (SW Archer Road (SR 24) and SW 20th Avenue).

A Natural Resources Evaluation (NRE) Report was prepared to identify, map and evaluate jurisdictional wetlands within the corridor and proposed pond sites and to briefly assess the function and value of each wetland area. The functional value of the wetlands was evaluated using the Uniform Mitigation Assessment Methodology (UMAM), which determines the amount of mitigation required to offset impacts to wetlands and other surface waters. The proposed project would impact approximately 4.86 acres of wetlands.

There are a few different methods to satisfying wetland mitigation requirements. The City could elect to Enhance, Preserve, and/or Create Wetlands. This method is not preferred as there are significant capital costs in the acquisition, professional services for design, and the actual construction of the wetlands. There are also significant perpetual costs in maintaining the created wetlands.

The preferred method to satisfying wetland mitigation requirements is through purchasing credits from a mitigation bank. Florida Gulf Coast Mitigation Bank is the specified source at a unit cost of \$120,000 per acre for a total of \$537,600. This is preferred because the costs are finite and expected to have a lower total cost than enhancing, preserving, and/or creating wetlands. Other potential vendors were contacted regarding providing credits, but responded with unspecified timelines for completing their applicable permitting (and thus being able to provide credits) and/or the suitability of the type credits they offered to fit the need of this project.

Fiscal Note: There is \$449,207.04 available from the transfer of local funds remaining from the Depot Avenue Right of Way Locally Funded Agreement as described in the Memorandum of Understanding with the Florida Department of Transportation dated January 23, 2018. The remaining \$88,392.96 is available in Transportation Mobility Plan Area (TMPA) account 116-P305-5410 designated for this area.

RECOMMENDATION

The City Commission: 1) approve the recommended wetlands mitigation approach of purchasing credits through a mitigation bank; 2) authorize the City Manager (or designee) to execute any related documents, subject to approval by the City Attorney as to form and legality; and 3) sign a contract in an amount not to exceed \$583,200.

Legislative History

4/5/18 City Commission Approved as Recommended

[170905A Bid Tab 20180405.pdf](#)
[170905B AC Bid Package 20180405.pdf](#)
[170905C ADD1-FINAL 20180405.pdf](#)
[170905D ADD2-FINAL 20180405.pdf](#)
[170905E ADD3-FINAL 20180405.pdf](#)
[170905F ADD4-Table-FINAL 20180405.pdf](#)
[170905G ArcherRecordChecklist 20180405.pdf](#)
[170905H FSC Bid Package 20180405.pdf](#)
[170905I VEW Bid Package 20180405.pdf](#)
[170905J ITB-Final 20180405.pdf](#)
[170905A Depot Ave LF funds to SW 62nd Blvd 20181004.pdf](#)
[170905B SW 62nd PER 20180313 20181004.PDF](#)
[170905C Method of Source Selection Mitigation Credits 20181004.pdf](#)
[170905D Quote for SW 62nd Blvd Wetland Mitigation Credit 20181004.pdf](#)

[180286.](#)

Release of Easement for Grantor, College Park Two, LLC (B)

This item involves approval and authorization to grant a Release of Easement.

Explanation: On April 24, 1954, Hershel Haynes and Ruth A. Haynes granted a Utility/Drainage Easement onto the City of Gainesville. Since then the title has been transferred onto College Park Two, LLC. For the future development of the property, the owner requested to have the Easement to be released. An internal search with Gainesville Regional Utilities and Public Works revealed there is no intended use for the area of the Easement. Staff believes the release of the Easement would be in the best benefit for the future development of the property.

Fiscal Note: This is no fiscal impact associated with this request.

RECOMMENDATION

The City Commission: 1) approve the Release of the Easement recorded in Deed Book 321, page 84; 2) authorize the Mayor to execute the Release of Easement, subject to approval by the City Attorney as to form and legality.

[180286A Release Easement 20181004.pdf](#)
[180286B Survey 20181004.PDF](#)
[180286C HEIGHTS EASEMENT VACATION 20181004.pdf](#)

[180294.](#)

Human Resources Policy G-7: Use of Information Technology

Systems (B)**MODIFICATION - REMOVE ITEM**

Explanation: The pace at which technology changes requires policy and procedures be routinely reviewed and modified as the evolution of technology dictates.

As cloud/Software as a Service technology become more common place, it is necessary to revisit the G7- Use of Technology Policy to reflect the introduction of these offerings. The policy as written contains language that would inhibit the City's flexibility to engage such services.

The rewrite of the G7 policy has a direct impact to the project efforts currently underway which introduces a cloud based experience for the Microsoft product suite. The first phase of the implementation is targeted to begin October 2018, with the rollout of Office 365 (O365) and OneDrive capability to the organization.

Fiscal Note: There is no fiscal impact.

RECOMMENDATION

Approve revision to Human Resources Policies G-7: Use of Information Technology Systems.

Legislative History

9/20/18 City Commission Approved as Recommended

[NEW 180294 G-7 Use of Technology Policy revised 10.04.18 \(clean\) 2018100](#)

[NEW 180294 G-7 Use of Technology Policy revised 10.04.18 \(striketthrough\) 2](#)

[180365.](#)

Consulting Services for Battery Electric Bus Procurement and Deployment Project (B)

Explanation: Regional Transit System (RTS) submitted a grant application to the Federal Transit Administration's Low or No Emission Vehicle Grant Program after obtaining City Commission approval on June 5, 2017. In submitting for various grants, applicants are permitted to form public-private partnerships. RTS chose to partner with the Center for Transportation and the Environment, Inc. (CTE) because they have been successful in helping other applicants obtain grant awards. As the RTS fleet are all Gillig buses, RTS chose to partner with Gillig as the manufacturer of the electric bus. On September 16, 2017, the project selections were announced by the FTA and RTS was awarded \$1,000,000 to purchase a Gillig 40' battery electric bus and depot.

Both CTE and Gillig were named in the grant application, as required by FTA. The Federal Register announcement, April 27, 2017, page 19448, second column, second paragraph under C.1. states that "If an application that involves such a partnership is selected for funding, the competitive selection process will be deemed to satisfy the requirement

for a competitive procurement under 49 U.S.C. 5324(a) for the named entities." There are no proposed changes to the partnership. Therefore, the use of CTE and Gillig are done as a specified source due to the aforementioned grant application and award.

Fiscal Note: Funds in the amount of \$265,000 have been provided by the federal grant for this project and are available in the RTS budget.

RECOMMENDATION

The City Commission authorize the City Manager or his authorized designee to execute a Contract and any necessary associated documents with the Center for Transportation and the Environment, Inc. (CTE) for the Battery Electric Bus Procurement and Deployment Project.

[180365A Draft Contract & Proposal 20181004.pdf](#)

180373.

Release of Lien for 2216 Northwest 3rd Avenue (B)

This item is a request to approve and authorize a Release of Lien for property located at 2216 Northwest 3rd Avenue

Explanation: On March 29, 2013, the Code Enforcement Division found that a hazardous land condition existed located at 2216 Northwest 3rd Avenue. Due process was followed resulting in a lien being filed against the property and the owners, Knight and Knight. On December 13, 2013, the City of Gainesville, Code Enforcement Division recorded a lien against Knight and Knight for the residence located at 2213 Northeast 3rd Avenue. The lien was recorded Official Records Book 4246, page 78 of the Public Records of Alachua County, Florida, to recover the \$1,300 cost incurred in clearing the lot. On October 14, 2014, the property escheated to the City, from the County, for nonpayment of property taxes. Since then, the City has established a process to convey escheated parcels to non-profit organizations for redevelopment and homeownership. This particular property has been conveyed to Alachua Habitat for Humanity, Inc. The Code Enforcement Division Lien, in favor of the City, has now created an encumbrance against the title. Staff recommends the Release of Lien against this property.

Fiscal Note: The cost of Alachua County document recording fees, not to exceed \$25 are available from the Public Works 2018 budget.

RECOMMENDATION

The City Commission: 1) approve the Release of Lien recorded in Book 4246, page 78 of the Public Records of Alachua County, Florida; and 2) authorize the Mayor to execute the Release of Lien, subject to approval by the City Attorney as to form and legality.

[180373A Release of Lien 20181004.pdf](#)

[180373B CLAIM of LIEN 20181004.pdf](#)

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.

[180422.](#)

Half-Cent Initiative: Creating Schools of the Future (B)

MODIFICATION - ADDED ITEM

RECOMMENDATION

The City Commission hear a presentation from the Alachua County School Board on the half-cent sales tax referendum.

[180422 Creating Schools of the Future 20181004.pdf](#)

[180406.](#)

Commissioner Gigi Simmons - Residential Conservation and Downtown Zoning Designations (B)

Explanation: The Residential Conservation and Downtown zoning designations are generally not compatible. Properties zoned Residential Conservation should not typically be next to or across from properties zoned Downtown. However, along the east and south sides of the Pleasant Street Neighborhood, property zoned Residential Conservation abuts property zoned Downtown.

RECOMMENDATION

The City Commission directs the City Manager to initiate petitions to change the future land use designation and the zoning designation of land on the east and south sides of the Pleasant Street Neighborhood to provide an appropriate transition of different zoning designations from the neighborhood to land along University Avenue and Main Street with the Downtown zoning designation.

As part of this process, please do the following:

- 1. Meet with the Pleasant Street Neighborhood Association. Dotty Faibisy can provide information on meeting times and locations. Ms. Faibisy's email address is dottyfaibisy@aol.com.*
- 2. Schedule Plan Board consideration of these*

petitions by December 2018.

3. Schedule the first City Commission consideration of these petitions by January 2019.

[180406_C Simmons Zoning Designations_20181004.pdf](#)

[180284.](#)

Discussion of 100% Renewal Energy for the City/GRU for all Services

(B)

MODIFICATION - ADDED ITEM

Explanation: At their August 16, 2018 regular meeting, the Commission made a referral to the General Policy Committee to discuss what it would take to get all of the City's energy from 100% renewable resources. At the September 27, 2018, General Policy Committee meeting, staff gave a presentation about current sources of renewable energy in GRU's generation fleet and the possibility of a long-term transition to 100% renewable energy sources. The Committee felt that this item warrants further discussion and asked staff to bring the item forward to the October 4, 2018, City Commission meeting for further discussion.

Fiscal Note: None at this time.

RECOMMENDATION

The City Commission continue their discussion of creating a path to providing 100% of the City's energy from renewable sources and provide further direction to staff.

Legislative History

8/16/18	City Commission	Referred to the General Policy Committee
9/27/18	General Policy Committee	Approved, as shown above

[180284 GRU's Pathway to Renewable Energy 20180927](#)

[180379.](#)

CRA Board Appointments for the Chair and Chair Pro Tem (B)

MODIFICATION - ADDED ITEM

Explanation: The Chair and Chair Pro Tem of the Gainesville CRA are chosen by the City Commission. Pursuant to Section 163.356(3) (c), Florida Statutes (attached), the City Commission appoints the Chair and Chair Pro Tem. Last year CRA Staff reminded the CRA Board that the selection process was to be made by the City Commission and CRA Staff placed an item on the City Commission agenda for their review and consideration. Traditionally, the appointments have been made in October of each year. However, the City Commission appoints members to other boards traditionally in May after the elections. The Board may also wish to consider when it is best for the City Commission to appoint the Chair and Chair Pro Tem of the CRA Board and if they would see value in aligning

the City Board appointments.

RECOMMENDATION

CRA Executive Director to the Commission : 1. Appoint a Chair and Chair Pro Tem for the CRA Board and 2. Discuss aligning the appointments for the CRA Board with other General Government boards.

Legislative History

9/17/18 Community Approved, as shown above
 Redevelopment
 Agency

[180379 163356 Creation of Community Redevelopment Agency 20180917](#)

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

[180349.](#)

Fire Prevention Week (B)

RECOMMENDATION

Jeff Lane to accept the proclamation.

[180349 Fire Prevention Week 20181004.pdf](#)

[180350.](#)

White Cane Awareness Month (B)

RECOMMENDATION

Spencer Morton, President of the Alachua County Council of the Blind; Jack Varnon, Vice President and Maxine Stallings, Acting Secretary to accept

the proclamation.

[180350_White Cane Awareness Month_20181004.pdf](#)

[180351.](#)

Dr. Mark and Mary Barrow Day (B)

RECOMMENDATION *Dr. Mark Barrow to accept the proclamation.*

[180351_Dr. Mark and Mary Barrow Day_20181004.pdf](#)

[180403.](#)

Florida Native Plant Month (B)

RECOMMENDATION *Mr. Mark Elliott to accept the proclamation.*

[180403_Florida Native Plant Month_20181004.pdf](#)

[180404.](#)

Altrusa International 60/20 Anniversaries of Gainesville (B)

RECOMMENDATION *Ms. Kimberly Browne and Ms. Sara Freeborn to accept the proclamation.*

[180404_Altrusa 60-20 Anniversaries_20181004.pdf](#)

[180405.](#)

Indigenous People's Day (B)

RECOMMENDATION *Ms. Sylvia Paluzzi to accept the proclamation.*

[180405_Indigenous People's Day_20181004.pdf](#)

[180414.](#)

Hunger Awareness Month (B)

RECOMMENDATION *Mr. Rodney Long to accept proclamation.*

[180414_Hunger Awareness Month_20181004.doc](#)

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

PUBLIC HEARINGS

RESOLUTIONS - ROLL CALL REQUIRED

[180348.](#)**Third Quarter Amendment through June 30, 2018 to the FY 2018-2019 General Government Financial and Operating Plan (B)**

Resolution No. 180348

A Resolution of City Commission of the City of Gainesville, Florida; relating to its general government budget for the fiscal year beginning October 1, 2017 and ending September 30, 2018; amending Resolution No. 170380, as amended by Resolution No. 170852 and Resolution No. 180055, by making certain adjustments to the General Government Financial and Operating Plan Budget; and providing an immediate effective date.

Explanation: The purpose of this amendment is to accurately reflect and incorporate into the City's FY 2018-2019 General Government budget those transactions and activities that were not anticipated during the budget process.

Fiscal Note: All of the recommended changes are funded either by increases in revenue budgets, decreases in expenditure budgets, or decreases in appropriate fund balances.

RECOMMENDATION

The City Commission adopt the proposed resolution.

[180348_3rd Quarter Amendment Resolution_20181004.pdf](#)

[180348A_3rd Quarter Amendatory and Summary_20181004.pdf](#)

ORDINANCES, 1ST READING - ROLL CALL REQUIRED[160769](#)**Text Change - Amending the Land Development Code Related to Sexual Offender Treatment Facilities (B)**

Ordinance No. 160769

An ordinance of the City of Gainesville, Florida, amending the Land Development Code (Chapter 30 of the City of Gainesville Code of Ordinances) by deleting Social Service Facility and Rehabilitation Center as permitted uses and adding Sexual Offender Treatment Facility and Social Service Treatment Facility as permitted uses in certain zoning districts with associated regulations; by amending Section 30-2.1. Definitions; by amending Section 30-4.12. Permitted Uses within transect zoning districts; by amending Section 30-4.16. Permitted Uses in residential zoning districts; by amending Section 30-4.19. Permitted Uses in mixed-use and nonresidential zoning districts; by amending Section 30-4.23. Permitted Uses in special zoning districts; by amending Article V. Use Standards to provide regulations for Sexual Offender Treatment Facilities and Social Service Treatment Facilities;

providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: STAFF REPORT

On May 19, 2016, the City Commission heard from several citizens from the Oakview Neighborhood regarding concerns about counseling services for sexual offenders locating in their neighborhood near childcare centers. The City Commission referred this issue to the General Policy Committee for discussion and on May 26, 2016, the consensus of the General Policy Committee was to amend the Land Development Code to clarify definitions and to make it clear where sexual offender treatment would be allowed. Subsequent to that, the City Commission held a public hearing on July 6, 2017, and approved the petition associated with this text amendment to the Land Development Code and authorized the drafting of this ordinance.

This ordinance will amend the Land Development Code by clarifying definitions, specifically by deleting Social Service Facilities and Rehabilitation Centers as permitted uses and adding Social Service Treatment Facilities and Sexual Offender Treatment Facilities as permitted uses in certain zoning districts with applicable regulations. This ordinance defines Social Service Treatment Facilities as facilities that provide general out-patient professional therapy, counseling, or similar rehabilitative services to individuals or groups related to social disorders, addictions, or similar issues. Sexual Offender Treatment Facilities are defined as facilities that provide any out-patient sexual behavior therapy, counseling, or similar rehabilitative services to individuals or groups that are either registered sexual offenders or registered sexual predators under state law as a result of an offense in which the victim was less than 16 years of age.

These uses are both assigned the same zoning districts and both include a spacing requirement to prevent a concentration of these uses in one area - cannot be located closer than 1,320 feet from similar uses. In addition, this ordinance has an additional spacing requirement for Sexual Offender Treatment Facilities, requiring them to be located no closer than 1,000 feet from any school, day care center, or park.

CITY ATTORNEY MEMORANDUM

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

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

6/1/17	City Commission	Continued (Petition)
7/6/17	City Commission	Approved (Petition), as amended
4/5/18	City Commission	Withdrawn

[160769 Staff report and Exhibits 1-4 20170323](#)
[160769 Staff report and Exhibits 1-4 20170427](#)
[160769A Revised Ordinance - Sexual Offender Treatment Centers 20170427](#)
[160769B Kyle Bender PPT 20170427](#)
[160769A Current Petition Proposal 20170706](#)
[160769B Alternative Recommendation 20170706](#)
[160769C Staff report and Exhibits 1-4 20170706](#)
[160769D Revised Ordinance - Sexual Offender Treatment Centers 20170706](#)
[160769E Kyle Bender PPT 20170706](#)
[160769F CPB minutes draft 20170706](#)
[160769G Staff PPT 20170706](#)
[160769H Memo to Mayor and Commission 20170706.pdf](#)
[160769I Exhibit 1 GPD PPT Sex Offense Committed by Sex Offenders 2 20170706.pdf](#)
[160769J Exhibit 2 Staff PPT 20170706.pdf](#)
[160769 legal opinion 20170706.pdf](#)
[160769 Memo - June 29 2017 20170706.pdf](#)
[160769A draft ordinance 20180405.pdf](#)
[160769B Sex Offenses Committed in the City of Gainesville Final.pptx 20181004.pdf](#)
[160769C Staff PPT 20181004.pdf](#)
[160769A draft ordinance 20181004](#)

[180104.](#)

Text Change - Amending Tax Increment Calculation for the College Park/University Heights CRA District (B)

Ordinance No. 180104

An ordinance amending Section 2-413 titled College Park/University Heights CRA; trust fund, of the City of Gainesville Code of Ordinances; by revising the method of calculating Alachua County's tax increment contribution to the trust fund; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: Consistent with the Interlocal Agreement dated May 22, 2018 between the City, the Gainesville Community Redevelopment Agency and Alachua County, this ordinance will reduce the amount of tax increment the County will contribute to the College Park/University Heights Redevelopment trust fund. The amount of tax increment the County will contribute will be calculated using the millage rate imposed by the City. The County's first payment using the revised calculation will be for calendar year 2018 which is due on or before January 1, 2019 pursuant to State law.

CITY ATTORNEY MEMORANDUM

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

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

[180104A draft ordinance 20181004](#)

ORDINANCES, 2ND READING - ROLL CALL REQUIRED

[171006.](#)

Voluntary Annexation - 3.85 Acres of Property Located at 5200 SW 41st Boulevard (B)

Ordinance No. 171006

An ordinance of the City of Gainesville, Florida, annexing approximately 3.85 acres of privately-owned property that is generally located at 5200 SW 41st Boulevard, west of Interstate 75 and north of SW Williston Road, as more specifically described in this ordinance, as petitioned for by the property owner(s) 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: Municipal annexation in Florida is governed by the Municipal Annexation or Contraction 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."

This ordinance, at the request of the property owner of the subject property, will annex into the corporate limits of the City of Gainesville approximately 3.85 acres of privately-owned property that is generally located at 5200 SW 41st Boulevard, west of Interstate 75 and north of SW Williston Road. On May 3, 2018, the City Commission received and accepted a petition for voluntary annexation of the property and directed the City Attorney to prepare this annexation ordinance.

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

5/3/18 City Commission Approved as Recommended

9/20/18 City Commission Adopted on First Reading (Ordinance)

[171006 Moore Annexation Application 20180503](#)

[171006B Staff PPT 20180920.pdf](#)

[171006A draft ordinance 20180920](#)

[171037.](#)

Voluntary Annexation - 1.36 Acres of Property east of North Florida Regional Medical Center (B)

Ordinance No. 171037

An ordinance of the City of Gainesville, Florida, annexing approximately 1.36 acres of privately-owned property that is generally located on the NW corner of W Newberry Road and NW 61st Terrace and east of the North Florida Regional Medical Center, as more specifically described in this ordinance, as petitioned for by the property owner(s) 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: Municipal annexation in Florida is governed by the Municipal Annexation or Contraction 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."

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 1.36 acres of privately-owned property that is generally located on the NW corner of W Newberry Road and NW 61st Terrace, east of the North Florida Regional Medical Center. On May 17, 2018, the

City Commission received and accepted a petition for voluntary annexation of the property and directed the City Attorney to prepare this annexation ordinance.

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

5/17/18 City Commission Approved as Recommended
9/20/18 City Commission Adopted on First Reading (Ordinance)

[171037A_PetitionVoluntaryAnnxtn-NFLRMC_20180517.pdf](#)

[171037B_Staff PPT_20180920.pdf](#)

[171037A_draft ordinance_20180920](#)

[180028.](#)

Quasi-Judicial - Historic Property Tax Exemption - 410 SE 7th Street (B)

Ordinance No. 180028

An ordinance of the City of Gainesville, Florida, finding that property located at 410 SE 7th Street, Gainesville, Florida, as more specifically described in this ordinance, qualifies for an ad valorem tax exemption for historic properties; granting an exemption from ad valorem tax for certain improvements beginning January 1, 2019, and continuing for 10 years under certain conditions; authorizing the Mayor and the Clerk of the Commission to sign the Historic Preservation Property Tax Exemption Covenant between the property owner and the City; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: Chapter 25, Article IV, of the Code of Ordinances authorizes the City Commission to grant ad valorem tax exemptions for historic properties pursuant to Florida law. In order to approve a property for such exemption, the Historic Preservation Board (HPB) and the City Commission must determine that a particular property is eligible for the property tax exemption (i.e., historical designation or contributing property) and that it has been improved consistent with the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

The process for a property owner to receive a historic preservation property tax exemption entails two steps. First, the property owner submitted Part 1 (Preconstruction Application) of the Historic Preservation Property Tax Exemption Application for the restoration,

renovation, or rehabilitation of a contributing residential building in the Southeast Residential Historic District. Part 1 was approved by the HPB on November 7, 2017, with a finding that the property was eligible for the exemption and that the improvements met the required standards.

Second, the applicant completed the improvements and submitted Part 2 of the property tax exemption application (Final Application for Review of Completed Work). Staff inspected the completed work and found the work meets the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings as well as the City's Guidelines for Rehabilitating Historic Buildings. On June 5, 2018, the HPB approved Part 2 with a finding that the eligible property has been improved consistent with the required standards; the HPB recommended the City Commission approve same. The renovations eligible for the tax exemption total \$85,000.00. However, pursuant to City Code and State Statute, the actual amount of the exemption will be determined by the County Property Appraiser.

The property is located at 410 SE 7th Street and includes a residential home constructed in 1927 that is a contributing structure to the Southeast Residential Historic District. This project included interior work in all rooms, a new kitchen, exterior masonry repair, installation of two new windows and wood fencing.

CITY ATTORNEY MEMORANDUM

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

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

Legislative History

9/20/18 City Commission Adopted on First Reading (Ordinance) and Approved the Recommendation

[180028 Staff Report w Exhibits 1 - 3 20180605.pdf](#)

[180028B_180605 minutes_20180920.pdf](#)

[180028C Staff PPT 201800920.pdf](#)

[180028A_draft ordinance_20180920](#)

PLANNING PETITIONS

[180304.](#)

Tanglewood Cluster Subdivision Design Plat (B)

Petition DB-18-56. CHW. Design Plat Review for a Cluster

Subdivision located between Tower Road and SW 20th Avenue.

Explanation: This petition includes design plat review of a 308 lot single-family residential subdivision on a portion of a mixed use development which includes commercial and office uses planned to the west of the boundaries of the design plat as well as multi-family apartments planned to the north. The mixed-use and multi-family portions of the overall subject property depicted in Figure 1 are part of separate site plan applications. The residential subdivision is connected to the adjoining developments by a collector road that bisects the property north-south connecting Tower Road and SW 20th Avenue.

The proposed design plat is proposed as a cluster subdivision under the Section 30-6.7 of the City's Land Development Code. The purpose of a cluster subdivision is to allow residential development without strict adherence to the dimensional requirements of the zoning code of the city in order to provide for infill development where appropriate; to provide for better utilization of land; to provide for zero lot line development; to promote efficiency through design; and to provide for design flexibility to meet changing market conditions.

Fiscal Note: None.

RECOMMENDATION

Staff to Development Review Board - Approve Petition DB-18-56.

Development Review Board to City Commission - Approve Petition DB-18-56 (Vote 5-0)

Staff to City Commission - Approve Petition DB-18-56

[180304 Tanglewood staff report w Appendices A-C 20180828.pdf](#)

[180304A staff report w Appendices A-C 20181018.pdf](#)

[180304B 180828 DRB Minutes draft 20181018.pdf](#)

[180304C Staff PPT 20181018.pdf](#)

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