

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Meeting Agenda - Final

February 7, 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)

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**[180685.](#)**City Commission Minutes (B)****RECOMMENDATION**

The City Commission approve the minutes of January 10, January 16, January 17,(2), January 22, and January 23, 2019.

[180685 January 10 Minutes 20190207.pdf](#)

[180685\(A\) January 16 Minutes 20190207.pdf](#)

[180685\(B\) January 17 Minutes 20190207.pdf](#)

[180685\(C\) January 17 Minutes 20190207.pdf](#)

[180685\(D\) January 22 Minutes 20190207.pdf](#)

[180685\(E\) January 23 Minutes 20190207.pdf](#)

[180700.](#)**City Commission Workshops (NB)****RECOMMENDATION**

Approve City Commission workshop - Gainesville Food Systems: A Community Conversation at 5:00 pm on February 12th and City Commission workshop on February 20th Affordable Housing Engagement Plan at 6:00 pm.

[180689.](#) **Cancellation of February 28, 2019 General Policy Committee Meeting (NB)**

RECOMMENDATION *The City Commission cancel the February 28th General Policy Committee meeting and schedule a 2nd General Fund Transfer Workshop from 1:00 - 5:00 pm at the Gainesville Regional Utilities Multi-purpose Room.*

[180691.](#) **Cancellation of July 4, 2019 City Commission Meeting (NB)**

RECOMMENDATION *The City Commission cancel the July 4th City Commission Meeting.*

[180692.](#) **Canvassing Board Appointment (NB)**

RECOMMENDATION *The City Commission appoint Commissioner Gigi Simmons to the 2019 Canvassing Board.*

[180695.](#) **Resignation of Karen Rerra from the City Beautification Board (B)**

RECOMMENDATION *The City Commission accepts the resignation of Karen Rerra, effective immediately.*

[180695 Resignation Karen Rerra CBB 20190207.pdf](#)

[180693.](#) **GRU's Budget Calendar (NB)**

Explanation: Staff requests that the City Commission approve the schedule below for joint workshops with the UAB to discuss GRU's proposed budget for FY2020. Each workshop will be scheduled from 1:30-5:30.

03/20/19 - Capital

04/03/19 - O&M

04/10/19 - Sales, Customer & Revenue Forecast

4/17/19 - Debt Service, Cash / Liquidity

5/14/19 - Fuels & GRUCom

Staff also requests a special meeting with the City Commission for the following date:

6/5/19 - 1:30-5:30 - Overall Budget presented to City Commission for approval

Fiscal Note: None.

RECOMMENDATION*The City Commission:*

- 1) Approve the schedule of joint workshops with the UAB for discussion of GRU's proposed FY2020 budget;
- 2) Approve the requested special meeting with the City Commission for approval of GRU's budget.

[180642.](#)**GRU Operational Update for the Month of December 2018 (B)***Explanation: Staff has provided operational data for the month of December 2018.**Fiscal Note: None.***RECOMMENDATION***Receive report.*[180642_Ops Update Dec 2018_All Depts_20180110](#)[180672.](#)**Gainesville Regional Utilities Unaudited Internally Prepared Financial Statements for the Year Ended September 30, 2018 (B)**

*Explanation: The following item is presented for review:
Unaudited Internally Prepared Financial Statements for the Year Ended September 30, 2018, including management's discussion and analysis. The Audit and Finance Committee reviewed the document on January 29, 2019.*

*Fiscal Note: Unaudited Internally Prepared Financial Statements***RECOMMENDATION***The City Commission accept the GRU Unaudited Internally Prepared Financial Statements for the year ended September 30, 2018.***Legislative History**

1/29/19	Audit and Finance Committee	Approved as Recommended
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[180672_GRU Interim Financial Statements_Unaudited YE 2018-30-Sept_2019C](#)[180673.](#)**Gainesville Regional Utilities Internally Prepared Budget to Actuals for the Year Ended September 30, 2018 (B)**

*Explanation: The following item is presented for review:
Budget to Actuals for the year ended September 30, 2018, internally prepared. The Audit and Finance Committee reviewed the document on January 29, 2019.*

an alternate item, but land rights for the additional sidewalk have not been secured at this time so this work will not be included in the Reserve Park project. Anglin Construction Company was determined to be the lowest responsible, responsive bidder as stipulated by the City's competitive bidding process.

The Reserve Park project is funded through the Wild Spaces & Public Places ½ cent sales tax, a Reserve Park CIP fund, Public Works' CIP Sidewalk Funding (for the sidewalk on NE 11th Street north to NE 8th Avenue), and Tree Mitigation Funding to support additional tree plantings in the park.

Fiscal Note: Funds in the amount of \$835,400 are available for the Reserve Park Project; \$533,000 from the Reserve Park Wild Spaces & Public Places ½ cent sales tax project account, \$127,787 from the Reserve Park CIP Fund, \$43,719 from Tree Mitigation Funding, \$7,000 from the Public Works' Sidewalk CIP Fund and \$123,894 from the Wild Spaces & Public Places ½ cent sales tax Project Contingency Account.

The annual operating cost will be approximately \$28,000 (.5 FTE Park Maintenance Worker 2 plus materials and supplies) with a one-time capital expense of \$15,000. WSPF funds will initially be used to operate and maintain the new park.

RECOMMENDATION

The City Commission: 1) award the bid to Anglin Construction Company for the construction of Reserve Park; and 2) authorize the City Manager or designee to execute all contract documents and other necessary documents, subject to approval by the City Attorney as to form and legality.

[180615a Bid Record Reserve Park 1.7.19 20190207](#)

[180615b Anglin Construction Reserve Park Bid 20190207](#)

[180615c CPPI Reserve Park Bid 20190207](#)

[180615d Oelrich Construction Reserve Park Bid 20190207](#)

[180615e Scherer Construction Reserve Park Bid 20190207](#)

[180630.](#)

Letter of Intent (LOI) - Airport Industrial Park (B)

This item seeks City Commission approval of a Letter of Intent (LOI) regarding the sale of property in the City's Airport Industrial Park to facilitate the relocation of a small package and sorting distribution center.

Explanation: On January 23, 2019 staff received an LOI regarding a platted parcel located in the City's Airport Industrial Park. The proposed acquisition of the subject property (Parcel ID # 08162-006-000) would be to facilitate the relocation and development of a new small package and sorting

distribution center.

Proposed terms of the LOI are as follows;

- Purchase price of \$296,000 for the 8.45 acre lot (Lot #6) or \$35,000 per acre*
- Acceptable Title/Survey*
- City/Airport approval of proposed site plan and building permits*
- Seller agrees to indemnify Buyer for pre-existing environmental condition*
- 150 day due diligence period (with up to two 60 day extensions)*
- Closing to occur 30 days following due diligence period*

The intent of approval of the LOI would be for the City Commission to acknowledge the proposed acquisition and preliminary terms and to direct staff to prepare and bring back a Contract for Sale and Purchase for final consideration.

In terms of background, the City of Gainesville over time has sold property fee simple in the Airport Industrial Park to assist in retaining, expanding and attracting industrial development. The Airport Industrial Park property is posted for sale and therefore complies with the City's adopted Real Estate Policies and Procedures.

The Airport Industrial Park represents an economic development partnership between the City and Airport and per prior agreement proceeds of the sale of property go to the Airport with the City benefitting from proceeds derived from increases in ad valorem revenue over time associated with development of the property and the related creation of jobs. The proposed sale price is consistent with the appraised value of the property based upon the recent appraisal attached in the back-up.

The development of the subject property would be in keeping with the City's development review process/procedures and the recorded Airport Industrial Park Deed Restrictions and the Gainesville Alachua County Regional Airport Authority (GACRAA) would be asked to provide their consent.

Fiscal Note: The purchase price offered for Parcel ID # 08162-006-000 is \$296,000 or \$35,000 per acre which is generally in line with the industrial market for property in this area.

RECOMMENDATION

The City Commission direct staff to prepare a Contract for Sale and Purchase to be brought back for final City Commission consideration.

[180630A_LOI_20190207.pdf](#)

[180638B_LOT 6 AIRPORT INDUSTRIAL PARK_2019207.PDF](#)

Yard Trail Project (B)

This item is a request to reallocate Wild Spaces Public Places funds for park construction at the Lincoln Yard Trail Project (tax parcels #16085 and 16107)

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

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

On April 19, 2018, a list of FY18-20 projects was approved by the City Commission. The list included \$200,000 for the design, permitting and construction of a park and trail at the Lincoln Yard property. In 2018, Staff worked with a design team and the community to establish a master plan for the site. The master plan promotes health, safety, and design excellence, as requested by the community. Implementation of Phase One of the master plan, the northern 5-acres of the site, stretching from SE 8th Ave to SE 10th Place, just east of SE 20th Street, is estimated to cost \$300,000. To support the projected construction costs, staff is requesting the addition of \$165,000 to the project budget.

On January 10, 2019, the General Policy Committee heard a presentation by WSPP Staff on the Lincoln Yard Trail project and the requested funds reallocation.

Fiscal Note: The Wild Spaces Public Places sales tax was approved by voters for eight years and is expected to generate \$46,551,152 in revenue to the City. This project was approved by the City Commission for funding in the amount of \$200,000. This is a request to reallocate \$90,000 project savings from the WSPP Thomas Center renovation project, and allocate \$75,000 from unappropriated WSPP funds to be used for Lincoln Yard Trail construction.

RECOMMENDATION

The City Commission: 1) Approve the reallocation of \$90,000 from the WSPP Thomas Center renovation project to be used for Lincoln Yard Trail construction. 2) Approve the allocation of \$75,000 from unappropriated WSPP funds to be used for Lincoln Yard Trail construction.

[WSPP Approved Projects FY18-20](#)

[180684.](#)

General Government Budget Calendar (NB)
The City Commission approves dates for discussion of the
FY2020/2021 biennial budget.

Explanation: Staff requests the City Commission approve dates to discuss items related to the FY2020/2021 biennial budget. Topics of discussion will include an updated Capital Improvement Plan, Fire Assessment, Millage Rate and the General Government Budget.

Staff recommends an approval of the proposed tentative budget and millage rate for General Government to occur in July, in accordance with the State Department of Revenue's Truth in Millage requirements.

Staff requests the City Commission approve the following dates:

04/09/2019	1:30pm-5:00pm	General Government Budget @ GPD Hall of Heroes
04/23/2019	1:30pm-5:00pm	General Government Budget @ Ironwood
05/07/2019	1:30pm-5:00pm	General Government Budget @ GPD Hall of Heroes
05/21/2019	1:30pm-5:00pm	General Government Budget @ Ironwood

07/18/2019 1:30pm-5:00pm

1. Set preliminary Fire Assessment Rate by resolution.
2. Set proposed tentative Millage Rate by resolution.
3. Set proposed tentative General Government Budget by resolution.

09/12/2019 6:00pm

1. Adopt ordinances on 1st reading related to Fee or Rate changes (if any).
2. Adopt Final Fire Assessment Rate by resolution.
3. Hold 1st Public Hearing to adopt tentative Budgets and set tentative Millage Rate for FY2020 by resolution.

09/26/2019 6:00pm

1. Adopt Ordinances on 2ndst reading related to Fee or Rate Changes (if any).
2. 2nd public Hearing to Adopt final Budgets and Set final Millage Rate for FY2020 by resolution.

Staff suggests the City Commission set the Preliminary Fire Assessment Rate immediately after the budget discussion on July 18, 2019, as well as the set the Proposed Tentative Millage and adopt Proposed Tentative Budgets immediately after budget discussions on July 18, 2019, which will require the City Commission to waive the rules to hear the Resolutions before 6:00pm.

Truth in Millage or TRIM requirements set forth in State Statutes require that various taxing authorities hold their public hearings on different dates and/or times in order to allow taxpayers to attend each hearing and

provide feedback if desired. Taxing Authorities that cross multiple jurisdictions are given first priority on setting their public hearing dates. As a result, The City of Gainesville is required to set their public hearing dates in September so as not to conflict with the County, the School Board, the Library District and the Water Management Districts. In the event a conflict arises, staff will submit a revised schedule for September 2019 requesting alternative special meeting dates. These potential conflicts will not be known until July 2019.

Fiscal Note: The cost of conducting these meetings is available in the FY 2019 Operating Budget.

RECOMMENDATION

The City Commission: 1) Approve the dates requested by staff; 2) Waive the City Commission Rules to hear the Resolution to approve the Preliminary Fire Assessment Rate before 6:00pm on July 18, 2019; and 3) Waive the City Commission Rules to hear the Resolution to Set the Proposed Tentative Millage and Adopt the Proposed Tentative Budgets before 6:00pm on July 18, 2019.

[180716.](#)

Request to Approve & Participate in “Gainesville Food Systems: A Community Conversation” Workshop (NB)

This is a request for the City Commission to approve hosting and participating in a workshop on February 12, 2019 to engage with residents and local stakeholders in a discussion about food accessibility issues in Gainesville.

Explanation: On August 2, 2018 a new referral was made at the City Commission Meeting on the matter of the Food Policy, Food Economy & Urban Agriculture Group. The motion to add limited staffing to help with the work / goals of the Food Policy, Food Economy, and Urban Agriculture group passed unanimously among the six Commissioners present (Mayor Poe was absent). In a second motion, it was agreed that this topic would be addressed at the GPC meeting on April 20, 2019. The catalyst for these motions was the increasing concerns that citizens and community stakeholders were voicing to the City Commissioners regarding the issues of food accessibility and food insecurity existing in Gainesville. In the summer of 2018 Commissioners Johnson, Arreola, and Ward responded by convening regular ‘Food Policy’ special topic meetings that were open to the public. At these meetings residents, stakeholders, and commissioners shared ideas and concerns regarding food policy issues in Gainesville.

At the City Commission meeting on August 16, 2018, it was recommended that Food Policy be discussed at the next GPC meeting in September. At the GPC meeting on September 27, 2019 this item was

discussed by the City Commission and a motion was passed that directed staff to engage UF in jointly scheduled public community meetings where UF, City, and community stakeholders would participate in a discussion around issues of food accessibility and food security in Gainesville. The Mayor agreed to send a letter / invitation out to community residents and organizations to promote community engagement in these meetings.

Since October 2018, staff in the Department of Strategic Initiatives have engaged in a community-based participatory research process to bring a more diverse population of residents and local stakeholders into the discussion of food accessibility issues. Interviews and informal focus groups have been held to gain insight about the specific challenges that residents face in terms of food access and security, as well as learn about the different community resources currently available that address these issues. The information gathered through this research process has been used to inform the framework of the community meeting the Commission called for during the September 27 GPC meeting.

Staff requests the Commission approve and participate in a workshop on February 12, 2019 to review the information learned through the community-based research process, discuss additional issues not yet identified, and brainstorm solutions to improve these issues. Staff also requests that the ideas generated during the brainstorming session be presented to the City Commission at the GPC meeting on March 14, 2019 for further discussion by the commissioners.

Fiscal Note: Childcare services will be provided for up to 20 children whose parents / guardians are attending the meeting. Providing childcare will enable more residents to attend whom otherwise may not be able to participate in the discussion and thus supports the mission to achieve true community engagement. The estimated cost for childcare is \$350.

Light refreshments will be provided for an audience estimated to be about 80 adults. In efforts to support our local food system, a local small business will provide the catering service for this event. The estimated cost for refreshments is \$850.

RECOMMENDATION

The City Commission 1) approve hosting and participating in a workshop on February 12, 2019, to discuss issues of food accessibility and brainstorm ideas for possible next steps in addressing these issues.

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.

[180640.](#)**Gainesville Regional Utilities Cash Balance Study (B)**

Explanation: As discussed during the FY19 GRU budget presentations last summer, GRU cash balances have been deteriorating since FY15 and liquidity ratios have eroded to levels which could potentially imperil GRU's bond ratings. To assist us in addressing this issue, GRU has engaged its financial advisor, Public Financial Management (PFM) to conduct a Cash Balance Study (CBS). The purpose of the CBS is to establish prudent cash levels to accommodate various sources of cash flow variability as well as manage risk. The conclusions of the study are:

- *There is a preferred level or range of cash balances for GRU*
- *The CBS should be periodically reviewed to reassess preferred cash levels in view of changing economic conditions as well as changes in GRU's risk profile*

The fundamental reason for developing the CBS is to identify cash levels sufficient to absorb financial variability resulting from unexpected operating results. This will facilitate GRU's ability to establish rates that reflect long-term costs, without necessarily imposing the full impact of short-term volatilities.

This item was presented to the UAB on January 10, 2019.

Fiscal Note: None

RECOMMENDATION

The City Commission

- 1) receive a presentation on the Cash Balance Study and*
- 2) approve the range of cash levels to be maintained by GRU as identified in the Cash Balance Study.*

The UAB voted unanimously to recommend that the Commission approve the staff recommendation. Their statement of justification is included in the back-up.

Legislative History

1/17/19 City Commission Heard

[180640 GRU Cash Balance Pres 20180110](#)

[180640 UAB Justification for Vote 20190207](#)

[180694.](#)**Appointments to the Utility Advisory Board, Development Review Board and Gainesville Human Rights Board (B)****RECOMMENDATION**

The City Commission interview and appoint

members to the Utility Advisory Board,
Development Review Board and Gainesville
Human Rights Board.

[180694_Appointments to UAB DRB HRB_20190207.pdf](#)

[180690.](#)

Appointment to the Utility Advisory Board (B)

Explanation: In August 2018, the City Commission adopted revised ordinance 170808, Utility Advisory Board, which included a provision for inviting the Alachua County Board of County Commissioners to recommend a county employee or county resident for a non-voting seat on the Utility Advisory Board. Following adoption of the ordinance, the City Commission sent a letter of invitation to the County Commission. At their December 11, 2018 meeting, the Alachua County Commission voted to recommend Citizen Don Davis for that seat and sent a letter to the mayor on January 10, 2019 to formalize the nomination.

Fiscal Note: None.

RECOMMENDATION

Accept the Alachua County Commission's nomination of Citizen Don Davis as a non-voting member of the Utility Advisory Board and formally appoint Mr. Davis to the Board.

[180690_BOCC_Recommendation_Non-Voting_Seat_on_UAB_20190207](#)

[180701.](#)

Canvassing Board Appointment (NB)

RECOMMENDATION

The City Commission appoint a citizen member to the 2019 Canvassing Board.

[180632.](#)

Ratification of Agreement between the Communications Workers of America (CWA), Local 3170, Non-Supervisory Unit and the City of Gainesville for January 1, 2019 through December 31, 2021 (B)

Explanation: This Agreement has been reached through negotiations between the Communications Workers of America (CWA), Local 3170, Non-Supervisory Unit and the City of Gainesville, and was ratified by the Communications Workers of America (CWA), Local 3170, Non-Supervisory Unit on January 22, 2019. This Agreement extends the current Collective Bargaining Agreement through December 31, 2021.

A copy of the Agreement is on file in the Office of the Clerk of the Commission. After February 7, 2019, the Agreement will be on file in the Human Resources Department.

Fiscal Note: The cost impact of the FY 19 raises is included in the FY 19 budget.

RECOMMENDATION

The City Commission ratify the Agreement between the Communications Workers of America (CWA), Local 3170, Non-Supervisory Unit and the City of Gainesville, extending the Agreement through December 31, 2021.

[180632_CWA Non-Supervisory 2019-2021 clean_20190207.pdf](#)

[180632_Changes to Non-Supervisory CWA Agreement 2019-2021_20190207.r](#)

[180632_CWA Non-Supervisory 2019-2021 underline-strikethrough_20190207.r](#)

[180633.](#)

Ratification of Agreement between the Communications Workers of America (CWA), Local 3170, Supervisory Unit and the City of Gainesville for January 1, 2019 through December 31, 2021 (B)

Explanation: This Agreement has been reached through negotiations between the Communications Workers of America (CWA), Local 3170, Supervisory Unit and the City of Gainesville, and was ratified by the Communications Workers of America (CWA), Local 3170, Supervisory Unit on January 22, 2019. This Agreement extends the current Collective Bargaining Agreement through December 31, 2021.

A copy of the Agreement is on file in the Office of the Clerk of the Commission. After February 7, 2019, the Agreement will be on file in the Human Resources Department.

Fiscal Note: The cost impact of the FY 19 raises is included in the FY 19 budget.

RECOMMENDATION

The City Commission ratify the Agreement between the Communications Workers of America (CWA), Local 3170, Supervisory Unit and the City of Gainesville, extending the Agreement through December 31, 2021.

[180633_CWA Supervisory 2019-2021 Clean_20190207.pdf](#)

[180633_Changes to Supervisory CWA Agreement 2019-2021_20190207.pdf](#)

[180633_CWA Supervisory 2019-2021 underline-strikethrough_20190207.pdf](#)

[180612.](#)

City Manager Executive Search (NB)

This is a request for the City Commission to initiate a search for a City Manager.

Explanation: City Manager Anthony Lyons resigned from his employment with the City

effective January 18, 2019 at 5:00 p.m..

During the January 17, 2019 City Commission meeting, Deborah Bowie was selected as the Interim City Manager, effective January 18, 2019 at 5:01 p.m.

Per the direction of the City Commission, a discussion with Human Resources regarding the engagement of an executive search firm to initiate the search for the full-time, permanent City Manager position is necessary.

Fiscal Note: The anticipated fiscal impact for the executive search is \$30,000. This amount includes \$22,000 in search fees and \$8,000 allocated for candidate travel, meals, and other expenses. This will be funded through unallocated general fund balance.

RECOMMENDATION The City Commission authorize the Human Resources Department to engage the services of an Executive Search Firm to initiate the search.

Legislative History

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

[180657.](#)

Charter Officers' Annual Performance Evaluations and Consideration of Pay Increases (NB)

The City Commission evaluate the performance of the Charter Officers from October 1, 2017 - September 30, 2018, and consider pay increases for the Charter Officers.

Explanation: The City Commission evaluates the performance of the Charter Officers on an annual basis. This review covers the last fiscal year ending September 30, 2018. Each Charter Officer was asked to provide a report to, and discuss with, the City Commission the accomplishments of his/her areas of responsibility for that period.

Fiscal Note: Salary increases for the Charter Officers are budgeted in a personal services contingency account. The cost to provide a 2% increase to the Charter Officers as budgeted is \$19,222.

RECOMMENDATION The City Commission: 1) review the performance of each Charter Officer and establish appropriate performance ratings; 2) consider pay increases for 2018; 3) Human Resources provide evaluation rubric/criteria for Commissioners and provide consistency and clarity to the Charter Officer evaluation process.

[180657_Clerk of Commission Annual Evaluation_20190207.pdf](#)

[180657_General Manager for Utilities Annual Evaluation_20190207.pdf](#)

[180657_City Attorney Annual Evaluation_20190207.pdf](#)

[180657_City Auditor Annual Evaluation_20190207.pdf](#)

[180504.](#)

City of Gainesville 150th Anniversary Project (NB)

Provide an update on the Gainesville 150th Anniversary project and introduce the Project Coordinator.

Explanation: On April 14, 1869 the City of Gainesville was officially incorporated. For 150 years, people have come together to create the unique city we call home. Beginning this spring and for the year following, the City will mark this moment in time and milestone in our history. The mission of the City of Gainesville's 150th Anniversary Project is to develop an understanding of where it has come from and to articulate a shared vision.

On November 15, 2018 staff presented dozens of ideas and received feedback from the Commission. The ideas shared during that presentation are by no means meant to be interpreted as final. We are proud to announce that Nicole Yucht has been selected as the Project Coordinator. With Ms. Yucht on board, we are now prepared to launch our engagement efforts in earnest.

If we're going to be the most citizen-centered city in the world, we need to design the 150th in a citizen-centered way. What does that mean? What does a citizen-centered commemoration of our 150th year of being a city look like? How are we creating our city's 150th year together? What can we understand and learn about Gainesville if we invite our citizens to the center of the design process? The only way to answer these questions is to unite the community through ongoing conversations and collaboration.

This upcoming year represents an opportunity to create spaces for collaboration and engagement. Our 150th anniversary is an opportunity to co-create an understanding of Gainesville's history, to share our feelings about the history of our city, and to consider what our way forward might be.

Fiscal Note: \$150,000 was budgeted for this yearlong event.

RECOMMENDATION

The City Commission 1) receive an update on the 150th Anniversary Project and provide feedback to staff; and 2) introduce the project coordinator.

Legislative History

11/15/18 City Commission Heard

[MOD 180504 150th Presentation 20181115](#)

[180680.](#)

Alachua County Tobacco 21 Ordinance (B)

Explanation: Alachua County is considering passage of an ordinance which would raise the age for purchase of tobacco products and e-cigarettes from the current age of 18 to 21. At present, the ordinance is designed to take effect countywide giving several cities the option to "opt out" if they do not wish to have this ordinance in place within their city limits.

RECOMMENDATION *The City Commission "opt-in" on the Alachua County Tobacco 21 Ordinance*

[180680 Ordinance 20190207.pdf](#)

[180703.](#)

Annual Follow-up on Outstanding Recommendations from Previous Engagements (B)

Explanation: In accordance with our Annual Audit Plan, the City Auditor's Office has completed the annual follow-up on all open recommendations from previous audits, attestations, and non-audit services performed by the City Auditor's Office. As this engagement is not an audit, we did not and could not conduct it in accordance with Government Auditing Standards issued by the Comptroller General of the United States. We did, however, comply with the independence assessment.

RECOMMENDATION *The City Auditor recommends that the City Commission accept the City Auditor's report.*

[180703_Audit Recommendation Status Final Report_20180130](#)

COMMISSION COMMENT

4:30 - 5:30pm DINNER BREAK

5:30 - CALL TO ORDER - Evening Session

PLEDGE OF ALLEGIANCE

PROCLAMATIONS/SPECIAL RECOGNITIONS

[180687.](#)

Menagerie in Motion (MiM) Kinetic Derby Day (B)

RECOMMENDATION *Mr. Joseph Floyd to accept the proclamation.*

[180687_MiM Kinetic Derby Day_20190207.pdf](#)

[180688.](#)**Local Food Week (B)**RECOMMENDATION Ms. Anna Prizzia to accept the proclamation.[180688 Local Food Week 20190207.pdf](#)[180725.](#)**Black History Month Proclamation (B)**RECOMMENDATION A representative to accept the proclamation.[180725 Black History Month 20190207.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

PUBLIC HEARINGS

[180488.](#)**Quasi-Judicial - Design Plat Review Finley Woods Phase II (B)**

CHW, Inc., agent for WWB Real Estate Investments, Owners of Finley Woods, Phase II. Design plat review for Finley Woods, Phase II Subdivision, a residential subdivision of approximately 66.65 acres to create 215 detached single-family residential lots. Zoned: Alachua County Planned Unit Development (PUD). Located 5711 & 5915 SW 43rd Terrace, north of SW 62nd Avenue.

Explanation: This proposed petition will subdivide +/-66.65 acres into 215 single family detached lots and coordinating streets, stormwater management areas, and common areas. The combined tax parcels: 06975-000-000, 06975-001-001, 06975-002-000, 06975-005-000, 06975-006-000, 06975-007-000, 06991-001-000, 07002-001-000, 07007-002-000, 07245-000-000, 07245-001-000, and 07245-002-000 of the proposed subdivision are mainly composed of undeveloped rural land.

Fiscal Note: None.

RECOMMENDATION

*Staff to Development Review Board - Staff recommends approval of Petition DB-18-104 SUB with conditions included in the staff report and the TRC Comments and Conditions.
Development Review Board- approved it with staff*

recommendations and additional recommendations of increased vehicular circulation.

Staff to City Commission -Staff recommends approval of Petition DB-18-104 SUB with conditions included in the staff report and the TRC Comments and Conditions.

[180488_Staff Report w Appendices A-F_20181030.pdf](#)

[180488A_Staff Report w Appendices A-F_20190207.pdf](#)

[180488B_Staff PPT_20190207.pdf](#)

ORDINANCES, 2ND READING - ROLL CALL REQUIRED

[180482.](#)

Quasi-Judicial - Rezoning 0.987 Acres Bounded by NW 13th Terrace, NW 14th Terrace, NW 5th Avenue, and NW 6th Avenue (B)

Ordinance No. 180482

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning approximately 0.987 acres of property generally located and bounded by NW 13th Terrace, NW 14th Terrace, NW 5th Avenue, and NW 6th Avenue, as more specifically described in this ordinance, from Urban 2 (U2) to Urban 5 (U5); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: STAFF REPORT

This ordinance amends the Zoning Map Atlas of the City of Gainesville by rezoning from Urban2 (U2) to Urban 5 (U5) approximately 0.987 acres of property, located in the vicinity of and bounded by NW 13th Terrace, NW 14th Terrace, NW 5th Avenue, and NW 6th Avenue.

The proposed Urban 5 zoning consisting of 0.99 acres of land would allow the redevelopment of the block with a density that allows up to 75 dwelling units per acre compared to the 15 units per acre allowed under Urban 2. The six buildings on the site were built between 1937 and 1957 and are generally in fair condition.

The applicants are requesting higher density zoning in order to support mixed-use development. The block is located within walking distance of the University of Florida campus and numerous retail establishments and restaurants. Transit is available with bus stops within two blocks, which would allow residents to use transit for many of their day-to-day activities. The increased density can help reduce driving, reduce traffic congestion, and the subsequent air pollution. The redevelopment of this

block with a higher density will not require new streets, or water and sewer extensions.

There have been substantial changes in the character and development of the area in or near the subject properties in consideration for rezoning. The Standard mixed-use development with residential and commercial uses, including a hotel, is now operating in the northwest corner of NW 13th Street and West University Avenue. A Publix grocery store is across NW 13th Street from The Standard. The Hub 2 mixed-use development is under review and is located just north of the Publix, between NW 3rd and NW 4th Avenue. The Gate fueling station/convenience store just east of the subject properties is redeveloping into a more pedestrian friendly, urban location. A little further west in the College Park neighborhood is the One College Park mixed-use development. With the redevelopment in the surrounding area including several mixed-use developments, higher density development in the area is appropriate to provide the population base needed to support these commercial and office uses.

The proposed Urban 5 zoning designation will allow residential uses that are compatible with the surrounding area. The proposed higher density residential development can serve as a "step down" in intensity from the Urban 6 and Urban 8 designated properties along NW 13th Street to the Urban 2 transect zones lying immediately to the west of the subject properties.

The rezoning request is consistent with the City's Comprehensive Plan and meets all applicable review criteria. The City Plan Board held a public hearing on October 25, 2018, where it voted to recommend approval of this rezoning.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings and will become effective when the amendment to the City of Gainesville Comprehensive Plan adopted by Ordinance No. 180481 becomes effective as provided therein.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

1/17/19 City Commission Adopted on First Reading (Ordinance)

[180482_Staff Report w Appendices A-B_20181025.pdf](#)

[180482A_draft ordinance_20190117](#)

[180412.](#)

**Quasi-Judicial - Historic Property Tax Exemption - 430 NE 9th Avenue
(B)**

Ordinance No. 180412

An ordinance of the City of Gainesville, Florida, finding that property located at 430 NE 9th Avenue, 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 September 1, 2015, 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 October 2, 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 \$90,000.00. 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 430 NE 9th Avenue and includes a residential home constructed in 1926 that is a contributing structure to the Northeast Residential Historic District. This project included a bathroom and closet addition.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings and will become effective

immediately upon adoption; however, the ad valorem tax exemption will 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

1/17/19 City Commission Adopted on First Reading (Ordinance) and Approved the Recommendation

[180412 Staff Report w Exhibits 1-3 20181002.pdf](#)

[180412A Staff Report w Exhibits 1-3 20190117.pdf](#)

[180412B Staff PPT 20190117.pdf](#)

[180412A draft ordinance 20190117](#)

[180471.](#)

Ordinance Amending Landlord Permit Regulations (B)

Ordinance No. 180471

An ordinance of the City of Gainesville, Florida, amending section 14.5-1 of the Code of Ordinances relating to landlord permits; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: At its meeting on November 1, 2018, the City Commission directed the City Attorney to draft an ordinance revising the code as requested by Code Enforcement.

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

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

11/1/18 City Commission Approved as Recommended

1/17/19 City Commission Adopted on First Reading (Ordinance)

[180471. ARTICLE I. LANDLORD PERMITS 20181101.pdf](#)

[180471 landlord permits 20170117.pdf](#)

ORDINANCES, 1ST READING - ROLL CALL REQUIRED

[171078.](#)

Ordinance Amending Local Business Tax Code Provisions (B)

Ordinance No. 171078

An ordinance of the City of Gainesville, Florida, amending sections 25-45, 25-50 and 25-50.1 of the Code of Ordinances related to the Local Business Tax to conform to statutory amendments and sunset provisions; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: The Florida Legislature enacted changes to Section 205.055, Florida Statutes, effective July 1, 2018, which affect the city's local business tax ordinance. This ordinance revises the City Code to be consistent with the statutory amendments and repeals provisions that have previously sunset.

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

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

1/17/19 City Commission Withdrawn

[171078_local business tax_20190117.pdf](#)

[171078_local business tax_20190207.pdf](#)

[170970.](#)**Ordinance Eliminating Limit of Six Entertainment Permits per Property per Year (B)**

Ordinance No. 170970

An ordinance of the City of Gainesville, Florida, amending Chapter 15 - Noise in the City of Gainesville Code of Ordinances to eliminate the regulation that only six entertainment permits may be issued per property per calendar year; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: STAFF REPORT

This ordinance will amend Chapter 15 of the Code of Ordinances to eliminate the regulation that only six entertainment permits may be issued per property per calendar year. The City Plan Board held a public hearing on July 26, 2018, where it voted to recommend approval of this amendment to the Land Development Code, and the City Commission held a public hearing on August 16, 2018, where it approved the petition and directed the drafting of this ordinance.

CITY ATTORNEY MEMORANDUM

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

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

[170970A_draft ordinance_20190207.pdf](#)

[170970B_Staff PTT_20190207.pdf](#)

[170971.](#)

Text Change - Amending the Land Development Code Relating to Tree Regulations (B)

Ordinance No. 170971

An ordinance of the City of Gainesville, Florida, amending the Land Development Code (Chapter 30 of the City of Gainesville Code of Ordinances) relating to tree regulations; by amending Section 30-4.9 and Section 30-4.13 to incentivize the preservation of trees with bonus residential density; by amending Section 30-8.7 relating to tree mitigation; by amending Section 30-8.9 to clarify tree size required with development; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: STAFF REPORT

This ordinance will amend the Land Development Code relating to tree regulations. The City Plan Board held a public hearing on July 26, 2018, where it voted to recommend approval of this amendment to the Land Development Code, and the City Commission held a public hearing on August 16, 2018, where it approved the petition and directed the drafting of this ordinance.

CITY ATTORNEY MEMORANDUM

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

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

[170971A_draft ordinance_20190207.pdf](#)

[170971B_Staff PPT_20190207 Trees.pdf](#)

[170974.](#)

Text Change - Amending Urban Standards in the Land Development Code (B)

Ordinance No. 170974

An ordinance of the City of Gainesville, Florida, amending the Land Development Code (Chapter 30 of the City of Gainesville Code of Ordinances) relating to urban development standards; by amending definitions in Section 30-2.1; by amending Section 30-3.49 to clarify the review and approval of master plans; by amending Section 30-3.56 to clarify the selection of hearing officers; by amending Section 30-4.3 relating to parcels divided by district boundaries; by amending Section 30-4.8 to eliminate a provision on rounding the calculation for maximum bedrooms limit; by amending Section 30-4.13 to eliminate a first floor elevation standard for buildings within the transect zoning districts; by amending Section 30-4.15 to add a standard for active ground-floor uses in buildings with ground-floor parking on local streets; by amending Section 30-4.20 to correct a scrivener's error regarding the bonus height limit for buildings within the Office (OF) zoning district; by amending Section 30-4.24 to make building height limits within the Medical Services (MD) zoning district consistent with the Comprehensive Plan; by amending Section 30-5.37 to correct scrivener's errors relating to home occupation permits; by amending Section 30-5.40 relating to form standards for outdoor cafes; by amending Section 30-5.44 relating to form standards for sidewalk cafes; by amending Section 30-7.7 to add regulations to residential parking during University of Florida events; by amending Section 30-8.3 to correct an outdated reference to the Gainesville Regional Airport master plan; by amending Section 30-8.29 to correct a scrivener's error relating to floodplain inspections; by amending Section 30-9.2 to clarify the applicability of the sign code; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: STAFF REPORT

This ordinance will amend the Land Development Code relating to a variety of urban design standards, and corrects scrivener's errors and references in the Land Development Code. The City Plan Board held a public hearing on July 26, 2018, where it voted to recommend approval of this amendment to the Land Development Code, and the City Commission held a public hearing on August 16, 2018, where it approved the petition and directed the drafting of this ordinance.

CITY ATTORNEY MEMORANDUM

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

RECOMMENDATION

The City Commission adopt the proposed ordinance.

[170974A_draft ordinance_20190207.pdf](#)

[170974B_Staff PPT_20190207.pdf](#)

[170975.](#)**Text Change - Amending the Land Development Code to Allow Certain Uses in the U4, U6, U7, U8, U9, and DT Zoning Districts and to Correct Scriveners Errors (B)**

Ordinance No. 170975

An ordinance of the City of Gainesville, Florida, amending the Land Development Code (Chapter 30 of the City of Gainesville Code of Ordinances) to add outdoor recreation as a permitted use by right in the Downtown (DT) zoning district, to add health services as a permitted use by right in the Urban 6 (U6), Urban 7 (U7), Urban 8 (U8), Urban 9 (U9), and Downtown (DT) zoning districts, to change Personal Services from a use allowable by Special Use Permit to a use allowable by right in the Urban 4 (U4) zoning district, and to correct scriveners errors; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: STAFF REPORT

This ordinance will add 'outdoor recreation' as a permitted use by right in the Downtown (DT) zoning district, will add 'health services' as a permitted use by right in the Urban 6 (U6), Urban 7 (U7), Urban 8 (U8), Urban 9 (U9), and Downtown (DT) zoning districts, will change Personal Services from a use allowable by Special Use Permit to a use allowable by right in the Urban 4 (U4) zoning district, and will correct a scriveners error relating to the citywide prohibition of simulated gambling establishments. The City Plan Board held a public hearing on July 26, 2018, where it voted to recommend approval of this amendment to the Land Development Code, and the City Commission held a public hearing on August 16, 2018, where it approved the petition and directed the drafting of this ordinance.

CITY ATTORNEY MEMORANDUM

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

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

[170975A_draft ordinance_20190207.pdf](#)

[170975B_Staff PPT_20190207.pdf](#)

[180416.](#)**Voluntary Annexation - 5.07 Acres Located SW of the Intersection of NW 43rd ST and NW 39th AVE (B)**

Ordinance No. 180416

An ordinance of the City of Gainesville, Florida, annexing approximately 5.07 acres of privately-owned property that is generally located south of NW 39th Avenue, west of NW 45th Street, north of parcel number 06111-007-000, and east of parcel number 06112-010-046, as more specifically described in this ordinance, as petitioned for by the property owner 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 5.07 acres of privately-owned property generally located south of NW 39th Avenue, west of NW 45th Street, north of parcel number 06111-007-000, and east of parcel number 06112-010-046. On October 18, 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.

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."

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 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

10/18/18 City Commission Approved as Recommended

[180416A_NimbaPartners Petition_VolAnnex_20181018.pdf](#)

[180416B Nimba Partners Map_20181018.pdf](#)

[180416B_Nimba Partners Voluntary Annexation USR_20190207.pdf](#)

[180416C_Staff PPT_20190207.pdf](#)

[180416A_draft ordinance_20190207](#)

[180538.](#)

Voluntary Annexation - 3.987 Acres of Property North of SW Archer Road and East of SW 50th Street (B)

Ordinance No. 180538

An ordinance of the City of Gainesville, Florida, annexing approximately 3.987 acres of privately-owned property that is generally located south of Oak Park Village and tax parcel 06916-000-000, west of SW 47th Street, north of SW Archer Road, and east of SW 50th Street, 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: 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 3.987 acres of privately-owned property that is generally located south of Oak Park Village and tax parcel 06916-000-000, west of SW 47th Street, north of SW Archer Road, and east of SW 50th Street. On October 18, 2018, the City Commission received and accepted a petition for voluntary annexation and directed the City to prepare an annexation ordinance for tax parcels 06932-000-000 and 069031-000-000 (Legistar No. 180415). On December 6, 2018, the City received and accepted a petition for voluntary annexation and directed the City to prepare an annexation ordinance for tax parcel 06931-001-000 (Legistar No. 180538). These two petitions are together the subject of this ordinance.

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."

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 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

12/6/18 City Commission Approved as Recommended

[180538A_Voluntary Annexation Petition_20181206.pdf](#)

[180538B_Archer Health Voluntary Annexation USR_20190207.pdf](#)

[180538C_Staff PPT_20190207.pdf](#)

[180538A_draft ordinance_20190207](#)

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