



Agenda Item Details

Meeting	Dec 06, 2017 - City Commission Meeting
Category	13. POLICY FORMATION AND DIRECTION
Subject	13.07 Approval of revisions to City Commission Policy #136, Real Estate Policy, and City Commission Policy #106, Closure of Adams Street/Gallie Alley and Other Downtown Streets, Food Vendor Permits on City Property, and Outdoor Food Service in the Downtown Area---Judy Donahoe, Real Estate Management
Access	Public
Type	Action, Discussion
Fiscal Impact	No
Budget Source	There is no fiscal impact associated with this agenda item.
Recommended Action	Option 1 - Approve the recommended revisions to City Commission Policies #136 and #106.

Public Content

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Statement of Issue

Real Estate Management staff reviewed the Real Estate Policy to ensure compliance with applicable laws/statutes and consistency with other governmental entities' policies. Staff further reviewed the Real Estate Policy to ensure that guidelines and procedures are current, applicable, efficient and provide for the effective review and documentation of all real estate activities associated with the City of Tallahassee. The proposed changes will improve the current Policy by updating definitions and department names/titles, clarifying the acquisition and disposition process, adding a Sidewalk, Rights-of-Way and Plaza Leases section, and removing redundant provisions addressed elsewhere in the Policy.

Parks, Recreation and Neighborhood Affairs staff reviewed City Commission Policy #106, which governs the closure of Adams Street, Gallie Alley and other downtown streets, food vendor permits on City property, and outdoor food service in the downtown area. Policy #106 was reviewed and revised to ensure that guidelines and procedures are current, applicable, efficient and provide for the effective review and documentation of all relevant activities associated with the Policy. The proposed changes will improve the current Policy by accurately reflecting the actual processes that have been in place historically, especially as it relates to downtown road closures. The Outdoor Food Service provision has been removed and renamed the Sidewalk, Rights-of-Way and Plaza Leases and is now included in Policy #136, Real Estate Policy.

Real Estate staff recommends approval of the proposed revisions to City Commission Policy #136, Real Estate Policy. Parks, Recreation and Neighborhood Affairs staff recommends approval of the proposed revisions to City Commission Policy #106, Closure of Adams Street/Gallie Alley and Other Downtown Streets, Food Vendor Permits on City Property, and Outdoor Food Service in the Downtown Area. The proposed changes to the policies were sent to all City

departments and comments from the City Attorney's Office, the City Treasurer-Clerk's Office, Underground Utilities and Public Infrastructure, the Downtown Improvement Authority, the Budget Office, and the City Manager's Office were reviewed and incorporated into the revised policies.

Recommended Action

Option 1 - Approve the recommended revisions to City Commission Policies #136 and #106.

Fiscal Impact

There is no fiscal impact associated with this agenda item.

Supplemental Material/Issue Analysis

History/Facts & Issues

The Real Estate Policy, Policy #136, was initially adopted on September 27, 1989, and revisions were approved in 1990, 1996, 2005, 2006 and 2010. Staff recently completed a review of the Real Estate Policy to ensure compliance with applicable laws/statutes and consistency with other governmental entities' policies. Staff further reviewed the Real Estate Policy to ensure that guidelines and procedures are current, applicable, efficient and provide for the effective review and documentation of all real estate activities associated with the City of Tallahassee.

The proposed changes will improve the current Policy by updating definitions and department names/titles, clarifying the acquisition and disposition process, adding a Sidewalk Lease provision, and removing redundant provisions addressed elsewhere in the Policy.

Summary of Significant Changes:

1. The provision for "Real Property Owned by Others: Acquisition of Real Property for Future City Use / Land Bank Program" has been deleted as Section 136.12.

Reason for Deletion: This is a redundancy in the current Policy. Acquisition of real estate for future City use and/or land banking is addressed in Section 136.08 "Acquisitions by the City of Tallahassee of Real Estate and Land Bank Properties Not in a Capital Improvement Project."

2. A provision for "Sidewalk, Rights-of-Way or Plaza Leases" has been added to the Policy as Section 136.12.

Reason for Addition: Sidewalk, Rights-of-Way and/or Plaza Leases were not previously addressed in the Real Estate Policy. The proposed addition establishes general provisions and procedures for all Sidewalk, Rights-of-Way or Plaza Leases within the City of Tallahassee (This provision was removed from Policy #106 - Adams Street Commons / Gallie Allie Use and Downtown Vendor and Sidewalk Café Permits).

3. Section 136.13 "Real Property Owned by the City: Sale or Disposition of Surplus Property" has been modified.

Reason for Change: The proposed modifications clarify the disposition process and provides for additional City Commission and public notification when City-owned real estate is offered for sale.

4. The provision for "Real Property Owned by the City of Tallahassee: Temporary / Special Event Use" has been deleted as Section 136.14.

Reason for Deletion: This is a redundancy in the current Policy. Section 136.11 "Real Estate Owned by the City of Tallahassee: Licenses and Leases to Others" adequately addresses licenses and short-term use agreements.

Summary of Minor Changes:

1. "Property Management Division" has been changed to "Real Estate Management Department."
2. "Real property" has been changed to "real estate."
3. "Dedication" was removed from the definitions section.
4. "Real Estate Committee" definition was modified.
5. "Sidewalk Lease" definition was added.
6. "Surplus Property" definition was modified.
7. Section 136.06 "Appraisals and Estimates of Value" was modified to clarify that a USPAP Standard 3 Review with the reviewer's opinion of value could be used as an independent value estimate for acquisitions, sales, or dispositions in which the estimated value of the real estate exceeds \$300,000.
8. "Real Estate Administrator" and "Real Estate Manager" were changed to "Real Estate Director."
9. Section 136.11 "Real Estate Owned by the City of Tallahassee: Licenses and Leases to Others" was modified to clarify that Real Estate Management will forward a copy of any real estate lease to a for-profit entity, which may be subject to ad valorem taxation, to the Leon County Property Appraiser's Office within 30 days of the lease execution.
10. The Florida Administrative Code reference in the "Survey" section was updated.
11. The "Environmental Audit" section was modified to clarify when Phase I and Phase II environmental audits are required.

Policy #106 - Closure of Adams Street/Gallie Alley and Other Downtown Streets, Food Vendor Permits on City Property, and Outdoor Food Service in the Downtown Area, was initially adopted on May 13, 1992, with approved revisions in 2008, 2009 and 2011. Parks, Recreation and Neighborhood Affairs staff reviewed Policy #106 to ensure that guidelines and procedures are current, applicable, efficient and provide for the effective review and documentation of all relevant activities associated with the Policy.

The proposed changes will improve the current Policy by updating definitions and department names/titles, clarifying the review and notification process, and removing the Outdoor Food Service provision, which is now included in Policy #136, Real Estate Policy.

Real Estate staff recommends approval of the proposed revisions to City Commission Policy #136, Real Estate Policy. Parks, Recreation and Neighborhood Affairs staff recommends approval of the proposed revisions to City Commission Policy #106, Closure of Adams Street/Gallie Alley and Other Downtown Streets, Food Vendor Permits on City Property, and Outdoor Food Service in the Downtown Area. The City Attorney's Office reviewed and approved staff's recommendation.

Options

1. Approve the recommended revisions to City Commission Policies #136 and #106.

Pros: The proposed changes will improve the current Policies by updating definitions and department names/titles, clarifying the acquisition and disposition process, transferring the Sidewalk, Rights-of-Way or Plaza Lease provision, and removing redundant provisions addressed elsewhere in the Policies.

Cons: None noted.

2. Do not approve the recommended revisions to City Commission Policies #136 and #106.

Pros: None noted.

Cons: The current Policy definitions and department names/titles will not be updated, the acquisition and disposition process will not be clarified, the Sidewalk Café Lease provision will remain in Policy #106, and redundant provisions will not be addressed.

3. Provide alternate direction to staff.

Attachments/References

1. Revised Policy #136 – Legislative Format
2. Revised Policy #136 – Clean Version
3. Revised Policy #106 – Legislative Format
4. Revised Policy #106 – Clean Version

Revised Policy #136 Legislative Format_att1.pdf (201 KB)

Revised Policy #136 Clean Version_att2.pdf (161 KB)

Revised Policy #106 Legislative Format_att3.pdf (294 KB)

Revised Policy #106 Clean Version_att4.pdf (103 KB)