

City of Gainesville

*City Hall
200 East University Avenue
Gainesville, Florida 32601*



Meeting Agenda - Final

January 6, 2022

10:00 AM

City Hall Auditorium

City Commission

*Mayor Lauren Poe (At Large)
Commissioner Reina Saco (At Large, Seat A)
Commissioner Desmon Duncan-Walker (District 1)
Commissioner Harvey Ward (District 2)
Mayor Commissioner Pro-Tem David Arreola (District 3)
Commissioner Adrian Hayes-Santos (District 4)*

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

Welcome to the City Commission meeting!

Learn about the meeting process and how to participate.

The City Commission makes policies and conducts City business in an open forum. The **agenda** outlines what will happen during the meeting. It includes the following sections:

Consent Agenda (CA): Business items that the Commission approves together in one motion to save time. The Commission may remove an item to discuss separately.

Regular Agenda: Includes Business Discussion **(BD)** items considered by the Commission for action during the meeting. The Commission may re-order or remove discussion items.

Note: The **(B)** after an agenda item's title means that Backup materials are included. Click the links on the agenda to view the documents. An **(NB)** after the title means there are no Backup materials for the item.

Public Comment. Share your opinion with the Commission for the official record. The following public comment options may be available for this meeting.

Find specific public comment details for each meeting on the [Public Meeting Calendar](#) or the Notice of Meetings on the City's website. Verbal comments are usually limited to three (3) minutes.

General Public Comment: Share a comment about a topic or issue *not* on the Meeting Agenda. There is one 30-minute General Public Comment period at the beginning of the meeting.

- **Pre-recorded comment:** Call to record a voice comment *before* the meeting. Visit the [Public Meeting Calendar](#) for details. Comments received by the deadline will be played at the meeting.
- **In-person comment:** Neighbors present in the meeting chambers may comment at the designated time. Safety protocols will be observed.
- **Comment by phone:** Neighbors may call by phone to share a comment during the meeting. Dial toll-free: 1-800-742-1099. A moderator will call on you to speak. Mute the sound on your computer/device if you are watching the meeting online. State your name clearly for the record.

Public Comment on Agenda Items

- **In-person comment:** Neighbors present in the meeting chambers may comment at the designated times. Safety protocols will be observed.
- **Comment by phone:** Neighbors may call by phone to share a comment during the meeting. Dial toll-free: 1-800-742-1099. A moderator will call on you to speak. Mute the sound on your computer/device if you are watching the meeting online. State your name clearly for the record.

Written Public Comment: Submit a general comment or a comment on the meeting agenda. Your comments will be shared with the City Commissioners and added to the official meeting record.

- **Mail** to the City of Gainesville, City Clerk: P.O. Box 490, Station 19, 32627-0490
- **Email** to citycomm@cityofgainesville.org
- **E-Comment:** Visit the "Agenda & Minutes" page on the City's website www.cityofgainesville.org. Click the "eComment" link for a meeting agenda to leave comments on specific items.

The City of Gainesville encourages civil public speech. Disruptive behavior is not permitted during City Commission meetings. Please do not bring food, drinks, props, signs, posters, or similar materials into the Auditorium. Cheering and applause are only permitted during the Proclamations/Special Recognitions portion of the meeting.

10:00 AM - Call to Order Morning Session**AGENDA STATEMENT**

"The City of Gainesville encourages civility in public discourse and requests that speakers direct their comments to the Chair. Signs, props and posters are not permitted in the meeting room."

ROLL CALL**INVOCATION****ADOPTION OF AGENDA (Includes both Consent and Regular Agenda Items. Consent Agenda Items that will not be discussed, may include Advocacy Resolutions)****CA CONSENT AGENDA ITEMS****CA-1 [210718.](#) Approval of Minutes from the December 1, December 2 and December 6, (2) 2021 City Commission Meetings (B)****RECOMMENDATION**

The City Commission approve the December 1, December 2 and December 6, (2) 2021 minutes.

[210718 December 1, 2021 Minutes 20220106.pdf](#)

[210718 December 2, 2021 Minutes 20220106.pdf](#)

[210718 December 6, 2021 Minutes 20220106.pdf](#)

[210718 December 6, 2021 Minutes Joint Meeting 20220106.pdf](#)

CA-2 [210591.](#) Gainesville Regional Utilities' FY23 Budget Calendar - Second Revision (NB)

Explanation: On November 4, 2021, staff presented GRU's proposed FY23 budget calendar for Commission approval. The Commission approved the calendar with one modification: for staff to choose two of the dates to be joint meetings with the Utility Advisory Board (UAB) and add one hour to the length of those. In addition, after the Commission approved the dates, staff discovered that one of the dates was in conflict with the Commission's spring break. Staff has chosen the joint meeting dates with the UAB and has found another date to solve the conflict with the spring break session.

In the intervening time, staff learned that the election for the vacant commission seat was going to a run-off and the run-off election date was in conflict with one of our workshops. Staff has resolved the conflict and now present the revised calendar for Commission approval.

Staff requests the City Commission approve the following dates:
Monday, February 7, 2022 - 5:30 p.m. - 8:30 p.m. (Joint with the UAB)
Wednesday, February 23, 2022 - 5:00 p.m. - 7:00 p.m.
Monday March 28, 2022
Monday April 18, 2022
Monday May 2, 2022
Monday May 16, 2022 - 5:30 p.m. to 8:30 p.m. (Joint with the UAB)
Monday June 6, 2022

Except where noted, all meeting times are 3:00 p.m. to 5:00 p.m.

Fiscal Note: None.

RECOMMENDATION *The City Commission approve the revised dates and times requested by staff for the FY23 GRU budget process.*

Legislative History

11/4/21	City Commission	Approved, as shown above
11/18/21	City Commission	Approved as Recommended

CA-3 [210744.](#) GRU Operational Updates for the Months of October and November 2021 (B)

Explanation: Staff has prepared reports of statistical and other data for the operation of the Utility in the months of October and November 2021.

Fiscal Note: None.

RECOMMENDATION *Receive reports.*

[210744 GRU Ops Update 2021 October 20220106](#)

[210744 GRU Ops Update 2021 November 20220106](#)

CA-4 [210747.](#) Resignation of Shayna Rich from the Affordable Housing Advisory Board, Harriet Davis from the Gainesville/Alachua County Regional Airport Authority and Wendell Porter from the Utility Advisory Board (B)

RECOMMENDATION *The City Commission accept the resignations of Shayna Rich, Harriet Davis and Wendell Porter, effective immediately.*

[210747 SHIP AHAC Resignation 20220106](#)

[210747 GACRAA Resignation 20210106](#)

[210747 UAB Resignation 20210106](#)

CA-5 [200478.](#) Request to Release Lien at 826 NE 18th Terrace (B)

Explanation: This item is a request for the City Commission to consider a request for a lien reduction or rescission for 826 NE 16th Terrace. The property was found in violation of City ordinances for blight, under the Dangerous Building/Hazardous Lands ordinance. A lien was placed on this property that accumulated to \$9,000 plus administrative costs of \$120.35.

One of the heirs, Betty Darity, contacted the City regarding a reduction/rescission. Ms. Darity is 81 years old and lives in Miami, and the family member that was tending to the vacant lot is no longer able to do so. She requested the fine be reduced to zero and was going to explore donating the lot to the City.

A reduction/rescission hearing was held on August 12, 2021 before the Special Magistrate. Based on information presented, the Magistrate recommended the remaining amount of the lien be reduced to zero. The administrative costs of the lien have been paid separately and resolved.

Fiscal Note: The current lien amounts total \$9,000. The City estimates approximately \$120.35 in accrued administrative costs.

RECOMMENDATION

The City Commission accept the Magistrate's ruling and reduce the lien to zero and authorize the Mayor to execute the release of lien.

Legislative History

12/10/20 Special Magistrate Approved as Recommended
Hearing

[200478A Summary Small and Small Lien 20220106](#)

CA-6 [210668.](#) Landscape Maintenance of Various City Owned Properties (B)

Explanation: Every Fiscal Year, with guidance from the Procurement Office, the GCRA issues an Invitation to Bid (ITB) for landscape service providers to submit bids for the landscape maintenance of various City owned properties.

The City received three bid responses from Proficient Pool and Lawn Service dba Outdoor Living, Jasper Sherman dba Big Sherm Lawn Service, and T&N Lawn Masters.

As part of the review process, staff considered the Article X, Sec. 2-620. - Finding of Facts, and Sec. 2-622. - Local preference in purchasing and contracting of the City of Gainesville Code of Ordinance. Of the three participants, Big Sherm Lawn Service is the only business located within the corporate city limits of Gainesville, which based on the 5% showed a

cost differential of \$5,051.50. Resulting in a \$4,521.50 lower than Proficient Pool and Lawn Service, Inc.

Fiscal Note: The total cost associated with this contract will not exceed \$101,030.00, and will be funded from Fund 1132, GG_Gainesville Community Reinvestment Area: Gainesville Community, Contractual Services, 98836 Grounds Maintenance.

Strategic Connection
Goal 4: Resilient Local Economy

RECOMMENDATION The City Commission awards the landscape maintenance contract to Jasper Sherman, dba Big Sherm Lawn Service in an amount not to exceed \$101,030.00.

[210668 A Pricing Form Overall Review 2022.01.06.pdf](#)

[210668 B Proficient Pool and Lawn Service Inc ITB Response 2022.01.06.pdf](#)

[210668 C Big Sherm Lawn Service ITB Response 2022.01.06.pdf](#)

[210668 D T & N Lawn Masters LLC ITB Response 2022.01.06.pdf](#)

CA-7 [210687.](#)

Third Amendment to Extend the City's Florida Blue Administrative Services Contract for One Year (B)

Explanation: The City of Gainesville has an administrative services agreement with Florida Blue for its Group Health Plan. Due to the heavy workload associated with the Workday implementation and the associated configuration changes that would be needed to modify our current health plan structure, it is in the best interest to extend the Florida Blue Administration agreement for one additional year. In addition to allowing more time for our Workday Platform to stabilize, it will allow staff additional time to conduct community builder engagement to get their input on what they would like to see in their health benefit. This was rendered difficult over the past 18 months with the pandemic impacting our ability to engage with community builders and the time commitment made to the Workday implementation. The additional year is being offered at the same rates as 2021 and will have no budgetary impact. The cost per contract is \$27.23/month for individual contracts and 64.92/month for all other tiers.

In addition, it will allow staff to look at ways to utilize what the City is spending on health care and find how we can leverage that spending through plan design to align that spending with the City Commission initiative on creating a more equitable community. The City's health care spending in Plan Year 2021 will approach \$25 million and most of those costs are spent in the local health care delivery market place. Finding innovative ways through benefit design or modeling the solicitation to include carve out services that will encourage private investment in areas of our community that are under represented by repurposing funding

already being spent is consistent with the City Commission's Equitable Community Goal.

Strategic Connection:

This item is connected to Goal 5: Best in Class Neighbor Service. Maintain, hire, train and retain professional Community Builders dedicated to serving the Gainesville community.

In addition, this item is connected to Goal 1: Equitable Community by redirecting health care spending to encourage private investment in underserved parts of our community.

Fiscal Note: *The funds necessary for this service are included in the Fiscal Year 2022 Employee Health and Accident Fund. Additionally, the cost per contract is \$27.23/month for individual contracts and 64.92/month for all other tiers. Cost is variable based on actual enrollment and contracts covered under the agreement.*

RECOMMENDATION

The City Commission authorize the Interim City Manager or their designee to execute the Amendment to the Contract with Florida Blue for Administrative Services extending this for one additional year, as subject to approval by the City Attorney as to form and legality; 2) authorize the issuance of a purchase order in an amount necessary to cover the cost of the services provided.

[210687 City of Gainesville Corrected Ammendment 20220106.pdf](#)

CA-8 [210689.](#)

Contract for Groundskeeping and Maintenance at Ironwood Golf Course (B)

This is a request for the City Commission to authorize the Interim City Manager to sign a new contract for Groundskeeping and Maintenance Services at Ironwood Golf Course.

Explanation: *The current Contract for Groundskeeping and Maintenance at Ironwood will expire on April 20, 2022, so the City's Procurement Division has recently coordinated a solicitation for a new contract. After thorough review and evaluation of the five proposals submitted, as well as an oral presentation by three of the firms, Brightview Golf Maintenance, Inc.'s was selected to be the most responsive and responsible proposal. The contract will take effect on April 21, 2022 and continue for two years with up to three possible 12-month extensions available.*

Strategic Connection

A great place to live and experience.

Fiscal Note: *Ironwood Golf Course's landscaping and grounds maintenance costs*

over the next two years will total \$1,237,600.00. The funds will be paid from Ironwood's annual budget in the General Fund.

RECOMMENDATION

The City Commission 1) approve the two-year Contract with three possible 12-month extensions for landscaping and maintenance at Ironwood Golf Course with Brightview Golf Maintenance, Inc.; and 2) authorize the Interim City Manager to approve the Contract, subject to approval by the City Attorney as to form and legality.

[210689A Addenda 5 thru 1 and RFP Ironwood Maintenance 20220106.pdf](#)

[210689B Bid Tab Ironwood Grounds RFP FY22 20220106.pdf](#)

[210689C Brightview Proposal pt.1 20220106.pdf](#)

[210689D Brightview Proposal pt.2 20220106.pdf](#)

CA-9 [210739.](#)

Ratification of Agreement between the Fraternal Order of Police (FOP), Gator Lodge 67, and the City of Gainesville for January 1, 2022 through September 30, 2024 (B)

Explanation: This agreement has been reached through negotiations between the Fraternal Order of Police (FOP), Gator Lodge 67, and the City of Gainesville, and was ratified by the FOP on December 11, 2021. This agreement extends the current Collective Bargaining Agreement through September 30, 2024.

A copy of the agreement is on file in the Office of the Clerk of the Commission. After January 6, 2022, the agreement will be on file in the Human Resources Department.

Strategic Connection: This item is connected to Goal 5: Best in Class Neighbor Services; Objective 1: Maintain, hire, train and retain professional community builders dedicated to serving the Gainesville community; in the City's Strategic Plan and is a high priority item.

Fiscal Note: A portion of the cost of FY 22 raises is included in the FY 22 budget. Funding for additional cost associated with the FY 22 raises will be provided from the wage contingency budget.

RECOMMENDATION

The City Commission ratify the agreement between the Fraternal Order of Police (FOP), Gator Lodge 67, and the City of Gainesville, extending the agreement through September 30, 2024.

[210739 Changes to FOP Agreement \(2022-2024\) 20220106.docx](#)

[210739 FOP 2021-2024 \(tentative agreement\) 20220106.pdf](#)

CA-10 [210746.](#)**Ronnie L. Dexter v. City of Gainesville; Case No. 2021-CA-269; Eighth Judicial Circuit, in and for Alachua County, Florida. (NB)**

Explanation: On March 9, 2017, Mr. Dexter was a seat-belted, front seat passenger in a vehicle that was involved in an automobile accident with a City vehicle at or near the intersection of SW 52nd Street and SW 20th Avenue, in Gainesville. The City employee transit operator was acting in the course and scope of employment, violated the right-of-way of an oncoming vehicle, and caused the intersection accident with the vehicle carrying Mr. Dexter. The employee received progressive discipline and is no longer employed by the City.

Subsequent to the accident, the plaintiff was transported to the emergency room and treated for injuries including pain in his left shoulder and right knee. Additionally, Mr. Dexter experienced an incident of a preexisting seizure disorder that he attributed to the trauma of the accident. He continued treatment with his medical providers, including arthroscopic surgery to repair his shoulder. At trial, the plaintiff's attorneys were prepared to offer evidence of over \$48,000 in past medical expenses. They argued that he would suffer future medical expenses along with damages related to pain and suffering, mental anguish, inconvenience, and loss of capacity for the enjoyment of life.

The City Attorney's Office and Risk Management Department conducted a thorough evaluation and investigation of this lawsuit in conjunction with the Regional Transit System. 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. At court-ordered mediation, a settlement agreement was achieved. Representatives for the City agreed to recommend a settlement in the amount of \$67,500, subject to the approval of the City Commission of the City of Gainesville, and, in exchange, the plaintiff will provide a full and complete Release to the City. It is the recommendation of the City Attorney's Office and the Risk Management Department that the case be settled for that amount.

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

RECOMMENDATION

The City Commission 1) approve the terms of the mediated settlement agreement; and 2) authorize the City Attorney to settle the claims of Ronnie L. Dexter, arising from an accident that occurred on or about March 9, 2017.

CA-11 [210750.](#)**Whitney Brown v. City of Gainesville; Presuit Claim Resulting from a Law Enforcement Action that occurred in Gainesville, Alachua County, Florida on or about May 13, 2020. (NB)**

Explanation: On May 13, 2020, Gainesville Police Department officers responded to a

call of a domestic disturbance at the claimant's home. After an on-site investigation, the claimant was taken into custody and transported to the county jail, under arrest for aggravated assault. The arrest was the subject of a local television news report and an article in the Gainesville Sun. The claimant's "mug shot" was a public record and available for online viewing throughout the community. Her employer became aware of the arrest, and her career was put in jeopardy, and essentially stalled throughout the pendency of the criminal matter. She feels that she has suffered significant reputational harm.

Shortly after the arrest, the claimant's mother, who was present for part of the incident and on-site investigation, contacted a detective within the Criminal Investigations Division of GPD. Her concerns surrounding the incident and arrest prompted an immediate review of the arrest report and body-worn camera footage. GPD supervisors determined that the arrest appeared unwarranted, and expressed these grave concerns with prosecutors from the State Attorney's Office. Fortunately, the State Attorney's Office concurred with the GPD supervisors' assessment and declined to prosecute the charges. GPD personnel contacted the claimant's employer to assure them that the arrest was unjustified, and try to ameliorate any negative effects of the incident.

The incident was forwarded to the GPD Internal Affairs Department to conduct a full, formal review of the interaction. In short, the internal affairs investigation concluded that the arresting officer failed to complete a thorough investigation as required in GPD General Order 40.6 Domestic Violence and Dating Investigations, and, therefore, violated City of Gainesville Policy E-3 Code of Conduct, Rule 13 - productivity or workmanship not up to required standard of performance. The officer received a written warning and remedial training, but the department is optimistic that the officer's relative inexperience and openness to additional training indicate a positive and productive future career for the officer. Additionally, the internal affairs investigation concluded that the supervising sergeant involved in the incident failed to ensure that a thorough and proper investigation was conducted by the arresting officer, and also sustained a finding of E-3 Code of Conduct, Rule 13 - productivity or workmanship not up to required standard of performance - against the supervisor. Throughout the aftermath of the subject arrest, GPD has strived to act with accountability, assuring the Claimant and her employer that she was blameless in the incident.

In addition to the Gainesville Police Department, the City Attorney's Office and Risk Management Department conducted a thorough evaluation and investigation of this claim. 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. As a result of pre-suit negotiation, a proposed settlement was achieved, wherein representatives for the City agreed to recommend a settlement in the amount of \$30,000, subject to the approval of the City Commission of the City of Gainesville, and, in exchange, the Claimant will provide a full and complete Release to

the City. It is the recommendation of the City Attorney's Office and the Risk Management Department that the case be settled for that amount.

RECOMMENDATION

The City Commission 1) approve the terms of the negotiated settlement agreement; and 2) authorize the City Attorney to settle the claim of Whitney Brown, arising from an incident that occurred on or about May 13, 2020.

CA-12 [210741.](#)

Ratification of Agreement between the Communications Workers of America (CWA), Local 3170, Non-Supervisory Unit and the City of Gainesville for January 1, 2022 through December 31, 2024 (B)

This item is to ratify a three year successor agreement between the City and the CWA Non-Supervisory Bargaining Unit.

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 December 14, 2021. This Agreement extends the current Collective Bargaining Agreement through December 31, 2024.

A copy of the Agreement is on file in the Office of the Clerk of the Commission. After January 6, 2022, the Agreement will be on file in the Human Resources Department.

Strategic Connection: This item is connected to Goal 5: Best in Class Neighbor Services; Objective 1: Maintain, hire, train and retain professional community builders dedicated to serving the Gainesville community; in the City's Strategic Plan and is a high priority item.

Fiscal Note: The cost impact of the FY 22 raises is included in the FY 22 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, 2024.

[210741_Changes to Non-Supervisory CWA Agreement \(2022-2024\)_20220106](#)

[210741_CWA Non-Supervisory 2021-2024 strikethrough_20220106.pdf](#)

CA-13 [210742.](#)

Ratification of Agreement between the Communications Workers of America (CWA), Local 3170, Supervisory Unit and the City of Gainesville for January 1, 2022 through December 31, 2024 (B)

This item is to ratify a three year successor agreement between the City and the CWA Supervisory Bargaining Unit.

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 December 14, 2021. This Agreement extends the current Collective Bargaining Agreement through December 31, 2024.

A copy of the Agreement is on file in the City Clerk's Office. After January 6, 2022, the Agreement will be on file in the Human Resources Department.

Strategic Connection: This item is connected to Goal 5: Best in Class Neighbor Services; Objective 1: Maintain, hire, train and retain professional community builders dedicated to serving the Gainesville community; in the City's Strategic Plan and is a high priority item.

Fiscal Note: The cost impact of the FY 22 raises is included in the FY 22 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, 2024.

[210742_Changes to Supervisory CWA Agreement \(2022-2024\)_20220106.docx](#)

[210742_CWA Supervisory 2022-2024 strikethrough_20220106.pdf](#)

CA-14 [210751.](#)

General Government Budget Calendar (NB)

The City Commission approves dates for discussion and public hearings for the Fiscal Year 2023 annual budget.

Explanation: Staff requests the City Commission approve the dates below to discuss items related to the Fiscal Year 2023 annual budget as well as public hearing dates for the fire assessment, millage, and 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 maximum millage rate and proposed tentative budget and 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:

05/19/2022 - 1:30-5:00pm - General Government Budget

07/07/2022 - 6:00pm - Set preliminary Fire Assessment Rate by resolution.

07/14/2022 - 6:00pm - Set proposed tentative Millage Rate by resolution.

08/18/2022 - 1:30-5:00pm - General Government Budget

09/08/2022 - 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 set tentative Millage Rate and adopt the tentative Budgets for Fiscal Year 2023 by resolution.*

09/22/2022 - 6:00pm

- 1. Adopt Ordinances on 2nd reading related to Fee or Rate changes (if any).*
- 2. 2nd Public Hearing to set the final Millage Rate and adopt the final Budgets for Fiscal Year 2023 by resolution.*

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. In the event a conflict arises, staff will submit a revised schedule for September 2022 requesting alternative special meeting dates.

Fiscal Note: The cost of conducting these meetings is available in the FY 2022 Operating Budget.

Strategic Connection:

Goal 5: "Best in Class" Neighbor Services

RECOMMENDATION

The City Commission: 1) Approve the dates requested for discussion and public hearings for the Fiscal Year 2023 annual budget.

CA-15 [170500.](#)

Approval and Ratification of the S.E. 4th Street Reconstruction Takeover Agreement (B)

Explanation: D.A.B. Constructors, Inc. ("D.A.B.") entered into a contract with the City of Gainesville for the S.E. 4th Street Reconstruction Project on January 12th, 2018 (legislative #170500). On July 28th, 2021, D.A.B. sent a letter

to the City of Gainesville defaulting on the contract and invoking the Surety Performance and Directions Regarding Future Payments (Default Notice). Western Surety furnished the Public Construction Bond No. 30021214 (Bond) in the amount of \$5,010,328.88 with D.A.B. as the Principal and the City as the obligee.

The City negotiated with Western Surety and executed a Takeover Agreement, in the interest of time to complete construction and abate disruptions to the neighborhood and to traffic. Western Surety has retained a Completion Contractor to fulfill the requirements of the Takeover Agreement. The original terms and conditions of the contract remain in place except as noted in the Takeover Agreement. The Completion Contractor must deliver the original final project as approved by the City Commission.

Fiscal Note: The total authorized amount of the contract, including retainage, additions and deductions, is \$4,969,024.91. D.A.B. has been paid \$3,152,490.42 to date. The City will assess liquidated damages in the amount of \$100,000 as well as receive payment for incurred costs related to corrective or remediation work and site maintenance on the project in the amount of \$22,656.15. The City agrees to pay Western Surety the contract balance as work is completed subject to the terms and conditions of the original project. The current contract balance is \$1,478,868.09. These numbers are subject to minor changes as the City is still performing site maintenance which is billable to the project.

Strategic Connection

This project is related to Goal 3: "A Great Place to Live & Experience". It aids in objective 3. Revitalize eastside neighborhoods with expanded and upgraded housing, well maintained and upgraded city infrastructure and more neighborhood businesses serving the daily needs of neighbors.

RECOMMENDATION

The City Commission: 1) approve and ratify the Takeover Agreement with Western Surety and the Completion Contractor following approval as to form and legality by the City Attorney.

Legislative History

11/16/17	City Commission	Approved as Recommended
12/7/17	City Commission	Continued
1/4/18	City Commission	Approved, as shown above

[170500 Takeover Agreement DAB-Western #647 - Gainesville 12-20-21 \(City\)](#)

EARLY PUBLIC COMMENT ON AGENDA ITEMS - Members of the public who are unable to wait for their agenda item(s) to be called during the meeting may speak during Early Public Comment. Comment is limited to three (3) minutes on one agenda item or five (5) minutes on two or more agenda items. Speaking during Early Public Comment waives the right to comment during later agenda items.

BD BUSINESS DISCUSSION ITEMS (Agenda items that will be discussed, including those moved from Consent)

BD-1 [210453](#) University of Florida Campus Development Agreement (B)

Explanation: The University of Florida, City of Gainesville and Alachua County are parties to a Campus Development Agreement (CDA) for the period 2015-2025. The University of Florida requests to update the CDA to extend the term through 2030 and incorporate its updated Campus Master Plan for 2020-2030. The Campus Master Plan and CDA are governed by Florida Statutes, Chapter 1013.30 including a requirement to adopt the CDA "consistent with the requirements of s. 163.3225" for public hearings.

Strategic Connection:

Goal 3 of the City Commission's Strategic Plan concerns making Gainesville a great place to live and experience.

Fiscal Note: None

RECOMMENDATION

The City Commission adopt the 2020-2030 UF Campus Development Agreement.

Legislative History

9/27/21	City Commission	Approved, as shown above
11/4/21	City Commission	Approved, as shown above
11/18/21	City Commission	Continued
12/2/21	City Commission	Approved, as shown above

[210453A Background Information 20210927](#)

[210453B UF- City of Gainesville Campus Master Development Letter 2021092](#)

[210453C Campus Development Agreement 2020-2030 FINAL DRAFT 202109](#)

[210453 CDA Sept 2021 20210927](#)

[210453A Campus Development Agreement 2020-2030 FINAL DRAFT 202110](#)

[210453 Comm Hayes-Santos - UF Letter to Mayor - Housing 20211118](#)

BD-2 [210242](#) Discussion on Vaccine Incentive and Other COVID Measures (NB)

RECOMMENDATION

The City Commission follows through on the commitment.

Legislative History

8/5/21	City Commission	Approved, as shown above
8/19/21	City Commission	Approved, as shown above

BD-3 [210752.](#) Final Report Inclusionary Housing Program Development and Exclusionary Zoning Study (B)

Explanation: On August 31, 2020, the City Commission requested that staff begin the development of an inclusionary zoning (IZ) program and conduct a review of potential exclusionary zoning provisions contained within the City's Land Development Code. The referral was part of a multi-part motion intended to further the City's equitable development goals through a variety of policy and programmatic strategies.

HR&A Advisors was engaged by the City of Gainesville to analyze the causes of and potential strategies to address housing instability and racial inequities and develop a report and recommendations based on the study's findings.

This study responded to the following guiding questions:

- 1. What drives housing instability and inequities in Gainesville?*
- 2. How do exclusionary land use controls drive local housing market trends?*
- 3. How can changes to exclusionary land use controls make housing in Gainesville more equitable?*
- 4. Is an inclusionary zoning policy a feasible and effective tool for producing new affordable housing in Gainesville?*
- 5. What other programs and policies are needed to address housing instability and inequities?*

The analysis and full report are included in the backup including a series of recommendations based on the consultant's findings. The principal report recommendations are as follows:

- 1. The City should remedy existing exclusionary land use controls, by amending the City's rules and regulations by focusing on those that have the highest exclusionary impact in Gainesville, including strict lot utilization and parcel constraints, strict design and compatibility requirements, and occupancy and mobile home limitations (page 16 of report).*
- 2. The City should implement a mandatory IZ policy requiring that rental developments with at least 10 residential units provide a 10 percent set-aside of units that are affordable to households earning up to 80 percent of Area Median Income, offering a density bonus incentive of up to 30 percent. If possible, the City should also explore additional incentives, such as a synthetic TIF, to deepen affordability (e.g., to create units affordable to 60 percent of AMI) (pages 21-22 of report).*
- 3. Both of these strategies should be used in combination with a set of housing tools to address the housing needs of low- and very low-income Gainesville residents, who have the highest housing need. HR&A recommends that the City of Gainesville work to identify revenue sources*

for an Affordable Housing Trust Fund and assess the possibility of deploying local subsidy for affordable housing (page 23).

Strategic Connection: This is a high priority strategy under Goal 3: A Great Place to Live & Experience in the City of Gainesville Strategic Plan.

Fiscal Note: Variable. An inclusionary zoning program could potentially result in local funding for affordable housing in the form of in-lieu payments that would support the City's affordable housing strategy.

RECOMMENDATION

Staff to City Commission: Review the report and recommendations and provide direction as appropriate including:

- 1. Which exclusionary zoning controls should the City amend, reduce, or eliminate?*
- 2. Provide an expected timeline for final Commission consideration of exclusionary zoning code amendments.*
- 3. Provide direction on the inclusionary housing program recommendations and if appropriate, direct the City Manager to develop a program implementation plan and schedule and direct the City Manager and City Attorney's office to draft an inclusionary housing ordinance for Commission action at a future meeting.*
- 4. Provide additional direction, as needed.*

[210752 FinalReport Gainesville EZ IZ Study 20220106](#)

[210752B Gainesville EZ IZ Presentation 20220106](#)

RE RESOLUTIONS - ROLL CALL REQUIRED (Unless mandated by statute to occur in the evening: May include Advocacy Resolutions and Binding Resolutions)

12:00 PM - 1:00 PM LUNCH BREAK

1:00 PM - Call to Order Afternoon Session

EARLY PUBLIC COMMENT ON AGENDA ITEMS - Members of the public who are unable to wait for their agenda item(s) to be called during the meeting may speak during Early Public Comment. Comment is limited to three (3) minutes on one agenda item or five (5) minutes on two or more agenda items. Speaking during Early Public Comment waives the right to comment during later agenda items.

GENERAL PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

BUSINESS DISCUSSION ITEMS

TIME CERTAIN - 1:00 PM

BD-1 [210090.](#) **East Side Grocery Store Development Project Update and Discussion (B)**

City Commission to hear an update on the East Side Grocery Store Development Project from staff.

Explanation: On June 17, 2021, the City of Gainesville Commission heard and responded to an unsolicited request for financial assistance to develop a private property. The request is for \$3,300,000 from the City to a private developer to purchase and redevelop the retail plaza at the 2300 block on SE Hawthorne Road. The developer intends to use the funds to renovate aspects of the plaza and include a grocery store as an anchor tenant. The Commission asked for a Notice of Receipt of Unsolicited Proposal to be advertised for 30 days to gauge interest from other developers. On July 22, 2021 the invitation to submit proposals closed and there were no other proposals submitted.

On July 29, 2021, the Commission requested additional community engagement to be completed around the project. Between August 14, 2021 and August 28, 2021, five limited but informative community engagement sessions were held. From the information gathered in those sessions, the development team requested a 90-day pause on the project to afford more time for community engagement. This pause was in effect from September 1, 2021 to December 1, 2021.

During public comment at the December 9, 2021 General Policy Committee meeting, the developer expressed his interest in moving forward with the grocery store and his intention to close on the property in mid-January 2022. The Commission requested for the review of the project and the terms of the agreement be placed on the January 6, 2022 agenda.

It is important to note that the City does not currently have a policy or process to address unsolicited bids/requests to the City. Therefore, City staff designed two sets of questions to be answered by the developer. The questions were based on similar steps that are taken by City staff when a request for qualification (RFQ) notice is advertised by the City to develop City property.

City Staff reviewed the responses to those questions and supporting documents in addition to conducting reference checks, and researched items as a part of due diligence. Further, the City used an external consultant to review the developer's submitted documents and the findings of staff.

Strategic Connection: This item connects to Goal 1, Equitable Community.

Fiscal Note: \$3,300,000 of City funds are under consideration for use on this project although a specific fund has not been determined. City staff are unsure if this qualifies as an ARPA-approved item. CRA funds have also been mentioned as a funding option. The money would be incentive-based and a forgivable loan based on certain conditions.

RECOMMENDATION

City staff and the outside consultants reviewed the project and supporting documents. It is the staff's recommendation to the Commission to NOT pursue this agreement. During the review process, City Staff were informed that the proposed grocery store anchor tenant withdrew from the project. Further, there is limited evidence to provide confidence that this project would be successful. More details are provided to the Commission in the update on due diligence.

Legislative History

6/17/21 City Commission Approved, as shown above

7/29/21 City Commission Approved, as shown above

[210090A CommunicationTimeline 20220106.pdf](#)

[210090B Grocery Store Checklist of Documents 20220106.pdf](#)

[210090C Grocery Store Contacts and Reference Checks 20220106.pdf](#)

[210090D Grocery Store Developer Response to Informational Requests #1 an](#)

[210090E Supplemental information - Pro Formas 20220106.pdf](#)

[210090F GroceryStoreUpdate Final Slides 20220106.pdf](#)

[210090G PFM Opinion 20220106](#)

[210090 City Auditor Memo to Commission Mgmt Due Diligence final 2022010](#)

BD-2 [201087.](#)

American Rescue Plan Act (ARPA) Fund Allocation Update and Discussion (B)

The City Commission to hear an update on the American Rescue Plan Act funds.

Explanation: On June 8, 2021, the US Department of Treasury acknowledged the City's acceptance for the CSLFRF/ ARPA funds. The city has received half (\$16,204,402 of the allocation) thus far, with the remaining half expected by June 2022. City Commission approved receipt of funds via Budget Amendment on June 17, 2021 (Resolution # 201115). The receipt of CSLFRF funds is conditional upon terms of the grant agreement signed between the City of Gainesville and the US Department of Treasury. The Treasury has put forth specific requirements for what ARPA funds are eligible for, as well as criteria that recipients must follow to comply with all Treasury guidelines regarding implementation and reporting related to ARPA funds.

In recent meetings (10/19/2021 and 12/6/2021) the City Commission began earmarking specific projects to receive specific amounts of ARPA funds. In order to ensure full compliance with Treasury guidelines, staff will devise a work plan for following Treasury best practices regarding ARPA funds and ARPA project management, and will follow Treasury guidelines with an update on projects previously allocated ARPA funds.

This update will highlight the following items:

1. *Approval of a Consultant to accept Non-Profit ARPA proposals and make recommendations on project eligibility and funding distributions.*
2. *Review and discuss proposed options for criteria to be used by Consultant in review of Non-Profit ARPA proposals. The City Commission also asked for non-profit proposals already in hand to be grouped by topic and requested amount by category.*
3. *Status of projects with ARPA funds currently earmarked by the City Commission on 10/19/21, including:*
 - *Non-Profit Proposals (\$7,000,000)*
 - *Eviction Assistance (\$1,000,000)*
 - *Energy Rehab for Low / Moderate Income Households (\$1,900,000)*
 - *Utilities Debt Forgiveness (\$250,000)*
4. *Status of projects with ARPA funds currently allotted and approved by the City Commission on 12/6/21:*
 - *Eastside Health Clinic at \$2,250,000*
 - *Homeless Outreach at \$400,000*
 - *Personal Protective Equipment (PPE) at \$300,000 (estimated)*
 - *Revenue Replacement TBD (Note: Staff would like guidance from the ARPA consultant before finalizing this amount)*
5. *Status of projects that will utilize other sources of ARPA funds previously approved by the City Commission:*
 - a. *FTA Transit Funds*
 - b. *HUD HOME Funds*

Strategic Plan Connection: This item connects to all five goals in the City's strategic plan including Equitable Community, A More Sustainable Community, a Great Place to Live and Experience, a Resilient Local Economy, and "Best in Class" Neighbor Services

Fiscal Note: Yet to be determined. Staff needs to finalize spend plans for each item according to the Treasury guidelines and have those plans approved by the City Commission.

RECOMMENDATION

The City Commission 1) hear a presentation by staff regarding Treasury guidelines on eligible uses, compliance and reporting guidance for ARPA funds, 2) approve the vendor selected as the consultant for Distribution of Non-Profit ARPA Funds, 3) discuss additional criteria for the consultant to use in evaluating Non-Profit ARPA proposals, 4) Provide guidance as requested by staff and next steps.

Legislative History

5/13/21	General Policy Committee	Approved, as shown above
5/27/21	General Policy Committee	Discussed
9/2/21	City Commission	Approved, as shown above
10/19/21	City Commission	Approved, as shown above

12/6/21 City Commission Approved, as shown above

[201087A Status Update on ARPA Summary 20220106.pdf](#)

[201087B Status Update on ARPA Presentation 20220106.pdf](#)

[201087 US Department of Treasury Interim Final Rule 20220106.pdf](#)

[201087 US Department of Treasury Compliance and Reporting Guidance 20220106.pdf](#)

[201087 City of Gainesville US Dept of Treasury Grant Agreement for ARPA Funding 20220106.pdf](#)

[201087 Appendix A Categorization of NonProfit & Non-City Proposals 20220106.pdf](#)

[201087 Appendix B Additional Ideas for Vetting Non-Profit and Non-City Proposals 20220106.pdf](#)

[201087 Appendix C Updated Matrix of Commission Proposed ARPA Projects 20220106.pdf](#)

RE RESOLUTIONS

RE-1 [210665](#) Resolution for a Public Transportation Grant Agreement - Public Transit Block Grant Program for RTS Operating Assistance for FY 2021/2022 (B)

Explanation: This item is a request to adopt a Resolution authorizing the City Manager to execute a Public Transportation Grant Agreement (PTGA) between the City of Gainesville and Florida Department of Transportation (FDOT) to accept the allocation for Gainesville of \$2,371,784 from the Public Transit Block Grant Program for FY 2021/2022 Operating Assistance.

FDOT allocates state block grant funds for public transit systems each year. The allocations are based on a three-part formula that includes population, ridership, and vehicle miles operated. For FY 2021/2022, the allocation for Gainesville is \$2,371,784, an increase of \$58,370 from last year's allocation. The RTS block grant provides a 100% reimbursement for eligible operating costs associated with operating, maintaining, and managing a transportation system.

FDOT requires the governing board of each public transit system to adopt a resolution authorizing the acceptance of these funds.

Strategic Recommendation: This item is connected to Goal 3: A Great Place to Live and Experience in the City's Strategic Plan and is a high priority item

Fiscal Note: The Public Transportation Grant Agreement provides a 100% reimbursement for eligible operating costs associated with operating, maintaining, and managing a transportation system. This grant provides \$2,371,784 in funding and does not require any matching City funds.

RECOMMENDATION The City Commission adopt the Resolution.

[210665A Draft FY22 Block Grant Resolution 20220106](#)

[210665B Draft FY22 Block Grant PTGA 20220106](#)

RE-2 [210693.](#)

Resolution for 49 U.S. Code Chapter 53, Section 5310 Grant Applications (B)

This item is a request for the City Commission to adopt a Resolution required in support of the Regional Transit System (RTS) application for two Florida Department of Transportation 49 U.S. Code Chapter 53, Section 5310 grants to purchase paratransit trips providing demand response service for persons with disabilities and ADA service to the disabled citizens of Gainesville and capital assistance to purchase a replacement bus, and for the Interim City Manager or designee to execute related Public Transportation Grant Agreement(s) with the Florida Department of Transportation.

Explanation: In October 2021, federal funds were made available through the Federal Transit Administration (FTA) and the Florida Department of Transportation (FDOT) 49 U.S. Code Chapter 53, Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities grant program, and RTS has applied for funds to assist with the purchase of paratransit trips and a replacement bus. This is a competitive grant application process administered by FDOT, providing assistance throughout the state with federal funding to support specific, identified prioritized transportation needs.

Grant applications were submitted in December 2021, and FDOT requires that applying agencies' adopted resolutions are provided no later than February for inclusion with submitted federal grant packages. If funded, the grants will provide much-needed paratransit trips to ensure safe transport to City of Gainesville citizens riding fixed route trips, and capital assistance to purchase a replacement bus. RTS is requesting that the City Commission pass the Resolution to complete the application packages.

Strategic Connection: Goal 3: A Great Place to Live & Experience by providing affordable transit services.

Fiscal Note: Funds are allocated in the Department of Transportation and Mobility, RTS FY22 budget to provide the required matches, if either grant is awarded. RTS anticipates requesting approximately \$530,000 for the capital assistance grant application, and will use its capital replacement funds for the required 10% match. For the trip service grant application, RTS will request \$50,000; the 50% match for the grant is allocated in the FY22 RTS budget.

RECOMMENDATION

The City Commission adopt the Resolution.

[210693A_Draft 5310 Resolution_20220106](#)

RE-3 [210694.](#) Resolution for 49 U.S. Code Chapter 53, Section 5311 Grant Applications (B)

This item is a request for the City Commission to adopt a Resolution required in support of the Regional Transit System (RTS) application for a Section 5311 grant for capital assistance to purchase replacement paratransit vans for provision of rural transportation services to the citizens of Gainesville and Alachua County, and for the Interim City Manager or designee to execute related Public Transportation Grant Agreement(s) with the Florida Department of Transportation.

Explanation: In October 2021, federal funds were made available through the Federal Transit Administration (FTA) and the Florida Department of Transportation (FDOT) 49 U.S. Code Chapter 53, Section 5311 for Formula Grants for Rural Areas Operating Assistance to provide transportation assistance for rural service that operates in east Gainesville and adjacent rural areas. RTS has applied for to this FDOT program for capital funds to assist with the purchase of two replacement paratransit vans. This is a non-competitive grant application process administered by FDOT, providing assistance throughout the state with federal funding to support specific, identified prioritized transportation needs.

Grant applications were submitted in December 2021, and FDOT requires that applying agencies' adopted resolutions are provided no later than February for inclusion with submitted federal grant packages. If funded, the grant will provide much-needed capital assistance, allowing RTS to purchase two replacement vans for paratransit service for those living outside the City limits who need to travel for work, health care, and other activities within the City of Gainesville.

Strategic Connection: Goal 3: A Great Place to Live & Experience by providing affordable transit services.

Fiscal Note: Funds are allocated in the Department of Transportation and Mobility, RTS FY22 budget to provide the required matches if the grant is awarded. RTS has requested \$160,152 in capital assistance in the grant application, and will use its capital replacement funds for the required 20% match.

RECOMMENDATION

The City Commission adopt the Resolution.

[210694A_Draft 5311 Resolution_20220106](#)

RE-4

[210721.](#)**Resolution for a Commuter Assistance Program/Ride Share Grant to Maintain a Van Pool Program (B)**

This is a request for the City Commission to adopt a resolution to allow the Regional Transit System (RTS) to continue the existing Van Pool Program that is operating in the Tri-County region around Gainesville.

Explanation: The Florida Department of Transportation (FDOT) has requested that RTS continue to serve as a pass through for the funding to allow the van pool program to operate. There are fourteen (14) vans currently operating in the area bringing workers into Gainesville to the VA Hospital and Shands Medical center. The vans currently originate in Lake City, Ocala, Jacksonville and Putman County. State funds are available through FDOT to subsidize the current van pool program with Enterprise Leasing Company of Florida, LLC. The City will not be responsible for any portion of the day to day operations, management of the program, or vehicles associated with the van pool program. FDOT has assured RTS that there will only be very minimal staff time required to manage this grant program.

RTS is requesting the City Commission adopt a resolution thereby allowing RTS to continue the oversight of the current program and provide the opportunity to develop additional van pool opportunities to other interested citizens.

Strategic Connection: Goal 2: Sustainable Community by supporting environmentally friendly programs such as the FDOT van pool program that saves natural resources and reduces greenhouse gas emissions.

Fiscal Note: The FDOT grant will fully fund this project. The administrative cost of RTS staff to oversee and monitor this project on behalf of FDOT is nominal.

RECOMMENDATION

The City Commission: 1) adopt the Resolution for a Commuter Assistance Program/Ride Share Grant to Maintain a Van Pool Program; and 2) authorize the Interim City Manager or designee to execute the related documents with FDOT, subject to approval by the Interim City Attorney as to form and legality.

[210721A Draft Resolution 20220106](#)

[210721B DRAFT FDOT Vanpool PTGA 20220106](#)

OR ORDINANCES**COMMISSION COMMENT****4:30 - 5:30pm DINNER BREAK**

5:30pm - Call to Order Evening Session**PLEDGE OF ALLEGIANCE****PR PROCLAMATIONS/SPECIAL RECOGNITIONS**

EARLY PUBLIC COMMENT ON AGENDA ITEMS - Members of the public who are unable to wait for their agenda item(s) to be called during the meeting may speak during Early Public Comment. Comment is limited to three (3) minutes on one agenda item or five (5) minutes on two or more agenda items. Speaking during Early Public Comment waives the right to comment during later agenda items.

RE RESOLUTIONS - ROLL CALL REQUIRED (required by state law to be heard at 6pm)

BD BUSINESS DISCUSSION ITEMS

PH PUBLIC HEARINGS (Including Planning Petitions)

ORDINANCES - ROLL CALL REQUIRED (required by state law to be heard at 6pm)

SECOND READINGS

SR-1 [201088.](#) Proposed Revisions to Chapter 8 titled "Discrimination" of the City Code of Ordinances (B)

Ordinance No. 201088

An ordinance of the City of Gainesville, Florida, amending Chapter 8, Section 8-88, of the Code of Ordinances, relating to prohibition of discrimination in the sale or rental of housing, by adding a provision clarifying prohibitions against discrimination based on "lawful source of income;" providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: On June 10, 2021, the General Policy Committee voted to direct staff to amend the Fair Housing ordinance to include: Under lawful source of income, landlord or any agent may only consider the portion of rent the holder of the Section 8 voucher (or other funding subsidy) is required to pay out of pocket. Our current Fair Housing ordinance already prohibits "lawful source of income" discrimination. Staff has made the requested changes addressing a landlord's rent-to-income financial qualification calculation as it pertains to voucher holders. The proposed change would

mean that landlords cannot automatically refuse to accept vouchers, or automatically disqualify voucher holders from rental consideration.

Fiscal Note: None

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

6/10/21 General Policy Approved, as shown above
 Committee

12/2/21 City Commission Adopted on First Reading (Ordinance)

[201088_draft ordinance_20211202.pdf](#)

[201088_City of Gainesville Fair Housing Flyer_20211202](#)

[201088_Lawful Source of Income Presentation_20211202](#)

[201088_Fair Housing Rack Card_20211202](#)

SR-2 [200886.](#)

Land Use Change - 83.79 Acres of Property Located on the 755-1100 Block on the South Side of NE 39th Avenue (B)

Ordinance No. 200886

An ordinance of the City of Gainesville, Florida, amending the Future Land Use Map of the Comprehensive Plan by changing the land use category of approximately 83.79 acres of property generally located on the 755-1100 block on the south side of NE 39th Avenue, as more specifically described in this ordinance, from Planned Use District (PUD) to Commercial (C), Urban Mixed- Use (UMU), and Residential Low-Density (RL); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: STAFF REPORT

Update since first reading: On August 5, 2021, the City Commission approved this ordinance on first reading. City staff then transmitted this ordinance to the state reviewing agencies in accordance with the statutory expedited review process for comprehensive plan amendments. During the 30-day comment period, the City received letters from the Florida Department of Economic Opportunity, Florida Department of Environmental Protection, and North Central Florida Regional Planning Council. The comments received did not identify any adverse impacts to important state resources and facilities within the scope of review of the respective state agencies, and therefore did not necessitate any changes to the ordinance.

This ordinance amends the Future Land Use Map of the Comprehensive Plan by changing the land use category of approximately 83.79 acres

property, located on the 755-1100 block on the south side of NE 39th Avenue, from Planned Use District (PUD) to Commercial (C), Urban Mixed-Use (UMU), and Residential Low-Density (RL).

Section 163.3184, Florida Statutes, sets forth the procedure for amending the Comprehensive Plan. The first hearing is the transmittal stage and must be advertised at least seven days prior to the hearing. The second hearing is the adoption stage and must be advertised at least five days prior to the hearing. Within ten working days after the first hearing, the City must transmit the amendment to the reviewing agencies and to any other local government or state agency that has filed a written request for same. These agencies have 30 days after receipt of the amendment to forward written comments to the City, which the City must then consider during the second hearing. If adopted on second reading, the City will forward the amendment within ten working days to the state land planning agency and any party that submitted written comments.

Within 30 days following the City's adoption of the amendment, any affected person may file a petition with the State Division of Administrative Hearings to request a hearing to challenge the amendment's compliance with Chapter 163, Florida Statutes. If not timely challenged, this amendment shall become effective 31 days after the state land planning agency notifies the City that the amendment package is complete. If timely challenged, this amendment shall become effective when the state land planning agency or the Administration Commission issues a final order determining that this amendment is in compliance with Chapter 163, Florida Statutes. No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before this amendment has become effective.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

8/5/21	City Commission	Adopted on First Reading (Ordinance)
12/2/21	City Commission	Continued

[200886 PB-20-152 LUC NE39thHenderson StaffReport 20210225](#)
[200886A draft ordinance 20210603](#)
[200886B PB-20-115LUC NE39 StaffPPT 20210603](#)
[200886A draft ordinance 20210805](#)
[200886B PB-20-152LUC NE39 StaffReportwithAppendicesA D 20210225](#)
[200886C PB-20-115LUC NE39 Powerpoint 07202021](#)
[200886E Legal Descriptions 20210715](#)
[200886F School Student Generation Form 20210715](#)
[200886G Addendum to Justification Report 20210715](#)
[200886D Application 20210715](#)
[200886 Land Use Change PowerPoint 20210805](#)
[200886A-1 draft ordinance 20211202](#)
[200886B Agency Letters 20211202](#)

FIRST READINGS

FR-1 [200887.](#) **Quasi-Judicial - Rezoning 83.79 Acres of Property Located on the 755-1100 Block on the South Side of NE 39th Avenue (B)**

Ordinance No. 200887

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning approximately 83.79 acres of property generally located on the 755-1100 block on the south side of NE 39th Avenue, as more specifically described in this ordinance, from Planned Development (PD) to Automotive-Oriented Business (BA), Urban 2 (U2), and Urban 6 (U6); 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 approximately 83.79 acres of property generally located on the 755-1100 block on the south side of NE 39th Avenue. The requested rezoning is consistent with the Comprehensive Plan and meets all applicable review criteria. The City Plan Board held a public hearing on February 25, 2021, where it voted to recommend approval of this rezoning.

This ordinance requires two hearings and will become effective when the amendment to the City of Gainesville Comprehensive Plan adopted by Ordinance No. 200886 becomes effective as provided therein.

RECOMMENDATION

The City Commission adopt the proposed

ordinance.

Legislative History

6/3/21 City Commission Continued

[200887A draft ordinance 20210603](#)

[200887A draft ordinance 20220106.pdf](#)

[200887 PB-20-153ZON NE39thHenderson StaffReport](#)

[200887 PB-20-153ZON NE39th Presentation01062022](#)

[200887 2022-01-06 Hendersonl Rezoning CC PowerPoint 20220106](#)

FR-2 [210461.](#)

Land Use Change - 283 Acres of Property Located on SW Williston Road, South of Finley Woods Subdivision (B)

Ordinance No. 210461

An ordinance of the City of Gainesville, Florida, amending the Future Land Use Map of the Comprehensive Plan by changing the land use category of approximately 283 acres of property generally located west of SW Williston Road and south of the Finley Woods Subdivision, as more specifically described in this ordinance, from Alachua County Estate Residential to City of Gainesville Residential Low-Density (RL), Mixed-Use Office/ Residential (MOR), and Urban Mixed-Use (UMU); 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 Future Land Use Map of the Comprehensive Plan by changing the land use category of approximately 283 acres property located on SW Williston Road, south of the Finley Woods Subdivision, from Alachua County Estate Residential to City of Gainesville Residential Low-Density (RL), Mixed-Use Office/Residential (MOR), and Urban Mixed-Use (UMU). This property was annexed into the City on November 4, 2021. As a result of annexation, the City must now assign appropriate land use and zoning designations. The City Plan Board held a public hearing on September 30, 2021, where it voted to recommend approval of this amendment to the Future Land Use Map of the Comprehensive Plan.

Section 163.3184, Florida Statutes, sets forth the procedure for amending the Comprehensive Plan. The first hearing is the transmittal stage and must be advertised at least seven days prior to the hearing. The second hearing is the adoption stage and must be advertised at least five days prior to the hearing. Within ten working days after the first hearing, the City must transmit the amendment to the reviewing agencies and to any other local government or state agency that has filed a written request for

same. These agencies have 30 days after receipt of the amendment to forward written comments to the City, which the City must then consider during the second hearing. If adopted on second reading, the City will forward the amendment within ten working days to the state land planning agency and any party that submitted written comments.

Within 30 days following the City's adoption of the amendment, any affected person may file a petition with the State Division of Administrative Hearings to request a hearing to challenge the amendment's compliance with Chapter 163, Florida Statutes. If not timely challenged, this amendment shall become effective 31 days after the state land planning agency notifies the City that the amendment package is complete. If timely challenged, this amendment shall become effective when the state land planning agency or the Administration Commission issues a final order determining that this amendment is in compliance with Chapter 163, Florida Statutes. No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before this amendment has become effective.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

9/30/21 City Plan Board Approved

[210461A_draft ordinance_20220106.pdf](#)

[210461B_PB-21-00116_LUC_Henderson_20220106](#)

[210461C_PB-21-00116_LUC_Land Use Change_Presentation_20220106](#)

FR-3 [210463.](#)

Quasi-Judicial - Rezoning 283 Acres of Property Located East SW Williston Road and South of Finley Woods Subdivision (B)

Ordinance No. 210463

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning approximately 283 acres of property generally located west of SW Williston Road and south of the Finley Woods Subdivision, as more specifically described in this ordinance, from Alachua County Agricultural to City of Gainesville Urban 2 (U2), Urban 4 (U4), and Urban 6 (U6); 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 approximately 283 acres of property located east of SW Williston Road and south of the Finley Woods Subdivision. This property was voluntarily annexed into the City on November 4, 2021. As a result

of annexation, the City must now assign appropriate land use and zoning designations. The requested rezoning is consistent with the Comprehensive Plan and meets all applicable review criteria. The City Plan Board held a public hearing on September 30, 2021, where it voted to recommend approval of this rezoning.

This ordinance requires two hearings and shall become effective when the amendment to the City of Gainesville Comprehensive Plan adopted by Ordinance No. 210461 becomes effective as provided therein.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

9/30/21 City Plan Board Approved

[210463A_draft ordinance_20220106.pdf](#)

[210463B_PB-21-00117-ZON_Henderson_20220106](#)

[210463C_PB-21-00117_ZON_Zoning_Presentation_20220106](#)

FR-4 [210465.](#)

Land Use Change - 68.46 Acres of Property Located South of SW Archer Road and West of Interstate 75 (B)

Ordinance No. 210465

An ordinance of the City of Gainesville, Florida, amending the Future Land Use Map of the Comprehensive Plan by changing the land use category of approximately 68.46 acres of property generally located south of SW Archer Road, west of Interstate 75, north of SW 62nd Avenue, and east of SW 44th Street, as more specifically described in this ordinance, from Alachua County Medium Density Residential (MR), Light Industrial (LI), and Heavy Industrial (HI) to City of Gainesville Office (O) and Industrial (IND); 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 Future Land Use Map of the Comprehensive Plan by changing the land use category of approximately 68.46 acres property located south of SW Archer Road, west of Interstate 75, and east of SW 44th Street, from Alachua County Medium Density Residential (MR), Light Industrial (LI), and Heavy Industrial (HI) to City of Gainesville Office (O) and Industrial (IND). This property was annexed into the city on November 4, 2021. As a result of annexation, the city must now assign appropriate land use and zoning designations. The City Plan Board held a public hearing on October 28, 2021, where it voted to recommend approval of this amendment to the Future Land Use Map of the Comprehensive Plan.

Section 163.3184, Florida Statutes, sets forth the procedure for amending the Comprehensive Plan. The first hearing is the transmittal stage and must be advertised at least seven days prior to the hearing. The second hearing is the adoption stage and must be advertised at least five days prior to the hearing. Within ten working days after the first hearing, the City must transmit the amendment to the reviewing agencies and to any other local government or state agency that has filed a written request for same. These agencies have 30 days after receipt of the amendment to forward written comments to the City, which the City must then consider during the second hearing. If adopted on second reading, the City will forward the amendment within ten working days to the state land planning agency and any party that submitted written comments.

Within 30 days following the City's adoption of the amendment, any affected person may file a petition with the State Division of Administrative Hearings to request a hearing to challenge the amendment's compliance with Chapter 163, Florida Statutes. If not timely challenged, this amendment shall become effective 31 days after the state land planning agency notifies the City that the amendment package is complete. If timely challenged, this amendment shall become effective when the state land planning agency or the Administration Commission issues a final order determining that this amendment is in compliance with Chapter 163, Florida Statutes. No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before this amendment has become effective.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

10/28/21 City Plan Board Approved

[210465A_draft ordinance_20220106.pdf](#)

[210465B_PB-21-133 LUC Fred Bear Health Park Staff Report_20220106](#)

[210465C_PB-21-133 LUC Fred Bear Health Park_20220106](#)

FR-5 [210466.](#)

Quasi-Judicial - Rezoning 68.46 Acres of Property Located South of SW Archer Road and West of Interstate 75 (B)

Ordinance No. 210466

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning approximately 68.46 acres of property located south of SW Archer Road, west of Interstate 75, north of SW 62nd Avenue, and east of SW 44th Street, as more specifically described in this ordinance, from Alachua County Residential Single-Family Low Density (R-1A), Residential Single-Family Medium Density (R-1B), Manufacturing/Mobile Home Park

(RM), Multi-Family Residential (R-2), Agricultural (A), and Manufacturing/Services (MS) to City of Gainesville Medical Services (MD) and Business Industrial (BI); 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 approximately 68.46 acres of property located south of SW Archer Road, west of Interstate 75, and east of SW 44th Street. This property was voluntarily annexed into the City on November 4, 2021. As a result of annexation, the City must now assign appropriate land use and zoning designations. The requested rezoning is consistent with the Comprehensive Plan and meets all applicable review criteria. The City Plan Board held a public hearing on October 28, 2021, where it voted to recommend approval of this rezoning.

This ordinance requires two hearings and shall become effective when the amendment to the City of Gainesville Comprehensive Plan adopted by Ordinance No. 210465 becomes effective as provided therein.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

10/28/21 City Plan Board Approved

[210466A_draft ordinance_20220106.pdf](#)

[210466B_PB-21-132 ZON Fred Bear Health Park Staff Report_20220106](#)

[210466C_PB-21-132 ZON Fred Bear Health Park_20220106](#)

FR-6 [210595.](#)

Ordinance Amending Chapter 9 Related to Elections (B)

Ordinance No. 210595

An ordinance of the City of Gainesville, Florida, amending Chapter 9 of the Code of Ordinances related to elections to conform to the charter amendments approved by voters on November 6, 2018; revising Chapter 9 to align the city election with the statewide primary election and the runoff election to coincide with the statewide general election; revising section 9-11 by changing the campaign contribution limit from \$250 to the limit set by statute; revising section 9-14 by providing that the county canvassing board will be used for the city election that coincides with the statewide primary election; updating section 9-14 to provide for vote-by-mail ballots instead of absentee ballots; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: The City Commission passed Ordinance No. 160876, which directed a proposed charter amendment relating to municipal elections to be presented to electors at the November 6, 2018 election. The electors approved the charter amendment on November 6, 2018. It is necessary to revise Chapter 9 to reflect those amendments. This ordinance aligns the city election with the statewide primary election, which generally occurs in late August, and aligns the city runoff election with the statewide general election, which generally occurs in early November. Qualifying dates and any early voting and vote-by-mail voting, will be consistent with the respective primary or general election dates. Because city elections will coincide with statewide elections, the services of the county canvassing board will be used. However, if a special municipal election is held, the services of a municipal board of canvassers will be used.

Other than ordinance changes necessitated by the amendments to the Charter Laws, additional revisions to Chapter 9 are needed in order to align the ordinances with current state law. The term "absentee" ballots is changed to "vote-by-mail" ballots. As a result of SB 1890, effective July 1, 2021, which changed Florida Statute section 106.08, municipalities are preempted from enacting campaign contribution limits that differ from the limitations in the statute. Therefore, the campaign contribution limit, which the ordinance sets as \$250.00, is changed to the limit set by state law, which is currently \$1,000.00. Finally, certain provisions in Chapter 9 have been removed because they are duplicative of laws contained in state statute.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

[210595_draft ordinance_20220106](#)

FR-7 [210651.](#)

Ordinance Amending Appendix A by Revising Fees for Controlled Vehicular Parking Area Service and Commercial Permits (B)

ORDINANCE NO. 210651

An ordinance of the City of Gainesville, Florida, amending Appendix A, Schedule of Fees, Rates and Charges of the Code of Ordinances by revising fees for controlled vehicular parking area service and commercial permits; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: The City Commission passed Ordinance No. 210189 on September 23, 2021, which adopted fee increases for the Controlled Vehicular Parking Area Decals/Permits section of Appendix A. Prior to adoption of Ordinance No. 210189, the City Commission held a meeting on July 12, 2021 and approved proposed fee increases to the Controlled Vehicular Parking Area Decals/Permits section of Appendix A. The proposed fee

increases were used in developing the budget for Fiscal Year 2022. After Ordinance No. 210189 was passed, staff discovered an error in the fees for commercial permits and service permits.

It is necessary to revise Appendix A to include the correct and intended fees for commercial permits and service permits that the City Commission approved on July 12, 2021, and that were used in developing the Fiscal Year 2022 budget.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

[210651 draft ordinance 20220106](#)

FR-8 [200413.](#)

Ordinance Amending Chapter 27 to allow for Exclusive Franchise Agreement (B)

ORDINANCE NO. 200413

An ordinance of the City of Gainesville, Florida, amending Article III, Chapter 27, Code of Ordinances titled "Solid Waste Disposal," to allow the City to enter into an exclusive franchise agreement for the collection of solid waste, change the term of non-exclusive commercial franchises to one month during any year in which the City is transitioning to an exclusive franchise system, and allow the City to grant exclusive certificates of registration for residential and commercially-collected residential property; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: The City plans to issue a solicitation for collection of commercial property garbage and bulk waste; multi-family residential property (referred to as "commercially-collected residential service" in the Code of Ordinances) garbage, recovered materials, and bulk waste; and single-family residential property garbage and recovered materials. The City intends to enter into an exclusive franchise agreement with the awarded bidder. The City currently has an exclusive franchise agreement for the collection of single-family residential property garbage and recovered materials, which has been extended to allow for continued collection of single-family residential property garbage and recovered materials by the current contractor until the procurement process for an exclusive franchise agreement is completed. There are currently 4 commercial franchises that have the right to service commercial and multi-family properties in the city. The commercial service franchises terms are October 1 to September 30.

In order for the City to issue the solicitation in compliance with the Code of Ordinances, Article III titled "Solid Waste Disposal," Chapter 27 needs to be amended in order to allow the City to enter into an exclusive franchise

agreement for the collection of commercial property garbage and bulk waste, and multi-family residential property garbage, recovered materials, and bulk waste. In the event the City enters into an exclusive franchise agreement for the collection of solid waste, further revisions to the Code of Ordinances will be required to reconcile the definitions and terms of the exclusive franchise agreement with the Code of Ordinances.

Fiscal Note: None.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

10/13/20	Zero Waste Subcommittee	Discussed
1/5/21	Zero Waste Subcommittee	Discussed
1/19/21	Zero Waste Subcommittee	Discussed

[200413A Exclusive Franchise 20201013](#)

[200413B Increasing Multi-Family Recycling 20201013.pdf](#)

[200413C Increasing Single Family Residential Recycling 20201013.pdf](#)

[200413D Benefits of SW Franchise 2021 01 05](#)

[200413E Update Exclusive Solid Waste Agreement 1 05 2022 20210105.pdf](#)

[200413F Electric Garbage Truck Articles 2021 01 05](#)

[200413G Exclusive SW Franchise EV Discussion 20210119](#)

[200413H COG Collection Svcs Carbon Footprint Report 2020 20210119](#)

[200413 draft ordinance 20220106](#)

FR-9 [210666.](#)

Text Change- GCRA Advisory Board Membership (B)

Ordinance No. 210666

An ordinance of the City of Gainesville, Florida, amending Section 2-408 of the City of Gainesville Code of Ordinances relating to the Gainesville Community Reinvestment Area advisory board; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: STAFF REPORT

This ordinance will reduce the GCRA advisory board from 15 to 9 members, and adds language that the advisory board should be a demographically and educationally diverse representation of the GCRA. This ordinance requires two hearings and will become effective immediately upon adoption at second reading.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

[210666A_draft ordinance_20220106.pdf](#)

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