



**City of Gainesville  
City Commission Regular Meeting  
AGENDA**

**Thursday, February 16, 2023 at 10:00 a.m.**

**City Hall Auditorium  
200 East University Avenue  
Gainesville, FL 32601**

Commission Members

Mayor Harvey L. Ward, Jr.  
Mayor Pro Tempore Desmon Duncan-Walker (District 1)  
Reina Saco (At Large, Seat A)  
Cynthia Moore Chestnut (At Large, Seat B)  
Ed Book (District 2)  
Casey Willits (District 3)  
Bryan Eastman (District 4)

The City Commission makes policy and conducts City business in an open forum. For information on how to attend the meeting and submit public comment, visit the City [Agendas & Meetings website](#).

*Neighbors are welcome to attend meetings in person. Seating capacity may be limited. Fill out a comment card and give it to the meeting clerk to request to speak. Speakers will be called to share their comments in the order of sign-up.*

*The City Hall Auditorium and Roberta Lisle Kline Conference Room are equipped with hearing loop assistive listening systems. When using your own hearing aid, you must switch your device to Telecoil or "T" mode. If your hearing aid does not have a Telecoil mode, broadcast staff can provide a headset.*

*If you have a disability and need an accommodation in order to participate in this meeting, please contact the Office of Equity and Inclusion 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.*

**A. CALL TO ORDER - 10:00 AM**

Agenda Statement: The City of Gainesville encourages civil public speech. The Gainesville City Commission expects each person entering this chamber to treat others with respect and courtesy. Speakers are expected to focus on agenda items under discussion and avoid personal attacks or offensive comments. Threatening language is not allowed. Anyone who repeatedly disrupts the proceedings will be asked to leave. Signs, props, posters, food and drink should be left outside the auditorium.

**B. INVOCATION**

Pastor Gerard Duncan, Prayers by Faith Ministries

**C. ADOPTION OF THE AGENDA**

Includes Consent and Regular Agenda Items

**D. CONSENT AGENDA**

**Approval of Minutes from the January 13, January 19, January 23, and February 2, 2023 City Commission Meetings (B)** 

**Recommendation:** The City Commission approve the minutes from the January 13, January 19, January 23 and February 2, 2023.


**2023-101 Perpetual Easement at Northside Park to Alachua County (B)** 

**Department:** Sustainable Development

**Description:** This item involves the City Commission granting a perpetual easement to Alachua County for construction, operation and maintenance of a force main in Northside Park.

**Fiscal Note:** N/A

**Recommendation:** The City Commission: 1) grant the perpetual easement to Alachua County in Northside Park as detailed; and 2) authorize the Mayor to execute and the City Clerk to attest the perpetual easement to Alachua County, subject to the City Attorney's Office as to form and legality.

**2023-102 Approval of Temporary Construction Easement and Perpetual Easement (B)** 

**Department:** Sustainable Development

**Description:** This item involves the City Commission granting a Temporary Construction Easement and a Perpetual Easement to the Florida Department of Transportation for signage upgrades between NE 26<sup>th</sup> Terrace and SE 26<sup>th</sup> Terrace.

**Fiscal Note:** N/A

**Recommendation:** The City Commission: 1) grant the land rights to the FDOT for the Temporary Construction and Perpetual Easements as detailed; and 2) authorize the Mayor to execute and the City Clerk to attest the easements to the FDOT, subject to the City Attorney's Office as to form and legality.

**2023-110 Proposal for Additional Professional Design Services for the Eastside/GTEC Site Infrastructure (B)** 

**Department:** Gainesville Community Reinvestment Area

**Description:** To complete roadway extension to the GTEC building, staff is requesting the City Commission authorize a change order to include purchase of an additional parcel. The scope of work would now include Tax Parcel 11339-000-000.

**Fiscal Note:** The existing task assignment of \$200,500.00 will be increased by \$25,000 to a total of \$225,500.00 and will be funded from the GCRA FY 2023 budget.

**Recommendation:** The City Commission approve the proposed \$25,000 increase to GCRA/City's task assignment with CHW for the additional requested work as outlined in Exhibit A. The total cost will be paid from the GCRA's FY 2023 budget.

**2023-112 Resignation of Jaime Bell from Development Review Board and Sherwin Henry from Gainesville Community Reinvestment Area Advisory Board (B)** 

**Department:** Office of the City Clerk

**Fiscal Note:** N/A

**Recommendation:** The City Commission accepts the resignation of Jaime Bell and Sherwin Henry effective immediately.

**2023-96 Request for Approval to Execute a Source Specified Professional Services Agreement for Treasury Consulting Services with Claritus Treasury Solutions (B).**



**Department:** GRU Budget, Finance & Accounting

**Description:** This item is a request for GRU BFA staff to contract with a source-specified vendor for treasury consulting services to ensure continuity of complex operations during software and billing system upgrades.

**Fiscal Note:** The proposed contract would set rates, terms, and conditions with a maximum not to exceed of \$150,000 in fees over three years (expected to average \$50,000 / year). Funding for this effort has been identified in the existing FY2023 and proposed FY2024 budgets.

**Recommendation:** The City Commission authorize the General Manager or his designee to directly execute a professional services agreement with Claritus Treasury Services, subject to approval by the City Attorney as to form and legality.

At their 2/9/23 meeting, the UAB voted unanimously to advise the City Commission to approve the staff recommendation.

**2023-123 Use of Federal Forfeiture Funds for Police Equipment (NB).**



**Department:** Gainesville Police Department

**Description:** GPD is requesting the City Commission approve the use of Federal Forfeiture Funds for the purchase of rifle plates and uniforms.

**Fiscal Note:** The anticipated cost of the rifle plates is \$150,000 and uniforms is \$150,000 (a total of \$300,000), which is available in the Federal Law Enforcement Contraband Forfeiture fund.

**Recommendation:** The City Commission approve the expenditure from the Federal Law Enforcement Contraband Forfeiture Fund for the purchase(s) of rifle plates, uniforms, and associated equipment (belts, etc.).

**2023-149 Diane Wilson v. City of Gainesville; Case No. 1:22-CV-00001-AW-ZCB, filed in United States District Court for the Northern District of Florida, Gainesville Division. (NB).**



**Department:** City Attorney

**Description:** Approval of a settlement of a retaliatory failure to promote under Title VII and the Florida Civil Rights Act claim in the amount of \$95,800, in exchange for a full and complete release of liability.

Ms. Wilson filed a lawsuit in January of 2022 alleging gender discrimination, hostile work environment, retaliatory failure to promote and retaliatory termination under Title VII and the Florida Civil Rights Act. The parties engaged in extensive discovery after which the City filed a motion for summary judgment seeking dismissal of all of Ms. Wilson's claims. The Court granted the City's motion for summary judgment of all claims with the exception of the retaliatory failure to promote.

The parties participated in mediation both before the Court ruled summary judgment and after the Court granted, in part, the City's motion for summary judgment. The first mediation was unsuccessful. The second mediation resulted in the parties agreeing to a settlement amount of \$24,750 in back pay, \$30,250 in emotional distress, and \$40,800 in attorneys' fees, subject to the approval by the City Commission.

**Fiscal Note:** Funds are available from the Financial Services budget for the back wage element and the City's General Insurance Fund for the remainder of the claims.

**Recommendation:** The City Commission 1) authorize the City Attorney to settle the claim of Diane Wilson; and 2) approve the terms of the negotiated settlement agreement including payment of \$95,800 in return for a full and complete release of liability.

**2023-59 Perpetual Easement between NE 26th Terrace and SE 26th Terrace (B)** 

**Department:** Sustainable Development

**Description:** The Florida Department of Transportation is asking the City Commission for a perpetual easement. This would give FDOT permanent access to install and maintain traffic signals and equipment between NE 26<sup>th</sup> Terrace and SE 26<sup>th</sup> Terrace.

**Fiscal Note:** N/A

**Recommendation:** The City Commission authorize the Mayor to sign and the City Clerk to attest the perpetual easement to the Florida Department of Transportation, subject to the approval by the City Attorney as to form and legality.

**2023-60 Perpetual Easement between NW 13th Street and NW 23rd Avenue (B)** 

**Department:** Sustainable Development

**Description:** This agenda item requests the City Commission grant a perpetual easement to the Florida Department of Transportation for signal pole construction at NW 13th Street and NW 23rd Avenue.

**Fiscal Note:** N/A

**Recommendation:** The City Commission: 1) Grant the land rights to the Florida Department of Transportation for the Northwest 13<sup>th</sup> Street/NW 23<sup>rd</sup> Avenue project as detailed, and 2) Authorize the Mayor to sign and the City Clerk to attest the perpetual easement to the Florida Department of Transportation, subject to approval by the City Attorney as to form and legality.

**E. 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.

**F. BUSINESS DISCUSSION ITEMS - MORNING**

**2023-113 Quarterly Housing Update (B)** 

**Department:** Housing & Community Development

**Description:** This item is an update regarding various aspects of several City housing initiatives.

**Fiscal Note:** Funding for these initiatives has been allocated through various sources including Community Development Block Grant, HOME Investment Partnership, State Housing Initiatives Partnership, The American Rescue Plan Act, HOME ARP, and ConnectFree.

**Recommendation:** The City Commission hear a presentation and take action deemed necessary.

**2023-145 Commissioner Eastman - Expanding Homeownership Opportunities and Starter Homes through Lot Dimension Standards (B)**



**Department:** Office of the City Commission

**Description:** The City Commission voted to begin rezoning and begin a new Comprehensive Plan Update on January 5th, 2023. These changes included reinstating single-family zoning, increasing lot sizes, among other related changes. Commissioner Eastman will present on the shortage of starter homes, the impact these lot restrictions have on their creation, and recommendations on how to reinstate single-family zoning while increasing entry-level homeownership.

**Fiscal Note:** N/A

**Recommendation:** Direct City Plan Board return to City Commission with option to maintain lot dimensions based on Residential Conservation zoning, as well as minor lot subdivisions while reinstating single-family zoning.

**G. RESOLUTIONS – MORNING (Roll Call Required)**

(Unless mandated by statute to occur in the evening; may include Advocacy Resolutions and Binding Resolutions)

**12:00-1:00 PM Lunch Break**

**H. CALL TO ORDER – 1:00 PM**

**I. GAINESVILLE HISTORY MOMENT**

Donna Waller

**J. EARLY PUBLIC COMMENT ON AGENDA ITEMS**

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**K. GENERAL PUBLIC COMMENT**

Members of the public may speak for up to three (3) minutes per meeting on any item not on the agenda. General Public Comment may be submitted in advance by pre-recorded voice message only (see page 2 for details). The General Public Comment period shall not exceed 30 minutes total.

**L. BUSINESS DISCUSSION ITEMS - AFTERNOON**

**2023-189 GRU Solar Contract (B)**



**Department:** GRU Sustainability

**Description:** Request for approval to sign a second amendment to the solar contract.



**Fiscal Note:** The energy provided under this contract is not projected to cause upward rate pressure.

**Recommendation:** The City Commission authorize the General Manager or his designee to execute contract Amendment 2 and other agreements as required with FL Solar 6, LLC, in general agreement with the draft amendment dated February 2, 2023, subject to approval by the City Attorney as to form and legality.

**M. RESOLUTIONS - AFTERNOON (Roll Call Required)**

**N. ORDINANCES: ADOPTION READING - AFTERNOON (Roll Call Required)**



**O. ORDINANCES: SECOND READING - AFTERNOON (Roll Call Required)****2022-537 Rezone From Urban Transect Zone U9 to Planned Development (PD) (PB21-00220 ZON) (B)** **Department:** Sustainable Development**Description:** Ordinance No. 2022-537: An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning approximately 1.11 acres of property generally located at the NW corner of the intersection of SW 2nd Avenue and SW 10<sup>th</sup> Street, as more specifically described in this ordinance, from Urban 9 (U9) to Planned Development (PD); providing land development regulations; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.**Fiscal Note:** N/A**Recommendation:** The City Commission adopt the proposed ordinance.**2022-366 Ordinance Specifying the Standards And Duties Of The City Internal Auditor (B)** **Description:** Ordinance No. 2022-366: An ordinance of the City of Gainesville, Florida, amending the Code of Ordinances by revising the duties of the City Internal Auditor; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**Department:** Office of the City Attorney**Description:** Ordinance No. 2022-366: An ordinance of the City of Gainesville, Florida, amending the Code of Ordinances by revising the duties of the City Internal Auditor; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**Fiscal Note:** N/A**Recommendation:** The City Commission adopt the proposed ordinance.**P. ORDINANCES: FIRST READING - AFTERNOON (Roll Call Required)****2023-70 Residential Rental Unit Permit Program (B)**  **Attachments | Public Comments**

1. **2023-70 Agenda Item - Residential Rental Unit Permit Amendm...**
2. **2023-70A Ordinance Final Draft 20230202.pdf**

**Department:** Office of the City Attorney**Description:** Ordinance No. 2023-70: An ordinance of the City of Gainesville, Florida, amending the Residential Rental Unit Permits program by amending Section 2-339 – *Applicable Codes and Ordinances* and by amending Chapter 14.5, Article I titled “Residential Rental Unit Permits”; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.**Fiscal Note:** N/A**Recommendation:** The City Commission adopt the proposed ordinance.**2022-380 Request To Vacate A Right-of-way (LD22-000009 SVA) (B)** 

Department: Description: Fiscal Note: N/A

**Department:** Sustainable Development**Description:** Ordinance No. 2022-380: An ordinance of the City of Gainesville, Florida, to vacate, abandon, and close certain portions of a public right-of-way generally located near 4232 and 4210 NW 6<sup>th</sup> Street, as

more specifically described in this ordinance; providing directions to the City Clerk; providing a severability clause; providing a repealing clause; and providing an effective date.

**Fiscal Note:** N/A

**Recommendation:** City Commission to adopt the proposed ordinance.

**Q. COMMISSION COMMENT**

**4:30 - 5:30 PM Dinner Break**

**R. CALL TO ORDER - 5:30 PM**

**S. PLEDGE OF ALLEGIANCE**

Scout Troop 125

**T. PROCLAMATIONS & SPECIAL RECOGNITIONS**

**2023-142 Jessie Bobby Heard Day (B)** 

**Department:** Office of the City Clerk

**Fiscal Note:** N/A

**Recommendation:** Coach Jessie Bobby Heard to receive the proclamation.

**U. EARLY PUBLIC COMMENT ON AGENDA ITEMS**

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**V. RESOLUTIONS - ROLL CALL REQUIRED**

(Required by state law to be heard at 5:00 pm or later)

**2023-72 Resolution for a Public Transportation Grant Agreement – Public Transit Block Grant Program for RTS Operating Assistance for FY 2022-2023 (B)** 

**Department:** Transportation

**Description:** This item is a request to adopt a Resolution authorizing the City Manager, or her designee, 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 \$2,442,035 from the Public Transit Block Grant Program for FY 2022-2023 Operating Assistance.

**Fiscal Note:** The Public Transportation Grant agreement requires the City of Gainesville to match the funding. Funds in the amount of \$2,442,035 for this match are available in the FY 2023 RTS operating budget

**Recommendation:** The City Commission adopt the Resolution.

**2023-106 Acceptance of Federal Aviation Administration Grant NO. 3-12-0028-053-2023 In the Amount of \$1,677,250 from the US Department of Transportation, Federal Aviation Administration (B)** 

**Department:** Sustainable Development

**Description:** This item involves the City Commission accepting a U.S. Department of Transportation FAA grant for improvements associated with construction of an intermodal ground transportation facility. It will have a lighted bus canopy, an area for taxis and car service drivers to pull in line, a waiting area, covered pedestrian sidewalks and accessible restrooms for airline passengers transferring to ground transportation.

**Fiscal Note:** The funds are received directly by GACRAA so there is no fiscal impact to the City of Gainesville.

**Recommendation:** The City Commission adopt the resolution and authorize the Mayor and City Attorney to execute and the City Clerk to certify said Grant Agreement.

**W. BUSINESS DISCUSSION ITEMS - EVENING**

**X. PUBLIC HEARINGS (Including Planning Petitions)**

**Y. ORDINANCES: ADOPTION READING - EVENING (Roll Call Required)**

**Z. ORDINANCES: SECOND READING - EVENING (Roll Call Required)**

**AA. ORDINANCES: FIRST READING - EVENING (Roll Call Required)**

**2023-105 Consolidated Police Officers and Firefighters Retirement Plan (B)** 

**Department:** Office of the City Attorney

**Description:** Ordinance No. 2023-105 An ordinance of the City of Gainesville, Florida, amending the Definition of eligible member in Section 2-596; Retirement dates and benefits in Section 2-600(k) and (n); Section 2-609(2)c of Chapter 2, Article VII, Division 8 (Consolidated Police Officers and Firefighters Retirement Plan) of the Code of Ordinances of the City of Gainesville; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

**Fiscal Note:** No fiscal impact, changes are cost neutral to the plan in both contribution levels and do not change the liabilities associated with providing the retirement benefit.

**Recommendation:** The City Commission adopt the proposed ordinance.


**2022-680 LD22-142 Sidewalk Text Amendment (B)** 

**Department:** Sustainable Development

**Description:** Ordinance No: 2022-680: An ordinance of the City of Gainesville, Florida, amending the Land Development Code (Chapter 30 of the City of Gainesville Code of Ordinances) relating to sidewalk regulations by amending Section 30-6.18 – *Sidewalks and Shared-Use Bicycle Paths*; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

**Fiscal Note:** N/A

**Recommendation:** The City Commission adopt the proposed ordinance.

**2022-703 Quasi-Judicial Rezoning LD22-84 ZON Located at 4100 North West 16th Boulevard (B)** 

**Department:** Sustainable Development

**Description:** Ordinance No: 2022-703: An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning approximately 0.95 acres of property generally located in the vicinity of 4100 NW 16<sup>th</sup> Boulevard, as more specifically described in this ordinance, from Planned Development (PD) to Mixed-Use Medium-Intensity (MU-2); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

**Fiscal Note:** N/A

**Recommendation:** The City Commission adopt the proposed ordinance.

**2022-704 LD22-129 TCH Certified Mail Requirement (B)** 



**Department:** Sustainable Development

**Description:** Ordinance No. 2022-704: An ordinance of the City of Gainesville, Florida, amending the Land Development Code (Chapter 30 of the City of Gainesville Code of Ordinances) relating to public notice requirements by amending Sections 30-3.7 – *Public Participation* and 30-3.8 – *Public Notice*; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

**Fiscal Note:** N/A

**Recommendation:** The City Commission adopt the proposed ordinance. The City Plan Board recommends approval of the proposed ordinance.

**AB. COMMISSION COMMENT**

**AC. ADJOURNMENT - 10:00 PM OR EARLIER**

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.