

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Meeting Agenda - Final

June 16, 2022

10:00 AM

City Hall Auditorium

City Commission

Mayor Lauren Poe (At Large)
Mayor-Commissioner Pro-Tem Reina Saco (At Large, Seat A)
Commissioner Cynthia Moore Chestnut (At Large, Seat B)
Commissioner Desmon Duncan-Walker (District 1)
Commissioner Harvey Ward (District 2)
Commissioner 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 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 to Spanish relay, please call 1-877-955-8773. For STS Spanish to English relay, please call 1-844-463-9710.

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.

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.

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****CA ADOPTION OF AGENDA (Includes both Consent and Regular Agenda Items. Consent Agenda Items that will not be discussed, may include Advocacy Resolutions)****CONSENT AGENDA ITEMS****CA-1 [211315.](#) Approval of Minutes from the June 2, 2022 City Commission Meeting (B)**

RECOMMENDATION *The City Commission approve the minutes from June 2, 2022.*

[211315 June 2, 2022 Minutes 20220616.pdf](#)

CA-2 [211280.](#) Watershed Planning Initiative Grant for the Hogtown Creek Watershed Master Plan (B)

Explanation: This item is a request for the City Commission to approve the submission and acceptance of a grant, if awarded, by the Florida Department of Emergency Management - under the Watershed Planning Initiative.

The Florida Department of Emergency Management has announced a competitive grant program to provide funding assistance to Florida communities that are interested in developing Watershed Master Plans. The purpose of the grant program is to improve local government Community Rating System scores. The Community Rating System score establishes the Flood Insurance discount rate available to property owners within the jurisdiction. An adopted Watershed Master Plan for Hogtown Creek will strengthen Gainesville's Community Rating System score.

The Hogtown Creek Watershed Master Plan will include flood modeling and evaluations of the response to design storms under current and

predicted future flood conditions and an assessment of the influence of climate change. The Master Plan will include a description of vulnerable areas and a list of potential solutions.

Strategic Connection

Goal 2: Sustainable Community - a normal priority item.

Fiscal Note: The grant request for the Hogtown Creek Watershed Master Plan is \$250,000. A 25% local match of \$62,500 is required. The source of funding is the Stormwater Management Utility Surcharge fund.

RECOMMENDATION

The City Commission authorize the City Manager, or designee, to apply for a Watershed Planning Initiate Grant with the Florida Department of Emergency Management for Hogtown Creek and execute a grant agreement and related documents, if awarded, subject to approval by the City Attorney as to form and legality.

[211280A Hogtown Creek Watershed Map 20220616](#)

CA-3 [211277.](#)

United States Department of Energy (DOE), Bioenergy Technologies Office (BETO) FY22 Feedstock and Conversion Funding Opportunity Grant Application (NB)

Explanation: This item is a request approval by the City Commission to execute and enter into a grant agreement if awarded, and any other necessary documents with the United States Department of Energy (DOE), Bioenergy Technologies Office (BETO).

Under this grant, Governmental entities may submit Feasibility Study Proposals to identify technologies that would be applicable to their communities.

The City's Solid Waste Department as part of the Zero Waste Initiative, intends to conduct an Environmental Feasibility Study for the establishment of a Food Waste Anaerobic Digester.

The anticipated cost of the study is \$625,000.00. The City of Gainesville would be eligible for up to 80% (\$500,000.00) in grant funding; the 20% (\$125,000.00) required match is available in the Solid Waste Undesignated Fund Balance.

Strategic Connection

Goal 2: Sustainable Community- a high priority

Goal 4: Local Resilient Community-a normal priority

Fiscal Note: The grant is funded at 80% (\$500,000.00); the anticipated grant match of

20% (\$125,000.00) is available in the Solid Waste Undesignated Fund Balance.

RECOMMENDATION

The City Commission authorize the City Manager or designee to execute and enter into a grant agreement if awarded, and any other necessary documents with DOE, BETO pertaining to this grant, subject to approval by the City Attorney or designee as to form and legality.

CA-4 [211326.](#)

Appointments to City Commission Advisory Boards and Committees (B)

RECOMMENDATION

The City Commission appoint:

Cameron Bacchus to the City Beautification Board for a partial term ending 11/1/2023.

Keiaria Williams to the Gainesville Art In Public Places Trust for a full term ending 9/30/2024.

William Burger to the Public Recreation and Parks Board for a full term 6/1/2025

[211326_CBB Applications_20220616](#)

[211326_GAPPT Applications_20220616](#)

[211326_PRPB Applications_20220616](#)

[Advisory Board and Commission Ballot form](#)

CA-5 [211327.](#)

Resignations of Cristina Espinosa from the Gainesville Human Rights Board, Jessica Wilson from the Nature Centers Commission and Keyon Young from the Police Advisory Council (B)

RECOMMENDATION

The City Commission accepts the resignation of Cristina Espinosa, Jessica Wilson and Keyon Young, effective immediately.

[211327_GHRB Resignation_20220616](#)

[211327_NCC Resignation_20220616](#)

[211327_PAC Resignation_20220616](#)

CA-6 [211322.](#)

Florida Highway Safety and Motor Vehicles Data Exchange Compliance Audit (B)

Explanation: The objective of this engagement was to assess the design and operating effectiveness of controls related to the Florida Highway Safety and Motor Vehicles data exchange processes from February 6, 2020 through April 30, 2022.

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

[211322_FLHSMV Data Exchange Compliance Audit Report - Public_20220615](#)

CA-7 [211323.](#) **Internal Control Follow Up - Gainesville Regional Utilities (GRU) Deerhaven Generating Station Theft (B)**

Explanation: The objective of this memo is to communicate Internal Audit's internal control follow up on the management of non-inventoried equipment at the Deerhaven Generating Station following a 2021 theft event.

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

[211323 Memo Internal Control Follow Up Deerhaven 5.31.22 final 20220615](#)

CA-8 [211324.](#) **Gainesville Community Reinvestment Area Project and Fiscal Management Audit (B)**

Explanation: The objective of this engagement was to review the policies, procedures, and internal controls around Gainesville Community Reinvestment Area (GCRA) project and fiscal management processes. This audit was included in the 2021-22 Audit Plan.

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

[211324_GCRA Project and Fiscal Management Audit Report_20220615](#)

CA-9 [211325.](#) **City Auditor Quarterly Update (B)**

Explanation: The City Auditor Quarterly Update provides more transparency into activities conducted by the Office of the City Auditor. The update includes status of our work in progress, audit issue follow up, and other activities.

RECOMMENDATION *The Audit Committee recommends the City Commission accept the City Auditor's quarterly report.*

[211325_City Auditor Quarterly Update_20220615](#)

CA-10 [211335](#).**Richantae A. Johnson v. City of Gainesville, Florida; Case No. 2021-CA-0102; Eighth Judicial Circuit, in and for Alachua County, Florida. (NB)**

Explanation: On July 1, 2019, at 3:04 p.m., Plaintiff Richantae Johnson, a UF law student, was traveling in a line of cars heading south on N. Main Street. Officer S. Jones of the Gainesville Police Department was driving behind Plaintiff. Traffic was bumper-to-bumper, proceeding slowly when Plaintiff suddenly came to an abrupt halt. Officer Jones was unable to stop his vehicle in time to avoid a collision. Officer Jones observed Plaintiff looking down, possibly at a cell phone, and distracted. However, Ms. Johnson's cell phone records indicate that she was not on a call at the time of the accident.

Although damage to Plaintiff's vehicle was modest, Plaintiff claimed injuries to her back, neck, shoulders, hips and knees. Medical examination found evidence of disc bulges in the lumbar back and a tear of the posterior horn of the medial meniscus of Plaintiff's right knee. Plaintiff denied any preexisting injuries to the lower back or knee. Plaintiff underwent a surgical repair of the torn meniscus, and treatment for her back consisting of steroid injections and several months of physical therapy. She contends that her injuries are permanent and debilitating. Her medical bills and out of pocket expenses exceed \$50,000. Were the case to proceed to trial, Plaintiff would seek to introduce testimony from her treating physician asserting that the injuries to her knee and back were caused by the accident. Plaintiff would seek to recover for pain and suffering and lost wages from her employment as a Title IX sex discrimination claims investigator for Kent State University.

The City Attorney's Office and Risk Management Department conducted a thorough evaluation and investigation of this lawsuit, in addition to an Internal Affairs investigation conducted by GPD. In Florida, there is a presumption of negligence against a driver who rear-ends another driver. The presumption can only be overcome with overwhelming evidence placing blame on the lead-vehicle driver. In light of these challenges, the City's defense has focused on issues of damages and causation. However, given Plaintiff's young age, and lack of medical history, proving that injuries to the back and knee were preexisting and not caused by this accident would be a further challenge. Per the application of Florida's limited waiver of sovereign immunity contained in section 768.28, Florida Statutes, the City's liability and authority to settle claims such as this is limited to \$200,000 per person and \$300,000 per incident. After court-ordered mediation, a negotiated settlement was achieved, wherein representatives for the City agreed to recommend a settlement in the amount of \$148,500, subject to the approval of the City Commission of the City of Gainesville, and in exchange Ms. Johnson 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 Impact: Funds are available in the City's General Insurance Fund.

RECOMMENDATION

The City Commission 1) approve the terms of the negotiated settlement agreement; and 2) authorize the City Attorney to settle the claim of Richantae A. Johnson, arising from an accident that occurred on or about July 1, 2019.

CA-11 [211318.](#)

Contract for Purchase and Sale of Real Property - SiVance, LLC (B)

This item seeks City Commission approval of a Contract for Purchase and Sale of Real Property adjacent to the SiVance, LLC existing facility and proximate to the City of Gainesville's Airport Industrial Park.

Explanation: In June, 2021, staff was made aware that SiVance, LLC had expressed an interest regarding the proposed acquisition of property immediately adjacent to the company's existing facility located at 4044 NE 54th Avenue and adjacent to the City's Airport Industrial Park.

The proposed acquisition of the subject property, an approximate 6.71 acre portion of Tax Parcel #08161-000-000 currently on Airport lands, would be to facilitate the development of a warehouse and associated infrastructure.

Concurrently, Gainesville Regional Airport, Gainesville Area Chamber of Commerce, and City staff met with SiVance, LLC representatives to review the proposed project and the mechanics of moving forward on the proposed acquisition of property.

The Gainesville Alachua County Regional Airport Authority (GACRAA) reviewed and gave consent to the matter in September and December, 2021 and March, 2022 due to the fact that FAA approval is required to sell the property as it is currently considered federally encumbered for airport purposes and therefore various FAA requirements would need to be satisfied in order to sell the property.

The City Commission approved the surplus of the subject property per City Commission real estate policies at its June 2, 2022 meeting.

Proposed terms of the Contract are as follows:

Purchase price of \$215,000 (per appraisal) for 6.71 acre to Gainesville Regional Airport

\$10,000 initial deposit

Acceptable Title/Survey by Buyer

City/Airport approval of proposed site plan and building permits

GRU easements to be determined prior to closing

Buyer required to enter into Avigation Easement and receive FAA approval

150 day inspection period (with up to two 30 day extensions)

Closing to occur 30 days following the inspection period

The subject property will need to be processed through the City's land regulatory process as a special use permit (SUP) and that is being reviewed concurrently with the consideration of this contract and is tentatively scheduled to be reviewed by the City Plan Board at its June meeting.

In terms of background, the Airport Industrial Park and development of Airport lands represents an economic development partnership between the City of Gainesville and the Gainesville Regional Airport.

Due to existing FAA restrictions on the property the proceeds of the sale go to the Airport with the City benefiting from proceeds derived from increases in ad valorem revenue over time associated with development of the property and the related creation of jobs.

In this case the economic development impacts would derive from an approximate \$75 million capital investment over 5 years and the creation of 40+ new jobs with competitive wages/benefits.

Strategic Connection

Airport Leveraging...Outcomes, Options, Direction and City Actions.

Fiscal Note: The purchase price offered for a portion of Parcel ID # 08161-000-000 is \$215,000 or \$32,042 per acre which is generally in line with the industrial market for property in this area based upon a recent appraisal by Emerson Appraisal in November, 2021. These proceeds of the sale would go to the Gainesville Regional Airport.

RECOMMENDATION

The City Commission direct: 1) the City Manager to execute the Contract for Purchase and Sale of Real Property regarding a portion of Parcel ID #08161-000-000 and all related documents subject to approval of form by the City Attorney.

[211318 Emerson Appraisal Revision Sivance based on 6.71 acres 2021-109](#)

[211318 SiVance AIP Sale Contract 20220616](#)

[211318 Legal Description 20220616](#)

EARLY PUBLIC COMMENT - 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 [211296.](#) Street Shows Pilot Program Update (B)

Staff presentation regarding the city-sponsored street performer pilot program to be launched this summer.

Explanation: The Commission tasked PRCA staff with launching a pilot program that will pay artists to perform sidewalk shows, also known as "busking," for passersby in downtown Gainesville. Staff will give an update on the program including structure, guidelines, timeline, budget, and progress.

Fiscal Note: \$25,000 has been budgeted for this pilot program.

RECOMMENDATION City Commission 1) hear a presentation on the Street Shows pilot program and 2) provide feedback.

[211296A_20220609.pdf](#)

BD-2 [210890.](#) Historic Home Stabilization Assistance Program (B)

Explanation: The proposed GCRA Historic Home Stabilization Program offers rehabilitation assistance to property owners of historic homes in the Fifth Avenue, Porters Quarters, Pleasant Street, and Springhill neighborhoods. The goal and objective of the Program are to reinvest in neighborhood culture by maintaining historic architectural uniqueness.

The City of Gainesville Comprehensive Plan Historic Preservation Element identified the proposed Program neighborhoods as having their historic character most negatively affected by neglect and demolition of historic buildings. The proposed Program would also help preserve the remaining historic housing stock in these neighborhoods.

The GCRA 10 Year Reinvestment Plan authorizes the GCRA to provide incentives to improve residential neighborhoods. The primary objective of the Plan's Attainable Housing Goal is to maintain the population and culture of neighborhoods. Over a series of community engagement

meetings, many participants said they wanted historic preservation strategies. The proposed Program is part of this strategy to preserve culture by preserving history.

The forthcoming Historic Home Stabilization Program's proposed guidelines were presented first to the GCRA Advisory Board on July 20, 2021 (Legistar #201144) and returned to the board on October 19, 2021 (Legistar #210322). The Advisory Board approved the Program on January 18, 2022 (Legistar #210581). Most recently, the Program was introduced to the City Commission during the GCRA Update agenda item at the General Policy Committee (GPC) meeting on April 28, 2022 (Legistar #211113).

There are existing local programs that offer assistance to rehabilitate Gainesville homes, including the City of Gainesville's Housing and Community Development Department programs. However, there is a need for a local program that focuses on preventing "demolition by neglect" of historic structures that assist middle-income earners in addition to low-income earners.

The proposed Program complements existing programs and addresses the needs outlined above. It provides labor and material for exterior work, resulting in repair, improvement, reconstruction, maintenance, or stabilization. The Recipient must enter into a 10-year, 0% interest due-on-sale forgivable mortgage for the total amount of the repair assistance awarded to the homeowner. Acceptance into the Program is competitive, and the Program awards priority to projects that correct health and safety violations.

The property must be a structure contributing to a historic district or registered as a historic structure on the Gainesville Local Register of Historic places. If the building is not registered, GCRA staff will assist the homeowner in applying for this designation as part of the application process. Applicants must have a household annual gross income that does not exceed the Area Median Family Income by household size. Complete eligibility requirements are in the Program Guidelines and Application document included as Attachment B to this agenda item.

Fiscal Note: The Historic Home Stabilization Program has allocated an FY22 budget not to exceed \$76,868.00 budgeted for its pilot year in the GCRA Fund 1132 "Residential Improvement Programs" account. For FY23, \$76,868.00 has been budgeted and will be available on October 1, 2022. GCRA Staff will return to the Advisory Board and Commission before the first anniversary with a report on the Program's effectiveness and recommendations for future budgeting.

RECOMMENDATION

Interim City Manager to City Commission: Approve the Historic Home Stabilization Program as presented, once approved by the City Attorney, as to form and legality.

[210890 A Historic Home Stabilization Presentation 2022.06.16.pdf](#)

[210890 B Historic Home Stabilization Program Draft Guidelines & Application](#)

BD-3 [210851](#) **Charter Amendment Addressing Vacancies in Office (B)**

AGENDA UPDATE - ADDED ITEM

Explanation: Per City Charter 2.04(4):

(4) Vacancies in office shall be filled in one of the following ways:

(a) If less than 6 months remain in the unexpired term or until the next regular election, the commission by a majority vote of the remaining members shall choose and appoint a successor, who is otherwise eligible under section 2.03 of this act, to serve until a newly elected commissioner is qualified.

(b) If more than 6 months remain in the unexpired term and a general election is not scheduled within 6 months, the commission shall fill the vacancy by a special election to be held not more than 60 days after the occurrence of the vacancy. [emphasis added]

In the time since this Charter provision was enacted, requirements and procedures regarding elections have expanded such that it is extremely difficult, and impossible in some instances, to call and conduct an election within 60 days. The recent city special election held to fill a vacancy resulted from a voluntary resignation for which the resigning commissioner provided 30 days' notice, thus expanding the time to hold the special election. Even still, the City benefitted greatly from a fortuitous calendar and the extraordinary commitment and sacrifice by the Alachua County Supervisor of Elections and her staff. If an unexpected vacancy in office were to result from a sudden death, incapacity, or removal from office the city would be hard-pressed to meet the 60-day deadline set forth in the Charter.

At the February 10, 2022 General Policy Committee meeting, the Office of the City Attorney proposed placing a charter amendment on the ballot for the November 8, 2022 election to avoid logistically difficult and costly special elections when a commission seat is vacated prior to the end of the term of office. The proposed charter amendment would have allowed the remaining members of the city commission to appoint a person to fill a vacancy until the next possible (given qualifying deadline) biennial city election. The city commission did not support the proposed amendment, but, rather, directed that the issue be scheduled for further discussion. At the June 2, 2022 City Commission meeting, the city attorney's office was directed to prepare a proposed charter amendment providing that a special election be "called" rather than "held" within 60 days and conducted expeditiously based on conditions including the existing elections calendar. Of course, any changes to the Charter would be

subject to voter referendum.

If the Commission reaches consensus on a desired Charter Amendment, the Charter and state law require that the ballot title, ballot question, and text of the charter amendment be embodied in an enabling ordinance that must be approved by four-fifths of the Commission members, which is 6 of 7 Commission members. Additionally, the timing of a referendum would need to be coordinated with the Alachua County Supervisor of Elections.

RECOMMENDATION *The City Commission take action as deemed necessary.*

Legislative History

2/10/22	General Policy Committee	Approved, as shown above
6/2/22	City Commission	Approved, as shown above

[210851_Charter Amendment Ordinance Draft_20220203](#)

[210851_Charter Amendment Ordinance Draft_20220616.pdf](#)

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

RE-1 [210042.](#) Amended Resolution In Support of the City of Gainesville Being Certified a BEE CITY USA (B)

Explanation: On November 4, 2021 the City Commission adopted a resolution to support the City of Gainesville being certified as a Bee City USA by the Bee City USA organization. Upon review of the ordinance and in discussion with Bee City USA liaisons, staff determined that a critical component of the required resolution template provided by Bee City USA was not included in the resolution signed by the Mayor in November 2021. Thus staff have amended the resolution to meet the requirements of Bee City USA, and in doing so have created a partnership with the Florida Wildflower Foundation to serve as the agency with authority over the Gainesville Bee City committee. An non-binding MOU has been created between the Florida Wildflower Foundation and the City to acknowledge and approve of this partnership. The MOU and amended resolution outline the roles and responsibilities that the City and the Florida Wildflower Foundation will hold as related to this item.

Strategic Connection

Goal 2 - Sustainable Community

Fiscal Note: None

RECOMMENDATION *The City Commission adopt the amended version*

of the resolution.

Legislative History

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

11/4/21 City Commission Adopted (Resolution)

[210042 Resolution Final 20211104](#)

[210042_Bee City MOU btw City and Florida Wildflower Foundation_20220616.r](#)

[210042_Bee City Resolution Amended_20220616.pdf](#)

RE-2 [211269.](#)

Resolution for Interlocal Agreement between Florida Department of Transportation and the City of Gainesville for the National Pollutant Discharge Elimination System (NPDES) Program (B)

Explanation: This item is a request for the City Commission to approve a Resolution to authorize the City Manager to execute an Interlocal Agreement between the Florida Department of Transportation (FDOT) and the City of Gainesville (City) for the Allocation and Implementation of National Pollutant Discharge Elimination System (NPDES) Program Requirements.

The Clean Water Act requires the City, Alachua County (County) and FDOT to maintain NPDES Phase II Municipal Separate Stormwater Systems (MS4) permits for the Gainesville Urbanized Area. In 2001, the City, the County and FDOT established the Gainesville Clean Water Partnership. The purpose of the partnership is to jointly and cost effectively implement permit responsibilities within the Gainesville Urbanized Area including programs that serve to educate and involve the public, business community and municipal staff in preventing water pollution. The City functions as the lead agency to deliver programming and projects; the County and FDOT provide funding to the City for their fair share for programming and projects.

The City seeks to establish an agreement with FDOT to continue the Gainesville Clean Water Partnership for FY23.

Strategic Connection

Goal 2: Sustainable Community - a normal priority item.

Fiscal Note: Over the one-year term of the agreement for FY23, FDOT will provide up to \$105,000 to the City of Gainesville for allocation and implementation of Clean Water Partnership NPDES programs. FDOT may be providing additional funds for water quality projects at a later date.

RECOMMENDATION

The City Commission adopt the Resolution which authorizes the City Manager or designee to execute the agreements, agreement amendments or any other necessary documents, up to \$300,000

annually, with the Florida Department of Transportation for the National Pollutant Discharge Elimination System program, subject to approval by the City Attorney as to form and legality.

[211269A_Draft Resolution - NPDES 2023_20220616](#)

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 - 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.

BD BUSINESS DISCUSSION ITEMS

BD-4 [210267](#) Discussion on Broadband Initiative (B)

Explanation: At the City Commission Meeting of March 3, 2022, the City Commission passed the following motion:

Request that the consultants work with city staff on a business plan for the priority one area as a pilot project, with a future option to expand citywide; to use a maximum of \$9.6 million in ARPA funds and not to add new debt; to include wireless deployment in the plan; and for Magellan Consultants to work with GRU on the business plan. GRU schedule follow-up item combining broadband with GRU Committee report item.

Since the March meeting, City Staff has reviewed the models used by Magellan advisors.

Fiscal Note: \$9.6 million of ARPA funds the pilot. If financial projections are not met, shortfalls must be paid. There are no additional funds available to pay for potential shortfalls. Potential additional legal expenses are unknown.

Strategic Connection:

Goal 1: Equitable Community and Goal 5: Best in Class Neighbor Services

RECOMMENDATION

City staff recommend that the City Commission hear from Magellan Advisors about the Broadband Business Model requested via the motion and from City Staff on the remaining implications for the financial, legal and risk mitigation perspectives.

Legislative History

8/9/21	Digital Access Committee	Discussed
1/10/22	Digital Access Committee	Discussed
1/27/22	General Policy Committee	Discussed
3/3/22	City Commission	Approved, as shown above

[2102671_Magellan Presentation - City of Gainesville FL June 2022_20220616](#)

RE RESOLUTIONS**OR ORDINANCES****SECOND READINGS**

SR-1 [210356.](#)

Ordinance Revising Code Sections Relating to Boards and Committees (B)

Ordinance No. 210356

An ordinance of the City of Gainesville, Florida; revising Article V of Chapter 2 of the City Code of Ordinances relating to boards and committees; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: At the City Commission meeting on September 2, 2021, the City Clerk presented a proposed update of code sections regarding City boards and committees. The City Commission directed the Clerk to work with the City Attorney to prepare an ordinance.

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

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

9/2/21	City Commission	Approved, as shown above
10/28/21	General Policy Committee	Approved, as shown above
2/3/22	City Commission	Approved, as shown above

5/5/22 City Commission Continued
 6/2/22 City Commission Adopted on First Reading (Ordinance)

[210356 draft ordinance 20220505](#)

[210356A draft ordinance 20220519.pdf](#)

SR-2 [210562.](#)

Revising City Charter and City Code Sections by changing "Clerk of the Commission" to "City Clerk" (B)

ORDINANCE NO. 210562

An ordinance of the City of Gainesville, Florida, revising city charter and city code sections to conform to the charter amendment approved by voters on November 3, 2020 changing "clerk of the commission" to "city clerk"; updating or deleting obsolete provisions; correcting scrivener's errors; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: By adoption of Ordinance No. 191051, the City Commission directed that a proposed charter amendment to change the name of the charter officer "clerk of the commission" to "city clerk" be submitted to the electors for approval or disapproval at the November 2020 election.

The City Commission then adopted Resolution No. 200500 which adopted the report of the Alachua County Board of Canvassers for the City of Gainesville election held on November 3, 2020, which report shows that the City Charter Amendment to change the name of the charter officer "clerk of the commission" to "city clerk" passed.

In order to implement the Charter Amendment, certain sections of the Charter referencing "clerk of the commission" must be changed to "city clerk". In order to conform the Code of Ordinances to the Charter, certain sections of the Code referencing "clerk of the commission" must be changed to "city clerk". In addition, during the preparation of this ordinance, the City Attorney's Office also made other revisions in the sections of this ordinance to correct scrivener's errors and delete/revise obsolete provisions, including making language gender neutral. The references to "clerk of the commission" of the Land Development Code will be changed by separate ordinance.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

6/2/22 City Commission Adopted on First Reading (Ordinance)

[210562 draft ordinance 20220519](#)

SR-3 [211052.](#) **Text Change - Name Change of Clerk of the Commission to City Clerk (B)**

Ordinance No. 211052

An ordinance of the City of Gainesville, Florida, amending Sections 30-3.3, 30-3.4, 30-3.37, 30-3.39, and 30-10.8 of the Land Development Code (Chapter 30 of the City of Gainesville Code of Ordinances) to change any references of "clerk of the commission" to "city clerk"; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: Planning and Development Services Department Staff Report

This ordinance comprehensively amends the Land Development Code (Chapter 30 of the City of Gainesville Code of Ordinances) by implementing the proposed charter amendment to re-title the position, "Clerk of the Commission" to "City Clerk".

The City Plan Board, which acts pursuant to the authority granted in Section 4.02 of the Charter Laws of the City of Gainesville and which acts as the Local Planning Agency pursuant to Section 163.3174, Florida Statutes, held a public hearing and on March 31, 2022, voted to recommend that the City Commission approve this amendment to the text of the Land Development Code.

City Attorney Memorandum

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

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

6/2/22 City Commission Adopted on First Reading (Ordinance)

[211052_StaffReport_CPB_LD22_000013_20220331](#)

[211052A_draft ordinance_20220519.pdf](#)

[211052B_CITY COMMISSION STAFF REPORT LD22-000013_20220519](#)

[211052C_Application_Clerk-Text_Change_3-31-2022_LD22-000013_20220519](#)

[211052D_DRAFT March 31 2022 Minutes LD22-000013 Text Change 202](#)

[211052E_Petition Ordinance checklist 3 31 2022 LD22-000013 Text Chang](#)

[211052F_StaffPPT TCH LD22-000013_20220519](#)

FIRST READINGS

FR-1

[210836](#)**Vacation of Public Right-of-Way - 20ft Wide ROW Overlaying Three Tax Parcels Located in the 200 Block of NW 1st Avenue (B)**

Ordinance No. 210836

An ordinance of the City of Gainesville, Florida, to vacate, abandon, and close certain portions of a public right-of-way located in the 200 block of NW 1st Avenue, 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.

Explanation: STAFF REPORT

This ordinance was privately initiated and requests to vacate to vacate the 20ft wide right-of-way (ROW) that overlays three tax parcels (14260-000-000, 14261-000-000, and 14242-000-000) located in the 200 block of NW 1st Avenue. The ROW is paved with asphalt and aligns with what has historically been used as a drive-aisle for off-street parking. All property owners for the abutting properties have signed the application requesting the ROW vacation. The ROW to be vacated is approximately 0.09 acres in total, with the total length of the proposed ROW vacation being approximately 170 ft.

Per Section 30-3.41 of the Land Development Code, the City Commission may vacate a public right-of-way only upon its finding that the criteria in both 1 and 2 as provided below have been met:

- 1. The public right-of-way no longer serves a public purpose and the vacation of the public right-of-way is in the public interest, which shall be based on a consideration of the following:*
 - a. Whether the public benefits from the use of the subject right-of-way as part of the city street system;*
 - b. Whether the proposed action is consistent with the Comprehensive Plan;*
 - c. Whether the proposed vacation is consistent with the minimum block size requirements and other applicable street connectivity standards;*
 - d. Whether the proposed action would deny access to private property;*
 - e. The effect of the proposed action upon public safety;*
 - f. The effect of the proposed action upon the safety of pedestrians and vehicular traffic;*
 - g. The effect of the proposed action upon the provision of municipal services including, but not limited to, emergency service and waste removal;*
 - h. The necessity to relocate utilities both public and private; and*
 - i. The effect of the proposed action on the design and character of the area.*

- 2. If the public right-of-way is a street, the city shall not vacate the right-of-way except if the following additional criteria are met:*
 - a. The loss of the street will not foreclose reasonably foreseeable future*

- bicycle/pedestrian use;
- b. The loss of the street will not foreclose non-motorized access to adjacent land uses or transit stops;
- c. The loss of the street is necessary for the construction of a high density, mixed-use project containing both residential and non-residential uses or creating close proximity of residential and non-residential uses; and
- d. There is no reasonably foreseeable need for any type of transportation corridor for the area.

This ordinance requires two readings and will become effective immediately upon adoption.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

[210836_PB-21-00154_SVA_McGurn_ROW_Vacation_Staff_Report_20220127_210836A_draft_ordinance_20220616.pdf](#)

COMMISSION COMMENT

4:30 - 5:30pm DINNER BREAK

5:30pm - CALL TO ORDER - Evening Session

PLEDGE OF ALLEGIANCE

PR PROCLAMATIONS/SPECIAL RECOGNITIONS (PR)

PR-1 [211158.](#) **Say Gay Pride Day - 2022 (B)**

RECOMMENDATION *Pheonix Propes to accept the proclamation.*

[211158_Say_Gay_Pride_Day_20220505](#)

PR-2 [211043.](#) **Everyone Loves One Another -2022 (B)**

RECOMMENDATION *Eric Lopez to accept the proclamation.*

[211043_Everyone_Loves_One_Another_20220614](#)

EARLY PUBLIC COMMENT - 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 after 5:00 pm)

BD BUSINESS DISCUSSION ITEMS

BD-4 [211295.](#) GRU Quarterly Update for the Third Quarter of FY2022 (B)

Explanation: In an effort to keep the City Commission and the public informed about GRU's operations, GRU staff will provide quarterly updates on major projects, accomplishments, initiatives, outreach, etc., that may not come before the Commission during regular meetings. The first update will include information regarding the status of the AMI/CIS initiative, an overview of the Deerhaven Renewable biomass facility, and an update on the progress of the Main Street Water Reclamation Facility upgrade.

Fiscal Note: None.

RECOMMENDATION Hear an informational presentation from staff.

[211295 Quarterly Report FY22 June 20220609](#)

BD-5 [211268.](#) Administrative Session (B)

Explanation: In order to maximize the effectiveness and efficiency of the General Policy Committee, the Committee will plan its work by quarter. At this meeting, the Committee will decide which items will be heard during the fourth quarter of FY22 and will schedule them accordingly. General Policy Meetings for Q4 are scheduled for July 14th, July 28th, August 11th, September 8th, and September 22nd.

RECOMMENDATION The General Policy Committee set their agendas for the 4th quarter of FY22.

[211268 GPC Administrative Session 20220609](#)

[211268 FY22 Calendar and Recess Dates copy 20220609](#)

[211268 GPC Q4 Schedule Requests 20220609](#)

[211268 Swim Lanes 20220609](#)

PH PUBLIC HEARINGS (Including Planning Petitions)

ORDINANCES - ROLL CALL REQUIRED (required by state law to be heard at 5:00 pm)

SR SECOND READINGS

FR FIRST READINGS

CC 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