

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Meeting Agenda - Final

April 21, 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.
- **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****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 [211094.](#) GRU Operational Update for the Month of March 2022 (B)**

Explanation: Staff has prepared a report of statistical and other data for GRU's operations in the month of March 2022.

Fiscal Note: None.

RECOMMENDATION Receive report.

[211094 GRU March2022 Ops Update 20220414](#)

CA-2 [211061.](#) Award of a Bid to AKEA Incorporated in the Amount not to Exceed \$413,700.00 (B)

Explanation: This item is a request for the City Commission to approve the award and execute the contract to AKEA Incorporated to renovate the GRACE Marketplace Laundry Room in the amount of \$413,700.00.

On February 15, 2022, General Government Purchasing posted an Invitation to Bid on Demand Star. Of the 600 prospective bidders notified, four signed in at the pre-bid conference on March 01, 2022, and one (1) bid was received from a small, local, woman/veteran-owned construction firm, AKEA Incorporated.

Strategic Connection:

Goal 1: Equitable Community and is to revitalize City facilities by

renovating the infrastructure to maintain the safety of our neighbors.

Fiscal Note: Funding for Grace Marketplace Laundry Room Renovation in the amount of \$413,700.00 is available in the One-Stop Homeless Assistance CIRB Funds.

RECOMMENDATION

The City Commission: 1) award the bid to AKEA Incorporated for the Grace Marketplace Laundry Room Renovation in the amount of \$413,700.00; and 2) authorize the Interim City Manager or designee to execute all contract documents and other necessary documents for the project, subject for approval by the City Attorney as to form and legality.

[211061A FMGT-220043-SG Award Public Notice-20220421](#)

[211061B ITB Submittal Response AKEA Inc 20220421](#)

[211061C Sign In Sheet 20220421](#)

CA-3 [200674.](#)

Request to Release Lien at 504 SE 13th Street (B)

Explanation: This item is a request for the City Commission to consider a request for a lien reduction or rescission for 504 SE 13th Street. The property was found in violation of City Ordinance Sec. 13-171(g) Vegetation Overgrown and 13-171(e)(1) Trash. A lien was placed on this property that accumulated to \$13,400 (\$50.00 a day) plus Administrative Costs of \$89.58 (paid).

Mr. Thomas Ngo requested a reduction/rescission of the accumulated fines and costs on February 11, 2022. Mr. Ngo met with Pete Backhaus, Neighborhood Enhancement Manager and Sustainable Development Director, Andrew Persons to discuss the violation and remedy. Mr. Ngo applied for a demolition permit on April 1, 2021 and removed the structure. He invested over \$20,000 in an effort to put a structure on the property but his plans have not been approved. He has been maintaining the property since the demolition. After discussion, it was agreed to recommend that the fine be reduced to zero.

The Administrative Costs of \$89.58 have been paid and the property is currently in compliance with City Ordinances. A Reduction/Rescission hearing was held on March 10, 2022 before the Special Magistrate. Based on information presented, the Magistrate recommended the remaining amount of the lien be reduced to \$100.

Strategic Connection:

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

Fiscal Note: The current lien amounts total \$13,400. The City has recovered \$89.58 in Administrative Costs.

Legislative History

1/14/21 Special Magistrate Heard
Hearing

[200674A_Summary_Ngo_Lien_20220407](#)

CA-4 [211108.](#) **Memorandum from the Interim City Manager regarding General Government Financial Services Update and the Status of the General Government External Financial Statement Audit (B)**

Explanation: A memorandum from the Interim City Manager to the City Commission regarding the state of General Government Financial Services and a presentation with the status of the General Government External Financial Statement Audit.

RECOMMENDATION

The Interim City Manager recommends that the Audit Committee review and recommend the City Commission accept the Interim City Manager's memo and presentation.

[211108 A 220023 General Government Financial Services 20220420](#)

[211108 B General Government FY 21 External Audit Status Update 20220420](#)

CA-5 [211109.](#) **Gainesville Regional Utilities Fiscal Year 2021 Audited Financial Statements, Independent Auditor's Reports, and Auditor's Communication to Those Charged with Governance and Management (B)**

Explanation: The Financial Statements, Supplementary Information and Independent Auditor's Report, including the independent auditor's report on internal control over financial reporting and on compliance and other matters, were posted on the Utility's website on March 25, 2021.

In accordance with the City's contract for external auditing services with Baker Tilly Virchow Krause, LLP, the following reports are presented for review by the Audit Committee:

The Financial Statements, Supplementary Information and Independent Auditor's Report of Gainesville Regional Utilities for the Fiscal Year Ended September 30, 2021.

In the opinion of the independent auditor, the financial statements referred to in the item above, present fairly in all material respects, the financial position and changes in financial position of Gainesville Regional Utilities for the year ended September 30, 2021, in accordance with accounting principles generally accepted in the United States of America.

As part of the financial statement audit process the independent auditor issues a report on internal control over financial reporting and on compliance with certain provisions of laws, regulations, contracts and grant agreements. This report is presented within the item above.

The auditor's communication to those charged with governance and

management, and internal control report over financial reporting related to Gainesville Regional Utilities indicate that there were no recommendations in the current year.

In accordance with Section 8(b) of Resolution 150127, City Auditor Responsibilities and Administrative Procedures, the City Auditor has reviewed the attached statements and reports to ensure that contractual terms have been fulfilled and transmits these reports with a recommendation for City Commission acceptance.

RECOMMENDATION The City Auditor recommends the Audit Committee review and recommend that the City Commission accept the GRU audited financial statements and independent auditor's reports.

[211109 Gainesville Audit Results Final 09-30-2021_20220420](#)

[211109 Gainesville Regional Utilities AUD Final 09-30-2021_20220420](#)

[211109 GRU - Audit RESULTS PUBLIC SECTOR-2021_20220420](#)

CA-6 [211115.](#)

Mayor Appointment - Gainesville Housing Authority (B)

RECOMMENDATION The City Commission confirm Mayor Poe's appointment of Ralph Hilliard for a partial term ending 8/1/2023 and Gigi Simmons to a partial term ending 8/1/2024 to vacancies on the Gainesville Housing Authority.

[21115_GHA Ballot & Applications_20220421](#)

CA-7 [211117.](#)

Resignation of James Hutchison from the Fire Safety Board of Adjustment (B)

AGENDA UPDATE - ADDED ITEM

RECOMMENDATION The City Commission accepts the resignation of James Hutchison, effective immediately.

[211117 FSBA Resignation_20220421](#)

CA-8 [211076.](#)

Approval of Affordable Housing Workshop Dates (NB)

AGENDA UPDATE - ADDED ITEM

Explanation: This is a request for the City Commission to approve a third date for an Affordable Housing Workshops to occur in May 2022 prior to the Plan Board meeting on May 26th. This third workshop date is proposed as

Saturday May 21st. This third workshop will follow the two workshop dates that were approved by the City Commission on April 7, 2022. The dates of the first two workshops will be May 9th and May 17th.

Fiscal Note: None.

RECOMMENDATION

The City Commission approves a third Affordable Housing Workshop date for Saturday, May 21, 2022.

Legislative History

4/7/22 City Commission Approved, as shown above

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 [211074](#). American Rescue Plan Act (ARPA) - Aid to Nonprofit Organizations Program (B)

Explanation: On May 13, 2021, the City Commission directed the Office of Equity & Inclusion to develop an Equity COVID Budget Tool to assist with the equitable spending of ARPA funds awarded to the City. On May 27, 2021, the Commission reviewed and adopted the Equity COVID Budget tool and assigned the timeline for implementation. The Equity COVID Budget Tool is included as Attachment A.

The initial intention by the City was to have City Commissioners submit proposals for projects they wished to support through the use of ARPA funds. The Equity COVID Budget Tool was intended to be the tool used to evaluate individual Commissioners' proposals and assist with funding discussions and decision making amongst the City Commission as a body. Based upon the public discussion of the process, nonprofit organizations, in addition to the Commissioners, submitted proposals to the Office of Equity & Inclusion.

In late June 2021, the Office of Equity & Inclusion held four engagement sessions to allow the public to comment on proposals from nonprofit organizations and for the public to offer new ideas that may have been missed. The Office of Communications and Engagement assisted with promoting these engagement sessions via the City's social media accounts, GNVnews, Video News Release, press release, direct outreach to groups to distribute flyers and information on the program (i.e. school board, chamber, churches, neighborhood groups, CareerSource)

and radio ads such as PRAIZE and 98 JAMZ.

On August 10, 2021 a Final Report of the Equity COVID Budget Tool and citizen engagement process was produced by the Office of Equity & Inclusion. This report is included in Attachment B. Upon review, it was determined that more citizen engagement could be necessary and a process for soliciting and evaluating proposals based on the final expenditure categories, as well as ensuring quarterly reporting on all ARPA funded projects would be met, was needed.

On October 19, 2021, the City Commission approved \$7 million of ARPA funding for an Aid to Non-Profit Organizations Program (Agenda #201087).

By November 23, 2021, a total of 77 proposals, including Commissioner (61) and nonprofit proposals (16) were submitted to the Office of Equity & Inclusion. The Comprehensive Matrix shown in Attachment C provides an overview of all the proposals received.

The City Manager's Office met with staff from General Government and the Office of Equity & Inclusion to gain a better understanding of the goals of the ARPA Program as well as review areas where external expertise would be needed to ensure proper compliance with U.S. Treasury guidelines. In addition, existing project allocations were given a preliminary review to ensure fit with the Interim Final Rule in place at that time.

On January 6, 2022, the overall ARPA Program management was transferred over to the City Manager's Office, including distribution of the \$7 million in Aid to Nonprofit Organizations. In addition, the City Commission approved the Community Foundation of North Central Florida (Foundation) as the consultant to develop an application process for nonprofit organizations to apply for the \$7 million in Aid to Nonprofit Organizations Program, manage the evaluation process and provide a recommendation on distribution the funds (Agenda #210759).

ARPA AID TO NONPROFIT ORGANIZATIONS PROGRAM - \$7 MILLION

Upon award of the contract, the Foundation took the following actions to implement the Aid to Nonprofit Organizations ARPA Program:

- Convened an Evaluation Team comprised of four members of the Community Foundation of North Central Florida and three representatives from the City.
- Determined eligibility criteria for the program based on U.S. Department of Treasury Guidance and with the assistance of the City's General ARPA Consultant Government Services Group, LLC, an Anser Advisory Company (GSG):
 - Must be a public, tax-exempt organization as defined by Section 501(c)(3) of the Internal Revenue Code.
 - Must have been incorporated as a nonprofit prior to January 1, 2020.
 - Must be physically or principally located in Alachua County.

- Provide services to City of Gainesville residents.
- Is in good standing and up to date with required filings with the State of Florida and the Internal Revenue Service.
- Must be a verified organization in the Foundation's Philanthropy Hub.
- Must have incurred a necessary expenditure due to the COVID-19 health emergency or be directly impacted by a loss or reduction of income as a result of the COVID-19 public health emergency.
- Determined ineligibility criteria for the program:
 - For profit business.
 - Private foundations or any charitable organization not qualified under section 501(c)(3) of the Internal Revenue Code.
 - Any applicant with past due tax liabilities or tax liens or currently in bankruptcy.
- Developed a standard application (included as Attachment D) for all nonprofits to use including components of the Equity Tool.
- Determined the range of funding awards for applicants would be \$5,000 - \$750,000 to ensure an equitable distribution of funds with an emphasis placed on human service organizations serving communities of city residents disproportionately affected by the pandemic and a plan to reach a cross section of small, medium, and large nonprofits representing subsectors such as housing, food, health, etc. The \$750,000 cap was specifically determined by the single audit threshold that if surpassed, would require a nonprofit organization to incur additional audit and monitoring expenses. Lastly, this would ensure realistic spending thresholds by December 31, 2024.
- Obtained the list of nonprofit organizations and that had submitted ideas under the Office of Equity & Inclusion's initial solicitation and directly contacted those organizations to provide information and support on the application process.

The Foundation kicked off the Aid to Non-Profits Program on Wednesday, February 23, 2022. The Foundation utilized several methods for reaching nonprofits and giving notice of the application:

- Purchased from the IRS a listing of all 501(c)(3) organizations registered in Alachua County which totaled approximately 3,000 organizations.
- After vetting the list for organizations serving disproportionately impacted communities, postcards were mailed to approximately 1,000 nonprofits inviting them to attend information sessions and directing them to the website which contained pages devoted the City's Aid to Nonprofit Organizations ARPA program.
- In addition to the direct mail postcard, the Community Foundation utilized email listservs, social media (both specific to the Foundation and City, and other shared accounts), and traditional local media including WCJB & WUFT.

The application process started with a virtual Information Session (which had 92 registered nonprofit organizations) followed by weekly Question & Answer calls every Friday morning, including GSG, to answer questions about the program. The Foundation also hired a temporary project coordinator to focus solely on applicants. Unlike typical competitive grant

programs, the Foundation provided one-on-one support for applicants throughout the process - including but not limited to Philanthropy Hub verification and grant application support. Throughout the application process, Foundation staff strongly encouraged requests be proportional to operational capacity.

Once an organization submitted their application, the project coordinator reviewed it to determine if the proper financial documents were attached, the funding requests and budgets were properly calculated, the beneficiaries were city residents, and other required information was provided. If any deficiencies were found, an organization was contacted and then given a brief window of time to address the issues on their application before they resubmitted.

Information from the Philanthropy Hub about the make-up of the applicant's board and if the board had a policy for diversity and inclusion was added to the application.

EVALUATION PROCESS

Prior to distribution of applications to the Evaluation Team, GSG reviewed the funding request to determine its eligibility and compliance per the ARPA Final Rule. The Evaluation Team then individually scored the applications based on the pre-established criteria.

On March 28, 2022, the Evaluation Team convened a properly noticed Sunshine meeting. The meeting was also recorded. The Evaluation Team reviewed 46 applications totaling \$19,040,696.67 in funding requests. The criteria used by the Evaluation Team to review these applications is included as Attachment E and included the following components:

- Explanation of pandemic changes to the nonprofit organization.
- Amount requested in line with nonprofit organization's financial position.
- Program impact to the Gainesville community.
- Financial review including eligibility of proposed program with ARPA Final Rule and long term sustainability.
- Organizational Diversity and inclusion efforts.

An average score for all applications was then calculated and applications were sorted from highest to lowest average score. The Evaluation Team awarded funding in the following methodology:

1. Organizations with an average score of 86% and above are recommended to receive 100% of their requested funding.
2. Organizations with scores of 80-85.9% are recommended to receive 60% of their funding requests with a cap of \$300,000.
3. Organizations with average scores of 70-79.9% are recommended to receive \$20,000 each.
4. Eligible organizations with average scores of 65-69.9% are recommended to receive \$10,000 each.

A summary of the final scoring is provided in Attachment F.

AWARD RECOMMENDATION

The Evaluation Team is recommending for award 37 applications totaling \$6,981,322:

- 9 applications are recommended for full amount requested*
- 14 applications are recommended for partial amount requested*
- 9 applications are recommended for \$20,000 award*
- 4 applications are recommended for \$10,000 award*
- 10 are not recommended because of ineligible expenses cited by GSG (7) or low scoring (2)*

A detailed list of the recommended funding awards are summarized in Attachment G.

NEXT STEPS

If the Commission approves the recommended funding awards, next steps include:

- 1. The Foundation will formally notify the applicants of the City Commission's final approval.*
- 2. GSG and City Staff to meet with individual awardees to discuss subrecipient agreements, compliance monitoring, reporting and record retention requirements.*
- 3. Awardees are registered in the City's vendor management system.*
- 4. Upon execution of subrecipient agreement, funds will be disbursed to nonprofit organizations.*
- 5. Hold quarterly meetings with awardees and City staff to ensure proper compliance with the U.S. Treasury as required by the ARPA Final Rule.*

Fiscal Note: The Aid to Non-Profit Organizations Program is funded by ARPA funds which have been approved by the City Commission and appropriated in the FY 2022 budget.

RECOMMENDATION

The City Commission accept the Community Foundation of North Central Florida's recommendation of funding for the City's ARPA Aid to Nonprofit Organizations Program as shown in Attachment G.

[211074A COVID Equity Budget Tool 20220421](#)

[211074B Final Report COVID Equity Budget Tool 20220421](#)

[211074C Comprehensive Matrix of ARPA Project Proposals 20220421](#)

[211074D Aid to Nonprofit Organizations Application 20220421](#)

[211074E Aid to Nonprofit Organizations Application Evaluation Criteria 20220421](#)

[211074F Evaluation Team Scoring Summary 20220421](#)

[211074G CFNCF Aid to Nonprofit Organizations Program Funding Recommendation 20220421](#)

[211074H ARPA Application Alachua Conservation Trust 20220421](#)

[211074I ARPA Application Alachua County Coalition for the Homeless and Hurricane Preparedness 20220421](#)

[211074J ARPA Application Alachua County Health Promotion and Wellness Center 20220421](#)

[211074K ARPA Application Alachua County Organization for Rural Needs Inc. 20220421](#)

[211074L ARPA Application Alachua Habitat for Humanity 20220421](#)

[211074M ARPA Application Bread of the Mighty Food Bank 20220421](#)

[211074N ARPA Application Cade Museum for Creativity and Invention 20220421](#)

[211074O ARPA Application Catholic Charities Gainesville 20220421](#)

[211074P ARPA Application CDS Family & Behavioral Health Services 20220421](#)

[211074Q ARPA Application Created Gainesville 20220421](#)

[211074R ARPA Application Cultural Arts Coalition 20220421](#)

[211074S ARPA Application Episcopal Childrens Services 20220421](#)

[211074T ARPA Application Family Promise of Gainesville Florida Inc. 20220421](#)

[211074U ARPA Application First Love Yourself Inc. 20220421](#)

[211074V ARPA Application FL Institute for Workforce Innovation 20220421](#)

[211074W ARPA Application Food 4 Kids Backpack Program of North Florida Inc. 20220421](#)

[211074X ARPA Application Gainesville Area Community Tennis Association 20220421](#)

[211074Y ARPA Application Gainesville Circus Center 20220421](#)

[211074Z ARPA Application Gainesville Community Counseling Center 20220421](#)

[211074AA ARPA Application Gainesville Housing Development and Management 20220421](#)

[211074AB ARPA Application Gainesville Opportunity Center 20220421](#)

[211074AC ARPA Application Gainesville Vineyard 20220421](#)

[211074AD ARPA Application Girls on the Run of Alachua County 20220421](#)

[211074AE ARPA Application Girls Place Inc. 20220421](#)

[211074AF ARPA Application Greater Duval Neighborhood Association Corp 20220421](#)

[211074AG ARPA Application Hearts Desire International Empowerment Center 20220421](#)

[211074AH ARPA Application Human Rights Coalition of Alachua County 20220421](#)

[211074AI ARPA Application Keep Alachua County Beautiful 20220421](#)

[211074AJ ARPA Application Kids Count in Alachua County 20220421](#)

[211074AK ARPA Application Lazarus Restoration Ministries 20220421](#)

[211074AL ARPA Application Matheson History Museum 20220421](#)

[211074AM ARPA Application Meridian Behavioral Healthcare Inc. 20220421](#)
[211074AN ARPA Application Mt. Pleasant United Methodist Church Inc. 20220421](#)
[211074AO ARPA Application NAMI Gainesville Inc. 20220421](#)
[211074AP ARPA Application Neighborhood Housing Development Corporation](#)
[211074AQ ARPA Application North Central Florida YMCA Inc. 20220421](#)
[211074AR ARPA Application Pace Center for Girls Inc. Alachua 20220421](#)
[211074AS ARPA Application Peaceful Paths 20220421](#)
[211074AT ARPA Application Rebuilding Together North Central Florida 20220421](#)
[211074AU ARPA Application River Phoenix Center for Peacebuilding 20220421](#)
[211074AV ARPA Application Rural Womens Health Project 20220421](#)
[211074AW ARPA Application Star Center Theatre 20220421](#)
[211074AX ARPA Application The Arc of Alachua County 20220421](#)
[211074AY ARPA Application University of Florida Mobile Outreach Clinic 20220421](#)
[211074AZ ARPA Application Upper Room 20220421](#)
[211074BB ARPA Application Working Food 20220421](#)

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 - 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-2 [201008.](#) Downtown Strategic Plan Project Update (B)

AGENDA UPDATE - REVISED BACK-UP

Explanation: The Downtown Strategic Plan is a Top Priority for the City Commission as identified in the City Strategic Plan: 2020-2025-2035. A contract authorized by the City Commission with MKSK, in partnership with sub-contractors, Development Strategies and EDA, was executed in 11/2020 and co-funded by the GCRA and University of Florida. The Department of Sustainable Development, Division of Economic Opportunity and Special Projects, is the project lead.

On April 8, 2021, the City Commission at a General Policy Committee (GPC) meeting approved the project's Engagement Brief. Since then, the project team has reviewed existing conditions, analyzed previous planning efforts, and engaged with more than 700 voices in the Gainesville community through a variety of tools and mediums, including one public meeting, two presentations to the GCRA Advisory Board, fifteen focus groups, hundreds of online and paper surveys, and dozens of one-one-one meetings with key organizations, community partners and stakeholders, in order to develop a clear understanding of the Gainesville downtown area. MKSK representatives have visited Gainesville three (3) times during this process and as mentioned have been working on the project with local firm EDA. The Engagement Summary is attached in the backup.

This week, the project team will share its draft analysis and key ideas for the proposed Downtown Strategic Plan in three public settings, including the GCRA Advisory Board meeting on April 19th at 5:30 PM; a Community Meeting #2 on April 20th at Bo Diddley Plaza, 5-7 PM; and this City Commission meeting of April 21st.

The project team is seeking Commission and public feedback on the draft analysis and key ideas to be incorporated into the final plan that will be presented to the City Commission and public for review and approval in the June/July timeframe.

Strategic Connection:

This item relates to the Sustainable Community Goal of the City's Strategic Plan.

Fiscal Note: Contract amount: \$250,000 (\$125,000 GCRA, \$125,000 UF). Spent to date (3/31/22): \$174,997 (\$87,498.50 GCRA, \$87,498.50 UF)

RECOMMENDATION

The City Commission: 1) hear a presentation, provide input and feedback; and 2) direct as deemed appropriate.

Legislative History

4/8/21	General Policy Committee	Heard
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[201008 Gainesville Engagement Brief final 20210408](#)

[201008 Engagement Summary 20220421](#)

[201008 Downtown GNV Strategic Plan - City Commission Update HR](#)

[201008 Downtown Strategic Plan Overview 20220421](#)

BD-4

[211066](#).

Residential Rental Unit Permit and Inspection Program Update (B)

This item includes an update on the Residential Rental Unit Permit and Inspection Program and proposed program efficiencies.

Explanation: In September 2020, the Residential Rental Unit Permit and Inspection Program was adopted by Ordinance, and staff was directed to come back to the Commission during the first year of the program to provide an update. This item is to provide an update on the program and propose modifications to improve the efficiency and effectiveness of the program. In October 2021, the program was implemented by the Department of Sustainable Development (DSD). Since that time, DSD has processed approximately 15,000 applications, issued approximately 7,000 Residential Unit Permits, and through the City's inspection vendor, CAP Government Inc. (CAP), conducted approximately 400 rental housing inspections. The City is currently working on verifying the status of approximately 8,500 units that either have not returned an application or have claimed an exemption from the program. Results from the initial inspections are currently being returned to owners via mail. Over the five months that the program has been in place, several process improvements have been identified for Commission consideration:

- 1. The self-inspection checklist requirement for issuance of the Rental Permit had initially resulted in delays in processing approximately several hundred permits. The City provided an extension of time to turn in the checklists however, there are approximately 100 applications that are still missing the self-inspection form. Staff recommends the Commission consider continuing to use the form as an informational tool but revise the ordinance to remove completion of the form as a prerequisite for permit issuance.*
- 2. The current contract with CAP Government, Inc. has posed some logistical challenges. Currently, University of Florida students hired by CAP are conducting in-person documentation of rental unit conditions and transmitting that documentation to a remote CAP inspector who is then reviewing those materials and providing the inspection result (pass/fail). Student schedules, training, availability, etc. have been an aspect that CAP has had to manage in addition to conducting the inspections and providing the results in a timely manner. Based on the structure of the contract, these are challenges that will persist into the future of the program. Based on these challenges, the Commission may wish to consider having the City assume responsibility for conducting the inspections using City staff to replace the current contract.*
- 3. The number of rental units is less than originally estimated with almost*

half of the total number of estimated units claiming an exemption from the program. This has resulted in permit fee revenue falling short of initial projections and raised the need to recalibrate the permit fee for the program to remain self-sufficient. Staff contracted with Berry McNeil & Parker, LLC. to conduct a cost-of-service analysis. Based on that analysis, adjusting the permit fee to \$155/year will ensure the program remains cost-neutral to the City. For context, the 2021 fee for the former Landlord License program which preceded the current rental inspection program was \$154.00.

Strategic Connection:

This item relates to the Sustainable Community Goal of the City's Strategic Plan.

Fiscal Note: The fiscal impact would be an increase of \$33 to the 2023 rental permit fees.

RECOMMENDATION

The City Commission: 1) hear an update from staff; 2) receive a report and presentation from Berry Dunn McNeil & Parker, LLC., 3) approve and direct staff to move forward with proposed modifications for inspections and self-inspection checklists; and 4) approve increasing the current Residential Rental Unit Program annual permit fee from \$122.00 to \$155.00, and 5) direct the City Attorney to revise the Ordinance.

[211066 GainesvilleFL ProjectReport NE Division FINAL 04212022](#)

[211066 Rental Housing Ordinance Presentation 20220421](#)

[211066 Presentation GainesvilleFL SustainableDevelopment NE Division 04](#)

BD-5 [211112.](#)

The Energy Authority (TEA) Guaranty Increase (B)

AGENDA UPDATE - BACK-UP ADDED

Explanation: GRU is a member of TEA, an organization comprised of seven public power organizations throughout the United States, whose primary function is to leverage economies of scale to bring benefits to public power entities across the country. TEA provides a number of services to GRU including power trading, risk management and hedging, commodities market forecasting, and advanced analytics. GRU is currently a one-seventeenth share member.

As part of this function, TEA, through its members, must guaranty that it will pay for power purchased from others. This is accomplished through a Restated and Amended Advance Agreement, which was first approved by the City Commission on February 28, 2000 and a revised version that was approved by the City Commission on April 23, 2001. The revised Agreement provided that GRU's share of the maximum guaranty (in the form of cash, Bank Letter of Credit or Trade Guaranty) was \$9,642,857.12 for the electric system. However, the wholesale energy market has continued to become more complex and the power purchase volumes are

much larger. Therefore, it is necessary to increase our guarantee to \$15,000,000 effective June 1, 2022 and to \$20,000,000 effective December 1, 2022.

Fiscal Note: GRU and/or the other members of TEA would be required to pay in the unlikely instance that TEA was unable to pay.

RECOMMENDATION

The City Commission authorize the General Manager or his designee to execute the revised Restated and Amended Electric Advance Agreement for TEA subject to approval by the City Attorney as to form and legality.

[21112 TEA Presentation 20220421](#)

BD-6

[210812.](#)

Transferring Management of the Gainesville Regional Utilities (GRU) Boulware Springs Historic Water Works Facility to General Government (GG) (B)

****This item was presented to the UAB on 4/15/22.****

Explanation: The Boulware Springs Historic Water Works facility, a pump house and spring, began supplying drinking water to the City of Gainesville in 1898. In 1905, Gainesville's plentiful water supply was used to entice the University of Florida to locate here. The spring was abandoned in 1948 upon completion of a water treatment plant. The building was added to the US National Register of Historic Places in 1985 and was last renovated in 1990. Boulware Springs, Gainesville's only artesian spring, produces approximately 194,000 gallons of water a day, which flows into Paynes Prairie Preserve State Park. The building was available to the public as an event rental space for many years, but has fallen into a state of disrepair and the boardwalk and building have been closed for public safety since 2020. The Boulware Springs Historic Water Works is located within Boulware Springs Nature Park at 3300 SE 15th Street, parcel ID 16244-000-000.

Wild Spaces & Public Places, a program funded by a half cent sales tax being collected from 2017 through 2024, received direction from the City Commission on March 4, 2021 to begin a renovation project encompassing both Boulware Springs Nature Park and the Boulware Springs Historic Water Works.

The City has agreed to take over the maintenance and operation of the Water Works building, spring and associated grounds. Upon completion of the renovation project, the City will provide public access to Boulware Springs Historic Water Works facility as a rentable space for meetings, retreats, weddings, etc. A Memorandum of Understanding (MOU) has been prepared and approved by GRU and GG that details the terms of the transfer.

Existing site improvements include a masonry spring house (the “Water Works” building) and a covered pavilion with picnic tables and parking lot. The improvements are located within the Boulware Springs Nature Park boundary and the real property is a General Government asset.

Fiscal Note: This is a no fee transfer from GRU to GG. GG will be requesting an increment in the amount of \$30,000 during the FY23 budget to allocate GG funds to operate and maintain the facilities starting October 1, 2022. The Wild Spaces & Public Places program will fund improvements at the site.

RECOMMENDATION

The City Commission approve the MOU which transfers the operation & maintenance of the Boulware Springs Historic Water Works facility structures and grounds in perpetuity from GRU to GG.

The UAB voted unanimously to advise the City Commission to approve the staff recommendation.

Legislative History

1/13/22 Utility Advisory Striken From the Agenda
Board

[210812 GRU GG Boulware MOU Presentation 20220414](#)

[210812 Final Boulware Springs MOU 20220414](#)

[210812 FY 2023 GG Increment Form Boulware Springs 20220414](#)

RE RESOLUTIONS

OR ORDINANCES

ADOPTION READINGS

FIRST READINGS

SECOND READINGS

COMMISSION COMMENT

4:30 - 5:30pm DINNER BREAK

5:30pm - CALL TO ORDER - Evening Session

PLEDGE OF ALLEGIANCE

PR PROCLAMATIONS/SPECIAL RECOGNITIONS (PR)

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 at 5:00 pm)

RE-1 [211046.](#) Resolution for Grant Agreements Associated with Design and Construction of ADA Compliant Sidewalks, Curb Ramps and Bus Stops throughout the City (B)

Explanation: This item requests adoption of a resolution authorizing the City Manager or designee to execute and enter into agreements, and other documents with the Florida Department of Transportation (FDOT) for the design and construction of ADA compliant sidewalks, curb ramps and bus stops throughout the City.

The FDOT intends to fully fund the design and construction of the ADA compliant sidewalks, curb ramps and bus stops throughout the City; a total of \$558,250 is currently included in the FDOT Work Program for this Local Agency Program (LAP) project. The project schedule is dictated by the funding schedule; design and construction is scheduled to be complete in FY25.

Strategic Connection

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: There is no fiscal impact associated with this request. The project will be funded 100% by FDOT through grant agreements for design and construction.

RECOMMENDATION

The City Commission adopt the Resolution which authorizes the City Manager or designee to execute all agreements, and any other necessary documents with FDOT pertaining to this project, subject to approval by the City Attorney or designee as to form and legality.

[211046A_Misc ADA LAP Project-Draft Resolution_20220421](#)

[211046B_Proj Location Map- Misc ADA LAP_20220421](#)

RE-2 [211096.](#) Resolution Authorizing the Issuance of the 2022 Series B Bonds to

Refund All Outstanding 2007 Series A and 2008 Series B Bonds and to Terminate Certain Interest Rate Swaps Currently Hedging the 2007A and 2008B Bonds (B)

****This item was presented to the UAB on 4/15/22.****

Explanation: The GRU financing team, which consists of BFA staff, our financial advisor, bond counsel, and disclosure counsel receives, reviews and evaluates financial transaction proposals on a regular basis. As we identify proposals that can add value to our debt portfolio we bring them forward to the City Commission for consideration.

This is the case for the transaction we are proposing today. This transaction will:

- Refund \$203,550,000 in outstanding variable rate 2007 Series A bonds and 2008 Series B bonds through issuance of \$239,315,000 in fixed rate 2022 Series B bonds*
- Terminate \$222,170,000 in fixed rate to floating interest rate swaps which currently hedge the outstanding 2007 Series A and 2008 Series B bonds. These swaps were entered into back when the bonds were issued as they offered a lower borrowing rate compared to issuing fixed-rate bonds.*

The potential benefits of this transaction come through:

- Since all of the outstanding variable rate 2007 Series A and 2008 Series B bonds will be refunded, it will no longer be necessary to maintain the liquidity facilities which support these issues. Terminating these liquidity facilities will result in an annual savings of just over \$1.29 million. This reduction drives the overall annual average debt service expense reduction of this transaction.*
- Reducing annual debt service expense by an average of approximately \$198,000 over the period 2022 through 2038*
- Reducing portfolio risk through the issuance of fixed rate debt for outstanding variable rate debt. The result of this transaction will be to increase the percentage of fixed rate debt in the portfolio from 62.3% to just under 75%.*
- Reducing the complexity of the portfolio and counterparty risk through terminating the interest rate swaps hedging the 2007A and 2008B variable rate bonds. Termination of the swaps will move GRU's mark-to-market swap position (as of 4/5/2022) from a negative (\$8,841,442) to a positive \$23,240,936.*
- Taking advantage of low market interest rates that appear to be heading higher over the course of the year based on Federal Reserve actions and comments.*

Fiscal Note: The transaction will reduce:

- Annual debt service expense by an average of approximately \$198,000 over the period 2022 through 2038.*

RECOMMENDATION

The City Commission approve the resolution authorizing the issuance of the 2022 Series B bonds to refund outstanding 2007 Series A bonds and 2008 Series B bonds, and to terminate certain

interest rate swaps hedging these bonds, subject to the approval of the City Attorney as to form and legality.

The UAB voted unanimously to advise the Commission to approve the staff recommendation.

[211096 Resolution 2022 Series B 20220414](#)

[211096 2022 Series B Bonds Presentation 20220414.](#)

RE-3

[211097.](#)

Resolution Authorizing the Extension of the \$50 Million Taxable Line of Credit with Truist Bank (B)

****This item was presented to the UAB on 4/15/22.****

Explanation: The Truist taxable revolving line of credit provides the utility a low cost source of additionally liquidity to fund operating costs to assist in the financial management of unforeseen events. It contributes to balancing the utility's sources of available liquidity between capital projects and operating costs, and is looked upon favorably by rating agencies and prospective investors.

The current \$50 million line of credit from Truist expires in April. We have reached agreement with the bank on a three year extension on essentially the same terms as the current agreement, with the following exceptions:

- Adjusting the index on the rate for drawdowns from LIBOR to SOFR based on the industry phase out of the LIBOR index*
- Reducing the credit spread on amounts advanced under the lines*

Fiscal Note: It is not anticipated that this line of credit will be utilized outside of unexpected financial circumstances. The recurring cost of the unused portion of the line of credit is 30 basis points based on the average unused amount of the facility in the prior quarter. Amounts drawn on the line will accrue interest at a variable rate equal to 30 day SOFR plus 62 basis points.

RECOMMENDATION

The City Commission approve the Supplemental Subordinated Utilities System Revenue Bond Resolution and thereby approve the extension of the \$50 million taxable line of credit with Truist Bank, approve the form of the Purchase Contract, and authorize the execution and delivery of certain amendments in connection therewith, subject to approval of the City Attorney as to form and legality.

The UAB voted unanimously to advise the City Commission to accept the staff recommendation.

[211097 Resolution Truist LOC Extension 20220414](#)

RE-4

[211098.](#)

Resolution Authorizing the Issuance of Variable Rate Subordinated Utilities System Revenue Bonds, 2022 Series A and 2022 Series B (Federally Taxable) in an Aggregate Principal Amount Not To Exceed \$150,000,000 and Authorizing a Credit Agreement with Respect Thereto (B)

****This item was presented to the UAB on 4/15/22.****

AGENDA UPDATE - REVISED BACK UP

Explanation: GRU's liquidity structure is of critical import to our financial profile. Liquidity lines provide access to funds to address unforeseen financial events or to assist in short-term capital funding efforts. These programs are central to maintaining GRU's financial and operational flexibility and is also viewed favorably by the rating agencies as it augments our "days cash and liquidity". We have strategically laddered our liquidity vehicles to provide funding for potential events of short-term through long-term duration:

- \$50 million taxable and \$25 million tax-exempt lines of credit with Truist Bank. These funds can be accessed within 24 hours.
- \$125 million in tax-exempt and \$25 million in taxable authorized but unissued commercial paper lines. It traditionally takes 30-45 days to issue commercial paper and therefore have access to these funds.
- For events of longer duration, the ability exists to fix out this commercial paper through debt issuance.

The transaction proposed today is to replace these authorized but unissued commercial paper lines with a revolving line of credit. On February 7, 2022 GRU's financial advisor, PFM Financial Advisors LLC., distributed a Request For Information soliciting proposals. Five banks responded, and through an evaluation based on criteria including, but not limited, to facility amount, term, commitment fee (to include fee adjustments in the event of a credit rating downgrade) and rate, US Bank National Association was selected as the highest rated proposal. The transaction proposed is in the amount of \$150 million effectively replacing GRU's current commercial paper lines.

The proposed revolving line of credit features:

- Daily access to funds vs. the 30-45 day time frame of commercial paper issuance
- The ability to designate draws on the line of credit as taxable or tax-exempt dependent on the proposed use of the funds. This provides similar flexibility to the existing commercial paper line to address capital or O & M needs.
- An unused facility fee of 17 basis points, as compared to 43 basis points on the tax-exempt commercial paper line and 70 basis points on the taxable commercial paper line.
- Flexibility to designate any portion of the \$150 million available as either tax-exempt or taxable.

In discussions with the rating agencies, they have indicated that they will treat the proposed revolving line of credit in a similar fashion to the existing commercial paper lines when evaluating our liquidity metrics. This is extremely important in as much as we have discussed before, GRU's strong liquidity metrics mitigate GRU's leverage and GFT

challenges in terms of developing GRU's overall credit rating.

Fiscal Note: As noted above, the unused facility fee on the revolving line of credit is 17 basis points. The unused facility fee for the current commercial paper lines is 43 basis points for the tax-exempt line and 70 basis points for the taxable line. This translates to a savings of \$457,500 per year for switching to the revolving line of credit with US Bank.

RECOMMENDATION

The Utility Advisory Board recommend that the City Commission approve 1) the resolution authorizing the issuance of Variable Rate Subordinated Utilities System Revenue Bonds, 2022 Series A and 2022 Series B (Federally Taxable) and 2) the execution of a credit agreement thereto, subject to the approval of the City Attorney as to form and legality.

The UAB voted unanimously to advise the City Commission to accept the recommendation.

[211098 Resolution US Bank Revolving LOC 20220414 Revised](#)

[211098 US Bank Revolving LOC Presentation 20220414](#)

RE-5 [210965.](#)

Fifth Budget Amendment to the FY 2022 General Government Financial and Operating Plan Budget (B)

Explanation: The General Government Financial and Operating Plan, which includes budgets for the General Fund, Special Revenue, Debt Service, Capital Projects, Proprietary, and Pension & OPEB Trust Funds for Fiscal Year 2022, was adopted by the Mayor and City Commission on September 23, 2021, via Resolution No. 210430. The First Budget Amendment was adopted by the Mayor and City Commission on October 21, 2021, via Resolution No. 210483, the Second Budget Amendment was adopted on December 2, 2021, via Resolution No. 210565, the Third Budget Amendment was adopted on February 17, 2022, via Resolution No. 210815 and the Fourth Budget Amendment was adopted on March 17, 2022, via Resolution No. 210922.

As the fiscal year progresses, certain routine and periodic budget adjustments and transfers of appropriated funds continue to be appropriate and necessary to ensure prudent financial management. Additionally, certain obligations, plans, and projects extend between fiscal years and require an uninterrupted and sufficient source of appropriated funds to meet obligations and complete projects in progress.

This resolution seeks authorization to recognize revenue and appropriate funding as explained in the attached memorandum and as shown in Attachment "A".

Strategic Connection:
Goal 5 "Best in Class" Neighbor Services

Fiscal Note: The recommended amendments are funded either by increases in revenue appropriations or offset by decreases in expenditures.

RECOMMENDATION *City Commission adopt the proposed resolution.*

Finance Committee: On April 13, 2022, the Finance Committee voted unanimously to recommend the commission approve the proposed resolution.

Legislative History

4/13/22 Finance Committee Approved as Recommended

[210965_FY 2022 5th Budget Amendment Resolution_20220421.pdf](#)

[210965_FY2022 5th Budget Amendment Attachment A_40220421.pdf](#)

[210965_FY2022 Fifth Budget Amendment Memorandum City Commission_202](#)

BD BUSINESS DISCUSSION ITEMS

PH PUBLIC HEARINGS (Including Planning Petitions)

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

AR ADOPTION READINGS

AR-1 [210571.](#) **Land Use Change - 0.60 Acres of Property Located at the 1200 Block of SW 25th Place (B)**

Ordinance No. 210571

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 0.60 acres of property generally located at the 1200 block of SW 25th Place and 350 feet east of SW 13th Street, as more specifically described in this ordinance, from Single-Family (SF) to 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 will amend the Future Land Use Map of the Comprehensive Plan by changing the land use category of approximately 0.60 acres of property located at 1200 block of SW 25th Place and 350 feet east of SW 13th Street from Single-Family (SF) to Urban Mixed-Use (UMU). This ordinance was generated by an application of the private

property owner to change the land use category of the property as proposed. The City Plan Board reviewed the petition on January 27, 2022 and voted 4 to 1 to approve the petition contingent upon a text amendment to the Comprehensive Plan that limits the use of the property to stormwater, recreation and utilities. This proposed amendment to the Comprehensive Plan involves a use of 50 acres or fewer and qualifies as a small-scale development amendment. The City Commission may adopt small-scale development amendments with a single public hearing.

Within 30 days following the City's adoption of this amendment to the Comprehensive Plan, 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 adoption. 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.*

[210571_StaffReport_PB-21-159LUC_withAttachmentsAthroughC_20220127](#)

[210571A_draft ordinance_20220421.pdf](#)

[210571_Staff PPT PB-21-159 LUC_20220421](#)

[210571_Land Use change PPT for Legistar 210571_20220421](#)

FIRST READINGS

FR-1 [210570.](#) **Quasi-Judicial - Rezoning 0.60 Acres of Property Located at the 1200 Block of SW 25th Place (B)**

Ordinance No. 210570

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning approximately 0.60 acres of property generally located at the 1200 block of SW 25th Place and 350 feet east of SW 13th Street, as more specifically described in this ordinance, from Single-Family Residential (RSF-1) to Urban 7 (U7); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: STAFF REPORT

This ordinance will rezone approximately 0.60 acres of property located at

the 1200 block of SW 25th Place and 350 feet east of SW 13th Street, from Single-Family Residential (RSF-1) to Urban 7 (U7). This ordinance was generated by an application from the private property land owners. The City Plan Board held a public hearing on January 27, 2022, 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. 210571 becomes effective as provided therein.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

[210570_StaffReport_PB-21-158ZON_withAttachmentsAthroughC_20220127](#)

[210570A_draft ordinance_20220421.pdf](#)

[210570_StaffPPT_PB-21-158_ZON_20220421](#)

[210570_Rezoning PPT for Legistar 210570_20220421](#)

FR-2 [210837.](#)

Vacation of Public Right-of-Way - 400 Block of NW 12th Terrace, between NW 5th Avenue and NW 4th Place (B)

Ordinance No. 210837

An ordinance of the City of Gainesville, Florida, to vacate, abandon, and close a certain public right-of-way generally located in the 400 block of NW 12th Terrace, between NW 5th Avenue and NW 4th Place, as more specifically described in this ordinance, subject to terms and conditions; 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, abandon, and close a certain public right-of-way generally located in the 400 block of NW 12th Terrace, between NW 5th Avenue and NW 4th Place. The ROW is paved, maintained, and does not have curbing along the edge of pavement. The current use is limited and a connection to NW 12th Street is provided to the east via NW 4th Place. At least one property uses NW 12th Terrace and NW 4th Place to provide vehicular access to the rear of the property. All property owners for the abutting properties have signed the application requesting this ROW vacation. The ROW to be vacated is approximately 0.16 acres in total, with the total length of the proposed ROW vacation being approximately 6969 sq. ft.

As a condition of this ROW vacation, the owner/developer of the subject property must grant the City ownership rights necessary for the extension of NW 4th Place, as public ROW, westward to NW 12th Drive, and the Developer shall construct at the Developer's sole expense all necessary

and required improvements to the NW 4th Place extension.

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.

[210837A_draft ordinance_20220421.pdf](#)

[210837B_PB-21-00194_SVA_NW_12th_Ter-NW_4th_PI_Staff_Report_20220421](#)

[210837C_PB-21-00194_SVA_NW_12th_Ter-NW_4th_PL_Presentation_20220421](#)

SR SECOND READINGS

SR-1 [200722](#) **Text Change - Neighborhood Workshop and Site Plan Review Process (B)**

Ordinance No. 200722

An ordinance of the City of Gainesville, Florida, amending the Land Development Code (Chapter 30 of the City of Gainesville Code of Ordinances) by amending development thresholds and applicable reviewing authorities; by amending Section 30-3.1 Development Review Coordinator; by amending Section 30-3.2 Technical Review Committee; by amending Section 30-3.7 Neighborhood Workshop; by amending Section 30-3.8 Public Notice; by amending Section 30-3.18 Review Procedures; by amending Section 30-3.36 Minor Subdivisions; by amending Section 30-3.45 Levels of Development Review; by amending Section 30-3.47 Review Procedures; by amending Section 30-3.56 Land Use Hearing Officer; by amending Section 30-6.4 Level of Service Review; by amending Section 30-6.6 Design Standards; by amending Section 30-6.12 Outdoor Lighting; by amending Section 30-7.2 Off-Street Vehicle Parking; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: STAFF REPORT

This ordinance will amend various provisions in the Land Development Code relating to public notification and participation in development review. Development applications that both require and do not require board approval must first hold a neighborhood workshop and include in the application a written record of such meeting. This ordinance amends the neighborhood workshop requirements to include a more robust process, including submittal of a Public Participation Report documenting the results of the public participation effort.

In addition, this ordinance per City Commission direction changes the Land Development Code so that site plans for residential developments with greater than 50 units will no longer be reviewed and approved administratively by substantive City staff and instead will be reviewed and approved by a volunteer citizen board. Importantly, site plan review and approval standards by law are the exact same regardless of the applicable reviewing authority. It is also important to note that site plan review, the subject of this ordinance, is the very last stage in a multi-layered development entitlement and review hierarchy adopted by the City Commission that dictates what ultimately can be constructed at any time on any given property within the City of Gainesville. That multi-layered regulatory hierarchy begins with the City Commission adopting regulations in the Comprehensive Plan and then the Land Development Code; followed by the City Commission applying those

regulations to specific properties throughout the City limits by assigning land use designations and zoning districts; then often involves intermediary reviews such as Special Use Permits, subdivisions/plats, lot splits, historical special districts or other overlays, right-of-way vacations, variances, etc.; and finally ends with site plan review and building permit issuance on specific properties. Because site plan review is the last stage of the development approval process with fundamental questions and development entitlements for any given property already dictated by the City Commission at that point, it is also by law the stage where the reviewing authority (whoever that may be) has the least discretion as to whether any given site plan must be approved or denied. What this means is that if a given site plan meets the voluminous prescribed regulations previously adopted by the City Commission in the Comprehensive Plan and Land Development Code and applied to specific properties by the City Commission through land use designations and zoning districts, then that site plan must be approved - again regardless of reviewing authority - even if the site plan turns out to be seemingly unpopular or has generated significant opposition by interested neighbors.

In other words, if the land development regulations that the City Commission adopts in the Comprehensive Plan and Land Development Code and that the City Commission then assigns to particular properties through land use designations and zoning districts allow for unpopular or controversial site plans on any given property, then the City Commission - if it in fact desires to take any action to address the root cause of the unpopular or controversial site plans that have resulted from its previously adopted regulations - would need to amend in accordance with law those enabling regulations that were previously adopted by the City Commission. Whatever the pros and cons may be, changing from staff administrative review to board review for the final site plan review stage fundamentally does not address that underlying root issue and therefore by definition any public input in site plan review is ultimately not efficacious like public input in the City Commission's actual establishment of the very land development regulations that enable and allow any given development to occur on particular property within the City of Gainesville.

To illustrate the above, the relatively recent Seminary Lane site plan review/approval, which in many respects serves as the genesis of this ordinance, is an example of a site plan review that generated public opposition. (The recent Royal Park site plan review is another and it is important to note that both Seminary Lane and Royal Park are categorically different from both the recent St. Michael's review and the South Main Street review, which also generated public opposition but involved the City Commission exercising fundamentally different authority with significantly more discretion with land use and zoning matters near the top of the regulatory hierarchy.) The Seminary Lane site plan approval, which was done administratively by City staff, was appealed by interested parties and after two separate meticulous reviews by the assigned state-level Judge, which included more than six days of hearings and an incredible amount of time, effort, and expense, the Judge

upheld in almost every respect the City staff's very detailed administrative review/approval of the Seminary Lane site plan. This result was a confirmation of the high quality and competency of City staff in the very technical site plan review process, and shows that the root cause of the public opposition over Seminary Lane was not in fact that City staff somehow acted erroneously in any way (as was alleged and was the very basis of the legal challenge) but was rather that the City Commission adopted Comprehensive Plan and Land Development Code regulations and then assigned specific land use designations and zoning districts to the Seminary Lane property that in fact enabled the Seminary Lane development to occur on that property. In other words, it was the City Commission's adoption of regulations at the top of the development regulatory hierarchy and fundamentally not the carrying-out or implementation of those regulations (whether by City staff or a citizen board notwithstanding) at the bottom of the development regulatory hierarchy that was the true genesis or cause of public opposition over the Seminary Lane site plan. Consequently and as explained above, this ordinance does not address that underlying root matter.

Nevertheless and limited strictly to the site plan review process, this ordinance per City Commission direction and as stated above replaces a City staff administrative process with a board review process for site plans that are residential developments with greater than 50 units. The implications or pros/cons of those two distinct types of site plan review processes is most pertinent to the supply and development of affordable housing (however defined), as has been documented by the U.S. Department of Housing and Urban Development under the Obama administration and as has been presented by staff and discussed by the City Commission several times. Therefore, this ordinance as currently drafted attempts to recognize that fact by exempting from board review (and therefore maintaining the current City staff administrative review) any site plans that consist of residential developments with 15% of units reserved for households making 80% AMI or less. The City Commission should consider the parameters of this exemption in order to most effectively encourage the provision of affordable housing throughout the City of Gainesville.

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

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

2/3/22	City Commission	Continued
2/17/22	City Commission	Approved, as shown above
4/7/22	City Commission	Adopted on First Reading (Ordinance)

[200722A draft ordinance 20220203.pdf](#)
[200722B Neighborhood workshop Amendments](#)
[200722C CodeChangeinfo Neigborhood workshop notification](#)
[200722D PB-20-159 TCH Text Change Staff Presentation CCOM 2.3.22](#)
[200722E BANCF Comments on City Neighborhood Workshop Amendments 2/](#)
[200722F PB-20-159 TCH Staff Presentation 20220407](#)
[200722A draft ordinance 20220407.pdf](#)
[200722A draft ordinance 20220421.pdf](#)

SR-2 [210729.](#) **Comprehensive Plan Amendment - Property Rights Element (B)**

Ordinance No. 210729

An ordinance of the City of Gainesville, Florida, amending the Comprehensive Plan of the City of Gainesville by adding a Property Rights Element; 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 February 3, 2022, 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 written communications from the Florida Department of Economic Opportunity, and the Office of Intergovernmental Programs of the Florida Department of Environmental Protection Department. 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 adds a Property Rights Element to the City's Comprehensive Plan in accordance with a state law requirement (Section 163.3177(6)(i), Florida Statutes) that became effective on July 1, 2021. Section 163.3177(6), 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 comments to the City. The City must consider any written comments received 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 this amendment to the Comprehensive Plan, 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

1/20/22	City Commission	Continued
2/3/22	City Commission	Adopted on First Reading (Ordinance)

[210729_Property_rights_BackUp_20211214](#)

[210729A_draft ordinance_20220120.pdf](#)

[210729B_Property_rights_BackUp_20211214](#)

[210729C_CCM_Property_Rights_Presentation20220203](#)

[210729B_State_Review_Letters_20220421.pdf](#)

SR-3 [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

Update since first reading: On January 6, 2022, 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 written communications from the Florida Department of Economic Opportunity, the Office of Intergovernmental Programs of the Florida Department of Environmental Protection Department, and the 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 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
1/6/22	City Commission	Approved (Petition) and Adopted on Final Reading (Ordinance)

[210461A draft ordinance 20220106.pdf](#)

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

[210461C_PB-21-00116_LUC_Land Use Change Presentation_20220106](#)

[210461B_State Review Letters_20220421.pdf](#)

SR-4 [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
1/6/22	City Commission	Approved (Petition) and Adopted on Final Reading (Ordinance)

[210463A_draft ordinance_20220106.pdf](#)

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

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

SR-5 [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

Update since first reading: On January 6, 2022, 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 written communications from the State of Florida Division of Historical Resources, Florida Department of Economic Opportunity, the Office of Intergovernmental Programs of the Florida Department of Environmental Protection Department, and the 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 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
1/6/22	City Commission	Approved (Petition) and Adopted on First Reading (Ordinance)

[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](#)

[210465B_State Review Letters 20220421.pdf](#)

SR-6 [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
1/6/22	City Commission	Approved (Petition) and Adopted on First Reading (Ordinance)

[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](#)

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