

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Meeting Agenda - Final

January 3, 2019

1:00 PM

City Hall Auditorium

City Commission

Mayor Lauren Poe (At Large)

Commissioner Helen Warren (At Large)

Commissioner Gail Johnson (At Large)

Commissioner Gigi Simmons (District 1)

Commissioner Harvey Ward (District 2)

Commissioner David Arreola (District 3)

Mayor-Commissioner Pro Tem Adrian Hayes-Santos (District 4)

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CALL TO ORDER - 1:00 PM**AGENDA STATEMENT**

"Citizens are encouraged to participate in City of Gainesville meetings. In general, speakers will be limited to 3 (three) minutes per agenda item. Additional time may be granted by the Mayor or by the City Commission as directed. The City of Gainesville encourages civility in public discourse and requests that speakers limit their comments to specific motions and direct their comments to the Chair. Signs or Props are not permitted in the meeting room. Citizens are encouraged to provide comments in writing to the Clerk of the Commission before meetings and/or during meetings for inclusion into the public record. Citizens may also provide input to individual commissioners via office visits, phone calls, letters and e-Mail, that will become public record. In some instances, i.e., Quasi-Judicial Hearings, these particular contacts may be prohibited."

ROLL CALL**INVOCATION****PROPHET GEORGE YOUNG****ADOPTION OF CONSENT ITEMS - GRU, General Government, Audit & Finance Committee and General Policy Committee Items**[180600.](#)**City Commission Minutes (B)****RECOMMENDATION**

The City Commission approve the minutes of November 29, December 6, and December 10, 2018.

[180600 November 29 Minutes 20190103.pdf](#)

[180600\(B\) December 6 Minutes 20190103.pdf](#)

[180600\(C\) December 10 Minutes 20180103.pdf](#)

[180616.](#)**Resignation of Elpidio Cruz from the City Beautification Board (B)****RECOMMENDATION**

The City Commission accepts the resignation of Elpidio Cruz, effective immediately.

[180616 Resignation of Elpidio Cruz20190301.pdf](#)

[180617.](#)**Non-Compliance with Attendance Requirements (B)**

RECOMMENDATION

The City Commission approve the removal of Frank Avery and Stephen Kozakoff from the Regional Transit System Citizen's Advisory Board, effective immediately.

[180617 Frank Avery 20190301.pdf](#)

[180617 Stephen Kozakoff 20190301.pdf](#)

[180623.](#)

Joint City/County Commission Meetings - CRA Discussion (NB)**RECOMMENDATION**

The City Commission approve the following dates of February 11, 2019 and February 27, 2019 (if needed), for joint City/County Commission meetings regarding discussion of the Community Redevelopment Agency.

[180596.](#)

Contract for the Purchase of Police Uniforms (B)

Explanation: Currently the Police Department does not have a contract for the purchase of police uniforms. Last year DGG Uniforms won the contract but later opted out due to a clerical error on the prices quoted. The bid was advertised as follows: The City of Gainesville Police Department is soliciting bids from qualified vendors to provide first quality, new uniforms and accessories on an "as needed" basis for a four-year period with one additional one-year optional renewal.

The invitation to bid was issued October 5th, 2018 (BID NO. GPDC-190009-MS). The bids were required to be back by November 2nd, @ 3:00 p.m. local time. Bids were received from, ARGO and READ'S UNIFORMS.

READ'S UNIFORMS was the low bidder at a price of \$ \$356,673.68. Read's Uniforms could not supply a large quantity of uniforms that matched the uniform specifications and sent samples of different uniforms. The samples submitted did not compare to what was listed in the uniform specifications. ARGO's bid was \$410,434.90. ARGO'S bid matched all of the uniform specifications without any substitutions.

Spending on uniforms is variable based on the needs of the agency each year accounting for such factors as having a high volume of new employees. GPD is currently budgeted to spend \$120,000 annually on uniform related purchases. Beyond the high costs of providing uniforms for new employees most of expenses go to upgrading current uniforms, replacing damaged items, and purchasing new body armor. Body armor purchases are made as vests expire and are costly to replace. Regardless of these variable factors in uniforms the Department plans to stay within the budgeted amount of \$120,000 a year regardless of the

contract's estimated costs beyond that.

Fiscal Note: The funds are available in the approved GPD Support Services (#8161) Uniform Purchase Account 001 810 8152 5210 3040 - Uniform Purchase Price and payments will be made in increments as orders are made from the company for uniforms for new hires and replacements. \$108,613.91 remains available on this line for FY 19.

RECOMMENDATION

The City Commission approve ARGO as the company that will have a contract with the Gainesville Police Department for the purchase of police uniforms and equipment for at least 4 years, with the ability to extend the contract for an additional 1 year after the 4 year period has elapsed.

[180596 Updated GPD Uniform Quotes 20190103](#)

[180578.](#)

Purchase of Zero-Emission Battery Electric Buses and ChargePoint Charging Equipment (B)

Explanation: Regional Transit System (RTS) submitted a grant application to the Federal Transit Administration's Low or No Emission Vehicle Grant Program after obtaining City Commission approval on June 15, 2017. In submitting for various grants, applicants are permitted to form public-private partnerships. RTS chose to partner with the Center for Transportation and the Environment, Inc. (CTE) because they have been successful in helping other applicants obtain grant awards. As the RTS fleet solely consist of Gillig buses, RTS elected to partner with Gillig as the manufacturer of the electric bus to maintain fleet uniformity. On September 16, 2017, the project selections were announced by the FTA and RTS was awarded \$1,000,000 to purchase a Gillig 40' battery electric bus and charging depot. RTS also reserved its FY 17 UAFG in the amount of \$1,000,000 for bus replacement that will used to expand this project to a total of two (2) buses.

Both CTE and Gillig were named in the grant application, as required by FTA. The Federal Register announcement, April 27, 2017, page 19448, second column, second paragraph under C.1. states that "If an application that involves such a partnership is selected for funding, the competitive selection process will be deemed to satisfy the requirement for a competitive procurement under 49 U.S.C. 5324(a) for the named entities." There are no proposed changes to the partnership. Therefore, the use of CTE and Gillig are done as a specified source due to the aforementioned grant application and award.

Fiscal Note: Funds in the amount of \$2,185,531 have been provided by the federal grants and local capital for this project and are available in the RTS budget.

RECOMMENDATION

The City Commission authorize the City Manager

or his authorized designee to execute a contract and any necessary associated documents with Gillig LLC for the purchase of Zero-Emission Battery Electric Buses and ChargePoint Charging Equipment, subject to approval by the City Attorney as to form and legality.

[180578A_Gillig Quote_20190103.pdf](#)

[180578B_Draft Contract_20190103.pdf](#)

[180578C_Draft MOSS_20190103.pdf](#)

[180562.](#)

Contract Award for Major Update to Transit Development Plan (B)

This item is a request to approve the recommended award for Request for Proposal (RFP) #RTSX-190010-DS and execute a contract with Tindale-Oliver & Associates, Inc. to conduct a Major Update to Transit Development Plan.

Explanation: On October 2, 2018, the City's Purchasing Division solicited Request for Proposals (RFP) to conduct a state-mandated update to Transit Development Plan (TDP) for the Regional Transit System (RTS). The RFP process was implemented in compliance with, and as required by, the Federal Transit Administration (FTA), Florida Statutes and City of Gainesville policies.

Two (2) proposals were submitted by the deadline. An evaluation team consisting of City staff evaluated and ranked the proposals. The highest ranked submission was submitted by Tindale-Oliver & Associates, Inc., contained technical and written proposals, and a cost component of \$140,655. RTS desires to enter into a contract with Tindale-Oliver & Associates, Inc. to conduct a Major Update to Transit Development Plan.

Fiscal Note: Funds in the amount of \$140,655 have been provided by federal grants and are available in the FY19 RTS budget.

RECOMMENDATION

The City Commission authorize the City Manager or his designee to execute a contract with Tindale-Oliver & Associates, Inc., for the Major Update to Transit Development Plan, subject to approval by the City Attorney as to form and legality.

[180562A Bid Doc and Addendum 20190103.pdf](#)
[180562B Response from Tindale Oliver 20190103.pdf](#)
[180562C Response from WSP USA 20190103.pdf](#)
[180562D Evaluation Summary and Scores 20190103.pdf](#)
[180562E Dept Award Recommendation 20190103.pdf](#)
[180562F Award Public Notice 20190103.pdf](#)
[180562G Proposal Eval 20190103.pdf](#)

180614.**Voluntary annexation of The Grove Villas Apartments and The Grove Villas expansion on SW 20th Avenue (B)**

The owner of The Grove Villas Apartments has submitted a voluntary annexation petition to the City. The apartment complex, as well as vacant land for future expansion totals 21 acres. The property is located on SW 20th Avenue, west of I-75.

Explanation: Gerardo Munzi, Owner/Manager of Treev-180 Units Gainesville Investments Inc. and Treev-144 Units Gainesville Investments Inc. has submitted a petition to the City of Gainesville for voluntary annexation of parcels 06675-004-000 and 06675-008-000.

This parcels are located south Sugarfoot Oaks Subdivision, west of Sugarfoot Oaks Subdivision and the City of Gainesville Boundary, north of SW 20th Avenue and the City of Gainesville Boundary, and east of parcel 06677-003-000 and the City of Gainesville Boundary.

In order to annex these parcels into the City limits, the owner must submit a petition to the City of Gainesville for voluntary annexation. Staff has reviewed the requirements of the the Municipal Annexation or Contraction Act (Chapter 171, Florida Statutes). This area meets the requirements of the Act and is appropriate for annexation.

Fiscal Note: The current taxable value of the developed parcel is approximately \$5,249,900. The current taxable value of the undeveloped parcel is approximately \$790,500. The cost of providing municipal services has not been determined at this time, but will continue to be assessed as the development moves forward.

RECOMMENDATION

The City Commission: 1) receive the petitions for annexation and make findings that it contains the signature of the property owners or authorized agents; 2) authorize the Mayor to provide notice to the Board of County Commissioners; and 3) authorize the City Attorney to prepare and the Clerk of the Commission to advertise ordinances relating to the annexation of the area, if appropriate.

[180614A_Petition_Voluntary_Annexation_Application_20190103.pdf](#)

[180614B_Grove2_annex_map_20190103.pdf](#)

[180536.](#)

Approval of the Regional Transit System (RTS) Transit Asset Management Plan for FY 18/19 (B)

This item involves a request for the City Commission to approve the RTS Transit Asset Management Plan (TAM) for FY 18/19.

Explanation: To maintain eligibility for Federal Transit Administration (FTA) funding, RTS must develop and maintain a Transit Asset Management Plan. FTA requires agencies to update their TAM annually; this is the first year that the TAM Plan has been required. The TAM outlines the maintenance of transit assets.

The Federal Transit Administration (FTA) released a final rule outlining Transit Asset Management (TAM) requirements on July 26, 2016 in accordance with the Moving Ahead for Progress in the 21st Century (MAP-21) transportation bill. The final rule requires every transit agency to develop and adopt a TAM Plan no later than October 1, 2018 and to update this plan every four years. RTS requested and was granted a 90 day extension on the deadline. The TAM Plan is the transit agency's commitment to effectively manage its capital assets and maintain a State of Good Repair (SGR) to support safe, efficient, and reliable transit.

The Transit Asset Management (TAM) Plan provides a "blueprint" of how RTS intends to implement the requirements of Transit Asset Management. TAM requires RTS to ensure its capital assets remain in a "state of good repair" (SGR) by monitoring and managing those assets to enhance safety, reduce maintenance costs, increase reliability, and improve performance. RTS is required to set SGR performance measures and develop performance targets based on those measures. RTS's capital investment priorities must reflect these SGR targets. The preparation of the TAM Plan is the first step in what will be an ongoing process that requires continuing attention to achieve and maintain RTS's safety performance targets. In accordance with the Moving Ahead for Progress in the 21st Century (MAP-21) transportation bill, passed in 2012, a national performance measurement system for transit programs has been enacted with the final rule outlining TAM requirements. As a result, staff has devised SGR targets, per each asset category.

Under the TAM rule, all transit agencies are categorized based on the number of the fixed-route revenue vehicles operated during peak periods. Agencies that operate 101 or more fixed-route vehicles at peak periods are "Tier 1" providers; those that operate 100 or fewer are at peak periods are "Tier II" providers. RTS is a Tier I provider. As a Tier I provider RTS is responsible for ensuring the following elements are

incorporated into its TAM Plan: (1) Asset Inventory Portfolio: An inventory of the number and type of capital assets to include Rolling Stock. (2) Asset Condition Assessment: A condition assessment of those inventoried assets for which RTS has direct ownership and capital responsibility. (3) Decision Support Tools & Management Approach: A description of the analytical processes and decision-support tools that RTS uses to estimate capital investment needs over time, and develop its investment prioritization. (4) Investment Prioritization: RTS's project based prioritization of investments, developed in accordance with 49 CFR S.S. 625.33. (5) A TAM and SGR policy: RTS's policies governing the TAM and SGR practices and procedures. (6) A TAM Plan implementation strategy: An outline of how RTS will initiate and engage its TAM Plan components. (7) A description of key TAM activities that RTS intends to engage in over the TAM Plan horizon period (the fixed period of time within which a transit provider will evaluate the performance of its TAM plan). (8) A summary or list of the resources, including personnel, that RTS needs in order to develop and carry out the TAM Plan. (9) An outline of how RTS will monitor, update and evaluate, as needed, its TAM Plan and related business practices, to ensure the continuous improvement of its TAM practices.

The TAM Plan includes all the required elements to comply with the TAM Plan final rule and is attached to this agenda item.

Fiscal Note: There is no fiscal impact for production of the TAM Plan.

RECOMMENDATION The City Commission approve the RTS Transit Asset Management Plan for FY 18/19.

[180536A TAM Plan 20190103.pdf](#)

[180607.](#)

GRU Operational Update for the Month of November 2018 (B)

Explanation: Staff has provided operational data for the month of November 2018.

Fiscal Note: None.

RECOMMENDATION Receive report.

[180607 Ops Update Nov 2018 - All Depts 20181213](#)

[180597.](#)

The Florida Department of Transportation's Safety Office Subgrant Funding for the City of Gainesville Motorcycle/Scooter Safety and Education Program and the Gainesville Police Department Distracted Driver Program. (B)

This is a request of the City Commission's approval to accept a grant through the Florida Department of Transportation Safety Office.

Explanation: The Florida Department of Transportation’s Safety Office is sponsoring the City of Gainesville Motorcycle/Scooter Safety and Education Program and the Gainesville Police Department Distracted Driver Program. The City of Gainesville Motorcycle/Scooter Safety and Education Program is an overtime-only for proactive traffic enforcement projects with a focus on motorcycle and scooter infractions. The grant also funds a minimum of nine (9), six hour Safe Motorcycle and Rider Techniques (SMART) courses to train civilian riders in real world scenarios. The Gainesville Police Department Distracted Driver Program is an overtime-only for proactive traffic enforcement projects with a focus on reducing distracted driving behaviors.

Both grants are overtime-only education and proactive traffic enforcement projects with funding provided by the Florida Department of Transportation.

*The amount requested though the grant application is as follows:
 Motorcycle/Scooter Safety and Education Program \$60,000
 GPD Distracted Driver Program \$90,000
 GPD Occupant Protection Enforcement Program \$20,000 (Denied)
 Total requested from the Florida Department of Transportation \$170,000*

<i>Amount Requested</i>	<i>Amount Awarded</i>	<i>Amount Funded</i>	<i>Forfeiture</i>
<i>Total Available Funding</i>			
<i>Motorcycle/Scooter Safety and Education \$ 60,000</i>		<i>\$ 60,000</i>	<i>\$ - \$</i>
<i>\$ 60,000</i>			
<i>Distracted Driver Program \$ 90,000</i>	<i>\$ 5,000</i>	<i>\$ 5,000</i>	<i>\$ 10,000</i>
<i>Occupant Protection Enforcement Program \$20,000</i>		<i>\$- \$- \$-</i>	
<i>Total requested from FDOT \$ 170,000</i>		<i>\$ 65,000</i>	<i>\$ 5,000 \$</i>
<i>70,000</i>			

*Fiscal Note: The total grant awarded to the City is \$65,000
 The original amount requested for the GPD Distracted Driver Program was \$90,000 however FDOT only awarded \$5,000. Chief Jones stated that he will dedicate an additional \$5,000 of forfeiture funds to the GPD Distracted Driver Program for a total of \$10,000.*

RECOMMENDATION *The City Commission authorize the City Manager to accept, and execute the grant award subject to approval by the City Attorney as to form and legality and approve the expenditure as outlined in the approved grant awards.*

[180597 2019 Grant Letters of Acceptance 20181220](#)

ADOPTION OF REGULAR AGENDA

GENERAL PUBLIC COMMENT - For items not on the agenda, limited to 3 minutes per citizen and not to exceed 30 minutes total

BUSINESS DISCUSSION ITEMS - GRU and General Government items placed on the agenda by the Charter Officers or moved from Consent.

[180613.](#)

Interlocal Agreement between the City of Gainesville and the School Board of Alachua County for Joint Use of JJ Finley Elementary School Recreation Facilities to Create JJ Finley Neighborhood Park (B)

This item approves the interlocal agreement creating a new neighborhood park as recommended in the Parks, Recreation and Cultural Affairs Vision 2020 Master Plan and approved by the City Commission as a project listed on the Wild Spaces and Public Places 2018 to 2020 Project List.

Explanation: The City Commission unanimously adopted the Parks, Recreation and Cultural Affairs (PRCA) Vision 2020 Master Plan in November, 2012. The plan identified the need to create eight new neighborhood parks spread throughout the City. One of the neighborhoods identified is the College Park area where the JJ Finley Elementary School is located.

Staff approached the School Board of Alachua County (SBAC) in 2015 to determine interest in sharing facilities to create a neighborhood park open to the public in perpetuity. After receiving support from the school principal and School Board of Alachua County, presentations were made to the College Park Neighborhood Association in 2016 and 2017 to determine interest.

With local neighborhood support, staff proposed the list of projects on the 2017 Wild Spaces and Public Places (WSPP) project list to begin the design process, with funding to construct the project on the 2018 to 2020 WSPP project list. Staff then began to develop the joint use agreement creating the park.

The agreement was developed by the City Attorney's Office in coordination with the SBAC Attorney's Office and approved by the School Board in October, 2018.

Fiscal Note: Funds were allocated and approved for construction in April, 2018 as part of the WSPP 2018 to 2020 Project List. The annual operating cost will be approximately \$30,000 (.5 FTE Park Maintenance Worker 2) with a one-time capital expense of \$28,500. Funds to maintain the park will be requested during the 2020 City Budget process. WSPP funds will be used to operate and maintain the new park for as long as those funds exist.

RECOMMENDATION

The City Commission approve the Interlocal Agreement between the City of Gainesville and the

School Board of Alachua County for Joint Use of
JJ Finley Elementary School Recreation Facilities
to Create JJ Finley Neighborhood Park.

[180613_Joint Use Agreement with City and SBAC_20190103](#)

[180613_Interlocal Agrment between City & Schl Brd_20190103.pdf](#)

[180612.](#)

Discussion of the Appointment of an Interim City Manager (NB)

RECOMMENDATION *The City Commission discuss and take action deemed necessary.*

Legislative History

12/13/18	General Policy Committee	No Action Taken
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[180612_City Manager First Amendment to Employment Agreement_20190117.](#)

[180612_City Manager Job Description_20190107.pdf](#)

[180612_Bowie, Deborah Cover and Resume_20190117.pdf](#)

[180612_Varvel, Steve Cover Letter and Resume_20190117.pdf](#)

[180612_Michelle Park Cover Letter and Resume_20190117.pdf](#)

[180140.](#)

Enterprise Resource Planning Update: Customer Care & Service, Enterprise Asset Management and Advanced Metering Infrastructure (B)

****This item is informational only.****

Explanation: On November 6, 2014, the City Commission authorized GRU to transition the Financial Management Information System (FMIS) and the Customer Care & Service (CCS) to the current product version. This transition was necessitated by the legacy system being unsupported and still unable to communicate across modules. The Commission approved staff's cost estimates of \$6,000,000 for FMIS and \$8,000,000 for CCS. These cost estimates were based on discussions/ recommendations directly from SAP sales representatives with the intent of moving to the new generation of the SAP application suite, the enterprise resource planning (ERP) concept.

The ERP concept uses a suite of applications to communicate as one system. The estimate for the new ERP system included the available hardware, software (licensing), and proposed implementation costs only. No consideration for application maintenance, data migration, training, Advanced Metering Infrastructure (AMI), enterprise asset management (EAM) or compatibility/ communications between applications was given, due to the fact that GRU staff was still collecting information about benefits and potential risks associated with the different systems.

CCS is used by GRU to bill utility services as well as to bill for Storm Water and Solid Waste services on behalf of General Government. CCS manages the following:

- Customer Data*
- Service Data*
- Address Data*
- Usage History*
- Billing Data*
- Service Orders*

EAM consists of asset register, work order management, and inventory and procurement functions in an integrated business software package. EAM manages inventory and operation service requests.

*In June/July of 2016, the Utility Advisory Board (UAB) and City Commission approved revised estimates that were based on more detailed information received to implement FMIS, along with placeholders for estimated Capital Expenditure (CapEx) deployment costs for CCS and EAM, resulting in \$10.8M for FMIS, *\$10M for CCS, and *\$10M for*

EAM. At that time, the \$20M placeholder for CCS and EAM was based on what GRU staff had learned to that point about ERP interoperability. GRU was/is still in the process of gathering information about AMI from other utilities and consulting resources to deliver realistic expectations of what these integrated applications would mean to GRU and its customers as an AMI-powered utility.

Through this process, staff has completed a business case and acquired outside consultants who specialize in AMI deployments. Staff now knows that it is essential to include integration technologies that power ERP communications and allows connectivity between ERP applications. This allows GRU to take full advantage for customer service and billing, work and outage management, all tied to financials, as the keystone of our operations. During the budget planning discussions in June 2018 at a joint UAB / City Commission workshop, staff shared the initial revised request of \$35.4M in CapEx, adjusted from the original placeholder estimate of \$20M. To be respectful of the original request based on the limited knowledge at that time, AMI compatibility, licensing, implementation costs, quality assurance / quality control, data structure requirements, call center software, and mobile equipment as well as training were not considered part of that original \$20M CapEx placeholder.

Even though \$35.4M was submitted for the FY19 budget, the City Commission's final approval was to allocate \$20M to our projects.

At the request of the City Commission, staff provided information about AMI in reference to its benefits, deployment options, and envisioned timeline. The AMI initiative over the last year has led to GRU contracting

services for a business case and AMI management consultants to begin the meter selection, communication canopy build, and meter data management (MDM), and staff have released multiple Invitation to Negotiate (ITN) bids for these services.

Staff presented this item to the UAB on December 13, 2018 and returns today to update the City Commission on the status of AMI, CCS, and EAM projects.

Fiscal Note: None at this time

RECOMMENDATION *Hear update from staff.*

Legislative History

7/9/18 City Commission Heard

[180140 ERP Presentation 20180709](#)

[180140 ERP Presentation UAB 20181213](#)

COMMISSION COMMENT

RECESS - 4:25 PM

RECONVENE - 5:30 PM

PLEDGE OF ALLEGIANCE

PROCLAMATIONS/SPECIAL RECOGNITIONS

[180619.](#)

Gainesville Regional Utilities Energy Delivery Day (B)

RECOMMENDATION *Mr. Gary Baysinger to accept the proclamation.*

[180619_GRU Energy Delivery Day_20190103.pdf](#)

[180620.](#)

Gainesville Regional Utilities Water-Wastewater Day (B)

RECOMMENDATION *Mr. Tony Cunningham to accept the proclamation.*

[180620_GRU Water-Wastewater Day_20190103.pdf](#)

[180621.](#)

King Celebration 2019 (B)

RECOMMENDATION *Honorable Rodney Long to accept proclamation.*

[180621_King Celebration 2019_20190103.pdf](#)

[180622.](#)

Martin Luther King Jr. Hall of Fame Day (B)

RECOMMENDATION *Honorable Rodney Long to accept proclamation.*

[180622_Martin Luther King Jr. Hall of Fame Day_20190103.pdf](#)

GENERAL PUBLIC COMMENT - For items not on the agenda, limited to 3 minutes per citizen and not to exceed 30 minutes total

RESOLUTIONS - ROLL CALL REQUIRED

PUBLIC HEARINGS

ORDINANCES, 2ND READING - ROLL CALL REQUIRED

[180311.](#)

Voluntary Annexation - 1.79 Acres of Property located at 4015 SW 43rd Street (B)

Ordinance No. 180311

An ordinance of the City of Gainesville, Florida, annexing approximately 1.79 acres of privately-owned property that is generally located south of parcel number 06800-006-001, west of Interstate 75, north of SW Archer Road, and east of SW 43rd Street, as more specifically described in this ordinance, as petitioned for by the property owner(s) pursuant to Chapter 171, Florida Statutes; making certain findings; providing for inclusion of the property in Appendix I of the City Charter; providing for land use plan, zoning, and subdivision regulations, and enforcement of same; providing for persons engaged in any occupation, business, trade, or profession; providing directions to the Clerk of the Commission; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: Municipal annexation in Florida is governed by the Municipal Annexation or Contraction Act, which is found in Chapter 171, Florida Statutes. Section 171.044, F.S., sets forth the requirements and procedure for voluntary annexation, whereby property owners may voluntarily request a municipality to include their property within the corporate limits of that municipality. Besides various procedural requirements, Section 171.044, F.S., sets forth the following substantive requirements for voluntary annexations: 1) the proposed annexation area must be "contiguous" to the municipality; 2) the proposed annexation area must be "reasonably compact"; and 3) the annexation must not create any "enclaves."

This ordinance, at the request of the property owners of the subject property, will annex into the corporate limits of the City of Gainesville approximately 1.79 acres of privately-owned property that is generally south of parcel number 06800-006-001, west of Interstate 75, north of SW Archer Road, and east of SW 43rd Street. On September 20, 2018, the City Commission received and accepted a petition for voluntary annexation of the property and directed the City Attorney to prepare this annexation ordinance.

CITY ATTORNEY MEMORANDUM

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

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

9/20/18	City Commission	Approved as Recommended
12/6/18	City Commission	Adopted on First Reading (Ordinance)

[180311A_Annexation Petition- country inn_20180920.pdf](#)

[180311A_draft ordinance_20181206.pdf](#)

[180311_Ordinance_20190103.pdf](#)

ORDINANCES, 1ST READING - ROLL CALL REQUIRED

TIME CERTAIN - 6:30 PM

[170487.](#)

Ordinance Prohibiting the Use of Expanded Polystyrene Containers and Single-Use Carry Out Plastic Bags (B)

ORDINANCE NO. 170487

An ordinance of the City of Gainesville, Florida, amending the Code of Ordinances to prohibit the use of expanded polystyrene containers and single-use carry out plastic bags by creating a new Division 4 within Article III of Chapter 27; by amending Section 2-339 to provide a civil citation penalty; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date and an enforcement date.

Explanation: At the General Policy Committee Meeting of October 26, 2017, the City Attorney was directed to draft an ordinance prohibiting the use of expanded polystyrene containers and single-use carry out plastic bags. The City Attorney drafted an ordinance and coordinated with City staff regarding the substance and implementation of the draft ordinance.

The City Attorney has advised the City Commission that Sections 403.7033 and 500.90, Florida Statutes, currently preempt the City from regulating plastic bags and expanded polystyrene containers; however, that preemption has been ruled unconstitutionally vague by a circuit court in Miami-Dade County. That decision has been appealed to the Third District Court of Appeals.

At the City Commission Meeting of December 6, 2018, the City Commission discussed the draft ordinance with certain revisions proposed by Commissioner Hayes-Santos. The Commission directed the ordinance with revisions be placed on the January 3, 2019 agenda for first reading.

The proposed ordinance prohibits food and retail establishments from providing expanded polystyrene containers or single-use carry out plastic bags to its customers, with limited exceptions for prepackaging and food safety. The ordinance also prohibits permittees of special events at City facilities from utilizing such containers or bags. The ordinance provides for a delayed enforcement date of August 1, 2019.

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

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

10/26/17	General Policy Committee	Approved, as shown above
8/6/18	City Commission	Approved, as shown above
12/6/18	City Commission	Approved, as shown above

[170487 Zero Waste 20171026 .pdf](#)
[170487 Zero Waste Presentation 20171026.pdf](#)
[170487 Single-Use Plastic Bags Ordinance -2017-13 - Coral Gables Signed 2f](#)
[170487 Prohibition of Expanded Polystyrene Signed Ordinance 2016-08 - Cora](#)
[170487A Joint COGAC ZerowastePPT 20180806.pdf](#)
[170386 RESOLUTION 20180322.pdf](#)
[170386B Resolution 20180322.pdf](#)
[170386C Zero Waste Proposal Presentation 20180322.pdf](#)
[170386D draft ordinance for discussion 20180322.pdf](#)
[170386A Zero Waste Budget and Timeline Memo 20180419pdf.pdf](#)
[170386B Draft Resolution Declaring Gainesville Zero Waste Community 2018f](#)
[170487A Zero Waste New Slides 20181206.pdf](#)
[170487B Joint COGAC Zerowaste5ppt170x 20181206.pdf](#)
[170487 Styrofoam and Plastic Bag Ordinance 12-6-18 \(Adrian Hayes-Santos V](#)
[170487 Polystyrene and plastic bag ordinance 20190103.pdf](#)
[170487 draft ordinance 20190117.pdf](#)
[170487 Ordinance 20190117.pdf](#)

GENERAL PUBLIC COMMENT - For items not on the agenda, limited to 3 minutes per citizen and not to exceed 30 minutes total

COMMISSION COMMENT

ADJOURNMENT - 9:04 PM