

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Meeting Agenda - Final

January 20, 2022

10:00 AM

City Hall Auditorium

City Commission

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

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

Welcome to the City Commission meeting!

Learn about the meeting process and how to participate.

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

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

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

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

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

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

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

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

Public Comment on Agenda Items

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

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

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

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

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

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

ROLL CALL**INVOCATION****ADOPTION OF AGENDA (Includes both Consent and Regular Agenda Items. Consent Agenda Items that will not be discussed, may include Advocacy Resolutions)****CA CONSENT AGENDA ITEMS****CA-1 [210673.](#) Request to Release Lien at 1127 NE 22nd Ct. (B)**

Explanation: This item is a request for the City Commission to consider a lien reduction or rescission for 1127 NE 22nd Ct. The property was found in violation of City Ordinance Section 30-8.9 B & C. A lien was placed on this property that accumulated to \$6,000 plus Administrative Costs of \$106.67 and a Tree Mitigation Fee of \$650.

On November 15, 2021, Mr. McCluney requested a reduction/rescission of the accumulated lien, and met with Pete Backhaus, Neighborhood Enhancement Manager and Sustainable Development Director, Andrew Persons to discuss the violation and remedy. He advised that he lost track of time and was dealing with health issues, resulting in his nonpayment of the fees and costs when due. He would like the lien reduced to zero.

The Administrative Costs and Tree Mitigation Fees have been paid and the property is currently in compliance with City Ordinances.

A Reduction/Rescission hearing was held on December 9, 2021 before the Special Magistrate. Based on information presented, the Magistrate recommended the remaining amount of the lien be reduced to zero.

*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 amount totals \$6,000. The City has recovered \$756.67 in Administrative Costs and Tree Mitigation Fees.

RECOMMENDATION

The City Commission accept the Magistrate's recommendation and reduce the lien to zero and authorize the City Manager to execute a release of lien.

Legislative History

12/9/21 Special Magistrate Heard
Hearing

[210673 Summary McCluney Lien 20220120](#)

CA-2 [210680.](#)

Request to Release Lien at 118 SE 24th St. (B)

Explanation: This item is a request for the City Commission to consider a lien reduction or rescission for 118 SE 24th St.

On March 30, 2018, a Notice of Violation was issued for Sec. 13-171(g) Yard Maintenance for an Overgrown Vacant Property and Sec. 13-171 (b) Outdoor Storage and Trash. As the violation was not corrected, the case was heard on September 3, 2018 by the Special Magistrate and a guilty verdict was obtained, with the violation to be corrected by October 4, 2018 or a fine of \$50 a day be assessed plus administrative costs of \$115.51 (paid). The violation was not corrected and fines ran until August 3, 2021 when compliance was achieved by demolition, accumulating a total of \$51,750. On April 27, 2021; a Notice of Violation was issued for Sec. 16-19 Dangerous Buildings due to the structures degrading, as a result of fire and neglect. As the violation was not corrected, the structures were demolished on September 2, 2021 and the property cleaned by the City Contractor. Costs for the demolition totaled \$7,547.30.

Mr. Vernon Robinson requested a reduction/rescission of the accumulated fines and costs. He met with Sustainable Development Director, Andrew Persons and Pete Backhaus, Neighborhood Enhancement Manager to discuss the violation and remedy. Mr. Robinson advised that he was attempting to sell the property and the sale fell through because of the outstanding liens. He stated that he and his family members have health issues that did not allow them to maintain the property and that they do not have the money to pay the outstanding costs. He indicated he currently has a contract to sell the property.

A Reduction/Rescission hearing was held on December 9, 2021 before the Special Magistrate. Based on information presented, the Magistrate recommended the remaining amount of the lien not be reduced due to the costs of the demolition not being paid.

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 \$51,750 and the Costs for Demolition of \$7,547.30. The City has recovered \$115.51 in administrative costs.

RECOMMENDATION

Based on the violations not being corrected until the demolition of the structures on the property by the City and the costs associated with the demolition not being paid, the City recommends no reductions of the liens, fines or costs.

Legislative History

12/9/21 Special Magistrate Heard
Hearing

[210680 Summary Della Robinson Heirs Lien 20220120](#)

CA-3 [210733.](#)

Dr. Ebrahim - Voluntary Annexation Petition For .66 +/- Acres of Property on SW 13th Street (B)

Explanation: This is the acceptance of a voluntary annexation petition, giving staff authorization to begin research and initiate the voluntary annexation process under state statute. Two public hearings before the City Commission with two opportunities for public comment will take place before the annexation becomes effective. The total annexation area is approximately .66 +/- acres and is located on SW 13th Street, north of the SW Williston Road and SW 13th St. Intersection, south of current City boundary.

In order to annex this parcel 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 Municipal Annexation or Contraction Act (Chapter 171, Florida Statutes). This area meets the requirements of the Act and is appropriate for annexation.

Strategic Connection: This item is connected to Goal 5: "Best in Class" Neighbor Services in the City's Strategic Plan.

Fiscal Note: The fiscal impacts of this annexation will be addressed in the urban service report.

RECOMMENDATION

The City Commission: 1) receive the petition 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; 3) direct the City Manager to analyze the area; and 4) authorize the City Attorney to prepare and the City Clerk to advertise ordinances relating to the annexation of the area, if appropriate.

[210733A Ebrahim SW13th street annex map2110201 20220106](#)

[210733B Original Signed petition 20220106](#)

CA-4 [210734.](#) **UF Health Shands - SW 13th Street Voluntary Annexation Petitions For 8.98+/- Acres of Property On SW 13th Street (B)**

Explanation: This is the acceptance of voluntary annexation petitions, giving staff authorization to begin research and initiate the voluntary annexation process under state statute. Two public hearings before the City Commission with two opportunities for public comment will take place before the annexation becomes effective. The total annexation area is approximately 8.98+/- acres and is located on the northeast corner of SW 13th Street and SW Williston Road.

In order to annex these parcels into the City limits, the owners must submit a petition to the City of Gainesville for voluntary annexation. Staff has reviewed the requirements of 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 fiscal impacts of this annexation will be addressed in the urban service report.

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; 3) direct the City Manager to analyze the area; and 4) authorize the City Attorney to prepare and the City Clerk to advertise ordinances relating to the annexation of the area, if appropriate.

[210734A SW Williston UF Annex211104 20220106](#)

[210734B Annexation Shands 07256-001-001 and 07256-001-002 20220106](#)

[210734C Annexation Shands and FCPA Parcel 07256-001-000 20220106](#)

CA-5 [210777.](#) **Federal Transit Administration (FTA) American Rescue Plan Act of 2021 (ARPA) Grant Allocation for Regional Transit System (RTS) (B)**

This item is a request for the City Commission to authorize RTS to submit an application for the Federal Transit Administration (FTA) American Rescue Plan Act of 2021 (ARPA) Urbanized Area Formula grant.

Explanation: The American Rescue Plan Act of 2021 (ARP), signed on March 11, 2021, includes \$30.5 billion in federal funding to support the nation's public transportation systems as they continue to respond to the COVID-19 pandemic and support the President's call to vaccinate the U.S. population. The relief funds included \$26.6 billion to be allocated by

statutory formulas to urbanized and rural areas and tribal governments at 100-percent federal share.

The Urbanized Area Formula grant funds allocated to the City of Gainesville Regional Transit System from the Federal Transit Administration (FTA) totaled \$14,481,737. In order to remain eligible for federal and state funding (such as the ARPA allocation), RTS is required annually to submit a Program of Projects (POP) to the Federal Transit Administration and maintain a current Transit Development Plan. The City Commission adopted the annual POP on March 4, 2021 (Resolution #2000859) and adopted the annual TDP Progress Report on August 19, 2021 (Legislative #210190).

Based on the needs established in the adopted POP, RTS prepared a draft ARPA application for the fund allocation that may be used over several fiscal years depending upon the City's transit needs due to lasting impacts from COVID-19. The application budget included \$10,000,000 for Operating Assistance (salaries and fuel) and \$4,481,737 for Capital Assistance. If the ARPA application is accepted by the FTA, the award would be made following the established FTA grant processes. City staff is seeking City Commission authorization to proceed with the application for Federal Transit Administration (FTA) American Rescue Plan Act of 2021 (ARPA) Urbanized Area Formula grant.

Strategic Connection: The Regional Transit System network provides transportation access to many services within our community and supports all five goals in the City's strategic plan including Equitable Community, A More Sustainable Community, a Great Place to Live and Experience, a Resilient Local Economy, and "Best in Class" Neighbor Services.

Fiscal Note: The American Rescue Plan Act of 2021 (ARPA) Urbanized Area Formula grant does not require any matching City funds.

RECOMMENDATION

The City Commission authorize the City Manager or designee submit an application for the Federal Transit Administration (FTA) American Rescue Plan Act of 2021 (ARPA) Urbanized Area Formula grant for the City of Gainesville Regional Transit System.

[210777A RTS FTA ARPA Funds Summary 20220120](#)

[210777B RTS POP Resolution 20220120](#)

[210777C TDP Annual Approval 20220120](#)

CA-6 [210785](#).

Ratification of Amendment to the Agreement between the International Association of Firefighters (IAFF), Local 2157, Professional Firefighters Bargaining Unit and the City of Gainesville for October 1, 2021 through September 30, 2024 (B)

Explanation: The amendment to this Agreement was reached through negotiations between the International Association of Firefighters (IAFF), Local 2157, Professional Firefighters Bargaining Unit and the City of Gainesville, and were ratified by the International Association of Firefighters (IAFF), Local 2157, Professional Firefighters Bargaining Unit.

This amendment implements a tuition reimbursement program, in lieu of City Policy B-1 and specific to Paramedic School, and vests the Fire Chief with the ability to authorize prepayment of reimbursable costs associated with attending Paramedic School. The proposed program creates inherent benefits in efficiencies, scheduling, and employee retention or repayment for the City and department.

A copy of the amendment is on file in the Office of the Clerk of the Commission. After January 20, 2022, the amendment to the Agreement will be on file in the Human Resources Department.

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

Fiscal Note: The change may create cost oscillation between fiscal years, however, when viewed between two fiscal years will be mostly cost neutral. The immediate cost associated with the change to the Tuition Reimbursement article is \$11,872.00. Moving forward, the change is expected to cost approximately \$3,180.00 per year. Funding for the additional cost will be derived from the proposed FY23 budgeted payroll for GFR.

RECOMMENDATION

The City Commission ratify the amendment to the Agreement between the International Association of Firefighters (IAFF), Local 2157, Professional Firefighters Bargaining Unit and the City of Gainesville, through September 30, 2024.

[210785 Amendment to IAFF 2021-2024 20220120](#)

CA-7 [210802.](#)

Human Resources Policy L-6: Holidays (B)

Explanation: The City Commission on June 17, 2021 voted to allow non-essential personnel to observe the newly created federal holiday of Juneteenth. Since then, the holiday has been negotiated into four of the City's seven collective bargaining agreements (Amalgamated Transit Union, Communications Workers of America Non-Supervisory, Communications Workers of America Supervisory, and the Fraternal Order of Police). Those contracts cover approximately 1,450 of the City's roughly 2,200 regular employees.

The proposed amendment to the Holidays policy and bargaining with the remaining unions (International Association of Firefighters, IAFF District Chiefs and Police Benevolent Association) would extend the Juneteenth holiday to all employee groups.

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

Fiscal Note: The additional cost of payroll and benefits associated with the proposed change is estimated at \$40,000.

RECOMMENDATION Approve revision to Human Resources Policy L-6: Holidays.

[210802_L-6 Holidays_20220120.pdf](#)

CA-8 [210793.](#) General Government Internal Control over Financial Reporting Audit (B)

AGENDA UPDATE - CHANGED TEXT FILE

Explanation: The objective of this engagement was to assess the design and effectiveness of General Government internal controls over financial reporting processes to ensure the risk of error, financial reporting misstatement, and fraud are sufficiently mitigated. This audit was added to the City Auditor's 2021 Audit Plan in March of 2021 as a result of insufficient progress being made toward high risk areas identified in prior financial statement audits.

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

Legislative History

1/11/22 Audit Committee Approved as Recommended

[210793_GG Internal Control Over Financial Reporting Audit Report_Final.pdf_2](#)

CA-9 [210794.](#) Colliers International Florida, LLC Contract Compliance Audit (B)

AGENDA UPDATE - CHANGED TEXT FILE

Explanation: The objective of this engagement was to evaluate compliance with the deliverables, terms and conditions of the City's contract with Colliers International Florida, LLC (Colliers). City departments and staff provide many services to its residents. Duties include managing a significant number of contracts. Effective contract administration is critical to the success of public contracting processes.

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

Legislative History

1/11/22 Audit Committee Approved as Recommended

[210794 Compliance Audit Report - Colliers International Contract.pdf 2022011](#)

CA-10 [210822.](#)

Consulting Services for Oversight and Compliance for American Rescue Plan Act of 2021 (ARPA) and Other Grant Funds (B)

Explanation: On December 6th, 2021 the City Commission approved the release of a Request for Qualifications (RFQ) for consulting services for oversight and compliance of American Rescue Plan Act of 2021 (ARPA) and other grant funds.

The solicitation was posted on December 10, 2021 and closed on December 27, 2021 at 3 PM. The Procurement Division distributed five proposals to the evaluation committee on December 29, 2021 to review and evaluate. The evaluation committee consisted of three (3) community builders including representatives from the Office of Equity and Inclusion, the Office of Strategic Initiatives, and the Budget and Finance Department.

On January 4, 2022, the evaluation committee provided the official technical and written scores for the qualifications. At that meeting, the evaluation committee requested oral presentations from the top two ranked firms. The oral presentations were given by Government Services Group, LLC on January 11, 2022 and UHY Advisors Mid-Atlantic MD, Inc. on January 12, 2022. After a thorough review and evaluation of the five proposals submitted and two oral presentations, Government Services Group, LLC firm was selected to be the most qualified. The rest of the firm's qualifications were ranked as follows #2 UHY Advisors Mid-Atlantic MD, Inc., #3 iParametrics, LLC, #4 GrantThornton, and #5 Dynamic Contracts Consultants, LLC.

Strategic Goal: This item meets all five goals of the Strategic Plan.

Fiscal Note: The ARPA Final Rule allows for administrative expenses to be paid from ARPA funds. The cost for this service will be determined through negotiations with the first ranked firm and will meet allowable thresholds as detailed in the American Rescue Plan Act Final Rule.

RECOMMENDATION

The City Commission 1) Approve the ranking of the firms as recommended by the evaluation committee, 2) Authorize the Interim City Manager or designee to negotiate and execute a contract with Government Services Group, LLC, the first ranked firm, or if no contract agreement can be reached with them to negotiate and execute a contract with the next ranked firm subject to approval of the City Attorney as to form and legality.

[210822A_220033-CMGR-RFQ-Consulting Services for Oversight and Complian](#)
[210822B_220033-Addendum 1_Oversight & Compliance Consultant-F_202201](#)
[210822C_220033-Grant Thornton-Redacted Technical Proposal_20220120.PD](#)
[210822D_220033-Submittal-Dynamic_20220120.PDF](#)
[210822E_220033-Submittal-UHY_20220120.PDF](#)
[210822F_220033-Submittal-iParameters_20220120.PDF](#)
[210822G_220033-Submittal-GSG_20220120.PDF](#)
[210822H_220033-Evaluation_Procurement-FINAL_20220120.pdf](#)
[210822I_BidAward_20220120.pdf](#)

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

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

BD-1 [210805.](#) Vision Zero Update and Traffic Road Safety (B)

AGENDA UPDATE - ADDED BACK-UP

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

[210805_Pedestrian and Bicyclist Deaths 2020-2021](#)

[210805_Vision Zero Update_20220120](#)

**BD-2 [210749.](#) City of Gainesville (COG)/Gainesville Housing Authority (GHA)
Potential Partnership Plan (B)**

Explanation: On November 18, 2021, the City Commission approved the following motion:

Motion: In recognition of the Gainesville Housing Authority's aggressive plan to create 500 additional affordable housing opportunities in our city and the need for those opportunities, I move that we direct the City Manager to detail a plan for the City of Gainesville to work with the GHA toward the following ends:

- *Name the GHA as an official housing partner of the City*

- Provide dedicated grant support
- Provide connection fee assistance
- Disburse city-owned surplus property for affordable housing construction
- Partner for home-ownership readiness classes
- Other programs as recommended by the city manager.

The plan should be a multi-year, fixed-date agreement with options for renewability, and should return to the commission by our second meeting in January 2022.

City staff and GHA met in December 2021 to discuss the proposed details of the Plan. The GHA has provided an outline of various affordable housing projects and strategies to work towards the goal of creating 500 additional housing opportunities in our city.

The Plan will include: 1) developing a Memorandum of Understanding; 2) clarifying the role and relationship of the COG/GHA; 3) evaluating potential projects to provide affordable housing opportunities for eligible recipients; 4) identifying possible funding sources; 5) the terms of the Plan; and 6) the implementation timeline.

The Plan will require further discussions to finalize the various components of the partnership. As such, staff is requesting the City Commission to provide feedback on the proposed details of the Plan. Thereafter, staff will come back with a draft Memorandum of Understanding of the City/GHA partnership for approval.

Strategic Connection: This item is connected to Goal 3: A Great Place to Live & Experience in the City's Strategic Plan.

RECOMMENDATION The City Commission provide feedback on the proposed details of the Plan.

[210749A_COG GHA Partnership Draft Plan_20220122](#)

[210749B_GHA Presentation_20220120](#)

BD-3 [210792.](#)

Auditor General's Report (B)

AGENDA UPDATE - CHANGED TEXT FILE

Explanation: In November 2019, the Florida Joint Legislative Auditing Committee voted to have the state Auditor General do an inspection of the City's financial records. In November 2021, the Auditor General issued a list of 18 preliminary and tentative findings (P&T) to which the City provided management responses. The Auditor General and management worked

through edits to the P&T and management responses, and the Auditor General issued their City of Gainesville operational audit report in 01/10/2022.

RECOMMENDATION

The Audit Committee recommends the City Commission discuss and accept the Auditor General's report.

Legislative History

1/11/22 Audit Committee Approved as Recommended

[210792_Auditor General's Report_20220111.pdf](#)

[210792\(A\)_Auditor General's Report Slides.pdf](#)

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

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GENERAL PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

BD BUSINESS DISCUSSION ITEMS

RE RESOLUTIONS

OR ORDINANCES

COMMISSION COMMENT

4:30 - 5:30pm DINNER BREAK

5:30pm - Call to Order Evening Session

PLEDGE OF ALLEGIANCE

PR PROCLAMATIONS/SPECIAL RECOGNITIONS

PR-1 [210803.](#) Paul B. Davis Day - January 20, 2022 (B)

RECOMMENDATION *GRU Engineer Supervisor Jennifer McElroy and
GRU Water Wastewater Officer Anthony
Cunningham to accept the proclamation.*

[210803 Paul B. Davis Day 20220120](#)

PR-2 [210804.](#) Zero Waste Week - January 23 - 29, 2022 (B)

RECOMMENDATION *Zero Waste Founder and Co-Chair Nina
Bhattacharyya and Zero Waste Co-Chair Amanda
Waddle to accept the proclamation.*

[210804 Zero Waste Week 20220120](#)

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

RE RESOLUTIONS - ROLL CALL REQUIRED (required by state law to be heard at 6:00 pm)

BD BUSINESS DISCUSSION ITEMS

PH PUBLIC HEARINGS (Including Planning Petitions)

ORDINANCES - ROLL CALL REQUIRED (required by state law to be heard at 6:00 pm)

SR SECOND READINGS

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

Ordinance No. 200887

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning approximately 83.79 acres of property generally located on the 755-1100 block on the south side of NE 39th Avenue, as more specifically described in this ordinance, from Planned Development (PD) to Automotive-Oriented Business (BA), Urban 2 (U2), and Urban 6 (U6); providing directions to the City Manager; providing a severability clause;

providing a repealing clause; and providing an effective date.

Explanation: STAFF REPORT

This ordinance amends the Zoning Map Atlas of the City of Gainesville by rezoning approximately 83.79 acres of property generally located on the 755-1100 block on the south side of NE 39th Avenue. The requested rezoning is consistent with the Comprehensive Plan and meets all applicable review criteria. The City Plan Board held a public hearing on February 25, 2021, where it voted to recommend approval of this rezoning.

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

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

6/3/21	City Commission	Continued
1/6/22	City Commission	Approved (Petition) and Adopted on First Reading (Ordinance)

[200887A draft ordinance 20210603](#)

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

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

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

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

[200887A draft ordinance 20220120.pdf](#)

SR-2 [210595.](#)

Ordinance Amending Chapter 9 Related to Elections (B)

Ordinance No. 210595

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

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

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

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

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

[210595 draft ordinance 20220106](#)

SR-3 [210651.](#)

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

ORDINANCE NO. 210651

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

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

Ordinance No. 210189, the City Commission held a meeting on July 12, 2021 and approved proposed fee increases to the Controlled Vehicular Parking Area Decals/Permits section of Appendix A. The proposed fee increases were used in developing the budget for Fiscal Year 2022. After Ordinance No. 210189 was passed, staff discovered an error in the fees for commercial permits and service permits.

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

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

1/6/22 City Commission Adopted on First Reading (Ordinance)

[210651_draft ordinance_20220106](#)

SR-4 [200413.](#)

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

ORDINANCE NO. 200413

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

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

September 30.

In order for the City to issue the solicitation in compliance with the Code of Ordinances, Article III titled "Solid Waste Disposal," Chapter 27 needs to be amended in order to allow the City to enter into an exclusive franchise agreement for the collection of commercial property garbage and bulk waste, and multi-family residential property garbage, recovered materials, and bulk waste. In the event the City enters into an exclusive franchise agreement for the collection of solid waste, further revisions to the Code of Ordinances will be required to reconcile the definitions and terms of the exclusive franchise agreement with the Code of Ordinances.

Fiscal Note: None.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

10/13/20	Zero Waste Subcommittee	Discussed
1/5/21	Zero Waste Subcommittee	Discussed
1/19/21	Zero Waste Subcommittee	Discussed
1/6/22	City Commission	Adopted on First Reading (Ordinance)

[200413A Exclusive Franchise 20201013](#)

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

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

[200413D Benefits of SW Franchise 2021_01_05](#)

[200413E Update Exclusive Solid Waste Agreement 1 05 2022_20210105.pdf](#)

[200413F Electric Garbage Truck Articles 2021_01_05](#)

[200413G Exclusive SW Franchise EV Discussion_20210119](#)

[200413H COG Collection Svcs Carbon Footprint Report 2020_20210119](#)

[200413 draft ordinance 20220106](#)

SR-5 [210666](#).

Text Change- GCRA Advisory Board Membership (B)

Ordinance No. 210666

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

Explanation: STAFF REPORT

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

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

1/6/22 City Commission Adopted on First Reading (Ordinance)

[210666A_draft ordinance_20220106.pdf](#)

FR FIRST READINGS

FR-1 [210278.](#) **Voluntary Annexation - 4 Acres of Privately-Owned Property West of SW 13th Street and South of SW 36th Place (B)**

Ordinance No. 210278

An ordinance of the City of Gainesville, Florida, annexing approximately four (4) acres of privately-owned property generally located west of SW 13th Street and south of SW 36th Place, 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 City Clerk; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: This ordinance will annex into the corporate limits of the City of Gainesville tax parcels 07253-000-000, 07254-000-000, and 07251-009-000; consisting of approximately four (4) acres of privately-owned property generally located west of SW 13th Street and south of SW 36th Place. On August 19, 2021, the City Commission received and accepted a petition for voluntary annexation and directed the City Attorney to prepare this annexation ordinance.

Municipal annexation in Florida is governed by the Municipal Annexation or Contraction Act (the "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."

It is the opinion of city staff that the procedural and substantive requirements for voluntary annexation described in Section 171.044, F.S., have been met as follows: First, the annexation area is "contiguous" to the city limits because a substantial part of a boundary of the annexation area is coterminous with a part of the city boundary, and is touching or adjoining the city limits in a reasonably substantial sense. Second, the annexation area is "reasonably compact" because it is a reasonable concentration of property in a single area and does not create any enclaves, pockets, or finger areas in serpentine patterns. This annexation would not result in a pattern of land that is winding or turning, and would not create any small isolated unincorporated area that is left in a sea of incorporated property when viewed in relationship to the overall scope and configuration of the annexation area and surrounding municipal property. Third, this annexation would not create any "enclaves" because the annexation would not result in any unincorporated property that is either enclosed and bound on all sides by the city limits; or enclosed within and bounded by the city limits and a natural or manmade obstacle that allows the passage of vehicular traffic to that unincorporated area only through the city.

Therefore, and in light of the general purpose of municipal incorporation and the fact that a property owner has voluntarily requested to be annexed into the City of Gainesville, city staff recommends adoption of this voluntary annexation ordinance. The City Commission must decide, based on the map of the annexation area, the opinion and testimony of city staff, and other competent substantial evidence included in the record, whether the proposed annexation meets the essential requirements of the applicable state annexation law as described herein.

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

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

8/19/21 City Commission Approved as Recommended

[210278B_Patel_Voluntary_Annexation_Petitions_20220120](#)

[210278C_Staff_PPT_20220120](#)

[210278D_PatelPrprtys_USR - Voluntary Annexation_20220120](#)

[210278A_draft_ordinance_20220120.pdf](#)

FR-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

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 continue First Reading to February 3, 2022..

[210729_Property_rights_BackUp_20211214](#)

[210729A_draft ordinance_20220120.pdf](#)

[210729B_Property_rights_BackUp_20211214](#)

[210729C_CCM_Property_Rights_Presentation20220203](#)

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