

# City of Gainesville

City Hall  
200 East University Avenue  
Gainesville, Florida 32601



## **Meeting Agenda - Final-Revised**

**September 12, 2019**

**6:00 PM**

**City Commission Special Meeting**

**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)**  
**Mayor-Commissioner Pro Tem 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 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.***

**CALL TO ORDER****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****ADOPTION OF THE AGENDA****ORDINANCES, 2ND READING - ROLL CALL REQUIRED**

[190278.](#)

**Repeal of Ordinance Nos. 170487 and 190114 Relating to the Prohibition of Single-Use Carry Out Plastic Bags and Expanded Polystyrene Containers. (B)**

Ordinance No. 190278

An ordinance of the City of Gainesville, Florida, amending the Code of Ordinances, by repealing Division 4 of Article III, Chapter 27 and amending Sec. 2-339, relating to the prohibition of single-use carry out plastic bags and expanded polystyrene containers; providing directions to the codifier; providing a repealing clause; and providing an immediate effective date.

*Explanation: On August 14, 2019, the 3rd District Court of Appeals issued its Opinion in Case No. 3D17-0562 Florida Retail Federation, Inc. vs. The City of Coral Gables, Florida. A copy of the Opinion is attached in the back-up to this item. The 3rd DCA Opinion concludes "Because sections 403.708(9), 403.7033, and 500.90 are constitutional and by their plain language preempt the City's Ordinance regulating "polystyrene containers," we reverse the trial court's final judgment in favor of the City and remand for entry of final judgment in favor of FRF. This Opinion is now binding law in the State. In light of this and pursuant to the repeal requirements of Section 57.112, Florida Statutes, the Office of the City Attorney advised the City Commission to approve a Notice of Intent to Repeal Ordinances No. 170487 and No. 190114. The City Commission approved a Notice of Intent to Repeal on August 15, 2019 and directed*

*the City Attorney to prepare and advertise this Ordinance.*

**RECOMMENDATION**      *The City Commission adopt the proposed ordinance.*

**Legislative History**

8/15/19      City Commission      Approved, as shown above  
9/5/19      City Commission      Adopted on First Reading (Ordinance)

[190278 Notice of Intent to Repeal Ordinance 20190815.pdf](#)

[190278 Opinion 20190815.pdf](#)

[190278 draft ordinance 20190905.pdf](#)

[190278 Notice of Intent to Repeal 20190815.pdf](#)

[190301.](#)

**Vacation of Dedication of Certain Land within the Plat of Hamilton Park (B)**

Ordinance No. 190301

An ordinance of the City of Gainesville, Florida, vacating and abandoning the dedication to the City of Gainesville of certain land within the Plat of Hamilton Park, land which is located northwest of the intersection of NE 23rd Avenue and N Main Street as more specifically described in this ordinance; providing directions to the Clerk of the Commission; providing a severability clause; providing a repealing clause; and providing an effective date.

**AGENDA UPDATE - REMOVE ITEM**

*Explanation: This ordinance vacates the dedication to the City of Gainesville of certain land lying within the Plat of Hamilton Park so that Cabot Carbon, Inc., may fully comply with its responsibilities for remedial action at the Cabot portion of the Cabot/Koppers Superfund Site in accordance with Federal law.*

*The Cabot/Koppers Superfund Site (Superfund Site) covers an approximately 140-acre area in Gainesville, Florida, approximately one mile east of U.S. Highway 441, which includes two properties: the Koppers area (now owned by Beazer East, Inc.), covering approximately 100 acres on the western side of the site; and the Cabot area (owned by Cabot Carbon, Inc.), covering approximately 40 acres on the eastern side of the site. A pine tar and charcoal production facility was operated on the Cabot area from approximately 1910 until 1967 and a wood-treating facility was operated on the Koppers area from approximately 1910 until 2009. The waste handling practices at these facilities contaminated the groundwater, soil, and off-site surface water. In 1967, Cabot Carbon, Inc., sold certain property within the Cabot area to a local private investor, and approximately ten years later it was developed in part into a commercial development known as the Plat of Hamilton Park.*

*In 1976, the Plat of Hamilton Park was approved by the City of Gainesville and recorded in Plat Book I, Page 80, of the public records of Alachua County, Florida. The plat, which includes a portion of the Cabot area of the Superfund Site, contains approximately 34 acres of property lying northwest of the intersection of NE 23rd Avenue and N Main Street. The Plat of Hamilton Park contains a 3.16-acre portion of property referred to as "Tract 3" which was dedicated to the City of Gainesville for storm water retention purposes, and contains an associated 20-foot wide "drainage easement" and a 20-foot wide "R/W", all as more specifically described in this ordinance. By Quit-Claim Deeds recorded in Official Record Book 1252, Page 716 and Official Record Book 1257, Page 547, of the Public Records of Alachua County, the City purported to release all right, title, interest, claim and demand which the City had to a portion of Tract 3 and to the 20-foot wide "drainage easement.*

*In 1977, the contamination of the Koppers area and the Cabot area was initially discovered by the Florida Department of Environmental Regulation (now the Florida Department of Environmental Protection (FDEP)) and in 1984, the U.S. Environmental Protection Agency (EPA) listed the Cabot/Koppers site on the Superfund National Priority List pursuant to Federal law.*

*In 1990, the EPA issued a Record of Decision (ROD) directing the responsible parties, Beazer East, Inc. (for the Koppers area) and Cabot Carbon, Inc., (for the Cabot area) to treat the contaminated soils, sediment, groundwater, and surface water to protect human health and the environment. In a 1992 Consent Decree, Cabot Carbon, Inc., agreed to develop a remedial design (RD) and implement the remedial action (RA) for the Cabot area in order to carry out all remedial actions required by the 1990 ROD. In 2011, the EPA updated and amended the 1990 ROD and selected remedies at both the Cabot and Koppers areas for on- and off-site soils and sediments, surface water, and groundwater.*

*The 1992 Consent Decree, 2011 amended ROD and subsequent documents, require Cabot Carbon, Inc., to carry out the remedial action on Tract 3 of the Hamilton Park plat and to construct a new storm water retention facility on private property within the Hamilton Park plat. This federally-required remedial action will render Tract 3 unusable for the sole public purpose (i.e., storm water retention) for which it was dedicated to the City. Likewise, the associated 20-foot wide "drainage easement" and 20-foot wide "R/W" serve no public purpose to the City. This ordinance releases any right, title or interest the City may have in and to the property described in Exhibit A of the ordinance by virtue of the plat dedications, so that Cabot Carbon, Inc., may carry out its remedial action in accordance with Federal law.*

#### **CITY ATTORNEY MEMORANDUM**

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

#### **RECOMMENDATION**

*The City Commission adopt the proposed*

ordinance.

Legislative History

9/5/19 City Commission Adopted on First Reading (Ordinance)

[190301A draft ordinance 20190905.pdf](#)

## BUDGET

### ORDINANCES, 1ST READING - ROLL CALL REQUIRED

[190210.](#)

**Appendix A - Schedule of Fees, Rates and Charges for Utilities - Electricity, Water, Sewerage, and Natural Gas; and Related Revisions to Chapter 27 (B)**

Ordinance No. 190210

An ordinance of the City of Gainesville, Florida, amending the Code of Ordinances relating to utilities; by amending section 27-31 relating to public streetlight and rental outdoor light services; by amending Appendix A, Schedule of Fees, Rates and Charges to revise fees, rates and charges for electricity, water, sewerage, and natural gas; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

*Explanation: GRU BUDGET AND FINANCE DEPARTMENT REPORT*

*In the proposed budget for the combined utilities system, the General Manager for Utilities made recommendations to revise electric, water, wastewater and natural gas fees, rates and charges as required to meet system revenue requirements for Fiscal Year 2020. This ordinance is necessary to implement the changes to the fees, rates and charges effective October 1, 2019. Additionally, changes are included in the proposed ordinance to amend provisions of Chapter 27 to add types of LED fixtures to public streetlights and rental outdoor light services schedule.*

*This ordinance requires two readings. The first reading is scheduled for September 12, 2019. The second reading is scheduled for September 26, 2019. The new and amended fees, rates, and charges shall be applied to all monthly bills which are for the first time rendered and postmarked after 12:01 AM, October 1, 2019.*

**RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

[190210A draft ordinance 20190912.pdf](#)

[181032.](#)**Appendix A - Schedule of Fees, Rates & Charges FY 2020 (B)**

Ordinance No. 181032

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, rates and charges for the following: adult performance establishment, escort service and escort licenses; alcoholic beverages; cemetery; controlled vehicular parking area decals/permits; fire/rescue; health and sanitation; home occupation permit; land development code; parks, recreation and cultural affairs; peddlers, solicitors and canvassers; police; registered domestic partnerships; right-of-way obstruction permits; secondhand goods; streets, sidewalks and other public places; utilities - solid waste and recyclables; utilities - stormwater management; and vehicles for hire; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

*Explanation:* **STAFF REPORT**

*During several public meetings beginning February 26, 2019 and continuing through July 18, 2019, Budget and Finance staff presented the "Budget Workshop for the FY2019-2020 Budget Year" to the City Commission. As presented, the proposed FY2019 and FY2020 revenues included a continuation of the policy of 5% scheduled biennial increases of certain Appendix A fees, rates and charges.*

*On July 18, 2019, the City Commission adopted Resolution No. 190140, establishing the Proposed Millage Rate. On July 18, 2019 the City Commission adopted Resolution No. 190137, approving the Proposed Tentative General Government Financial and Operating Plan that included the 5% increase in Appendix A fees, rates and charges.*

*This ordinance requires two readings and will become effective immediately upon approval at second reading. However, the fee increases will become effective on October 1, 2019, except when a facility was booked prior to the effective date of the ordinance, in which case the City will recognize the fees in place at the time the facility was booked.*

**RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

[181032\\_draft ordinance\\_20190912.pdf](#)

**PUBLIC HEARING****RESOLUTIONS**

[190155.](#)**Fire Assessment - Annual Rate Resolution (B)**

Resolution No. 190155

A resolution of the City of Gainesville, Florida, relating to the provision of fire services, facilities and programs in the City of Gainesville, Florida; imposing Fire Services Special Assessments against assessed properties located within the City for the fiscal year that begins October 1, 2019; providing for exemptions; approving the assessment roll; providing for the estimated fire services assessed cost; approving the rate of assessment; providing for severability; and providing an immediate effective date.

*Explanation: On June 20, 2019 the City Commission adopted Resolution 181031 (the "Preliminary Rate Resolution") which set the proposed fire services assessment rate and provided for notice by mail and publication of the proposed rate and public hearing to set the final rate. In adopting the Annual Rate Resolution, the Commission will have to determine the Fire Services Special Assessment rate for the fiscal year beginning October 1, 2019.*

**RECOMMENDATION**

*The City Commission: 1) receive any written objections filed; 2) hear testimony from all interested persons; 3) approve the assessment roll; 4) establish the annual rate for the Fire Services Special Assessment; and 5) adopt the proposed Annual Assessment Resolution.*

[190155\\_Fire Assessment Annual Rate Resolution\\_20190912.pdf](#)

[190314.](#)**Tentative Millage Rate for Fiscal Year 2019-2020 (B)**

Resolution No. 190314

A resolution of the City Commission of the City of Gainesville, Florida; relating to the levy of general municipal purpose Ad Valorem taxes for the 2019-2020 fiscal year beginning October 1, 2019 and ending September 30, 2020; establishing a Tentative Millage Rate; setting a public hearing; providing for the publication of notice; and providing an immediate effective date.

*Explanation: The City Commission is required by Florida Law to adopt a tentative millage rate to fund the budget for fiscal year 2019-2020.*

**RECOMMENDATION**

*The City Commission adopt the proposed resolution.*

[190314\\_Resolution-Tentative Millage Rate\\_20190912.pdf](#)

[190367.](#)**Gainesville Regional Utilities Tentative Budget - Fiscal Year 2020 (B)**

Resolution No. 190367

A Resolution of the City Commission of the City of Gainesville, Florida, relating to the tentative budget for the City of Gainesville d/b/a Gainesville Regional Utilities for the fiscal year beginning October 1, 2019, and ending September 30, 2020; projecting revenues and adopting a tentative budget to pay for personnel services expenses, operating and maintenance expenses and other expenses, for capital outlay, and for debt service requirements; and providing an immediate effective date.

*Explanation: The proposed resolution adopts a tentative budget for the City of Gainesville d/b/a Gainesville Regional Utilities for the fiscal year beginning October 1, 2019, and ending September 30, 2020, to pay for personnel services expenses, operating and maintenance expenses and other expenses, for capital outlay and for debt service requirements. The proposed resolution is submitted for adoption by the City Commission.*

**RECOMMENDATION**

*The City Commission adopt the proposed resolution.*

[190367A draft resolution 20190912.pdf](#)

[190367 GRU Budget Document 20190912](#)

[190315.](#)**Tentative General Government Financial and Operating Plan for Fiscal Year 2019-2020 (B)**

Resolution No. 190315.

A resolution of the City Commission of the City of Gainesville, Florida; relating to its General Government Budget for the 2019-2020 fiscal year beginning October 1, 2019 and ending September 30, 2020; adopting the Tentative General Government Financial and Operating Plan; and providing an immediate effective date.

*Explanation: The tentative General Government Budget for fiscal year 2019-2020 is submitted for approval by the City Commission.*

**RECOMMENDATION**

*The City Commission adopt the proposed resolution.*

[190315A Resolution 20190912](#)

[190315B General Govt. Budget Presentation 20190912](#)



**PUBLIC COMMENT**

**MEMBER COMMENT**

**ADJOURNMENT**