

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Meeting Agenda - Final-Revised

December 2, 2021

1:00 PM

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.

1:00pm - CALL TO ORDER - Afternoon Session**AGENDA STATEMENT**

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

ROLL CALL**INVOCATION****CA ADOPTION OF CONSENT AGENDA (CA) - GRU, General Government, Audit & Finance Committee and General Policy Committee Items****CA-1 [210672.](#) Approval of Minutes from the November 18, 2021 City Commission Meeting (B)**

RECOMMENDATION *The City Commission approve the November 18, 2021 minutes.*

[210672_November 18, 2021 Minutes_20211202.pdf](#)

CA-2 [210671.](#) Appointments to City Commission Advisory Boards and Committees (B)

RECOMMENDATION *The City Commission appoint:*

Debra Krawczykewi to the Gainesville Human Rights Board for a partial term to end on 2/22/2022 and consecutively a full term expiring 2/22/2025.

Cloretta Daniels to the Public Recreation and Parks Board for a partial term to end 6/1/2022 and Steven Kee to the Student Seat ending on 9/30/2022.

[210671_GHRB Application_20211202](#)

[210671_PRPB Applications_20211202](#)

[210671_Advisory Board and Commission Ballot Form_20211202](#)

CA-3 [210664.](#) Resignation of Adi Basu-Dutta from the Affordable Housing Advisory Board, Marie Small from the Citizen's Advisory Board for Community Development, Spencer Byrne-Seres from the Gainesville Art in Public

Places Trust, Leslie Barszczak, Haroon Papa and Shayna Rich from the Gainesville Human Rights Board, Patricia Sohn from the Student Community Relations Advisory Board and Carla Lewis from the Wild Spaces Public Places Citizen's Oversight Committee (B)

AGENDA UPDATE - CHANGED TEXT FILE AND ADDED BACK-UP

RECOMMENDATION

The City Commission accepts the resignation of Adi Basu-Dutta, Marie Small, Spencer Byrne-Seres, Leslie Barszczak, Haroon Papa, Shayna Rich, Patricia Sohn and Carla Lewis, effective immediately.

[210644 AHAC Resignation 20211202](#)

[210664 CACCD Resignation 20211202](#)

[210664 GAPPT Resignation 20211202](#)

[210664 GHRB Resignation 1 20211202](#)

[210664 GHRB Resignation 2 20211202](#)

[210664 GHRB Resignation 3 20211202](#)

[210664 SCRAB Resignation 20211202](#)

[210644 WSPP Resignation 20211202](#)

CA-4 [210660.](#)

Bid Award - H. Spurgeon Cherry Pool Aquatics Center Renovations and Parking Lot Reconstruction (B)

This item is a request for the City Commission to authorize the bid award to Blackwater Construction Services, LLC for the H. Spurgeon Cherry Pool Aquatics Center Renovations and Parking Lot Reconstruction, located at 1001 NW 31st Drive.

Explanation: Renovation of the H. Spurgeon Cherry Pool Aquatics Center was identified as a first priority project in the Parks, Recreation and Cultural Affairs Vision 2020 Master Plan. Design for the project began in 2020 and completed in the fall of 2021.

On October 8, 2021 the Purchasing Division solicited bids for the H. Spurgeon Cherry Pool Aquatics Center Renovations and Parking Lot Reconstruction project. A non-mandatory pre-bid conference was held on October 18, 2021 at 10:00 a.m. at the H. Spurgeon Cherry Pool Aquatics Center. A total of thirteen (13) bidders attended the pre-bid conference. All bids were due at 3:00 p.m. on November 9, 2021. A total of five (5) bids were received by 3:00 p.m.

Staff recommends awarding this contract to Blackwater Construction Services, LLC in the amount of \$1,497,587.00 for the H. Spurgeon Cherry Pool Aquatics Center Renovations and Parking Lot Reconstruction.

Blackwater Construction Services, LLC was determined to be the lowest responsible, responsive bidder as stipulated by the City's competitive bidding process.

Strategic Connection: This item is connected to Goal 3: A Great Place to Live and Experience

Fiscal Note: Funds in the amount of \$1,602,337.87 are available for the H. Spurgeon Cherry Pool Aquatics Center Renovations and Parking Lot Reconstruction project from the Pool Improvements Wild Spaces & Public Places ½ cent sales tax project account. Funding above and beyond the construction contract amount with Blackwater Construction Services, LLC is for owner direct purchases of the following: 1% for public art, permit fees (tree mitigation, site work and building permits), and owner's contingency.

There is no annual increase in operating and maintenance costs anticipated after the H. Spurgeon Cherry Pool Aquatics Center Renovations and Parking Lot Reconstruction project is complete.

RECOMMENDATION

The City Commission: 1) award the bid to Blackwater Construction Services, LLC for the construction of the H. Spurgeon Cherry Pool Aquatics Center Renovations and Parking Lot Reconstruction; and 2) authorize the City Manager or designee to execute all contract documents and other necessary documents, subject to approval by the City Attorney as to form and legality.

[210660A WSPP-220023-DM H. Spurgeon Cherry Pool Reno 20211202](#)

[210660B WSPP-220023-DM Bid Plans #1 20211202](#)

[210660C WSPP-220023-DM Bid Plans #2 20211202](#)

[210660D WSPP-220023-DM Specifications 20211202](#)

[210660E WSPP-220023-DM- H. Spurgeon Cherry Pool Reno. Add #1 202112](#)

[210660F WSPP-220023-DM- H. Spurgeon Cherry Pool Reno. Add #2 202112](#)

[210660G WSPP-220023-DM- H. Spurgeon Cherry Pool Reno. Add #3 202112](#)

[210660H WSPP-220023-DM- H. Spurgeon Cherry Pool Reno. Add #4 202112](#)

[210660I H. Spurgeon Cherry Pool Reno. - Bid Analysis 20211202](#)

[210660J H. Spurgeon Cherry - Award Recommendation Transmittal 20211202](#)

CA-5 [200513.](#)

Request to Release Lien at 421 SE 13th Street (B)

Explanation: This item is a request for the City Commission to consider a request for a lien reduction or rescission for 421 SE 13th St. The property was found in violation of City Ordinances of a Blight Inducing Materials, Abandoned Vehicles and Hazardous Conditions. A lien was placed on this property that accumulated to \$28,275 plus administrative costs of \$101.65.

On January 21, 2020, Bank of America NA took possession of the property via foreclosure sale. Julie Lindley, representing Bank of America, requested Reduction/Rescission of the lien. On September 20, 2021, Pete Backhaus, Neighborhood Enhancement Manager, spoke with Liana Smith, Esquire, by phone to discuss the case. Since the bank did not own the property at the time of the violation, a recession of the total fines was requested so that the property can be sold. Pete Backhaus brought up the detriment of the neighborhood caused by the neglect and suggested reducing the fine amount to \$2,000, which was agreed to by Bank of America.

A Reduction/Rescission hearing was held on October 14, 2021 before the Special Magistrate. Based on information presented, the Magistrate recommended the remaining amount of the lien be reduced to \$2,000. The administrative costs of the lien have been paid separately and resolved.

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 \$28,275. The City has accrued \$101.65 in administrative costs.

RECOMMENDATION

The City Commission accept the Magistrate's ruling and Staff's recommendation and reduce the lien to \$2,000 and authorize the City Mayor to execute a release of lien.

Legislative History

10/14/21 Special Magistrate Heard
Hearing

[200513A_Summary Bank of America Lien_20211202](#)

CA-6 [210459.](#)

Request to Release Lien at 829 NE 29th Terrace (B)

Explanation: This item is a request for the City Commission to consider a request for a lien reduction or rescission for 829 NE 29th Ter. The property was found in violation of City Ordinances of a Blight Inducing Materials, Overgrown Yard and Abandoned Vehicles. A lien was placed on this property that accumulated to \$703,650.00 plus administrative costs of \$248.62.

The new owner of the property, Arielle Scott, requested a Reduction/Rescission of the liens. On September 16, 2021, Ms. Scott advised that she recently took possession of the property, which originally belonged to her grandparents, Nathaniel and Hazel Thomas. She and her children have moved into the house and are planning to live there a long

time. She advised that she will maintain the property and keep it in compliance with City Ordinances.

A reduction/rescission hearing was held on October 14, 2014 before the Special Magistrate. Based on information presented, the Magistrate recommended the remaining amount of the liens be reduced to zero. The administrative costs of the lien in the amount of \$248.62 have been paid separately and resolved.

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 \$703,650.00. The City has accrued \$248.62 in administrative costs.

RECOMMENDATION

The City Commission amend the Magistrate's ruling and accept Staff's recommendation and reduce the lien to \$150.00 and authorize the City Mayor to execute a release of lien.

Legislative History

10/14/21 Special Magistrate Heard
Hearing

[210459A Summary Thomas Hazel Heirs Lien 20211202](#)

CA-7 [210467.](#)

Request to Release Lien at 2509 NE 11th Place (B)

Explanation: This item is a request for the City Commission to consider a request for a lien reduction or rescission for 2509 NE 11th Pl. The property was found in violation of City Ordinances of A Dead or Hazardous Tree. Liens were placed on this property that accumulated to \$16,100 plus administrative costs of \$104.80.

On September 14, 2021, Oved Ashkenazi, representing Double O Investments, LLC, requested a reduction/rescission of the accumulated fines. He spoke with Andrew Persons and Pete Backhaus by phone to discuss the case.

Mr. Ashkenazi advised that the property was rented for four years until the tenant was evicted for non-payment. The structure sat vacant and became a drug dwelling and was vandalized. Mr. Ashkenazi tried to sell the property and found the outstanding lien. He lives in Miami, Florida and cannot maintain the property and wishes to sell it.

The administrative costs of \$1,154.80 have been paid and the property is in compliance with City Ordinances.

A Reduction/Rescission hearing was held on October 14, 2021 before the Special Magistrate. Based on information presented, the Magistrate recommended the remaining amount of the lien be reduced to \$1,000 and that \$1,000 payment be made within 30-days from the Hearing on October 14th. The administrative costs of the lien have been paid separately and resolved.

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 \$16,100. The City has accrued \$104.80 in administrative costs.

RECOMMENDATION

The City Commission reject the Magistrate's ruling and grant Staff's recommendation that the fines not be reduced due to this property being problematic for the neighborhood, generating illegal activity and police calls for service.

Legislative History

10/14/21 Special Magistrate Heard
Hearing

[201467A_Summary Double O Investments LLC Lien_20211202](#)

CA-8 [210482.](#)

Request to Release Lien at 7234 NW 21st Way (B)

Explanation: This item is a request for the City Commission to consider a request for a lien reduction or rescission for 7234 NW 21st Way. The property was found in violation of City Ordinances of Fence in Disrepair, Overgrown Yard and Blight Inducing Materials. Liens were placed on this property that accumulated to \$173,500 plus administrative costs of \$334.77.

On September 21, 2021, Mr. Hoffman met with Andrew Persons and Pete Backhaus to discuss the case. Mr. Hoffman advised that he is trying to sell the property and would like to resolve the outstanding liens. He has had some health issues that contributed to not bringing the property into compliance. He has a contract for the sale pending.

The administrative costs of \$334.77 have been paid and the property is in compliance with City Ordinances.

A Reduction/Rescission hearing was held on October 14, 2021 before the Special Magistrate. Based on information presented, the Magistrate recommended the remaining amount of the lien be reduced to \$2,500. The administrative costs of the lien have been paid separately and resolved.

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 \$173,500. The City has accrued \$334.77 in administrative costs.

RECOMMENDATION

The City Commission accept the Magistrate's ruling and Staff's recommendation that the fines be reduced to \$2,500 and authorize the City Mayor to execute a release of lien.

Legislative History

10/14/21 Special Magistrate Hearing Heard

[210482A_Summary Hoffman Lien_20211202](#)

CA-9 [210645.](#)

Gainesville Regional Utilities Internally Prepared Preliminary Budget to Actual Comparison for the Year Ended September 30, 2021 (B)

*Explanation: The following item is presented for review:
Preliminary Budget to Actual Comparison for the Year Ended September 30, 2021, internally prepared.*

RECOMMENDATION

The Audit and Finance Committee recommends the City Commission accept Gainesville Regional Utilities Internally Prepared Preliminary Budget to Actual Comparison for the Year Ended September 30, 2021.

Legislative History

11/30/21 Audit and Finance Committee Approved as Recommended

[210645_Preliminary Budget to Actual Comparison for the Year Ended Septemb.](#)

CA-10 [210652.](#)

GRU Badge Access and Physical Key Management Audit (B)

Explanation: The objective of this audit engagement was to assess the adequacy of badge access controls and management of physical keys to ensure the risk of unauthorized access to GRU higher risk buildings and warehouses is adequately managed. This audit was included in the City Auditor's Office 2021 Audit Plan.

RECOMMENDATION

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

Legislative History

11/30/21 Audit and Finance Approved as Recommended
 Committee

[210652 Audit Report GRU Badge Key Access Management 20211117](#)

CA-11 [210653.](#) **Body Worn Camera Compliance Audit (B)**

Explanation: The objective of this audit engagement was to assess Gainesville Police Department's (GPD) compliance with Florida's Body Camera statutes, GPD's internal Body Worn Camera (BWC) policies and procedures, and the effectiveness of the GPD body worn camera supervisory review program.

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

Legislative History

11/30/21 Audit and Finance Approved as Recommended
 Committee

[210653 Audit Report Body Worn Camera Compliance 20211117](#)

[210653 A Presentation Slides Body Worn Camera Compliance 20211117](#)

CA-12 [210655.](#) **City Auditor Quarterly Update (B)**

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

RECOMMENDATION *The Audit and Finance Committee recommends the City Commission accept the City Auditor's report and the addition of one new audit to the audit plan.*

Legislative History

11/30/21 Audit and Finance Approved as Recommended
 Committee

[210655 City Auditor Quarterly Update 11.17.2021 20211117](#)

[210655 A HCD Dreams2Reality Process 11.30.21 20211130](#)

[210655 Addition to the audit plan 20211202](#)

CA-13 [210647.](#) **Fiscal Year 2021 Year-End Investment Performance Reports for the City of Gainesville Operating Fund, General Employees' Pension Fund, Police Officers' and Firefighters' Pension Fund, Retiree Health Insurance Trust Fund, Evergreen Cemetery Trust Fund (B)**

City Commission to review various Fiscal Year 2021 Year-End Investment Performance Reports.

AGENDA UPDATE - ADDED ITEM

Explanation: In accordance with the City's Investment Policy, quarterly investment and performance reports are required to be provided to the City Commission. The following reports are submitted for Fiscal Year 2021 Year-End (period ended September 30, 2021):

- 1) Operating Funds SBA Prime Fund Investment Performance Report*
- 2) General Employees' Pension Fund Investment Performance Report*
- 3) Police Officers' & Firefighters' Pension Fund Investment Performance Report*
- 4) Retiree Health Insurance Trust Fund Investment Performance Report*
- 5) Evergreen Cemetery Trust Fund Investment Performance Report*

Detailed quarterly reports related to the City's SBA Prime Fund account & Truist bank accounts, Evergreen Cemetery Trust Fund, General Employees' Pension Plan, Police Officers' & Firefighters' Pension Plan and Retiree Health Insurance Trust Fund are included as back-up to this item. The reports are derived from applicable bank and custodian statements, and are provided by staff and respective investment consultants.

Additionally, two internal review committees meet quarterly to review the portfolio's performance, economic and market conditions to ensure the City is most favorably positioned in its investment portfolios.

Strategic Connection

Goal 5: "Best in Class" Neighbor Services

Fiscal Note: The General Government pooled cash is held in the SBA Prime Fund and interest bearing SunTrust/Truist demand deposit bank accounts. As of September 30, 2021, the cash and investment balance was \$202,563,922. Fiscal year-to-date interest of \$257,075 was earned at an annualized rate of return of 0.16%.

The Evergreen Cemetery Trust Fund is managed by the City in accordance with its Investment Policy. The Trust Fund earned a fiscal year-to-date investment return of 37.00% through June 30, 2021, but did not have investment earnings from July 1, 2021 through September 30, 2021 as the assets are in process of being transferred to a new investment account.

Gainesville a great place to live and experience.

Fiscal Note: None

RECOMMENDATION

The City Commission adopt the 2020-2030 UF Campus Development Agreement.

Legislative History

9/27/21	City Commission	Approved, as shown above
11/4/21	City Commission	Approved, as shown above
11/18/21	City Commission	Continued

[210453A Background Information 20210927](#)

[210453B UF- City of Gainesville Campus Master Development Letter 2021092](#)

[210453C Campus Development Agreement 2020-2030 FINAL DRAFT 202109](#)

[210453 CDA Sept 2021 20210927](#)

[210453A Campus Development Agreement 2020-2030 FINAL DRAFT 202110](#)

[210453 Comm Hayes-Santos - UF Letter to Mayor - Housing 20211118](#)

BD-2 [200805.](#)

Gainesville Fire Rescue Growth and Expansion Feasibility Master Plan Presentation (B)

This item recommends the City Commission hear a presentation from Emergency Services Consulting International, Inc. for the Gainesville Fire Rescue Growth and Expansion Feasibility Master Plan.

Explanation: At their February 18th, 2021 regular meeting, the Commission authorized the City Manager to execute a contract with Emergency Services Consulting International, Inc. (ESCI) for a Gainesville Fire Rescue (GFR) facilities master plan. The plan addresses existing facility conditions and provides an assessment of additional infrastructure needs to meet current and future service delivery.

Strategic Connection

This item is connected to Goal 5 “Best in Class” Neighbor Services in the City’s Strategic Plan having Value to Neighbors through “protecting the community’s future through investment in City infrastructure and facilities.”

Fiscal Note: There is no fiscal note at this time.

RECOMMENDATION

The City Commission: 1) hear the presentation from Emergency Services Consulting International, Inc. (ESCI); and 2) provide direction to staff regarding follow up actions.

Legislative History

2/18/21 City Commission Approved as Recommended

[200805A_GFR Master Plan submittal_Emergency Consulting20210218.pdf](#)

[200805B_GFR Master Plan submittal_AP Triton Consulting_20210218.pdf](#)

[200805A_GFR Master Plan Presentation_20211202.pdf](#)

[200805B_GFR Growth and Expansion Feasibility Master Plan_20211202.pdf](#)

BD-3 [210509.](#)

Bid Award for Exterior Maintenance Service Downtown Gainesville (B)

AGENDA UPDATE - ADDITIONAL BACK-UP

Explanation: This item is a request for the City Commission to authorize the bid award for Exterior Maintenance Service, Downtown Gainesville, ITB # PWDA-210056-MS. This will be a 1-year contract with Contractors Enterprise in the amount of \$110,000 with an option for four additional 1-year contract renewals in the amount of \$110,000 per renewal.

The Contract will include litter and debris pick-up and disposal, spraying down of sidewalks, power washing when necessary for removal of stains and pest/weed control. The work hours of this contract are from 4:00 am to 7:00 am during Friday, Saturday and Sunday mornings. This schedule coincides with the busiest activity in the contract area.

Strategic Connection

This item is connected to Goal 3: A Great Place to Live & Experience, Goal 5: "Best in Class" Neighbor Services and Goal 2: Sustainable Community - a high priority time.

Fiscal Note: Funding is available from the Right-of-Way operating budget in the Public Works Department.

RECOMMENDATION

The City Commission 1) award bid to Contractors Enterprise in the amount of \$110,000 (with the option of 4 additional 1-year renewals at \$110,000.00 each); and 2) authorize the City Manager to execute the contract and any related documents, subject to approval by the City Attorney as to form and legality.

[210509A 210056-ITB Ext. Maint. Svcs. Downtown GNV-Final 20211202](#)
[210509B 210056-ITB Addendum Ext. Maint. SVCS. DNTN-Final 20211202](#)
[210509C 210056 Bid ITB DT Ext. Maint. Ct. Wkst. Rev. Final contratorent 202](#)
[210509D ITB Submittal Response 20211202](#)
[210509E Downtown Contract 2021202](#)
[210509 Comm Hayes-Santos Downtown Midtown Potential Cleanup Areas 21](#)
[210509 Comm Hayes-Santos Downtown Cleanup 20211202](#)
[210509 Comm Hayes-Santos Mainstreet Cleanup 20211202](#)
[210509 Comm Hayes-Santos Midtown Cleanup 20211202](#)

CC COMMISSION COMMENT

4:30 - 5:30pm DINNER BREAK

5:30pm - CALL TO ORDER - Evening Session

PLEDGE OF ALLEGIANCE

PR PROCLAMATIONS/SPECIAL RECOGNITIONS (PR)

PR-1 [210667.](#) World AIDS Day - December 1, 2021 (B)

RECOMMENDATION

Let's Talk About It Community Health Worker Natalie Davis, DOH-Alachua County Regional Minority AIDS Coordinator Marize Farag, and Peers Empowering Peers President Marvene Edwards to accept the proclamation.

[210667 World AIDS Day 20211202](#)

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

NBR RESOLUTIONS (NBR) - NON BINDING

RE RESOLUTIONS - ROLL CALL REQUIRED (RE)

RE-1 [210663.](#) Resolution Accepting Report of Board of Canvassers - Special Election

2021 (B)

A resolution of the City Commission of the City of Gainesville, Florida, accepting the report of the Board of Canvassers for the City of Gainesville, Florida, special election held November 16, 2021; and providing an immediate effective date.

Explanation: On November 16, 2021, a special city election for the election of Commissioner for the At Large B Seat was held.

The Report of the Board of Canvassers for the City of Gainesville showing that there will be a run-off election between Cynthia Moore Chestnut and Matt Howland for the At Large B Seat, is adopted by this resolution of the City Commission.

RECOMMENDATION *The City Commission adopt the proposed resolution.*

[210663_Resolution Accepting Board of Canvassers Report_20211202](#)

RE-2 [210548.](#)

Resolution Amending and Restating the Rules of the City Commission (B)

Resolution No. 210548

A Resolution of the City of Gainesville, Florida amending and restating the rules of the City Commission; providing a repealing clause and providing an immediate effective date.

AGENDA UPDATE - ADDITIONAL BACK-UP

Explanation: The General Policy Committee, at its meeting of October 28, 2021, directed the City Attorney's Office to revise the City Commission Rules.

RECOMMENDATION *The City Commission adopt the proposed Resolution.*

Legislative History

10/28/21	General Policy Committee	Approved, as shown above
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[210548 201226 Rules Resolution 20211028](#)
[210548 180943\(A\) Public Comment at City Commission Meetings 20211028](#)
[210548 190058 180943 Public Meeting Improvements Presentation 2021102](#)
[210548 190058 180943 Public Meeting Improvements Research](#)
[210548 180943 City Attorney Memorandum 20211028](#)
[210548 180943B Public Comment Amendment 20211028](#)
[210548 180943C MOD PowerPoint Presentation 20211028](#)
[210548 Comm. Hayes-Santos City Commission Rule Changes 20211028](#)
[210548 draft resolution 20211202](#)
[210548 Comm Hayes-Santos City Commission Rules - proposed amendments](#)

RE-3 [210547.](#)

Green Ridge Unit 1 Vacation (B)

Petition CC-21-44 SUB. DRMP, Inc. (David Sowell), agent for Henderson, R L Jr Trustee. Request to vacate the plat, Green Ridge Unit 1 OR 98/590 Tax Parcel 06496-000-000. Returning the subject property into non-platted acreage. Zoned: RMF-5 (12 units/acre multi-family residential district). Located between NW 8th Avenue and Newberry Road, west of NW 36th Drive.

Explanation: The owners of the subject property are proposing a residential development on property that has an existing plat, per the Green Ridge Unit 1 OR 98/590 (Tax Parcel 06496-000-000) per the Public Records of Alachua County, Florida. The applicant is therefore requesting vacation of the plat to return the property to acreage.

The Florida Statutes enable the City Commission to adopt a resolution vacating the plat and to forward a certified copy of the resolution to the Board of County Commissioners.

Resolution #210547 of the City of Gainesville, Florida, addresses the vacation of the above listed property. It has been prepared at the request of the owners of the referenced properties, being located between NW 8th Avenue and Newberry Road/West University Avenue, east of NW 39th Road, and west of NW 36th Drive. City staff has reviewed the application and finds it consistent with the requirements for vacating a recorded plat.

Strategic Connection

Goal 3: A Great Place to Live and Experience; Goal 4: Resilient Local Economy

Fiscal Note: None.

RECOMMENDATION

Staff recommends that the City Commission approve Petition CC-21-44 SUB and adopt the proposed resolution.

[210547A Plat Vacation Resolution Green Ridge Unit 1 20211202](#)

[210547B Final Staff Report CC-21-44 SUB 20211202](#)

[210547C Final PPT for DB-21-44 20121202](#)

RE-4 [210681.](#)

Green Ridge Unit 2 Plat Vacation (B)

Petition CC-21-44 SUB. DRMP, Inc. (David Sowell), agent for Henderson, R L Jr Trustee. Request to vacate the plats, Green Ridge Unit 2 98/596, respectively, Tax Parcel 06496-000-000. Returning the subject property into non-platted acreage. Zoned: RMF-5 (12 units/acre multi-family residential district). Located between NW 8th Avenue and Newberry Road, west of NW 36th Drive

Explanation: The owners of the subject property are proposing a residential development on property that has an existing plat, per the Green Ridge Unit 2, 98/596, respectively, (Tax Parcel 06496-000-000) per the Public Records of Alachua County, Florida. The applicant is therefore requesting vacation of the plat to return the property to acreage.

The Florida Statutes enable the City Commission to adopt a resolution vacating the plat and to forward a certified copy of the resolution to the Board of County Commissioners.

Resolution #210681 of the City of Gainesville, Florida, addresses the vacation of the above listed properties. It has been prepared at the request of the owners of the referenced properties, being located between NW 8th Avenue and Newberry Road/West University Avenue, east of NW 39th Road, and west of NW 36th Drive. City staff has reviewed the application and finds it consistent with the requirements for vacating a recorded plat.

Strategic Connection

Goal 3: A Great Place to Live and Experience; Goal 4: Resilient Local Economy

Fiscal Note: None.

RECOMMENDATION

Staff recommends that the City Commission approve Petition CC-21-44 SUB and adopt the proposed resolution.

[210681A Plat Vacation Resolution Green Ridge Unit 2 20211202](#)

[210681B Final Staff Report CC-21-44 SUB 20211202](#)

[210681C Final PPT for DB-21-44 20211202](#)

RE-5 [210565.](#)

Second Budget Amendment to the FY 2022 General Government

Ordinance No. 190981

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning approximately 20.73 acres of property generally located northwest of the intersection of SW 43rd Street and SW 24th Avenue, as more specifically described in this ordinance, from Residential Multi-Family (RMF-8), Residential Multi-Family (RMF-7), and Single/Multi-Family (RMF-5) to Urban 9 (U9); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: STAFF REPORT

This ordinance will rezone approximately 20.73 acres of property generally located northwest of the intersection of SW 43rd Street and SW 24th Avenue, as more specifically described in this ordinance, from Residential Multi-Family (RMF-8), Residential Multi-Family (RMF-7), and Single/Multi-Family (RMF-5) to Urban 9 (U9).

Rezoning of the property would increase the allowable units to 100 dwelling units per acre by right and 125 dwelling units per acre with special use permit approval. The zoning change will enable future development at a density that is consistent and compatible with the existing patterns in the area.

This ordinance requires two hearings and will become effective when the amendment to the City of Gainesville Comprehensive Plan adopted by Ordinance No. 190980 becomes effective as provided therein.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

8/5/21 City Commission Approved (Petition)
11/18/21 City Commission Adopted on First Reading (Ordinance)

[190981B_PB-19-146-ZON_StaffReportandAppendices_20211118](#)

[190981C_CPB_210422_Minutes_20211118](#)

[190981D_PB-19-146-ZON_Staff_Presentation_20211118](#)

[190981A_draft ordinance_20211118.pdf](#)

SR-2 [200886.](#)

Land Use Change - 83.79 Acres of Property located on the 755-1100 block on the south side of NE 39th Avenue (B)

Ordinance No. 200886

An ordinance of the City of Gainesville, Florida, amending the Future Land Use Map of the Comprehensive Plan by changing the land use category of approximately 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 Use District (PUD) to Commercial (C), Urban Mixed- Use (UMU), and Residential Low-Density (RL); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: STAFF REPORT

Update since first reading: On August 5, 2021, the City Commission approved this ordinance on first reading. City staff then transmitted this ordinance to the state reviewing agencies in accordance with the statutory expedited review process for comprehensive plan amendments. During the 30-day comment period, the City received letters from the Florida Department of Economic Opportunity, Florida Department of Environmental Protection, and North Central Florida Regional Planning Council. The comments received did not identify any adverse impacts to important state resources and facilities within the scope of review of the respective state agencies, and therefore did not necessitate any changes to the ordinance.

This ordinance amends the Future Land Use Map of the Comprehensive Plan by changing the land use category of approximately 83.79 acres property, located on the 755-1100 block on the south side of NE 39th Avenue, from Planned Use District (PUD) to Commercial (C), Urban Mixed-Use (UMU), and Residential Low-Density (RL).

Section 163.3184, Florida Statutes, sets forth the procedure for amending the Comprehensive Plan. The first hearing is the transmittal stage and must be advertised at least seven days prior to the hearing. The second hearing is the adoption stage and must be advertised at least five days prior to the hearing. Within ten working days after the first hearing, the City must transmit the amendment to the reviewing agencies and to any other local government or state agency that has filed a written request for same. These agencies have 30 days after receipt of the amendment to forward written comments to the City, which the City must then consider during the second hearing. If adopted on second reading, the City will forward the amendment within ten working days to the state land planning agency and any party that submitted written comments.

Within 30 days following the City's adoption of the amendment, any affected person may file a petition with the State Division of Administrative Hearings to request a hearing to challenge the amendment's compliance with Chapter 163, Florida Statutes. If not timely challenged, this amendment shall become effective 31 days after the state land planning agency notifies the City that the amendment package is complete. If timely challenged, this amendment shall become effective when the state land planning agency or the Administration Commission issues a final

order determining that this amendment is in compliance with Chapter 163, Florida Statutes. No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before this amendment has become effective.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

8/5/21 City Commission Adopted on First Reading (Ordinance)

[200886_PB-20-152_LUC_NE39thHenderson_StaffReport_20210225](#)

[200886A_draft ordinance_20210603](#)

[200886B_PB-20-115LUC_NE39_StaffPPT_20210603](#)

[200886A_draft ordinance_20210805](#)

[200886B_PB-20-152LUC_NE39_StaffReportwithAppendicesA_D_20210225](#)

[200886C_PB-20-115LUC_NE39_Powerpoint_07202021](#)

[200886E_Legal Descriptions_20210715](#)

[200886F_School_Student_Generation_Form_20210715](#)

[200886G_Addendum to Justification Report_20210715](#)

[200886D_Application_20210715](#)

[200886_Land Use Change PowerPoint_20210805](#)

[200886A-1_draft ordinance_20211202](#)

[200886B_Agency Letters_20211202](#)

AR ORDINANCES, ADOPTION READINGS - ROLL CALL REQUIRED

AR-1 [191037.](#) **Land Use Change - 1.79 Acres of Property located West of I-75, North of SW Archer Road and East of SW 43rd Street (B)**

Ordinance No. 191037

An ordinance of the City of Gainesville, Florida, amending the Future Land Use Map of the Comprehensive Plan by changing the land use category of approximately 1.79 acres of property generally located south of Tax Parcel No. 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, from Alachua County Tourist/Entertainment to City of Gainesville Commercial (C); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: STAFF REPORT

This ordinance will amend the Future Land Use Map of the

Comprehensive Plan by changing the land use category of approximately 1.79 acres of property located south of Tax Parcel No. 06800-006-001, west of Interstate 75, north of SW Archer Road, and east of SW 43rd Street. This property was voluntarily annexed into the city on January 3, 2019. As a result of annexation, the city must now assign appropriate land use and zoning designations. The property's current land use category is Alachua County Tourist/Entertainment and this ordinance will change the land use category to City of Gainesville Commercial (C).

The City Plan Board held a public hearing on April 22, 2021, where it voted to recommend approval of this amendment to the Future Land Use Map of the Comprehensive Plan. This proposed amendment to the Comprehensive Plan involves a use of 50 acres or fewer and qualifies as a small-scale development amendment. The City Commission may adopt small-scale development amendments with a single public hearing.

Within 30 days following the City's adoption of this amendment to the Comprehensive Plan, any affected person may file a petition with the State Division of Administrative Hearings to request a hearing to challenge the amendment's compliance with Chapter 163, Florida Statutes. If not timely challenged, this amendment shall become effective 31 days after adoption. If timely challenged, this amendment shall become effective when the state land planning agency or the Administration Commission issues a final order determining that this amendment is in compliance with Chapter 163, Florida Statutes. No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before this amendment has become effective.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

[191037_PB-19-144LUC4-22-21_Staff Report_20211202](#)

[191037_CountryInn&SuitesCCPowerPt_20211201](#)

[191037A_draft ordinance_20211202.pdf](#)

AR-2 [191038.](#)

Quasi-Judicial - Rezoning 1.79 Acres of Property located West of I-75, N of SW Archer Road and East of SW 43rd Street (B)

Ordinance No. 191038

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning 1.79 acres of property generally located south of Tax Parcel No. 06800-006-001, west of Interstate 75, north of SW Archer Road, and east of SW 43rd Street, from Alachua County Business, Tourist and Entertainment (BR-1) to City of Gainesville General Business (BUS); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: STAFF REPORT

This ordinance rezones approximately 1.79 acres of property generally located south of Tax Parcel No. 06800-006-001, west of Interstate 75, north of SW Archer Road, and east of SW 43rd Street. This property was voluntarily annexed into the city on January 3, 2019. As a result of annexation, the city must now assign appropriate land use and zoning designations. The property's current zoning is Alachua County Business, Tourist and Entertainment and this ordinance will change the zoning to City of Gainesville General Business (BUS).

The City Plan Board held a public hearing on April 22, 2021, where it voted to recommend approval of this rezoning. This ordinance requires one hearing and shall become effective when the amendment to the City of Gainesville Comprehensive Plan adopted by Ordinance No. 191037 becomes effective as provided therein.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

[191038_PB-19-147ZON4-22-21_Staff Report_20211202](#)

[191038_CountryInn&SuitesCCPowerPt_20211202](#)

[191038A_draft ordinance_20211202.pdf](#)

FR ORDINANCES, 1ST READING - ROLL CALL REQUIRED (FR)**FR-1 [201088.](#) Proposed revisions to Chapter 8 titled "Discrimination" of the City Code of Ordinances (B)**

Ordinance No. 201088

An ordinance of the City of Gainesville, Florida, amending Chapter 8, Section 8-88, of the Code of Ordinances, relating to prohibition of discrimination in the sale or rental of housing, by adding a provision clarifying prohibitions against discrimination based on "lawful source of income;" providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: On June 10, 2021, the General Policy Committee voted to direct staff to amend the Fair Housing ordinance to include: Under lawful source of income, landlord or any agent may only consider the portion of rent the holder of the Section 8 voucher (or other funding subsidy) is required to pay out of pocket. Our current Fair Housing ordinance already prohibits "lawful source of income" discrimination. Staff has made the requested changes addressing a landlord's rent-to-income financial qualification calculation as it pertains to voucher holders. The proposed change would mean that landlords cannot automatically refuse to accept vouchers, or

