

# City of Gainesville

City Hall  
200 East University Avenue  
Gainesville, Florida 32601



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

**November 21, 2019**

**1:00 PM**

**City Hall Auditorium**

### **City Commission**

**Mayor Lauren Poe (At Large)**  
**Commissioner Helen Warren (At Large)**  
**Commissioner Gail Johnson (At Large)**  
**Commissioner Gigi Simmons (District 1)**  
**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****INVOCATION****ADOPTION OF CONSENT ITEMS - GRU, General Government, Audit & Finance Committee and General Policy Committee Items**[190659.](#)**City Commission Minutes (B)****RECOMMENDATION**

*The City Commission approve the minutes November 6 and November 7, 2019 (2).*

[190659\\_November 6, 2019 Minutes\\_20191121.pdf](#)

[190659\(B\) November 7, 2019 Board of Trustees Minutes\\_20191121.pdf](#)

[190659\(C\)November 7, 2019 Minutes\\_20191121.pdf](#)

[190617.](#)**Contract Award to Vertex Data Utility Services, LLC for Bill Payment and Presentment Services (B)**

This item is a request to approve the recommended award and execute a contract with Vertex Data Utility Services, LLC for Utility Bill printing, mail, electronic presentment, payment processing, and customer self-service.

*AGENDA UPDATE - CHANGED TEXT FILE (Added UAB'S Recommendation)*

*Explanation: GRU currently contracts with multiple vendors for utility Bill printing, mail, electronic presentment services, and payment processing. Staff is now seeking to consolidate these services to improve delivery of these services to GRU customers.*

*On October 16, 2018, GRU issued Invitations to Negotiate (ITN) to*

provide bill printing, mail, presentment, and payment services to support GRU's customers. The ITN process was implemented in compliance with, and as required by, City of Gainesville procurement policies.

This item was presented to the UAB on November 14, 2019.

*Fiscal Note:* GRU Customer Operations estimates the annual cost of this contract to be \$640,000. Estimate is based on historical volumes for each service line item. Additionally there will be a one-time fee of \$18,063 to implement American with Disabilities Act accessibility features on the Customer Self-Service Portal. GRU Customer Operations currently budgets \$651,000 for these services. The impact to budget is \$8,000 increase of the first year and no impact to existing budget for subsequent years.

**RECOMMENDATION**

The City Commission authorize the GRU General Manager or designee to execute a contract with Vertex Data Utility Services, LLC, for Bill Payment and Presentment Services, subject to approval by the City Attorney as to form and legality.

On November 14, 2019, the UAB approved this on their consent agenda in a 6-0 vote, with Member Rockwell absent.

[190617 Billing Bid Tab 20191114](#)

[190273](#)

**Request to Rename Tumblin Creek Park (B)**

This is a request to rename Tumblin Creek Park, located at 600 SW Depot Avenue, to "Cora P. Roberson Park".

*Explanation:* On February 28, 2005, the City Commission referred the matter of naming City parks, recreation areas, and facilities to the Recreation and the Cultural Affairs Committee. The Recreation and Cultural Affairs Committee met to discuss and forwarded their recommendations back to the City Commission on June 16, 2005. The City Commission adopted the Committee's recommendations at their August 8, 2005 meeting on how to address park naming requests. The general policy states that either the City of Gainesville Public Recreation and Parks Board (PRPB) or Nature Centers Commission (NCC) would be responsible for recommending to the City Commission approval of all names of parks, recreation areas, facilities, and centers managed by the City of Gainesville Parks, Recreation & Cultural Affairs Department (PRCA).

At the August 21, 2019 meeting, the PRPB formally received a request from Yvette Carter on behalf of the Zeta Phi Beta Sorority, Inc. to rename Tumblin Creek Park to "Cora P. Roberson Park". The request was accompanied by the required petition with more than the necessary 50 signatures of adults who reside in the City of Gainesville, an explanation

as to why the name was proposed, and Cora Roberson's biography.

Based on the established Departmental Policy, the PRPB heard public comment supporting the name change during the September 18, 2019 meeting, and on October 16, 2019, the PRPB unanimously voted to recommend renaming the park "Cora P. Roberson Park".

*Fiscal Note:* The only cost associated with renaming this park is the creation of new park signs. The park would require two rules signs and a bio sign for Ms. Roberson, as well as two to four possible parking signs. We estimate that the total dollar amount to replace all the signs and posts would be around \$2,000.00. PRCA will pay this expense out of its budget.

**RECOMMENDATION**            The City Commission approve the request to rename Tumblin Creek Park at 600 SW Depot Avenue to "Cora P. Roberson Park".

**Legislative History**

8/21/19	Public Recreation and Parks Board	Heard
9/18/19	Public Recreation and Parks Board	Heard
10/16/19	Public Recreation and Parks Board	Approved as Recommended

[190273A Request to Rename Tumblin Creek 20191121.pdf](#)

[190273B Cora Roberson Biography 20191121.pdf](#)

[190273C Tumblin Creek Renaming Petitions 20191121.pdf](#)

[190273D PRCA Park Naming Policy and CCOM Approval 20191121.pdf](#)

[190273E Engagement Note - Cora P Roberson Park 20191121.pdf](#)

[190595.](#)

**Purchase of One (1) Zero-Emission Battery Electric Bus (B)**

*Explanation:* Regional Transit System (RTS) submitted a grant application to the Federal Transit Administration's Low or No Emission Vehicle Grant Program after obtaining City Commission approval on June 7, 2018. In submitting for various grants, applicants are permitted to form public-private partnerships. RTS chose to partner with the Center for Transportation and the Environment, Inc. (CTE) because they have been successful in helping applicants obtain grant awards. As the RTS fleet solely consist of Gillig buses, RTS elected to partner with Gillig as the manufacturer of the electric bus to maintain fleet uniformity. In late August 2018, the project selections were announced by the FTA and RTS was awarded \$1,000,000 to purchase a Gillig 40' battery electric bus.

Both CTE and Gillig were named in the grant application, as required by FTA. The Federal Register announcement, April 25, 2018, page 18121, second paragraph under C.1. states that "If an application that involves

*such a partnership is selected for funding, the competitive selection process will be deemed to satisfy the requirement for a competitive procurement under 49 U.S.C. 5325(a) for the named entities.” There are no proposed changes to the partnership. Therefore, the use of CTE and Gillig are done as a specified source due to the aforementioned grant application and award.*

*Fiscal Note: Funds in the amount of \$1,000,000 have been provided by the federal grant for this project. The total project cost of \$1,032,163 is available in the RTS budget.*

**RECOMMENDATION**

*The City Commission authorize the City Manager or his authorized designee to execute a contract and any necessary associated documents with Gillig LLC for the purchase of one (1) Zero-Emission Battery Electric Bus, subject to approval by the City Attorney as to form and legality.*

[190595A Federal Register Announcement 20191121](#)

[190595B Gillig Quote 20191121](#)

[190595C Draft Contract 20191121](#)

[190595D DRAFT MOSS 20191121](#)

[190623.](#)

**Trade-in and Purchase of New Golf Carts for Ironwood Golf Course (B)**

Request to purchase new golf carts using a cooperative purchasing agreement.

**AGENDA UPDATE - ADD ITEM**

*Explanation: In 2015, the National Golf Foundation (NGF) was hired to review and provide a comprehensive financial report of Ironwood’s golf cart operation. Their recommendation was that owning a good fleet of power carts was integral to the success of public golf courses and that, if made, this improvement would benefit the long-term economic sustainability of Ironwood Golf Course. The current fleet was purchased at the end of 2015 from EZ GO Division of Textron, Inc. after a competitive solicitation by the City’s Procurement Division and approval by the City Commission.*

*EZ GO golf cars have been in production for almost 70 years and remain one of the most popular manufacturers on the world market today. Ironwood Golf Course has been using EZ GO golf carts for over 3 decades. In Gainesville, EZ GO is in 83% of the market, with vehicles at five different golf courses in town. Many other municipalities in North Central Florida have also chosen to use EZ GO (Ocala, Jacksonville, Jacksonville Beach, Fernandina Beach, Palm Coast, and Palatka, just to name a few). Ironwood’s employees are well-versed and comfortable in using and repairing the EZ GO golf cart, and have benefitted from*

*advanced training from Tech Force, EZ GO's nationwide network of experienced technicians. Tech Force are EZ GO's factory-trained workers, who carry a mobile parts inventory to prevent delays in repair. They are able to arrive next day to assess the vehicles when there is a problem. In addition, Ironwood has obtained additional vehicle parts over the years that can be used on the new fleet as well, so staff is equipped to handle many possible cart service issues for the EZ GO brand.*

*The Electric Blue Carts with the City of Gainesville logo across the front have been tremendous for displaying the city brand. The carts have bag covers across the rear to protect the patrons' clubs during afternoon rain showers, something that the course's carts never had before. EZ GO has also stated they will supply two additional windshields and two additional chargers to the fleet (over a \$2100 value), at no cost, so those items can be replaced easily if something malfunctions. Having a fleet that is consistent in features and age was encouraged in the NGF report and has proven to be a huge positive for customer morale over the last four years, ensuring that every customer has the same golf cart and accessories.*

*When the current fleet of carts was purchased in 2015 they came with a 4-year warranty on many of the parts and components. Included in this warranty was suspension, electronics, pedal groups, seats, canopy system, powertrain, and most importantly batteries. Ironwood has been able to control the amp hours to under 25,000 to stay within the warranty figures. Therefore, the city has not had to pay any maintenance costs for the carts over the last four years for anything that was still under warranty. However, out-of-warranty repairs can be pricey; for example, each golf cart has six batteries that make it run and the cost to replace those batteries when out of warranty is roughly \$150 per battery or \$900 per cart. Our current warranty will expire on December 6, 2019, so it is the right time to switch out the fleet for the best trade-in value and begin a new four-year cycle as recommended by the NGF.*

*By staying with the EZ GO cart, we are able to trade-in our old fleet and use the \$134,200.00 (or over \$2,000/cart) value toward the new fleet. This trade in value is higher with EZ GO than any other brand because we are trading the carts back to their manufacturer.*

*Owning the fleet gives Ironwood equity in the carts, as opposed to leasing them. The residual value of a cart after four to five years is about \$850 per vehicle, another reason to get the most value out of the trades at this time. According to the Professional Golf Association's (PGA) Best Practices in Fleet Management, the decision for golf courses "to purchase or lease the cars should be based on the facility's financial goals and resources, external economic conditions, and the type of deal the facility can structure for itself." The City's Finance Director at the time of the purchase four years ago recommended purchasing because the City can negotiate a better loan rate than the lease rates we were offered.*

As a member of National Intergovernmental Purchasing Alliance Company (NIPA), the City of Gainesville is able to piggyback off the OMNIA Partners' NIPA Contract R161101 with EZGO Division of Textron, Inc. to benefit from nationally-leveraged pricing. OMNIA Partners' contracts are competitively solicited specifically for public sector procurement using transparent best practices. The contract we are utilizing requires the golf cart manufacturer to provide pricing based on a discount off the manufacturer's price lists, with indefinite quantities; we are benefitting from a 25-42% discount on the models we need to purchase, and we are being given distributor-level pricing before the discount. The most significant discount of 42% off of the distributor price is on the sixty-six TXT 48V carts that make up the fleet (a savings of over \$2K per vehicle). The NIPA contract has recently been extended through December 31, 2020.

*Fiscal Note:* Funds in the amount of \$180,027.94 for the purchase (after trade-in) of a new fleet of golf carts for Ironwood Golf Course will be acquired through an internal loan from the general fund. The funds will be repaid annually from the Ironwood Golf Course Surcharge Fund, which generated \$139K in FY2019. The amount saved by not having to repair and maintain an aging fleet of carts will be significant and by trading in the fleet after four years, additional batteries will not need to be purchased.

**RECOMMENDATION**

The City Commission 1) approve the purchase of a new fleet of golf carts for Ironwood Golf Course by piggybacking off the OMNIA Partners' NIPA Contract R161101 with EZGO Division of Textron, Inc., and 2) authorize the City Manager or designee to issue a purchase order in an amount not to exceed \$180,027.94.

[190623A Complete NIPA Contract 161101 EZ GO Golf Carts 20191121.pdf](#)

[190623B EZ GO Quote for Ironwood 20191121.pdf](#)

[190623C Quote price breakdown 20191121.pdf](#)

[190623D EZ GO 2020 Distributor Price Lists 20191121.pdf](#)

[190273E Engagement Note - Cora P Roberson Park 20191121.pdf](#)

[190631.](#)

**First Amendment to the Contract for Mowing and Grounds Maintenance of the City of Gainesville's Rail Trail (B)**

Request to approve addition to contract for maintenance of the Rail Trail.

*Explanation:* In June of 2018, the City's Procurement Division posted a Request for Proposals for the contract for Mowing and Grounds Maintenance of the City of Gainesville's Rail Trail. Oasis Landscape Services, Inc. was the awarded contractor and the Contract became effective as of August 28, 2018. In April of 2019, a new section was added to the Rail Trail maintenance contract, which brought the annual cost of the contract to

\$50,562.20.

*The annual cost of the contract with the amendment was less than \$100,000.00 and did not require City Commission approval. However, since the Contract is for more than one year, and the value for the remainder of the contract, with possible extensions, from the date of the Amendment is \$173,807.78, the addition does require approval by the City Commission.*

*The scope of work covered by this Contract is primarily mowing, but also includes blowing grass clippings so they are not left on the roadway, flower beds, bike trail, or sidewalks, edging, string trimming, weed control, mulching, some landscape care, tree and shrub pruning, fertilization, and trash and debris collection and disposal. Sites must be serviced twice monthly between May and October and once monthly between November and April. There are ten sections of the Rail Trail that are maintained under this contract.*

*Fiscal Note: As of the start of FY2020, the potential amount due for the remainder of this contract is \$151,686.60, over three years, if staff is satisfied with the work and both possible extensions are made. The annual cost is \$50,562.20, which is paid out of the Parks, Recreation and Cultural Affairs annual budget.*

**RECOMMENDATION**            *The City Commission approve the continuance of this contract.*

[190631 Signed 1st Am thru Contract Rail Trail Mowing 20191121.pdf](#)

[190634.](#)

**Human Resources Policy E-9, Workplace Violence Prevention (B)**

*Explanation: Human Resources Policy E-9, Workplace Violence Prevention, is adopted to provide guidance to employees on how to recognize, prevent, and manage workplace violence and threats of violence, and to maintain a safe work environment.*

*Fiscal Note: There is no fiscal impact associated with adoption of Policy E-9.*

**RECOMMENDATION**            *The City Commission adopt Human Resources Policy E-9, Workplace Violence Prevention.*

[190634A E-9 Workplace Violence Prevention Policy\\_FINAL\\_20191121.pdf](#)

[190651.](#)

**Jerome Fleming and Deanna Fleming v. City of Gainesville; Case No. 2019-CA-512; Eighth Judicial Circuit, in and for Alachua County, Florida. (NB)**

*Explanation: On September 6, 2016, at approximately 9:38 a.m., a City-owned 12-yard dump truck departed the City's Public Works compound on NW*



39th Avenue. The truck, driven by a City employee in the course and scope of his employment with the City, proceeded to turn left on NW 39th Avenue to head west. As it entered the inside westbound lane, the truck collided with the rear side of a vehicle driven by the Plaintiff Jerome Fleming. Supervisors with the City's Operations Division of the Public Works Department investigated the accident, and concluded that the City employee was, "at fault for this accident." The employee received progressive discipline.

After the accident, Plaintiff Jerome Fleming proceeded to his worksite to perform the duties of his employment as a painter. In short time, he contacted his wife, Plaintiff Deanna Fleming, who accompanied him to the emergency room where he complained of neck and back pain. Over the succeeding months, Mr. Fleming received treatment for lower back and neck injuries. His doctors performed multiple surgical procedures, and related the surgical procedures to the automobile accident.

At trial, the Plaintiff's attorneys were prepared to offer evidence of \$228,182.58 in past medical expenses. They argued that he would suffer over \$150,000 in future medical expenses over the expected course of his life. He planned to claim over \$41,000 in lost wages and \$189,000 in future lost wages and earning capacity. These proposed damages do not include the Plaintiff's claim for damages related to pain and suffering, mental anguish, inconvenience, and loss of capacity for the enjoyment of life. Ms. Fleming presented a consortium claim for loss of companionship, fellowship, and household services.

The City Attorney's Office and Risk Management Department conducted a thorough evaluation and investigation of this lawsuit in conjunction with the City's Public Works Department. Consideration was also given to the fact that Florida operates under a pure comparative negligence standard. Any percentage of fault attributed to the City by way of actions or inactions of the driver would be applied to the damages to determine a verdict in this matter. Per the application of Florida's limited waiver of sovereign immunity contained in section 768.28, Florida Statutes, the City's liability and authority to settle claims such as this is limited to \$200,000 per person, and \$300,000 per incident. At court-ordered mediation, a settlement agreement was achieved. Representatives for the City agreed to recommend a settlement in the amount of \$195,000, subject to the approval of the City Commission of the City of Gainesville, and, in exchange, the Plaintiffs will provide a full and complete Release to the City. It is the recommendation of the City Attorney's Office and the Risk Management Department that the case be settled for that amount.

**RECOMMENDATION**

The City Commission: 1) approve the terms of the mediated settlement agreement; and 2) authorize the City Attorney to settle the claims of Jerome Fleming and Deanna Fleming, arising from an accident that occurred on or about September 6, 2016.

[190653.](#)

**Amicus Brief re Yanes v. O.C. Food & Beverage, LLC, Case No. 18-CA-003554-O, Regarding State Pre-emption of Local Human Rights Ordinances (B)**

*Explanation: The City Attorney of Miami Beach sent a letter to the Mayor and legal staff asking the City to join an amicus brief supporting local authority to enact laws prohibiting discrimination. In Yanes v. O.C. Food & Beverage, LLC, female plaintiffs alleged that an entertainment venue's policy of refusing to admit females unaccompanied by males violated the Orange County Human Rights Ordinance's prohibition against gender discrimination. The Circuit Court judge, rather than hear the merits of the case, held that the Orange County Human Rights Ordinance was impliedly preempted by the Florida Civil Rights Act which provides "a complete structure for litigating discrimination cases." The judge further held the local ordinance preempted inasmuch as it does not require a party to exhaust administrative remedies prior to filing suit. Plaintiffs have filed an appeal to the Fifth District Court of Appeals.*

*This matter is a case of state-wide significance that raises important legal issues. If the Circuit Court order were to be affirmed, all Florida county and municipal discrimination ordinances would be in peril of being invalidated. Amicus briefing is being prepared by the City of Miami Beach and Orange County. The City is not requested to provide any funding or staff time, aside from review of the court filings.*

**RECOMMENDATION**

*The Equal Opportunity Director requests the City Commission authorize the City Attorney to join with the City of Miami Beach and Orange County in filing an amicus brief on behalf of the appellants in Yanes v. O.C. Food & Beverage, LLC.*

[190653 Letter from City of Miami Beach 20191121.pdf](#)

## **ADOPTION OF REGULAR AGENDA**

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

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

[190609.](#)

**Ratification of Amendments to the Agreement Between the International Association of Firefighters (IAFF), Local 2157, Professional Firefighters Bargaining Unit and the City of Gainesville for October 1, 2018 through September 30, 2021 (B)**

This item is to ratify amendments to the three year successor agreement between the City and the IAFF Professional Firefighters Bargaining Unit.

*Explanation:* The amendments to this Agreement were 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. These amendments extends to members the Paid Parental Leave benefit, implements the cash compensation portion of the Total Rewards Study, and adds income deduction order language.

A copy of the amendments is on file in the Office of the Clerk of the Commission. After November 21, 2019, the Agreement will be on file in the Human Resources Department.

*Fiscal Note:* Funding for initial raises will be derived from the adopted FY20 budgeted payroll for GFR in the amount \$313,000, and the remaining \$8,000 will come from General Fund fund balance.

Funding for FY 21 raises will be derived from the proposed FY21 budgeted payroll for GFR in the amount of \$341,000.

**RECOMMENDATION**

The City Commission ratify the amendments to the Agreement between the International Association of Firefighters (IAFF), Local 2157, Professional Firefighters Bargaining Unit and the City of Gainesville, through September 30, 2021.

[190609A Amendments to IAFF 2018-2021 Revised Underline-Strikethrough 20](#)

[190564.](#)

**Old Fire Station #1 Rental and Adaptive Reuse Draft Invitation to Negotiate (B)**

AGENDA UPDATE - REVISED BACK-UP

*Explanation:* On January 10, 2019, the General Policy Committee (GPC) heard a presentation about a proposed vision for the Gainesville Cultural Center, focusing on a cultural amenity district approach, incorporating multiple cultural facilities in the downtown area. Follow-up presentations were discussed at the February 14, 2019 and August 22, 2019 GPC meetings.

At the August 22 GPC meeting, the Commission discussed its goals to partner with a 3rd party organization or business on a long-term lease for adaptive reuse of the Old Fire Station #1, and directed Staff to draft an appropriate solicitation document.

Per this direction, Staff developed a draft Invitation to Negotiate (ITN) document and would like to present it for Commission review and approval.

*Fiscal Note:* None.

**RECOMMENDATION**

*Provide direction/feedback regarding the Invitation to Negotiate (ITN) criteria for Old Fire Station #1, 427 S Main St, Gainesville, FL 32601, Rental & Adaptive Reuse.*

**Legislative History**

11/7/19 City Commission Continued

[190564A Old Fire Station 1 PROPOSED ITN Criteria Summary 20191121](#)

[190564B Old Fire Station 1 Conceptual Design Costs WJA 2018\\_09-18 2019](#)

[190564C Old Fire Station 1 Appraisal 082019 20191121](#)

[190564D 082219 GPC Cultural Center Update 20191121](#)

[190564E Presentation 20191121](#)

[190632.](#)

**Alachua County Event Center (B)**

AGENDA UPDATE - ADDITIONAL BACK-UP

**RECOMMENDATION**

*The City Commission discuss the Alachua County Event Center and take appropriate action.*

**Legislative History**

11/7/19 City Commission Continued

[190632 Request to Study the Feasibility of an Event Center in Downtown Gainesville](#)

[190632 VictusAdvisors AlachuaCounty Phasell 09.18.19 20191121.pdf](#)

[190645.](#)

**Commissioner Harvey Ward - Youth and Senior Fares on RTS (B)****RECOMMENDATION**

*The City Commission discuss and take action deemed appropriate.*

[190645 RTS Fare 20191121.pdf](#)

[190645 Children's Trust 20191121.pdf](#)

**TIME CERTAIN - 4:00 PM**

[190649.](#)

**Commissioner Warren - Consider a Proclamation Recognizing that We Are In a State of Climate Emergency (B)**

AGENDA UPDATE - TIME CERTAIN REQUEST

**RECOMMENDATION**

*1) The City Commission discuss adding a declaration of climate emergency to our policies; and 2) Staff look into how the issues of climate change/climate emergency could be partnered with our racial disparity and equity policies.*

[190649\\_Leading the Public Into Emergency Mode\\_20191121.pdf](#)

## COMMISSION COMMENT

4:30 - 5:30pm DINNER BREAK

5:30 - CALL TO ORDER - Evening Session

## PLEDGE OF ALLEGIANCE

## PROCLAMATIONS/SPECIAL RECOGNITIONS

[190679.](#)

### Native-American Heritage Month (NB)

AGENDA UPDATE - ADD ITEM

RECOMMENDATION

*The City Commission hear the Special Recognition.*

[190646.](#)

### Arbor Day - January 17, 2020 (B)

RECOMMENDATION

*City Beautification Board Chair Mary Lou Hildreth to accept the proclamation.*

[190646\\_ArborDay\\_20191121.pdf](#)

[190647.](#)

### National Hospice and Palliative Care Month - November 2019 (B)

RECOMMENDATION

*Haven Hospice Manager of Physician Referral Todd C. Martin to accept the proclamation.*

[190647\\_NationalHospiceandPalliativeCareMont\\_20191121.pdf](#)

[190648.](#)

### Rosa Parks Day - December 1, 2019 (B)

AGENDA UPDATE - CHANGED TEXT FILE (Additional Recipient Names Added)

RECOMMENDATION

*Rosa Parks Executive Board Founder and President Reverend Milford Griner, RPQCC Vice-President Dr. Karen Cole-Smith, Vice-President Vivian Filer, Secretary Erma Sams and Chaplain Reverend Mary L. Mitchell to accept the proclamation.*

[190648\\_RosaParksDay\\_20191121.pdf](#)

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

**RESOLUTIONS - ROLL CALL REQUIRED**

[180965.](#)

**Resolution Supporting HR 109 Commonly Known as the Green New Deal (B)**

This is a request for the City Commission to adopt a resolution of the City Commission of the City of Gainesville, Florida, imploring the U.S. Congress to pass House Resolution 109 and create a Green New Deal.

**RECOMMENDATION**

*The City Commission adopt the Resolution of the City Commission of the City of Gainesville, Florida, imploring the U.S. Congress to pass House Resolution 109 and create a Green New Deal.*

**Legislative History**

4/18/19	City Commission	Approved, as shown above
11/7/19	City Commission	Continued

[180965\\_C Arreola Green New Deal\\_20190418.pdf](#)

[180965\\_Draft Green New Deal Resolution\\_20191107.pdf](#)

[190657.](#)

**Confirming that Race and Equity is a Core Value that will be Incorporated into the Updated Version of the Comprehensive Plan (B)**

Resolution No. 190657

This is a request for the City Commission to adopt a resolution of the City Commission of the City of Gainesville, Florida, confirming that race and equity is a core value that will be incorporated into the updated version of the Comprehensive Plan.

**RECOMMENDATION**

*The City Commission adopt the proposed resolution.*

[190657\\_Resolution -Comp Plan - Race and Equity Core Values.pdf](#)

**PUBLIC HEARINGS**

[190291.](#)

**Reclassify SW 2nd Street from a Storefront Street to a Local Street (B)**

**Petition PB-19-72 ZON. CHW. Reclassify the Urban Zone Street designation of SW 2nd Street between SW 2nd Avenue and SW 4th Avenue from Storefront street to Local street.**

*AGENDA UPDATE - ADDITIONAL BACK-UP FROM CHW*

*Explanation: This petition proposes to change the classification of the street type for the subject property from Storefront street to Local street. The subject property is the right-of-way of SW 2nd Street between SW 2nd Avenue to the north and SW 4th Avenue to the south. Adjacent properties have a Planned Development or Downtown (DT) zoning designation. The DT zone is a zoning district that implements the Urban Core transect. The Downtown zone consists of the highest density and height development, with the greatest variety of uses, and civic buildings of regional importance. Streets have steady street tree planting and buildings are set close to wide sidewalks.*

*To the east of the SW 2nd Street segment is the Alachua County Courthouse and associated parking, with Urban Core (UC) land use and a Planned Development zoning designation. The lands to the west of the subject street segment are occupied by a vacant drive-through restaurant, small scale multiple-family development, and one-story office buildings. These properties have UC land use and Downtown (DT) zoning. As SW 2nd Street extends north of SW 2nd Avenue, the properties also have UC land use and DT zoning, and include a parking area and a vacant drive-through restaurant. South of SW 4th Avenue, is vacant commercial property with Urban Mixed-Use (UMU) land use and Urban 6 (U6) zoning, and small scale multiple-family development with Mixed-Use Low (MUL) land use and Mixed-Use Low Intensity (MU-1) zoning.*

*The applicants believe that the reclassification of the SW 2nd Street segment from Storefront to Local is more consistent with the existing and the likely future conditions along the segment. SW 2nd Street lies between two designated Storefront streets in SW 2nd Avenue and SW 4th Avenue. The design standards are intended to encourage a high level of pedestrian activity. Based on the anticipated level of pedestrian activity on this street type, minimum sidewalk widths are increased, with a 10 foot minimum sidewalk width required compared to the minimum sidewalk width of 6 feet for a Local street. Local streets are intended to have slow speeds and provide for connections within neighborhoods and between residential areas and commercial areas. The character of SW 2nd Street is more as a connector between residential areas south of SW 4th Avenue and the commercial areas north of SW 2nd Avenue.*

*The rezoning request is consistent with the City's Comprehensive Plan and meets all applicable review criteria.*

*Fiscal Note: None.*

**RECOMMENDATION**

*Plan Board voted to deny 7-0. August 2019.*

Staff to City Commission-Staff recommends approval of Petition PB-19-72 ZON.

Staff to City Plan Board-Staff recommends approval of Petition PB-19-72 ZON.

Legislative History

11/7/19 City Commission Continued

[190291A StaffReport PB-19-72ZON 20191107](#)

[190291B\\_PPT\\_PB-19-72\\_ZON\\_20191107](#)

[190291 PRES 191105 2ndStreet CC1 Applicant 20191107.pdf](#)

[190291\\_CHW PRES 191121 2ndStreet CC1 20191121.pdf](#)

## ORDINANCES, 2ND READING - ROLL CALL REQUIRED

[190514.](#)

### **Appendix A - Schedule of Fees, Rates and Charges for Utilities Relating to Rental Fees for Public Streetlight Fixtures, Outdoor Light Fixtures, Public Streetlight Poles, and Poles Supporting Rental Light Fixtures (B)**

Ordinance No. 190514

An ordinance of the City of Gainesville, Florida, amending the Code of Ordinances relating to Appendix A, Schedule of Fees, Rates and Charges for Utilities; by amending the fees for rental of: public streetlight fixtures, outdoor light fixtures, public streetlight poles, and poles supporting rental light fixtures; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

*Explanation:* **STAFF REPORT**

*On October 1st, 2019 the new FY20 rates for Rental and Public Lighting and Poles became effective as adopted in Ordinance No. 190210. Adjustments to existing light and pole types were increased due to increases in material costs. In addition to increasing rates for existing light and pole types, rates for new LED (Light Emitting Diode) fixtures were included. Although the rates are appropriate and necessary for customers signing new rental and public lighting/pole contracts, there were unintended consequences for the existing rental and public lighting/pole customers that must be evaluated further.*

*For that reason, we recommend that the City Commission roll back the rental and public lighting and pole rates to the FY19 levels, effective October 1, 2019, until we can develop a better transition strategy that will take into account the increased cost of replacement materials. The rates*



for new LED fixtures added by Ordinance No. 190210 are included in this ordinance. At a later date, GRU staff will bring forward a change to the rate structure that will better transition increased costs of replacement materials.

This ordinance requires two readings. The first reading is scheduled for November 7, 2019. The second reading is scheduled for November 21, 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.*

**Legislative History**

10/17/19	City Commission	Approved as Recommended
11/7/19	City Commission	Adopted on First Reading (Ordinance)

[190514A\\_draft ordinance\\_20191107.pdf](#)

[190171.](#)

**Text Change - Amending the Land Development Code to Clarify that Parking Structures Have No Max Limit on Parking Spaces (B)**

Ordinance No. 190171

An ordinance of the City of Gainesville, Florida, amending Section 30-7.3 of the Land Development Code (Chapter 30 of the City of Gainesville Code of Ordinances) to clarify that parking structures have no maximum limit on the number of parking spaces allowed; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

*Explanation:* **STAFF REPORT**

*This ordinance amends the Land Development Code to clarify that regulations which restrict excess parking at a development site are not applicable to parking structures. The Land Development Code generally specifies the number of parking spaces that may be permitted for a development and allows an additional 10 spaces or 10% of the required number of spaces, whichever is greater, if justified by the applicant. Parking provided in excess of these requirements is not permissible. An exemption exists for parking structures within certain zoning districts, and this text change would clarify that in all zoning districts parking structures have no maximum limit on the number of parking spaces allowed.*

*The City Plan Board held a public hearing on July 25, 2019, where it voted to recommend approval of this amendment to the Land Development Code.*

**CITY ATTORNEY MEMORANDUM**

*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**

11/7/19            City Commission            Adopted on First Reading (Ordinance)

[190171\\_Staff Report w Exhibits A-B\\_20190725](#)

[190171A\\_draft ordinance\\_20191107.pdf](#)

[190171B\\_StaffReport\\_PB-19-84 TCH\\_20191107](#)

[190171C\\_PPT\\_PB-19-00084 TCH\\_20191107](#)

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

[190264.](#)

**Ordinance Amending Sections Related to City Beautification Board (B)**

Ordinance No. 190264

An ordinance of the City of Gainesville, Florida, amending sections of the Code of Ordinances relating to the City Beautification Board; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

**AGENDA UPDATE - CHANGE TEXT FILE (CONTINUE ITEM TO DECEMBER 5TH MEETING)**

*Explanation: At its meeting of September 5, 2019, the City Beautification Board requested that the City Commission reduce the number of members of the board from 15 to 9 because of low attendance and in order to more efficiently conduct the functions of the City Beautification Board. The City Beautification Board also requested that the duty of sanitation be removed from the official duties and functions of City Beautification Board because the City Beautification Board no longer serves this function. The City Commission directed the City Attorney's Office to draft an amendment to the Code of Ordinances to reduce the number of members of the City Beautification Board from 15 to 9 and to remove the function and duty of sanitation. In drafting the Ordinance, the City Attorney's Office also removed outdated provisions governing the term of board members who served from 1996-1997.*

*The City Beautification Board requests that the City Commission approve revised Rules for the City Beautification board which reflect the above changes. The City Beautification Board has approved the proposed Rules.*

*Fiscal Note: No fiscal impact is expected.*

**RECOMMENDATION**

*The City Commission continue the proposed ordinance to December 5, 2019.*

**Legislative History**

9/5/19 City Commission Approved, as shown above

[190264A\\_CBBCommissionletter\\_20190905](#)

[190264B\\_190125\\_City Beautification Board Bylaws\\_20190905](#)

[190264C\\_ATTENDANCE-SHEET-2018\\_20190905](#)

[190264D\\_ATTENDANCE-SHEET-2019\\_20190905](#)

[190264\\_draft ordinance\\_20191121.pdf](#)

[190264\\_draft rules\\_20191121.pdf](#)

[190533.](#)

**Land Use Change - 1,778 Acres of Property Known as Plum Creek (B)**

Ordinance No. 190533

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 1778 acres of property generally located north of U.S. 441 and NW 74th Place, east and west of SR 121 and CR 231, and south of NW 121st Avenue, as more specifically described in this ordinance, from Planned Use District (PUD), Residential Low-Density (RL), Single-Family (SF), and Conservation (CON) to Agriculture (AGR); deleting policy 4.3.4 of the Comprehensive Plan Future Land Use Element pertaining to Plum Creek Development Company; deleting "Plum Creek SR-121 PUD and Underlying Future Land Use" map from the Future Land Use Map Series in the Future Land Use Element; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

**AGENDA UPDATE - REMOVE ITEM**

**Explanation: STAFF REPORT**

*This ordinance amends the Future Land Use Map of the Comprehensive Plan by changing the land use category of approximately 1,778 acres property generally located north of U.S. 441 and NW 74th Place, east and west of SR 121 and CR 231, and south of NW 121st Avenue, as more specifically described in this ordinance, from Planned Use District (PUD), Residential Low-Density (RL), Single-Family (SF), and Conservation (CON) to Agriculture (AGR). This ordinance also deletes Policy 4.3.4 of the Comprehensive Plan's Future Land Use Element relating to the subject property.*

*The southernmost portion of the property (approximately 460 acres) was annexed in 1992, and the remaining acreage was annexed in 2007. At the time of annexation the property had a future land use designation of Alachua County Rural/Agricultural and a zoning designation of Alachua County Agriculture. In 2009, the City adopted Ordinance No. 070447 and assigned the following four City land use designations with conditions to specified portions of the subject property: 1) Planned Use District (PUD) overlay, with an underlying land use designation of City Agriculture); 2) Single-Family; 3) Residential Low-Density; and 4) Conservation. This 2009 ordinance included a requirement that the subject property's owner timely apply for an obtain City Planned Development (PD) zoning on the PUD portion within 18 months of the effective date of the 2009 ordinance. If the property owner failed to meet that deadline, the 2009 ordinance mandated that the PUD overlay automatically becomes null and void and that portion of the subject property retains solely the underlying land use designation of City Agriculture. Upon four separate requests of the property owner, that 18-month PD zoning deadline was extended by the City Commission four times (Ordinance Nos. 100189 in 2010, 110700 in 2012, 150540 in 2016, and 170996 in 2018).*

*To date and since the subject property's annexation into the City in 1992 and 2007, City zoning has never been assigned to the subject property and therefore the property's zoning remains Alachua County Agriculture (enforced by the City). In addition, the subject property has never been developed and is currently being used by the property owner for agriculture/silviculture, and has been used for this purpose for the entirety of the time since its annexation into the City.*

*On July 18, 2019, and after expressing that significant changes have occurred regarding the subject property since the adoption of Ordinance No. 070447 over a decade ago (including amongst other things the adoption of significant revisions to the City's Comprehensive Plan and Land Development Code and environmental regulations, and the significant expansion and changed boundaries of wetlands and associated environmental areas on the subject property and its associated maps), the City Commission directed City staff to process and bring back to the City Commission an ordinance changing the subject property's land use designation to Agriculture, with an associated ordinance implementing the subject property's zoning from Alachua County Agriculture to City Agriculture. The City Plan Board held a public hearing on October 24, 2019, in order to make a recommendation to the City Commission regarding this ordinance.*

*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.*

[190533 PB-19-128 LUC Staff Report with Appendices](#)

[190533A draft ordinance 20191121.pdf](#)

[190534.](#)

**Quasi-Judicial - Rezoning 1,778 Acres of Property Known as Plum Creek (B)**

Ordinance No. 190534

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning approximately 1778 acres of property generally located north of U.S. 441 and NW 74th Place, east and west of SR 121 and CR 231, and south of NW 121st Avenue, as more specifically described in this ordinance, from Alachua County Agriculture (A) district to City of Gainesville Agriculture (AGR) district; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

**AGENDA UPDATE - REMOVE ITEM**

**Explanation: STAFF REPORT**

*This ordinance amends the Zoning Map Atlas of the City of Gainesville by rezoning approximately 1,778 acres of property generally located north of U.S. 441 and NW 74th Place, east and west of SR 121 and CR 231, and south of NW 121st Avenue, as more specifically described in this ordinance, from Alachua County Agriculture (A) district to City of Gainesville Agriculture (AGR) district.*

*The southernmost portion of the property (approximately 460 acres) was annexed in 1992, and the remaining acreage was annexed in 2007. At the time of annexation the property had a future land use designation of Alachua County Rural/Agricultural and a zoning designation of Alachua County Agriculture. In 2009, the City adopted Ordinance No. 070447 and assigned the following four City land use designations with conditions to specified portions of the subject property: 1) Planned Use District (PUD) overlay, with an underlying land use designation of City Agriculture); 2) Single-Family; 3) Residential Low-Density; and 4) Conservation. This 2009 ordinance included a requirement that the subject property's owner timely apply for an obtain City Planned Development (PD) zoning on the PUD portion within 18 months of the effective date of the 2009 ordinance. If the property owner failed to meet that deadline, the 2009 ordinance mandated that the PUD overlay automatically becomes null and void and that portion of the subject property retains solely the underlying land use designation of City Agriculture. Upon four separate requests of the property owner, that 18-month PD zoning deadline was extended by the City Commission four times (Ordinance Nos. 100189 in 2010, 110700 in 2012, 150540 in 2016, and 170996 in 2018).*

*To date and since the subject property's annexation into the City in 1992 and 2007, City zoning has never been assigned to the subject property and therefore the property's zoning remains Alachua County Agriculture (enforced by the City). In addition, the subject property has never been developed and is currently being used by the property owner for agriculture/silviculture, and has been used for this purpose for the entirety of the time since its annexation into the City.*

*On July 18, 2019, and after expressing that significant changes have occurred regarding the subject property since the adoption of Ordinance No. 070447 over a decade ago (including amongst other things the adoption of significant revisions to the City's Comprehensive Plan and Land Development Code and environmental regulations, and the significant expansion and changed boundaries of wetlands and associated environmental areas on the subject property and its associated maps), the City Commission directed City staff to process and bring back to the City Commission an ordinance changing the subject property's land use designation to Agriculture, with an associated ordinance implementing the subject property's zoning from Alachua County Agriculture to City Agriculture. The City Plan Board held a public hearing on October 24, 2019, in order to make a recommendation to the City Commission regarding this ordinance.*

*This ordinance requires two hearings and shall become effective when the amendment to the City of Gainesville Comprehensive Plan adopted by Ordinance No. 190533 becomes effective as provided therein.*

**RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

[190534 PB-19-129 ZON Staff Report with Appendices](#)

[190534A draft ordinance 20191121.pdf](#)

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

**COMMISSION COMMENT**

**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**