

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Meeting Agenda - Final-Revised

September 5, 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.

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

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

ROLL CALL**INVOCATION**

Prophet George Young

ADOPTION OF CONSENT ITEMS - GRU, General Government, Audit & Finance Committee and General Policy Committee Items

[190285.](#)

City Commission Minutes (B)

RECOMMENDATION *The City Commission approve the minutes of August 15 and August 21, 2019.*

[190285 August 15 Minutes 20190905.pdf](#)

[190285 August 21 Minutes 20190905.pdf](#)

[190263.](#)

Town Hall Meetings (NB)

RECOMMENDATION *The City Commission approve the following Town Hall Meetings:*

October 29, 2019, 5:30 pm - District I Meeting

January 30, 2020, 5:30 pm - District II Meeting

April 30, 2020, 5:30 pm - District III Meeting

July 30, 2020, 5:30 pm - District IV Meeting

October 29, 2020, 5:30 pm - At-Large Meeting

[190299.](#)

Equity Goals Workshop (NB)

RECOMMENDATION

The City Commission approve a workshop on Equity Goals for December 11, 2019 at 2:00 PM.

[190302.](#)

Resignation of Autumn Doughton from the City Beautification Board(B)

Explanation: The City Commission accepts the resignation of Autumn Doughton, effective immediately.

[190302 CBB Resignation 20190905.pdf](#)

[190239.](#)

Statewide Mutual Aid Agreement (B)

This item recommends the Commission authorize the City Manager or designee to execute the 2018 updated Florida Statewide Mutual Aid Agreement.

Explanation: The City of Gainesville has been a signatory to the Florida Statewide Mutual Aid Agreement (SMAA) since 1994. The agreement provides for reciprocal emergency aid and assistance for emergencies too extensive to be dealt with unassisted and ensures timely reimbursement of costs by local governments which render aid. The agreement was updated by the State of Florida in 2018 and the Florida Division of Emergency Management is requesting that all entities update their agreements to the 2018 version. The 2018 update adds a provision that allows entities to activate the agreement without a declaration of a state of emergency for support of smaller events. The SMAA automatically renews each year.

RECOMMENDATION

City Commission authorize the City Manager or designee to execute the 2018 Statewide Mutual Aid Agreement with the State of Florida; subject to approval by the City Attorney as to form and legality.

[190239 Statewide Mutual Aid Agreement 2018 20190905](#)

[190266.](#)

Transit Services Agreement with Alachua County Board of County Commissioners (B)

This item is a request to authorize the City Manager to execute the Transit Services Agreement for FY20 between the City of Gainesville Regional Transit System (RTS) and the Alachua County Board of County Commissioners (BoCC).

Explanation: The Agreement between the Regional Transit System (RTS) and the Alachua County Board of County Commissioners (BoCC) for RTS to provide transit services to residents and visitors in the surrounding urbanized area expires on September 30, 2019. The City and County have negotiated a new Agreement for the period of October 1, 2019 through September 30, 2020, for transit services, subject to funding and written consent of both parties.

In FY17, the County expanded service on several routes including Saturday service on Routes 1, 75, and 711; Holiday service on Routes 10, 43, and 75; and Sunday service for Route 75. These services were continued in the FY18 and FY19 agreements, and will be continued in the FY20 agreement with minor modifications to extend the hours on the Route 75 until 10:00 PM on weekdays. The negotiated service rate was \$66.82 per hour in FY19 and will be \$67.25 per hour in FY20, with the exception of the Holiday Service which will remain at \$139.40 per hour.

The annual amount of the FY19 Transit Services Agreements totaled \$1,024,116 in revenue from the County. Due annexation activities, the County percentage of the route 75 costs decreased slightly in FY20 and the BoCC opted to extend the evening hours with the budgeted funds in an effort to remain cost neutral.

Fiscal Note: For the FY20 Transit Services Agreement RTS will receive \$1,022,772 of revenue from the BoCC made in quarterly payments.

RECOMMENDATION

The City Commission authorize the City Manager or her designee to execute the Transit Services Agreement with Alachua County Board of County Commissioners (BoCC) for the period of October 1, 2019 through September 30, 2020, subject to approval by the City Attorney as to form and legality.

[190266A Draft County Transit Agreement 20190905](#)

[190276.](#)

Gainesville Police Department Handgun Replacement (B)

Explanation: The Police Department is replacing all handguns carried by sworn personnel with Glock Gen 5 9mm MOS Pistols. The Police Department currently issues a 40 caliber Glock and is switching to the 9mm units due to improved accuracy as verified by FBI testing and lower cost for 9mm ammunition. Staying with Glock allows the Police department to use the same accessories (holsters and magazine pouches). Switching to another manufacturer would require replacement of all accessories at an additional cost of approximately \$24,000. Additional training would be required to implement the use of weapons produced by a different manufacturer. The Glock company recognizes three companies in the State of Florida as direct sale representatives to sell their handguns to

Law Enforcement Agencies in the State of Florida. These companies sell the handguns at a price that is set by Glock, therefore, the price is the same from the three available vendors. Out of the three Glock recognized companies, the chosen vendor, Lou's Police Distributors qualifies as a women and/or minority owned company.

Fiscal Note: The total cost for this purchase is \$144,300. \$56,633 of this purchase will be covered by the 2017 Byrne JAG Grant #2017-DJ-BX-0930. The remaining \$87,667 will be paid from the operating budget of the Police Department.

RECOMMENDATION

The City Commission authorize the waiver of the bid process and approve the purchase of the subject items through Lou's Police Distributors.

[190276 HandgunPurchase 20190905.pdf](#)

[190203.](#)

Contract for Liquid Sodium Hypochlorite Purchases for City Swimming Pools (B)

This item is a request for the City Commission to 1) authorize the City Manager (or designee) to award the bid to Hawkins, Inc. for purchase and delivery of liquid chlorine for the City's swimming pools and splash pads in the amount of \$122,040 over the first two years of the contract, and 2) authorize the City Manager (or designee) to execute any related documents, subject to approval by the City Attorney as to form and legality.

Explanation: The Parks, Recreation and Cultural Affairs (PRCA) Department manages the City's three public swimming pools and adjacent splash pads, which utilize sodium hypochlorite (liquid chlorine) as a sanitizing/disinfectant agent. Dwight H. Hunter (Northeast) Pool and H. Spurgeon Cherry (Westside) Pool are now open year-round and Andrew R. Mickle, Sr. Pool at T.B. McPherson Park is in use for about half the year, so PRCA averages 54,000-56,000 gallons of liquid chlorine annually.

An Invitation to Bid for the contract for sodium hypochlorite was issued on March 5, 2019, and two bids were received. Both bids were deemed non-responsive, and a subsequent re-bid was posted on June 3, 2019. Two bids were received, only one of which was deemed responsive and responsible. The bid requested pricing on a per-gallon basis for the purchase of sodium hypochlorite. Based on their ability to meet all material requirements of the specifications and the competitive price of the bid, PRCA is requesting approval to award the bid to and execute a contract with Hawkins, Inc. to purchase sodium hypochlorite at a price of \$1.13 per gallon. Bids were reviewed and rank ordered on July 3, 2019. Notice of Intent to Award was posted on July 26, 2019.

The new contract will begin October 1, 2019 and continue through

September 30, 2021, with an option to renew for up to three 12-month periods.

Fiscal Note: Hawkins, Inc. will charge \$1.13 per gallon for liquid sodium hypochlorite (NaOCl) 12.5% solution. Based on the average estimated use of 54,000 gallons per year, the City would pay approximately \$61,020 annually or \$122,040 over the first two years of the contract. Funds have been allocated in the Parks, Recreation & Cultural Affairs Department's general fund budget to cover this cost.

RECOMMENDATION

The City Commission: 1) authorize the City Manager (or designee) to award the bid to Hawkins, Inc. for purchase and delivery of liquid chlorine for the City's swimming pools and splash pads in the amount of \$122,040 over the first two years of the contract, and 2) authorize the City Manager (or designee) to execute any related documents, subject to approval by the City Attorney as to form and legality.

[190203A RFP 20190905](#)

[190203B RFP Addndms 20190905](#)

[190203C HawkinsBid 20190905](#)

[190203D BidRecord 20190905](#)

[190203E RecofAward 20190905](#)

[190203F NoticeIntenttoAwd 20190905](#)

[190209G DraftContrct 20190905](#)

[190282.](#)

Adoption of the Ten-Year Regional Transit System Transit Development Plan (TDP) for FY20-FY29 (B)

The item involves a request by the City Commission to adopt the Regional Transit System (RTS) Transit Development Plan (TDP) for FY20-FY29.

AGENDA UPDATE - REMOVE ITEM

Explanation: To maintain eligibility for Florida Department of Transportation (FDOT) transit block grant funding, RTS must develop and maintain a Transit Development Plan (TDP). The TDP outlines the development of transit in a community over a ten-year period with major updates of the plan occurring every five (5) years. This is a major update. The City Commission approved the last major update to the RTS TDP on August 21, 2014.

The governing board of a transit system must adopt the major update to maintain eligibility for FDOT transit block grant funding. The City Commission acts as the governing board for public transit in Gainesville urban area. A copy of the ten-year RTS TDP for FY20-FY29 is attached

as back-up and was presented at the Mobility Workshop on September 3rd.

Fiscal Note: During FY19, RTS received \$1,956,645 in FDOT transit block grant funds.

RECOMMENDATION The City Commission adopt the Regional Transit System Transit Development Plan for FY20-FY29.

[190282A Draft 2020-2029 TDP Plan 20190905](#)

[190304.](#)

2019 Internet Crimes Against Children (ICAC) Task Force Grant (B)

This is a request for the City Commission to authorize the Gainesville Police Department to proceed in the application process for the 2019 Internet Crimes against Children (ICAC Task Force Grant)

Explanation: The City of Gainesville Police Department is eligible for an award through ICAC Task Force Grant for up to \$483,963.00. This money may be used to fund ICAC task force operations/activities to include personnel, equipment, software, supplies, contractual support, training and other operational cost. The application due date is August 30, 2019, prior to next September scheduled CC meeting. Thus, the CC authorization will allow for GPD to maintain application in process.

Fiscal Note: There is no match requirement and no fiscal impact on the General Fund budget.

RECOMMENDATION The City Commission 1) authorize the City Manager to apply for, and to accept and execute the grant award and any other necessary documents subject to review by the City Attorney as to form and legality; and 2) approve the expenditures as outlined in the approved grant award.

[190304 FY 19 Guidance for Invited Applicants for ICAC Grant 20190905](#)

[190305.](#)

2019 Edward Byrne-JAG Grant-(County Wide) (NB)

Explanation: This is a request for the City Commission approval to apply for funding under: 2019 Edward Byrne-JAG Grant-(County Wide). This is pass-through grant funded through Florida Department of Law Enforcement (FDLE). The City of Gainesville is eligible to receive an award up to \$25,597.00 to be used for Law Enforcement Programs and Equipment. The project operation is anticipated as October 1, 2019 through September 30, 2020.

Fiscal Note: There is no match requirement and no fiscal impact on the General Fund budget.

RECOMMENDATION

The City Commission 1) authorize the City Manager to apply for, to accept and execute the grant award and any other necessary documents, subject to review by the City Attorney as to form and legality; and 2) approve the expenditures as outlined in the approved grant award.

[190307.](#)

Bureau of Justice Assistance (BJA)-Gulf States Regional Law Enforcement Technology Assistance Initiative (B)

This is a request for the City Commission to approve to apply for funding through the Bureau of Justice Assistance (BJA)-Gulf States Regional Law Enforcement Technology Assistance Initiative. Funding Opportunity: BJA-2019-16313.

Explanation: The BJA Gulf States Regional Law Enforcement Technology Assistance Initiative is an innovative program that seeks to provide resources and technology to law enforcement jurisdictions within the five Gulf States (Florida, Alabama, Louisiana, Mississippi, and Texas) to assist with information and intelligence sharing to reduce crime and illegal drug trafficking. Statutory. The application deadline is October 4, 2019 (BJA Announcement)

The City of Gainesville is eligible to apply for an award up to \$150,000 to be used for Law Enforcement Technology Initiatives. This initiative is expected to enhance information and intelligence sharing between local law enforcement and fusion centers, including federal and state agencies and effectively aid communities in achieving a reduction in crime. The anticipated project operation timeline is between 12/1/2019 and 11/30/2021

Fiscal Note: There is no match requirement and no fiscal impact on the General Fund budget.

RECOMMENDATION

The City Commission 1) authorize the City Manager to apply for, and to accept and execute the grant award and any other necessary documents, subject to review by the City Attorney as to form and legality; and 2) approve the expenditures as outlined in the approved grant award.

[190307_BJA-Gulf States Regional Law Enforcement Technology Assistance Ini](#)

[190323.](#)

Interlocal Agreement for Automatic Aid with Alachua County for Fire and EMS Services (B)

This item requests The City Commission approves the referral of this item to the General Policy Committee for September 12th, 2019, where the Committee hear a presentation on the proposed Interlocal Agreement for Automatic Aid with Alachua County for Fire and EMS Services and refer the agreement to the next Joint City-County Commission Meeting.

AGENDA UPDATE - CHANGED TEXT FILE

Explanation: The City of Gainesville and Alachua County entered into the Interlocal Agreement between Alachua County and City of Gainesville Regarding Automatic Aid for Fire and EMS Services on June 13th, 2018. The agreement expires September 30th, 2019.

Staff from Gainesville Fire Rescue (GFR) and Alachua County Fire Rescue (ACFR) have prepared a new Interlocal agreement establishing the cost per unit response; the automatic aid service area; and the types of units and calls for service that will be compensable under the agreement. The new agreement also provides for a preliminary cost per unit response to use for monthly billing with the expectation of a fiscal year true-up.

Under the FY19 automatic aid agreement, the balance of GFR unit responses into the Alachua County service area have exceeded the ACFR unit responses into the City of Gainesville by an average of 54 responses per month at the current cost per unit response of \$821.39.

Fiscal Note: The proposed cost per unit response is \$869.92.

RECOMMENDATION

The City Commission approves the referral of this item to the General Policy Committee for September 12th, 2019; at which time the Committee will 1) hear a presentation on the proposed Interlocal Agreement for Automatic Aid with Alachua County for Fire and EMS Services; 2) provide direction to staff; and 3) refer the agreement to the next Joint City-County Commission Meeting.

[190329.](#)

Community Engagement Toolkit (B)

Explanation: In the interest of fostering more effective engagement throughout the city, Strategic Initiatives staff have created a Community Engagement Toolkit. Staff will provide an overview of the Toolkit to the Commission followed by a general discussion.

Fiscal Note: N/A - This is an informative presentation only.

RECOMMENDATION

The City Commission approves the referral of this item to the September 26th, 2019, General Policy

Committee; at which time the Committee will 1) hear a presentation on the Community Engagement Toolkit and 2) provide input prior to finalization and use of the Toolkit by Departments.

[190190.](#)

Race & Equity Subcommittee Vision Statement (B)

RECOMMENDATION *The City Commission approve the Race & Equity Subcommittee Vision Statement.*

Legislative History

8/20/19 Race & Equity Approved, as shown above
 Subcommittee

[190190_R & Equity Vision Statement_20190820.pdf](#)

[190361.](#)

State Legislative Agenda Priorities for FY 2020 (NB)

AGENDA UPDATE - ADDED ITEM

RECOMMENDATION *The City Commission refer this item to the General Policy Committee on September 12, 2019 for discussion.*

[190360.](#)

Interlocal Agreement between the City of Gainesville and Alachua County Sheriff for Direct radio communication between 911 public safety answering points and first responders (B)

This item requests The City Commission approves the referral of this item to the General Policy Committee for September 26th, 2019, where the Commission will vote to approve this inter local agreement.

AGENDA UPDATE - ADDED ITEM

Explanation: Currently, The City of Gainesville receives all 911 and radio dispatch services through the Combined Communications Center which is currently managed by the Alachua County Sheriff. Per Florida Statue 365.179, requires each sheriff, in collaboration with all first responder agency heads in his or her county, to facilitate the development and execution of written inter-local agreements between all primary first responder agencies within the county.

Fiscal Note: The City of Gainesville has an existing inter-local agreement with Alachua County and the Sheriff for communication services. Any cost would be encumbered through the CCC inter-local agreement

RECOMMENDATION *The City Commission approves the referral of this item to the General Policy Committee for*

September 26th, 2019; at which time the Commission will 1) approve the City Manager to enter into the proposed inter-local agreement;

[190360_PSAP FS 365.179_20190905](#)

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.

[190063.](#)

Gainesville Regional Utilities Energy Risk Management Hedging Program Follow-Up Presentation (B)

Explanation: At the June 20, 2019 City Commission meeting, staff requested the City Commission authorize the General Manager or his designee to enter into a new agreement with a Futures Commission Merchant (FCM) after GRU's then-current FCM ceased participation in the governmental entities segment of the futures market. The Commission approved the request but asked questions regarding GRU's internal hedging policy and requested that staff come back to a future meeting for discussion of that policy.

Staff made a presentation to the Utility Advisory Board on August 8, 2019 and return today to present to the City Commission.

Fiscal Note: None.

RECOMMENDATION *Hear a presentation from staff.*

Legislative History

6/20/19 City Commission Approved as Recommended

[190063 Fuel Hedging Presentation 20160620](#)

[190063 Proposed Agrmt 20190620](#)

[190063 GRU Admin Guideline 20190620](#)

[190063 ADMIS Fee Schedule 20190620](#)

[190063 GRU ERM Policy2 20190905](#)

[190264.](#)

Proposed Changes to City Beautification Board Code Language and Bylaws (B)

Explanation: On July 10th, 2019, the City Beautification Board met for a special meeting and reviewed the Board's bylaws. The Board unanimously recommended the following changes be made:

- 1) Remove "sanitation" from Article I, as this no longer reflects the current duties of the Board; and
- 2) Change the total number of Board members from 15 to 9 due to difficulty maintaining full membership and having a quorum present at meetings.

The Board requests the Commission's review of the above recommendations. Since both issues are addressed in Secs. 2-250 - 2-260 of the City code, a change to the code language must precede changes to the bylaws.

Fiscal Note: None.

RECOMMENDATION The City Commission review the letter from the Chair of the City Beautification Board and take appropriate action.

[190264A_CBBCommissssionletter_20190905](#)

[190264B_190125_City Beautification Board Bylaws_20190905](#)

[190264C_ATTENDANCE-SHEET-2018_20190905](#)

[190264D_ATTENDANCE-SHEET-2019_20190905](#)

[180612](#)

City Manager Executive Search (B)

AGENDA UPDATE - ADDED BACK-UP

Explanation: In order to hire a City Manager, the City Commission authorized the Human Resources Department to engage the services of an Executive Search Firm to initiate a search to fill the vacant position. Colin Baenziger & Associates was selected to conduct the search and to present qualified candidates to the Commission for consideration.

Prior to today's meeting, Colin Baenziger & Associates presented each Commissioner with a full candidate report, including resumes and other supporting documentation, of the top recommended semi-finalist candidates for consideration. The Commission reviewed those resumes and will select which candidates are to be approved for in-person interviews with the Commission. Candidate interviews will be conducted by the City Commission on September 25th and 26th. A final selection will be made on September 27th. Candidates' cover letters and resumes are included in the backup.

The in-person interviews will take place over two days; the schedule will include a panel-style interview with the full City Commission, a Community Reception which citizens and Commissioners are invited to, and finally, one-on-one interviews with each Commissioner.

Fiscal Note: The anticipated fiscal impact for the City Manager executive search is \$32,000. This amount includes \$26,500 in search fees and \$5,500 allocated for candidate travel, meals, and other expenses. This will be funded through unallocated general fund balance.

RECOMMENDATION

The City Commission: 1) select candidate(s) to move forward in the City Manager Interview process; and 2) authorize Colin Baenziger & Associates to invite the selected candidate(s) to participate in the process.

Legislative History

12/13/18	General Policy Committee	No Action Taken
1/3/19	City Commission	Approved, as shown above
1/17/19	City Commission	Approved, as shown above
2/7/19	City Commission	Approved, as shown above
5/2/19	City Commission	Discussed
5/23/19	General Policy Committee	Approved as Modified
6/6/19	City Commission	Approved as Recommended

[180612C RFQ-GD-Executive Search Services 20190523.pdf](#)
[180612D RFQ Addendum 1 Executive Search Services 20190523.pdf](#)
[180612E Submittal-Baker Tilly Virchow Krause, LLP 20190523.pdf](#)
[180612F Submittal-Colin Baenziger & Associates 20190523.pdf](#)
[180612G-Submittal Appendices-Colin Baenziger & Associates 20190523.pdf](#)
[180612H Submittal-CPS HR Consulting 20190523.pdf](#)
[180612I Submittal-GovHR Proposal 20190523.pdf](#)
[180612J Submittal-MGT Consulting Group 20190523.pdf](#)
[180612K Submittal-Renee Narloch & Associates 20190523.pdf](#)
[180612L Submittal-SGR Executive Recruitment Services 20190523.pdf](#)
[180612M Submittal-Sunshine Enterprise USA 20190523.pdf](#)
[180612N Submittal-Vinali LLC 20190523.pdf](#)
[180612O RFQ 190032 Evaluator 1 Notes and Ranking.pdf](#)
[180612P RFQ 190032 Evaluator 2 Notes and Ranking 20190523.pdf](#)
[180612Q RFQ 190032 Evaluator 3 Notes and Ranking 20190523.pdf](#)
[180612R RFQ #190032 Evaluation Form Summary 20190523.pdf](#)
[180612S RFQ Executive Search Services Bid Record 20190523.pdf](#)
[180612T RFQ CC Bid Tab Executive Search Services 20190523.pdf](#)
[180612U Award recommendation transmittal 20190523.pdf](#)
[180612V Executive Search Services Award Public Notice 20190523.pdf](#)
[180612X City Manager Search Criteria Survey 20190523.pdf](#)
[180612W City Manager 1019 Draft With Commission Feedback 20190523.pdf](#)
[180612Y City Manager Candidate Resumes A-E 20190905.pdf](#)
[180612Z City Manager Candidate Resumes F-M 20190905.pdf](#)
[180612AA City Manager Candidate Resumes O-Z 20190905.pdf](#)
[180612BB City Manager Selection Timeline 20190905.pdf](#)
[180612CC Contract Final 20190905.pdf](#)
[180612 A - Cover Memo for Recommended Candidates Gainesville 20190905](#)

190311.

Verification of General Fund Revenue Estimates in Fiscal Year 2020 Budget (B)

AGENDA UPDATE - CHANGED TEXT FILE

Explanation: In accordance with Section 13(A), Budget Reviews, of Commission Resolution 150127 and our Annual Audit Plan, we completed a review of General Fund revenue estimates for the fiscal year ending September 30, 2020. We evaluated the reasonableness of the forecasted General Fund Revenues and Other Sources of Funds set forth in the Fiscal Year 2020 Final General Government Financial and Operating Plan Budget to be read on September 12, 2019 and adopted by final resolution by the

City Commission on September 26, 2019. We conducted this engagement in accordance with Government Auditing Standards issued by the Comptroller General of the United States. Our report is attached for your review.

RECOMMENDATION *The Interim City Auditor recommends that the City Commission accept the Interim City Auditor's report.*

[190311A Verification of General Fund Revenue Estimates FY20 20190905](#)

[190311B Management Response to the Report 20190905](#)

[190317.](#)

Single-Use Plastics Discussion (B)

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

[190317 FL ModelEPSOrdinance 20190905.pdf](#)

[190317 Orlando Single Use Policy 20190905.pdf](#)

[190317 St Pete Plastic Straws and Expanded Polystyrene - Final Ordinance 2/](#)

[190324.](#)

Commissioner Adrian Hayes-Santos - Discussion of Homelessness for Fiscal Year 2020 and Breakdown of Funding for all Homeless Services (B)

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

[190324 Staff Analysis Approaches to Reducing Homelessness 20190905.pdf](#)

[190324A City General Policy Committee Meeting Minutes May 10 2018 20190](#)

[190324A1 City Staff Analysis-Comparison Approaches Reducing Homelessnes](#)

[190324B County Commission Meeting Minutes May 22, 2018 20190905.pdf](#)

[190324B1 County Staff Presentation Homeless Issues and Considerations May](#)

[190324C Joint City-County Commission Meeting Minutes Feb 19 2018 201909](#)

[190324D Presentation-Approaches to Reduce Homelessness 20190905.pdf](#)

[190324E December 10th Presentation - Approaches to Reduce Homelessness](#)

[190324B Dignity Village Project Implementation Time 20190905.pdf](#)

[190324C DV Closure Draft Budget 20190905.pdf](#)

[190324A Motion Response Presentation 20190905.pdf](#)

[190336.](#)

Commissioner Adrian Hayes-Santos - Joint Water Policy Recommendation for State Legislative Action on Septic Tank Funding (NB)

Explanation: The Joint Water Policy Board recommended that the County and City governments add a joint request to our local delegation to allow for current and future state septic tank remediation funds to be used in the Hogtown Creek basin. This should also be added to the City's legislative priority list.

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

[190337.](#)

Commissioner Adrian Hayes-Santos - Discussion on the Process for Responding to Official Letters from Governmental Entities to the City Commission (NB)

Explanation: Letters to the City Commission from other governmental entities are many times not responded to in a timely fashion. It is requested that staff come back with a process to place letters on City agendas for discussion and response, if needed, in a timely fashion.

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

[190268.](#)

Commissioner Gail Johnson - Citizens Advisory Board on Race & Equity (B)

AGENDA UPDATE - REMOVE ITEM

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

Note: Back-up is forthcoming.

Legislative History

8/20/19	Race & Equity Subcommittee	Discussed
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[190330.](#)

Contract for Electric Distribution Line Clearance, Tree Trimming, Right-of-Way Maintenance, Weed Control and Related Work (B)

AGENDA UPDATE - ADDED ITEM

Explanation: The utility's electric transmission and distribution systems require periodic line clearance, tree trimming, right-of-way maintenance, weed control and related services. Approximately 600 distribution system and 125 transmission system miles of line are maintained in accordance with American National Standards Institute's (ANSI) arboricultural standards. In addition, the North American Reliability Corporation (NERC) has established stringent line clearance maintenance standards that must be adhered to. The purpose of this contract is to enhance system reliability,

heighten customer satisfaction, promote safety and comply with federal regulation in a cost effective manner while preserving the aesthetic qualities of the tree canopy.

In addition to routine maintenance, this contract provides the utility with access to emergency response resources as required in major system restoration efforts. Asplundh has the capability to supplement local crews with resources from regions throughout the country. The availability of such additional resources was critical to the utility's restoration efforts following the 2017 hurricane season.

This contract is subject to the Living Wage Ordinance and the wages paid to the Contractor's employees reflect the current rates established by the U.S. Department of Health and Human Services. Wages may be adjusted annually to maintain compliance with this ordinance. Any fiscal impact is reported to the City Commission on an annual basis.

An Invitation to Bid for these services was sent by Utilities Purchasing to 201 prospective bidders, with 2 responding. This was an evaluated bid. Bidders were first evaluated based on established minimum requirements which included the qualifications and references of the business, staff training and certification, and an emergency response and mobilization plan. The bid pricing from the companies that met the minimum qualifications were then given to the evaluators. Asplundh Tree Expert Company provided the lowest bid and is being recommended for award of the contract.

Our current contract for these services expires on September 30, 2019. The new contract, starting on October 1, 2019, will be for three years with an option for a two year renewal.

Due to the cancellation of the September 19, 2019 City Commission meeting, staff will not have another opportunity to present to the City Commission before the contract expires so we will not present it to the UAB for their advice.

Fiscal Note: GRU budgeted \$2,303,259 in its FY2020 budget based on the cost of the current contract. However, the two responsive bids came in significantly higher than anticipated, with the annual cost of this contract to be approximately \$3,034,400. An additional \$731,141 is required to provide the same level of service provided in the current contract. The shortfall will be funded from savings within GRU's Electric T&D operations and maintenance budget or through potential rate increases in FY2021.

RECOMMENDATION

The City Commission: 1) authorize the General Manager, or his designee, to execute a three-year contract with Asplundh Tree Expert Company, subject to the approval of the City Attorney as to form and legality; and 2) approve the issuance of a purchase orders in not-to-exceed budgeted amounts for these services for each year of the contract, subject to the final appropriation of funds

for each year.

[190330 Notice of Intent to Award 20190905](#)

[190330 2019-068 EITB Final 20190905](#)

[190330 2019_068 Addendum 1](#)

[190330 2019_068 Addendum 2 20190905](#)

COMMISSION COMMENT

4:30 - 5:30pm DINNER BREAK

5:30 - CALL TO ORDER - Evening Session

PLEDGE OF ALLEGIANCE

PROCLAMATIONS/SPECIAL RECOGNITIONS

[190318.](#)

Constitution Week - September 17-23, 2019 (B)

RECOMMENDATION

Gainesville Chapter, Daughters of the American Revolution Regen Kay Hall to accept the proclamation.

[190318_Constitution Week_20190905.pdf](#)

[190319.](#)

Depot Park Parkrun Day - September 7, 2019 (B)

RECOMMENDATION

Depot Park Parkrun Director Shauna Dixon and Co-Run Director Kristen Bryant to accept the proclamation.

[190319_Depot Park Parkrun Day_20190905.pdf](#)

[190319_Parkrun Slideshow_20190905.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

[190242.](#)

Acceptance of Anticipated US Department of Transportation FAA AIP Grant No. 3-12-0028-042-2019 in an amount up to \$12,163,252.00 (B)

Resolution No. 190242

A Resolution of the City of Gainesville, Florida, accepting FAA AIP Grant No. 3-12-0028-042-2019 from the U.S. Department of Transportation, Federal Aviation Administration, and authorizing execution by the Mayor and the Clerk of the Commission on behalf of the City of Gainesville; and providing an immediate effective date.

Explanation: The Gainesville-Alachua County Regional Airport Authority (GACRAA) anticipates an offer from the U.S. Department of Transportation, Federal Aviation Administration (FAA) for AIP Grant No. 3-12-0028-042-2019 in an amount up to \$12,163,252.00.00 for Phase II construction of commercial terminal improvements to expand gate area and miscellaneous public area improvements at the Gainesville Regional Airport.

Because the City of Gainesville retains title to the land upon which Gainesville Regional Airport operates, the City of Gainesville, in addition to GACRAA, must formally accept all federal grant offers. Accordingly, GACRAA on June 27, 2019, adopted Resolution No. 19-010, which accepted and authorized execution of the anticipated grant offer.

RECOMMENDATION *The City Commission adopt the resolution and authorize the Mayor to execute and the Clerk of the Commission to certify the grant agreement.*

[190242A_draft_resolution_20190905.pdf](#)

[190242B_Ltr_GACRAA_to_City_20190905.pdf](#)

[190242C_Assurances_20190905.pdf](#)

[190242D_Grant_Application_20190905.pdf](#)

[190242E_GACRAA_Resolution_19-010_20190905.pdf](#)

[190267.](#)

Resolution for a Public Transportation Grant Agreement - Public Transit Block Grant Program for RTS Operating Assistance for FY 2019/2020 (B)

Explanation: This item is a request to adopt a Resolution authorizing the City Manager to execute a Public Transportation Grant Agreement (PTGA) between the City of Gainesville and Florida Department of Transportation (FDOT) to accept the allocation for Gainesville of \$2,139,730 from the Public Transit Block Grant Program for FY 2019/2020 Operating Assistance.

FDOT allocates state block grant funds for public transit systems each year. The allocations are based on a three-part formula that includes population, ridership, and vehicle miles operated. For FY 2019/2020, the allocation for Gainesville is \$2,139,730, an increase of \$183,085 from last year's allocation. The RTS block grant provides a 50% reimbursement for eligible operating costs associated with operating, maintaining, and managing a transportation system.

FDOT requires the governing board of each public transit system to adopt a resolution authorizing the acceptance of these funds.

Fiscal Note: The Public Transportation Grant Agreement requires the City of Gainesville to match the funding. Funds in the amount of \$2,139,730 for this match are available in the FY 2019/2020 RTS operating budget.

RECOMMENDATION *The City Commission adopt the Resolution.*

[190267A Draft Resolution 20190905](#)

[190267B Draft FDOT PTGA 20190905](#)

[180445.](#)

City of Gainesville Open Data Policy (B)

Resolution No 180445.

A Resolution of the City Commission of the City of Gainesville, Florida, establishing an Open Data Policy and providing an effective date.

Explanation: This resolution formalizes a lasting support for a more open, transparent, and accessible government by adopting an Open Data Resolution.

In early 2014, the City of Gainesville lead an open data movement as one of the first cities of its size in the southeast to publish an online portal for accessing city data and information. The open data portal launched with a couple dozen datasets and maps in accessible formats.

Since the initial launch of the open data portal, Strategic Initiatives has expanded the amount and types of data available by releasing highly requested information, such as crime incidents, fire/rescue calls for service, and budget expenditures. Staff has also focused on improving the data quality, frequency of data availability, and automation processes.

Strategic Initiatives has facilitated community engagement by hosting public hackathons, co-sponsoring the launch of a Code for Gainesville brigade, and partnering with the University of Florida on data-centered community research projects. Staff has also led internal training and education sessions.

In 2017, the City of Gainesville was selected as one of only 100 cities to partner with the Bloomberg-funded philanthropy, What Works Cities. What Works Cities has provided in-kind support, training, and guidance to cities across the country be leveraging national experts to improve cities' use of data and evidence to address community challenges and issues.

As a result of this partnership, Gainesville gained valuable insight into leveraging data as an asset for implementing the city's Strategic Framework and measuring community impact. Strategic Initiatives has

since established governance processes to evaluate privacy and sensitivity concerns, prioritize and publish new data, and foster greater engagement with staff. Staff will build on this improved foundation by leveraging performance data to improve effective operations and community outcomes.

Concurrently, the City Commission adopted a Broadband Subcommittee, which eventually broadened its focus to Digital Accessibility. The subcommittee had several discussions about data governance and participated in developing the proposed Open Data Resolution.

The Open Data Resolution provides a framework for the city's Charter Officers to implement procedures for managing accessible, open data. The intent of the Open Data Resolution is to provide a lasting support of leveraging data to improve service delivery and operational performance, promote opportunities for economic development and entrepreneurship, encourage academic access and research, and establish and build partnerships to collaboratively solve community challenges.

Note: The Digital Access voted unanimously for the policy.

Fiscal Note: None

RECOMMENDATION

The City Commission (1) receive a presentation; and (2) adopt Resolution Number 180445.

Legislative History

12/10/18	Broadband Connectivity Subcommittee	Approved, as shown above
2/27/19	Broadband Connectivity Subcommittee	Continued
4/8/19	Digital Access Committee	Continued
5/13/19	Digital Access Committee	Discussed
8/12/19	Digital Access Committee	Approved, as shown above

[180445_Open Data Resolution Update Presentation_20190812_20190905.pdf](#)

[180445A_Open Data Resolution_Draft_20190905.pdf](#)

[180445B_Open Data_City Commission Presentation PPT_20190905.pdf](#)

PUBLIC HEARINGS

ORDINANCES, 2ND READING - ROLL CALL REQUIRED

[181001.](#)**Ordinance Dissolving the Gainesville Community Redevelopment Agency and Creating the Gainesville Community Reinvestment Area (B)**

Ordinance No. 181001

An ordinance of the City of Gainesville, Florida, deleting in its entirety existing Chapter 2, Article V, Division 9 titled Community Redevelopment Agency, and replacing it with a new Chapter 2, Article V, Division 9 titled Gainesville Community Reinvestment Area in the City of Gainesville Code of Ordinances; providing directions to the codifier; providing a severability clause; providing a repealing clause; providing an effective date; and providing for dissolution of the Gainesville Community Redevelopment Agency and transfer to and acceptance of its assets and liabilities by the City.

Explanation: The City Commission, at its meeting of May 2, 2019, directed the City Attorney to draft and advertise this proposed ordinance.

After discussion at several meetings (Agenda Item #170788 heard at the February 12, 2018; March 12, 2018; April 30, 2018 and May 31, 2018 Joint City/County Commission Meetings), the City Commission and County Commission each approved an Interlocal Agreement that requires the County's annual contributions to the CPUH Redevelopment Trust Fund to be calculated using the City's millage rate; and 2) expressed the parties agreement to actively engage in a collaborative process to rethink, envision and design the future of the CRA with a goal to reach consensus and develop a mutually agreeable solution. The executed Interlocal Agreement was recorded on July 18, 2018, in Official Record Book 4615, Page 591, of the Public Records of Alachua County.

After work by City and CRA staff, discussions by the City Commission and County Commission (Agenda Item #180389 heard at the October 11, 2018 General Policy Committee meeting; the November 1, 2018 City Commission meeting; the December 10, 2018 Joint City/County Commission meeting; the January 15, 2019 County Commission meeting and the February 11, 2019 Joint City/County Commission meeting), the City and County Commissions directed their respective Managers to negotiate an agreement based on a five part motion. The staff negotiated Agreement was presented to and approved by the City Commission on April 4, 2019; by the County Commission on April 9, 2019 and was recorded on April 11, 2019, in Official Record Book 4675, page 2154, of the Public Records of Alachua County. Among other provisions, Section 5 of the Agreement requires the City Commission to consider adoption of an ordinance amending Chapter 2, Article V, Division 9 titled "Community Redevelopment Agency" of the City Code of Ordinances to, at a minimum, rename the existing CRA, consolidate its four existing Agency areas (Downtown, College Park/University Heights, Fifth Avenue/Pleasant Street and Eastside), establish a consolidated restricted fund, provide a public process to review and revise the four existing Agency area redevelopment plans into one consolidated plan

and address all other governance, management, fiscal and administrative matters necessary to accomplish Community Redevelopment.

City and CRA staff prepared a draft ordinance and presented same for Commission discussion on May 2, 2019. The draft was also shared with County staff. Since that time, the draft ordinance has been updated to include a legal description and boundary map, specify a 7-member advisory board, continue to restrict the use of the CRA trust funds that were collected prior to October 1, 2019 to the geographic redevelopment area in which they were collected, provide for an October 1, 2019 effective date to coincide with the City's budget year and specify that the existing redevelopment incentive programs will continue until such time as they are terminated and/or replaced with new programs for the GCRA.

In addition to the ordinance, the attached Assignment of Agreements/Obligations and Personal Property and Special Warranty Deed are intended to document the assignment and assumption of all assets and liabilities from the CRA to the City, effective as of October 1, 2019, in accordance with Section 5 of the Ordinance. All transferred assets and liabilities of the former CRA will be administered and accounted for by the City on behalf of and for the account of its new GCRA Department. All documents executed by the interim City Manager pursuant to this authorization will be held and not recorded until after the City Commission adopts the Ordinance on second reading and the Interim CRA Director executes all documents.

RECOMMENDATION

City Commission: 1) adopt the proposed revised ordinance; and 2) authorize the interim City Manager to execute the Assignment of Agreements/Obligations and Personal Property, the Special Warranty Deed and any other documents necessary to effectuate the transfer of assets and liabilities from the former CRA to the City effective as of October 1, 2019, subject to review by the City Attorney as to form and legality.

Legislative History

5/2/19 City Commission Approved, as shown above
8/15/19 City Commission Adopted on First Reading, as amended (Ordinance)

[181001_draft ordinance for discussion_20190502.pdf](#)

[181001A_draft ordinance_20190815.pdf](#)

[181001B_Simmons Recommendation Memo_20190815.pdf](#)

[181001_revised draft ordinance_20190905.pdf](#)

[181001A_Assignment of Agreements Obligations and Personal Property_2019C](#)

[181001B_Special Warranty Deed_20190905.pdf](#)

[181065.](#)**Voluntary Annexation - 0.44 Acres of Property North of SW Archer Road and East of SW 50th Street (B)**

Ordinance No. 181065

An ordinance of the City of Gainesville, Florida, annexing approximately 0.44 acres of privately-owned property generally located south of Oak Park Village and parcel number 06916-000-000, west of SW 47th Street, north of SW Archer Road, and east of SW 50th Street, as more specifically described in this ordinance, as petitioned for by the property owner(s) pursuant to Chapter 171, Florida Statutes; making certain findings; providing for inclusion of the property in Appendix I of the City Charter; providing for land use plan, zoning, and subdivision regulations, and enforcement of same; providing for persons engaged in any occupation, business, trade, or profession; providing directions to the Clerk of the Commission; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: This ordinance, at the request of the property owner of the subject property, will annex into the corporate limits of the City of Gainesville approximately 0.44 acres of privately-owned property that is parcel number 06930-000-000 and generally located south of Oak Park Village and parcel number 06916-000-000, west of SW 47th Street, north of SW Archer Road, and east of SW 50th Street. On June 6, 2019, the City Commission received and accepted a petition for voluntary annexation and directed the City Attorney to prepare this annexation ordinance.

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

It is the opinion of city staff that the procedural and substantive requirements for voluntary annexation described in Section 171.044, F.S., have been met as follows: First, the annexation area is "contiguous" to the city limits because a substantial part of a boundary of the annexation area is coterminous with a part of the city boundary, and is touching or adjoining the city limits in a reasonably substantial sense. Second, the annexation area is "reasonably compact" because it is a reasonable concentration of property in a single area and does not create any enclaves, pockets, or finger areas in serpentine patterns. This annexation would not result in a pattern of land that is winding or turning, and would not create any small isolated unincorporated area that is left in

a sea of incorporated property when viewed in relationship to the overall scope and configuration of the annexation area and surrounding municipal property. Third, this annexation would not create any "enclaves" because the annexation would not result in any unincorporated property that is either enclosed and bound on all sides by the city limits; or enclosed within and bounded by the city limits and a natural or manmade obstacle that allows the passage of vehicular traffic to that unincorporated area only through the city.

Therefore, and in light of the general purpose of municipal incorporation and the fact that a property owner has voluntarily requested to be annexed into the City of Gainesville, city staff recommends adoption of this voluntary annexation ordinance.

The City Commission must decide, based on the map of the annexation area, the opinion and testimony of city staff, and other competent substantial evidence included in the record, whether the proposed annexation meets the essential requirements of the applicable state annexation law as described herein.

CITY ATTORNEY MEMORANDUM

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

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

6/6/19	City Commission	Approved as Recommended
8/15/19	City Commission	Adopted on First Reading (Ordinance)

[181065B_Voluntary Annexation Letter from Mayor Commissioner Pro Tem War](#)

[181065C_USR-ArcherHealthExtensionVoluntaryAnnexation_20190815](#)

[181065D_ArcherHealthExtensionAnnxtn_Staff PPT_20190815](#)

[181065A_draft ordinance_20190815.pdf](#)

ORDINANCES, 1ST READING - ROLL CALL REQUIRED

[190278.](#)

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

Ordinance No. 190278

An ordinance of the City of Gainesville, Florida, amending the Code of Ordinances, by repealing Division 4 of Article III, Chapter 27 and amending

Sec. 2-339, relating to the prohibition of single-use carry out plastic bags and expanded polystyrene containers; providing directions to the codifier; providing a repealing clause; and providing an immediate effective date.

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

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

8/15/19 City Commission Approved, as shown above

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

[190278 Opinion 20190815.pdf](#)

[190278 draft ordinance 20190905.pdf](#)

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

[190301.](#)

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

Ordinance No. 190301

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

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

The Cabot/Koppers Superfund Site (Superfund Site) covers an

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

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

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

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

The 1992 Consent Decree, 2011 amended ROD and subsequent documents, require Cabot Carbon, Inc., to carry out the remedial action on Tract 3 of the Hamilton Park plat and to construct a new storm water

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

CITY ATTORNEY MEMORANDUM

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

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

[190301A_draft ordinance_20190905.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