

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Meeting Agenda - Final

July 16, 2020

1:00 PM

Virtual Teleconference Meeting

City Commission

Mayor Lauren Poe (At Large)
Commissioner Reina Saco (At Large)
Commissioner Gail Johnson (At Large)
Commissioner Gigi Simmons (District 1)
Commissioner Harvey Ward (District 2)
Mayor-Commissioner Pro Tem David Arreola (District 3)
Commissioner Adrian Hayes-Santos (District 4)

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

Welcome to the City Commission meeting!

We're glad you're here. Please review the meeting process and how you can participate.

What is the Meeting Agenda? The City Commission makes policies and conducts the city's business in an open and transparent forum. The agenda is an outline of what will happen during the meeting. It includes the following sections:

Adoption of Consent Agenda (CA): The Consent Agenda is a group of business items that are voted on together in one motion. These items are not discussed separately. The Commission may remove an item to discuss it during the meeting or at a later meeting.. This process saves time for the Commission to discuss items on the Regular Agenda.

Adoption of Regular Agenda: The Commission must approve the order of items on the Regular Agenda, which is the list of items set for discussion. The Commission can also re-order or remove items.

The **(B)** after an item's title means that there are materials, called Backup, in support of the item. Click the links on the agenda to view the documents. An **(NB)** after an item's title means there are no Backup materials for the item.

How to Share Your Opinion. Your opinion is important to the City Commission. There are multiple ways to add a comment to the official record.

Submit Written Public Comment: You may write a public comment on any City Commission Meeting agenda item. Visit our website, www.cityofgainesville.org, and go to the "Agendas & Minutes" tab. Click on the "eComment" link in the right-hand column. Written comment opens when the agenda is published the Friday before the meeting and closes one (1) hour before the start of the meeting. Your comments will be sent to the City Commissioners and added to the official record.

Speak at a Public Meeting: Any member of the public may sign up to speak at a City Commission meeting. Visit our website, www.cityofgainesville.org, and go to the "Agendas & Minutes" tab on our website. Click on the "eComment" link in the right-hand column and register to speak on a specific agenda item. Online registration closes one (1) hour before the meeting is called to order. You may also register on the sign-up sheet in the Auditorium before the meeting begins. Speakers will be called to the podium by name and should address their comments to the Chair of the meeting, usually the Mayor. There are two types of public comment during Commission Meetings:

General Public Comment: The public is invited to speak to the Commission for three (3) minutes about any topic, as long as it is not on the Agenda. This is an opportunity to bring up new ideas or issues to the Commission. Each person may speak during one comment period: at the start of the 1pm session, at the start of the 5:30pm session, or at the end of the meeting. The Commission will not discuss or make decisions on ideas presented during this time. Comments may be referred to City staff for follow up.

Public Comment on Agenda Items: The Commission may request public comment on specific agenda items during discussion. Speakers may have three (3) minutes and comments must stay focused on the agenda topic at hand.

Early Public Comment: The Commission has created Early Public Comment to allow community members to speak on agenda items without waiting for the item to be called during the meeting. Speaking at Early Public Comment waives the right to speak later during the meeting. Members of the public may speak for three (3) minutes on one agenda item or five (5) minutes on two or more items. Speakers should begin their comments by announcing which items they are addressing so the timeclock can be set properly.

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

We look forward to a productive meeting and are glad you have joined us.

CALL TO ORDER**AGENDA STATEMENT**

"Individuals are encouraged to participate in City of Gainesville meetings. In general, speakers will be limited to 3 minutes for general public comment once during the meeting. Speakers who wish to participate in early public comment will be limited to 3 minutes to speak on one agenda item or 5 minutes if they wish to speak on several agenda items. If speakers do not participate in early public comment, speakers will be limited to 3 minutes per agenda item. The City of Gainesville encourages civility in public discourse and requests that speakers direct their comments to the Chair. Signs, props and posters are not permitted in the meeting room."

ROLL CALL**CA ADOPTION OF CONSENT AGENDA (CA) - GRU, General Government, Audit & Finance Committee and General Policy Committee Items****CA-1 [200057.](#) Approval of Minutes from the June 11, June 18 (3) and June 22, 2020 City Commission Meetings (B)**

RECOMMENDATION *The City Commission approve the June 11, June 18 (3) and June 22, 2020 minutes.*

[20057_June 11, 2020 Minutes_20200716.pdf](#)

[200057_June18 Minutes 520_20200716.pdf](#)

[200057_June18 Minutes 525_20200716.pdf](#)

[200057_June18 Minutes 530_20200716.pdf](#)

[200057_June 22 Minutes_20200716.pdf](#)

CA-2 [200079.](#) Joint Visioning Meeting to Discuss Our Future, Our Partnership and Our Community (NB)

RECOMMENDATION *The City Commission approve a meeting to be held with Dr. Broadie, President of Santa Fe College on September 21, 2020 at 3:00 PM at the Santa Fe College Fine Arts Lobby Area.*

CA-3 [200076.](#) G.A.R.E. Training (B)

The Department of Equity & Inclusion will make a request to host G.A.R.E. training for all elected officials and present to the Commission, a contract for services that will be provided by RaceForward.

Explanation: The Department of Equity & Inclusion, headed by Mrs. Teneeshia Marshall, will make a request to host G.A.R.E. training for all elected officials during the month of August 2020. G.A.R.E. officials will be delivering the training over a period of 2 days via zoom on August 25, 2020 from 2:00pm to 8:00pm and August 26, 2020 from 3:00pm to 6:00pm. A contract for services will be presented to the Commission for services that will be provided.

Fiscal Note: N/A

RECOMMENDATION

The City Commission review and approve scheduled training dates.

[200076 G.A.R.E.contract 20200716.pdf](#)

CA-4

[190967.](#)

Adoption of Revised Rules of Procedure for the GCRA Advisory Board (B)

Explanation: Sec. 2-408 of the Code of Ordinances states that the GCRA Advisory Board may adopt rules of procedure subject to approval by the City Commission, to govern the conduct of its meetings. At the first meeting of the GCRA Advisory Board on October 8, 2019, the Board unanimously approved to adopt the bylaws as amended, which were in turn approved by the City Commission in December 2019.

Subsequently, it was brought to Staff's attention that the Adopted Rules of Procedure are inconsistent with the City Code requirements for attendance (Section 2-247 of the Code of Ordinances). The revised Rules of Procedure reflects the changes to the attendance policy in Article II Section 3 to match the requirements of Section 2-247 of the Code of Ordinances. Additionally, changes in language regarding Robert's Rules of Order are in Article VII, wherein the currently adopted Rules of Procedure, Robert's Rules is the mandatory governing procedure and in the proposed version, Robert's Rules are to be used as a guide. Finally, under Article VI, "Report of Officers and Committees" has been removed as it is not relevant to the GCRAAB.

The revised Rules of Procedure were presented to the GCRA Advisory Board on Feb. 18, 2020 and were approved unanimously.

Fiscal Note: None

RECOMMENDATION

The City Commission approves the Adoption of Revised Rules of Procedure for the Gainesville Community Reinvestment Area Advisory Board.

Legislative History

2/18/20 Gainesville Approved as Recommended
Community
Reinvestment Area
Advisory Board

[190967A GCRAAB Rules of Procedure 20200716.pdf](#)

[190967B Rules of the GCRA Advisory Board 20200716.pdf](#)

[190967C Rules of the GCRA Advisory Board 20200716.pdf](#)

CA-5

[200088.](#)

Coronavirus Emergency Supplemental Funding Award (B)

Explanation: The City of Gainesville was awarded \$213,171.00 in Coronavirus Emergency Supplemental Funding (CESF) from the Office of Justice Programs (OJP), U.S. Department of Justice (DOJ) through the Coronavirus Emergency Supplemental Funding Program Solicitation CFDA # 16.034 (Formula Grant). The CESF Program provides funding to assist eligible states, local units of government, and tribes in preventing, preparing for, and responding to the coronavirus. Funds will be used for expenses related to preventing, preparing, and responding to the coronavirus to include, but not limited to, overtime, equipment, supplies (such as gloves, masks, sanitizer) and other items. The proposed period of performance is January 20, 2020- January 31, 2022. There is no match requirement and no fiscal impact on the General Fund Budget.

RECOMMENDATION

This is a request for the City Commission to 1) authorize the City Manager to accept and execute the 2020 Coronavirus Emergency Funding (CESF) 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 if awarded.

[200088a CESF Funding Announcement 20200718](#)

[200088b Coronavirus Emergency Supplemental Funding -CESF Funding Awar](#)

CA-6

[200089.](#)

OJJDP ICAC Internet Crimes Against Children Task Force Grant Invitation (B)

Explanation: The Office of Juvenile Justice and Delinquency Prevention (OJJDP) is inviting the Gainesville Police Department to submit an application for funding under "OJJDP FY20 Internet Crimes Against Children Task Force Invited Applicants" to support the North Florida ICAC Task Force. The proposed period of performance should be 12 months with a project period of October 1, 2020- September 30, 2021. The amount of federal support requested should not exceed \$438,288.00. This money may be

used to fund ICAC Task Force operations/activities to include personnel, equipment, software, supplies, contractual support, training and other operational support. There is no match requirement and no fiscal impact on the General Fund budget.

RECOMMENDATION

The application due date was June 22, 2020 prior to the July 16 scheduled CC meeting. Thus, the CC authorization will allow for 1) GPD to maintain application in process, 2) City Manager to accept and execute the 2020 ICAC grant award and any other necessary documents subject to review by the City Attorney as to form and legality, and 3) approve the expenditures as outlined in the approved grant award if awarded.

[200089A_FL - FY2020 ICAC Task Force Letter of Invitation GPD_20200716](#)

[200089B_OJJDP FY 2020 Guidance for Invited Applications - ICAC Task Force](#)

CA-7 [200096.](#)

Interlocal Agreement with Alachua County for Joint Management of Four Creeks Preserve (B)

Request for City Commission to approve an agreement for care and management of Four Creeks Preserve with Alachua County.

Explanation: On June 21, 2018, the City Commission approved the acquisition of a portion of a 715-acre property owned by the Trust for Arthur D. Weiss. The City purchased 245 acres and Alachua County purchased the other 470.72 acres for the purpose of protecting water resources, wildlife habitats, and natural areas suitable for resource-based recreation. The property was acquired in October, 2018 and it is now referred to as "Four Creeks Preserve".

Alachua County staff were provided a mandate by the Board of County Commissioners to open public access to the preserve by end of September, 2019. A system of earthen trails and some orientation signage and directional signage were installed by County staff and the preserve was opened for pedestrian-only access on September 28, 2019. The trail system traverses both the City and County properties.

The ten-year Interlocal Agreement essentially states that both the City and County agree to maintain their acreage on the property and work together, when possible, for the betterment of Four Creeks Preserve.

Fiscal Note: Maintenance costs for the City's 245 acres of Four Creeks Preserve will be paid from the Nature Operations budget. No major upgrades to the property are currently under discussion.

RECOMMENDATION

The City Commission approve City Manager to

sign the Interlocal Agreement with Alachua County for the joint management of Four Creeks Preserve through FY2030.

[200096A_Agr_Four Creeks Preserve_20200719.pdf](#)

CA-8 [200103.](#) **Jacob T. Rodgers V. William Stormant, and City of Gainesville, d/b/a Gainesville Regional Utilities; Eighth Judicial Circuit, Case No. 2016-CA-659 (NB)**

Explanation: On October 18, 2019, the Office of the City Attorney retained the law firm of Holland & Knight to represent the City in connection with the above-referenced lawsuit and to advocate on the City's behalf with respect to any claims bill filed with the Legislature arising from any adverse judgment in connection with the lawsuit. The lawsuit is unique to the City in that it concerns an automobile accident resulting in catastrophic injuries, wherein the Plaintiff has indicated that he will seek a legislative claims bill for damages well in excess of the statutory sovereign immunity cap of \$200,000. The City does not maintain a policy of insurance to cover such losses. Attorney's fees are expected to exceed the Charter Officer spending authority of \$100,000 by an additional \$375,000 through trial.

RECOMMENDATION

The City Commission authorize the City Attorney to continue with the retention of the services of Holland & Knight to act as special counsel in providing legal counsel in the case styled Jacob T. Rodgers v. William Stormant, and City of Gainesville, d/b/a Gainesville Regional Utilities; Eighth Judicial Circuit, Case No. 2016-CA-659.

CA-9 [200090.](#) **Award Recommendation for RFQ #CRAX-200029-GD: New Home Builders for Heartwood Neighborhood (B)**

Explanation: The Heartwood neighborhood development has gained momentum in the last month. The permit for the Model home was issued on June 8, 2020 and construction has begun. In late April, the Purchasing Division of the Budget and Finance Department advertised on DemandStar a Request for Qualifications (RFQ) to create a pool of small, local, and diverse home builders to participate in the bidding and construction of the remaining 33 homes at Heartwood. There were three responses to the RFQ, Elevated Design and Construction, The Flanagan Companies Inc., & Cianci Construction (in the order they are ranked). All three companies are qualified to build in the Heartwood neighborhood and the ranking will need to be presented to the City Commission for final approval before GCRA can move forward with engaging with the home builders on next steps.

At the June GCRA Advisory Board meeting, the Heartwood Home Builders RFQ results were presented and discussed with the Board. The recommendation was approved with an additional recommendation requesting Staff provide different options to help reduce HOA fees for the 11 affordable homes. The GCRA will work on this internally with a goal of returning to the GCRAAB and City Commission with potential solutions regarding the HOA dues for the 11 affordable homes.

Once the home builders are approved by the City Commission, the GCRA Team will begin working with the realty team, construction manager, and home builders on finalizing the marketing and outreach for the homebuyer intake and sales process for the remaining 33 home sites at Heartwood.

Fiscal Note: Home Builders will be compensated by home buyers. Home construction costs will be cost-neutral for the City, with the exception of the Model Home.

RECOMMENDATION

The City Commission: Approve award for Bid #CRAX-200029-GD "New Home Builders for Heartwood Neighborhood."

[200090A #CRAX-200029-RFQ-New Home Builders for Heartwood Neighborho](#)

[200090B RFQ Advertisement Memorandum 20200716.pdf](#)

[200090C RFQ Award Recommendation and Ranking 20200716.pdf](#)

CA-10 [200109.](#)

Quit-Claim Deed of 15' Alley in Plat of University Place (B)

This item involves the authorization for the Mayor to execute a Quit-Claim Deed onto CA Student Living Gainesville II, LLC releasing all of the City's interest of the 15' alley in Block 1 of the University Place Plat.

Explanation: The plat of University Place ("Plat") was recorded in the Public Records of Alachua County, Florida on December 10, 1909 in Plat Book A, Page 77. There is no dedication of streets to the City of Gainesville in the Plat. In fact, there is a specific reservation that the developer (W.R. Thomas Real Estate Co.) reserves the fee in all streets.

CA Student Living Gainesville II, LLC ("Applicant") has submitted a petition (PB-19-182-SUP) to the City Plan Board which includes development of a portion of Block 1 of the Plat. A 15' alley lies within the development area. Staff has concluded that this is not public right of way ("ROW") and that it is privately owned by the adjacent property owners. GRU staff has also determined that a utility easement is unnecessary to retain.

Staff recommends that a Quit-Claim Deed be executed onto the Applicant to remove any cloud on title resulting from a potential claim of use for public utilities and ROW.

Fiscal Note: There is no fiscal impact associated with this request.

RECOMMENDATION

The City Commission: authorize the Mayor to execute and the Clerk or designee to attest the Quit-Claim Deed onto CA Student Living Gainesville II, LLC, subject to approval by the City Attorney or designee as to form and legality.

[200109A_Apr 1 2020 ltr to City Atty_20200716](#)

[200109B_City QC Deed to CA Student Liv_20200716](#)

[200109C_Plat & Aerial View_20200716](#)

[200109D_Survey - University Place_20200716](#)

ADOPTION OF REGULAR AGENDA

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

BD-1 [200016.](#) Broadband Discussion (NB)

RECOMMENDATION

The City Commission discuss and take action deemed appropriate.

Legislative History

6/4/20	City Commission	Continued
6/18/20	City Commission	Continued

BD-2 [191195.](#) Approval of a Power Purchase Agreement for Solar Electric Power with FL Solar 6, LLC (B)

****This item was presented to the UAB on May 13, 2020.****

Explanation: For more than a decade GRU has been actively engaged in reducing carbon emissions and increasing its use of renewable energy. As a result, GRU's current renewable resources include the Deerhaven Renewable facility (103 MW), landfill gas fueled power (3.6 MW), and Solar Feed-in-Tariff (18.5 MW). GRU also has approximately nine MW of customer owned and net metered solar connected to its distribution system.

On October 18, 2018, the City Commission approved a resolution establishing a goal for providing 100% of the City's energy from renewable resources by 2045. In working towards this goal and after consultation with the City Commission, GRU Energy Supply moved forward with the procurement of 40-50 MW of solar power through a Power Purchase Agreement (PPA).

On May 31, 2019, Utilities Procurement issued an Invitation to Negotiate (ITN) via the DemandStar electronic bid portal and it was broadcasted to known providers as well as 390 other providers/suppliers registered with the site. The ITN requested information for 40-50 MW of solar capacity. Proposals from six providers were received, two of which were not evaluated due to non-conformance with the specifications.

Proposals from four providers were evaluated based on price, experience and conformance with the specifications. The providers were ranked and the top three providers were invited to move forward into negotiations. After detailed clarifications and discussions, the shortlisted providers provided enhanced proposals to include edits to a draft PPA with GRU. Each provider was given an opportunity to meet with the negotiating team for a PPA page-turn.

The negotiating team determined Origis Energy could provide the best value to GRU and was selected to move forward to negotiate a Power Purchase Agreement. After successful negotiations, GRU recommends the award of the Power Purchase Agreement for 50 MW (AC) of solar photovoltaic power to Origis Energy's subsidiary FL Solar 6, LLC, in general agreement with the current draft dated April 27, 2020, subject to approval by the City Attorney as to form and legality. The final redacted draft of the proposed PPA dated April 27, 2020 is attached for reference.

The negotiated PPA draft with Origis dated April 27, 2020 is for a 20-year term at a fixed rate (no escalation over the initial term of the agreement) and is lower than GRU's current average cost to produce power. An opportunity for two five-year extensions at a rate to be negotiated at a future date is available. The total annual cost to GRU is forecasted to be less than \$4.2 million and GRU only pays for the energy it receives. There are no capacity obligations within the PPA. This PPA will increase GRU's renewable capacity by 50 MW and GRU's annual renewable energy served by 6%.

Fiscal Note: GRU is responsible for conducting studies for the interconnection between the facility's transformer and GRU's transmission system and for conveying land rights at the Parker Rd. substation for the Seller's transformer and associated equipment necessary for the interconnection to GRU.

The capital funds required for GRU's portion of the interconnection infrastructure improvements will be budgeted in future GRU capital budgets and is estimated at approximately \$3 million. The alternative would have been to have Origis transport power through Duke or FPL at an annual cost of over \$700,000, subject to annual escalation.

GRU's fuel budget will begin to include funding for the solar energy purchases in FY2022, and the costs for the energy will flow through the Fuel Adjustment. It is estimated that this PPA will not have upward pressure on the Fuel Adjustment.

FL Solar 6, LLC will be responsible for all other costs to develop, design, permit, finance, equipment, construct, commission, own, operate, and maintain the facility.

RECOMMENDATION

Staff recommends that the City Commission authorize the General Manager or his designee to execute a Power Purchase Agreement for 50 MW (AC) of solar power for a term of 20 years and other agreements as required with FL Solar 6, LLC, in general agreement with the draft PPA dated April 27, 2020, subject to approval by the City Attorney as to form and legality.

UAB: At their May 13, 2020 meeting, the UAB voted unanimously to advise the City Commission to approve the staff recommendation.

[191195_Redacted GRU Orgis PPA 20200511](#)

[191195 GRU Solar Presentation CC 20200716](#)

BD-3

[200097.](#)

Mandatory Tender of 2017 Series B and 2017 Series C Bonds (NB)

Explanation: As part of the financing to acquire the DHR facility in 2017, GRU issued \$265 million in variable rate debt in the form of two direct purchase agreements - \$150,000,000 of 2017 Series B bonds with Wells Fargo and \$115,000,000 in 2017 Series C Bonds with Bank of America.

Both of these direct purchase agreements have mandatory tender dates of November 7, 2020. This means that GRU must make a determination as to what financing options are preferable for the renewal of this variable rate debt. There are two primary options available to redeem this debt:

- 1) Issue fixed rate debt and terminate the swaps or allocate them to other variable rate debt*
- 2) Maintain variable rate debt with the following choices:*
 - a) Renew the existing direct purchase agreements*
 - b) Issue floating rate notes*
 - c) Issue variable rate demand bonds supported by a credit facility*

Fixed rate options: Both of these variable rate issues are synthetically fixed through swaps, therefore issuance of fixed rate debt to redeem the issues is not an economically viable option.

Variable Rate Options: Circumstances of the COVID-19 Pandemic have created a supply and demand imbalance. Issuers either (1) need credit (2) need to increase credit or (3) draw on credit to improve cash balance and liquidity measures for FY20 and FY21. In this environment it now appears that floating rate notes or variable rate demand bonds may be the most viable options for GRU for renewing this debt but these options are dictated by investor preference.

GRU plans to post an announcement on EMMA regarding its variable rate process to potentially redeem this variable rate debt, the 2017 B and C Bonds. This redemption disclosure will facilitate GRU's (and the banks supporting this effort) to do price discovery by having preliminary discovery with market participants. Price discovery can determine the most efficient and effective way for GRU to pursue this transaction. As part of being ready to exercise whichever option is determined to be preferable, staff will be bringing back to the City Commission supporting documents for both floating rate notes and variable rate demand bonds so that we can employ whichever the most efficient option is as dictated by market conditions at the time of the tender date.

Fiscal Note: The process for renewing this variable rate debt is designed to identify the most efficient and effective manner to proceed.

RECOMMENDATION

The City Commission receive a report on redeeming the Series 2017 B and Series 2017 C bonds on their mandatory tender date of November 7, 2020.

BD-4 [191203.](#)

COVID-19 Verbal Update (NB)

Explanation: COVID-19 verbal update by City Manager Lee Feldman.

RECOMMENDATION

The City Commission hear an update regarding COVID-19 and discuss as necessary.

Legislative History

5/14/20	City Commission	Heard
5/28/20	City Commission	Heard
6/11/20	City Commission	Heard
6/18/20	City Commission	Approved, as shown above

TIME CERTAIN - 4:00 PM

BD-5 [200111.](#)

Moratorium Discussion (B)

Explanation: At the last meeting of the City Commission, there was a request to bring back research on a development moratorium in specific geographic areas of the city and that we prioritize the research for that discussion through our policy process.

RECOMMENDATION

The City Commission discuss and provide feedback on the research conducted.

[200111_Development Moratoria_20200716.pdf](#)

TIME CERTAIN - 6:00 PM**BD-6**[180958.](#)**Draft Ordinance to Create Permit Requirements for Residential Rental Units and to Adopt the International Property Maintenance Code and Related Recommendations from the Rental Housing Subcommittee (B)**

Explanation: One of the recommendations of the Rental Housing Subcommittee was to create a rental housing code that would require an annual permit, inspections and minimum energy efficiency, life safety and property maintenance standards be met with respect to residential rental units within the City (excluding Public Lodging Establishments as defined by and regulated under State law.) On July 25, 2019, the General Policy Committee moved all recommendations of the Rental Housing Subcommittee to the City Commission and directed the City Attorney to draft an ordinance creating a rental housing code to be brought to the Commission for discussion. Since that time, the City Manager, City Attorney, Code Enforcement (now Sustainable Development) and GRU Energy Efficiency staff have worked together to draft the ordinance that is included in the back-up to this agenda item.

In preparing the ordinance, staff brings the following to the Commission's attention:

1) Energy Efficiency Ratings: Staff noted that the motion from the May 28th Rental Housing Subcommittee Meeting reflects a recommendation that an energy efficiency rating be done every eight years on each rental unit, using the H.E.S. systems or equivalent with duct testing, and that staff return with duct leakage standards. However, based on the Chair's report and the discussion at the July 25th General Policy Committee, staff was unclear whether the Commission desired to make this a requirement. Staff has concern regarding the effectiveness, cost and availability as energy efficiency audits vary depending on the region and depth of service, typically from around \$300 - \$800 and a search for availability of qualified inspectors came up with approximately 12 certified inspectors/companies within 100 miles of zip code 32653.

2) The Rental Housing Subcommittee recommended a phased-in approach to certain energy efficiency requirements as follows: Require R19 insulation, but after 5 years require R30 insulation; require 3 gal/flush toilets, but after 5 years require 1.6 gal/flush toilets; and in five years, require 2.2 gal/min showerheads and faucets. Staff is of the opinion that it would be confusing to owners and administratively burdensome to staff to administer regulations that changed over the years, particularly for items that are not expensive to install. In addition, as to toilets, staff notes that the sewer system connections for some homes cannot accommodate 1.6 gal/flush toilets without causing wastewater flow complications. Therefore, staff included R30 insulation, minimum 3 gal/flush toilets and 2.2 gal/min showerheads and faucets to be required when enforcement begins October 1, 2021.

3) During the deliberations of the Rental Housing Subcommittee, staff focused on using certain of the minimum standards from the City's existing Housing Code. However, upon new staff and management review, a recommendation is being made that this Ordinance replace the outdated and Gainesville-specific Housing Code and Commercial Building Code, with adoption of an industry standard code the "International Property Maintenance Code" (IPMC).

In addition, the following are status updates on the remaining Rental Housing Subcommittee recommendations:

- 1) Create an Action Officer position in the City's Office of Diversity and Inclusion to serve as a resource with issues related to rental housing, including administering a mediation program: this position and program have not been included in the City's budget.
- 2) Prepare a document titled "Tenant Bill of Rights and Responsibilities" covering the new ordinances (rental housing code and prohibiting certain types of discrimination in housing): this will be prepared when the ordinance requirements and permit forms are finalized, as distribution of this document is a requirement of obtaining a permit.
- 3) Work with landlord/tenant organizations to craft an education program: this will be done when the ordinance is finally adopted.
- 4) Establish a landlord mitigation fund: \$15,000 was budgeted in FY2020 and provided to the United Way for this purpose.
- 5) Review reduction to the current landlord permit fee. The current landlord permit will be repealed and replaced with this ordinance. The fees for the new rental unit permit (as with all regulatory fees) will be set at no more than is necessary to generate enough revenue to cover the costs of the regulatory program.

Fiscal Note: Staff from the Department of Sustainable Development has been reviewing and updating the budget estimates that were provided to the Rental Housing Subcommittee in 2019 and new estimates will be presented at the Commission meeting.

RECOMMENDATION

The City Commission discuss the draft ordinance and related recommendations from the Rental Housing Subcommittee.

Legislative History

4/16/19	Rental Housing Subcommittee	Approved, as shown above
5/15/19	Rental Housing Subcommittee	Discussed
5/28/19	Rental Housing Subcommittee	Approved, as shown above
7/25/19	General Policy Committee	Approved, as shown above

[180958 Memo to Rental Housing Subcommittee re Rental Housing Code 2019](#)
[180958\(A\) Presentation Rental Housing Code 20190416.pdf](#)
[180958 Updated Memorandum dated May 7 2019 20190515.pdf](#)
[180958A PublicAwarenessCampaignCosts 20190528](#)
[180958B EmailreResponses 20190528](#)
[180958 Arreola Report 2.0 20190725.pdf](#)
[180958 Rental Housing Committee Minutes 05282019 20190725.pdf](#)
[180958 Rental Housing Ordinance Support Letters Collected By ACLC 201908](#)
[180958 draft ordinance 20200716.pdf](#)
[180958B Rental Housing Ordinance Presentation 20200716](#)
[180958C Recommendations for 2018 ICC International Property Maintenance \(](#)
[180958D rental housing analysis existing proposed maps 20200716](#)

PR PROCLAMATIONS/SPECIAL RECOGNITIONS (PR)

RE RESOLUTIONS - ROLL CALL REQUIRED (RE)

RE-1 [200022.](#) Resolution for Amendment to the Traffic Signal Maintenance and Compensation Agreement with FDOT (B)

This item is a request to amend the Florida Department of Transportation Traffic Signal Maintenance and Compensation Agreement and authorize the City Manager to execute all necessary documents.

Explanation: The Florida Department of Transportation (FDOT) currently compensates the City of Gainesville annually for maintenance of Traffic Signals and Intelligent Transportation System (ITS) infrastructure along the State Highway System (SHS). This includes traffic signals, school beacons, blank out signs, travel time detector, within city limits, and for FY20/21 Connected and Automated Vehicle Devices (CAVD). The amount to be reimbursed from the State FY20/21 is \$751,209. For FY19/20, the reimbursement amount was \$694,452.00. The increase is due to activation of maintenance reimbursements for CAVD devices at specific intersections, and higher reimbursement rates for Traffic Signals and ITS devices.

Fiscal Note: CAVD related positions will be filled through reclassification and/or add/drop position and shall not exceed reimbursements from FDOT.

RECOMMENDATION

The City Commission: 1) adopt the Resolution for the Amendment to the Traffic Signal Maintenance and Compensation Agreement with FDOT; and 2) authorize the City Manager to execute all necessary documents, subject to review and

approval by the City Attorney as to form and legality.

[200022A_FDOT_FY21-Amendment_20200716](#)

[200022B_FDOT_FY21-Resolution_20200716](#)

[200022C_2015_FDOT Traffic Signal Agreement_20200716](#)

RE-2

[200098.](#)

Resolution Authorizing Renewal of the Existing Liquidity Facility for the Utilities System Commercial Paper Notes, Series D (B)

Explanation: As one of the tools for ensuring sufficient liquidity GRU maintains a \$25 million taxable commercial paper program, the Utilities System Commercial Paper Notes, Series D. Commercial paper is a short-term obligation maturing not longer than 270 days. GRU is required by applicable bond resolutions, investors and rating agencies to maintain liquidity facilities to secure this commercial paper program. Liquidity facilities provide funds to pay maturing commercial paper on each roll date if new refunding commercial paper is unable to be issued. In this instance, the liquidity facility, rather than GRU, provides funds to the investor holding the maturing commercial paper. The liquidity facility that secures our taxable commercial paper expires on August 28, 2020. Given current market conditions caused primarily by the pandemic, liquidity facility fees are relatively high and our financial advisor, PFM Financial Advisors LLC recommends that we renew the existing facility with State Street Bank and Trust Company for a period of one year and to make certain other amendments set forth in a Fourth Amendment to Credit Agreement and an Amended and Restated Fee Letter. This will provide time for market conditions to moderate, and will coincide with the expiration of the liquidity facility on our tax-exempt commercial paper program, allowing us to roll these together if necessary.

Fiscal Note: The annual cost of the liquidity facility for the taxable commercial paper program is \$167,500.

RECOMMENDATION

Staff recommends that the City Commission approve:

- 1) the resolution authorizing with State Street Bank and Trust Company the extension and other amendments to the existing liquidity facility agreement for the Utilities System Commercial Paper Notes, Series D and to amend the fee letter related to such facility, in each case subject to the approval of the City Attorney as to form and legality and
- 2) the forms of the Fourth Amendment to Credit Agreement for the liquidity facility and the Amended and Restated Fee Letter.

UAB: At their July 9, 2020 meeting, the UAB voted

6-0, with Member Miles absent, to advise the City Commission to approve staff's recommendation.

[200098 Resolution TCP Liquidity Facility 20200709](#)

RE-3 [200061.](#) Proposed Tentative General Government Financial and Operating Plan for Fiscal Year 2020-2021 (B)

A resolution of the City Commission of the City of Gainesville, Florida; relating to its General Government Budget for the 2020-2021 fiscal year beginning October 1, 2020 and ending September 30, 2021; approving the proposed tentative General Financial and Operating Plan; and providing an immediate effective date.

Explanation: The Proposed Tentative General Government Budget for fiscal year 2020-2021 balanced Proposed Tentative General Government Budget is submitted for approval by the City Commission.

RECOMMENDATION *The City Commission adopt the proposed resolution.*

[200061 Resolution-Proposed General Government Budget 20200716.pdf](#)

[200061A Proposed General Government Budget Presentation 20200716.pdf](#)

[200061B FY21 Proposed Budget in Brief 20200716.pdf](#)

RE-4 [200062.](#) Establish a Proposed Millage Rate for Fiscal Year 2020-2021 (B)

A resolution of the City Commission of the City of Gainesville, Florida; relating to the levy of general municipal purpose Ad Valorem taxes for the 2020-2021 fiscal year beginning October 1, 2020 and ending September 30, 2021; establishing a proposed Millage Rate; computing the rolled back rate; setting a public hearing; providing for notice to the Alachua County Property Appraiser; and providing an immediate effective date.

Explanation: Section 200.065, of the Florida Statutes, requires the City Commission to advise the Property Appraiser of its rolled-back millage rate, its proposed millage rate, and of the time, date, and place at which a public hearing will be held to consider the proposed millage rate and the proposed tentative budget.

Fiscal Note: The estimated ad-valorem tax revenues for FY 2020-2021 will be determined by the proposed millage rate of 5.2974 which is the same as last year's millage rate of 5.2974.

RECOMMENDATION *The City Commission adopt the proposed*

resolution.

[200062_Resolution-Proposed Millage Rate_20200716.pdf](#)

PUBLIC HEARINGS (PH)

SR ORDINANCES, 2ND READING - ROLL CALL REQUIRED (SR)

SR-1 [190989.](#) Vacation of Public Right-of-Way - NW 4th Lane between NW 13th and NW 14th Street (B)

Ordinance No. 190989

An ordinance of the City of Gainesville, Florida, to vacate, abandon, and close a public right-of-way on NW 4th Lane lying between NW 13th Street and NW 14th 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: STAFF REPORT

This ordinance vacates a portion of NW 4th Lane that is a 20-foot wide right-of-way that lays between NW 13th Street to the east and NW 14th Street to the west. The right-of-way distance between the streets is approximately 340 feet. The right-of-way to be vacated is approximately 0.15 acres in total and is paved but does not meet current City of Gainesville design standards for roadways. Vacation of this public right-of-way will facilitate the redevelopment of the adjoining properties on either side of the right-of-way as part of a high-density, multiple-family development. All of the adjacent property owners, including the applicant, agree to this vacation of public right-of-way.

Per Section 30-3.41 of the Land Development Code, the City Commission may vacate a public right-of-way only upon its finding that the criteria in both 1 and 2 as provided below have been met:

- 1. The public right-of-way no longer serves a public purpose and the vacation of the public right-of-way is in the public interest, which shall be based on a consideration of the following:*
 - a. Whether the public benefits from the use of the subject right-of-way as part of the city street system;*
 - b. Whether the proposed action is consistent with the Comprehensive Plan;*
 - c. Whether the proposed vacation is consistent with the minimum block size requirements and other applicable street connectivity standards;*
 - d. Whether the proposed action would deny access to private property;*
 - e. The effect of the proposed action upon public safety;*
 - f. The effect of the proposed action upon the safety of pedestrians and*

vehicular traffic;

g. The effect of the proposed action upon the provision of municipal services including, but not limited to, emergency service and waste removal;

h. The necessity to relocate utilities both public and private; and

i. The effect of the proposed action on the design and character of the area.

2. If the public right-of-way is a street, the city shall not vacate the right-of-way except if the following additional criteria are met:

a. The loss of the street will not foreclose reasonably foreseeable future bicycle/pedestrian use;

b. The loss of the street will not foreclose non-motorized access to adjacent land uses or transit stops;

c. The loss of the street is necessary for the construction of a high density, mixed-use project containing both residential and non-residential uses or creating close proximity of residential and non-residential uses; and

d. There is no reasonably foreseeable need for any type of transportation corridor for the area.

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

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

6/18/20 City Commission Adopted on First Reading (Ordinance)

[190989_PB-19-161_SVA_TheMark_StaffReport_20200227](#)

[190989_draft ordinance_20200618.pdf](#)

[190989B_PB-19-161SVA_StaffPPT_20200227](#)

[190989C_CPB200227_MinutesDraft](#)

[190989D_PB-19-161SVA_StaffPPT_20200618](#)

FR ORDINANCES, 1ST READING - ROLL CALL REQUIRED (FR)

FR-1 [190222.](#) Ordinance Regulating Businesses That Provide Shopping Carts (B)

ORDINANCE NO. 190222

An ordinance of the City of Gainesville, Florida, amending Chapter 14.5 of the City Code of Ordinances to create Article VIII titled Shopping Carts, to regulate businesses within the City of Gainesville, Florida that provide shopping carts to customers; establishing shopping cart retention system requirements; establishing enforcement procedures; amending Section 2-339 to establish a

civil citation penalty; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: On August 1, 2019, the City Commission referred this item to the General Policy Committee for further discussion. On December 12, 2019, the General Policy Committee directed that the City Manager's office work with the City Attorney to draft an ordinance including immobilization, deposits, and that stores could require customers to leave their shopping carts inside the store. The Department of Sustainable Development, in conjunction with the City Attorney, drafted an ordinance for the City Commission's consideration.

The draft ordinance regulates businesses which offer more than 10 shopping carts to customers. The ordinance requires businesses to implement and maintain a city approved shopping cart retention system. The ordinance lists 5 types of shopping cart retention systems that businesses may implement. The 5 enumerated shopping cart retention systems include: 1) vehicle dispatch to retrieve shopping carts with an associated telephone number on the shopping cart, 2) shopping cart with a protruding arm to prevent removal from the building, 3) a refundable deposit to use the shopping cart, 4) wheel locking mechanism on the shopping cart which activates when the shopping cart crosses an electronic barrier, and 5) GPS technology on the shopping cart that is used in conjunction with a locking mechanism and/or a retrieval operation protocol. The ordinance also requires businesses to affix business identification information and a warning on the carts. Failure to implement and maintain a city approved shopping cart retention system will subject a business to a civil citation and fine in the amount of \$250. If approved, the Department of Sustainable Development will identify and notify affected businesses; coordinate the review and approval of shopping cart retention system plans; and enforce the ordinance.

Fiscal Note: There will be additional administrative costs associated with reviewing, approving, and enforcing shopping cart retention plans.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

8/1/19	City Commission	Referred to the General Policy Committee
8/22/19	General Policy Committee	Approved, as shown above
12/12/19	General Policy Committee	Approved, as shown above
6/18/20	City Commission	Approved, as shown above

[190222A CM Memo 19002 Abandoned Shopping Carts 20191212](#)

[190222B FS 506 - Shopping Carts 20191212](#)

[190222C Preliminary Research & Analysis 20191212](#)

[190222D Abandoned Shopping Cart Memo 10.16.19 20191212](#)

[190222E Hallandale Beach 20191212](#)

[190222F Hillsborough County 20191212](#)

[190222G Wilton Manors 20191212](#)

[190222H Orange County 20191212](#)

[190222I Pictures of Shopping Carts 20191212](#)

[190222 Abandoned Shopping Carts Memo 20191212.pdf](#)

[190222 draft ordinance 20200618.pdf](#)

[190222 draft ordinance 20200716.pdf](#)

FR-2 [170941.](#)

Quasi-Judicial - Historic Property Tax Exemption - 1121 NW 6th Street (B)

Ordinance No. 170941

An ordinance of the City of Gainesville, Florida, finding that property located at 1121 NW 6th Street, Gainesville, Florida, as more specifically described in this ordinance, qualifies for an ad valorem tax exemption for historic properties; granting an exemption from ad valorem tax for certain improvements beginning January 1, 2021, and continuing for 10 years under certain conditions; authorizing the Mayor and the Clerk of the Commission to sign the Historic Preservation Property Tax Exemption Covenant between the property owner and the City; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: Chapter 25, Article IV, of the Code of Ordinances authorizes the City Commission to grant ad valorem tax exemptions for historic properties pursuant to Florida law. In order to approve a property for such exemption, the Historic Preservation Board (HPB) and the City Commission must determine that a particular property is eligible for the property tax exemption (i.e., historical designation or contributing property) and that it has been improved consistent with the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

The process for a property owner to receive a historic preservation property tax exemption entails two steps. First, the property owner submitted Part 1 (Preconstruction Application) of the Historic Preservation Property Tax Exemption Application for the restoration, renovation, or rehabilitation of a contributing building listed on the Local and National Register of Historic Places. Part 1 was approved by the HPB on March 3, 2020, with a finding that the property was eligible for the

exemption and that the improvements met the required standards.

Second, the applicant completed the improvements and submitted Part 2 of the property tax exemption application (Final Application for Review of Completed Work). Staff inspected the completed work and found the work meets the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings as well as the City's Guidelines for Rehabilitating Historic Buildings. On March 3 2020, the HPB approved Part 2 with a finding that the eligible property has been improved consistent with the required standards; the HPB recommended the City Commission approve same. The renovations eligible for the tax exemption are estimated at \$90,800.00. However, pursuant to City Code and State Statute, the actual amount of the exemption will be determined by the County Property Appraiser.

The Bailey House is located at 1121 NW 6th Street and is a contributing building listed on the Local and National Register of Historic Places.

This ordinance requires two hearings and will become effective immediately upon adoption; however, the ad valorem tax exemption will be effective as of January 1, 2021, in accordance with Section 196.1997(10), Florida Statutes, and Gainesville Code Section 25-65(g).

RECOMMENDATION

The City Commission: 1) approve Part 2 of the Historic Preservation Property Tax Exemption Application; and 2) adopt the proposed ordinance.

[170941_Staff Report w Exhibits 1-5_20180403.pdf](#)

[170941_Staff Report w Exhibits 1-5_20200303](#)

[170941A_draft ordinance_20200716.pdf](#)

NECESSARY DIRECTION TO CHARTER OFFICERS

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