

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Meeting Agenda - Final-Revised

November 19, 2020

1:00 PM

MODIFIED AGENDA

City Hall Auditorium

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.

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 [200516.](#) Approval of Minutes from the November 4, and November 5, 2020 City Commission Meetings (B)

RECOMMENDATION *The City Commission approve the November 4 and November 5, 2020 minutes.*

[200516_November 4, 2020 Minutes_20201203.pdf](#)

[200516_November 5, 2020 Minutes_20201203.pdf](#)

CA-2 [200351.](#) State Legislative Agenda Priorities for FY 2021-22 (B)

Explanation: The purpose of this agenda item is to review and approve the revised list of State Legislative ideas and Departmental/Charter appropriations requests for the FY 2021-22 State Legislative Session, to decide our State Legislative Priorities prior to the start of the next State Legislative cycle.

Fiscal Note: None.

RECOMMENDATION *The City Commission approve the list of State Legislative items and establish FY 2021-22 State Legislative priorities.*

Legislative History

10/22/20	General Policy Committee	Approved, as shown above
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[200351_State_LegislativePriorities_2020-21_20201119.pdf](#)

CA-3 [200454.](#) Approval of the Extension of the Agreement between the City of

Gainesville and Keep Alachua County Beautiful, Inc. (KACB) for Anti-litter and Anti-graffiti Activities (B)

Explanation: The City Commission approved the execution of a two (2) year agreement between the City and KACB for anti-litter and anti-graffiti services which expired on September 30, 2020. The agreement allows for two (2) one (1) year renewals for an annual cost of \$55,000.

The City of Gainesville has been a member of KACB since its inception in 1995 and has worked cooperatively to address litter, removing graffiti, painting dilapidated buildings, cleaning up illegal dumps sites, and coordinating the Great American Cleanup.

From October 1 thru June 30, 2020, Keep Alachua County Beautiful engaged 2,035 volunteers to clean up litter and collected 21,608 pounds of litter. The volunteers provided over 1,308 hours of service for litter removal alone. Additional volunteer activities included removal of invasive plant species, community gardening, planting trees, and removing graffiti that accounted for an additional 6,667 volunteer hours. As a nonprofit organization, KACB was able to realize \$225,825 in value from volunteer hours, in-kind donations, and other contributions amounting to a \$14.01 return of investment for each \$1 of governmental funding.

The services provided for in the agreement include \$15,000 for membership in KACB, \$10,000 for the Beautiful Block Program, \$10,000 for the Community Outreach Program and up to \$20,000 for beautification projects including the Great American Cleanup.

Fiscal Note: Funding for \$55,000 is budgeted in the Solid Waste Fund Other Contractual Services.

RECOMMENDATION

The City Commission authorize the extension of the Agreement with Keep Alachua County Beautiful, Inc. for an additional period from October 1, 2020 to September 30, 2021, subject to approval by the City Attorney as to form and legality.

[200454A_KACB_Executed_Agreement_20190221_20201119.pdf](#)

[200454B_Rev_Keep_Alachua_County_Beautiful_1st_Amend_9-28-20_20201119](#)

CA-4 [200519.](#)

GCRA Job Creation Incentive Policy (B)

Explanation: Originally approved in 2012, the CRA's High Wage Job Creation Incentive Program provides a financial incentive to companies that created new jobs within the former CRA Redevelopment Districts. Subsequently, in June 2016, the CRA Advisory Board authorized staff to make changes to the program and bring back for review and approval. In August 2016, staff presented the recommended changes to the Board

and the same were approved. The changes were not on the total participation, but rather to the per job amount based on Alachua County average wage, along with a change to the name and focus to include jobs other than "High Wage" as narrowly specified in the original program.

In June 2018, staff provided an update to the Board on CH2MHill and their relocation from Williston Road to the College Park/University Heights district and their application to the program. Staff informed the Board that the company also met the requirements of the program, making them eligible for up to \$250,000 in reimbursement. The application was approved and disbursed in the amount of \$125,000, according to the program guidelines. In November 2019, a second installment application was submitted, and again, following review the same was approved. Prior to disbursement of the second installment of \$125,000, staff realized that although the program changes were approved by the governing board, the corresponding policy document was not included for approval in the agenda item backup. After consulting with the City Attorney's office, the recommendation was to place the policy document on the City Commission agenda for approval to correct the scrivener's error and allow staff to release the second installment of the incentive to the applicant per their approved application. This action will not only complete the approved revision from 2016 and but also allow GCRA staff to complete the CH2MHill final incentive installment.

As part of the GCRA Reinvestment Plan and the transition to City Department, GCRA will be revisiting all its existing Economic Development programs and identifying what needs to be revised or sunset. The first phase of this work was completed in October and November 2020 with approvals of the revised Paint and Business Improvement Programs. The priority focus will be on creating an "East Gainesville Incentivized Development Plan" as noted in the City's adopted Strategic Plan and Action Agenda.

The Job Creation Incentive program will be brought back to the Board and Commission, along with the Company Relocation program, at a future meeting with an update on suggested changes and an analysis of complementary programs that would specifically target and assist Economic Development needs in the eastern part of the District.

Fiscal Note: Funding in the amount of \$250,000 is budgeted for the CH2MHill Job Creation Incentive in the College Park/University Heights Trust Fund account W767.

RECOMMENDATION

City Manager to the City Commission: 1) Approve amendments the Job Creation program to \$250,000.00 payable in two reimbursements of up to \$125,000.00 each for a maximum of \$250,000, based on the number of jobs created, based on the average Alachua County wage and the approval and presentation given by GCRA staff in August 2016 and 2) retroactively approve second payment to CH2M Hill in the amount of \$125,000.00,

pursuant to their approved Job Creation Incentive application.

[200519_A_Job_Creation_Incentive_Program_Policy_2020.11.19.pdf](#)

[200519_B_Job_Creation_Incentive_Application_2020.11.19.pdf](#)

[200519_C_Index_Provided_by_CRA_-_2019_Average_Annual_Wage_see_pg2_2020.11.19.pdf](#)

[200519_D_CAI_Job_Creation_Incentive_Program_Application_Year_2_Reimburser](#)

ADOPTION OF REGULAR AGENDA

GENERAL PUBLIC COMMENT - Members of the public may speak for up to three (3) minutes per meeting on any item not on the agenda. Individuals may choose to speak during any one of the General Public Comment periods during the meeting.

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

BD-1 [180140.](#)

Approval of a Customer Information System (CIS), Mobile Work Management, and Customer Self-Service Implementation and Hosting Services (B)

AGENDA UPDATE - NEW BACK-UP

Explanation: The CIS, also known as Customer Care System (CCS) is a critical software system responsible for housing customer data and billing all of GRU's utility customers. It is also used to bill Storm Water and Refuse services for the City of Gainesville. The system currently in use was installed in 2007.

On August 15, 2018, the City Commission requested GRU to move forward with issuing a solicitation to provide accurate pricing for an upgraded CIS. As part of this solicitation, Mobile Work Management and a Customer Self Service solution was included as they are both applications that are outdated and need to integrate with the CIS upgrade. An upgraded CIS is also necessary to be able to integrate with future Automated Metering Infrastructure (AMI) initiatives as the current system is unable to integrate.

On April 16, 2019, Utilities Procurement issued an Invitation to Negotiate (ITN) via the DemandStar electronic bid portal and was broadcasted to 239 providers/suppliers registered with the site. The ITN requested proposals for a Customer Information System, a Mobile Work Management (MWM) and Customer Self-Service System (CSS) which include implementation services. Proposals from six system integrators were received and were evaluated and shortlisted based on 3 phases. During Phase 1, three vendors considered most qualified based on qualifications and profile, software solutions(s), business outcomes, implementation plan/strategy, functional matrix, technology summary, solution costs, local preference, and small business criteria moved

forward to Phase 2 whereby demonstrations and detailed discussions surrounding their proposed solutions were held. Based on the evaluation criteria product demonstrations, implementation and technology discussions, cultural fit and value added, reference checks and solution costs, VertexOne was selected to move forward into Phase 3, the confirmation and validation phase. Upon completion of the Phase 3, VertexOne was requested to provide an enhanced proposal to include updated pricing.

After review of the enhanced proposal, the negotiation team determined VertexOne could provide the best value to GRU and was selected to move forward to negotiate a Software as a Service (SaaS) Agreement. After successful negotiations, GRU recommends the award of the ITN to VertexOne, in general agreement with the current draft dated November 5, 2020, subject to approval by the City Attorney as to form and legality. The final draft of the proposed SaaS agreement dated November 5, 2020 is attached for reference.

Fiscal Note: Total Implementation Cost (\$14,303,359)
 Total Cost of Ownership over the 10 year agreement is (\$30,783,923)
 Total Cost Avoidance and Benefits over 10 years is \$14,011,277
 Net cost of solution (\$16,772,646)

RECOMMENDATION

1) Authorize the General Manager or his designee to execute a Software as a Service (SaaS) Agreement with VertexOne for a term of 10 years and other agreements as required, in general agreement with the draft SaaS dated November 5th, 2020, subject to approval by the City Attorney as to form and legality.

2) Authorize the General Manager or his designee to execute a new Order Form with SAP for new licenses to support the VertexOne agreement.

Legislative History

7/9/18	City Commission	Heard
1/3/19	City Commission	Heard
3/21/19	City Commission	Heard

[180140 GRU CIS Agreement Schedules Attachments 20201118](#)

[180140 CIS Presentation 20201119](#)

[180140 CCS Presentation Worksheet 20201118](#)

BD-2 [200464.](#)

Pedestrian Safety Ordinance (B)

RECOMMENDATION

The City Commission discuss and take action, as necessary.

[200464_Community Based Approach for Panhandling_20201112.pdf](#)

[200464_Community Based Approach to Panhandling Analysis_20201112.pdf](#)

BD-3 [191181.](#) **Update on the Strategic Plan and PerformGNV (B)**

This is a request for the General Policy Committee to hear an update on the City's strategic plan and PerformGNV, a system that has been developed to monitor our progress towards the City's strategic goals.

Explanation: The City Commission adopted the City's Strategic Plan on August 6, 2020. Subsequently, items from the Action Agenda for 2020-2021 have been assigned and we are now regularly monitoring progress on those items through a program called PerformGNV.

Today's update will provide a look into how PerformGNV works on an annual and monthly basis.

Fiscal Note: No fiscal impact at this time.

RECOMMENDATION *The City Commission hear an update on PerformGNV.*

Legislative History

5/7/20	City Commission	Approved as Recommended
6/2/20	City Commission	Discussed
6/3/20	City Commission	Discussed
8/6/20	City Commission	Approved as Recommended

[191181_PerformGNV Presentation_20201112.pdf](#)

BD-4 [180402.](#) **Construction Contracts of a Certain Size - Percentage of Apprenticeship Jobs if Awarded (B)**

Explanation: On September 10, 2020, the General Policy Committee (GPC) discussed this referral which was erroneously placed under a new Legistar No. 200157. At that time the GPC requested the City Attorney's Office provide an update on the lawsuit filed against the City of St. Petersburg, Florida regarding its Apprenticeship Ordinance and Disadvantaged Workers Ordinance. The litigation was filed by the Florida Gulf Coast Chapter of Associated Builders & Contractors, Inc. (ABC Gulf), a trade association comprised of member businesses from Alachua County to Collier County. You can view the members of this organization at the following link: <https://abcflgulf.org/>.

ABC Gulf challenged both ordinances alleging that the ordinances are preempted by state statutes and are unconstitutional. ABC Gulf has

asked the court to make a ruling (a motion for summary judgment) that the two ordinances are invalid. The parties have requested the judge hear oral argument, but at the drafting of this agenda item, that has not yet been scheduled. A copy of ABC Gulf's Motion for Summary Judgment and its Reply are included in the back-up.

The City of Gainesville could wait for the outcome of the St. Petersburg case to have more certainty in moving forward with the adoption of similar ordinance(s), or alternatively, if the City of Gainesville decides to move forward during the pendency of the St. Petersburg case, the City should consider the legal arguments made by ABC Gulf in attempting to craft legally defensible programs.

In addition to providing the litigation update, the City Attorney's Office requests that the development of apprenticeship and/or disadvantaged worker programs be assigned to the City Manager and the General Manager for Utilities for further policy work by their respective procurement staffs, and if needed, further guidance or decision making from the City Commission. That work is necessary before a draft ordinance can be finalized for Commission consideration.

Fiscal Note: None.

RECOMMENDATION

City Commission: 1) review the St. Petersburg litigation, and 2) consider whether to move forward with development of apprenticeship and/or disadvantaged worker programs at this time, and if so, assign this item to the City Manager and General Manager for Utilities for further policy work.

Legislative History

9/20/18	City Commission	Referred to the General Policy Committee
3/14/19	General Policy Committee	Approved, as shown above
12/12/19	General Policy Committee	Approved, as shown above

[180402A_Employing Apprentices on City Construction Projects Memo_2019121](#)
[180402B_GPC Apprenticeship Presentation_20191212](#)
[180402C_ABC Chapter sues St. Pete over construction hiring requirements_20](#)
[180402D_Construction Employment Statistics - Summary Oct. 2018 to 2019_20](#)
[180402E_Construction Employment Statistics_20191212](#)
[180402F_AGC Report - 80 percent of Contractors Report Difficulty finding Quali](#)
[180402G_AGC Report - 80 percent of Contractors Report Difficulty Finding Qua](#)
[180402H_AGC Report - 80 percent of Contractors Report Difficulty Finding Qua](#)
[180402I_AGC Report - 2019 Construction Industry Workforce Survey Results -](#)
[180402J_AGC Report - 2019 Construction Industry Workforce Survey Results -](#)
[180402K_ICIC Blog - For Cities with Diversity Goals Pre-Apprenticeships Prove](#)
[180402L_general-apprenticeship-information-Apprenticeship Florida_20191212](#)
[180402M_2019appr-rpt-State-of-Florida-Apprenticeship-Programs_20191212](#)
[180402N_GRU Memo Apprenticeship Program Impacts_20201112](#)
[180402A_Plaintiff's Motion for Summary Judgment_20201112.pdf](#)
[180402B_Plaintiff's Reply in Support of Plaintiff's Motion for Summary Judgmen](#)
[180402_Hayes-Santos_Minutes10-Sept-2020-10-27-31_20201112.pdf](#)

BD-5 [200479.](#)

Equitable Development Update: Timeline and Heritage Overlay Districts (B)

Explanation: The City Commission referred a comprehensive list of work items related to furthering equitable development at their special meeting on August 31, 2020. Staff from the offices of the City Manager and the City Attorney have developed a list of the referrals, along with tentative timelines and necessary steps for implementation for each item. The list is included in the backup for Commission consideration.

Staff has also drafted amendments to the City's existing heritage overlay district regulations which are intended to make the individual neighborhood designation process easier to implement. The City Commission requested that staff bring the draft amendments to them prior to taking the code changes to the Plan Board as part of the normal legislative process.

Staff is seeking guidance from the Commission on the following questions that arose during the course of making revisions to the existing ordinance for the overlay district:

- 1. The existing code requires the submittal of a petition generated by the neighborhood requesting the overlay district designation. What should be the mechanism for neighborhood selection?*
- 2. Which review board should be the designated body for reviewing regulated work within the overlay district? Currently, the Land Development Code specifies an as yet created "Heritage Overlay District Board" to serve in this function however, the Commission could*

specify an existing board to complete these duties if desired.

3. Staff is requesting the Commission review the list of regulated work items that would be subject to potential review within a heritage overlay district (Pg. 3 of draft regulations).

4. Should the overlay be renamed to a Neighborhood Conservation District or another name?

5. Staff prepared a map outlining potential areas eligible for heritage overlay district designation based on its understanding that the heritage overlay district is intended to be a tool to provide historically underrepresented neighborhoods an opportunity for more control over the form of development within the neighborhood. Is this understanding correct or is the Commission intending on allowing any interested neighborhood to be designated a heritage overlay district?

Draft regulations and a draft eligibility map are provided in the backup for Commission consideration and further guidance.

RECOMMENDATION

The Commission continue discussion from its November 5, 2020, meeting on heritage overlay districts and any other housing related follow ups and take action deemed necessary.

Legislative History

11/5/20 City Commission Discussed

[200479A Background -HeritageOvrlyZoning 20201105](#)

[200479B Sec. 30 4.27. Heritage overlay. New Update Draft 20201105](#)

[200479C Heritage overlay draft boundary map 20201105](#)

BD-6 [200182.](#)

Heartwood Update (B)

AGENDA UPDATE - REMOVE ITEM

Explanation: At the June 16, 2020 GCRA Advisory Board meeting, the Advisory Board made a request for Staff to look into different options on how to minimize HOA Fees with a focused effort on the 11 affordable lots in the Heartwood neighborhood. As Staff worked through different possible scenarios to reduce HOA costs, there was an opportunity to apply Gainesville's Racial Equity Tool Kit to the Heartwood project, specifically the decision to include GRUCom as an internet provider in the neighborhood.

In an effort to respond to the Advisory Board's requests and meet the City's equity goals for the Heartwood neighborhood, Staff returned to the Board on August 19, 2020 to discuss the results from the Racial Equity Tool Kit analysis. The Board reviewed the analysis and provided a recommendation to the City Commission to "not move forward with the GRUCom contract at this time."

At today's City Commission meeting, GCRA Staff will update the Commission on this Advisory Board conversation and recommendation

and provide a general update on the Heartwood Project and next steps.

Fiscal Note: None

RECOMMENDATION

City Manager to the City Commission: Hear update from GCRA Staff and consider the recommendation from the GCRA Advisory Board.

GCRA Advisory Board to the City Commission: Allow the home owners as the Home Owners Association to decide who is going to provide them with internet services and recommend not moving forward with the GRUCom Contract at this time.

Legislative History

8/19/20	Gainesville Community Reinvestment Area Advisory Board	Discussed
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[200182_A_Heartwood Update December 03 2020 Presentation-2020.12.03.ppt](#)

[200182_B_Equity Toolkit Worksheet HEARTWOOD 2020.11.19.pdf](#)

CC COMMISSION COMMENT

PR PROCLAMATIONS/SPECIAL RECOGNITIONS (PR)

[200522.](#)

National Hospice and Palliative Care Month - November, 2020(B)

RECOMMENDATION

Haven Hospice PL Sophy Cudnick to accept the proclamation.

[200522_Proclamation_National Hospice and Palliative Care Month 2020_20201](#)

[200524.](#)

Native American Heritage Month 2020(B)

RECOMMENDATION

Niikwid Migizi William Nesberg and Gekeke James Williams to accept the proclamation.

[200524_Native American Heritage Month 2020_20201113](#)

RE RESOLUTIONS - ROLL CALL REQUIRED (RE)

RE-1

[200500.](#)

Resolution Accepting Report of Alachua County Board of Canvassers - November 3, 2020 Election (B)

A resolution of the City Commission of the City of Gainesville, Florida, accepting the report of the Alachua County Board of Canvassers for the City of Gainesville, Florida, election held November 3, 2020; and providing an immediate effective date.

AGENDA UPDATE - NEW BACK-UP

Explanation: On November 3, 2020, a referendum election was held for the following City Charter Amendments: to create a Charter Preamble, to limit Commission authority to dispose of certain utility systems, to eliminate restrictions on construction of paved surfaces on City-Owned land, and to change the name of the Charter Officer "Clerk of the Commission" to "City Clerk"

The Report of the Alachua County Board of Canvassers for the City of Gainesville election showing that the City Charter Amendments passed is adopted by this resolution of the City Commission.

RECOMMENDATION *The City Commission adopt the proposed resolution.*

[200500_draft resolution_20201119.pdf](#)

[200500A_Certificate of County Canvassing Board_20201119.pdf](#)

RE-2 [200457.](#)

Fourth Quarter Amendment through September 30, 2020 to the FY 2020 General Government Financial and Operating Plan Budget

Resolution No. 200457

A Resolution of the City Commission of the City of Gainesville, Florida; relating to its general government budget for the fiscal year beginning October 1, 2019 and ending September 30, 2020; amending Resolution No. 190397, as amended by Resolution No. 190880, Resolution No. 191155, and Resolution No. 200148, by making certain adjustments to the General Government Financial and Operating Plan Budget; and providing an immediate effective date.

AGENDA UPDATE - NEW ITEM

Explanation: This Resolution authorizes Fiscal Year (FY) 2020 Year End budgetary transfers and adjustments which are necessary to resolve budget variances within the various Department and Office operating budgets.

As detailed in the attached exhibits to the Resolution, certain identified accounts may have exceeded budget appropriations in the course of operations of the Office or Department during Fiscal Year 2020. As a result, budget transfers and adjustments are necessary to offset and balance the identified budget variances.

Section 166.241(5), Florida Statutes provides the legal authority to make these necessary budgetary transfers and adjustments within a sixty (60) day period following the close of the fiscal year.

Fiscal Note: The budgetary transfers and adjustments detailed in the attached exhibits will not negatively impact the financial standing of the City at fiscal year-end 2020 as these are re-appropriations of unspent balances within each respective fund and department.

RECOMMENDATION City Commission adopt the proposed resolution.

[200457 Resolution for 4th Qtr Amendment to FY20 GG Budget 20201116.pdf](#)

[200457A_FY2020 4th QTR Amendatory and Summary 20201116.pdf](#)

PUBLIC HEARINGS (PH)

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

SR-1 [160937](#) Ordinance Relating to Non-Motorized Vehicles for Hire (B)

Ordinance No. 160937

An ordinance of the City of Gainesville, Florida, amending and creating new sections within Chapter 28, Article II of the Code of Ordinances relating to Non-Motorized Vehicles for Hire; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: The City's Vehicle for Hire Administrator recommends revisions to Article II. Non-Motorized Vehicles portion of Chapter 28 of the Code of Ordinances to more closely align Article II to Article I (the motorized vehicle portion of Chapter 28) in order to simplify the administration and enforcement of Chapter 28. This Ordinance requires two readings and shall become effective immediately upon adoption at second reading.

Fiscal Note: None.

RECOMMENDATION The City Commission adopt the proposed ordinance.

Legislative History

6/1/17	City Commission	Approved as Recommended
11/5/20	City Commission	Adopted on First Reading, as amended (Ordinance)

[160936 VFH Chapter 28 Article 2 Revision 20170504](#)

[160937 draft ordinance 20201105.pdf](#)

[160937 Presentation 20201105.pdf](#)

[160937 revised draft ordinance 20201119.pdf](#)

SR-2 [200431.](#) **Ordinance Changing "Violator" to "Alleged Violator" and Making a Clarification to Code Violation Process (B)**

Ordinance No. 200431

An ordinance of the City of Gainesville, Florida, making scrivener's revisions to several code sections to change "violator" to "alleged violator" and amending Sec. 2-388.1(a) to clarify process for a violation; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: On October 3, 2019, the City Commission requested the City Attorney's Office prepare an ordinance changing certain code of ordinance references from "violator" to "alleged violator" where an adjudication has not yet occurred. During the preparation of this ordinance, the City Attorney's Office found that Sec. 2-388.1(a) regarding code enforcement violations could benefit from clarification. These revisions have all been made in this ordinance.

Fiscal Note: None

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

11/5/20 City Commission Adopted on First Reading (Ordinance)

[200431_draft ordinance_20201105.pdf](#)

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

FR-1 [180115.](#) **Ordinance Regulating Micromobility Services (B)**

Ordinance No. 180115

An ordinance of the City of Gainesville, Florida, amending Chapter 26 of the City Code of Ordinances to create Article VII Micromobility Services, to regulate micromobility services within the City of Gainesville, Florida; establishing permit requirements; establishing operational requirements; establishing revocation, appeals and suspension processes; amending Appendix A - Schedule of Fees, Rates and Charges to establish regulatory fees; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: This ordinance passed on first reading on March 5, 2020. However, due

to the pandemic, the second reading was cancelled. Due to the length of time that has passed since the first reading, this ordinance has been re-advertised for a first reading on November 19, 2020 and a second reading on December 3, 2020.

Micromobility devices are motorized transportation devices, including electric scooters and motorized bicycles, made available for public use by reservation through an online application for point to point trips. Micromobility services rent micromobility devices on a short term basis. The micromobility services allow users to begin and end trips at any location following local parameters for parking. Mobility is enhanced as the devices can provide "door to door" access and are not limited to docking station locations. Micromobility services can remotely control the speed of the micromobility devices and the locations users can take the devices. At the end of a ride, the user can leave the micromobility device in any authorized location.

The proposed ordinance will regulate micromobility services, but not users. A micromobility service must apply for a permit from both the City and the University of Florida in order to operate within the City. The ordinance limits the number of micromobility services allowed to operate in the City to 3 companies. The initial fleet for each micromobility service will be between 100-200 micromobility devices. The ordinance includes a fee schedule for permitting and a \$0.15 per ride fee to cover costs of this new regulatory program. The ordinance requires the micromobility service to provide an education plan to alert users of safe operation and parking requirements, an emergency plan for removal of micromobility devices in anticipation of severe weather, insurance and performance bond, and data sharing requirements. Micromobility devices will only be allowed to operate at speeds of 15 miles per hour or less. Micromobility devices will only be allowed to operate between the hours of 6:00 a.m. to 10:00 p.m. The ordinance also provides rules for parking, rebalancing, and removal of micromobility devices. Equity goals will be promoted by requiring 10% of the fleet, or more at the director's discretion, to be placed in a specific zone and requiring micromobility services to have payment/access options for unbanked users.

Fiscal Note: Staff will collect and analyze data and report the findings about usage, complaints, and crash reports to the City Commission. Staff will be assigned to enforce the ordinance. The revenue associated with the permitting fees and \$0.10 of the \$0.15 per ride fee will be allocated to the Department of Mobility to fund regulatory program administration costs and fund a temporary part-time position to assist with enforcement and outreach/education. Five cents (\$0.05) of the \$0.15 per ride fee will be allocated toward development and implementation of Vision Zero strategies under the Department of Mobility's administration, which will benefit the micromobility regulatory program.

..recommendation

The City Commission adopt the proposed ordinance.

RECOMMENDATION

The City Commission adopt the proposed

ordinance.

Legislative History

6/21/18	City Commission	Referred to the General Policy Committee
9/27/18	General Policy Committee	Approved, as shown above
3/5/20	City Commission	Adopted on First Reading, as modified (Ordinance)

[180115_DocklessSystemPresentation_GPC_20180927.pdf](#)

[180115_GPC-20180927.pdf](#)

[180115_draft ordinance_20200305.pdf](#)

[180115_draft ordinance_20201119.pdf](#)

FR-2 [180999.](#)

Living Wage Requirements for Contractors (B)

Ordinance No. 180999

An ordinance of the City of Gainesville, Florida, amending Article IX of Chapter 2 of the Code of Ordinances relating to Living Wage Requirements; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

AGENDA UPDATE - REVISED BACK-UP

Explanation: The City Commission currently has a Living Wage Ordinance applicable to certain contracts with the City. The Commission stated its desire to expand the application of the Living Wage Ordinance much like Alachua County's ordinance, but with less restrictions.

On September 10, 2020, an older draft version of the revised living wage ordinance was placed on the agenda for the general policy committee to consider. While the general policy committee only had minor changes to the older version of the ordinance, additional research and analysis has been completed and the ordinance revised. This ordinance, brought for first reading, includes revisions recommended by staff to address situations not contemplated by the older draft version of the ordinance.

Highlights of the newest draft are as follows:

- Covered employee - the ordinance will only apply to employees of a service contractor or subcontractor while that employee is directly working on a city contract.

- Covered services - this ordinance will not apply to the purchase of goods, or the purchase of software as a service (SaaS).

- The enforcement mechanism is through breach of contract, and, if required, subsequent termination of that contract if the breach is not resolved.

- Exceptions to the ordinance are listed in Section 2-619(c)) of the

proposed ordinance and are as follows:

- 1. If a city solicitation for services results in no responsive bids/proposals/quotes, the applicable charter officer, or designee, may waive the living wage requirement and authorize award to the lowest bidder responsive to the other bid requirements.*
- 2. If the work to be performed under the contract is funded by a federal or state grant and that grant does not allow local living wage requirements.*
- 3. If the living wage requirements are precluded by law.*
- 4. Purchases made under state, federal, or other public agency agreements or cooperative contracts.*
- 5. Non-competitive situations as defined by the City's current Procurement Policy.*
- 6. For the emergency related services procured during a declared state of emergency.*
- 7. All other exceptions will need to be justified and waiver approved by the City Manager or designee for general government or the General Manager or designee for Gainesville Regional Utilities.*

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

4/18/19	City Commission	Referred to the General Policy Committee
6/20/19	City Commission	Approved, as shown above
8/1/19	City Commission	Approved as Recommended
1/23/20	General Policy Committee	Approved, as shown above

[180999A Alachua County Code 20190620.pdf](#)

[180999B Gainesville City Code 20190620.pdf](#)

[180999C Staff Comparison of Codes 20190620.pdf](#)

[180999D Staff Report Dated October 2017 20190620.pdf](#)

[180999A draft ordinance 20201119.pdf](#)

[180999 revised draft ordinance 20201119.pdf](#)

[180999 GRU LW Impact 2020 20201119](#)

[180999 GRU LW Impact 2024 20201119](#)

[180999 GRU Memo Living Wage Ord Impacts 20201119](#)

ADJOURNMENT - 7:37 PM