

# City of Gainesville

City Hall  
200 East University Avenue  
Gainesville, Florida 32601



## Meeting Agenda - Final

June 2, 2022

10:00 AM

City Hall Auditorium

### City Commission

*Mayor Lauren Poe (At Large)*  
*Mayor-Commissioner Pro-Tem Reina Saco (At Large, Seat A)*  
*Commissioner Cynthia Moore Chestnut (At Large, Seat B)*  
*Commissioner Desmon Duncan-Walker (District 1)*  
*Commissioner 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 Equity and Inclusion 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 to Spanish relay, please call 1-877-955-8773. For STS Spanish to English relay, please call 1-844-463-9710.*

# Welcome to the City Commission meeting!

## Learn about the meeting process and how to participate.

The City Commission makes policies and conducts City business in an open forum. The **agenda** outlines what will happen during the meeting. It includes the following sections:

**Consent Agenda (CA):** Business items that the Commission approves together in one motion to save time. The Commission may remove an item to discuss separately.

**Regular Agenda:** Includes Business Discussion (**BD**) items considered by the Commission for action during the meeting. The Commission may re-order or remove discussion items.

Note: The **(B)** after an agenda item's title means that Backup materials are included. Click the links on the agenda to view the documents. An **(NB)** after the title means there are no Backup materials for the item.

**Public Comment.** Share your opinion with the Commission for the official record. The following public comment options may be available for this meeting.

Find specific public comment details for each meeting on the [Public Meeting Calendar](#) or the Notice of Meetings on the City's website. Verbal comments are usually limited to three (3) minutes.

**General Public Comment:** Share a comment about a topic or issue *not* on the Meeting Agenda. There is one 30-minute General Public Comment period at the beginning of the meeting.

- **Pre-recorded comment:** Call to record a voice comment *before* the meeting. Visit the [Public Meeting Calendar](#) for details. Comments received by the deadline will be played at the meeting.
- **In-person comment:** Neighbors present in the meeting chambers may comment at the designated time. Safety protocols will be observed.

### **Public Comment on Agenda Items**

- **In-person comment:** Neighbors present in the meeting chambers may comment at the designated times. Safety protocols will be observed.

**Written Public Comment:** Submit a general comment or a comment on the meeting agenda. Your comments will be shared with the City Commissioners and added to the official meeting record.

- **Mail** to the City of Gainesville, City Clerk: P.O. Box 490, Station 19, 32627-0490
- **Email** to [citycomm@cityofgainesville.org](mailto:citycomm@cityofgainesville.org)
- **E-Comment:** Visit the "Agenda & Minutes" page on the City's website [www.cityofgainesville.org](http://www.cityofgainesville.org). Click the "eComment" link for a meeting agenda to leave comments on specific items.

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

**10:00 AM - Call to Order Morning Session****AGENDA STATEMENT**

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

**ROLL CALL****INVOCATION****CA ADOPTION OF AGENDA (Includes both Consent and Regular Agenda Items. Consent Agenda Items that will not be discussed, may include Advocacy Resolutions)****CONSENT AGENDA ITEMS****CA-1      [211255.](#)                      Resignation of Cristina Espinosa from the Gainesville Human Rights Board (B)**

**RECOMMENDATION**                      *The City Commission accept the resignation of Cristina Espinosa, effective immediately.*

[211255\\_GHRB Resignation\\_20220602](#)

**CA-2      [211210.](#)                      Approval of Minutes from the May 5 and May 9 (2) 2022 City Commission Meetings (B)**

**RECOMMENDATION**                      *The City Commission approve the minutes of May 5 and May 9 (2), 2022.*

[211210\\_May 5, 2022 Minutes\\_20220519.pdf](#)

[211210\\_May 9, 2022 Minutes\\_20220519.pdf](#)

[211210\\_May 9, 2022 Minutes\\_20220519.pdf](#)

**CA-3      [211012.](#)                      2022-2023 Strategic Plan Update (B)**

*Explanation: On March 17, 2022, the City Commission unanimously approved a motion to hold two Strategic Planning Workshops. The workshops occurred on March 31, 2022 and April 19, 2022. During these Strategic Planning Workshops, the City Commission and Charter Officers*

*reviewed progress on the previous year's strategic goals, and refined and prioritized Action Items for 2022-2023.*

*Based on the feedback and direction of the City Commission provided during these workshops, staff have revised the "placemat" graphic that serves as a visual guide representing the current Action Agenda of the City's Strategic Plan. This graphic includes the four critical needs identified the Charters and agreed upon by the City Commission during the workshops. These critical needs were determined to be the primary focus of the City in 2022-2023. The graphic also includes revisions to the Top Priorities and High Priorities of the City Commission. A summary explanation is included as an attachment to this item for further description and clarification of the graphic.*

#### *Strategic Connection*

*This item ties directly to the overall strategic plan for the City.*

*Fiscal Note: No fiscal impact.*

#### RECOMMENDATION

*The City Commission approve the updates to the 2022-2023 Strategic Plan, as depicted in the attached graphic.*

#### Legislative History

3/17/22	City Commission	Approved as Recommended
4/19/22	City Commission	Discussed

[211012\\_Updated Graphic for 2022-2023 Strategic Plan\\_202200602.pdf](#)

[211012\\_Summary of 2022-2023 Strategic Plan Update\\_202200602.pdf](#)

**CA-4**      [211193.](#)

### **Approval of Succession Planning Policy - Policy E-10 (B)**

*Explanation: In March of 2021, the City Auditor's office of the City of Gainesville conducted an internal succession planning audit. It was found that there was a lack of a formal and centralized citywide succession planning program. As a result, it was recommended that the City adopt a formal succession planning policy for the organization. The purpose of this policy is to ensure continuity of operations at the City of Gainesville by regularly assessing the potential for turnover of employees in key positions, developing employees to ensure a supply of internal talent is ready to compete for key positions, and to provide a seamless transition in leadership.*

*The City is committed to ensuring all selections are based on merit and fitness alone, and without regard to race, color, gender, age, religion, national origin, marital status, sexual orientation, disability, or gender identity.*

*Strategic Connection:*

*This item ties to Goal 5 "Best in Class" Neighbor Services in the City's Strategic Plan*

*Fiscal Note: No fiscal impact.*

**RECOMMENDATION**

*The City Commission approve Human Resources Policy - E-10 Succession Planning Policy.*

[211193 Succession Planning Policy FINAL 20220602](#)

**CA-5**      [211237.](#)

**Approval and Authorization to Execute Lease - Park People, Inc. (B)**

This item is a request to approve and authorize the execution of a lease with Park People, Inc., a Florida corporation for the Depot buildings and accessory facilities.

*Explanation: The GCRA entered into a lease with Park People, Inc. (formerly Double 18, Inc.) in 2016 for the Depot Building and adjacent facilities. With the expiration of the lease in July, 2021, the City and Park People, Inc. have negotiated the terms of a new lease. In the interim, Park People, Inc. has been on a month to month lease under the former lease terms.*

*In spite of the public health crisis and the attendant small business challenges particularly for this type of local business due to its dependence on Depot Park activities, Park People, Inc. has continued its business operations and intends to have a long term presence in the area.*

*Terms of the Lease include the following:*

- 1. Five Year Base Lease Term (for the entire building and surrounding grounds)*
- 2. Priced at \$11.00 / SF (\$5,625 per month) with 3% increase in years 2-5*
- 3. Two Options to Renew for successive five year terms at \$13.00/SF (\$6,625) and 3% annual increase (years 7-10 and 11-15)*
- 4. No Tenant Improvement Allowance and No Rent Abatement*
- 5. Tenant funds minor improvement; City responsible for major, systems improvements*
- 6. Tenant pays Property Tax (\$3,000) and Sales Tax (6.5%)*

*Fiscal Note: The total revenue anticipated over the initial five year term of the lease is*

\$ 397,635 inclusive of base rent, property tax and sales tax.

**RECOMMENDATION**

*The City Commission: 1) approve the Lease with Park People, Inc. for the building and facilities space available at 201 Southeast Depot Avenue; and 2) authorize the City Manager to execute the Lease with Park People, Inc., subject to review and approval of the City Attorney's Office as to form and legality.*

[211237 Lease Agreement Historic Depot Building With Exhibits 20220602](#)

[211237 People Park Lease Signed 20220602](#)

CA-6      [211241.](#)

**Authorization of an Amendment to a Task Assignment under a Professional Design Services Continuing Services Agreement and Authorization to enter into Two Cooperative Purchasing Contracts (B)**

This item is a request for the City Commission to approve an Amendment to a Task Assignment for a revised total project cost of \$134,085.00 for professional construction administration services with Manley Design, Inc. and to authorize the City to enter into two Cooperative Purchasing Contracts in the amounts of \$53,326.56 with BCI Burke Company, LLC and \$327,879.88 with PlayCore Wisconsin, DBA Gametime to purchase specified playground equipment via owner direct purchases for the Wild Spaces & Public Places (WSPP) Albert "Ray" Massey Park Playground Project.

*Explanation: On March 4, 2021 the City Commission approved the Albert "Ray" Massey (Westside) Park Playground Improvements project which allowed the Parks, Recreation and Cultural Affairs Department work towards one of its master plan goals of creating a fully accessible park in each quadrant of the city. Inspired by the NW 8th Avenue Solar Walk, the space-themed playground will offer a wide variety of physical, social and sensory play experiences for children of all ages and abilities. Fully accessible play surfacing and a colorful theme will boost imaginative play within the fully-fenced playground. Albert "Ray" Massey (Westside) Park is the busiest park in Gainesville and the playground equipment is nearing the end of its anticipated lifespan. The Wild Spaces & Public Places program began working with Manley Design, LLC, a small, local, woman-owned design firm, in the spring of 2021.*

*On April 14, 2022 a presentation was made to the General Policy Committee which included an update on the Albert "Ray" Massey (Westside) Park Playground Improvements. Community engagement for the project took place in the summer and fall of 2021 with focus group meetings throughout the summer and two open houses in September of 2021. Project permitting completed in the spring of 2022.*

*An Invitation to Bid for the Albert "Ray" Massey (Westside) Park Playground Improvement project is currently out to bid with a bid due date of June 3, 2022. Due to long lead times on playground equipment (up to 16 weeks) it is necessary to initiate the contracts for the owner direct purchase of playground equipment now to be ready in time for construction. The City is pursuing owner direct purchases of this equipment to realize tax savings. The estimated start date for the construction project is August 10, 2022 with a contractual duration of 210 calendar days.*

*Strategic Connection: This item is connected to Goal 3: A Great Place to Live and Experience in the City's Strategic Plan and is a high priority.*

*Fiscal Note: Funds in the amount of \$416,016.44 are available for professional construction administration services and for the purchase of specified playground equipment (via owner direct purchases) from the WSPP Albert Ray Massey Westside Park account.*

**RECOMMENDATION**

*The City Commission: 1) authorize the City Manager or designee to execute all contract documents and other necessary documents, subject to approval by the City Attorney as to form and legality.*

[211241A\\_Massey\\_Bid\\_Set\\_20220602](#)

[211241B\\_Massey\\_Playground\\_Open\\_House\\_Boards\\_20220602](#)

[211241C\\_Manley\\_Design-Westside\\_Park\\_Playground\\_Add\\_Svcs\\_02-20220602](#)

[211241D\\_Manley\\_Design-Westside\\_Park\\_Playground\\_Add\\_Svcs\\_02\\_hours\\_2022](#)

[211241E\\_BCI\\_Proposal\\_Albert'Ray'Mass\\_20220602](#)

[211241F\\_BCI\\_Agreement\\_for\\_Playground\\_Equipment\\_20220602](#)

[211241G\\_GameTime\\_Albert\\_Ray\\_Massey\\_Park\\_Quote\\_20220602](#)

[211241H\\_GameTime\\_Combined\\_Renderings\\_20220602](#)

[211241I\\_GameTime\\_Agreement\\_for\\_Playground\\_Equipment\\_20220602](#)

CA-7      [211220.](#)

**Naming of Lake on UF's Campus as Liberty Pond (B)**

*Explanation: The U.S. Board on Geographic Names <<https://usgs.gov/geonames>> (BGN) is responsible by law for standardizing geographic names for use by the Federal Government. The BGN accepts proposals to name or rename geographic features and makes decisions on proposals only after considering local opinion and recommendations. As a first step, the BGN asks staff to reach out to local governments who have been elected to represent their citizens and other entities that might have an interest in the proposal.*

*An individual associated with the University of Florida submitted a proposal to the BGN to officially name an unnamed lake on the UF*

*campus as Liberty Pond. This name is already in use by the University and was chosen by the UF Board of Trustees in a 2013 resolution. The name refers to presence of the pond in the UF Veteran's Memorial. The pond was formerly known as Green Pond and that name still appears in some sources. The pond has never been officially named on any Federal map.*

*The BGN accepts and votes on proposals as long as those proposals meet the BGN's Principles and Policies <[https://geonames.usgs.gov/docs/pubs/DNC\\_PPP\\_DEC\\_2016\\_V.2.2.pdf](https://geonames.usgs.gov/docs/pubs/DNC_PPP_DEC_2016_V.2.2.pdf)>. A proposal may be to apply a new name to a currently unnamed geographic feature, or to change an existing name, spelling, or location. The BGN is not part of the U.S. Geological Survey; the USGS is just one of many member agencies that have a vote on the BGN. The BGN is reactive; it does not initiate these proposals except in rare cases of obvious map labeling errors.*

*The BGN places importance on local opinion when it votes on any proposal. The BGN has no requirement on how a local government develops its recommendation, as long as it is provided to the BGN by the elected leaders or an office designated to speak for them. The BGN does not have the resources to contact every landowner that may be impacted by the proposal.*

*To make an informed decision on the proposal, the BGN would like to know if the City Commission supports or opposes this proposal and if there is opposition, the reason for your decision. We will also ask the Florida State Names Authority for a recommendation. Federally recognized Tribes will also have an opportunity to provide comments.*

**RECOMMENDATION**      *The City Commission affirm support for the proposed naming of the lake on UF's campus as Liberty Pond and authorize the mayor to send correspondence confirming the same.*

[211220 Liberty Pond proposal packet 20220519](#)

[211220 Liberty Pond--City of Gainesville recommendation form 20220519](#)

[211220 Libety Pond-Alachua County Recommendation Form 20220519](#)

CA-8      [211274.](#)

**Richard Jensen v. City of Gainesville, Florida, d/b/a Gainesville Regional Utilities; Case No. 2020-CA-3379; Eighth Judicial Circuit, in and for Alachua County, Florida. (NB)**

*Explanation: On the morning of January 8, 2019, Mr. Jensen, a former employee of Admiral Security Services, Inc., a security contractor for the City, reported for his second day at the jobsite, the front gate of the Deerhaven power plant. He found a semi-truck waiting at the gate at 5:45 am. Despite his training, that no truck deliveries are allowed prior to opening at 6:00 am, Mr. Jensen attempted to let the truck through. However, the traffic arm at the front gate was locked in the down position because*



*Deerhaven staff had not yet unlocked it. Mr. Jensen then accessed the electronic circuitry of the traffic arm, to manually override it. To do so, Mr. Jensen left the guard shack, crossing the traffic lane to reach the electronic console for the traffic arm, located next to the raised scale between the in-bound and out-bound lanes. Mr. Jensen removed the console cap, exposing the electronic circuitry, and proceeded to manipulate the circuitry manually. As he was so doing, a Deerhaven staff person approached the facility entrance. Mr. Jensen replaced the console cap and hurried over to meet the staff member. As he was hurrying, Mr. Jensen tripped over a conduit pipe located behind an intercom pole, between the traffic lanes. Mr. Jensen sustained injuries to his left knee and left arm.*

*Mr. Jensen settled his workers compensation claim with Admiral Security (and insurer Continental Casualty Company) and then proceeded to file suit against the City for premises liability, claiming the raised conduit created a dangerous work site condition. The City demanded contractual indemnity from Admiral Security and Continental Casualty Co. The City is named as an "Additional Insured" on Admiral Security's General Liability insurance policy, meaning the City is also covered by the same insurance policy for work performed by the Named Insured. The policy provides Commercial General Liability coverage up to \$2 Million per occurrence, which includes premises liability protection. Continental Casualty Co. has refused, without excuse or explanation, to defend and indemnify the City in this matter.*

*The matter proceeded to trial and Plaintiff presented testimony from an ergonomics/occupational safety expert that the raised pipe was not conspicuous under early morning lighting conditions, that the City failed to adequately warn of the hazard, and that both the City and Admiral Security failed to adequately train the Plaintiff. Plaintiff himself testified that he did not review any training materials received from Deerhaven or Admiral Security before showing up at the work site. Plaintiff further testified that a former co-worker at Admiral Security trained him on how to override the front gate traffic arm by exposing the electronic circuitry. The City presented testimony from a lighting expert establishing that overhead lighting was more than adequate for Plaintiff to observe the conduit pipe. The City also presented testimony from an industrial site occupational safety expert that designated work site conditions were safe; the area around the guard house at the front gate contained a painted footpath for Plaintiff's use. Plaintiff did not need to venture from the designated work space, across the traffic lanes to the raised truck scale, some 25 feet away. Plaintiff was in an unauthorized area, not designated for walking, and was acting outside the scope of his assigned duties. The City's expert further testified that Admiral Security was negligent for training Plaintiff wrongly, by having him access the electronic console for the traffic arm, in an effort to admit trucks into the facility prior to opening, and for failure to supervise Plaintiff on his second day at the site.*

*Plaintiff further presented testimony of his treating physician establishing that Plaintiff underwent months of physical therapy and several*

procedures to address persistent pain in his left knee. Evidence was presented that Plaintiff has a complex medical history that was aggravated by his knee injury, preventing Plaintiff from working, performing routine activities, or caring for disabled family members. The jury deliberated several hours before returning a verdict for Plaintiff, against the City, in the amount of \$525,000. Per the application of Florida's limited waiver of sovereign immunity contained in section 768.28, Florida Statutes, the City's liability is limited to \$200,000, and the judgment together with attorneys' fees and costs, will be reduced to that amount in total. Plaintiff has the right to pursue a claims bill with the Florida Legislature and the Governor, to try to collect the excess from the City. However, Plaintiff has proposed to waive that right, and give up any post-trial motions for attorneys' fees and cost, as well as rights of appeal, in exchange for swift receipt of settlement funds in the amount of \$200,000, and the City's waiver of any appeal.

It is the recommendation of the City Attorney's Office that the City: (1) accept Plaintiff's offer to finally resolve this matter, including post-trial motions and appeals; and (2) engage insurance coverage counsel to pursue a lawsuit against Continental Casualty Co. for bad faith insurance practices and breach of contract, to fully recover the City's losses at trial, as well as attorneys' fees and costs.

*Fiscal Impact:* Funds are available in the City's General Insurance Fund.

**RECOMMENDATION**

The City Commission authorize the City Attorney to: (1) enter into a settlement in lieu of judgment, to resolve all post-trial motions and appeals of the claim of Richard Jensen arising from a trip and fall that occurred on or about January 8, 2019; and (2) pursue a lawsuit against the insurer of Admiral Security for bad faith insurance practices and breach of contract.

CA-9      [211275.](#)

**J.H., a Minor, by his Parent and Next Friend, Kimberly Price v. Rodney Robinson, Reichert House, Inc., and City of Gainesville, Florida; Case No. 2020-CA-1735; Eighth Judicial Circuit, in and for Alachua County, Florida. (NB)**

*Explanation:* On March 24, 2021, the City of Gainesville was served with an Amended Complaint alleging that, on March 17, 2020, a Reichert Hose counselor committed battery upon a 12-year-old boy participating in the Reichert House after school program for at-risk boys. The counselor, Rodney Robinson claimed he was merely attempting to remove the boy from the classroom for being disruptive. Cell phone footage briefly captured the counselor pulling the minor by the hood of his sweatshirt. Mr. Robinson was arrested for child abuse and was promptly terminated from his employment through the program.

*The minor has claimed physical and emotional injuries as a result of the*

*incident. His mother filed suit on his behalf, accusing both Robinson and the City of battery, and alleging the City was negligent in hiring, training and supervising the counselor. The City maintains that Mr. Robinson was thoroughly screened, his record did not reveal any concerning conduct, the incident was unforeseeable, and the behavior of the counselor was outside the scope of his employment.*

*The City Attorney's Office and Risk Management Department conducted a thorough evaluation and investigation of this lawsuit in conjunction with GPD. Per the application of Florida's limited waiver of sovereign immunity contained in section 768.28, Florida Statutes, the City's liability and authority to settle claims such as this is limited to \$200,000 per person and \$300,000 per incident. The minor, through his mother, has proposed an offer of judgement, pursuant to section 768.79, Florida Statutes, in the amount of \$45,000. Should the City accept the offer, the case will be dismissed. Should the City reject the offer, and should Plaintiff recover at least 25% more than this amount (at least \$56,250) in a judgment at trial, Plaintiff would be entitled, per the rule, to also recover reasonable attorneys' fees as a sanction for the City's rejection of the offer. Given the nature of the allegations, and investigation, it is the recommendation of the City Attorney's Office and the Risk Management Department that the City accept the Plaintiff's offer.*

*Fiscal Impact: Funds are available in the City's General Insurance Fund.*

**RECOMMENDATION**

*The City Commission authorize the City Attorney to accept an Offer of Judgment of the claim of J.H., a minor, arising from an incident that occurred on March 17, 2020.*

**CA-10**      [211278.](#)

**Settlement of Workers' Compensation Claim - Robert Wright (NB)**

This item involves the full and final settlement of Mr. Wright's workers' compensation claim(s), which will include all future medical and indemnity payments. The total settlement amount is \$84,500.00 and represents a significant cost advantage to the city.

*Explanation: While employed by GPD, Mr. Wright received injuries to his heart and lower back which led to ongoing medical treatment. As a result of his injuries, the present potential exposure to the City in future medical treatment, indemnity payments is significant given his life expectancy.*

*The City Attorney's Office, the Risk Management Department, GPD, Special Counsel and our Workers' Compensation servicing agent all concur as to the full and final settlement of this claim. The total amount \$84,500.00, includes future medical costs and future indemnity payments.*

*Fiscal Note: The settlement of this case in the amount of \$84,500.00 will be paid out of*

*the General Insurance Fund.*

**RECOMMENDATION**

*The City Commission authorizes Special Counsel to prepare and execute the appropriate documents for a lump-sum settlement of the Workers' Compensation claim of Mr. Wright in the amount of \$84,500.00.*

CA-11     [211256.](#)

**2022 City of Gainesville Operating Funds Investment Policy Statement Update (B)**

This item involves amendments to the 2021 City of Gainesville Operating Funds Investment Policy Statement (IPS)

*Explanation: Sections 2-227 and 2-438 of the Code of Ordinances authorizes the director of finance and/or subordinates designated by the director of finance to invest and reinvest funds, execute trades and otherwise conduct business involving the investment of the funds of the city, in accordance with the city's approved investment policy. Pursuant to the Code of Ordinances, this amended Operating Funds Investment Policy Statement is being submitted for approval by the City Commission.*

*This Operating Funds Investment Policy Statement applies to the City's surplus operating funds. The IPS outlines investment processes and reporting requirements, identifies allowable and restricted investments, specifies permissible investment asset allocation ranges, and identifies investment performance benchmarks. The IPS was developed in accordance with GFOA best practices guidelines and the prudent investor rule, with the objective of seeking reasonable long term investment returns while preserving capital and maintaining liquidity. The 2022 IPS has been updated to restrict investment in Russian and Belarusian securities pursuant to City Commission Resolution No. 211008. Updates have also been made to allowable investment requirements, the makeup of the Gainesville Operating Funds Investment Committee, and IPS review and approval details.*

*Strategic Connection: Goal 5 "Best in Class" Neighbor Services.*

*Fiscal Note: The Operating Funds Investment Policy Statement itself has no direct financial impact on the City, however it does determine how the City's surplus operating funds can be invested. Expected investment returns for the City's operating funds are included in the City's annual budgets.*

**RECOMMENDATION**

*Recommended Motion: The City Commission: 1) approve the updated 2022 City of Gainesville Operating Funds Investment Policy Statement.*

[211256\\_2022 City Operating Funds Investment Policy Statement\\_20220602](#)

**CA-12**     [211279.](#)     **City Commission Special Meeting on Exclusionary Zoning Code Amendments (NB)**

AGENDA UPDATE - ADDED ITEM

RECOMMENDATION     *The City Commission approve a special meeting on Exclusionary Zoning Code Amendments, scheduled for June 21, 2022, 1:00 PM.*

**CA-13**     [211196.](#)     **Intergovernmental Coordination and Review and Public Transportation Collaborative Agreement Update (B)**

AGENDA UPDATE - ADDED ITEM

*Explanation: The MTPO's existing Intergovernmental Coordination and Review and Public Transportation Coordination Joint Participation Agreement was last updated by the participating parties to the Agreement in 2007. The primary purpose of this Agreement is to have operators of public transportation systems agree to cooperatively participate in the planning and programming of transportation projects.*

RECOMMENDATION     *The City Commission authorize the Mayor and City Attorney to execute and the Clerk to attest the Intergovernmental Coordination and Review and Public Transportation Collaborative Agreement, and for staff to send the updated Agreement.*

[211196\\_MTPO Intergovernmental Coordination and Review Public Transportati](#)

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

**BD BUSINESS DISCUSSION ITEMS (Agenda Items that will be discussed, including those moved from Consent)**

**BD-1**     [190531.](#)     **Gainesville Police Department Quarterly Briefing Part Two - CADET Program (B)**

*Explanation: The City of Gainesville Community Action via Development Education and Training aka CADET Program is a pre-apprenticeship opportunity intended to assist youth and young adults in obtaining the required education and training necessary for a career in Law Enforcement, Fire and Rescue, or Utilities with the City of Gainesville.*

*Strategic Connection:*

*Goal 5: Best in Class Neighbor Services as this is a top priority focusing on community policing and a high priority item addressing community engagement program enhancements.*

*Fiscal Note: There are no funds identified internally for this program; however, external resources are being explored. The two-year cost for this program is estimated at \$625,921.00 and include certification, annual, and program costs.*

**RECOMMENDATION**

*The City Commission hear a presentation and take action as deemed necessary.*

**Legislative History**

5/5/22 City Commission Approved, as shown above

[190531\\_CADET Program Presentation\\_20220512.pdf](#)

**BD-2**      [211239.](#)

**Department of Sustainable Development Fee Study Update (B)**

This is a request for the City Commission to hear a presentation from Berry Dunn McNeil & Parker, LLC and provide direction to staff.

*Explanation: The City of Gainesville retained Berry Dunn McNeil & Parker, LLC (BerryDunn) to conduct a Permit Fee Study for the Department of Sustainable Development. The focus of the project was reviewing all fees for services provided by the Department of Sustainable Development's Building and Planning Divisions in order to better understand the current cost of service delivery at the aggregate as well as individual process level and to ensure that the Department is able to maintain and in some areas enhance the provision of service into the future. The study findings were presented to the Commission at their June 17, 2021 meeting.*

*The Department's overall cost recovery rate for the services analyzed for this study was 55.3%. The study encompassed two divisions that provide fee-applicable services offered by the Department; after identifying and assigning revenue and expense, their specific cost-recovery rates were as follows: Building Division - 73.1%, and Planning Division - 9.9%.*

*At the June meeting, the City Commission approved a cost recovery policy for building and planning fees to meet cost-of-service goals and directed staff to prepare a proposed fee increase proposal for City Commission consideration. Staff retained Berry Dunn McNeil & Parker, LLC. to prepare the fee schedule update. The recommendations are contained within the attached report and are summarized as follows:*

- 1. Approve a one-time 15% increase in building and planning division fees. Proposed fee levels reflect the desired revenue gains in order to achieve the Division's cost recovery targets for future fiscal years. This represents an approximate \$9 increase (\$60 current, \$69 proposed) for*

most baseline electrical/plumbing/gas/mechanical permits.

2. Consider adopting fees for current services provided by the Planning Division that are currently offered without charge in order to capture staff time/cost of service. Examples include zoning verification letters, food truck permits, and certificates of appropriateness.

3. Add the newly adopted fees to the regular Appendix A fee schedule and conduct periodic cost-of-service updates to maintain consistency with fee levels/service delivery.

**Strategic Connection:**

Goal 5 of the City's Strategic Plan encourages the City to foster neighbor satisfaction with city services and service response. The Department of Sustainable Development prides itself on providing a high level of service to our neighbors. Conducting routine analysis of cost of service and calibrating fees with that level of service will ensure that the Department will continue to support this goal into the future.

*Fiscal Note:* BerryDunn estimates that the Building Division might realize a sustained 4%- 6% increase in the overall divisional cost recovery rate for each additional \$250,000 of revenue received.

BerryDunn estimates that the Planning Division might realize minimal revenue gains should it increase select fees in conjunction with Building Division fee increases. It is unlikely, due to the unique nature of services provided and current operational organization, that the Division will ever recover more than 20.0% of its total cost to provide services.

**RECOMMENDATION**

The City Commission 1) receive a report and presentation from Berry Dunn McNeil & Parker, LLC and 2) Adopt the proposed fee recommendations.

[211239A ProjectReport BuildPlan Divisions FINAL 20220602](#)

[211239B AppendixA BldgDiv FeeScheduleUpdate FINAL 20220602](#)

[211239C AppendixB PlanDiv FeeScheduleUpdate FINAL 20220602](#)

[211239D PowerPoint Presentation 20220602](#)

**RE RESOLUTIONS - ROLL CALL REQUIRED (Unless mandated by statute to occur in the evening: May include Advocacy Resolutions and Binding Resolutions)**

**RE-1      [211185.](#)      Acceptance of Grant Agreement Modification for Hurricane Shelter Retrofit at Grace Marketplace Building #15 (B)**

*Explanation:* This is a request for the City Commission to accept the Modification to Subgrant Agreement between the Division of Emergency Management and City of Gainesville.

On April 15, 2021, the City Commission adopted Resolution 200999 accepting the \$70,200.00 grant from the Florida Division of Emergency

Management to retrofit Grace Marketplace Building #15 located at 3055 NE 28th Drive, Gainesville, FL as a Hurricane Shelter Retrofit. On February 11, 2022, General Government Purchasing posted an Invitation to Bid on Demand Star. Of the 490 prospective bidders notified, three (3) signed in at the pre-bid conference on March 7, 2022, and one (1) bid was received and awarded to J.A. Standridge Construction, Incorporated in the amount of \$125,000.00. The bid came in over the grant award amount. Florida Division of Emergency Management (FDEM) increased the grant award amount by \$47,800.00. The Facilities department has identified \$7,000.00 in the Facilities Operating Budget to make-up the shortfall.

**Strategic Connection**

Goal 1: Equitable Community and is to revitalize City facilities by renovating the infrastructure to maintain the safety of our neighbors with a high priority.

*Fiscal Note:* Funding for Grace Marketplace Building #15 will be a combination of FDEM grant funding in the amount of \$118,000.00 (this includes the additional \$47,800.00 outlined in the subgrant agreement) and \$7,000.00 in Facilities Management Operating funds. The total cost of the project is \$125,000.00.

**RECOMMENDATION**

The City Commission: 1) accept the grant award; 2) authorize the Interim City Manager and or designee to execute the Modification to Sub-grant Agreement and other documents necessary for the project, subject for approval by the City Attorney as to form and legality; and 3) authorize the Mayor and City Clerk to execute the Resolution, subject to approval by the City Attorney as to form and legality.

[211185A Resolution Approval 4.15.21 20220620](#)

[211185B Award Recommendation 20220602](#)

[211185C DEM-SR00034-MOD#1-COG Subrecipient Signature 20220602](#)

[211185D ITB Sub Response JA Standridge Const. 20220602](#)

[211185E SignIn 20220602](#)

[211185F Draft GM Grant Mod. Resolution 20220602](#)

**RE-2**      [211215.](#)

**Florida Department of Agriculture and Consumer Services, Division of Agricultural Environmental Services, Mosquito Control Grant Application (B)**

*Explanation:* This item is to request approval by the City Commission to execute and enter into a grant agreement if awarded, and any other necessary documents with the Florida Department of Agricultural and Consumer Services (FDACS).

The City of Gainesville qualifies as a tier III program and is eligible for up



to \$36,000.00 in grant funding.

The grant will be utilized to supplement funding in the Mosquito Control Program.

*Strategic Connection:* This item is connected to Goal 2: Sustainable Community, Goal 3: A Great Place to Live & Experience, and Goal 5: “Best in Class” Neighbor Services in the City’s Strategic Plan, and is a high priority.

*Fiscal Note:* The grant is funded at 100%, no grant match is required.

**RECOMMENDATION**

The City Commission adopt the Resolution which authorizes the City Manager or designee to execute and enter into a grant agreement if awarded, and any other necessary documents with FDACS pertaining to this grant, subject to approval by the City Attorney or designee as to form and legality.

[211215A Resolution Draft-MC Grant 20220602](#)

RE-3

[211221.](#)

**Resolution for a Public Transportation Grant Agreement Amendment - Public Transit Service Development Program Agreement Amendment for Autonomous Vehicle Project (B)**

*Explanation:* On August 17, 2017, the Gainesville City Commission adopted Resolution #170260, which authorized the City Manager to execute an agreement with the Florida Department of Transportation (FDOT) to initiate Phase 1 of Gainesville’s Autonomous Vehicle (AV) project. The project has continued despite a number of delays related to the autonomous vehicle industry, and has completed initial testing; the autonomous vehicle project is now providing limited, free transit service and collecting data for the project. On January 21, 2021, the Gainesville City Commission adopted Resolution #200633, which authorized the City Manager to execute an additional agreement with FDOT to continue the AV project, providing \$608,172 in additional funding for Phase 2 of the project.

FDOT has indicated its desire to provide additional funding to finish Phase 2 of the project, which will include continued provision of limited, free transit service on the existing autonomous vehicle route in the downtown area, as well as additional testing and data collection. This funding from FDOT will allow two additional months for Phase 2 and will end the project in September 2022 instead of July 2022. FDOT has provided 100% of the funding for this project, and the resolution for the attached Public Transportation Grant Agreement (PTGA) Amendment, which provides an additional \$70,000 for Phase 2 from FDOT for completion of the project.

FDOT service development fund allocations are given at FDOT discretion

for agency projects that meet FDOT Service Development Grant (SDG) criteria. FDOT requires the governing board of each public transit system to adopt a Resolution authorizing the acceptance of these funds.

*Strategic Plan Connection: The Regional Transit System network provides transportation access to many services within our community and supports all five goals in the City's strategic plan including Equitable Community, A More Sustainable Community, a Great Place to Live and Experience, a Resilient Local Economy, and "Best in Class" Neighbor Services.*

*Fiscal Note: The Public Transportation Grant Agreement (PTGA) Amendment for this project does not require any matching City funds and provides an additional \$70,000 to the project funding; the combined total of Phase 2 funds is \$678,172 from FDOT.*

**RECOMMENDATION**            *The City Commission adopt the resolution.*

[211221A Draft Resolution 20220602](#)

[211221B Draft FDOT Amendment 20220602](#)

[211221C FDOT AV PTGA 20220602](#)

**RE-4**        [211238.](#)

**Request to Adopt a Resolution Declaring a Portion of City Owned Property as Surplus (B)**

This item requests the City Commission adopt a Resolution declaring a portion of Tax Parcel #08161-000-000 as Surplus Property Not Designated for Affordable Housing.

*Explanation: In June, 2021, staff was made aware that SiVance, LLC had expressed an interest regarding the proposed acquisition of property immediately adjacent to the company's existing facility located at 4044 NE 54th Avenue and adjacent to the City's Airport Industrial Park.*

*The proposed acquisition of the subject property, an approximate 6.71 acre portion of Tax Parcel #08161-000-000, would be to facilitate the development of a warehouse and associated infrastructure.*

*Concurrently, Gainesville Regional Airport, Gainesville Area Chamber of Commerce, and City staff met with SiVance, LLC representatives to review the proposed project and the mechanics of moving forward on the proposed acquisition of property.*

*The Gainesville Alachua County Regional Airport Authority (GACRAA) reviewed the matter in September and December of 2021 due to the fact that FAA approval is required to sell the property as it is currently considered federally encumbered for airport purposes and therefore various FAA requirements would need to be satisfied in order to sell the*

property.

*In accordance with the Real Property Policies adopted by the City Commission on April 1, 2021 (Resolution No. 200961), this item requests the City Commission adopt a Resolution finding and declaring a portion of Tax Parcel #08161-000-000 as Surplus Property Not Designated for Affordable Housing. As defined in the Policies, surplus means “property which no longer serves a public purpose, or is in excess of the City’s needs, or the sale of which would serve a greater public purpose than the retention of the property.” If the Commission adopts the Resolution, the City Manager or designee shall dispose of the property in a competitive manner per policy. Staff believes it would be in the best interest of the City to return a portion of this parcel to the tax rolls, retaining a utilities easement that will be delineated in the future with the assistance of GRU.*

*Strategic Connection*

*Goal 4: Resilient Local Economy.*

*Fiscal Note: None as a consequence of this Resolution.*

**RECOMMENDATION**

*The City Commission: 1) adopt the Resolution declaring an approximate 6.71 acre portion of Tax Parcel #08161-000-000 as Surplus Property Not Designated for Affordable Housing; and, 2) direct the City Manager or designee to dispose of the property in a competitive manner.*

[211238 Surplus Property Resolution with Exh A Airport 20220602](#)

[211238 6 Acre Land for Appraisal 20220602](#)

## NON-BINDING RESOLUTION

**RE-5      [211249.](#)      Mayor Lauren Poe - Permitless Carry Non-Binding Resolution (B)**

*Explanation: A resolution of the City of Gainesville, Florida, calling for the Florida legislature to maintain comprehensive and effective License to Carry Concealed Weapons or Firearm laws; to continue the prohibition on open carry of firearms; and providing an effective date.*

**RECOMMENDATION**

*The City Commission adopt the proposed resolution.*

[211249 Permitless Carry Resolution 20220519.pdf](#)

**12:00 PM - 1:00 PM LUNCH BREAK**

**1:00 PM - Call to Order Afternoon Session**

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

**GENERAL PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA - Members of the public may speak for up to three (3) minutes per meeting on any item not on the agenda. General Public Comment may be submitted in advance by pre-recorded voice message only (see page 2 for details). The General Public Comment period shall not exceed 30 minutes total.**

## **BD BUSINESS DISCUSSION ITEMS**

### **BD-3 [211276](#) Infrastructure and Wild Spaces / Public Places Surtax Update (B)**

*Explanation: On November 8th, 2022, there will be a Countywide referendum on a 1% surtax to fund critical infrastructure and wild spaces / public places. If approved, 0.5 % will be utilized to continue the existing Wild Spaces / Public Places Program. The other 0.5 % will be utilized to fund existing road improvements, roadway safety projects, critical infrastructure and affordable housing. This would be a 10 year surtax commencing on January 1, 2023 and ending on December 31, 2032.*

*Staff has been preparing a Wild Spaces / Public Places project list and an infrastructure project list. The foundation for the project lists comes from the following sources:*

- 1. Neighbor Engagement;*
- 2. Capital needs assessment;*
- 3. Parks & Recreation Master Plan;*
- 4. Fire Station Master Plan; and,*
- 5. Pavement Management Plan.*

*Fiscal Note: The surtax is estimated to generate approximately \$17.4 million per year. \$8.7 million for Wild Spaces / Public Places and \$8.7 for critical infrastructure.*

*Strategic Connection:*

*This project is related to 4 of the 5 Strategic Plan Goals: Goal 1: "Equitable Community" - objective 4; Goal 2: "More Sustainable Community" - objective 4; Goal 3: "A Great Place to Live & Experience" - objective 7; and, Goal 5: "Best In Class" Neighbor Services".*

**RECOMMENDATION**

*The City Commission: 1) receive an update from staff; and, 2) provide direction, as appropriate.*

[211276A\\_WS-PP And Infrastructure FAQs\\_20220602.pdf](#)

[211276B\\_Infrastructure and WSPP Surtax Presentation\\_PTT\\_20220602.pdf](#)

**BD-4**      [211223.](#)

**8th and Waldo Sports Complex Scope of Service - Feasibility and Pro Forma Study(B)**

Commission requested staff come back on May 19th with a more detailed scope of services for a pro forma and feasibility study for the 8th and Waldo Sports Complex.

*AGENDA UPDATE - ADDED ITEM (MOVED FROM 5/26 GENERAL POLICY COMMITTEE MEETING)*

*Explanation: The City of Gainesville is interested in exploring the opportunity to invest in an additional rectangular sports facility, and/or fieldhouse, expansion of the MLK recreation center, and stadium upgrades, all within 36 acres. The continued success of these existing facilities in providing recreational opportunities for residents as well as providing economic impact-related athletic venues for competitive sports has peaked the City's interest in investing in amateur sports opportunities.*

*Included are the minimum details for the scope of services to provide for a pro forma and feasibility study to be completed for consideration of a sports facility in the City of Gainesville. It is requested that respondents will provide responses for both the minimum listed expectations and what would be the best utilization of the area available given community feedback. One of the possibilities for consideration is the inclusion of adaptive use sports for the possibility of paralympic competitions if feasible given the space.*

*Fiscal Note: There is no cost associated with hearing the scope of services presentation. Expenses for proposals will be determined after evaluation.*

**RECOMMENDATION**

*City Commission 1) hear a presentation on the 8th and Waldo Scope of Services for a pro forma and feasibility study on a Sports Complex, and 2) provide direction to the City Manager on whether to proceed with the RFP process or not.*

**Legislative History**

5/26/22	General Policy Committee	Approved, as shown above
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[211223A\\_Scope of Service for Sports Complex\\_20220519.pdf](#)

[211223B\\_City of Gainesville 8th and Waldo\\_202205196.pdf](#)

**BD-5      [211251.](#)      **Update on Plan for Identifying and Reaching Neighbors who might Benefit from the LEEPPlus Program (NB)****

*Explanation: In past years, GRU's LEEPPlus Program has been funded for making energy efficiency upgrades to approximately 100 homes in the community. The addition of American Rescue Plan Act funds this year will allow staff to serve additional homes. In an effort to make the public aware of the availability of additional funding, staff has begun executing a communications plan that includes an email campaign to more than 50,000 customers, messaging within bills, digital media and direct mail.*

*At their May 5, 2022, regular meeting, the City Commission expressed a desire to actively identify customers who are most likely to be in need of energy efficiency improvements in their homes and/or education on how they can lower their energy bills through behavioral change. The Commission directed staff to return to the May 19th meeting with a plan for identifying these customers and encouraging them to apply for the LEEPPlus program through targeted outreach.*

*As requested, staff has developed the following plan for identifying the subject population:*

- Use data from the Alachua County Appraisal site and GRU Energy kWh data to determine households facing the greatest energy burden in our community.*
- Identify customers who have utilized our Project Share program and Partnering Agencies that offer utility payment assistance to customers facing financial hardship.*
- Run reports to identify residential customers with outstanding balances and analyze usage based on square footage.*
- Identify rental properties located in qualified census tract areas (HUD) that are either single-family homes, duplexes, triplexes, quadplexes, or mobile homes that may benefit from energy efficiency upgrades.*
- Based on census tract data, utilize Energy Delivery Geographic Information System (GIS) to select customers in low-income areas for targeted outreach.*
- Utilize data collected via the newly instated energy efficiency inspections (now part of the City's Rental Housing Ordinance) to determine the highest needs for services to market to rental properties.*
- Utilize existing communications survey that asks questions including income. From Jan. 1, 2022 to April 30, 2022, 47% of respondents earned less than \$25,000 and another 25% earned less than \$35,000. An additional question has been added to ask if they would like to receive information about the LEEP program.*

· Once staff has identified those customers who may benefit from LEEP, GRU will conduct targeted communication through direct mail, direct emails or phone calls.

*Fiscal Note:* Addition of one temporary employee to assist with the additional application process.

RECOMMENDATION

Hear update from staff and take any action deemed appropriate.

BD-6      [210851](#).

**Charter Amendment Addressing Vacancies in Office (NB)**

*Explanation:* Per City Charter 2.04(4):

(4) Vacancies in office shall be filled in one of the following ways:

(a) If less than 6 months remain in the unexpired term or until the next regular election, the commission by a majority vote of the remaining members shall choose and appoint a successor, who is otherwise eligible under section 2.03 of this act, to serve until a newly elected commissioner is qualified.

(b) If more than 6 months remain in the unexpired term and a general election is not scheduled within 6 months, the commission shall fill the vacancy by a special election to be held not more than 60 days after the occurrence of the vacancy. [emphasis added]

*In the time since this Charter provision was enacted, requirements and procedures regarding elections have expanded such that it is extremely difficult, and impossible in some instances, to call and conduct an election within 60 days. The recent city special election held to fill a vacancy resulted from a voluntary resignation for which the resigning commissioner provided 30 days' notice, thus expanding the time to hold the special election. Even still, the City benefited greatly from a fortuitous calendar and the extraordinary commitment and sacrifice by the Alachua County Supervisor of Elections and her staff. If an unexpected vacancy in office were to result from a sudden death, incapacity, or removal from office the city would be hard-pressed to meet the 60-day deadline set forth in the Charter.*

*At the February 10, 2022 General Policy Committee meeting, the Office of the City Attorney proposed placing a charter amendment on the ballot for the November 8, 2022 election to avoid logistically difficult and costly special elections when a commission seat is vacated prior to the end of the term of office. The proposed charter amendment would have allowed the remaining members of the city commission to appoint a person to fill a vacancy until the next possible (given qualifying deadline) biennial city election. The city commission did not support the proposed amendment, but, rather, directed that the issue be scheduled for further discussion. Other possible amendments to address this situation could be as simple as changing the time period from 60 to 120 days, or providing that a*

*special election be "called" rather than "held" within a set number of days and conducted expeditiously based on conditions including the existing elections calendar. Of course, any changes to the Charter would be subject to voter referendum.*

*If the Commission reaches consensus on a desired Charter Amendment, the Charter and state law require that the ballot title, ballot question, and text of the charter amendment be embodied in an enabling ordinance that must be approved by four-fifths of the Commission members, which is 6 of 7 Commission members. Additionally, the timing of a referendum would need to be coordinated with the Alachua County Supervisor of Elections.*

**RECOMMENDATION**                      *The City Commission take action as deemed necessary.*

Legislative History

2/10/22	General Policy Committee	Approved, as shown above
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[210851 Charter Amendment Ordinance Draft 20220203](#)

## RE RESOLUTIONS

RE-6                      [211271.](#)

### **Quasi-Judicial - Conditional Final Plat - Tara Serena, a Cluster Subdivision (B)**

Resolution No. 210105

A resolution of the City of Gainesville, Florida, approving the conditional final plat named "TARA SERENA, A CLUSTER SUBDIVISION" located in the vicinity of 2100 NW 53rd Avenue, Gainesville, Florida, as more specifically described in this resolution; providing directions to the City Clerk; providing conditions and restrictions; and providing an immediate effective date.

*Explanation: The platting of land, which is governed by Chapter 177, Florida Statutes, and the City of Gainesville Land Development Code (LDC), serves to establish the legal identity of all lands included on the plat to provide for conveyance (i.e., the sale of land) by reference to such plat. Platting also ensures that subdividers will install adequate and necessary physical improvements in subdivisions. Sections 30-3.38 and 30-6.6 of the LDC describe the subdivision improvements that the subdivider must construct for plat approval. The subdivider may choose to provide security (i.e., surety bond, letter of credit, cash deposit, or construction loan agreement) to ensure that the improvements get constructed within 12 months of plat approval, and in such case the subdivider may record the plat and sell lots therein immediately upon City Commission approval. Alternatively and in lieu of the subdivider providing security, the City*



*Commission may approve a conditional final plat whereby approval and recordation of the plat is conditioned on the subdivider completing construction of the required subdivision improvements within two years of the date of conditional final plat approval.*

*In this case, the owner has submitted a conditional final plat. This resolution will approve a Conditional Final Plat for Tara Serena, a cluster subdivision, which is located in the vicinity of 2100 NW 53rd Avenue. The property totals 11.28 acres. The plat subdivides the land into 120 single-family residential lots, plus additional parcels for stormwater management, utilities, common area, and other amenities.*

*On July 19, 2021, the City Commission approved the design plat (a preliminary and temporary development order that is a prerequisite of a final plat) for the subdivision. As approved in the design plat, this subdivision is a Cluster Subdivision of the Infill Category in accordance with Section 30-6.7 of the Land Development Code. The purpose of a cluster subdivision is to allow residential development without strict adherence to the dimensional requirements of the zoning code of the city in order to provide for infill development where appropriate; to provide for better utilization of land; to provide for zero lot line development; to promote efficiency through design; and to provide for design flexibility to meet changing market conditions.*

*The approval of this plat will help fill an unfulfilled housing need, which is to provide a variety of homeownership housing options for the local workforce. The property is zoned RMF-7, which has prescribed development standards such as minimum lot size, dimensions, setbacks, lot coverage, and clustering of attached units. This application is submitted as an infill development and is requesting modifications to some of the RMF-7 standards through the Cluster Subdivision process.*

*Strategic Connection: Goal 3, A Great Place to Live and Experience.*

*Fiscal Note: None.*

**RECOMMENDATION**

*The City Commission adopts the proposed resolution.*

[211271 Resolution - Draft 20220602](#)

[211271\\_PPT\\_SUB22-6 Tara Serena 20220602](#)

**OR ORDINANCES**

**SECOND READINGS**

**FIRST READINGS**

**FR-1**      [210356.](#)

**Ordinance Revising Code Sections Relating to Boards and Committees**

**(B)**

Ordinance No. 210356

An ordinance of the City of Gainesville, Florida; revising Article V of Chapter 2 of the City Code of Ordinances relating to boards and committees; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

*Explanation: At the City Commission meeting on September 2, 2021, the City Clerk presented a proposed update of code sections regarding City boards and committees. The City Commission directed the Clerk to work with the City Attorney to prepare an ordinance. This ordinance requires two readings and will become effective immediately upon adoption at the second reading.*

**RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

**Legislative History**

9/2/21	City Commission	Approved, as shown above
10/28/21	General Policy Committee	Approved, as shown above
2/3/22	City Commission	Approved, as shown above
5/5/22	City Commission	Continued

[210356\\_draft ordinance\\_20220505](#)

[210356A\\_draft ordinance\\_20220519.pdf](#)

**FR-2**      [210562.](#)

**Revising City Charter and City Code Sections by changing "Clerk of the Commission" to "City Clerk" (B)**

ORDINANCE NO. 210562

An ordinance of the City of Gainesville, Florida, revising city charter and city code sections to conform to the charter amendment approved by voters on November 3, 2020 changing "clerk of the commission" to "city clerk"; updating or deleting obsolete provisions; correcting scrivener's errors; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

*Explanation: By adoption of Ordinance No. 191051, the City Commission directed that a proposed charter amendment to change the name of the charter officer "clerk of the commission" to "city clerk" be submitted to the electors for approval or disapproval at the November 2020 election.*

*The City Commission then adopted Resolution No. 200500 which adopted*

*the report of the Alachua County Board of Canvassers for the City of Gainesville election held on November 3, 2020, which report shows that the City Charter Amendment to change the name of the charter officer "clerk of the commission" to "city clerk" passed.*

*In order to implement the Charter Amendment, certain sections of the Charter referencing "clerk of the commission" must be changed to "city clerk". In order to conform the Code of Ordinances to the Charter, certain sections of the Code referencing "clerk of the commission" must be changed to "city clerk". In addition, during the preparation of this ordinance, the City Attorney's Office also made other revisions in the sections of this ordinance to correct scrivener's errors and delete/revise obsolete provisions, including making language gender neutral. The references to "clerk of the commission" of the Land Development Code will be changed by separate ordinance.*

**RECOMMENDATION**            *The City Commission adopt the proposed ordinance.*

[210562\\_draft ordinance\\_20220519](#)

FR-3            [211052.](#)

**Text Change - Name Change of Clerk of the Commission to City Clerk (B)**

Ordinance No. 211052

An ordinance of the City of Gainesville, Florida, amending Sections 30-3.3, 30-3.4, 30-3.37, 30-3.39, and 30-10.8 of the Land Development Code (Chapter 30 of the City of Gainesville Code of Ordinances) to change any references of "clerk of the commission" to "city clerk"; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

*Explanation: Planning and Development Services Department Staff Report*

*This ordinance comprehensively amends the Land Development Code (Chapter 30 of the City of Gainesville Code of Ordinances) by implementing the proposed charter amendment to re-title the position, "Clerk of the Commission" to "City Clerk".*

*The City Plan Board, which acts pursuant to the authority granted in Section 4.02 of the Charter Laws of the City of Gainesville and which acts as the Local Planning Agency pursuant to Section 163.3174, Florida Statutes, held a public hearing and on March 31, 2022, voted to recommend that the City Commission approve this amendment to the text of the Land Development Code.*

*City Attorney Memorandum*

*This ordinance requires two hearings and shall become effective upon*

*adoption.*

**RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

[211052\\_StaffReport\\_CPB\\_LD22\\_000013\\_20220331](#)

[211052A\\_draft ordinance\\_20220519.pdf](#)

[211052B\\_CITY\\_COMMISSION\\_STAFF\\_REPORT\\_LD22-000013\\_20220519](#)

[211052C\\_Application\\_Clerk-Text\\_Change\\_3-31-2022\\_LD22-000013\\_20220519](#)

[211052D\\_DRAFT\\_March\\_31\\_2022\\_Minutes\\_LD22-000013\\_Text\\_Change\\_202](#)

[211052E\\_Petition\\_Ordinance\\_checklist\\_3\\_31\\_2022\\_LD22-000013\\_Text\\_Change](#)

[211052F\\_StaffPPT\\_TCH\\_LD22-000013\\_20220519](#)

**COMMISSION COMMENT**

**4:30 - 5:30pm DINNER BREAK**

**5:30pm - CALL TO ORDER - Evening Session**

**PLEDGE OF ALLEGIANCE**

**PR PROCLAMATIONS/SPECIAL RECOGNITIONS (PR)**

**PR-1      [211167.](#)                      International Internal Audit Awareness Month - 2022 (B)**

**RECOMMENDATION**

*Parvaneh Fazeli, Senior IT auditor at CareSource and IIA North Central Florida Chapter President and Lily Ly, Audit Manager, University of Florida Office of Internal Audit and Brecka Anderson, Assistant City Auditor, City of Gainesville to accept the proclamation.*

[211167\\_International Internal Audit Awareness Month\\_20220519](#)

**PR-2      [211254.](#)                      Miss Gainesville Day - 2022 (B)**

**RECOMMENDATION**

*Casana Fink and Ashlee Combee to accept the proclamation.*

[211254\\_Miss Gainesville\\_20220519](#)

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

**RE RESOLUTIONS - ROLL CALL REQUIRED (required by state law to be heard after 5:00 pm)**

**BD BUSINESS DISCUSSION ITEMS**

**BD-7 [211217.](#) Interim Charter Officer Six-Month Progress Update (B)**

*AGENDA UPDATE - ADDED ITEM (MOVED FROM 5/26 GENERAL POLICY COMMITTEE MEETING)*

*Explanation: On May 5, 2022, City Commissioner Chestnut requested that the Commission receive an update from Interim Charter Officers with a 6-month progress report on their progress at the May 19, 2022 City Commission meeting.*

*Fiscal Note: There is no fiscal impact.*

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

[211217 Curry 6-Month Progress Update 20220602](#)

[211217 Curry One City One Community Relations Plan 20220602](#)

[211217 Curry CoG Affordable Housing Framework for Discussion 20220602](#)

[211217 Curry One City One Community Relations Presentation 20220602](#)

[211217 Folston 9 Month Update for the Office of Equity and Inclusion 20220602](#)

[211217 Nee City Attorney Mid-Year Performance Report 20220602](#)

[211217 Cunningham IGM - 90 Day Update 20220602](#)

**BD-8 [211211.](#) Subcommittee Usage in Municipal Government (B)**

*AGENDA UPDATE - ADDED ITEM (MOVED FROM 5/26 GENERAL POLICY COMMITTEE MEETING)*

*Explanation: Subcommittees are standing committees organized around a specific policy field, typically composed of 2-3 commission members per subcommittee along with any staff members relevant to the policies and programs being discussed. These subcommittees discuss specific policies and create recommendations on how to move the issue forward. With the exception of two standing subcommittees (the Audit and Finance Committees), the City of Gainesville primarily utilizes the General Policy*

*Committee (GPC) model to advance policy discussions rather than utilizing the subcommittee model. The General Policy Committee model has been in place since 2016, with subcommittees preceding it. The attached report and presentation discuss common committee and advisory board structures in cities in Florida and around the country, and advantages and disadvantages to the extensive usage of subcommittees.*

**RECOMMENDATION**

*The General Policy Committee hear a presentation from staff and discuss.*

**Legislative History**

5/26/22      General Policy      Withdrawn  
                         Committee

[211211 Subcommittee Usage in Municipal Government Report 20220526](#)

[211211 Subcommittee Usage in Municipal Government Presentation 2022052](#)

[211211 Comm Adrian Hayes Santos Potential SubCommittees 20220526](#)

**PH    PUBLIC HEARINGS (Including Planning Petitions)****ORDINANCES - ROLL CALL REQUIRED (required by state law to be heard at 5:00 pm)****SR    SECOND READINGS**

**SR-1      [200727](#)      **Text Change to the City's Land Development Code to Allow Agricultural Uses Within Certain Zoning Districts (B)****

Ordinance No. 200727

An ordinance of the City of Gainesville, Florida, amending the Land Development Code (Chapter 30 of the City of Gainesville Code of Ordinances) by adding Subsistence Gardens and Urban Market Farms as permitted uses in certain zoning districts with associated regulations; by amending Section 30-2.1 Definitions; by amending Section 30-4.12 Permitted Uses; by amending Section 30-4.16 Permitted Uses; by amending Section 30-4.19 Permitted Uses; by amending Section 30-4.23 Permitted Uses; by adding Section 30-5.30 Urban Agriculture; by amending Section 30-5.38 Fowl or livestock, accessory to residential uses; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

*Explanation: STAFF REPORT*

*This ordinance will amend the Land Development Code to allow Subsistence Gardens and Urban Market Farms as permitted uses in*

*certain zoning districts with associated regulations. These uses would be permitted by-right or would require approval of a Special Use Permit, depending on the particular use and the zoning district. Associated use standards are provided in order to mitigate for potential impacts of the use. The City Plan Board held a public hearing on January 28, 2021, where it voted to recommend approval of this amendment to the Land Development Code. This ordinance requires two hearings and will become effective immediately upon adoption.*

**RECOMMENDATION**            *The City Commission adopt the proposed ordinance.*

**Legislative History**

5/20/21	City Commission	Approved (Petition)
3/3/22	City Commission	Adopted on First Reading (Ordinance)
5/5/22	City Commission	Adopted on First Reading (Ordinance)

[200727A draft ordinance 20220303.pdf](#)

[200727B Urban Agriculture Summary Sheet 20210520](#)

[200727C Urban Ag Ordinance Public Feedback w. responses 9-14-2020](#)

[200727D CPB 210128 Minutes 20210520](#)

[200727E PB-20-158 TCH Urban Ag Staff Presentation CCOM 20220303](#)

[200727A draft ordinance 20220505.pdf](#)

**SR-2**            [210129.](#)

**Ordinance Enacting Comprehensive Changes to the Solid Waste Code (B)**

Ordinance No. 210129

An ordinance of the City of Gainesville, Florida, amending Article III titled "Solid Waste" of Chapter 27 of the Code of Ordinances by revising definitions; adding requirements for commercial generators of solid waste, commercially-collected residential property, and recovered material registrants; requiring commercially-collected properties of a certain size to have a lease transition plan; requiring retail prescription drug distributors to provide take back programs for prescription drugs; requiring commercial establishments to have additional recycling containers; requiring property owners to provide commercial tenants with adequate space for solid waste and recycling; creating a new division regulating single-use plastic and polystyrene products; providing for civil citations, general penalties in section 1-9, injunctive relief, and code enforcement; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date and an enforcement date.

*Explanation: The Zero Waste Subcommittee has met regularly since September 2020 to recommend new ordinances related to solid waste. The subcommittee,*

*community builders and the City Attorney's Office have worked together to draft 3 ordinances that contain changes and additions to Article III, Solid Waste of Chapter 27, Code of Ordinances. The attached ordinance amends Article III by adding requirements for commercial generators of solid waste, multi-family properties a/k/a commercially-collected residential properties, and recovered materials registrants. Among other things, new regulations include requirements for larger multi-family properties to have lease transition plans to encourage reuse of household goods; requirements for retail prescription drug distributors to provide a take back program for prescription drugs; and new regulations relating to single-use plastic and polystyrene products. This ordinance also includes new definitions related to food waste. As such, this ordinance should be passed prior to Ordinances 200381 and 210626.*

*Fiscal Note: There will be additional administrative costs associated with enforcing the new regulations.*

**RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

**Legislative History**

7/20/21	Zero Waste Subcommittee	Discussed
8/3/21	Zero Waste Subcommittee	Approved, as shown above - See Motion(s)
8/31/21	Zero Waste Subcommittee	Approved, as shown above - See Motion(s)
9/28/21	Zero Waste Subcommittee	Discussed
10/26/21	Zero Waste Subcommittee	Discussed
11/9/21	Zero Waste Subcommittee	Discussed
12/7/21	Zero Waste Subcommittee	Discussed
2/3/22	City Commission	Approved, as shown above
5/5/22	City Commission	Adopted on First Reading (Ordinance)



[210129A Subcommittee Ordinance Update Presentation 20210720](#)  
[210129B Draft -SW Ordinance Updates 20210720](#)  
[210129C Comm Hayes-Santos Zero Waste Ordinance Recommended Clarific](#)  
[210129D Summary of Ordinance Changes 20210831](#)  
[210129E SW Ordinance Proposed Changes 20210831](#)  
[210129F Subcommittee Ordinance Updates 20210831](#)  
[210129 FINAL Minutes 080321 Zero Waste 20210831](#)  
[210129 Solid Waste Ordinance Approved Updates 20210831](#)  
[210129 Ordinance Update 20210928](#)  
[210129 Solid Waste Ordinance draft 9.28 meeting 20210928](#)  
[210129K Commercially Collected Residential Definition Update 20211026](#)  
[210129A Solid Waste Ordinance 10.26.21 ZWC 20211026](#)  
[210129 Solid Waste Ordinance 20211109](#)  
[210129N Draft SW Div. 6 Food Waste Ord. 20211207](#)  
[210129O SW Div. 7 Food Diversion Ord. Draft 20211207](#)  
[210129P Draft SW General Ordinance 20211207](#)  
[210129Q Florida Retail Federation Comments 20211207](#)  
[210129R NRDC Estimating FW & Type at the City Level 20211207](#)  
[210129 Comm Hayes-Santos Waste Ordinance Questions and Clarifications 2](#)  
[210129A Food Diversion ordinance division 7 20220104](#)  
[210129B Food Waste Ordinance Division 6 20220104](#)  
[210129C Solid Waste Ordinance 20220104](#)  
[210129 CityofGainesvilleFRLA 20220104](#)  
[210129A Food Waste Ordinance 20220203](#)  
[210129B Food Diversion Ordinance 20220203](#)  
[210129C Solid Waste Ordinance 20220203](#)  
[210129 Ordinance Update Presentation 20220203](#)  
[210129D Food Waste Reduction Recovery Presentation 20220203](#)  
[210129E Food Waste Diversion Survey - Food Generating Businesses 202202](#)  
[210129 draft ordinance 20220505](#)

SR-3 [200381](#)

**Ordinance Creating New Regulations Regarding Food Waste (B)**

Ordinance No. 200381

An ordinance of the City of Gainesville, Florida, amending the Code of Ordinances by creating Division 6, titled "Food Waste" within Article III of Chapter 27; requiring registrations for food waste collectors; providing for an

appeal process for revocation of food waste registrations; requiring commercially-collected residential properties to establish a food waste collection program; requiring commercial establishments to collect food waste and provide food waste containers; providing for civil citations, general penalties in section 1-9, injunctive relief, and code enforcement; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date and an enforcement date.

*Explanation: The Zero Waste Subcommittee has met regularly since September 2020 to recommend new ordinances related to solid waste. The subcommittee, community builders and the City Attorney's Office have worked together to draft 3 ordinances that contain changes and additions to Article III, Solid Waste of Chapter 27, Code of Ordinances. The attached ordinance creates a new Division 6 titled "Food Waste", which sets forth a new regulatory scheme for food waste composting and collection of food waste. Because this ordinance relies upon new definitions that are contained within Ordinance No. 210129, it should not be passed until Ordinance No. 210129 is passed.*

*Fiscal Note: There will be additional administrative costs associated with enforcing the new regulations.*

**RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

**Legislative History**

10/13/20	Zero Waste Subcommittee	Discussed
11/24/20	Zero Waste Subcommittee	Discussed
1/5/21	Zero Waste Subcommittee	Approved, as shown above - See Motion(s)
5/5/22	City Commission	Adopted on First Reading (Ordinance)

[200381A Sub Committee Food Waste 20201013.pdf](#)

[200381B NYC Organic Waste Ordinance 20201013.pdf](#)

[200381C Alachua Cty Draft Landscape Reqmts Soil Amend 20201013.pdf](#)

[200381D Sub Committee Food Waste Beaten Path 20201013.pdf](#)

[200381E Commercial Composting Program 20201013.pdf](#)

[200381F Residential Composting Research Report 20201013.pdf](#)

[200381G Residential Curbside Composting 20201013.pdf](#)

[200381H ZWSC Food Waste Recommendation 20201124](#)

[200381I CA Organic Waste Legislation 20201124](#)

[200381J Food Waste Ordinance Recommendations 20210105](#)

[200381 draft ordinance 20220505](#)

**SR-4      [210626.](#)      **Ordinance Requiring Food Oriented Commercial Establishments to Follow a Food Waste Diversion Hierarchy (B)****

Ordinance No. 210626

An ordinance of the City of Gainesville, Florida, amending the Code of Ordinances by creating Division 7, titled "Food Diversion" within Article III of Chapter 27; requiring certain food oriented commercial establishments to follow a food waste diversion hierarchy; providing for general penalties in section 1-9, injunctive relief, and code enforcement; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date and an enforcement date.

*Explanation: The Zero Waste Subcommittee has met regularly since September 2020 to recommend new ordinances related to solid waste. The subcommittee, community builders and the City Attorney's Office have worked together to draft 3 ordinances that contain changes and additions to Article III, Solid Waste of Chapter 27, Code of Ordinances. The attached ordinance creates a new Division 7 titled "Food Diversion", which requires certain food oriented commercial establishments to divert food and food waste from the waste stream and to follow a food waste hierarchy. Because this ordinance relies upon new definitions that are contained within Ordinance No. 210129, it should not be passed until Ordinance No. 210129 is passed.*

*Fiscal Note: There will be additional administrative costs associated with enforcing the new regulations.*

**RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

**Legislative History**

11/9/21	Zero Waste Subcommittee	Discussed
12/7/21	Zero Waste Subcommittee	Discussed
5/5/22	City Commission	Adopted on First Reading (Ordinance)

[210626 Food Diversion ordinance division 7 \(11.9.21 meeting\) update 2021111](#)

[210626 Food Waste Ordinance Division 6 20211109](#)

[210626A Food Waste Reduction & Recovery Presentation 20211109](#)

[210626B Toolkit-Inc. FW in Municipal Climate Action Plans 20211109](#)

[210626C Food Generating Business Survey 20211109](#)

[210626F Means Databse Presentation 20211207](#)

[210626 draft ordinance 20220505](#)

**FR      FIRST READINGS**

**CC 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**