



City of Gainesville  
City Commission Regular Meeting  
AGENDA

Thursday, May 16, 2024, 10:00 a.m.

City Hall Auditorium  
200 East University Avenue  
Gainesville, FL 32601

Commission Members

Mayor Harvey L. Ward, Jr.  
Mayor Pro Tempore Cynthia Moore Chestnut (At Large, Seat B)  
Reina Saco (At Large, Seat A)  
Desmon Duncan-Walker (District 1)  
Ed Book (District 2)  
Casey Willits (District 3)  
Bryan Eastman (District 4)

The City Commission makes policy and conducts City business in an open forum. For information on how to attend the meeting and submit public comment, visit the City [Agendas & Meetings website](#).

Neighbors are welcome to attend meetings in person. Seating capacity may be limited. Fill out a comment card and give it to the meeting clerk to request to speak. Speakers will be called to share their comments in the order of sign-up.

The City Hall Auditorium and Roberta Lisle Kline Conference Room are equipped with hearing loop assistive listening systems. When using your own hearing aid, you must switch your device to Telecoil or "T" mode. If your hearing aid does not have a Telecoil mode, broadcast staff can provide a headset.

If you have a disability and need 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 relay, please call 1-877-955-8773. For STS French Creole relay, please call 1-877-955-8707.

**A. CALL TO ORDER**

*Agenda Statement: The City of Gainesville encourages civil public speech. The Gainesville City Commission expects each person entering this chamber to treat others with respect and courtesy. Speakers are expected to focus on agenda items under discussion and avoid personal attacks or offensive comments. Threatening language is not allowed. Anyone who repeatedly disrupts the proceedings will be asked to leave. Signs, props, posters, food, and drink should be left outside the auditorium.*

**B. INVOCATION**

Rev. Milford Griner, Mt. Zion United Methodist Church

**C. ADOPTION OF THE AGENDA**

*Includes Consent and Regular Agenda Items*

**D. CONSENT AGENDA**

**1. Approval of Minutes from the May 2, and May 7, 2024 City Commission Meetings (B)**

**Recommendation:** The City Commission approve the minutes from the May 2, and May 7, 2024 meetings.

**2. 2024-394 EnergyFutures Grant Award (B)**

**Department:** Sustainable Development

**Description:** Request for the Commission to approve acceptance of an award from the Department of Energy EnergyFutures grant award phase I.

**Fiscal Note:** This is funding up to an initial amount of \$130,000.00 with an option for additional funding of \$500,000.00 for phase II. There is no match requirement.

**Recommendation:** The City Commission authorize the City Manager or their designee to accept the award for grant funding from the Department of Energy and to execute necessary documents subject to approval by the City Attorney as to form and legality.

3. **2024-417 Louis Benza v. City of Gainesville; Case No. 2023-CA-3880 20240516 (NB)**

**Department:** City Attorney

**Description:** On August 22, 2022, Mr. Benza was leaving Harry's restaurant in downtown Gainesville. His lawsuit alleged that he tripped on protruding or uneven bricks that comprised the sidewalk on the north side of Harry's between the restaurant and the parking spaces where his car was parked. He claimed that some of the bricks had been pushed up by roots from a nearby tree. Mr. Benza tripped, fell, broke his right femur at the hip, and underwent immediate surgery. During the process of his surgery, he was catheterized, and because of complications, he now remains catheterized for the rest of his life. At the time of his fall, Mr. Benza was a 93-year old retiree. He now lives in an assisted living facility.

The City's liability limit is \$200,000 per the application of Florida's limited waiver of sovereign immunity contained in section 768.28, Florida Statutes. Through court-ordered mediation, Plaintiff has agreed to accept \$70,000.00 in full and final settlement of the claim. Should the matter proceed to trial, a jury would likely be able to consider the cost of Mr. Benza's past medical expenses, which were approximately \$52,000, along with his claims of future medical care expenses, as well as past and future pain and suffering. After conducting a thorough investigation of the claim and participating in discovery pursuant to the litigation, it is the recommendation of the City Attorney's Office and the Risk Management Department that the City settle the claim for \$70,000.00, and avoid the risk of greater liability at trial.

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

**Recommendation:** The City Commission 1) approve the terms of the mediated settlement; and 2) authorize the City Attorney to settle the claim of Louis Benza v. City of Gainesville; Case No. 2023-CA-3880; Eighth Judicial Circuit, in and for Alachua County, Florida.

4. **2024-418 Invitation to Negotiate Award Recommendation for Alight Solution for the Workday Stabilization Project (B)**

**Department:** Technology

**Description:** Request for the City Commission to award the Invitation to Negotiate to the top-ranked firm, Alight Solutions, to assist the City with Workday application optimization of existing configurations, integrations, reporting, security, and business processes as well as the implementation of unused functionality available in Workday.

**Fiscal Note:** The FY 2024 operating budget includes funding to cover these expenditures. The proposed agreement will cost no more than \$2.7 million.

**Recommendation:** The City Commission: 1) award the Invitation to Negotiate, TECH-230058-GD, to Alight Solutions, the top-ranked firm; and 2) approve that if an agreement with Alight Solutions is not reached, the City may move forward to negotiate with the second-ranked firm, and 3) authorize the City Manager to negotiate and execute the contract subject to the approval of the City Attorney as to form and legality.

**E. 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 on later agenda items.*

**F. BUSINESS DISCUSSION ITEMS - MORNING**

**1. 2024-393 Climate Quarterly Update (B)**

**Department:** Sustainable Development

**Description:** Providing an update on the progress of Gainesville's Climate Action Plan

**Fiscal Note:** None

**Recommendation:** The City Commission hear the Climate quarterly update and provide input and direction.

**G. RESOLUTIONS – MORNING (Roll Call Required)**

*Unless mandated by statute to occur in the evening; may include Advocacy Resolutions and Binding Resolutions.*

12:00-1:00 PM Lunch Break

**H. CALL TO ORDER**

**I. PROCLAMATIONS & SPECIAL RECOGNITIONS**

**1. 2024-388 Gate of the Muses for Ray Charles at Dreamers Garden Day (B)**

**Department:** Office of the City Clerk

**Description:** Proclamation

**Fiscal Note:** This item has no fiscal impact.

**Recommendation:** To be presented to Maria Huff Edwards.

**J. 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 on later agenda items.*

**K. GENERAL PUBLIC COMMENT**

*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. The General Public Comment period shall not exceed 30 minutes total.*

**L. ORDINANCES: FIRST READING - AFTERNOON (Roll Call Required)**

**1. 2024-352 Proposed Charter Amendment Regarding the City of Gainesville's Local Public Utilities (Gainesville Regional Utilities) Governance (B)**

**Department:** City Attorney

**Description:** Ordinance No. 2024-352: An ordinance of the City of Gainesville, Florida; proposing an amendment to Article VII titled "Gainesville Regional Utilities Authority" of the Charter Laws of the City of Gainesville; providing for submission of the charter amendment to the voters for approval or disapproval at the November 5, 2024 general election; approving the question to be placed on the ballot; providing that this charter amendment shall become effective if approved by the voters; providing directions to the codifier; providing directions to the city clerk; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

**Explanation:** This Charter Amendment proposed by the City Commission would place the following ballot question on the November 5, 2024 general election ballot: "SHALL THE CITY OF GAINESVILLE CHARTER BE AMENDED TO DELETE ARTICLE VII, ELIMINATING THE GOVERNOR-APPOINTED GAINESVILLE REGIONAL UTILITIES AUTHORITY AND ITS APPOINTED ADMINISTRATOR THAT MANAGE, OPERATE AND CONTROL THE CITY OF GAINESVILLE'S LOCAL PUBLIC UTILITIES, AND PLACING THAT RESPONSIBILITY WITH THE ELECTED CITY COMMISSION AND CHARTER OFFICER; AND ELIMINATING LIMITATIONS ON THE GOVERNMENT SERVICES CONTRIBUTION AND UTILITY DIRECTIVES, AS PROPOSED BY ORDINANCE NO. 2024-352?"

If the Ordinance passes by the required four-fifths majority, the proposed Charter amendment shall be placed "to a vote of the electors at the next general election held within the municipality or at a special election called for such purpose." The next general election is scheduled for Tuesday, November 5, 2024. The State primary election (which also serves as the regular election for City Commission seats) is scheduled for Tuesday, August 20, 2024. To place the ballot referendum on the November 5, 2024 general election ballot, the City must affirmatively notify the Supervisor of Elections no later than June 15, 2024, and provide the actual ballot language in English and Spanish no later than August 1, 2024. If the ordinance provides for a special election concurrent with the State primary election on August 20, 2024, such notice must be provided by May 31, 2024, and language submitted by June 15, 2024.

## City Commission Meeting Agenda

At its meeting on April 18, 2024, the City Commission considered this proposed charter amendment and directed the City Attorney to advertise the ordinance for first reading on May 16, 2024. If approved on first reading, second reading will occur at a Special City Commission meeting on May 23, 2024. After which, the Clerk of the Commission will deliver the adopted ordinance to the Alachua County Supervisor of Elections by June 15, 2024 requesting that the proposed Charter Amendment be placed on the November 5, 2024 general election ballot.

**Recommendation:** The City Commission adopt the proposed ordinance.

### M. BUSINESS DISCUSSION ITEMS - AFTERNOON

#### 1. 2024-386 Appointment to the Development Review Board (B)

**Department:** Office of the City Clerk

**Fiscal Note:** This item has no fiscal impact.

**Recommendation:** The City Commission discuss the appointment to the Development Review Board and take appropriate action.

### N. RESOLUTIONS - AFTERNOON (Roll Call Required)

### O. ORDINANCES: ADOPTION READING - AFTERNOON (Roll Call Required)

### P. ORDINANCES: SECOND READING - AFTERNOON (Roll Call Required)

#### 1. 2024-325 Extending Deadline to Meet Vacation of Right-of-Way Conditions Imposed by Ordinance No. 210837 (B)

**Department:** City Attorney

**Description:** Ordinance No. 2024-325: An ordinance of the City of Gainesville, Florida, to extend the deadline imposed by Ordinance No. 210837 to meet certain conditions to vacate, abandon, and close a certain public right-of-way generally located in the 400 block of NW 12<sup>th</sup> Terrace, between NW 5<sup>th</sup> Avenue and NW 4<sup>th</sup> Place; providing directions to the City Clerk; providing a severability clause; providing a repealing clause; and providing an effective date.

**Fiscal Note:** N/A

**Recommendation:** The City Commission adopt the proposed ordinance.

2. **2024-63 Quasi-Judicial – Rezoning 6.42 Acres of Property Located at 2001 NE 2nd Street (B)**

**Department:** City Attorney

**Description:** Ordinance No. 2024-63: An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning approximately 6.42 acres of property generally located at 2001 NE 2<sup>nd</sup> Street, as more specifically described in this ordinance, from Residential Multi-Family (RMF-5) to Planned Development (PD); providing land development regulations; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

**Fiscal Note:** N/A

**Recommendation:** The City Commission adopt the proposed ordinance.

3. **2024-65 Quasi-Judicial – Rezoning 7.08 Acres of Property Located at 730 NE Waldo Road (B)**

**Department:** City Attorney

**Description:** Ordinance No. 2024-65: An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning approximately 7.08 acres of property generally located at 730 NE Waldo Road, as more specifically described in this ordinance, from Planned Development (PD), Urban Transect 6 (U6), and Urban Transect 4 (U4) to Urban Transect 6 (U6); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

**Fiscal Note:** N/A

**Recommendation:** The City Commission adopt the proposed ordinance.

**Q. COMMISSION COMMENT**

**R. ADJOURNMENT**

*If later than 10:00 pm, the Commission may waive the rules to extend the meeting or may schedule a date/time to continue the meeting.*