

# City of Gainesville

City Hall  
200 East University Avenue  
Gainesville, Florida 32601



## **Minutes - Final**

**April 19, 2018**

**1:00 PM**

**MODIFIED AGENDA**

**City Hall Auditorium**

## **City Commission**

*Mayor Lauren Poe (At Large)*

*Mayor-Commissioner Pro Tem Harvey Budd (At Large)*

*Commissioner Helen Warren (At Large)*

*Commissioner Charles Goston (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 Equal Opportunity at (352)334-5051 at least two business days in advance. TTY (Text Telephone Telecommunication Device) users please call 711 (Florida Relay Service). For Speech to Speech (STS) relay, please call 1-877-955-5334. For STS Spanish relay, please call 1-877-955-8773. For STS French Creole relay, please call 1-877-955-8707.*

**CALL TO ORDER - 1:03 PM**

**ROLL CALL**

**Present** 7 - Commissioner Goston, Mayor Poe, Commissioner Hayes-Santos, Commissioner Ward, Commissioner Arreola, Commissioner Warren, and Mayor-Commissioner Pro Tem Budd

**AGENDA STATEMENT**

**INVOCATION**

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

A motion was made by Commissioner Hayes-Santos, seconded by Commissioner Warren, that this Matter be Adopted on the Consent Agenda. The motion carried by the following vote:

**Aye:** 7 - Commissioner Goston, Mayor Poe, Commissioner Hayes-Santos, Commissioner Ward, Commissioner Arreola, Commissioner Warren, and Mayor-Commissioner Pro Tem Budd

[170992.](#)

**City Commission Minutes (B)**

RECOMMENDATION            *The City Commission approve the minutes of April 5, and April 10, 2018.*

**Approved as Recommended**

[160772.](#)

**Wild Spaces Public Places Proposed FY 18-20 Projects (B)**

**This is a request to the City Commission to approve a budget for Wild Spaces Public Places for FY 2018 through 2020 and the associated projects.**

RECOMMENDATION            *The City Commission approves spending \$16,282,000 of the Wild Spaces Public Places revenues on the WSPP Projected 2018-2020 Expense List*

**Approved as Recommended**

[170939.](#)

**Amended Interlocal Agreement Creating the North Central Florida Regional Hazardous Materials Response Team to Include Levy County (B)**

**This item requests that the City Commission approve the Amended Interlocal Agreement Creating the North Central Florida Regional Hazardous Materials Response Team and authorize the Mayor to execute**

the amended agreement to include Levy County.

RECOMMENDATION

*The City Commission adopt the Amended Interlocal Agreement and authorize the Mayor to execute the agreement subject to approval by the City Attorney as to form and legality.*

Approved as Recommended

[170954.](#)

**RJP Enterprises Emergency Restoration Work (B)**

**This item is a request for City Commission approval to enter into an agreement with RJP Enterprises to perform emergency restoration work to stormwater management facilities.**

RECOMMENDATION

*The City Commission authorize the City Manager, or designee to execute the agreement with RJP Enterprises for sediment removal at Sweetwater Wetlands and Tumbler Creek, subject to approval by the City Attorney as to form and legality.*

Approved as Recommended

[170955.](#)

**Bid Award - Professional Design Services for Wild Spaces Public Places (B)**

**This is a request for the City Commission to authorize the City to enter into continuing services agreements with seventeen (17) qualified Design Firms to help facilitate Wild Spaces Public Places Projects.**

RECOMMENDATION

*The City Commission: 1) award the Professional Design Services for Wild Spaces Public Places continuing services contract to seventeen (17) design firms; and 2) 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.*

Approved as Recommended

[170756.](#)

**GPD Body Worn Cameras and Taser Contract (B)**

**Approval of contract for new equipment for uniformed officers.**

RECOMMENDATION

*The City Commission authorize the City Manager or designee to execute the AXON agreement subject to approval of the City Attorney as to form and legality.*

Approved as Recommended

[170927.](#)

**Support for United States Department of Agriculture - Natural Resource Conservation Service Emergency Watershed Grant (B)**

**This item is a request for the City Commission's approval to accept a grant from the United States Department of Agriculture, Natural Resource Conservation Service (NRCS) Emergency Watershed Program.**

**RECOMMENDATION**

*The City Commission: 1) authorize the City Manager to enter into the grant agreement and to execute all related documents, subject to approval by the City Attorney as to form and legality; and 2) authorize the City Manager to enter into the appropriate emergency restoration contracts associated with this grant agreement subject to approval by the City Attorney as to form and legality.*

**Approved as Recommended**

[170953.](#)

**Voluntary Annexation Petition for 0.87+/- Acre Parcel on Tower Road (B)**

**This is the submission of a petition for voluntary annexation of parcel 06655-021-000 which is owned by The Emory Group LLC. There is one commercial building on the parcel. The total annexation area is approximately 0.87+/- acres and is located on Tower Road between W University Avenue and NW 4th Boulevard.**

**RECOMMENDATION**

*The City Commission: 1) receive the petitions for annexation and make findings that it contains the signature of the property owners or authorized agents; 2) authorize the Mayor to provide notice to the Board of County Commissioners; and 3) authorize the City Attorney to prepare and the Clerk of the Commission to advertise ordinances relating to the annexation of the area, if appropriate.*

**Approved as Recommended**

**ADOPTION OF REGULAR AGENDA**

*Modification: 1) Moved to adopt regular agenda as modified; and 2) adopt Item No. 170953 by consent.*

**A motion was made by Commissioner Hayes-Santos, seconded by Commissioner Warren, that this Matter be Adopted as Modified. The motion carried by the following vote:**

**Aye:** 7 - Commissioner Goston, Mayor Poe, Commissioner Hayes-Santos, Commissioner Ward, Commissioner Arreola, Commissioner Warren, and Mayor-Commissioner Pro Tem Budd

**GENERAL CITIZEN COMMENT - For items not on the agenda, limited to 3 minutes per citizen and not to exceed 30 minutes total**

*Jim Konish  
Robert Mounds*

Jon DeCarmine  
Kali Blount  
Scott Hesch

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

**170944. Staffing for Adequate Fire and Emergency Response (SAFER) Firefighter Grant Program FY2017 Funds (NB)**

**This item involves a request to apply for and accept a grant, if awarded, from the Federal SAFER Grant Program for the hiring of firefighters.**

*Chief Lane, Dan Hoffman and Deputy Chief JoAnn Rice spoke to the matter.*

**RECOMMENDATION**

*The City Commission: 1) authorize the City Manager or designee to apply for and accept a grant, if awarded, from the US Department of Homeland Security for the SAFER Grant Program; 2) if the grant is awarded, authorize the City Manager or designee to execute the grant agreement and other grant-related documents, subject to approval by the City Attorney as to form and legality; 3) development of an implementation plan that would address long term funding options as well as grant acceptance criteria (such as FSAA and other City-County conditions); and 4) approve the required payment process for hiring of personnel and expending the grant funds for compliance with associated Federal requirements.*

**A motion was made by Commissioner Hayes-Santos, seconded by Commissioner Warren, that this Matter be Approved as Recommended. The motion carried by the following vote:**

**Aye:** 7 - Commissioner Goston, Mayor Poe, Commissioner Hayes-Santos, Commissioner Ward, Commissioner Arreola, Commissioner Warren, and Mayor-Commissioner Pro Tem Budd

**170386. Zero Waste Workshop Scheduling (B)**

*Motion: 1) Direct staff to work with County staff to set up joint workshops (one during the afternoon, and one during the evening) and to schedule more workshops if necessary; and 2) Request the City Attorney to place the resolution on the next agenda (use the memo as a framework for the workshops).*

*Dan Hoffman spoke to the matter.*

**RECOMMENDATION**

*The City Commission provide direction and expected outcomes for these workshops.*

**A motion was made by Commissioner Hayes-Santos, seconded by Commissioner Arreola, that this Matter be Approved, as shown above. The motion carried by the following vote:**

**Aye:** 7 - Commissioner Goston, Mayor Poe, Commissioner Hayes-Santos, Commissioner Ward, Commissioner Arreola, Commissioner Warren, and Mayor-Commissioner Pro Tem Budd

[170799.](#)

**Guidelines for Land Development Code Update (B)**

*Andrew Persons made a presentation.*

*Motion: Move forward with a plan on the annual update process; and 2) remove this item from the General Policy Committee Referral List.*

**RECOMMENDATION**      *The City Commission: 1) hear a presentation from staff, 2) provide guidance on process and 3) remove this item from the GPC referral list.*

**A motion was made by Commissioner Hayes-Santos, seconded by Commissioner Ward, that this Matter be Approved, as shown above. The motion carried by the following vote:**

**Aye:** 7 - Commissioner Goston, Mayor Poe, Commissioner Hayes-Santos, Commissioner Ward, Commissioner Arreola, Commissioner Warren, and Mayor-Commissioner Pro Tem Budd

**COMMITTEE DISCUSSION ITEMS - Items placed on the agenda by the Audit & Finance Committee or General Policy Committee or moved from Consent**

**OTHER POLICY DISCUSSION ITEMS - If the Commission does not get to these items, they are continued to the next regular Commission meeting or such other regular or special meeting or workshop, as the Commission directs**

**INFORMATIONAL PRESENTATIONS - Items that do not request or require any Commission action. If the Commission does not get to these items, they are continued to the next regular Commission meeting or such other regular or special meeting or workshop, as the Commission directs.**

**RECESS - 2:50 PM**

**RECONVENE - 5:32 PM**

**PLEDGE OF ALLEGIANCE**

**PROCLAMATIONS/SPECIAL RECOGNITIONS**

*Commissioner Goston arrived at 5:33 PM.*

*Commissioner Ward arrived at 5:35 PM.*

[170988.](#) **City of Gainesville Citizens' Academy 2018 Graduates (NB)**

RECOMMENDATION *The City Commission: 1) recognize the accomplishments of the 2018 City of Gainesville Citizens' Academy graduates; and 2) hear brief comments from the class speaker on what they have learned.*

Heard

[170995.](#) **Special Recognition for Ms. Alexandria Brady-Mine (B)**

RECOMMENDATION *The City Commission hear the Special Recognition.*

Heard

[170994.](#) **39th Annual 5th Avenue Arts Festival Days - April 21-22, 2018 (B)**

RECOMMENDATION *Cultural Arts Coalition, Inc. Executive Director Nkwanda Jah to accept the proclamation.*

Heard

[170977.](#) **Child Abuse Prevention Month - April 2016 (B)**

RECOMMENDATION *Alachua County Child Abuse Prevention Task Force Chair Cathy Winfrey and Task Force Members Jenn Petion and Carroll to accept the proclamation.*

Heard

[170993.](#) **Volunteer Recognition Day - April 19, 2018 (B)**

RECOMMENDATION *Project Youth Build Executive Director Jonathan Leslie, Risa Paarasuk and Chen Yin-Hsuen.*

Heard

[170978.](#) **Fair Housing Month 2018 (B)**

RECOMMENDATION *Interim Equal Opportunity Director Dr. Bridget S. Lee and officials from the Alachua County Equal Opportunity Office, Gainesville Housing Authority, Alachua County Housing Authority, Gainesville Housing & Community Development Department, Alachua County Housing Division, and other housing partners to accept the proclamation.*

Heard

**GENERAL CITIZEN COMMENT - For items not on the agenda, limited to 3 minutes per citizen and not to exceed 30 minutes total**

*Kali Blount  
Gabe Kaimowitz*

*Paula Stahmer  
Sharon Bauer  
John Davies  
Darlene Pifalo  
James Barberto  
Mark van Soestbergen*

## **PUBLIC HEARINGS**

### **RESOLUTIONS - ROLL CALL REQUIRED**

[170911.](#)      **SPECIAL ELECTION - ANNEXATION BY REFERENDUM - 38.95  
ACRES OF PROPERTY KNOWN AS STERLING PLACE (B)**

Resolution No. 170911

A resolution of the City Commission of the City of Gainesville, Florida, calling a special election to be held on June 12, 2018; submitting a referendum on annexation to a vote of the registered electors of an unincorporated area of Alachua County known as "Sterling Place," as described in detail by Ordinance No. 170520; providing ballot language; providing directions to the Clerk of the Commission; and providing an effective date.

*Mark Bender spoke to the matter.*

RECOMMENDATION      *The City Commission adopt the proposed resolution.*

**A motion was made by Commissioner Warren, seconded by Commissioner Hayes-Santos, that this Matter be Adopted (Resolution). The motion carried by the following vote:**

**Aye:** 7 - Commissioner Goston, Mayor Poe, Commissioner Hayes-Santos, Commissioner Ward, Commissioner Arreola, Commissioner Warren, and Mayor-Commissioner Pro Tem Budd

[170883.](#)

**SPECIAL ELECTION - ANNEXATION BY REFERENDUM - 23.40  
ACRES OF PROPERTY KNOWN AS FINLEY WOODS PHASE I (B)**

Resolution No. 170883

A resolution of the City Commission of the City of Gainesville, Florida, calling a special election to be held on June 12, 2018; submitting a referendum on annexation to a vote of the registered electors of an unincorporated area of Alachua County known as "Finley Woods Phase I," as described in detail by Ordinance No. 170762; providing ballot language; providing directions to the Clerk of the Commission; and providing an effective date.

RECOMMENDATION            *The City Commission adopt the proposed resolution.*

**A motion was made by Commissioner Ward, seconded by Commissioner Warren, that this Matter be Adopted (Resolution). The motion carried by the following vote:**

**Aye:** 7 - Commissioner Goston, Mayor Poe, Commissioner Hayes-Santos, Commissioner Ward, Commissioner Arreola, Commissioner Warren, and Mayor-Commissioner Pro Tem Budd

[171005.](#)

**Resolution authorizing intervention into a lawsuit challenging portions of the State Statute preempting municipal rules or regulation of firearms and ammunition. (B)**

RESOLUTION NO. 171005

A Resolution of the City Commission of the City of Gainesville, Florida, authorizing and directing the intervention into a lawsuit seeking a Declaration that the provisions punishing elected officials set forth in Section 790.33, Florida Statutes, for violating the preemption related to the regulation of firearms and ammunition are invalid and seeking a Declaration that the application of the general preemption to any rules relating to firearms and ammunition that a municipality may desire to enforce on municipally owned property is invalid and unconstitutional; authorizing the retention of outside legal counsel; inviting other cities to join the lawsuit; directing the Clerk to distribute this Resolution to all cities in Alachua County; authorizing City officials to carry out this Resolution and providing for an effective date.

*Susan Bottcher spoke to the matter.*

RECOMMENDATION            *1) The City Commission determine if it desires for the City to intervene in the lawsuit as a named plaintiff and if so, adopt the Resolution; and 2) If the Resolution is adopted, each individual Commissioner should determine if he/she desires to be named (in their official capacity) as a plaintiff as provided in the Resolution.*

**A motion was made by Commissioner Arreola, seconded by Commissioner Ward, that this Matter be Adopted (Resolution) and Approved the Recommendation. The motion carried by the following vote:**

**Aye:** 7 - Commissioner Goston, Mayor Poe, Commissioner Hayes-Santos, Commissioner Ward, Commissioner Arreola, Commissioner Warren, and Mayor-Commissioner Pro Tem Budd

**ORDINANCES, 2ND READING - ROLL CALL REQUIRED**

[170520.](#)

**ANNEXATION BY REFERENDUM - 38.95 ACRES OF PROPERTY KNOWN AS STERLING PLACE (B)**

Ordinance No. 170520

An ordinance of the City of Gainesville, Florida, annexing approximately 38.95 acres of property known as "Sterling Place" that is generally located south of NW 73rd Avenue, west of NW 43rd Street, north of NW 64th Boulevard, and east of NW 52nd Terrace, as more specifically described in this ordinance, pursuant to Chapter 171, Florida Statutes; making certain findings; providing for inclusion of the property in Appendix I of the City Charter; providing for a referendum election; providing directions to the Clerk of the Commission; providing ballot language; providing for land use plan, zoning, and subdivision regulations, and enforcement of same; providing for persons engaged in any occupation, business, trade, or profession; providing a severability clause; and providing effective dates.

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

**A motion was made by Commissioner Hayes-Santos, seconded by Commissioner Warren, that this Matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:**

**Aye:** 7 - Commissioner Goston, Mayor Poe, Commissioner Hayes-Santos, Commissioner Ward, Commissioner Arreola, Commissioner Warren, and Mayor-Commissioner Pro Tem Budd

[170762.](#)

**ANNEXATION BY REFERENDUM - 23.40 ACRES OF PROPERTY KNOWN AS FINLEY WOODS PHASE I (B)**

Ordinance No. 170762

An ordinance of the City of Gainesville, Florida, annexing approximately 23.40 acres of property known as "Finley Woods Phase I" that is generally located south of SW 62nd Avenue , west of SW Williston Road, north of SW 78th Lane, and east of SW 51st Terrace, as more specifically described in this ordinance, pursuant to Chapter 171, Florida Statutes; making certain findings; providing for inclusion of the property in Appendix I of the City Charter; providing for a referendum election; providing directions to the Clerk of the Commission; providing ballot language; providing for land use plan, zoning, and subdivision regulations, and enforcement of same; providing for persons engaged in any occupation, business, trade, or profession; providing a severability clause; and providing effective dates.

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

**A motion was made by Commissioner Arreola, seconded by Commissioner Goston, that this Matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:**

**Aye:** 7 - Commissioner Goston, Mayor Poe, Commissioner Hayes-Santos, Commissioner Ward, Commissioner Arreola, Commissioner Warren, and Mayor-Commissioner Pro Tem Budd

[170438.](#)

**QUASI-JUDICIAL - HISTORIC PROPERTY TAX EXEMPTION - 415  
NW 4th Street (B)**

Ordinance No. 170438

An ordinance of the City of Gainesville, Florida, finding that property located at 415 NW 4th Street, Gainesville, Florida, as more specifically described in this ordinance, qualifies for an ad valorem tax exemption for historic properties; granting an exemption from ad valorem tax for certain improvements beginning January 1, 2018, and continuing for 10 years under certain conditions; authorizing the Mayor and the Clerk of the Commission to sign the Historic Preservation Property Tax Exemption Covenant between the property owner and the City; providing a severability clause; providing a repealing clause; and providing an effective date.

**RECOMMENDATION**

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

**A motion was made by Commissioner Warren, seconded by Commissioner Ward, that this Matter be Adopted on Final Reading (Ordinance) and Approved the Recommendation. The motion carried by the following vote:**

**Aye:** 7 - Commissioner Goston, Mayor Poe, Commissioner Hayes-Santos, Commissioner Ward, Commissioner Arreola, Commissioner Warren, and Mayor-Commissioner Pro Tem Budd

[170521.](#)

**QUASI-JUDICIAL - HISTORIC PROPERTY TAX EXEMPTION - 416  
NE 2nd Avenue (B)**

Ordinance No. 170521

An ordinance of the City of Gainesville, Florida, finding that property located at 416 NE 2nd Avenue, Gainesville, Florida, as more specifically described in this ordinance, qualifies for an ad valorem tax exemption for historic properties; granting an exemption from ad valorem tax for certain improvements beginning January 1, 2018, and continuing for 10 years under certain conditions; authorizing the Mayor and the Clerk of the Commission to sign the Historic Preservation Property Tax Exemption Covenant between the property owner and the City; providing a severability clause; providing a repealing clause; and providing an effective date.

**RECOMMENDATION**

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

**A motion was made by Commissioner Warren, seconded by Mayor-Commissioner Pro Tem Budd, that this Matter be Adopted on Final**

**Reading (Ordinance) and Approved the Recommendation. The motion carried by the following vote:**

**Aye:** 7 - Commissioner Goston, Mayor Poe, Commissioner Hayes-Santos, Commissioner Ward, Commissioner Arreola, Commissioner Warren, and Mayor-Commissioner Pro Tem Budd

## **PLANNING PETITIONS**

**CITIZEN COMMENT - For items not on the agenda, limited to 3 minutes per citizen and not to exceed 30 minutes total**

## **COMMISSION COMMENT**

*Commissioner Ward: 1) Proud of Gun Regulation Lawsuit; 2) Setup for Citizen Comment (at the beginning of each session, to let citizens know that the City Commission can't respond; 3) Body cameras for GPD; 4) Update from City Manager on the crossing guard and seasonal employee pay issues; 5) Inventory of vacant City properties that are not currently in use; and 6) Disappointed and discouraged by RTS bus raps.*

*Motion by Commissioner Hayes-Santos, seconded by Commissioner Ward: Staff notify delivery companies that they cannot park/block sidewalks and enforce through GPD. Motion passed 7-0.*

*Commissioner Hayes-Santos: 1) St. Michaels Property (near the southern portion of the conservation area). Have staff review and do an assessment for park placement through WSPP.*

*Commissioner Arreola: 1) Thanked staff for the budget workshop.*

*Commissioner Goston: 1) Alteration shop on 16th & Main (Loitering).*

*Mayor-Commissioner Pro Tem Budd: 1) Affordable housing - Need a list of vacant parcels (along with GRU) for possible developers to build through a land trust.*

*Commissioner Warren: 1) Citizen-centered community space - Create a process to allow places like Mama's Place to have a "home".*

*Motion by Commissioner Warren, seconded by Commissioner Arreola: Authorize the City Attorney to draft a resolution for intergovernmental conflict resolution to express issues/concerns with the County for the May 3, 2018 City Commission meeting. Motion passed 7-0.*

*Motion by Commissioner Hayes-Santos, seconded by Commissioner Warren : Auditor to modify the Audit Plan and put together an audit for the Combined Communications Center to help better understand what the City is paying for and what we get in return. Motion passed 7-0.*

*The City will send notice to the County about the 2 motions.*

**ADJOURNMENT - 7:24 PM**

