

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Minutes - Final

May 21, 2020

5:00 PM

Virtual Teleconference Meeting

City Commission

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

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CALL TO ORDER - 5:01 PM

Present 7 - Commissioner Arreola, Commissioner Johnson, Commissioner Simmons, Commissioner Hayes-Santos, Mayor Poe, Mayor-Commissioner Pro Tem Ward, and Commissioner Saco

AGENDA STATEMENT**ROLL CALL****MOMENT OF SILENCE****CA ADOPTION OF CONSENT AGENDA (CA) - GRU, General Government, Audit & Finance Committee and General Policy Committee Items**

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

Aye: 6 - Commissioner Arreola, Commissioner Johnson, Commissioner Hayes-Santos, Mayor Poe, Mayor-Commissioner Pro Tem Ward, and Commissioner Saco

Absent: 1 - Commissioner Simmons

CA-1 [191202.](#) Approval of Minutes from the May 7, 2020 City Commission Meeting (B)

RECOMMENDATION *The City Commission approve the May 7, 2020 minutes.*

Approved as Recommended

CA-2 [191194.](#) Thelma Boltin Center Renovations Design Services RFQ Award (B)

RECOMMENDATION *The City Commission: 1) Approve the Thelma Boltin Design Services RFQ Evaluation Team's recommendation to award the project to Wannemacher Jensen Architects, Inc., and 2) authorize the City Manager or designee to negotiate with Wannemacher Jensen Architects, Inc. for design and engineering services for the development of construction documents for the Thelma Boltin Center renovation.*

Approved as Recommended

CA-3 [191198.](#) Ratification of Amendment to the Agreement Between the Police Benevolent Association (PBA) Bargaining Unit and the City of Gainesville for February 1, 2020 through September 30, 2022 (B)

This item is to ratify an amendment to the three year successor agreement between

the City and the PBA Bargaining Unit.

RECOMMENDATION

The City Commission ratify the Amendment to the Agreement between the PBA Bargaining Unit and the City of Gainesville.

Approved as Recommended

CA-4 [191199.](#)

Amendment to the Interlocal Agreement between the City of Gainesville and Alachua County to Operate a Rental Assistance Program (B)

This item requests City Commission approval to amend an Interlocal Agreement with Alachua County to reprogram unencumbered funds from the Rental Assistance Program. The City's unencumbered funds from the Rental Assistance Program will be reallocated to the GNVCares for Neighbors Initiative.

RECOMMENDATION

The City Commission authorize the Mayor to execute an amendment to the Interlocal Agreement between the City of Gainesville and Alachua County for the Rental Assistance Program, subject to review by the City Attorney as to form and legality.

Approved as Recommended

ADOPTION OF REGULAR AGENDA

A motion was made by Commissioner Johnson, seconded by Mayor-Commissioner Pro Tem Ward, that this Matter be Adopted. The motion carried by the following vote:

Aye: 6 - Commissioner Arreola, Commissioner Johnson, Commissioner Hayes-Santos, Mayor Poe, Mayor-Commissioner Pro Tem Ward, and Commissioner Saco

Absent: 1 - Commissioner Simmons

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

BD-1 [191204.](#)

Election of Mayor Pro Tem (NB)

Motion: Appoint Commissioner Arreola to Mayor Pro Tem for the coming year.

RECOMMENDATION

The City Commission select a Mayor Pro Tem for 2020-2021.

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

Aye: 6 - Commissioner Arreola, Commissioner Johnson, Commissioner Hayes-Santos, Mayor Poe, Mayor-Commissioner Pro Tem Ward, and Commissioner Saco

Absent: 1 - Commissioner Simmons

BD-2 191206. Renaming of the Equal Opportunity Director to the Equity & Inclusion Director (NB)

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

A motion was made by Commissioner Johnson, seconded by Mayor-Commissioner Pro Tem Ward, that this Matter be Striken From the Agenda. The motion carried by the following vote:

Aye: 6 - Commissioner Arreola, Commissioner Johnson, Commissioner Hayes-Santos, Mayor Poe, Mayor-Commissioner Pro Tem Ward, and Commissioner Saco

Absent: 1 - Commissioner Simmons

BD-3 [191222.](#) Update on City of Gainesville COVID-19 Response (NB)

Motion: 1) Direct Charters to bring back a plan to work with the Supervisor of Elections to designate city workers as poll workers for upcoming election, bring back to next City Commission meeting ask City Manager to appoint a liaison to attend meetings; and 2) Adopt emergency order with ability to issue civil citations, waive rules.

Dr. Lisa Chacko gave an update on COVID-19 (picture assessment and where we are at).

Nicolle Shalley, City Attorney and Lee Feldman, City Manager spoke to the matter.

Nathan Skop and Rick Desmopolus spoke to the matter.

Commissioner Simmons arrived at 6:57 PM.

RECOMMENDATION *The City Commission hear an update regarding the City's COVID-19 Response and take action, as necessary.*

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

Aye: 7 - Commissioner Arreola, Commissioner Johnson, Commissioner Simmons, Commissioner Hayes-Santos, Mayor Poe, Mayor-Commissioner Pro Tem Ward, and Commissioner Saco

BD-4 [191221.](#) Discussion of Alachua County's Sale of the Fairgrounds to US Army Reserve (B)

Motion by Commissioner Hayes-Santos, seconded by Commissioner Ward: Send letter to the Board of County Commissioners to add CRA property to CRA and express interest in other economic development opportunities for the area. Motion passed 5-2. Commissioner's Arreola and Simmons in dissent.

Motion by Commissioner Hayes-Santos, seconded by Commissioner Ward: Carve out the SW corner of the property for future economic development use. Motion passed unanimously.

RECOMMENDATION *The City Commission discuss the Economic Impact Analysis associated with the sale of the Fairgrounds.*

Approved, as shown above

PR PROCLAMATIONS/SPECIAL RECOGNITIONS (PR)

RE RESOLUTIONS - ROLL CALL REQUIRED (RE)

RE-1 [191205.](#) Resolution Amending the ICMA Retirement Corporation Governmental 457 Deferred Compensation Plan and Trust for the Benefit of the Eligible Employees and Their Beneficiaries (B)

Lee Feldman spoke to the matter.

RECOMMENDATION *The City Commission: 1) Adopt the Resolution and 2) Authorize the City Manager or his designee to execute the Governmental 457 Plan and Trust Optional Provisions Election Form subject to approval of the City Attorney as to form and legality.*

A motion was made by Mayor-Commissioner Pro Tem Ward, seconded by Commissioner Hayes-Santos, that this Matter be Continued to June 4, 2020. The motion carried by the following vote:

Aye: 6 - Commissioner Arreola, Commissioner Johnson, Commissioner Simmons, Commissioner Hayes-Santos, Mayor-Commissioner Pro Tem Ward, and Commissioner Saco

Absent: 1 - Mayor Poe

RE-2 [191223.](#) Updated Real Property Policy (B)

Resolution No. 191223

A resolution of the City Commission of the City of Gainesville, Florida, adopting revised real property policies which govern the acquisition and disposition of

property by the general government of the City; providing directions to the Clerk of the Commission; and providing an immediate effective date.

Lee Feldman spoke to the matter.

Nathan Skop spoke to the matter.

RECOMMENDATION *The City Commission review the proposed revised Real Property Policy and adopt the resolution.*

A motion was made by Commissioner Simmons, seconded by Mayor-Commissioner Pro Tem Ward, that this Matter be Adopted (Resolution).

The motion carried by the following vote:

Aye: 7 - Commissioner Arreola, Commissioner Johnson, Commissioner Simmons, Commissioner Hayes-Santos, Mayor Poe, Mayor-Commissioner Pro Tem Ward, and Commissioner Saco

PUBLIC HEARINGS (PH)

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

SR-1 [190814](#). Proposed Revisions to Chapter 8 Titled "Discrimination" of the City Code of Ordinances (B)

Ordinance No. 190814

An ordinance of the City of Gainesville, Florida, amending Chapter 8 of the Code of Ordinances, relating to discrimination by revising definitions; by renaming the Equal Opportunity Office; by eliminating redundant code language; by revising the definition of disability and adding new classes protected against discrimination for purposes of Fair Housing; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

Aye: 7 - Commissioner Arreola, Commissioner Johnson, Commissioner Simmons, Commissioner Hayes-Santos, Mayor Poe, Mayor-Commissioner Pro Tem Ward, and Commissioner Saco

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

FR-1 [190291](#). Text Change - Amending Transect Zone Street Designation for SW 2nd Street Between SW 2nd Avenue and SW 2nd Place (B)

Ordinance No. 190291

An ordinance of the City of Gainesville, Florida, amending the transect zone street designation of SW 2nd Street between SW 2nd Avenue and SW 2nd Place from Storefront street to Local street; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

Aye: 7 - Commissioner Arreola, Commissioner Johnson, Commissioner Simmons, Commissioner Hayes-Santos, Mayor Poe, Mayor-Commissioner Pro Tem Ward, and Commissioner Saco

FR-2 [190714.](#)

Text Change - Amending the Land Development Code Related to Food Truck Parks (B)

Ordinance No. 190714

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 food truck park as a permitted use in certain zoning districts with associated regulations; by amending Section 30-2.1 Definitions; by amending Section 30-4.12 Permitted Uses in Transects; by amending Section 30-4.19 Permitted Uses in Mixed-Use and Nonresidential Districts; by amending Section 30-4.23 Permitted Uses in Special Districts; by adding Section 30-5.13 to provide regulations for food truck parks; by amending Section 30-5.37 relating to regulations for food trucks; by amending various sections in the Land Development Code and Appendix A Schedule of Fees, Rates and Charges to correct code references because of numbering changes and to make scrivener's corrections; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Modification:

1. ***On page 5 - Table v-1 - Make following changes to use table***
 - a. ***Footruck not located within a food truck park:***
 - i. ***Proposed Change:*** *Allow by right in U4 and U5*
 - ii. ***Reason:*** *One of the main sections of U4 is along NW 13th street and NW 6th street and U5 is one of the most urban areas of our city.*
 - b. ***Food truck park (less than 6 pads):***
 - i. ***Proposed Change:*** *Allow by right in U4 and U5*
 - ii. ***Reason:*** *One of the main sections of U4 is along NW 13th street and NW 6th street and U5 is one of the most urban areas of our city.*

c. Food truck park (6 or more pads):

- i. Proposed Change: Allow by special use permit in U4 and U5*
- ii. Reason: One of the main sections of U4 is along NW 13th street and NW 6th street and U5 is one of the most urban areas of our city.*

2. Page 19 - Section 30-5.13. Food Truck Park

- a. Proposed Change: Starting on line 24 remove requirements for automobile parking. Paragraph 1 would now read: "Two bicycle parking spaces each must be provided per food truck pad." paragraph 2 and 3 would be removed.*
- b. Reason: We should not be forcing cars on people. By mandating parking requirements, we both increase the cost to create a food truck park which in turn increases the cost of food, and we also promote people driving which is harmful to the environment. If a Food Truck Park wants to have parking, they can build it, but we shouldn't mandate it.*

3. Page 21 - Section 30-5.37 Food Trucks

- a. Proposed Change: Starting on line 3 - Allow 2 food trucks on parcels that are one-half acre or less.*
- b. Reason: Current restrictions make it impossible to have more than one food truck on smaller lots. This allows for infill.*

4. Page 21 - Section 30-5.37 Food Trucks

- a. Proposed Change: Starting on line 8 - Remove restrictions on food truck operating hours.*
- b. Reason: We allow restaurants to operate the times that work best for them, we should do the same for food trucks. For example, current restrictions don't allow for early morning breakfast food trucks.*

5. Page 21 - Section 30-5.37 Food Trucks

- a. Proposed Change: Starting on line 22 - Remove the*

second sentence in paragraph 4 that says that food trucks cannot be in minimum requirement parking spaces.

Keep the first sentence that food trucks can not park in parking spaces reserved for people with disabilities.

- b. Reason:** *We should not be forcing cars on people. By mandating parking requirements we both increase the cost to operate food trucks which in turn increases the cost of food, and we also promote people driving which is harmful to the environment. If a business feels that they do need more parking, they can build it, but we shouldn't mandate it.*

6. Page 21 - Section 30-5.37 Food Trucks

- a. Proposed Change:** *Starting on line 26 - Add that food trucks must provide recycling facilities as well as the currently required waste facilities.*
- b. Reason:** *Food trucks should have to provide both waste and recycling containers. This falls in line with our Zero Waste goals.*

7. Page 22 - Section 30-5.37 Food Trucks

- a. Proposed Change:** *Starting on line 15 - Allow food truck special events to operate the hours that work best for them. Remove hour restrictions from this paragraph.*
- b. Reason:** *We should allow food truck events to be allowed during the day. We shouldn't force them to just be at night. By allowing food truck events to happen during the day we allow more people the opportunity to go to food truck events. We are a city that has people working 24 hours a day and people who work odd shifts should still be allowed the opportunity to enjoy different events. For example, if someone wanted to host a brunch focused food truck special event, it would not be allowed under the current rules.*

8. Add Language: Section 30-5.37 Food Trucks

- a. Proposed Change:** *Add language to implement a max decibel for food truck generators. Have staff come back*

with proposed language at second reading of the ordinance. Look to have decibel restrictions on generators between 65db and 70db

- b. Reason:** *Some generators on food trucks can be very loud. This causes patrons to yell louder which creates more noise. Also, it creates an unpleasant experience for patrons and neighbors. I have had complaints about loud generators of food trucks in the past. Cities across the country have implemented max decibel restrictions for food truck generators with success.*

9. Add Language: Section 30-5.37 Food Trucks

- a. Proposed Change:** *I have not received a clear answer if food trucks are currently allowed to park in public parking spaces and serve customers. Have staff look into either having designated parking spaces for food trucks or allow them to use normal public parking spaces. Staff should reach out to food truck operators to get their opinion. Come back to the commission with recommendations.*
- b. Reason:** *If we allow food trucks to operate on private property in certain zoning areas, then we should do the same for those public street parking that go through those zoning areas. Many cities across the world have food trucks that operate from public parking spaces and it is something that we should look into.*

Lawrence Calderon, Planner III gave a presentation.

Andrew Persons, Planning and Development Director spoke to the matter.

Bryan Harrington spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

A motion was made by Commissioner Hayes-Santos, seconded by Mayor-Commissioner Pro Tem Ward, that this Matter be Adopted on First Reading, as Modified (Ordinance). The motion carried by the following vote:

Aye: 6 - Commissioner Johnson, Commissioner Simmons, Commissioner Hayes-Santos, Mayor Poe, Mayor-Commissioner Pro Tem Ward, and Commissioner Saco

Nay: 1 - Commissioner Arreola

NECESSARY DIRECTION TO CHARTER OFFICERS

*Motion by Commissioner Ward, seconded by Commissioner Johnson:
Direct City Manager, if necessary to house for one month the 24 folks
at GRACE Marketplace at-risk individuals in relation to COVID-19.
Motion passed 6-0. Commissioner-Hayes Santos in dissent.*

*Commissioner Johnson: Update for Race and Equity Subcommittee
meeting on June 17th - would like to move to afternoon.*

*Motion by Commissioner Arreola, seconded by Commissioner Ward:
Direct Clerk to schedule a Joint City/County meeting on May 29, 2020
at 10:00 AM. Motion passed 7-0.*

Commissioner Hayes-Santos - Congratulations to new Commissioner.

ADJOURNMENT - 8:56 PM