

**Clarifications and Additions to Minutes - August 24, 2017, 6 pm
Gainesville City Commission Special Meeting**

**ROLL CALL 6:03 PM
ADOPTION OF THE AGENDA...**

Goston arrived at 6:13 PM

Motion Commissioner Ward, seconded by Commissioner Hayes-Santos to adopt the agenda.
Citizen comment to the motion to adopt the agenda

Tamara Robbins -requested

1. Citizen Comment be added to the agenda per the CC rules.
2. Citizen comment period be extended by 5 minutes due to magnitude of the decision and the burden to be placed upon the citizens. .

Jo Beaty -read the attached comments and submitted them to the Clerk to be attached to the minutes. In summary her comment regarding the five page "explanation" of the history of item #170306, noted the "explanation" contained inaccuracies and omissions. She implored the commission reject the agenda item and insisted the City Commission assure an accurate record by having it corrected before adoption.

Debbie Martinez -voiced support of the two previous speakers

Darlene Pifalo -voiced support of previous speakers
Motion passed 7-0

Motion by Commissioner Ward, seconded by Commissioner Pro Tem Budd to extend the public speaking time to 5 minutes.

Motion Passed 7-0

AGENDA STATEMENT

170306 Asset Purchase Agreement....

Recommendation Utility Advisory Board...

General Manager to the City Commission:

A motion was made by Commissioner Arreola, seconded...

Citizens who spoke to the motion: Robert Mounts, Mark Goldstein, Jim Konish, Gabe Kaimowitz, Debbie Martinez, Scott Austin, Ernesto Martinez, Derrick Walker, Annie Orlando, Maurice Levy, Darlene Pifalo, Adele Franson (corrected spelling),Christina Fields, Don Fields, Donald Shepherd, Juanita Mile-Hamilton, Tony Barr, Paula Stahmer, Nancy Deren, Jo Beaty and Tamara Robbins spoke to the motion.

All except Nancy Deren spoke against the adoption of the motion.

Jo Beaty requested the motion be split to be more specific. She asked that the Mayor's signature would need to be explicitly authorized in a separate motion at a later time.

The motion carried by the following vote:

Aye: 5-Mayor Poe, Commissioner Hayes-Santos...

Nay: 2 Commissioner Goston and Mayor-Commissioner ...

ADJOURNMENT -9:16 P.M.

**Transcript of Citizen comments on the Adoption of the Agenda
City Commission Special Meeting of August 24, 2017
submitted to be attached to the meeting minutes**

>>**Mayor Poe:** good evening.

Welcome, everybody, the day is August 24, 2017. This is a special meeting for the Gainesville city commission.

We have one item on the agenda, the Asset Purchase Agreement between Gainesville Renewable Energy Center, and the City of Gainesville. We need a motion to adopt the agenda?

Motion to adopt the agenda. Any comments on the motion to adopt the agenda? Welcome introduce yourself for the record.

>>**Tamara Robbins:** Good evening my name is Tamara Robbins and I'm here to speak to you at this point in the meeting to ask two things.

One is that on this agenda even though it is a special meeting does not omit the provision for a public comment time for people to speak on items that are not on the agenda. Your rules say that you have a public comment time on your agendas, and for special meetings there is no exclusion to that. I know Miss Shalley has commented on it and I have her quote about that and she says, " the only thing that commissioners can discuss at a special meeting is the business that is on the agendas. So to have the general public comment makes no sense."

Well, it does make sense because a public comment period is not for you to discuss. The public comment period is for the public to have a right to address their elected body during a public meeting. No need for discussion at all so I'm asking you to add that to your agenda.

And the second item, I'm sorry I was out of breath because I was rushing to get here, in your rules it also states in your rules under rule 6 that in general speakers will be limited to three minutes per agenda item. Additional time May be granted by the mayor or by the city commission as directed.

I'm here to ask that due to the magnitude of the decision that is before you and your burden that you are planning to place upon the public that you extend the three-minute comment period when you address the item on the agenda to five minutes and any one of the commissioners up there can put a motion on the floor to make that extension to even more than five minutes if you want but three minutes in my opinion is insufficient.

State law allows for Florida Statute 286.0114 allows the public to have reasonable time to comment on business before a public body before you make a decision.

And I believe that reasonable time with magnitude of this issue is not three minutes that it would be at least five minutes for the members of the public to address you. Thank you.

>> **Mayor Poe:** thank you.

Any other members of the public wishing to speak to the adoption of the agenda?
Ms. Beaty?

>> **Jo Beaty:** Good evening, Jo Beaty.

Mr. Mayor, the agenda -- this agenda contains a five-page quote-unquote explanation of the history of the item you are being asked to approve tonight.

This explanation begins with the arrival of Mr. Bielarski as general manager of gru in 2015 and continues the recitation of GREC related decisions through Tuesday, August 22, Utility Advisory Board meeting. This selective narrative presumably authored by the city attorney or her staff recites more than two dozen dates and includes many inaccurate subjective tangential and self justifying claims. Among those claims are excuses for why the city attorney signed a nondisclosure agreement in which she vowed not to reveal anything learned about the negotiations with GREC from October 2016 through March 2017.

Why are these nine lines of subjective self-justification included in this quote-unquote explanation and why is there no mention of the GREC arbitration and dozens of actions taken related to arbitration by the city attorney, the general manager and outside counsel? Is this commission really going to approve a false narrative in which all reference has been scrubbed related to actions intended to hold GREC to the terms of its contract to ensure GRU is made whole through fraud and misconduct? Beginning in August of 2015 the city commission authorized retention of outside counsel, Winston and Strawn, not for the purpose of paying off GREC, the bad actors, but for the purpose of holding them accountable. The city has paid Winston Strawn more than two and a half million dollars to ensure GRU gets what it is due. Where is that mentioned in this fanciful narrative? No where.

The five-page exercise in creative fiction you are being asked to approve portrayed as explanation, omits all reference to the millions of dollars in overcharges Winston and Strawn have asserted have been perpetuated by the GREC bad actors. It omits all references to the year long Winston and Strawn litigation supposed to have led to discovery of evidence, depositions of GREC officials and an evidentiary hearing that should have taken place in March. More than a year has disappeared from this story. This narrative contains no mention of GRU, Winston and Strawn efforts in August of 2015 when GREC was shut down because did not deliver -- cost efficient energy, even at the margins Through October 2016.

That is when the city attorney, the general manager and GREC officials met behind closed doors in Washington, D.C., and began putting the nail in the coffin for arbitration. All of that history is no where to be found. This quote-unquote "explanation" picks up late in October 2016 when it is characterized that quote "The general manager desired to begin discussion with GREC's manager regarding a potential purchase of the biomass facility" end quote. Gru customers have paid two and a half million dollars on

the promise that GREC would be held to the terms of its contract and GRU customers will be made whole for losses suffered as a result of GREC's wrongdoing. All of that money is gone.

>> **Mayor:** thank you.

>> **Jo Beaty:** Now without anyone from GREC being put under oath, without an evidentiary hearing having ever taking place. Arbitration was abandoned in the spring in order to reward GREC speculators with more windfall profit that cost \$750 million of customer money. The highest price ever paid for a biomass plant. And now the commission is being asked to approve a false narrative that contains no reference to any of this?

I implore you, reject this agenda and insist on an agenda with an accurate explanation of what actually transpired in the quest to buy your way out of a bad contract.

>> **Mayor:** thank you.

>> **Jo Beaty:** the public deserves no less than an accurate record. It is your duty to ensure an accurate record. Please reject this agenda item as written. If you approve this fiction shame on you.

>> **Mayor:** thank you. Anybody else wish to speak to adoption of the agenda?

>> **Debbie Martinez:** I'm Debbie Martinez and I think that it is a good suggestion that with something this important over a billion dollars more, this contract, you know, \$1.25 billion when you add all of the interest, et cetera, for the GREC purchase to allow the citizens not everyone will want to speak five minutes but for those that do to allow them to do so, there is only maybe a dozen people here so maybe there might be ten people that want to speak that additional two minutes so you total that up and you guys are the math majors here, you are talking, what, 20 minutes?

You know, correct my math if I'm wrong but I think that is, know, not much to ask for something of this importance and I've seen, Mr. Mayor, you allow other citizens that agree with you on certain issues to speak longer than three minutes and to go on sometimes as long as ten minutes. So I'm not saying that you should allow, you know, these ten people an extra five minutes but two minutes I don't think is unreasonable. Thank you so very much.

>> **Mayor:** thank you. Our math major, Commissioner Chase, has left us but he would concur with your math theory and validate what you said.

>> **Darlene Pifalo:** Mayor, commissioners, [Inaudible]. I tend to agree and I think maybe that it would be more -- less time for the commissioners to speak that would give us a little bit more time to speak. I just think that --

>> **Mayor:** I'm always in favor of more limited commissioner comments.

>> **Darlene Pifalo:** I agree. Thank you very much. Thank you.

And also the mayor. I think that five minutes is very reasonable. I think with this importance of this issue I really think with the people that have done their homework and a lot of them have, I listened to a lot of the things, I watched them on television with the whole thing and more with the other board I really think even more I really think ten minutes of the ones that have things to say and have done their homework like Ray Washington and the others here those are the people that have facts and not just nothing. So I agree more.

>> **Mayor:** thank you. Anybody else wish to speak on adoption of the agenda? Okay. Turning back to the commission, we have a motion on the floor to adopt the agenda. Commissioner Ward?

>>**Commissioner Ward:** thank you, Mr. Mayor, following this vote I would like to make a motion to extend to five minutes.

>> **Mayor:** and that's fine we can make that official I've always shown great discretion and remind people of their time but I don't cut anybody off. We can change that today. Commissioner Gotson, we have a motion on the floor already. So are there any wish to modify? Okay. Seeing none all in favor of the motion say aye. Opposed? The motion passes unanimously. Could I get commissioner ward -- you voted against adopting the agenda? Just adopting the agenda. Commissioner Ward?

>> **Commissioner Ward:** I want to move, do we have a five-minute limit on -- five minutes on citizen comment.

>> **Mayor :** motion for five minutes for citizen comment. All in favor say aye. All opposed? That motion passes unanimously. Mr. Clerk, please make note of the official time when we get to public comment. [end of Citizen Comments and this excerpt]

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Comments on adoption of the August 24, 2017 agenda- Submitted
Given to the clerk to be attached to the minutes of this meeting.

Mr. Mayor,

This agenda contains a five page "explanation" of the history of the item you are being asked to approve tonight. This "explanation" begins with the arrival of Mr. Bielarski as general manager of GRU in June 2015 and continues with a recitation of GREC-related decisions through the Tuesday, August 22, 2017 Utility Advisory Board meeting.

This selective narrative, presumably authored by the city attorney or her staff, recites more than two dozen dates and includes many inaccurate, subjective, tangential and self justifying claims.

Among those claims are excuses for why the city attorney signed a nondisclosure agreement in which she vowed not to reveal anything she learned about negotiations with GREC from October 2016 through March 2017. Why are these nine lines of subjective self-justification included in this "explanation"?

And why is there no mention of the GREC arbitration and the dozens of actions taken related to arbitration by the city attorney, the general manager and outside counsel?

Is this commission really going to approve a false narrative in which all reference has been scrubbed related to actions intended to hold GREC to the terms of its contract and to ensure GRU is made whole for GREC fraud and misconduct?

Beginning in August 2015 the city commission authorized retention of outside counsel Winston and Strawn not for the purpose of paying off the GREC bad actors but for the purpose of

holding them accountable. This city has paid Winston and Strawn more than 2 1/2 million to ensure GRU gets what it is due.

Where is that mentioned in this fanciful narrative? Nowhere.

This five page exercise in creative fiction you are being asked to approve portrayed as "explanation" omits all reference to the millions of dollars in overcharges Winston and Strawn had asserted have been perpetrated by the GREC bad actors. It omits all reference to a year of Winston and Strawn litigation that was supposed to have led to Discovery of evidence, depositions of GREC officials and an evidentiary hearing that should've taken place in March.

More than a year has disappeared from the story. This narrative contains no mention of GRU and Winston and Strawn's efforts from August 2015 (when GREC was shut down because it could not deliver cost-effective electricity even at the margins) through October 2016. That is when the city attorney, the general manager, and GREC officials met behind closed doors in Washington DC and began putting the nail in the coffin of arbitration.

All that history is nowhere to be found. The "explanation" picks up in late October 2016 when it is characterized that "the General Manager desired to begin discussions with GREC's manager regarding a potential purchase of the Biomass facility."

GRU customers have paid 2 1/2 million dollars on the promise that GREC would be held to the terms of its contract and that GRU customers would be made whole for losses suffered as a result of GREC wrongdoing. All that money is gone, without anyone from GREC ever having been put under oath and without an evidentiary hearing ever having taken place.

Arbitration was abandoned this spring, in order to reward GREC speculators with more windfall profits at a cost of \$750 million of GRU customer money, the highest price ever paid for a biomass plant. The Genera manager has acknowledged the GREC plant is worth no more than \$50 million dollars, and then only if a desperate South American country with a lot of surplus wood to be burned could be found to haul it off.

And now this commission is being asked to approve a false narrative that contains no reference to any of this?

I implore you to reject this agenda and insist on an agenda with an accurate explanation of what actually transpired in the quest to buy your way out of a bad contract. The public deserves no less than an accurate record. It is your duty to assure an accurate record.

Please reject this agenda item as written.

If you approve this fiction, shame on you.

Jo Beaty