

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Minutes - Final

Thursday, February 6, 2014

1:00 PM

City Hall Auditorium

City Commission

Mayor Ed Braddy (At Large)
Commissioner Lauren Poe (At Large)
Commissioner Thomas Hawkins (At Large)
Commissioner Yvonne Hinson-Rawls (District 1)
Commissioner Todd Chase (District 2)
Commissioner Susan Bottcher (District 3)
Mayor-Commissioner Pro Tem Randy Wells (District 4)

Persons with disabilities who require assistance to participate in this meeting are requested to notify the Office of Equal Opportunity at 334-5051 or call the TDD phone line at 334-2069 at least two business days in advance.

CALL TO ORDER-1:06PM

AGENDA STATEMENT

ROLL CALL

INVOCATION

Prophet George Young

CONSENT AGENDA

A motion was made by Commissioner Poe, seconded by Commissioner Bottcher, that this Matter be Adopted on the Consent Agenda. The motion carried by the following vote:

Aye: 6 - Mayor Braddy, Commissioner Bottcher, Commissioner Poe, Commissioner Chase, Commissioner Hawkins, and Mayor-Commissioner Pro Tem Wells

Absent: 1 - Commissioner Hinson-Rawls

CITY MANAGER, CONSENT AGENDA ITEMS

[130617.](#)

Continuation of Employee Bus Pass Program (B)

This item is a request for the City Commission to authorize the City Manager to execute service agreements with local agencies and increase the cost of the pass for the Employee Bus Pass Program.

RECOMMENDATION

The City Commission: 1) approve the continuation of the Employee Bus Pass Program for City employees through January 2015; 2) increase the cost of the Employee Bus Pass Program to \$7.50 per employee, with the exception of Santa Fe College (SF) who is under contract for \$7.00 per employee through June 30, 2015; and 3) authorize the City Manager to execute service agreements with local agencies for continuation of the Employee Bus Pass Program, subject to approval by the City Attorney as to form and legality.

Alternate Recommendation

1) Approve the continuation of the Employee Bus Pass Program for City employees through January 2015; 2) increase the cost of the employee bus pass program to \$7.00 per employee; and 3) authorize the City Manager to execute service agreements with local agencies for continuation of the Employee Bus Pass Program, subject to

approval by the City Attorney as to form and legality.

Approved as Recommended

[130666.](#)

Ratification of Agreement between the Communications Workers of America (CWA), Local 3170, Supervisors Unit and the City of Gainesville for January 1, 2013 through December 31, 2015 (B)

This is a request for City Commission approval to ratify the final Agreement between the Communications Workers of America (CWA), Local 3170 and the City of Gainesville.

RECOMMENDATION *The City Commission ratify the Agreement between the Communications Workers of America (CWA), Local 3170, Supervisors Unit and the City of Gainesville, extending the Agreement through December 31, 2015.*

Approved as Recommended

[130667.](#)

Ratification of Agreement between the Communications Workers of America (CWA), Local 3170, Non-Supervisory Unit and the City of Gainesville for January 1, 2013 through December 31, 2015 (B)

This is a request for City Commission approval to ratify the final Agreement between the Communications Workers of America (CWA), Local 3170 and the City of Gainesville.

RECOMMENDATION *The City Commission ratify the Agreement between the Communications Workers of America (CWA), Local 3170, Non-Supervisory Unit and the City of Gainesville, extending the Agreement through December 31, 2015.*

Approved as Recommended

[130561.](#)

Agreements to Administer and Implement Services for Homeless Persons at the Former Gainesville Correctional Institution (GCI) (B)

This item involves a request to the City Commission to authorize the City Manager to execute a license agreement, a service agreement, and any related documents with the Alachua County Coalition for the Homeless and Hungry (ACCHH) to administer and implement homeless services at the former Gainesville Correctional Institution (GCI).

RECOMMENDATION *The City Commission authorize the City Manager to execute a license agreement, a service agreement, and any related documents with the Alachua County Coalition for the Homeless and Hungry (ACCHH) to administer and implement homeless services at the former Gainesville Correctional Institution (GCI), subject to approval by the City Attorney as to form and legality.*

Approved as Recommended

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

CITY ATTORNEY, CONSENT AGENDA ITEMS

[130641.](#)

BRANDON RICARDO SMITH VS. OFFICER JEREMIAH KELLY, COURT CASE NO. 1:13-CV-166-MW-GRJ (B)

RECOMMENDATION *The City Commission authorize the City Attorney and/or Special Counsel if insurance coverage is available to represent the City employee in the case styled Brandon Ricardo Smith vs. Officer Jeremiah Kelly, Court Case No. 1:13-CV-166-MW-GRJ.*

Approved as Recommended

[130652.](#)

EVELYN WELCOME VS. CITY OF GAINESVILLE, AND JAMES N. MCCOLLUM, COURT CASE NO. 2012-CA-3445 (B)

RECOMMENDATION *The City Commission authorize the City Attorney to represent the City in the case styled Evelyn Welcome vs. City of Gainesville, and James N. McCollum, Court Case No. 2012-CA-3445.*

Approved as Recommended

[130668.](#)

Elizabeth Tinley Collins v. City of Gainesville; Alachua County Circuit Court; Case No.: 01-2013-CA-1326 (B)

RECOMMENDATION *The City Commission 1) approve the terms of the mediated settlement; and 2) authorize the City Attorney to settle the claim of Elizabeth Tinley Collins v. City of Gainesville; Alachua County Circuit Court; Case No.: 01-2013-CA-1326 on behalf of the City.*

Approved as Recommended

[130655.](#)

ANTHONY LORENZO V. CITY OF GAINESVILLE, FLORIDA, A FLORIDA MUNICIPALITY, AND JARON GRIFFIN, COURT CASE NO. 2013-CA-4036 (B)

RECOMMENDATION *The City Commission authorize the City Attorney and/or Special Counsel if insurance coverage is available, to represent the City of Gainesville and the officer sued in both his official capacity and his individual capacity, in the case styled Anthony Lorenzo v. City of Gainesville, a Florida Municipality, and Jaron Griffin, Court Case No. 2013-CA-4036.*

Approved as Recommended

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

[130673.](#) **City Commission Minutes (B)**

RECOMMENDATION *The City Commission approve the minutes of December 19, 2013, January 13, 16, 21, and 27, 2014.*

Approved as Recommended

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE, CONSENT

PERSONNEL & ORGANIZATIONAL STRUCTURE COMM, CONSENT

PUBLIC SAFETY COMMITTEE, CONSENT

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE, CONSENT

EQUAL OPPORTUNITY COMMITTEE, CONSENT

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

A motion was made by Commissioner Hawkins, seconded by Commissioner Bottcher, that this Matter be Adopted. The motion carried by the following vote:

Aye: 6 - Mayor Braddy, Commissioner Bottcher, Commissioner Poe, Commissioner Chase, Commissioner Hawkins, and Mayor-Commissioner Pro Tem Wells

Absent: 1 - Commissioner Hinson-Rawls

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

CITY MANAGER

[130546.](#) **Alachua County Boundary Adjustment Act (B)**

This item provides an update on the status of the Alachua County Boundary Adjustment Act.

*Comm YHR arrived at 1:12PM.
Lila Stewart made a presentation.
Mayor Surrency spoke to the matter.*

Heard

GENERAL MANAGER FOR UTILITIES

[130674.](#) **Photovoltaic (PV) Net Metering, Public Service Commission (PSC) Model Update (B)**

*Bill Shepherd and Shayla McNeill made presentations.
Scott Buchanan and Barry Jacobson spoke to the matter.*

RECOMMENDATION *The City Commission 1) Receive a brief presentation from staff; and 2) Given legal recommendations, the City Commission provide direction so the program can be developed and the corresponding ordinance finalized.*

A motion was made by Commissioner Poe, seconded by Commissioner Hinson-Rawls, that this Matter be Approved as Recommended. The motion carried by the following vote:

Aye: 7 - Mayor Braddy, Commissioner Bottcher, Commissioner Poe, Commissioner Chase, Commissioner Hawkins, Mayor-Commissioner Pro Tem Wells, and Commissioner Hinson-Rawls

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE

PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE

PUBLIC SAFETY COMMITTEE**AUDIT, FINANCE AND LEGISLATIVE COMMITTEE****Time Certain - 6:30 PM****130547. Audit of GRU (B)**

David Richardson and Mark Benton made presentations.

Nathan Skop, Jim Konish, Don Glendening, Mac McEachern, Armando Grundy, Donald Shepherd, Debbie Martinez, Adel Francin, Mark Venske, Pat Fitzpatrick, Rod Gonzalez, Jo Beaty, Rob Brinkman, John Davies, Paula Stahmer, Laura Newsome, Ernesto Martinez and Wilbur Holloway spoke the matter.

Motion: The City Commission authorize the city auditor to prepare a request for proposal(RFP) for an external review to address:

- 1. Opportunities for financial and operational benefit to Gainesville Regional Utilities related, but not limited to, the Gainesville Renewable Energy Center(GREC) power purchase agreement(PPA) and,*
- 2. Recommendations of institutional controls that can be implemented that would help avoid the management discrepancies of the past and help strengthen the working relationship between GRU Management and the City Commission.*

RECOMMENDATION

The City Commission direct:

- 1) The City Auditor to initiate and oversee an external review focusing primarily on GRU past management practices and business decisions related to the implementation and any amendments to the GREC PPA, and including a forward focus on recommendations having positive financial impacts on GRU energy supply and delivery;*
- 2) The General Manager for Utilities, City Attorney, City Manager, Clerk of the Commission and their departments to participate fully with the City Auditor and any consultants/auditors/forensic accountants/legal advisors/investigators selected through a competitive request for proposals (RFP) process and to provide immediate and full access to all records at their disposal; and*
- 3) The City Auditor and contractual professionals involved in this review to report on a periodic basis to the Audit, Finance and Legislative Committee progress on this review, including a final contract report, which will then be submitted to the City Commission for final approval.*

A motion was made by Commissioner Poe, seconded by Commissioner Hinson-Rawls, that this Matter be Approved, as shown above. The motion carried by the following vote:

Aye: 6 - Mayor Braddy, Commissioner Bottcher, Commissioner Poe, Commissioner Chase, Mayor-Commissioner Pro Tem Wells, and Commissioner Hinson-Rawls

Nay: 1 - Commissioner Hawkins

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)**OUTSIDE AGENCIES****MEMBERS OF THE CITY COMMISSION**[130682.](#)**Commissioner Thomas Hawkins - Federal Transportation Funding Issues (B)***Motion:*

1. Request City Attorney draft resolution to endorse adequate funding for the Highway Trust Fund as outlined in the Transportation for America "Saving the Nation's Transportation Fund"
 2. Request MTPO consider endorsing at its April meeting the "Saving the Nation's Transportation Fund" proposal from Transportation Trust Fund.
 3. Refer to the Audit, Finance and Legislative Committee whether to add Highway Trust Fund balance to our Federal legislative agenda.
- Nathan Skop spoke the matter.

RECOMMENDATION *The City Commission hear a presentation and take action deemed appropriate.*

A motion was made by Commissioner Hawkins, seconded by Commissioner Poe, that this Matter be Referred to the Audit, Finance and Legislative Committee, due back on 8/6/2014. The motion carried by the following vote:

Aye: 5 - Commissioner Bottcher, Commissioner Poe, Commissioner Hawkins, Mayor-Commissioner Pro Tem Wells, and Commissioner Hinson-Rawls

Nay: 2 - Mayor Braddy, and Commissioner Chase

[130685.](#)**Commissioner Susan Bottcher - Legislative Delegation (B)**

*Amendments: within 24 hours of action
: taken by Committee and/or City Commission*

RECOMMENDATION *The City Commission authorize the Mayor to write periodic letters to the Legislative Delegation providing updates on actions taken by the City Commission in relation to GRU Governance.*

A motion was made by Commissioner Bottcher, seconded by Commissioner Chase, that this Matter be Approved as Amended. The motion carried by the following vote:

Aye: 7 - Mayor Braddy, Commissioner Bottcher, Commissioner Poe, Commissioner Chase, Commissioner Hawkins, Mayor-Commissioner Pro Tem Wells, and Commissioner Hinson-Rawls

COMMISSION COMMENTS (if time available)**RECESS**

RECONVENE-6:03PM

PLEDGE OF ALLEGIANCE (5:30pm)

PROCLAMATIONS/SPECIAL RECOGNITIONS

[130675.](#) **School Crossing Guard Appreciation Day - February 7, 2014 (B)**

RECOMMENDATION *Specialty Units Commander Lt. Anthony Ferrara and Supervisor of School Crossing Guards PST Supervisor Robert Huff to accept the proclamation.*

Heard

CITIZEN COMMENT (6:00pm)

*Jim Konish-GRU bills
Kali Blount-HUD Fair Housing
Debbie Martinez-Audit and Finance meeting
Nathan Skop-PSC Order
Jeff McMullen-Noise Ordinance
Warren Oakes-Noise Ordinance File #130771
Jacob Iddy-Noise Ordinance
Kyle-Noise Ordinance
Andrew Cher-Noise Ordinance
Paula Stahmer-Biomass Plant
Nancy Darin-GRU work-shop
Venessa Anthony-Housing issues
John Davies-City issues
Mark VanSustrenberg-Energy prices
Trish Reilly-Cinema Verde File #130771
Wilbur Holloway-GRU audit
Joe Beaty-GRU contract
Maria Parsons-Koppers
Walter Willard-GRU Work-shop
Rod Gonzalez-City Doors
Pat Fitzpatrick-Homeless Issues
Ernesto Martinez-Noise Issue
Mark Venske-Mold Issues*

*Comm TC moved and Comm TH seconded to continue public comment. Motion carried 7-0.
Chris Cooper made a presentation.*

PUBLIC HEARINGS

RESOLUTIONS- ROLL CALL REQUIRED

[130660.](#) **Resolution adopting written policies and procedures to monitor the**

requirements of Section 148 of the Internal Revenue Code (B)

This item involves a request for the City Commission to adopt the proposed resolution adopting written policies and procedures to monitor the requirements of Section 148 of the Internal Revenue Code.

Heard at 1:00pm.

RECOMMENDATION *The City Commission adopt the proposed resolution.*

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

Aye: 6 - Mayor Braddy, Commissioner Bottcher, Commissioner Poe, Commissioner Chase, Commissioner Hawkins, and Mayor-Commissioner Pro Tem Wells

Absent: 1 - Commissioner Hinson-Rawls

[130549.](#)

Refunding of the City of Gainesville's Capital Improvement Revenue Bonds, Series 2005 (B)

This item involves a request for the City Commission to adopt the proposed resolution authorizing the issuance of a refunding note to advance refund outstanding Capital Improvement Revenue Bonds Series 2005.

Heard at 1:00PM.

RECOMMENDATION *The City Commission: 1) adopt the proposed resolution authorizing issuance of the Capital Improvement Refunding Revenue Note Series 2014; 2) authorize the City Manager, Administrative Services Director, and Finance Director to retain the required professional services to execute the proposed issuance; and 3) authorize the Mayor, Mayor Pro Tem, Clerk of the Commission, City Attorney, City Manager, Administrative Services Director, and Finance Director to execute documents required to close the issue.*

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

Aye: 6 - Mayor Braddy, Commissioner Bottcher, Commissioner Poe, Commissioner Chase, Commissioner Hawkins, and Mayor-Commissioner Pro Tem Wells

Absent: 1 - Commissioner Hinson-Rawls

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

PLAN BOARD PETITIONS

[130458.](#)

Regulations of Murals in the Land Development Code (B)

This is a request for the City Commission to hear a presentation regarding regulations of murals in the Land Development Code and take appropriate action.

ESTIMATED STAFF PRESENTATION 10 MINUTES

Ralph Hilliard made a presentation.

Debbie Martinez, Armando Grundy, Jo Beaty and Donald Shepherd spoke to the matter.

Motion: Include mural instructions in new sign code

RECOMMENDATION

City Plan Board to the City Commission: 1) hear a presentation from staff and take whatever action deemed appropriate.

Alternative Recommendation

This item is a City Plan Board report out, there is no alternative recommendation.

A motion was made by Commissioner Bottcher, seconded by Commissioner Hinson-Rawls, that this Matter be Approved, as shown above. The motion carried by the following vote:

Aye: 6 - Mayor Braddy, Commissioner Bottcher, Commissioner Poe, Commissioner Chase, Commissioner Hawkins, and Mayor-Commissioner Pro Tem Wells

Absent: 1 - Commissioner Hinson-Rawls

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

UNFINISHED BUSINESS

COMMISSION COMMENT

- Comm YHR-1. Bill payment assistance*
- 2. Cox communications store*
 - 3. Posters in neighborhoods*
 - 4. Fire assessment hardship program*
 - 5. Mold situation in apartments*

Comm LP-Hack-a-thon

- Comm TC-1. Jack Hughes*
- 2. Spring elections*

Comm TC moved with Comm SB seconding to review list on streetcar and BRT on conclusions of study. Motion carried 7-0.

*Mayor Braddy-1. Sex trafficking
2. Tiffany Sessions*

[130773.](#)

Mold Situation

Sent to Public safety also

RECOMMENDATION *Refer to Committee*

A motion was made by Commissioner Hinson-Rawls, seconded by Commissioner Hawkins, that this Matter be Referred to the Community Development Committee, due back on 8/6/2014. The motion carried by the following vote:

Aye: 7 - Mayor Braddy, Commissioner Bottcher, Commissioner Poe, Commissioner Chase, Commissioner Hawkins, Mayor-Commissioner Pro Tem Wells, and Commissioner Hinson-Rawls

CITIZEN COMMENT (If time available)

*Armando Grundy-Street Car Study/GRU
Donald Shepherd-Campaign contributions*

ADJOURNMENT-10:46PM

Kurt Lannon, Clerk of the Commission