

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Minutes - Final

December 6, 2018

1:00 PM

City Hall Auditorium

City Commission

Mayor Lauren Poe (At Large)

Commissioner Helen Warren (At Large)

Commissioner Gail Johnson (At Large)

Commissioner Gigi Simmons (District 1)

Commissioner Harvey Ward (District 2)

Commissioner David Arreola (District 3)

Mayor-Commissioner Pro Tem Adrian Hayes-Santos (District 4)

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CALL TO ORDER - 1:00 PM

AGENDA STATEMENT

ROLL CALL

- Present** 6 - Mayor Poe, Commissioner Ward, Commissioner Warren, Commissioner Johnson, Commissioner Simmons, and Mayor-Commissioner Pro Tem Hayes-Santos
- Absent** 1 - Commissioner Arreola

INVOCATION

Prophet George Young

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

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

- Aye:** 5 - Mayor Poe, Commissioner Ward, Commissioner Warren, Commissioner Johnson, and Commissioner Simmons
- Absent:** 2 - Commissioner Arreola, and Mayor-Commissioner Pro Tem Hayes-Santos

[180577.](#) **City Commission Minutes (B)**

RECOMMENDATION *The City Commission approve the minutes of November 13, and November 15, 2018.*

Approved as Recommended

[180473.](#) **GRU Operational Update for the Month of October 2018 (B)**

RECOMMENDATION *Receive report.*

Approved as Recommended

[180503.](#) **RJP Enterprises Emergency Restoration Work Amendment (B)**

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

RECOMMENDATION

The City Commission: 1) authorize the City Manager, or designee to execute an amendment to 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

[180538.](#)

Stinson Voluntary Annexation Petition for Property Located Near SW Archer Road and SW 50th Street (B)

This is the submission of a petition for voluntary annexation of tax parcel 06931-001-000, which is owned by James Stinson. There is one mobile home dwelling unit on the parcel. The total annexation area is approximately 0.98+/- acres and is located at 4301 SW 50th Street, adjacent to the Gainesville Health Care Center nursing home.

RECOMMENDATION

The City Commission: 1) receive the petition 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

[160461.](#)

State Legislative Agenda (B)**RECOMMENDATION**

The City Commission refer to the General Policy Committee discussion of the State Legislative Agenda.

Approved as Recommended

ADOPTION OF REGULAR AGENDA

Modification: Request to move Item No. 170423 to the second item on the afternoon agenda.

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

Aye: 5 - Mayor Poe, Commissioner Ward, Commissioner Warren, Commissioner Johnson, and Commissioner Simmons

Absent: 2 - Commissioner Arreola, and Mayor-Commissioner Pro Tem Hayes-Santos

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

Mayor-Commissioner Pro Tem Hayes-Santos arrived at 1:05 PM.

Gabe Kaimowitz
Anna Prizzia
Harvey Budd
Kim Friends
Valerie Dickhaus

Equal Opportunity Director, Teneshia Marshall gave an introduction.

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

[170908.](#) **Trunked Radio System Update (B)**

This item requests the Commission hear an update on the City's Trunked Radio System Project and a presentation regarding the Alachua County Needs and Alternatives Report by Federal Engineering, Inc. on the countywide trunked radio system.

Motion: Refer this item to the General Policy Committee.

Chief Lane gave an introduction

Brad Barber made a presentation.

Anthony Lyons spoke to the matter.

Lewis Walton and Ed Bielarski spoke to the matter.

Donald Shepherd, Deputy Chief, Harold Theus and Chief Deputy/Colonel Dave Huckstep spoke to the matter.

RECOMMENDATION *The Commission hear the presentation.*

A motion was made by Mayor-Commissioner Pro Tem Hayes-Santos, seconded by Commissioner Simmons, that this Matter be Referred to the General Policy Committee, due back on 4/30/2019. The motion carried by the following vote:

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

Absent: 1 - Commissioner Arreola

[170423.](#) **Presentation by Van Scoyoc Associates (B)**

This is a request for the City Commission to hear a presentation by Van Scoyoc Associates on Federal Legislative Agenda priorities.

Anthony Lyons gave an introduction.

Harry Glenn made a presentation.

Gabriel Hillel and Donald Shepherd spoke to the matter.

RECOMMENDATION

The Commission: 1) hear the presentation from Van Scoyoc Associates regarding the priorities for the Federal Agenda; 2) discuss and approve priorities to be included in the Federal Agenda; and 3) direct staff to write and design the final Federal Agenda.

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

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

Absent: 1 - Commissioner Arreola

180325.

Parks, Recreation and Cultural Affairs Department Receives National Re-Accreditation (B)

This item is a brief presentation regarding PRCA's recently obtained reaccreditation and to view the 25th Anniversary CAPRA video.

****estimated staff presentation 10 minutes****

Dan Hoffman gave an introduction.

Steve Phillips made a presentation.

Gabriel Hillel spoke to the matter.

RECOMMENDATION

The City Commission hear a brief presentation by Assistant City Manager Dan Hoffman and Steve Phillips, Director of Parks, Recreation and Cultural Affairs Department and view the 25th anniversary CAPRA video.

Heard

COMMISSION COMMENT

Motion by Commissioner Ward, seconded by Mayor-Commissioner Pro Tem Hayes-Santos: Staff to bring back a report on discriminating practices of entrances to establishments near the University of Florida. Motion passed 6-0. Commissioner Arreola absent.

180606.

Alachua County 2nd in State - Youth Use of Opioid Addiction (NB)

RECOMMENDATION

Refer to Committee

A motion was made by Commissioner Warren, seconded by Commissioner Ward, that this Matter be Referred to the General Policy Committee, due back on 4/30/2019. The motion carried by the following vote:

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

Absent: 1 - Commissioner Arreola

RECESS - 3:23 PM

RECONVENE - 5:30 PM

PLEDGE OF ALLEGIANCE

PROCLAMATIONS/SPECIAL RECOGNITIONS

180576. **Arbor Day Proclamation (B)**

Wendy Thomas introduced the Tree Team (Debora Rivera, Matt Mears, Chelsea Proia and Lilly Kolluri).

RECOMMENDATION *Ms. Autumn Doughton to accept the proclamation.*

Heard

180586. **National Hospice and Palliative Care Month Proclamation (B)**

RECOMMENDATION *Ms. Kelly Banks to accept the proclamation.*

Heard

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

- Richard Selwach*
- Sherry Bailey*
- Juanita Miles-Hamilton*
- Evelyn Foxx*
- Gabriel Kaimowitz*
- Tana Silva*
- Nikwanda Jah*
- Dottie Faibisy*
- Jordan Marlow*
- Natalia Undraca*
- Donald Shepherd*

Motion by Commissioner Warren, seconded by Commissioner Simmons to waive the rules and extend Public Comment for 10 minutes. Motion passed 6-0. Commissioner Arreola absent.

Mark Van Soestbergen

Commissioner Simmons spoke about: 1) opioid/drug use; 2) addressing community concerns (provide information to citizens that have made requests).

Commissioner Johnson: 1) Further discussion on the City's turnover of employees.

Commissioner Warren: 1) Further discussion on the City's turnover of employees.

Recess - 6:27 PM

Reconvene - 6:30 PM

TIME CERTAIN - 6:30 PM

[170487.](#)

Plastic Bag/Styrofoam Ban (B)

Motion: 1) Set first reading of Ordinance No. 170487 on January 3, 2019 for a time certain at 6:30 PM, 2) Have without a hardship exemption section; 3) Set an implementation date of August 1, 2019; and 4) Schedule this item for the first City Commission meeting in March, 2019, to specifically discuss the hardship exemption.

Mayor-Commissioner Pro Tem Hayes-Santos gave an introduction.

Commissioner Johnson arrived at 6:31 PM.

Alyssa Brown spoke to the matter.

Dan Hoffman made a presentation.

David Schwartz and Nicolle Shalley spoke to the matter.

Donald Shepherd, Doug Clifford, Terry Alford, Mark Loffton, Chris Rose, II, Julia Reiskind, Alyssa Brown, Bruce Blackwell, Jack Carter, Gina Hawkins, Nicolle, Nicholas Palevedo, Frank Prince, Arnall Downs, Marilyn Jipson, Tommy Silverstein, Trish Riely, Nidwanda Jah, Nicole Gilbo, Megan Black, Kristine Larsen, Jess Larsen, Samantha Kelly, Rena Saco, Joe Addington, Janette Hinsdale, Joy Hughes, Simon Fitz Williams and Tatiana Sandchez spoke to the matter.

Recess - 8:28 PM

Reconvene - 8:36 PM

RECOMMENDATION *The City Commission discuss.*

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

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

Absent: 1 - Commissioner Arreola

RESOLUTIONS - ROLL CALL REQUIRED

[180517.](#)**Quasi-Judicial - Request to Designate Certain Property on E University Avenue as a Brownfield (B)**

Resolution No. 180517

A resolution of the City of Gainesville, Florida, designating certain property located at 1007 and 1021 E University Avenue and 15 SE 10th Street, parcel numbers 12005-000-000, 12007-000-000, 12007-001-000, and 12007-002-000, as more specifically described in this resolution, as a Brownfield Area in accordance with the Florida Brownfields Redevelopment Act, Sections 376.77-376.85, Florida Statutes; providing directions to the City Manager; and providing an immediate effective date.

Rena Saco spoke to the matter.

RECOMMENDATION *The City Commission should adopt the proposed resolution.*

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

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

Absent: 1 - Commissioner Arreola

[180419.](#)**Resolution to the Department of Transportation - Newberry Road from NW 44th Street to NW 62nd Terrace (B)**

This item involves a request to adopt a Resolution and authorize the Mayor to execute the Deed to the Florida Department of Transportation for an upcoming project located on Newberry Road from NW 44th Street to NW 62nd Terrace.

Dan Hoffman spoke to the matter.

RECOMMENDATION *The City Commission: 1) adopt the Resolution; and 2) authorize the Mayor to execute the Deed to the Florida Department of Transportation, subject to the approval of the City Attorney as to form and legality*

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

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

Absent: 1 - Commissioner Arreola

[180491.](#)**Request to Declare as Surplus and Dispose of City Owned Property (B)**

This item is a request to the City Commission for a Resolution declaring 6,000 square feet of city-owned property as surplus, waiving the City's requirement to competitively dispose of the subject property, and authorizing disposition.

Steve Phillips spoke to the matter.

Donald Shepherd spoke to the matter.

RECOMMENDATION

The City Commission: 1) adopt the Resolution declaring the subject property as surplus and waiving the City's requirement to competitively dispose of the subject property; 2) authorize the City Manager to execute a Purchase and Sale Agreement to sell the subject property to the abutting property owner subject to approval by the City Attorney as to form and legality; 3) authorize the City Manager to prepare a Special Warranty Deed subject to approval by the City Attorney as to form and legality; and 4) authorize the Mayor to execute, and the Clerk to attest, the Special Warranty Deed conveying the subject property, subject to approval by the City Attorney as to form and legality.

A motion was made by Mayor-Commissioner Pro Tem Hayes-Santos, seconded by Commissioner Johnson, that this Matter be Adopted (Resolution) and Approved the Recommendation. The motion carried by the following vote:

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

Absent: 1 - Commissioner Arreola

[180535.](#)**Resolution for 5310 Grant Application (B)**

This item is a request for the City Commission to adopt a Resolution to allow the Regional Transit System (RTS) to apply for a 5310 Grant to purchase paratransit trips and a paratransit van to provide access to fixed route transportation for persons with disabilities and ADA service to the disabled citizens of Gainesville.

Jesus Gomez spoke to the matter.

RECOMMENDATION

The City Commission: 1) adopt the Resolution; and 2) authorize the City Manager or his designee to execute related Public Transportation Grant Agreement(s) with the Department of Transportation, subject to approval by the City Attorney as to form and legality.

A motion was made by Commissioner Ward, seconded by Mayor-Commissioner

Pro Tem Hayes-Santos, that this Matter be Adopted (Resolution) and Approved the Recommendation. The motion carried by the following vote:

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

Absent: 1 - Commissioner Arreola

[180470.](#)

Fourth Quarter Amendment through September 30, 2018 to the FY 2018 General Government Financial and Operating Plan (B)

Resolution No. 180470

A Resolution of City Commission of the City of Gainesville, Florida; relating to its general government budget for the fiscal year beginning October 1, 2017 and ending September 30, 2018; amending Resolution No. 170380, as amended by Resolution No. 170852, Resolution No. 180055, and Resolution No. 180348, by making certain adjustments to the General Government Financial and Operating Plan Budget; and providing an immediate effective date.

RECOMMENDATION

The Audit and Finance Committee: (1) Review the proposed amendatory budget resolution; and if acceptable, (2) recommend that the City Commission adopt the proposed resolution.

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

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

Absent: 1 - Commissioner Arreola

PUBLIC HEARINGS

[171022.](#)

Second Review of Design Plat for the Oaks Preserve Cluster Subdivision to Ensure Consistency with Conditions of Approval (B)

Petition DB-18-17 SUB. EDA, Inc. (Sergio Reyes), agent for Oaks Preserve Parcel Owners. Design plat review for Oaks Preserve Cluster Subdivision, a residential subdivision of Tax Parcels: 06951, 06949-1, 06949, 06952-2-2, 06944-1, 069440, 06943-2, 06949-2 and 069521 to create 296 single-family residential lots. Zoned: RSF-4 (single-family residential 8 dwelling units per acre).

Motion: Approve with two additional conditions: 1) To add the traffic calming devices; and 2) No construction traffic will go on SW 44th Street and SW 47th Way.

Lawrence Calderon made a presentation.

Commissioner Johnson, Commissioner Simmons, Commissioner Warren, Mayor-Commission Pro Tem Hayes-Santos, Commissioner Ward and Mayor Poe declared ex-parte communication and all declared the ability to make a fair and impartial decision.

Andrew Persons spoke to the matter.

Clay Sweger made a presentation.

Sergio Reyes spoke to the matter.

Charles Dempshaw, Jancie Vinson, Joyce Ellis and Donald Shepherd spoke to the matter.

Motion by Commissioner Ward, seconded by Mayor-Pro Tem Hayes-Santos to waive the Commission rules and continue this item to 10:30 PM. Motion passed 5-0. Commissioner Johnson and Commissioner Arreola absent.

RECOMMENDATION *Staff to City Commission - Approve the Design Plat for Oaks Preserve Cluster Subdivision, authorizing the applicant to proceed to Construction Drawing Review.*

A motion was made by Mayor-Commissioner Pro Tem Hayes-Santos, seconded by Commissioner Warren, that this Matter (Petition) be approved as Recommended with Two Additional Conditions. The motion failed by the following vote:

Aye: 3 - Mayor Poe, Commissioner Warren, and Mayor-Commissioner Pro Tem Hayes-Santos

Nay: 3 - Commissioner Ward, Commissioner Johnson, and Commissioner Simmons

Absent: 1 - Commissioner Arreola

ORDINANCES, 2ND READING - ROLL CALL REQUIRED

[171056.](#)

Ordinance Amending Building Regulations (B)

Ordinance No. 171056

An ordinance of the City of Gainesville, Florida, amending Chapter 6 - Buildings and Building Regulations in the City of Gainesville Code of Ordinances and amending Appendix A - Schedule of Fees, Rates and Charges of the Code of Ordinances relating to Buildings and Building Regulations; 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 Mayor-Commissioner Pro Tem Hayes-Santos, seconded by Commissioner Warren, that this Matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:

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

Absent: 1 - Commissioner Arreola

[180479.](#)

Ordinance Amending Utility Advisory Board Code Provisions (B)

Ordinance No. 180479

An ordinance of the City of Gainesville, Florida, amending section 2-358 of the Code of Ordinances relating to non-voting members of the Utility Advisory Board; 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 Warren, seconded by Commissioner Simmons, that this Matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:

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

Absent: 1 - Commissioner Arreola

ORDINANCES, 1ST READING - ROLL CALL REQUIRED

[180311.](#)

Voluntary Annexation - 1.79 Acres of Property located at 4015 SW 43rd Street (B)

Ordinance No. 180311

An ordinance of the City of Gainesville, Florida, annexing approximately 1.79 acres of privately-owned property that is generally located south of parcel number 06800-006-001, west of Interstate 75, north of SW Archer Road, and east of SW 43rd Street, as more specifically described in this ordinance, as petitioned for by the property owner(s) pursuant to Chapter 171, Florida Statutes; making certain findings; providing for inclusion of the property in Appendix I of the City Charter; 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 directions to the Clerk of the Commission; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Lila Stewart made a presentation.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

Absent: 1 - Commissioner Arreola

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

COMMISSION COMMENT

Motion by Commissioner Johnson, seconded by Commissioner Warren to waive the Commission rules and extend the meeting for 10 minutes. Motion passed 6-0. Commissioner Arreola absent.

Motion by Commissioner Johnson, seconded by Commissioner Simmons: 1) Schedule for a time certain on January 3, 2019, a discussion about employee morale, prohibited personnel practices, including but not limited to forced resignations, firings, transfers and the hiring practices related to the City Manager. Motion passed 4-2. Commissioner Ward and Mayor-Pro Tem Commissioner Hayes-Santos voting no. Commissioner Arreola absent.

Motion by Commissioner Warren, seconded by Commissioner Simmons to waive the Commission rules and extend the meeting to 10:50 PM. Motion passed 6-0. Commissioner Arreola absent.

Motion by Commissioner Ward, seconded by Mayor-Pro Tem Hayes-Santos: 1) Charter Officer Self evaluations to be turned in by January 3, 2019; 2) Have a two-week process to meet with Charters if we choose; 3) Have a discussion of the evaluations on January 17, 2019; and 4) Ask staff to bring back information about what a 360 degree evaluation looks like. Motion passed 6-0. Commissioner Arreola absent.

Motion by Commissioner Warren, seconded by Commissioner Ward to waive the Commission rules and extend the meeting to 11:00 PM. Motion passed 6-0. Commissioner Arreola absent.

Motion by Commissioner Warren, seconded by Commissioner Johnson: Bring up for discussion at the December 10, 2018 Joint City/County meeting the topic of additional staffing at DignityVillage. Motion passed 6-0. Commissioner Arreola absent.

ADJOURNMENT - 10:52 PM