

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Minutes

October 6, 2016

1:00 PM

MODIFIED AGENDA

City Hall Auditorium

City Commission

Mayor Lauren Poe (At Large)

Commissioner Harvey Budd (At Large)

Mayor-Commissioner Pro Tem Helen Warren (At Large)

Commissioner Charles Goston (District 1)

Commissioner Todd Chase (District 2)

Commissioner Craig Carter (District 3)

Commissioner Adrian Hayes-Santos (District 4)

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ROLL CALL - 1:02 PM

Present 7 - Commissioner Goston, Commissioner Budd, Commissioner Chase, Mayor Poe, Commissioner Hayes-Santos, Commissioner Carter, and Mayor-Commissioner Pro Tem Warren

AGENDA STATEMENT

INVOCATION

Prophet George Young

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

Jim Konish and Debbie Martinez spoke to the matter.

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

Aye: 7 - Commissioner Goston, Commissioner Budd, Commissioner Chase, Mayor Poe, Commissioner Hayes-Santos, Commissioner Carter, and Mayor-Commissioner Pro Tem Warren

160321. Approval of the Regional Transit System (RTS) Title VI Program (B)

This item is a request to approve the RTS Title VI Program and its subsequent submission to the Federal Transit Administration (FTA) for final review and approval.

RECOMMENDATION *The City Commission approve the Regional Transit System (RTS) Title VI program.*

Approved as Recommended

160369. Surplus Sales (NB)

RECOMMENDATION *Staff recommends that the City Commission: 1) declare GRU's obsolete, scrap and surplus materials as surplus property; and 2) authorize staff to sell or dispose of such property for FY17 in a manner which generates the greatest benefit through established procedures.*

The Utility Advisory Board approved staff's recommendation by a vote of 7-0.

Approved as Recommended

160370. Amendment to Contract for the Sale of Scrap Metals (NB)

RECOMMENDATION

Staff recommends that the City Commission: 1) declare scrap materials that become available as surplus; and 2) authorize the General Manager, or his designee, to amend the contract with Trademark Metals Recycling, LLC through September 30, 2018 for the sale of surplus scrap metals, subject to the approval of the City Attorney as to form and legality.

The Utility Advisory Board voted 7-0 to approve staff's recommendation.

Approved as Recommended

160383.

State of Homelessness in Gainesville (NB)

This item is to request the City Commission to refer the OG Report on Homelessness to the General Policy Committee for their discussion and policy direction.

RECOMMENDATION

The City Commission refer the OG Report and the proposed action plan to the General Policy Committee.

Approved as Recommended

160460.

OG Report and Proposed Action Plan for the State of Homelessness in Gainesville

RECOMMENDATION

Refer to Committee

160407.

Federal and State Legislative Priorities (NB)

This is a request for the City Commission to refer a discussion of the Federal and State Legislative Priorities to the General Policy Committee.

RECOMMENDATION

The City Commission refer this item to the General Policy Committee meeting.

Approved as Recommended

160461.

Discussion of the Federal and State Legislative Priorities

RECOMMENDATION

Refer to Committee

160385.

EEOC CHARGE - RANDAL C. ROBERTS; EEOC CHARGE No. 510-2016-02922 (NB)**RECOMMENDATION**

The City Commission authorize the City Attorney to represent the City in the case styled Randal C. Roberts v. City of Gainesville; EEOC CHARGE No. 510-2016-02922.

Approved as Recommended

[160400.](#)**MARY NUGENT VS. GAINESVILLE RAPID TRANSIT SYSTEM, A MUNICIPAL CORPORATION OF THE STATE OF FLORIDA; EIGHTH JUDICIAL CIRCUIT, CASE NO. 2016-CA-2861 (B)****RECOMMENDATION**

The City Commission authorize the City Attorney to represent the City in the case styled Mary Nugent vs. Gainesville Rapid Transit System, a Municipal Corporation of the State of Florida; Eighth Judicial Circuit, Case No. 2016-CA-2861.

Approved as Recommended[160406.](#)**SARA RUPPANNER VS. CITY OF GAINESVILLE; EIGHTH JUDICIAL CIRCUIT, CASE NO. 2016-CA-2869 (B)****RECOMMENDATION**

The City Commission authorize the City Attorney to represent the City in the case styled Sara Ruppanner vs. City of Gainesville; Eighth Judicial Circuit, Case No. 2016-CA-2869.

Approved as Recommended[160428.](#)**OTIS ANDERSON V. BYLYNN HATCHER; COURT CASE NO. 1:16-CV-168 (B)****RECOMMENDATION**

The City Commission authorize the City Attorney and/or special counsel if insurance coverage is available to represent the individual officer in the case styled Otis Anderson v. Bylynn Hatcher; Court Case No. 1:16-CV-168.

Approved as Recommended[160416.](#)**City Commission Minutes (B)****RECOMMENDATION**

The City Commission approve the minutes of August 30, September 1, September 8, September 13 and September 15, 2016.

Approved as Recommended[160442.](#)**Resignation of Brian Smith from the Historic Preservation Board (B)****RECOMMENDATION**

The City Commission accepts the resignation of Brian Smith, effective immediately.

Approved as Recommended**ADOPTION OF REGULAR AGENDA**

Motion: Continue Item No. 160216 until October 20, 2016.

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

Aye: 7 - Commissioner Goston, Commissioner Budd, Commissioner Chase, Mayor Poe, Commissioner Hayes-Santos, Commissioner Carter, and Mayor-Commissioner Pro Tem Warren

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

*Jim Konish
Debbie Martinez*

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

160379. Proposal Award - Selection of Contractors for the Operation of Joyce Oransky Tennis Center and Pro Shop and Provide Tennis Lessons at various City of Gainesville Tennis Facilities (B)

This item requests the City Commission approve the award of the Tennis Professional Services Contract to Jonesville Tennis LLC dba Gainesville Tennis, and authorize the City Manager or designee to execute a contract with Jonesville Tennis LLC dba Gainesville Tennis for Professional Tennis Services at various City Facilities, including the Joyce Oransky Tennis Center and Pro Shop.

Chief Lane and Lt. McIntire gave an update on the storm.

Lisa Bennett, Doug Drymon, and Steve Phillips made presentations.

Motion by Mayor-Commissioner Warren, seconded by Commissioner Carter to approve staff recommendation. Motion failed 1-6. Mayor-Commissioner Warren voting yes.

Motion by Commissioner Chase, seconded by Commissioner Carter to reject the proposal. Motion passed 7-0.

Jim Konish, Jennifer Springfield, Remil, Jackson Spreeder, Beth Mills, Dean Cacciatore, Tim Jacoby, Carly Traft, Jean Park, Ann Koterba, George English, Ms. Weebe, Frazer Springfield, Mary Cacciatore, Megan Lesley, Rusty Bethea and Rhonda Craiser.

Recess - 3:11 PM

Reconvene - 3:16 PM

RECOMMENDATION *The City Commission: 1) approve award of the Tennis Professional Services contract to Jonesville Tennis LLC dba Gainesville Tennis; and 2) authorize the City Manager or designee to execute all contract documents with Jonesville Tennis LLC dba Gainesville Tennis for Professional Tennis Services, subject to approval by the City Attorney as to form and legality.*

This Matter was Approved, as shown above

160465. Direction on the Next RFP for the Tennis Operation in Gainesville

RECOMMENDATION *Refer to Committee*

A motion was made by Commissioner Chase, seconded by Commissioner Carter, that this Matter be Referred to the General Policy Committee, due back on 4/30/2017. The motion carried by the following vote:

Aye: 7 - Commissioner Goston, Commissioner Budd, Commissioner Chase, Mayor Poe, Commissioner Hayes-Santos, Commissioner Carter, and Mayor-Commissioner Pro Tem Warren

160374.

Funding for the Community Weatherization Coalition (B)

Bill Shepherd, Marianne Schmink, Andy Bachmann, Archie Bonner and Lynn Jerrett made presentations.

Jim Konish, Jo Beaty, Jason Fults and Telford Cartright spoke to the matter.

Motion by Commissioner Hayes-Santos, seconded by Mayor-Commissioner Pro Tem Warren to fund the CWC in the amount of \$77,369. Motion failed 3-4. Commissioner Hayes-Santos, Mayor-Commissioner Pro Tem Warren and Mayor Poe voted yes.

Motion by Commissioner Chase, seconded by Commissioner Carter for GRU to fund the CWC in the amount of \$75,000 at \$25,000/year for 3 years.

RECOMMENDATION *Hear a presentation from GRU staff on GRU's history with the CWC. Hear a presentation from the CWC on their budget request.*

With regard to the CWC's budget request, staff recommends that:

- 1) GRU continue to administer DEED grant funds, estimated to be \$31,181 in FY17 and \$32,714 in FY18;*
- 2) GRU provide no other direct funding to CWC for FY17 given current budget constraints;*
- 3) Staff continue to provide the CWC with Energy Efficiency Kits for each GRU customer they survey.*

The UAB recommends that:

- 1) No GRU funds be provided to the CWC.*
- 2) The CWC work with the City to find an alternative funding source.*

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

Aye: 6 - Commissioner Goston, Commissioner Chase, Mayor Poe, Commissioner Hayes-Santos, Commissioner Carter, and Mayor-Commissioner Pro Tem Warren

Nay: 1 - Commissioner Budd

RECESS - 4:51 PM

RECONVENE - 5:33 PM

PLEDGE OF ALLEGIANCE

PROCLAMATIONS/SPECIAL RECOGNITIONS

160418. Fire Prevention Week - October 9-15, 2016 (B)

RECOMMENDATION *Gainesville Fire Rescue Fire Chief Jeff Lane, Assistant Fire Chief Steve Hesson and Risk Reduction Specialist Krista Ott to accept the proclamation.*

Heard

160419. National Pulled Pork Day - October 12, 2016 (B)

RECOMMENDATION *Sonny's BBQ Public Relations and Events Coordinator Montana Smith to accept the proclamation.*

Heard

160420. Entrepreneurship Month - October 2016 (B)

RECOMMENDATION *GAIN Chairman Emeritus Dug Jones to accept the proclamation.*

Heard

160421. Manufacturing Month - October 2016 (B)

RECOMMENDATION *Chamber's Advanced Manufacturing Council Chair Ryan Loftus to accept the proclamation.*

Heard

160422. Character Counts Week - October 17-23, 2016 (B)

RECOMMENDATION *Brinley and Brianna Smith from Albert "Ray" Massey Westside Recreation Center, Brian and Bri'nyan Starks from Eastside Community Center, Keenon Johnson and Taniya Means from Porters Community Center and Shysie Foreman and Brynia Jones from Clarence R. Kelly Community Center to accept the proclamation.*

Heard

160423. Hidden Heroes City (B)

RECOMMENDATION *A representative 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

Joanne Rice and Lt. McIntire gave an update on the storm.

*Gabe Kaimowitz
Beverly Craig
Kali Blount
Jo Beaty
Telford Cartwright*

PUBLIC HEARINGS

RESOLUTIONS - ROLL CALL REQUIRED

160365. Stand Up North Florida Resolution (B)

Nick Laughler made a presentation.

RECOMMENDATION *The City Commission adopt the proposed resolution.*

A motion was made by Commissioner Carter, seconded by Commissioner Budd, that this Matter be Striken From the Agenda. The motion carried by the following vote:

Aye: 7 - Commissioner Goston, Commissioner Budd, Commissioner Chase, Mayor Poe, Commissioner Hayes-Santos, Commissioner Carter, and Mayor-Commissioner Pro Tem Warren

160141. Qualified Target Industry (QTI) Amended Resolution - Nationwide Insurance (B)

This item seeks City Commission approval for an amended QTI Resolution in order to adjust timing associated with prospective expansion and job creation within the City of Gainesville for Nationwide Insurance.

Eric Bredfeldt made a presentation.

RECOMMENDATION *The City Commission: 1) adopt the QTI Resolution; 2) authorize the Mayor to execute and the Clerk to attest to the QTI Resolution regarding Nationwide Insurance; and 3) direct the City Manager to forward the executed QTI Resolution to Enterprise Florida.*

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

Aye: 7 - Commissioner Goston, Commissioner Budd, Commissioner Chase, Mayor Poe, Commissioner Hayes-Santos, Commissioner Carter, and Mayor-Commissioner Pro Tem Warren

160294.**Annual Audit Plan - 2017 (B)**

Carlos Holt made a presentation.

RECOMMENDATION

The Audit and Finance Committee recommends the City Commission approve the Fiscal Year 2017 Annual Audit Plan by resolution.

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

Aye: 6 - Commissioner Goston, Commissioner Budd, Commissioner Chase, Mayor Poe, Commissioner Carter, and Mayor-Commissioner Pro Tem Warren

Absent: 1 - Commissioner Hayes-Santos

ORDINANCES, 1ST READING - ROLL CALL REQUIRED160381.**AN ORDINANCE INCREASING THE MAXIMUM NUMBER OF HOURS FOR AN ALCOHOL EVENT ON PUBLIC RIGHT-OF-WAY WITHIN THE DOWNTOWN DISTRICT (B)**

Ordinance No. 160381

An Ordinance of the City of Gainesville, Florida, amending the Code of Ordinances relating to alcohol event permits; by amending Section 4-4 to increase the maximum number of hours for an alcohol event on public right-of-way within the downtown district; providing directions to the codifier; and providing an effective date.

Paul Folkers made a presentation.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

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

Aye: 7 - Commissioner Goston, Commissioner Budd, Commissioner Chase, Mayor Poe, Commissioner Hayes-Santos, Commissioner Carter, and Mayor-Commissioner Pro Tem Warren

160240.**QUASI-JUDICIAL - HISTORIC PROPERTY TAX EXEMPTION - 306 NE 7th AVENUE (B)**

Ordinance No. 160240

An ordinance of the City of Gainesville, Florida, finding that property located at 306 NE 7th 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, 2017, 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.

Jason Simmons made a presentation.

Jason Hagler spoke to the matter.

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 Mayor-Commissioner Pro Tem Warren, seconded by Commissioner Carter, that this Matter be Adopted on First Reading (Ordinance) and Approved the Recommendation. The motion carried by the following vote:

Aye: 7 - Commissioner Goston, Commissioner Budd, Commissioner Chase, Mayor Poe, Commissioner Hayes-Santos, Commissioner Carter, and Mayor-Commissioner Pro Tem Warren

160228.

QUASI-JUDICIAL - HISTORIC PROPERTY TAX EXEMPTION - 405 NE 10th AVENUE (B)

Ordinance No. 160228

An ordinance of the City of Gainesville, Florida, finding that property located at 405 NE 10th 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, 2017, 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.

Jason Simmons made a presentation.

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 Mayor-Commissioner Pro Tem Warren, seconded by Commissioner Carter, that this Matter be Adopted on First Reading (Ordinance) and Approved the Recommendation. The motion carried by the following vote:

Aye: 7 - Commissioner Goston, Commissioner Budd, Commissioner Chase, Mayor Poe, Commissioner Hayes-Santos, Commissioner Carter, and Mayor-Commissioner Pro Tem Warren

160401.

MORATORIUM ON CONSTRUCTION OF WIRELESS COMMUNICATION FACILITIES IN PUBLIC RIGHTS-OF-WAY (B)

Ordinance No. 160401

An ordinance of the City of Gainesville, Florida, enacting a temporary moratorium to prohibit the filing, acceptance or processing of any permit, development order, or any other official action of the City having the effect of permitting or allowing the construction of wireless communication facilities in the public right-of-way within the city limits; providing a severability clause; providing repealing clauses; and providing an effective date.

Lisa Bennett made a presentation.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

Aye: 7 - Commissioner Goston, Commissioner Budd, Commissioner Chase, Mayor Poe, Commissioner Hayes-Santos, Commissioner Carter, and Mayor-Commissioner Pro Tem Warren

ORDINANCES, 2ND READING - ROLL CALL REQUIRED

160216.

VOLUNTARY ANNEXATION - 100 ACRES OF PROPERTY SOUTHWEST OF THE CURRENT CITY BOUNDARY (B)

Ordinance No. 160216

An ordinance of the City of Gainesville, Florida, annexing approximately 100 acres of city-owned and privately-owned property that is generally located south of Tax Parcel No. 07240-049-000 and the existing City of Gainesville boundary, west of SW 41st Boulevard and Interstate 75, north of SW Williston Road, and east of SW 75th 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.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

A motion was made by Commissioner Carter, seconded by Commissioner Budd, that this Matter be Continued to October 20, 2016. The motion carried by the following vote:

Aye: 7 - Commissioner Goston, Commissioner Budd, Commissioner Chase, Mayor Poe, Commissioner Hayes-Santos, Commissioner Carter, and Mayor-Commissioner Pro Tem Warren

160431.

Mayor Lauren Poe - The Negro Fort (B)

Sherry Dupree made a presentation.

Motion by Mayor-Commissioner Pro Tem Warren, seconded by Commissioner Hayes-Santos to waive the rules and hear the afternoon items before Citizen Comment. Motion passed 7-0.

RECOMMENDATION *The City Commission hear a presentation from Ms. Sherry Dupree and take action deemed appropriate.*

Heard

160435.

RETENTION OF WINSTON & STRAWN LLP, TO REPRESENT THE CITY OF GAINESVILLE D/B/A GAINESVILLE REGIONAL UTILITIES IN MEDIATION WITH GAINESVILLE RENEWABLE ENERGY CENTER, LLC (NB)

RECOMMENDATION *City Commission (1) authorize the Office of the City Attorney, on behalf of the General Manager for Utilities, to retain Winston & Strawn LLP for representation of GRU in mediation with GREC; and (2) authorize the General Manager or his designee, to negotiate with GREC potential resolution of any and/or all claims or issues related to the PPA on terms mutually agreeable to the parties, subject to final approval of the City Commission and subject to approval by the City Attorney as to form and legality.*

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

Aye: 7 - Commissioner Goston, Commissioner Budd, Commissioner Chase, Mayor Poe, Commissioner Hayes-Santos, Commissioner Carter, and Mayor-Commissioner Pro Tem Warren

160430.

Election Agreement (B)

RECOMMENDATION *The City Commission authorize the City Attorney to draft and the Clerk of the Commission to advertise an ordinance to:*

1) Extend the period between the regular and run-off election from 4 to 6 weeks for all City of Gainesville Spring Regular Elections starting in 2018.

2) Change City of Gainesville early voting criteria to coincide with State Law.

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

Aye: 7 - Commissioner Goston, Commissioner Budd, Commissioner Chase, Mayor Poe, Commissioner Hayes-Santos, Commissioner Carter, and Mayor-Commissioner Pro Tem Warren

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

Telford Cartwright

COMMISSION COMMENT

Commissioner Carter - Refer to the City Manager an analysis combining Active Streets and Menagerie in Motion.

Commissioner Chase - Advisory Board/Committee Openings.

Motion by Commissioner Hayes-Santos, seconded by Commissioner Carter for the City to sponsor Active Streets and Menagerie in Motion. Motion passed 7-0.

Commissioner Goston: 1) Enterprize Zone implementation; 2) Free concert at the Bo Diddley Plaza; and 3) Refer to the City Manager the traffic circle at 8th Avenue and 9th Street.

Mayor-Commissioner Pro Tem Warren - Parking tickets update.

160463. Urban Standards for GRU

RECOMMENDATION *Refer to Committee*

A motion was made by Commissioner Hayes-Santos, seconded by Commissioner Goston, that this Matter be Referred to the General Policy Committee, due back on 4/30/2017. The motion carried by the following vote:

Aye: 7 - Commissioner Goston, Commissioner Budd, Commissioner Chase, Mayor Poe, Commissioner Hayes-Santos, Commissioner Carter, and Mayor-Commissioner Pro Tem Warren

160464. Solar Charging

RECOMMENDATION *Refer to Committee*

A motion was made by Commissioner Carter, seconded by Mayor-Commissioner Pro Tem Warren, that this Matter be Referred to the General Policy Committee, due back on 4/30/2017. The motion carried by the following vote:

Aye: 7 - Commissioner Goston, Commissioner Budd, Commissioner Chase, Mayor Poe, Commissioner Hayes-Santos, Commissioner Carter, and Mayor-Commissioner Pro Tem Warren

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.

160267. **Murphree Water Treatment Plant Electrical Upgrade (B)**

****This item is informational.****

RECOMMENDATION *Hear a presentation from staff.*

Continued

Aye: 7 - Commissioner Goston, Commissioner Budd, Commissioner Chase, Mayor Poe, Commissioner Hayes-Santos, Commissioner Carter, and Mayor-Commissioner Pro Tem Warren

PLANNING PETITIONS

ADJOURNMENT - 7:59 PM

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Minutes

October 20, 2016

1:00 PM

MODIFIED AGENDA

City Hall Auditorium

City Commission

Mayor Lauren Poe (At Large)
Commissioner Harvey Budd (At Large)
Mayor-Commissioner Pro Tem Helen Warren (At Large)
Commissioner Charles Goston (District 1)
Commissioner Todd Chase (District 2)
Commissioner Craig Carter (District 3)
Commissioner Adrian Hayes-Santos (District 4)

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CALL TO ORDER - 1:08 PM

Present 7 - Commissioner Goston, Commissioner Budd, Commissioner Chase, Mayor Poe, Commissioner Hayes-Santos, Commissioner Carter, and Mayor-Commissioner Pro Tem Warren

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

Motion: Remove from the consent agenda - Item No. 160393 for discussion.

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

Aye: 7 - Commissioner Goston, Commissioner Budd, Commissioner Chase, Mayor Poe, Commissioner Hayes-Santos, Commissioner Carter, and Mayor-Commissioner Pro Tem Warren

160415.**Supplemental Joint Participation Agreements (SJPA) for Florida Department of Transportation Service Development Grant Funds for Regional Transit System (RTS) Projects (B)**

This item requests that the City Commission authorize the City Manager to execute SJPAs for Department of Transportation Service Development Grant Funds for Regional Transit System (RTS) projects.

RECOMMENDATION

The City Commission authorize the City Manager or his designee to execute SJPAs for the aforementioned projects, subject to review and approval by the City Attorney as to form and legality.

Approved as Recommended

160443.**RFP Award - Enterprise Resource Planning (ERP) Consulting Services for the Technology Project (B)**

This item is a request for the City Commission to authorize the RFP award to Plante & Moran, PLLC to provide consulting services for the Enterprise Resource Planning Project.

RECOMMENDATION

The City Commission: 1) accept the selection in order of ranking; 2) authorize the City Manager to initiate contract negotiations with Plante & Moran, PLLC as the Consulting Services provider for the Enterprise Resource Planning Project; and 3) authorize the City Manager to execute all related documents, including contract amendments and

extensions, subject to approval by the City Attorney as to form and legality.

Approved as Recommended

160402.

Implementation of the "OUTPOST" Program for Students Attending the A. Quinn Jones Center (B)

This is a request for the City Commission to approve a Memorandum of Support and Understanding between the School Board of Alachua County and the City of Gainesville for the implementation of the "OUTPOST" at the A. Quinn Jones Center.

RECOMMENDATION

The City Commission: 1) accept the School Board offer to continue to fund the "OUTPOST" model at the A. Quinn Jones; and 2) authorize the continuance of a temporary position; and 3) authorize the City Manager or designee to execute the agreement subject to approval of the City Attorney as to form and legality.

Approved as Recommended

150762.

Extension of Tolling Agreement for City's claims against Jones Edmunds regarding the design and engineering of the Sediment Basin of the Sweetwater Branch/Paynes Prairie Sheetflow Restoration Project (B)

RECOMMENDATION

Approve the Third Amendment to Tolling.

Approved as Recommended

160458.

**EEOC CHARGE - ALFRED HOLMES V. CITY OF GAINESVILLE;
EEOC CHARGE No. 846-2016-19182 (NB)**

RECOMMENDATION

The City Commission authorize the City Attorney to represent the City in the case styled Alfred Holmes v. City of Gainesville; EEOC CHARGE No. 846-2016-19182 (NB)

Approved as Recommended

160477.

Joint City/County Commission Meeting (NB)

RECOMMENDATION

The City Commission approve a joint meeting with the Alachua County Commission on Monday, November 14, 2016 from 3:00 - 5:00pm in the Jack Durrance Auditorium with one of the topics regarding Gas Tax.

Approved as Recommended

ADOPTION OF REGULAR AGENDA

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

Aye: 7 - Commissioner Goston, Commissioner Budd, Commissioner Chase, Mayor Poe, Commissioner Hayes-Santos, Commissioner Carter, and Mayor-Commissioner Pro Tem Warren

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

Scott Hesch

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

160466. Appointments to the Historic Preservation Board, Development Review Board and Board of Adjustment (B)

Jeff Knee, Aner Sela, Marian Arias Sanz and Dejeon Cain introduced themselves as applicants for Advisory Boards/Committees.

Motion by Commissioner Hayes-Santos, seconded by Commissioner Carter to: 1) appoint Mark Stern to the Historic Preservation Board for a 3-year term. Motion passed 7-0. 2) Readvertise the other opening. Motion failed.

Motion by Commissioner Chase, seconded by Commissioner Carter to appoint Danielle Masse to the Historic Preservation Board for a 3-year term. Motion passed 6-1. Commissioner Hayes-Santos voting no.

Motion by Commissioner Hayes-Santos, seconded by Mayor-Commissioner Pro Tem Warren to appoint David Enriquez to the Student Seat for the Historic Preservation Board for a 1-year term. Motion passed 7-0.

Motion by Commissioner Chase, seconded by Commissioner Goston to reappoint Jeffrey Knee to the Development Review Board for a 3-year term and to appoint a new member at the next City Commission meeting. Motion passed 6-1. Commissioner Hayes-Santos voting no.

Motion by Mayor-Commissioner Pro Tem Warren, seconded by Commissioner Carter to appoint Marian Arias Sanz to the Student Seat of the Development Review Board for a 1-year term. Motion passed 7-0.

Motion by Commissioner Hayes-Santos, seconded by Commissioner Carter to appoint Darrell Murray to the Board of Adjustment for a 3-year term. Motion passed 7-0.

Motion by Commissioner Goston, seconded by Mayor-Commissioner Pro Tem Warren to reconsider the previous motion for the Development Review Board. Motion passed 7-0.

Motion by Mayor-Commissioner Pro Tem Warren, seconded by Commissioner Goston to reappoint Dejeon Cain to the Development Review Board for a 1-year term. Motion passed 7-0.

Jancie Vinson, Donald Shepherd and Wendy Noonsong spoke to the matter.

RECOMMENDATION *The City Commission discuss appointments to the Historic*

Preservation Board, Development Review Board and Board of Adjustment and take appropriate action.

Approved, as shown above

130847.

Lot # 10 - Amended and Restated Contract for Sale and Purchase (B)

This is a request for the City Commission to review a proposed Amendment and Restated Contract for Sale and Purchase for Lot #10.

Erik Bredfeldt and Avis Butler made presentations.

Perry Clausen, Donald Shepherd, Telford Cartwright and Wendy Noonsong spoke to the matter.

RECOMMENDATION

The City Commission: 1) hear a brief presentation from staff on the proposed Amended and Restated Contract for Sale and Purchase; and 2) approve the Amended and Restated Contract for Sale and Purchase.

Alternative Recommendation

The City Commission: 1) hear a brief presentation from staff on the proposed Amended and Restated Contract for Sale and Purchase; and 2) deny the Amended and Restated Contract for Sale and Purchase and direct staff to cancel the Contract for Purchase.

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

Aye: 7 - Commissioner Goston, Commissioner Budd, Commissioner Chase, Mayor Poe, Commissioner Hayes-Santos, Commissioner Carter, and Mayor-Commissioner Pro Tem Warren

160441.

Oversight Board Recommendation to the City Commission and the County Commission on the use of the Former Drug Treatment Building at the Empowerment Center (B)

This item is a recommendation from the Gainesville-Alachua County Oversight Board to the Gainesville City Commission requesting approval and use of the Former Drug Treatment Building.

Fred Murry and Jon DeCarmine made presentations.

Wendy Noonsong, Telford Cartwright, Arthur Stockwell and Donald Shepherd spoke to the matter.

RECOMMENDATION

The Oversight Board recommends to the City Commission of Gainesville that ACCHH be granted approval to renovate and utilize the building and assume all costs associated with the renovation and operation of the building; and 2) authorize the City Manager to amend the licensure agreement subject to the City Attorney's approval of the licensure agreement as to form and legality.

A motion was made by Commissioner Hayes-Santos, seconded by

Commissioner Carter, that this Matter be Approved as Recommended. The motion carried by the following vote:

Aye: 7 - Commissioner Goston, Commissioner Budd, Commissioner Chase, Mayor Poe, Commissioner Hayes-Santos, Commissioner Carter, and Mayor-Commissioner Pro Tem Warren

150406.

PROHIBITING SMOKING IN ALL CITY PARKS (B)

This item provides a draft ordinance prohibiting smoking in all City parks for City Commission guidance. Based on City Commission guidance, the ordinance will be finalized and brought to the City Commission for 1st reading.

Steve Phillips, Paul Folkers and Andrew Romero made presentations.

Amendment: Change the fine from \$75.00 to \$25.00 and to look into the possibility of volunteering hours in lieu of the fine.

Wendy Noonsong, Victoria Hunter, Barry Murphy and Scott Hesch spoke to the matter.

RECOMMENDATION

The City Commission: 1) review the draft language and provide final direction, and 2) authorize the City Attorney to draft and the Clerk of the Commission to advertise an Ordinance.

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

Aye: 7 - Commissioner Goston, Commissioner Budd, Commissioner Chase, Mayor Poe, Commissioner Hayes-Santos, Commissioner Carter, and Mayor-Commissioner Pro Tem Warren

160440.

Selection of Agency Chair & Pro Tempore (NB)

Motion: Appoint Commissioner Carter as Chair and Commissioner Hayes-Santos as Pro Tempore for the CRA Board.

RECOMMENDATION

The City Commission select an Agency Chair and Chair Pro Tempore for the Community Redevelopment Agency.

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

Aye: 7 - Commissioner Goston, Commissioner Budd, Commissioner Chase, Mayor Poe, Commissioner Hayes-Santos, Commissioner Carter, and Mayor-Commissioner Pro Tem Warren

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.

160267. **Murphree Water Treatment Plant Electrical Upgrade (B)**

****This item is informational.****

Tony Cunningham made a presentation.

RECOMMENDATION *Hear a presentation from staff.*

Heard

RECESS - 4:25 PM

RECONVENE - 5:32 PM

PLEDGE OF ALLEGIANCE

PROCLAMATIONS/SPECIAL RECOGNITIONS

160368. **Gainesville Area Community Tennis Association (GACTA) (NB)**

RECOMMENDATION *The City Commission recognize Addison Staples, Executive Director of GACTA.*

Heard

160450. **United Nations Day - October 21, 2016 (B)**

RECOMMENDATION *UN Programmes Coordinator Brian Mitchell, President Anita Spring and Masuma Downie to accept the proclamation.*

Heard

160451. **White Cane Safety Awareness Month - October 2016 (B)**

RECOMMENDATION *Council of the Blind President Spencer Morton to accept the proclamation.*

Heard

160452.

**National Federation of the Blind Meet the Blind Month - October 2016
(B)**

RECOMMENDATION

Gainesville Chapter NFBFL President Judith Hamilton to accept the proclamation.

Heard

160453.

Hunger Awareness Month - November 2016 (B)

RECOMMENDATION

Martin Luther King, Jr. Commission of Florida, Inc. President Rodney Long 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

Commissioner Chase arrived at 6:03 PM.

Motion by Commissioner Budd, seconded by Commissioner Chase to appoint Commissioner Carter as Mayor-Commissioner Pro Tem for the remainder of the meeting. Motion passed 6-1. Mayor Poe absent.

*Donald Shepherd
Gabe Kaimowitz
Darlene Pifalo
Wilbur Holloway
Debbie Martinez
Barbara Sharpe
Telford Cartwright
Jim Konish
Ernesto Martinez
Scott Hesch*

PUBLIC HEARINGS

RESOLUTIONS - ROLL CALL REQUIRED

160409.

Resolution for Joint Participation Agreement (JPA) - Service Development Grant Funds for Regional Transit System (RTS) for Bus Stop Amenities, Holiday Service and Routes 62, 300 Enhanced Operations, and 125 Enhanced Operations (B)

This item is a request for adoption of a resolution authorizing the City Manager to execute Joint Participation Agreements between the City of Gainesville and the Florida Department of Transportation to receive Service Development Grant Funds for Bus Stop Amenities and for operation of Holiday Service and Routes 62, 125 Enhanced Operations

and 300 Enhanced Operations.

RECOMMENDATION *The City Commission adopt the Resolution.*

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

Aye: 6 - Commissioner Gaston, Commissioner Budd, Commissioner Chase, Commissioner Hayes-Santos, Commissioner Carter, and Mayor-Commissioner Pro Tem Warren

Absent: 1 - Mayor Poe

ORDINANCES, 1ST READING - ROLL CALL REQUIRED**ORDINANCES, 2ND READING - ROLL CALL REQUIRED****160216.****VOLUNTARY ANNEXATION - 100 ACRES OF PROPERTY
SOUTHWEST OF THE CURRENT CITY BOUNDARY (B)**

Ordinance No. 160216

An ordinance of the City of Gainesville, Florida, annexing approximately 100 acres of city-owned and privately-owned property that is generally located south of Tax Parcel No. 07240-049-000 and the existing City of Gainesville boundary, west of SW 41st Boulevard and Interstate 75, north of SW Williston Road, and east of SW 75th 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 and Ben Chumley made presentations.

Joyce Ellis, Telford Cartwright and Donald Shepherd spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Continued to a date certain of November 3, 2016. No roll call vote. Passed 6-0. Mayor Poe absent.

160381.**AN ORDINANCE INCREASING THE MAXIMUM NUMBER OF
HOURS FOR AN ALCOHOL EVENT ON PUBLIC RIGHT-OF-WAY
WITHIN THE DOWNTOWN DISTRICT (B)**

Ordinance No. 160381

An Ordinance of the City of Gainesville, Florida, amending the Code of Ordinances relating to alcohol event permits; by amending Section 4-4 to increase the maximum number of hours for an alcohol event on public right-of-way within the downtown district; providing directions to the codifier; and providing an effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

Aye: 5 - Commissioner Goston, Commissioner Budd, Commissioner Hayes-Santos, Commissioner Carter, and Mayor-Commissioner Pro Tem Warren

Absent: 2 - Commissioner Chase, and Mayor Poe

160240.

QUASI-JUDICIAL - HISTORIC PROPERTY TAX EXEMPTION - 306 NE 7th AVENUE (B)

Ordinance No. 160240

An ordinance of the City of Gainesville, Florida, finding that property located at 306 NE 7th 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, 2017, 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.

Donald Shepherd spoke to the matter.

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 Hayes-Santos, seconded by Commissioner Carter, that this Matter be Adopted on Final Reading (Ordinance) and Approved the Recommendation. The motion carried by the following vote:

Aye: 5 - Commissioner Goston, Commissioner Budd, Commissioner Hayes-Santos, Commissioner Carter, and Mayor-Commissioner Pro Tem Warren

Absent: 2 - Commissioner Chase, and Mayor Poe

160228.

QUASI-JUDICIAL - HISTORIC PROPERTY TAX EXEMPTION - 405 NE 10th AVENUE (B)

Ordinance No. 160228

An ordinance of the City of Gainesville, Florida, finding that property located at 405 NE 10th 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, 2017, 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.

Donald Shepherd spoke to the matter.

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 Hayes-Santos, seconded by Commissioner Budd, that this Matter be Adopted on Final Reading (Ordinance) and Approved the Recommendation. The motion carried by the following vote:

Aye: 5 - Commissioner Goston, Commissioner Budd, Commissioner Hayes-Santos, Commissioner Carter, and Mayor-Commissioner Pro Tem Warren

Absent: 2 - Commissioner Chase, and Mayor Poe

160401.

MORATORIUM ON CONSTRUCTION OF WIRELESS COMMUNICATION FACILITIES IN PUBLIC RIGHTS-OF-WAY (B)

Ordinance No. 160401

An ordinance of the City of Gainesville, Florida, enacting a temporary moratorium to prohibit the filing, acceptance or processing of any permit, development order, or any other official action of the City having the effect of permitting or allowing the construction of wireless communication facilities in the public right-of-way within the city limits; providing a severability clause; providing repealing clauses; and providing an effective date.

Donald Shepherd spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

Aye: 5 - Commissioner Goston, Commissioner Chase, Commissioner Hayes-Santos, Commissioner Carter, and Mayor-Commissioner Pro Tem Warren

Absent: 2 - Commissioner Budd, and Mayor Poe

160393

Extend Hippodrome State Theatre, Inc. Contract (B)

This is a request to extend the Hippodrome State Theatre, Inc. Contract

with the City by ten years in order to be eligible for Cultural Facilities Program Funds.

April Shuping, Steve Phillips and Jessica Hurvor made presentations.

Motion: Approve and extend the current lease agreement through July 1, 2027 and work with the Hippodrome in preparing a new long-term agreement.

Donald Shepherd spoke to the matter.

Motion by Commissioner Carter, seconded by Commissioner Hayes-Santos to waive the City Commission rules and hear Item No. 160454 before Citizen Comment. Motion passed 6-0. Mayor Poe absent.

RECOMMENDATION *The City Commission: 1) approve a ten year contract extension to the lease agreement with the Hippodrome State Theatre, Inc.; and 2) authorize the City Manager or his designee to execute the appropriate documents.*

Motion by Commissioner Chase, seconded by Commissioner Carter, that this Matter be Approved as Shown Above. The motion carried by the following vote:

Aye: 5 - Commissioner Budd, Commissioner Chase, Commissioner Hayes-Santos, Commissioner Carter and Mayor-Commissioner Pro Tem Warren.

Absent: 2 - Mayor Poe and Commissioner Goston.

160454.

Commissioner Charles Goston - MedCare One (B)

Darrell Johnson and Abraham Tenah made presentations.

RECOMMENDATION *The City Commission hear a presentation from Darrell Johnson & Abraham Tenah regarding MedCare One.*

Heard

PLANNING PETITIONS

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

*Debbie Martinez
Ernesto Martinez
Telford Cartwright*

COMMISSION COMMENT

Commissioner Hayes-Santos - One cohesive strategic plan for the City and GRU to save the citizens money.

Commissioner Chase - 1) Strategic direction; and 2) Relationship between the City Commission and County Commission (Anthony Lyons and Paul Folkers provided the motions from the County).

Commissioner Carter - Breaking down the silos.

Commissioner Budd - Day retreat with the City and County.

Mayor-Commissioner Pro Tem Warren - 1) Disciplined budget; and 2) Value of Wild Spaces/Public Places.

Motion by Commissioner Carter, seconded by Commissioner Chase to waive the City Commission rules and extend the meeting to 10:10 PM. Motion passed 6-0.

Commissioner Goston - Wild Spaces/Public Places

ADJOURNMENT - 10:04 PM