

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Minutes - Final

April 6, 2017

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 - 1:02 PM

AGENDA STATEMENT

ROLL CALL

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

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

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

Absent: 1 - Commissioner Chase

160894. **City Commission Minutes (B)**

RECOMMENDATION *The City Commission approve the minutes of March 16, 2017.*

Approved as Recommended

160860. **Professional Services Agreement for Implementation of Remedial Action Plan Modification at Former Gainesville Manufactured Gas Plant Site (Depot Park) (B)**

****This item was presented to the UAB on 3/15/17.****

RECOMMENDATION *Staff recommends that the City Commission: 1) authorize the General Manager or his designee to execute a contract with Environmental Consulting & Technology (ECT), subject to approval of the City Attorney, for the installation of a groundwater monitoring well and groundwater sampling and laboratory analysis; 2) approve the issuance of a purchase order to ECT for the work in the amount of \$160,250.40.*

The UAB voted 6-0 with Member Walpole absent to

recommend the City Commission approve this item.

Approved as Recommended

[160834.](#)

Request to Amend Ordinances in Chapter 26, Section 26-50 (NB)

This is a request to amend ordinances in Chapter 26, Section 26-50, Backing Up to Curb, to allow back-in parking in designated areas; Section 26-71 definitions to include defining a remote pay system; Section 26-73 amend to allow remote pay in all City owned parking spaces; and Section 26-117 amend to change the authority of neighborhood decal changes.

RECOMMENDATION

The City Commission authorize: 1) the City Attorney to draft changes amending the parking provisions; and 2) the Clerk of the Commission to advertise the ordinance.

Approved as Recommended

[160893.](#)

LISA CUE VS. CITY OF GAINESVILLE; EIGHTH JUDICIAL CIRCUIT, CASE NO. 2017-CA-582 (B)

RECOMMENDATION

The City Commission authorize the City Attorney to represent the City in the case styled Lisa Cue vs. City of Gainesville; Eighth Judicial Circuit, Case No. 2017-CA-582.

Approved as Recommended

[160849.](#)

BJA Justice and Mental Health Collaboration (B)

This is a request for City Commission authorization to execute an agreement if the Mental Health Collaboration Grant is awarded.

RECOMMENDATION

The City Commission authorize the City Manager to execute an agreement with BJA and Meridian Behavioral Health Care and any other necessary documents pending review by the City Attorney as to form and legality, should the City be awarded the grant.

Approved as Recommended

[160916.](#)

Resignation of Jason Straw from the Historic Preservation Board, Daniel Christophy from the City Beautification Board and Lois Harrison from the Citizens' Advisory Board for Community Development (B)

RECOMMENDATION

The City Commission accepts the resignation of Jason Straw, Daniel Christophy and Lois Harrison, effective immediately.

Approved as Recommended

ADOPTION OF REGULAR AGENDA

Jim Konish and Gabe Kaimowitz spoke to the matter.

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

Absent: 1 - Commissioner Chase

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 1:26 PM.

*Jim Konish
Gabe Kaimowitz
Nanette Arana
John Arana
Scott Hesch*

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

[160895.](#)

Completed Audit of the Small and Service-Disabled Veteran Business Enterprise Program Reporting (AU2016-008) (B)

Brecka Anderson made a presentation.

Gabe Kaimowitz and Jim Konish spoke to the matter.

RECOMMENDATION

The City Auditor recommends that the City Commission accept the City Auditor's report and the City Manager, the GRU General Manager, and the OEO Charter Officer's response.

A motion was made by Commissioner Goston, 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

[160899.](#)

Completed Audit of GRU SAP Upgrade - Interim Report II (B)

Ron Ison and Justin Locke made presentations.

Motion by Commissioner Hayes-Santos, seconded by Mayor-Commissioner Pro Tem Warren to: 1) Ask Charter Officers to present utility-related items to the UAB first, before they go to the City Commission; and 2) schedule a discussion of this item at the General Policy Committee meeting. Motion passed 7-0.

Motion by Commissioner Carter, seconded by Commissioner Hayes-Santos to accept the City Auditor's report and the General Manager's response for the GRU SAP upgrade. Motion passed 7-0.

Motion by Commissioner Hayes-Santos, seconded by Mayor-Commissioner Pro Tem Warren to refer this item to the GPC for discussion. Motion passed 7-0.

Gabe Kaimowitz and Jim Konish spoke to the matter.

RECOMMENDATION *The City Auditor recommends that the City Commission accept the City Auditor's report and the General Manager's response.*

Approved, as shown above

[160940.](#)

Discussion of Completed Audit of GRU SAP Upgrade

RECOMMENDATION *Referred to Committee*

A motion was made by Commissioner Hayes-Santos, 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

[150908.](#)

License Agreement for Parking for City Parking Lot #2 (B)

This item involves a request for the City Commission to consider terms for a License Agreement for Parking for City Parking Lot #2.

Eric Bredfeldt made a presentation.

Motion by Commissioner Hayes-Santos: Not move forward with the contract and leave parking lot #2 as a parking lot. Motion failed for lack of a second.

Motion by Commissioner Carter, seconded by Commissioner Chase: Move staff recommendation. Motion failed 2-5. Commissioner Carter and Commissioner Chase voting yes.

Motion by Commissioner Budd, seconded by Commissioner Goston: 1) reduce lease from 73 spaces to 36 spaces (split spots in half); 2) proportional funding; 3) when project is completed do a parking study; 4) parking meters on the other 37 parking spaces from 9:00 A.M. - 6:00 P.M. Motion failed 3-4. Commissioner Goston, Mayor Poe, Mayor-Commissioner Pro Tem Warren and Commissioner Hayes-Santos voting no.

Gabe Hillel, Robert Mounts, Roberta Gasmier, John Barrow, Martin Simpson, John Carter, Tana Silva, Bill Wariner, Dottie Faibisy, LeAnne Martin, Danielle Massey, Bruce Hazen, Michelle Hazen, Carl Cataudella, Gerard Benson, Brian O'Brien, Larry Hamilton, Nathan Collier and Donald Shepherd spoke to the matter.

RECOMMENDATION *The City Commission: 1) hear a brief presentation from staff, and 2) approve the Public Parking Space License Agreement between Collier Enterprises of Gainesville, Inc. and the City and 3) authorize the City Manager to execute the agreement subject to review by the City Attorney as to form and legality.*

Discussed as Shown Above.

RECESS - 4:48 PM

RECONVENE - 5:30 PM

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.

PLEDGE OF ALLEGIANCE

PROCLAMATIONS/SPECIAL RECOGNITIONS

[160887.](#) **Water Conservation Month - April 2017 (B)**

RECOMMENDATION *Intergovernmental Coordinator Government Affairs Program St. Johns River Water Management District Susan Davis to accept the proclamation.*

Heard

[160888.](#) **National Public Safety Telecommunications Week - April 9-15, 2017 (B)**

RECOMMENDATION *Combined Communications Center to accept the proclamation.*

Heard

[160889.](#) **Mind the Gap Month - March 2017 (B)**

RECOMMENDATION *University of Florida Bateman Team to accept the proclamation.*

Placed on File

[160890.](#) **Child Abuse Prevention Month - April 2017 (B)**

RECOMMENDATION

Alachua County Child Abuse Prevention Task Force Chair Cathy Winfrey and Member Patty Carroll to accept the proclamation.

Heard

[160892.](#)

Altrusa International of Gainesville, Inc. Appreciation Day - April 11, 2017 (B)

RECOMMENDATION

Altrusa International of Gainesville President Sara Freeborn, First Vice President Joan Suchorski, Director Leah Gibbs and Bennye Alligood 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

*Jim Konish
Arthur Stockwell
Teresa Lowe
Jacob DaReace
Mark Goldstein
Donald Shepherd
Don Glendening
Gabe Hillel
Scott Austin
Ernesto Martinez
Betsy Hurst
Debbie Martinez*

Motion by Commissioner Carter, seconded by Commissioner Goston to waive the rules and extend Citizen Comment for 10 minutes. Motion passed 7-0.

Motion by Commissioner Carter, seconded by Mayor-Commissioner Pro Tem Warren to waive the rules and hear rest of the items in the order that the Mayor proposed. Motion passed 6-1. Commissioner Budd voting no. Debbie Martinez spoke to the motion.

PUBLIC HEARINGS

[160833.](#)

Exclusion of Controlled Vehicular Parking: The Standard at Gainesville and One College Park and the addition of new parking along SW 6th Street (B)

This item is a request to: 1) exclude the parcels of The Standard of Gainesville from the existing Zone 2 Controlled Vehicular Parking Area to cover the area to the west side of SW 13th Street, east of NW 14th St, north of W. University Avenue and south of NW 3rd Av.; 2) exclude the parcels of One College Park from the existing Zone 10 Controlled Vehicular Parking Area to cover the area west of NW 17th St, east of NW 18th St, north of NW 1st Av and south of NW 2nd Av.; and 3) add

parking spaces to the Controlled Vehicular Parking Area on SW 6th St from SW 5th Av to SW Depot Av. to add to Restricted Decal Parking Area Zones 1 and 9.

Phil Mann made a presentation.

RECOMMENDATION

The City Commission: 1) hold a public hearing; 2) consider the findings in the best interest of the City as it pertains to the use and availability of decal parking areas and the parcel parking available; 3) approve the exclusion of The Standard from Zone 2; 4) approve the exclusion of One College Park from Zone 10; and 5) add SW 6th St from SW 4th Avenue to S. Depot Avenue for Zone 1 and Zone 9.

A motion was made by Commissioner Carter, seconded by Commissioner Goston, 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

RESOLUTIONS - ROLL CALL REQUIRED

160865.

RESOLUTION ACCEPTING REPORT OF BOARD OF CANVASSERS - ELECTIONS 2017 (B)

A resolution of the City Commission of the City of Gainesville, Florida, accepting the report of the Board of Canvassers for the City of Gainesville, Florida, election held March 14, 2017; and providing an immediate effective date.

RECOMMENDATION

The City Commission adopt the proposed resolution.

A motion was made by Commissioner Budd, seconded by Commissioner Hayes-Santos, that this Matter be Adopted (Resolution). 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

160864.

Resolution for Rebuilding Together North Central Florida, Inc., as required by Florida Statutes in order for the Corporation to become an Eligible Sponsor of a Project under the Florida Community Contribution Tax Credit Program (B)

RECOMMENDATION

The City Commission approve the Resolution.

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

[160874.](#)

State Housing Initiatives Partnership (SHIP) Program Local Housing Assistance Plan-State Fiscal Years 2017-2020 (B)

This item requests the City Commission approval of the proposed SHIP Local Housing Assistance Plan covering State Fiscal Years 2017/2018, 2018/2019 and 2019/2020, resolution and required certifications.

Donald Shepherd spoke to the matter.

RECOMMENDATION

The City Commission: 1) Adopt the resolution approving the State Housing Initiatives Partnership Program Local Housing Assistance Plan for State Fiscal Years 2017/2018, 2018/2019 and 2019/2020; 2) authorize the submission of the 2017-2020 Local Housing Assistance Plan to the Florida Housing Finance Corporation; 3) authorize the Mayor to execute the Interlocal Agreement Between the City of Gainesville and Alachua County for the Rental Assistance Program, subject to review by the City Attorney as to form and legality; and 4) authorize the Mayor and/or City Manager or designee to execute all necessary documents related to the 2017-2020 Local Housing Assistance Plan, subject to review by the City Attorney as to form and legality.

A motion was made by Commissioner Carter, seconded by Mayor-Commissioner Pro Tem Warren, 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

[160891.](#)

Amendment to State Housing Initiatives Partnership (SHIP) Program Local Housing Assistance Plan-State Fiscal Year 2016/2017 (B)

This item requests City Commission approval to fund a Rental Assistance Program for City residents who are homeless or have special needs; and to amend the City's SHIP Local Housing Assistance Plan covering State Fiscal Year 2016/2017.

RECOMMENDATION

The City Commission: 1) Adopt the resolution approving the Amendment to the City's State Housing Initiatives Partnership Program Local Housing Assistance Plan for State Fiscal Year 2016/2017; 2) authorize the submission of the amendment to the 2014-2017 Local Housing Assistance Plan to the Florida Housing Finance Corporation; 3) authorize the Mayor to execute the Interlocal Agreement Between the City of Gainesville and Alachua County for the Rental Assistance Program; and 4) authorize the Mayor and/or City Manager or designee to execute all necessary documents related to the amendment to the 2014-2017 Local Housing Assistance Plan, subject to review by the City

Attorney as to form and legality.

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

[160908.](#)

Resolution Adopting the ICMA Retirement Corporation Governmental Profit Sharing Plan and Trust for the benefit of the eligible employees and their beneficiaries (B)

This item involves approving the Resolution necessary to establish the Share Plan 401 option.

RECOMMENDATION

The City Commission: 1) adopt the Resolution; and 2) authorize the City Manager or his designee to execute the Adoption Agreement and Administrative Services Agreement subject to approval of the City Attorney as to form and legality.

A motion was made by Commissioner Carter, seconded by Commissioner Hayes-Santos, that this Matter be Adopted (Resolution). 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

[160914.](#)

Amendatory Resolution to Amend the FY 17 Annual Audit Plan (B)

Jim Konish, Gabe Kaimowitz, Donald Shepherd, Don Glendening and Ernesto Martinez spoke to the matter.

RECOMMENDATION

The City Auditor recommends that the City Commission adopt the proposed resolution.

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

Absent: 1 - Commissioner Budd

ORDINANCES, 1ST READING - ROLL CALL REQUIRED

ORDINANCES, 2ND READING - ROLL CALL REQUIRED

[160798.](#)

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

Ordinance No. 160798

An ordinance of the City of Gainesville, Florida, readopting and ratifying Ordinance No. 160401, and extending time period of the 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: 7 - Commissioner Goston, Commissioner Budd, Commissioner Chase, Mayor Poe, Commissioner Hayes-Santos, Commissioner Carter, and Mayor-Commissioner Pro Tem Warren

TIME CERTAIN - 6:00 PM

160907. Approval of Memorandum of Understanding between GRU and GREC (B)

****This item was presented to the UAB on April 5, 2017.****

Darin Cook and Justin Locke made presentations.

Verbatim Motion: by Commissioner Goston, seconded by Commissioner Carter: This is one time where I'm going to make a motion because a lot of times I don't have to make motions because I can second the motions of other people who have really relevant motions. So I'm going to make the relevant motion that we accept the suggestions of the UAB and we move forward with their suggestions, every last one of them, and that if GREC don't like it then let's let arbitration continue. Motion passed 4-3. Commissioner Hayes-Santos, Mayor Poe and Mayor-Commissioner Pro Tem Warren voting no.

Jim Konish, Mark Goldstein, Gabe Kaimowitz, Don Fields, Debbie Martinez, Art Stockwell, Jo Beaty, Don Glendening, Karen Arrington, Nancy Deren, Ernesto Martinez, Michael Sylvester, Kali Blount, Paula Stahmer, Wilbur Holloway, Donald Shepherd, Harvey Ward, Matthew Hurst, David Arreola, Scott Austin and Dave Denslow spoke to the matter.

Recess - 8:58 P.M.

Reconvene - 9:05 P.M.

Motion by Commissioner Carter, seconded by Mayor-Commissioner Pro Tem Warren to waive the rules and extend the meeting until 11:00 P.M. Motion passed 7-0.

Motion by Commissioner Carter, seconded by Mayor-Commissioner Pro Tem Warren to have the Clerk schedule a special meeting for the purpose of the MOU on April 19, 2017 at 6:00 P.M. Motion passed 6-0. Commissioner Goston absent.

RECOMMENDATION

Staff recommends that the City Commission:

- 1) Approve the Memorandum of Understanding; and*
- 2) Authorize the General Manager, or his designee, to negotiate a contract with Gainesville Renewable Energy Center, Inc., subject to approval by the City Attorney as to form and legality and subject to final approval by the City Commission.*

The UAB voted 5-1, with Annie Orlando in dissent and Sandy Campbell absent, to recommend that the City Commission:

- 1) Approve the Memorandum of Understanding with the following changes: Reduce the purchase price to \$675 million; have GRU create the initial draft of the contract; and any reduction in future costs shall be used by the City chiefly for rate relief.*
- 2) Authorize the General Manager, or his designee, to negotiate a contract with Gainesville Renewable Energy Center, Inc., subject to approval by the City Attorney as to form and legality and subject to review and recommendation by the UAB and final approval by the City Commission.*

Approved, as shown above

[160711.](#)

RETENTION OF WINSTON & STRAWN LLP, TO ADVISE THE CITY IN THE REVIEW OF LEGAL ISSUES ASSOCIATED WITH THE PURCHASE OF THE GAINESVILLE RENEWABLE ENERGY CENTER FACILITY (NB)

Gabe Kaimowitz spoke to the matter.

RECOMMENDATION

Authorize the Office of the City Attorney, on behalf of the City's utility, to retain Winston & Strawn LLP to advise the City in the review of legal issues associated with the purchase of the Gainesville Renewable Energy Center Facility.

A motion was made by Commissioner Carter, seconded by Commissioner Hayes-Santos, that this Matter be Approved as Recommended. 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

PLANNING PETITIONS

CITIZEN COMMENT

Motion by Commissioner Carter, seconded by Commissioner Goston to waive the rules and extend the meeting to 11:10 P.M.

Debbie Martinez , Don Fields, Gabe Kaimowitz, Scott Austin, Jo Beaty, Sanya Fields, Darin Cook and Ernesto Martinez spoke to the matter.

COMMISSION COMMENT

ADJOURNMENT - 11:07 PM

Kurt Lannon, Clerk of the Commission