

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Minutes

February 15, 2018

1:00 PM

MODIFIED AGENDA

City Hall Auditorium

City Commission

Mayor Lauren Poe (At Large)

Mayor-Commissioner Pro Tem Harvey Budd (At Large)

Commissioner Helen Warren (At Large)

Commissioner Charles Goston (District 1)

Commissioner Harvey Ward (District 2)

Commissioner David Arreola (District 3)

Commissioner Adrian Hayes-Santos (District 4)

If you have a disability and need an accommodation in order to participate in this meeting, please contact the Office of Equal Opportunity at (352)334-5051 at least two business days in advance. TTY (Text Telephone Telecommunication Device) users please call 711 (Florida Relay Service). For Speech to Speech (STS) relay, please call 1-877-955-5334. For STS Spanish relay, please call 1-877-955-8773. For STS French Creole relay, please call 1-877-955-8707.

CALL TO ORDER - 1:03 PM**ROLL CALL**

Present 7 - Commissioner Goston, Mayor Poe, Commissioner Hayes-Santos, Commissioner Ward, Commissioner Arreola, Commissioner Warren, and Mayor-Commissioner Pro Tem Budd

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

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

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

170814.**City Commission Minutes (B)**

RECOMMENDATION *The City Commission approve the minutes of February 1, 2018.*

Approved as Recommended

170770.**Intergovernmental Coordination Review and Public Transportation Coordination Joint Participation Agreement (B)**

This request is to reaffirm the Intergovernmental Coordination Review and Public Transportation Coordination Joint Participation Agreement between the Metropolitan Transportation Planning Organization, the Airport Authority and the City of Gainesville.

RECOMMENDATION *The City Commission: 1) reaffirm the Intergovernmental Coordination Review and Public Transportation Coordination Joint Participation Agreement dated January 26, 2007; and, 2) authorize the Mayor to send a letter to the MTPO notifying them of the City Commission's reaffirmation of the agreement.*

Approved as Recommended

170772.**The Purchase of Real Property - Southwest 40th Boulevard (B)**

This item is a request to approve and authorize the purchase of Real Property associated with the extension of Southwest 40th Boulevard.

RECOMMENDATION

The City Commission: 1) approve the purchase of the stormwater retention and Conservation Easement area from Prairie View Trust; and 2) authorize the Mayor to execute the Agreement to Purchase, subject to the approval of the City Attorney as to form and legality.

Approved as Recommended

170782.

Acceptance of City Beautification Board Annual Report for FY 17 (B)

This is a request to have the FY17 Annual Report of the City Beautification Board accepted by the Clerk of the Commission.

RECOMMENDATION

The City Commission to accept the FY17 Annual Report of the City Beautification Board.

Approved as Recommended

170805.

Contract for Sale and Purchase for Unit C of Cornerstone, a Condominium (B)

RECOMMENDATION

The City Commission: 1) approve the Contract for Sale and Purchase for Unit C and authorize the City Manager to execute the Contract; and 2) approve the Compensation Agreement for Use of Common Elements and authorize the City Manager to execute the Agreement on behalf of the City and authorize the President of the Condominium Association to execute the Agreement on behalf of the Association.

Approved as Recommended

170520.

URBAN SERVICES REPORT - STERLING PLACE NEIGHBORHOOD ANNEXATION REFERENDUM (B)

This is a request for the City Commission to accept a report setting forth the plans to provide urban services to the Sterling Place Neighborhood and to file a copy of the report with the Alachua County Board of Commissioners.

RECOMMENDATION

The City Commission direct staff to file the report with the Board of County Commissioners.

Approved as Recommended

170762.

Urban Services Report Finley Woods Phase I Annexation Referendum (B)

This is a request for the City Commission to accept a report setting forth the plans to provide urban services to the Finley Woods Phase I Neighborhood and to file a copy of the report with the Alachua County Board of Commissioners.

RECOMMENDATION *The City Commission direct staff to file the report with the Board of County Commissioners.*

Approved as Recommended

170792. Ratification of Agreement between the Police Benevolent Association (PBA) Bargaining Unit and the City of Gainesville for October 1, 2017 through September 30, 2020 (B)

RECOMMENDATION *The City Commission ratify the Agreement between the PBA Bargaining Unit and the City of Gainesville, extending the Agreement through September 30, 2020.*

Approved as Recommended

170707. Gainesville Regional Utilities Unaudited Internally Prepared Financial Statements for the Year Ended September 30, 2017 (B)

RECOMMENDATION *The City Commission accept the Unaudited Internally Prepared Financial Statements for the year ended September 30, 2017.*

Approved as Recommended

170708. Gainesville Regional Utilities Internally Prepared Actuals to Budget for the Year Ended September 30, 2017 (B)

RECOMMENDATION *The City Commission accept the GRU Internally Prepared Actuals to Budget for the year ended September 30, 2017.*

Approved as Recommended

170709. Gainesville Regional Utilities Internally Prepared Supplementary Data for the Year Ended September 30, 2017 (B)

RECOMMENDATION *The City Commission accept the GRU Internally Prepared Supplementary Data for the year ended September 30, 2017.*

Approved as Recommended

170811. GRU Operational Update for January 2018 (B)

RECOMMENDATION *Receive a report.*

Approved as Recommended

170715. Settlement of Worker's Compensation Claim - Michael Iemolo (NB)

This item involves the full and final settlement of Mr. Iemolo's workers'

compensation claim(s), which will include all future medical and indemnity payments. The total settlement amount is \$99,999.99 and represents a significant cost advantage to the City.

RECOMMENDATION

The City Commission authorizes Special Counsel to prepare and execute the appropriate documents for a lump-sum settlement of the Worker's Compensation claim of Mr. Lemolo in the amount of \$99,999.99.

Approved as Recommended

ADOPTION OF REGULAR AGENDA

Modification: Adopt regular agenda and move Item No. 170784 to the first item on the evening agenda following Citizen Comment.

A motion was made by Commissioner Hayes-Santos, seconded by Commissioner Warren, that this Matter be Adopted with Modifications. The motion carried by the following vote:

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

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

*Jim Konish
Doug Bernell
Gabe Kaimowitz
Phillip Arrano
Phil Arrano
Lisaa Campbell
Walter Williard*

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

100607. **Phalanx Defense Systems, LLC - Debt Forgiveness Request (B)**
The City Commission review the Phalanx Defense Systems, LLC request for debt forgiveness.

Erik Bredfeldt and James Coats made presentations.

Tony Delisle, Jonathan Leslie and Sherry Houston spoke to the matter.

RECOMMENDATION

The City Commission: 1) hear a brief presentation from staff; 2) direct staff to forgive the portion of debt regarding implementation of building repair, remediation and improvements in the amount of \$335,000 and; 3) direct staff as appropriate on the job creation portion forgiveness of debt and overall debt forgiveness.

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

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

170775.

Presentation on Cabot - Koppers Site from University of Florida Students (B)

Ruth Steiner, Mariana Arias Sanz and Nick Hill made presentations.

Alyson, Chris Yaines and Nick Ruston introduced themselves.

RECOMMENDATION *The City Commission hear the presentation from the students who participated in the class.*

Heard

170813.

Appointment to Florida Forestry Service Advisory Board (B)

Charles Pedersen made a presentation.

Motion: Appoint Commissioner Ward to serve on the Florida Forestry Service Advisory Board.

RECOMMENDATION *The City Commission discuss and appoint a Commissioner to serve on the board or in lieu of Commissioner representation, direct staff to provide written feedback on the plan prior to the public meeting scheduled for March 7th.*

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

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

170812.

Schedule for Potential Land Development Code Amendments to Sidewalk Regulations (B)

This item is to provide the City Commission with a schedule and initial scope of potential sidewalk regulation amendments.

Andrew Persons made a presentation.

Motion: Consider moving the sidewalk widths to 10-feet for storefront streets.

Robert Ackerman, Bob Karp and Warren Nielsen spoke to the matter.

RECOMMENDATION *City Commission to hear a presentation from staff and provide direction regarding the proposed schedule and initial scope.*

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

Commissioner Warren, that this Matter be Approved, as shown above. The motion carried by the following vote:

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

170803.

Appointment to the Utility Advisory Board (B)

Jason Gonos, Annie Orlando, Wendell Porter and Wes Wheeler spoke to their applications.

Motion: Appoint Wes Wheeler, Wendell Porter and Barry Jacobson to the UAB.

Jo Beaty and Jason Gonos spoke to the matter.

RECOMMENDATION *The City Commission interview and appointment members to the Utility Advisory Board.*

The Utility Advisory Board recommends: the City Commission appoint Annie Orlando, Wes Wheeler and Jason Gonos.

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

Aye: 4 - Mayor Poe, Commissioner Hayes-Santos, Commissioner Ward, and Commissioner Warren

Nay: 3 - Commissioner Goston, Commissioner Arreola, and Mayor-Commissioner Pro Tem Budd

170700.

Interlocal Agreement for the Distribution of the Local Option Fuel Tax (B)

This is a request for the City Commission to approve the Interlocal Agreement for the Distribution of the Local Option Gas Tax.

Dan Hoffman made a presentation.

Motion: 1) Approve staff recommendations; and 2) Mayor send a letter to the County asking them to join the City in a request to other municipalities asking them over the next year to work together on an agreement for any changes in the re-distribution that is currently in place and report back to the City/County for any changes.

Ellen Voss and Mayor Jordan Marlowe spoke to the matter.

RECOMMENDATION *The City Commission: 1) approve the Interlocal Agreement for Countywide Local Option Fuel Tax Distribution with an expiration date of December 31, 2028; and 2) authorize Mayor to execute the Agreement, subject to approval by the City Attorney as to form and legality.*

A motion was made by Commissioner Hayes-Santos, seconded by Commissioner Warren, that this Matter be Approved, as shown above. The

motion carried by the following vote:

Aye: 5 - Mayor Poe, Commissioner Hayes-Santos, Commissioner Ward, Commissioner Arreola, and Commissioner Warren

Nay: 2 - Commissioner Goston, and Mayor-Commissioner Pro Tem Budd

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.

RECESS - 4:31 PM

RECONVENE - 5:36 PM

PLEDGE OF ALLEGIANCE

PROCLAMATIONS/SPECIAL RECOGNITIONS

170802. **The Benevolent and Protective Order of Elks 150th Anniversary - February 16, 2018 (B)**

RECOMMENDATION

Gainesville Elks Lodge # 990 Exalted Ruler Dayna Miller 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
Kali Blount
Mayor Jordan Marlowe
Maria DeLaCruz
Scarlett McDonald
Morgan/Katie
Gabe Hillel
Kristine Shultz
Bobby McGean*

Alejandro Guzman
 John Davies
 Prince
 Trisha Ingle
 Florence Turcotte
 Walter Williard

170784.

Approve the Ranking of the Agencies to Administer and Implement Services for Low Barrier Emergency Services Shelter for Homeless Persons (B)

This item is a request to approve the ranking of the agencies and authorize the City Manager or designee to negotiate a contract with the first ranked agency.

Fred Murry and Doug Drymon made presentations.

Motion: 1) Authorize the City Manager or designee to negotiate and execute a contract with ACCHH, and if negotiations are not successful, to negotiate with the Grace Foundation; and 2) Alachua County Board of County Commissioners reaffirm the ranking of the motion.

Mark Venzke, Terry Flemming, Iris Burke, Michael Rayburn, Alisha McGruder, Angela Bacsik, Betty Covelle, Florence Turcotte, Matt Rassavitch, Stewart Taylor, Gina Banson, Mary Elliott, Shenary Cotter, Abigail Pratt, Emily Maddon, Ms. Gilly, Sterling Pratt, Amir Rubin, Commissioner Ken Cornell, Angela Pate, Jean Bay and Gen Wilder spoke to the matter.

RECOMMENDATION

The City Commission: 1) authorize the City Manager or designee to negotiate and execute a contract with the top ranked agency GMCSF and approve the rankings of the agencies; 2) if negotiations are not successful with the top ranked agency (GMCSF), then authorize the City Manager or designee to negotiate with the second ranked agency (ACCHH); and 3) recommend the Alachua County Board of Commission reaffirm the ranking of the top ranked firm that serve the homeless and authorize Alachua County staff to amend the Interlocal Agreement between the City and the County for an equal share in the cost of homeless services.

A motion was made by Commissioner Arreola, seconded by Commissioner Ward, that this Matter be Approved, as shown above. The motion carried by the following vote:

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

PUBLIC HEARINGS

RESOLUTIONS - ROLL CALL REQUIRED

170704.**Resolution for Bus Shelter Easement Application (B)**

This item is a request for the City Commission to adopt a Resolution authorizing an application to the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida.

RECOMMENDATION

The City Commission: 1) adopt the Resolution; and 2) authorize the City Manager or his designee to submit an application to the Board of Trustees for the above-described bus shelter easement.

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

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

170773.**Resolution to Enter into a Construction and Maintenance Agreement for Norton Multi-modal Trail (B)**

This item is a Resolution for approval and authorization to enter into a Construction and Maintenance agreement with the Florida Department of Transportation (FDOT), allowing the City of Gainesville to provide maintenance to the proposed extension of the Norton multimodal trail from NW 45th Ave (current trail termini) to NW 39th Ave.

RECOMMENDATION

The City Commission: 1) adopt the Resolution; and 2) authorize the City Manager to execute the Maintenance Agreement and all related documents with the State of Florida Department of Transportation subject to approval by the City Attorney as to form and legality.

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

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

BUSINESS DISCUSSION ITEMS - GRU and General170806.**Extension of Standby Bond Purchase Agreement for Variable Rate Utilities System Revenue Bonds, 2007 Series A (B)**

Mark Benton made comments

RECOMMENDATION

On February 26, 2007, the City Commission adopted Resolution No. 061002, which delegated to the General Manager for Utilities the authority, upon satisfying certain conditions, to extend the term of the State Street SBPA securing the Bonds. Although those conditions could be satisfied, it is requested that the City Commission:

1) Approve the extension of the liquidity facility for the Bonds with State Street for an additional three (3) years at a cost of 46 basis points, and in connection therewith to enter into such amendments to the SBPA and the applicable fee letter as necessary or desirable and in the best interests of the City as determined by the General Manager, Chief Financial Officer, and/or Mayor and not inconsistent with the terms hereof, and

2) Authorize the Clerk of the Commission, General Manager, Chief Financial Officer, and/or Mayor to enter in such other agreements and documents as may be necessary to complete the transaction, subject to approval of the City Attorney as to form and legality.

3) Adopt Resolution No. 170806.

The Utility Advisory Board, at their February 8, 2018 meeting, voted unanimously to recommend that the city commission accept the staff recommendation.

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

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

ORDINANCES, 1ST READING - ROLL CALL REQUIRED160485.**TEXT CHANGE - AMENDING SIGN REGULATIONS IN THE LAND DEVELOPMENT CODE (B)**

Ordinance No. 160485; Petition PB-16-145 TCH

An ordinance of the City of Gainesville, Florida, updating, clarifying, and reorganizing the sign regulations in the Land Development Code by amending Section 30-2.1. Definitions; amending Article IX. Signs; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Sean McDermott and Andrew Persons made presentations.

Tiffany Trance spoke to the matter.

RECOMMENDATION

The City Commission: 1) approve Petition No. PB-16-145 TCH; and 2) adopt the proposed ordinance.

A motion was made by Commissioner Ward, seconded by Commissioner Hayes-Santos, that this Matter be Approved (Petition) and Adopted on First Reading (Ordinance). The motion carried by the following vote:

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

170526.

ORDINANCE AMENDING CULTURAL AFFAIRS BOARD AND ART IN PUBLIC PLACES TRUST (B)

Ordinance 170526

An ordinance of the City of Gainesville, Florida, amending Sections 2-281 through 2-285, related to the Gainesville-Alachua County Cultural Affairs Board to align with changes made by Alachua County regarding the local arts agency; amending Sections 5.5-2 through 5.5-5, related to Art in Public Places Trust to align with changes made by Alachua County regarding the local arts agency; 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 Hayes-Santos, seconded by Commissioner Warren, that this Matter be Adopted on First Reading (Ordinance). The motion carried by the following vote:

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

Absent: 1 - Commissioner Ward

170786.

ORDINANCE AMENDING REGULATIONS FOR OBSTRUCTIONS OF AND UTILITY USE OF PUBLIC RIGHTS-OF-WAY (B)

Ordinance No. 170786

An ordinance of the City of Gainesville, Florida, amending Chapter 23 - Streets, Sidewalks and Other Public Places in the City of Gainesville Code of Ordinances relating to regulations that apply to temporary obstructions of public rights-of-way and to regulations that apply to use of public rights-of-way by utilities, including communications facilities and small wireless facilities; by deleting Chapter 23, Article III - Encroachments and Obstructions; by deleting Chapter 23, Article VI - Registration Requirements for Use of Public Rights-of-Way by Communications Services Providers and Other Wireline Users of Rights-of-Way; by renumbering the articles of Chapter 23; by adding a new Article V - Public Rights-of-Way Obstructions; by adding a new Article VI - Public Rights-of-Way Use by Utilities; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Sean McDermott and Andrew Persons made presentations.

Motion by Commissioner Arreola, seconded by Commissioner Hayes-Santos to waive the City Commission rules and extend the meeting to 10:15 PM. Motion passed 7-0.

Chris Byron spoke to the matter.

RECOMMENDATION *Adopt the proposed ordinance.*

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

Aye: 5 - Mayor Poe, Commissioner Hayes-Santos, Commissioner Ward, Commissioner Arreola, and Commissioner Warren

Nay: 2 - Commissioner Goston, and Mayor-Commissioner Pro Tem Budd

ORDINANCES, 2ND READING - ROLL CALL REQUIRED

PLANNING PETITIONS

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

COMMISSION COMMENT

Commissioner Arreola - Thanks to everyone for well wishes and prayers.

Commissioner Warren: Staff from the Department of Doing to see if UF students can look at the issue of water and drainage at Grace Marketplace

ADJOURNMENT - 10:04 PM