

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Minutes - Final

Thursday, March 3, 2016

1:00 PM

City Hall Auditorium

City Commission

Mayor Ed Braddy (At Large)
Commissioner Harvey Budd (At Large)
Commissioner Helen Warren (At Large)
Commissioner Charles Goston (District 1)
Commissioner Todd Chase (District 2)
Mayor-Commissioner Pro Tem Craig Carter (District 3)
Commissioner Randy Wells (District 4)

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

CALL TO ORDER - 1:07 PM

Present 7 - Mayor Braddy, Commissioner Warren, Commissioner Wells, Commissioner Goston, Commissioner Budd, Mayor-Commissioner Pro Tem Carter, and Commissioner Chase

AGENDA STATEMENT

INVOCATION

PROPHET GEORGE YOUNG

ADOPTION OF THE CONSENT AGENDA (Including both General Government and Gainesville Regional Utilities items)

Rob Brinkman and Sam Mutch spoke to the matter.

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

Aye: 6 - Mayor Braddy, Commissioner Warren, Commissioner Wells, Commissioner Budd, Mayor-Commissioner Pro Tem Carter, and Commissioner Chase

Absent: 1 - Commissioner Goston

CITY MANAGER, CONSENT AGENDA ITEMS

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

CITY ATTORNEY, CONSENT AGENDA ITEMS

[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 and ratify the First Amendment to Tolling Agreement that has been signed in order to preserve the City's legal rights.*

Approved as Recommended

[150780.](#) **CELEBRATION POINTE COMMUNITY DEVELOPMENT DISTRICT NO. 1 VS. HOUSING PARTNERS OF GAINESVILLE, FL, LTD., A FLORIDA LIMITED PARTNERSHIP; FIRST HOUSING DEVELOPMENT CORPORATION OF FLORIDA, A FLORIDA CORPORATION; CHAPMAN ASSOCIATES, LTD., A FLORIDA**

LIMITED LIABILITY PARTNERSHIP; CITY OF GAINESVILLE, FLORIDA, A MUNICIPAL CORPORATION; BELLSOUTH TELECOMMUNICATIONS, INC., A GEORGIA CORPORATION; ALACHUA COUNTY, FLORIDA, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA; RESERVE AT KANAPAHA II, LTD. A FLORIDA LIMITED PARTNERSHIP; AND JOHN POWER, ALACHUA COUNTY TAX COLLECTOR; EIGHTH JUDICIAL CIRCUIT, CASE NO. 2016-CA-414 (B)

RECOMMENDATION

The City Commission authorize the City Attorney to represent the City in the case styled Celebration Pointe Community Development District No. 1 vs. Housing Partners of Gainesville, FL, Ltd., a Florida limited partnership; First Housing Development Corporation of Florida, a Florida corporation; Chapman Associates, Ltd., a Florida limited liability Partnership; City of Gainesville, Florida, a Municipal corporation; Bellsouth Telecommunications, Inc., a Georgia corporation; Alachua County, Florida, a political subdivision of the State of Florida; Reserve at Kanapaha II, Ltd. a Florida Limited partnership; and John Power, Alachua County Tax Collector; Eighth Judicial Circuit, Case No. 2016-CA-414.

Approved as Recommended

[150785.](#)

BENJAMIN H. LEE VS. STATE OF FLORIDA, AND THE GAINESVILLE POLICE DEPARTMENT; EIGHTH JUDICIAL CIRCUIT, CASE NO. 2016-CA-0166 (B)

RECOMMENDATION

The City Commission authorize the City Attorney to represent the City in the case styled Benjamin H. Lee vs. State of Florida, and The Gainesville Police Department; Eighth Judicial Circuit, Case No. 2016-CA-0166

Approved as Recommended

[150787.](#)

BERNICE FOSTER, AS PUTATIVE PERSONAL REPRESENTATIVE OF THE ESTATE OF JOHN LEE LITTLE, JR. VS. JAMIE REED, AND PATRIOT TRANSPORTATION HOLDING, INC. D/B/A FLORIDA ROCK & TANK LINES, INC., AND CITY OF GAINESVILLE, A MUNICIPALITY; EIGHTH JUDICIAL CIRCUIT, CASE NO. 2016-CA-325 (B)

RECOMMENDATION

The City Commission authorize the City Attorney to represent the City of Gainesville in the case styled Bernice Foster, as Putative Personal Representative of the Estate of John Lee Little, Jr. vs. Jamie Reed, and Patriot Transportation Holding, Inc. d/b/a Florida Rock & Tank Lines, Inc., and City of Gainesville, a municipality; Eighth Judicial Circuit, Case No. 2016-CA-325.

Approved as Recommended

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

END OF CONSENT AGENDA

ADOPTION OF THE GENERAL GOVERNMENT REGULAR AGENDA (Read if any, each item added or modified)

Jim Konish spoke to the matter.

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

Aye: 6 - Mayor Braddy, Commissioner Warren, Commissioner Wells, Commissioner Budd, Mayor-Commissioner Pro Tem Carter, and Commissioner Chase

Absent: 1 - Commissioner Goston

UTILITY-RELATED CITIZEN COMMENT (not to exceed 30 minutes in length)

Justin Locke and Paul Folkers made presentations.

*Jim Konish
Donald Shepherd
Kali Blount*

GENERAL MANAGER FOR UTILITIES

[150788.](#)

Reduction of Purchased Gas Adjustment (PGA) (B)

This item is informational. Estimated presentation time 5 minutes.

Commissioner Goston arrived at 1:31 PM.

Justin Locke made a presentation.

Jim Konish, Gabe Kamiwotz and Donald Shepherd spoke to the matter.

RECOMMENDATION

Receive a brief presentation from staff to address the revisions to the fuel cost assumptions, the impact to the Purchased Gas Levelization and the resulting customer bill reductions.

Heard

UTILITY COMMITTEE REPORTS (PULLED FROM CONSENT)

UTILITY ADVISORY BOARD/COMMITTEE REPORTS. Reports must be placed on the agenda by a Charter Officer, through staff liaison after approval by Board/Committee.

UTILITY-RELATED ITEMS FROM OUTSIDE AGENCIES. Must be submitted by a Charter Officer. Update limited to ten (10) minutes.

UTILITY-RELATED ITEMS FROM MEMBERS OF THE CITY COMMISSION

UTILITY-RELATED COMMISSION COMMENTS (if time permits)

*Commissioner Chase - Fleet
Commissioner Budd - Keith Perry Bill*

GENERAL GOVERNMENT items of a time-sensitive or important nature or pulled from Consent. Must be submitted or pulled by the Mayor, a City Commissioner or a Charter Officer.

[150751.](#)

Spring 2016 Telephone Town Hall Meeting (NB)

This item requests to schedule a Telephone Town Hall meeting on April 5, 2016, and to receive direction on a discussion topic. **ESTIMATED ORAL PRESENTATION 5 MINUTES**

Samantha Wolfe made a presentation.

Amendment: Approve the Programs and Service Offerings.

Gabe Kamiwotz and Donald Shepherd spoke to the matter.

RECOMMENDATION *The City Commission: 1) direct the Clerk of the Commission to schedule the Telephone Town Hall meeting on April 5, 2016; and 2) provide direction to the City Manager on a discussion topic.*

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

Aye: 7 - Mayor Braddy, Commissioner Warren, Commissioner Wells, Commissioner Goston, Commissioner Budd, Mayor-Commissioner Pro Tem Carter, and Commissioner Chase

[140930.](#)

Property Assessed Clean Energy (B)

This is a request for the City Commission to hear a presentation from Alachua County staff on the status of the Property Assessed Clean Energy (PACE) program. **ESTIMATED STAFF PRESENTATION 5 MINUTES**

Paul Folkers made a presentation.

RECOMMENDATION *The Community Development Committee requests that the City Commission hear a presentation by County staff. No action is required.*

Continued

140186.

Residency Requirement for Candidates (B)

Jim Konish, Gabe Kaimowitz and Donald Shepherd spoke to the matter.

RECOMMENDATION *The City Commission: 1) Discuss the residency requirement for candidates; 2) Take any action deemed appropriate; and 3) Remove this item from the Legislative and Organization Policy committee referral list.*

Heard

150786.

Utility Advisory Board (NB)

Motion by Commissioner Warren, seconded by Commissioner Budd to reconsider this item from the previous meeting. Motion failed 1-6, with Commissioner Warren voting yes.

Motion: 1) Appoint Annie Orlando, Robert Walpole and Sandra Campbell to 2-year terms; and 2) Appoint Michael Selvester, Darin Cook, David Denslow and Mary Alford to 4-year terms.

Jim Konish and Gabe Kamiwotz spoke to the matter.

RECOMMENDATION *The City Commission appoint 4 members for 4 year terms and 3 members for 2 year terms.*

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

Aye: 5 - Mayor Braddy, Commissioner Wells, Commissioner Budd, Mayor-Commissioner Pro Tem Carter, and Commissioner Chase

Nay: 1 - Commissioner Warren

Absent: 1 - Commissioner Goston

RECESS 4:08 PM

RECONVENE - 5:33 PM

PLEDGE OF ALLEGIANCE

PROCLAMATIONS/SPECIAL RECOGNITIONS Placed on Agenda by Commissioner or Charter Officer

150771. **Believing in Girls Month - March 2016 (B)**

RECOMMENDATION *PACE Center for Girls Alachua Development Manager
Valerie Solomon to accept the proclamation.*

Heard

150783. **Doctor's Day - March 30, 2016 (B)**

RECOMMENDATION *Alachua County Medical Society Past President Roslyn Levy
and President Arlene Colon to accept the proclamation.*

Heard

**CITIZEN COMMENT (to end at a time certain of 6:30pm or at such later
time as allows for 30 minutes of citizen comment)**

*Frank Lineberger
Don Glendening
Richard Selwach
Jim Konish
Gabe Hillel
Donald Shepherd
John Davies
Joseph Floyd
Raymond Rawls*

PUBLIC HEARINGS

RESOLUTIONS- ROLL CALL REQUIRED

150752. **Qualified Target Industry (QTI) Second Amendment to Resolution -
ONESIXTYOVERNINETY, INC. (B)**

**This item seeks City Commission approval for a second amendment to
QTI Resolution previously approved by the City Commission to adjust
timing associated with prospective job creation for the location of a
regional headquarters within the City of Gainesville for
ONESIXTYOVERNINETY, INC, a branding and public relations
agency.**

Eric Bredfeldt made a presentation.

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

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

The motion carried by the following vote:

Aye: 6 - Mayor Braddy, Commissioner Warren, Commissioner Wells, Commissioner Goston, Commissioner Budd, and Mayor-Commissioner Pro Tem Carter

Absent: 1 - Commissioner Chase

ORDINANCES, 1ST READING- ROLL CALL REQUIRED[150162.](#)**TEXT CHANGE - NAMING OF PRIVATE ROADS (B)**

Ordinance No. 150162

An ordinance of the City of Gainesville, Florida, amending the Code of Ordinances relating to the designation of street names; by amending Section 23-16 Definitions; by amending Section 23-17 regarding the map of streets within the city; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

Aye: 6 - Mayor Braddy, Commissioner Warren, Commissioner Wells, Commissioner Goston, Commissioner Budd, and Mayor-Commissioner Pro Tem Carter

Absent: 1 - Commissioner Chase

ORDINANCES, 2ND READING- ROLL CALL REQUIRED[150540.](#)**PLUM CREEK TIME EXTENSION TO ADOPT PLANNED DEVELOPMENT (PD) ZONING ORDINANCE (B)**

Ordinance No. 150540

An ordinance of the City of Gainesville, Florida, amending Ordinance No. 070447 (as was subsequently amended by Ordinance Nos. 100189 and 110700) to extend the deadline for the property owner/developer to have a Planned Development (PD) zoning ordinance adopted that implements the adopted Plum Creek Planned Use District (PUD) land use overlay; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance as amended.*

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

Aye: 6 - Mayor Braddy, Commissioner Warren, Commissioner Wells, Commissioner Goston, Commissioner Budd, and Mayor-Commissioner Pro Tem Carter

Absent: 1 - Commissioner Chase

PLAN BOARD PETITIONS

DEVELOPMENT REVIEW BOARD PETITIONS

[150714.](#)

Design Plat Review for Gainesville Cohousing Cluster Subdivision (B)

Petition DB-15-52 SUB. Fetner Engineering (Alison Fetner), agent for Gainesville Cohousing LLC, owner. **Design Plat Review for a Cluster Subdivision. Zoned: RSF-4 (8 units/acre single-family residential district). Located at 4751 NW 27th Avenue. *Estimated Presentation Time - 15 minutes*.**

Amendment: Approve petition with no less than 1 1/2 inches of asphalt on the road.

Lawrence Calderon and Alison Fetner made presentations.

Jim Konish, Donald Shepherd and Mirando Castro spoke to the matter.

RECOMMENDATION

Staff to City Commission - Approve the Development Review Board's recommendation and staff's modification of the conditions.

Development Review Board to City Commission - The City Commission approve Petition DB-15-52 SUB with staff recommendation but modifying Condition #2 to allow front setbacks ranging from 5 to 10 as depicted on the design plat.

Staff to Development Review Board - Forward a recommendation to the City Commission to approve the design plat, Petition with 18 conditions listed in the report and the TRC comments.

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

Aye: 7 - Mayor Braddy, Commissioner Warren, Commissioner Wells, Commissioner Goston, Commissioner Budd, Mayor-Commissioner Pro Tem Carter, and Commissioner Chase

SCHEDULED EVENING AGENDA ITEMS

[140384.](#)

GRU Governance and HB 1355 (B)

Bill Peebles made a presentation.

Motion: Have Senator Bradley Oppose HB 1355 including using: 1) Rate setting; 2) Issuance of debt; 3) Budget, including the amount of transfer to the City; 4) Salaries for members; and 5) Using the GRU Charter Officer as concerns.

Jim Konish, Don Glendening, Donald Shepherd and Telford Cartwright spoke to the matter.

RECOMMENDATION *The City Commission discuss the current version of HB 1355.*

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

Aye: 4 - Commissioner Warren, Commissioner Wells, Commissioner Budd, and Mayor-Commissioner Pro Tem Carter

Nay: 3 - Mayor Braddy, Commissioner Goston, and Commissioner Chase

UNFINISHED BUSINESS

COMMISSION COMMENT

Jim Konish, Don Glendening and Donald Shepherd spoke to the matter below.

Motion by Commissioner Budd, seconded by Mayor-Commissioner Pro Tem Carter to: 1) schedule a semi-workshop with the Chamber of Commerce; and 2) develop a transition plan for the RUC and Utility Advisory Board to train the Commissioners. Motion passed 7-0.

Commissioner Carter - Naming of public facilities.

Commissioner Goston - Election Mailers

Commissioner Warren - Citizen Comment

Commissioner Budd - Negative campaigning

Commissioner Wells - Plum Creek Property - Have staff attend the Community Workshop and participate in discussion.

Commissioner Chase - Election Mailers

CITIZEN COMMENT (If time permits)

*Telford Cartwright
Don Glendening
Frank Lineberger
Donald Shepherd*

Commissioners Goston and Chase left the meeting at 8:54 PM.

ADJOURNMENT - 9:07 PM

Kurt Lannon, Clerk of the Commission