

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Minutes - Final

Thursday, October 4, 2012

1:00 PM

City Hall Auditorium

City Commission

Mayor Craig Lowe (At Large)
Mayor-Commissioner Pro-Tem Lauren Poe (At Large)
Commissioner Thomas Hawkins (At Large)
Commissioner Yvonne Hinson-Rawls (District 1)
Commissioner Todd Chase (District 2)
Commissioner Susan Bottcher (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 - 1:05 PM

ROLL CALL

Present 7 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Hawkins, Commissioner Wells, Commissioner Chase, Commissioner Bottcher, and Commissioner Hinson-Rawls

INVOCATION

CONSENT AGENDA

CITY MANAGER, CONSENT AGENDA ITEMS

[120333.](#) **Human Resources Policies B-1, Tuition Reimbursement; E-4, Grievances and G-4, Duty to Defend and Liability (B)**

RECOMMENDATION *The City Commission: approve revisions to Human Resources Policy B-1, Tuition Reimbursement; Human Resources Policy E-4, Grievances; and Human Resources Policy G-4, Duty to Defend and Liability*

This Matter was Approved as Recommended

[120391.](#) **Forward Promise Innovation Grants (B)**

This is a request for City Commission approval for the Reichert House Youth Academy to apply for the "Forward Promise Innovation Grants" promoting opportunities for the health and success of young men of color.

RECOMMENDATION *The City Commission authorize the City Manager to accept and execute the grant award if received; as well as, any other necessary documents, subject to approval by the City Attorney as to form and legality.*

This Matter was Approved as Recommended

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

CITY ATTORNEY, CONSENT AGENDA ITEMS

[120384](#) **ALISON ZITTEL V. CITY OF GAINESVILLE AND BRETT ROBISON, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY; EIGHTH JUDICIAL CIRCUIT, COURT CASE NO. 12-CA-3490 (B)**

RECOMMENDATION *The City Commission authorize the City Attorney, and/or Special Counsel if insurance coverage is available, to represent the City of Gainesville in the case styled Alison Zittel v. City of Gainesville and Brett Robison, individually and in his official capacity; Eighth*

Judicial Circuit, Court Case No. 12-CA-3490.

This Matter was Approved as Recommended and Adopted (Resolution)

[120385](#)

KIMBERLY ALSTON, AND JOEY LEE ALSTON, HER HUSBAND VS. CITY OF GAINESVILLE, FLORIDA, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA; EIGHTH JUDICIAL CIRCUIT, CASE NO. 2012-CA-2483 (B)

RECOMMENDATION

The City Commission authorize the City Attorney to represent the City of Gainesville in the case styled Kimberly Alston, and Joey Lee Alston, her husband, vs. City of Gainesville, Florida, a political subdivision of the State of Florida; Eighth Judicial Circuit, Case No. 2012-CA-2483.

This Matter was Approved as Recommended

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

[120393](#)

City Commission Minutes (B)

RECOMMENDATION

The City Commission approve the minutes of September 10, 2012 (Special Meeting), as circulated.

This Matter was Approved as Recommended

[120365.](#)

Appointments to City Commission Advisory Boards and Committees (NB)

RECOMMENDATION

The City Commission appoint:

Cory Wise to the City Beautification Board for a term to expire 11/1/15.

Colleen Rand and Carrie Parker-Warren to the Gainesville Code Enforcement Board for a term to expire 8/1/15.

Philip Leitner and Juanita Miles-Hamilton to the SHIP Affordable Housing Advisory Committee for a term to expire 7/1/14.

This Matter was Approved as Recommended

Approval of the Consent Agenda

A motion was made by Mayor-Commissioner Pro Tem Poe, seconded by Commissioner Bottcher, to Adopt the Consent Agenda. The motion carried by the following vote:

Aye: 7 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Hawkins, Commissioner Wells, Commissioner Chase, Commissioner Bottcher, and Commissioner Hinson-Rawls

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

**RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE,
CONSENT**

PERSONNEL & ORGANIZATIONAL STRUCTURE COMM, CONSENT

PUBLIC SAFETY COMMITTEE, CONSENT

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE, CONSENT

EQUAL OPPORTUNITY COMMITTEE, CONSENT

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

MODIFICATIONS:

- 1. File #120392 - Consumptive Use Permit and Water Shortage - (New ppt. submitted).*
- 2. File #120178 - Rezoning - RTS Maintenance Facility - (ppt. submitted).*

**A motion was made by Commissioner Poe, seconded by Commissioner Bottcher to adopt the Regular Agenda, as modified.
(VOTE: 7-0, MOTION CARRIED)**

Aye: 7 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Hawkins, Commissioner Wells, Commissioner Chase, Commissioner Bottcher, and Commissioner Hinson-Rawls

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

CITY MANAGER

[080471.](#)

Status Update on the City Commission Strategic Initiative 3.3: Analyze the availability and accessibility of child and youth programs and identify a role for City Government including addressing the harmful effects of child and youth poverty (B)

This item is an action step for the City Commission's Strategic Initiative #3.3.

Assistant Recreation and Parks Director Michelle Park, Director of Victim Services Ms. Gretchen Casey and Gainesville Chief of Police Tony Jones gave presentations.

RECOMMENDATION *The City Commission receive this update on progress with Strategic Initiative #3.3: Analyze the Availability and Accessibility of Youth Programs and Identify a Role for Government.*

Heard

[120363.](#)

Readdressing of a Section of NW 34th Street to NW 34th Boulevard (B)

Assistant City Manager Paul Folkers and Alachua County Communications Bureau Chief Keith Godwin gave presentations.

RECOMMENDATION *The City Commission hear a presentation on the readdressing and provide any input as appropriate.*

Heard

GENERAL MANAGER FOR UTILITIES

[120392.](#)

GRU Assistant General Manager for Water/Wastewater Utilities David Richardson and Alachua County Environmental Protection Engineer Gus Olmos gave presentations.

AMENDMENT: Approve the recommendation and direct GRU Staff to cooperate with Alachua County Environmental Protection to develop additional conservation strategies.

RECOMMENDATION *1) The City Commission receive a presentation about the GRU Consumptive Use Permit (CUP); 2) The City Commission authorize the General Manager or his designee to negotiate and execute contracts necessary to obtain the CUP not to exceed \$750,000; 3) the City Commission direct the City Attorney to draft a Resolution to opt into the Alachua County Ordinance for enforcement of Water Shortage Orders and Water Shortage Emergencies.*

A motion was made by Commissioner Wells, seconded by Mayor-Commissioner Pro Tem Poe to approve as amended. The motion carried by the following vote:

Aye: 7 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Hawkins, Commissioner Wells, Commissioner Chase, Commissioner Bottcher, and Commissioner Hinson-Rawls

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE

PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE

PUBLIC SAFETY COMMITTEE

[120063.](#)

Request To Increase Trespass Towing Rates (B)

This item requests the City Commission consider raising the Trespass Towing Rates for the upcoming year (2013).

Assistant City Manager Paul Folkers and Assistant City Attorney Lee Libby gave presentations.

MOTION: A motion was made by Commissioner Hawkins, seconded by Mayor-Commissioner Pro Tem Poe to retain this item in the Public Safety Committee for discussion regarding methodology for establishing trespass towing rates and the possibility of an escalator being built in on a periodic basis.

Mayor Lowe recognized UF Student Government Director of External Affairs Billy Vranish, Superior Towing Representative Mike Webber and Ultimate Towing Representative Stan Foron who spoke to the matter.

RECOMMENDATION

The City Commission: 1) authorize the City Attorney's Office to draft a resolution to increase the Trespass Towing rates from \$76 to \$84 for Class 1 and Class 2 light vehicles; and 2) remove this item from the Public Safety Committee's referral list.

A motion was made by Commissioner Hawkins, seconded by Mayor-Commissioner Pro Tem Poe, that this Matter be Approved as shown above (See Motion). The motion carried by the following vote:

Aye: 4 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Hawkins, and Commissioner Wells

Nay: 3 - Commissioner Chase, Commissioner Bottcher, and Commissioner Hinson-Rawls

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

COMMISSION COMMENTS (if time available)

RECESS - 4:35 PM

RECONVENE - 5:34 PM

PLEDGE OF ALLEGIANCE (5:30pm)

PROCLAMATIONS/SPECIAL RECOGNITIONS

[120372.](#) United Nations Day - October 18, 2012 (B)

RECOMMENDATION *UNA-USA President Taraneh Darabi to accept the proclamation.*

Heard

[120373.](#) Fire Prevention Week - October 7-13, 2012 (B)

RECOMMENDATION *Gainesville Fire Rescue Risk Reduction Specialist Krista Gonzalez, Fire Chief Gene Prince, Assistant Fire Chief JoAnne Rice and Deputy Fire Chief Tim Hayes to accept the proclamation.*

Heard

[120374.](#) Character Counts Week - October 21-27, 2012 (B)

RECOMMENDATION *Public Recreation and Parks Board Chair Rita Puentes to accept the proclamation.*

Heard

[120375.](#) Conflict Resolution Week - October 15-19, 2012 (B)

RECOMMENDATION *River Phoenix Center for Peacebuilding Executive Director Dorothy J. Maver and President & Board Chair Heart Phoenix to accept the proclamation.*

Heard

[120376.](#) Will Claye Day - October 4, 2012 (B)

RECOMMENDATION *Two-Time Olympic Medalist Will Claye to accept the proclamation.*

Heard

[120377.](#) Public Power Week - October 7-13, 2012 (B)

RECOMMENDATION *Gainesville Regional Utilities General Manager Robert E. Hunzinger to accept the proclamation.*

Heard

CITIZEN COMMENT (6:00pm) - Please sign on sign-up sheet

Jo Beaty

Biomass Plant

[120503.](#) Jo Beaty - Citizen Comment (B)

RECOMMENDATION *The City Commission hear comments from Jo Beaty and place back-up submitted on file.*

Placed on File

Debbie Martinez

Biomass Plant.

Donald Shepherd

Lamplighter Trailer Park.

Mac McEachern

Biomass Plant.

Gabriel Hillel

Butterfly City Logo.

PUBLIC HEARINGS

RESOLUTIONS- ROLL CALL REQUIRED

[120341.](#)

Resolution for a Joint Participation Agreement - Regional Transit System (RTS) Discounted Bus Pass Program (B)

This item is a request for a Resolution authorizing the City Manager to execute a Joint Participation Agreement between the City of Gainesville and Florida Department of

Transportation (FDOT) to receive funds to establish the Regional Transit System (RTS) discounted bus pass program.

Assistant City Manager Paul Folkers gave a presentation.

RECOMMENDATION

The City Commission adopt the Resolution.

A motion was made by Commissioner Hinson-Rawls, seconded by Commissioner Hawkins, to Adopted (Resolution). The motion carried by the following vote:

Aye: 7 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Hawkins, Commissioner Wells, Commissioner Chase, Commissioner Bottcher, and Commissioner Hinson-Rawls

[120399](#)

Resolution concerning Proposed Amendment 4 (2012) to the Florida Constitution related to limitations on ad valorem property taxation (B) This item is a City Commission request from its September 20, 2012 regular meeting directing the City Attorney to draft a Resolution opposing the proposed Amendment 4 (2012) to the Florida Constitution for consideration by the City Commission.

RECOMMENDATION

During the 2012 State of Florida Legislative Session the Florida Legislature sponsored a proposed constitutional amendment, Amendment 4, to be placed on the 2012 general election ballot. If adopted, Amendment 4 will generally make revisions to the current property tax system and affect most property owners including those with and without a homestead exemption and commercial property. Amendment 4 has several significant components that if adopted will do the following: Reduce the current assessment limitation on commercial property, vacant property, and second homes; give first-time home buyers an additional homestead exemption; and apply the assessment cap reduction and the first-time home buyer provisions to city and county taxes, not to school property taxes.

The Florida League of Cities (FLC) has advocated against Amendment 4 and has encouraged its membership to oppose Amendment 4 locally. FLC proposes that Amendment 4 will further complicate the Florida property tax system and create confusion within a system that has been through numerous changes over the years. Additionally, FLC has determined that Amendment 4 will create an inequity between homestead property owners and non-homestead property owners by shifting the burden of paying for public services to long-time Florida residents and that under Amendment 4 identical properties will be taxed differently. This inequity includes commercial property because, according to the FLC, new businesses will pay higher taxes than those paid by established businesses which will potentially discourage new businesses from locating to Florida. Lastly, by providing the proposed tax benefits included in Amendment 4, local governments will see their major source of revenue negatively impacted which are used to fund basic services such as police, fire, parks and recreation

and other services citizen depend on and expect. On September 20, 2012, the City Commission directed the City Attorney to draft a Resolution opposing the proposed Amendment 4. The City Attorney has done so in consultation with the City's legislative coordinator and the City's Finance Department and based on published information from the Florida League of Cities.

A motion was made by Mayor-Commissioner Pro Tem Poe, seconded by Commissioner Bottcher, to Adopted (Resolution). The motion carried by the following vote:

Aye: 6 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Hawkins, Commissioner Wells, Commissioner Bottcher, and Commissioner Hinson-Rawls

Nay: 1 - Commissioner Chase

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

120178

REZONING - RTS MAINTENANCE FACILITY (B)

Ordinance No. 120178; Petition No. PB-12-52 PSZ

An ordinance of the City of Gainesville, Florida, establishing uses permitted by right, dimensional requirements, and other development regulations as more specifically set forth in this ordinance for approximately 22.82 acres of certain real property located in the vicinity of 200 SE 16th Avenue that is zoned Public services and operations district (PS), commonly known as the RTS Maintenance Facility site; providing for approval of a preliminary development plan; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Planning Manager Ralph Hilliard gave a presentation.

Mayor Lowe recognized Craig Brashier from Causseaux, Hewitt and Walpole who spoke to the matter.

RECOMMENDATION *The City Commission (1) approve Petition PB-12-52 PSZ and (2) adopt the proposed ordinance.*

A motion was made by Commissioner Bottcher, seconded by Commissioner Hinson-Rawls, to Approved (Petition) and Adopted on First Reading (Ordinance) The motion carried by the following vote:

Aye: 7 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Hawkins, Commissioner Wells, Commissioner Chase, Commissioner Bottcher, and Commissioner Hinson-Rawls

120279.

REZONING - URBAN VILLAGE (B)

Ordinance No. 120279; Petition No. PB-12-73 ZON

An ordinance amending the Zoning Map Atlas of the City of Gainesville, Florida, by rezoning approximately 313 acres of annexed properties, as more specifically described in this ordinance, located in the Urban Village (in the vicinity of SW 20th

Avenue, SW 24th Avenue, SW 34th Street, and SW 43rd Street) from the Alachua County zoning categories of Business and professional (BP), Retail sales and services (BR), Planned development (PD), Single family low density (R-1a & R-1c), Multiple family medium density (R-2), Multiple family medium-high density (R-2a), Multiple family high density (R-3), and Manufactured mobile home park (RM) to the City of Gainesville zoning category of Urban mixed-use district 2 (UMU-2); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Principal Planner Onelia Lazzari gave a presentation.

RECOMMENDATION (1) approve Petition PB-12-73 ZON and (2) adopt the proposed ordinance.

A motion was made by Commissioner Hinson-Rawls, seconded by Commissioner Hawkins, to Approved (Petition) and Adopted on First Reading (Ordinance). The motion carried by the following vote:

Aye: 6 - Mayor Lowe, Commissioner Hawkins, Commissioner Wells, Commissioner Chase, Commissioner Bottcher, and Commissioner Hinson-Rawls

Absent: 1 - Mayor-Commissioner Pro Tem Poe

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

PLAN BOARD PETITIONS

[120326.](#)

One College Park PD Amendment (B)

Petition PB-12-83 PDA. C. David Coffey, Esq., agent for College Park Group, LLC. Amendment to an existing Planned Development to allow a dormitory as an additional use. Zoned: PD (Planned Development District). Located between NW 17th Street and NW 18th Street, and between NW 1st Avenue and NW 2nd Avenue.

Senior Planner Scott Wright gave a presentation.

Mayor Lowe recognized agent for the applicant David Coffey and Don Shepherd who spoke to the matter.

RECOMMENDATION City Plan Board to City Commission - That the City Commission approve Petition PB-12-83 PDA with staff recommendations.

Staff to City Commission - Approve Petition PB-12-83 PDA with staff recommendations.

A motion was made by Commissioner Hawkins, seconded by Commissioner Wells, to approve the (Petition) with staff recommendations. . The motion carried by the following vote:

Aye: 7 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Hawkins, Commissioner Wells, Commissioner Chase, Commissioner Bottcher, and Commissioner Hinson-Rawls

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

UNFINISHED BUSINESS

COMMISSION COMMENT

Commissioner Susan Bottcher

Live motions using keyboard.

Mayor-Commissioner Pro Tem Poe

Domestic Violence.

Commissioner Todd Chase

Solar Feed In Tariff.

[120516.](#)

Solar Feed In Tariff Referral to the Regional Utilities Committee (NB)

RECOMMENDATION

The City Commission refer the issue of a review of the solar feed-in tariff program, considering potential enhancements, rate impacts and related issues to the Regional Utilities Committee.

A motion was made by Commissioner Todd Chase, seconded by Mayor-Commissioner Pro Tem Poe that this item be Referred to the Regional Utilities Committee due back on 4/4/2013

Aye: 7 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Hawkins, Commissioner Wells, Commissioner Chase, Commissioner Bottcher, and Commissioner Hinson-Rawls

Commissioner Thomas Hawkins

Neutral Gainesville - Energy efficiency organization.

Mayor Craig Lowe

Eighth Avenue Workshop.

[120517.](#)

City Commission Workshop Re: Eighth Avenue (NB)

RECOMMENDATION

The City Commission schedule an Eighth Avenue Workshop at the A. Quinn Jones Center on October 30, 2012 @ 6:00 PM.

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

Aye: 7 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Hawkins, Commissioner Wells, Commissioner Chase, Commissioner Bottcher, and Commissioner Hinson-Rawls

CITIZEN COMMENT

Jo Beaty

Biomass Plant questions.

ADJOURNMENT - 7:52 PM