

#130611

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Minutes - Draft

Thursday, November 21, 2013

1:00 PM

MODIFIED AGENDA

City Hall Auditorium

City Commission

Mayor Ed Braddy (At Large)
Commissioner 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)
Mayor-Commissioner Pro Tem 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-1:07PM

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

AGENDA STATEMENT**ROLL CALL****INVOCATION****CONSENT AGENDA**

Pull 130478 from consent agenda

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

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

CITY MANAGER, CONSENT AGENDA ITEMS

130425. Memorandum of Understanding between the Alachua County Sheriff's Office (ACSO) and the Gainesville Police Department for the Problem Oriented Policing Grant (POP) Awarded Through the Edward Byrne Memorial Justice Assistance Grant (B)

This is a request for City Commission approval to accept the grant award as a sub-recipient for up to \$21,958 for overtime reimbursement.

RECOMMENDATION

The City Commission: 1) Authorize the City Manager, or his designee to execute the Memorandum of Understanding between the Alachua County Sheriff's Office and the Gainesville Police Department and any other necessary documents, subject to the approval by the City Attorney as to form and legality; and 2) approve the overtime expenditures as outlined in the approved Memorandum of Understanding.

Approved as Recommended

130426.

21st Century Learning Grant Contract Agreement between the Gainesville Police Department (GPD) and the School Board of Alachua County (B)

This is a request for the City Commission to approve the agreement with the School Board of Alachua County for the 21st Century Learning Grant.

RECOMMENDATION

The City Commission: 1) approve the agreement for \$104,324 between the City of Gainesville, the Gainesville Police Department, the Reichert House Youth Academy and the Alachua County School Board; and 2) authorize the City Manager or designee to accept and execute the grant award and any other necessary documents, subject to approval by the City Attorney as to form and legality.

Approved as Recommended

130454.

Budget Calendar (NB)

This is a request for the City Commission to approve dates for discussion of the FY2015/2016 biennial budget.

RECOMMENDATION

The City Commission: 1) approve the dates requested by staff; 2) waive the City Commission Rules to hear the Resolutions to approve the Preliminary Fire Assessment Rate before 6:00 pm on July 16, 2014; and 3) waive the City Commission Rules to hear the Resolutions to Set the Tentative Millage and Adopt the Tentative Budgets before 6:00 pm on July 23, 2014.

Approved as Recommended

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

130478. Reimbursement for Oversizing of Wastewater Facilities at Village Point Roadway and Utility Improvements (B)

Reimburse NP International, LLC, developer of Village Point Roadway and Utility Improvements, for the oversizing of wastewater facilities in accordance with provisions of the City of Gainesville Code of Ordinances, Chapter 27-179 Oversized Facilities.

Ron Herget made a presentation.

Nathan Skop and Paula Stahmer made presentations.

This item was heard on regular portion of agenda.

Comm TH moved and Comm TC seconded the motion which passed 7-0.

RECOMMENDATION

The City Commission authorize the General Manager or her designee to negotiate and execute an agreement for reimbursement to NP International, LLC for the oversizing of wastewater facilities in an amount not to exceed \$99,339.00 subject to approval of the City Attorney as to form and legality.

This Matter was Approved as Recommended

CITY ATTORNEY, CONSENT AGENDA ITEMS

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

130463. City Commission Minutes (B)

RECOMMENDATION

The City Commission approve the minutes of October 31 and November 4, 2013.

Approved as Recommended

130472. Appointments to City Commission Advisory Boards and Committees (NB)

RECOMMENDATION

The City Commission appoint:

Marie Small to the Gainesville Human Rights Board for a term to expire 2/22/16

Michelle Ott to the Gainesville Human Rights Board for a term to expire 2/22/14.

Suzanne Skadowski to the Nature Centers Commission for a term to expire 11/1/16.

Approved as Recommended

130481. January 2, 2014 City Commission Meeting (NB)

RECOMMENDATION

The City Commission cancel the January 2, 2014, City Commission meeting.

Approved as Recommended

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

Pull 130479 Solar Feed In Tariff from agenda

A motion was made by Commissioner Bottcher, seconded by Commissioner Hinson-Rawls, that this Matter be Adopted. The motion carried by the following vote:

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

CHARTER OFFICER UPDATES

130482. GRU Governance (NB)

Representative Perry made a presentation.

Jim Konish, Nathan Skop, Debbie Martinez, Donald Shepherd, Ernesto Martinez, Don Glendening, Mark Venske, Ray Washington, Sue Baird, Larry Nogel and Lynn Coulious made comments.

Note: Schedule a work-shop or meeting later

RECOMMENDATION

The City Commission hear a presentation from The Honorable Keith Perry, State Representative.

A motion was made by Commissioner Poe, seconded by Commissioner Hawkins, that this Matter be Referred to the Audit, Finance and Legislative Committee, due back on 5/21/2014. The motion carried by the following vote:

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

CLERK OF THE COMMISSION**CITY MANAGER****GENERAL MANAGER FOR UTILITIES****130479. Solar Feed-in-tariff (FIT) Update and 2014 Pricing Options (B)****RECOMMENDATION**

The City Commission 1) receive a presentation from staff; and 2) determine capacity allocation for 2014, and direct the City Attorney to draft, and City Clerk to advertise an ordinance for any rate changes necessary to implement that capacity option.

Withdrawn

130480. SAP Enterprise Reporting System (B)**Staff recommends amending the existing SAP Software License Agreement to implement an expanded Corporate Reporting System.**

*Herb Firsching and Michael Dybeveck made presentations.
Nathan Skop, Mark Venske, Paula Stahmer and Donald Shepherd spoke to the matter.*

RECOMMENDATION

The City Commission: 1) authorize the Interim General Manager, or her designee, to amend the Software License Agreement with SAP for the purchase of software licenses for HANA Enterprise Edition and Business Object BI Edge, subject to approval of the City Attorney as to form and legality; and 2) issue a purchase order to SAP in an amount not to exceed \$455,000 for these additional software licenses and associated implementation services.

A motion was made by Commissioner Hawkins, seconded by Commissioner Bottcher, that this Matter be Approved as Recommended. The motion carried by the following vote:

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

CITY ATTORNEY**130354. NEW SETTLEMENT AGREEMENT FOR MOGAS INVESTMENTS, INC., NALBANDIAN PROPERTIES, LLC, AND ROPEN NALBANDIAN (B)**

Nathan Skop, Ray Washington, Paula Stahmer and Donald Shepherd spoke to the matter.

RECOMMENDATION

The City Commission 1) consider the new Settlement Agreement 2) if acceptable to the Commission, authorize the City Manager to execute the Settlement Agreement subject to review as to form and legality by the City Attorney.

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

Aye: 4 - Mayor Braddy, Commissioner Chase, Mayor-Commissioner Pro Tem Wells, and Commissioner Hinson-Rawls

Nay: 3 - Commissioner Bottcher, Commissioner Poe, and Commissioner Hawkins

CITY AUDITOR**EQUAL OPPORTUNITY DIRECTOR**

COMMITTEE REPORTS (PULLED FROM CONSENT)

RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE

PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE

PUBLIC SAFETY COMMITTEE

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

COMMISSION COMMENTS (if time available)

Comm Chase-CIO Position

Com Poe-1. Russ Blackburn award

2. Mountaintop coal on future agenda

Comm Poe moved and Comm Hawkins seconded to have GRU to come back with options on mountaintop coal policy

Paula Stahmer, Donald Shepherd and Ray Washington spoke to the matter.

Motion carried 4-2 with Comm TC and Mayor EB voting no and Comm RW absent.

Comm Hinson-Rawls-Tour and BBQ

RECESS-4:58PM

RECONVENE

PLEDGE OF ALLEGIANCE (5:30pm)

PROCLAMATIONS/SPECIAL RECOGNITIONS

130452. World AIDS Day - December 1, 2013 (B)RECOMMENDATION

Gainesville Area AIDS Project President Ty Harrison, Positives Empowering Positives President Marvene Edwards, Let's Talk About It Peer Advocate Crystal Coleman, Positive Attitudes Support Group Health Educator Mark Tatro to accept the proclamation.

Heard

130453. DECA Week - November 18-22, 2013 (B)RECOMMENDATION

Buchholz DECA Chapter President Olivia Sanchez, Chapter Vice President Maria Vargas, Chapter Advisor Donna Martin and Chapter Secretary Jaydin Leslie to accept the proclamation.

Heard

130410. City of Gainesville's Citizens' Academy Fall 2013 Graduates (NB)

This is a request for the City Commission recognize the Gainesville 101 Fall 2013 Citizen Academy graduates.

RECOMMENDATION

The City Commission: 1) recognize accomplishments of Gainesville 101 Fall 2013 City of Gainesville Citizens' Academy graduates; and 2) hear brief comments from the class speaker on what they have learned.

Heard

CITIZEN COMMENT (6:00pm)

*Jim Konish-GRU
Debbie Martinez-GRU
Mark Venske-City Issues
John Davies-City Issues
Pat Fitzpatrick-Hunger Issues
Don Shepherd-City Issues*

PUBLIC HEARINGS**RESOLUTIONS- ROLL CALL REQUIRED**

130441. **A RESOLUTION AMENDING AND RESTATING THE CITY COMMISSION RULES TO ALLOW A COUNTY COMMISSIONER TO SERVE AS A MEMBER OF THE REGIONAL UTILITIES COMMITTEE (B)**

RESOLUTION NO. 130441

A RESOLUTION AMENDING AND RESTATING IN ITS ENTIRETY THE CITY COMMISSION RULES OF THE CITY OF GAINESVILLE, FLORIDA, IN ORDER TO ALLOW A COUNTY COMMISSIONER TO SERVE AS A MEMBER OF THE REGIONAL UTILITIES COMMITTEE; PROVIDING A REPEALING CLAUSE AND PROVIDING AN EFFECTIVE DATE.

Mark Venske, Ernesto Martinez, Debbie Martinez, Donald Shepherd and John Davies spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed Resolution.*

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

Aye: 5 - Commissioner Bottcher, Commissioner Poe, Commissioner Chase, Commissioner Hawkins, and Mayor-Commissioner Pro Tem Wells

Absent: 2 - Mayor Braddy, and Commissioner Hinson-Rawls

ADOPTION READING - ROLL CALL REQUIRED

121107. COMPREHENSIVE PLAN AMENDMENT - BUTLER DEVELOPMENT (B)

Ordinance No. 121107; Petition No. PB-12-148 CPA

An ordinance of the City of Gainesville, Florida, amending Policy 4.3.6 of the Future Land Use Element of the City of Gainesville Comprehensive Plan relating to the Butler Development Planned Use District (PUD) that is generally located north of Archer Road, west of SW 34th Street, east of I-75, and south of SW 24th Avenue; amending the Future Land Use Map Series in the Future Land Use Element of the Comprehensive Plan by deleting and replacing two maps depicting the Butler Development PUD and the underlying land use categories for the properties within the Butler Development PUD; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Donald Shepherd spoke to the matter.

RECOMMENDATION

The City Commission: (1) receive letters of "no comment" from Florida Department of Economic Opportunity, North Central Florida Regional Planning Council, St. Johns Water Management District, Florida Department of Environmental Protection, and Florida Department of Education; and (2) adopt the proposed ordinance.

A motion was made by Commissioner Bottcher, seconded by Commissioner Poe, that this Matter be Adopted on Adoption Reading (Ordinance) and Approved the Recommendation. The motion carried by the following vote:

Aye: 5 - Commissioner Bottcher, Commissioner Poe, Commissioner Chase, Mayor-Commissioner Pro Tem Wells, and Commissioner Hinson-Rawls

Nay: 1 - Commissioner Hawkins

Absent: 1 - Mayor Braddy

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

**130411. CONSOLIDATED POLICE OFFICERS AND FIREFIGHTERS
RETIREMENT PLAN AMENDMENTS FOR FIREFIGHTERS (B)**

Ordinance No. 130411

An ordinance of the City of Gainesville, Florida, amending Chapter 2, Article VII, Division 8 (Consolidated Police Officers and Firefighters Retirement Plan) of the Code of Ordinances of the City of Gainesville; amending Section 2-596, Definitions; amending the definition of accrued benefit relating to the multiplier for firefighters; amending the definition of earnings related to overtime pay and termination vacation pay for firefighters; adding a definition of firefighter; amending the definition of service credit rules related to service credit for sick leave earned by firefighters; amending Section 2-599 related to contributions of firefighters; amending Section 2-600, Retirement dates and benefits, related to years of service and age required for normal retirement of firefighters and sick leave credit for firefighters entering DROP; 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 Poe, seconded by Commissioner Bottcher, that this Matter be Adopted on First Reading (Ordinance). The motion carried by the following vote:

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

Absent: 1 - Mayor Braddy

**130278. TEXT CHANGE - AMEND LIST OF PERMITTED USES BY RIGHT
FOR THE BA ZONING DISTRICT (B)**

Ordinance No. 130278; Petition PB-13-72 TCH

An ordinance of the City of Gainesville, Florida, amending the Land Development Code by adding public administration uses to the list of permitted uses by right in Section 30-62 - Automotive-oriented business district (BA); 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 Poe, seconded by Commissioner Bottcher, that this Matter be Adopted on First Reading (Ordinance). The motion carried by the following vote:

Aye: 5 - Commissioner Bottcher, Commissioner Poe, Commissioner Hawkins, Mayor-Commissioner Pro Tem Wells, and Commissioner Hinson-Rawls

Absent: 2 - Mayor Braddy, and Commissioner Chase

ORDINANCES, 2ND READING- ROLL CALL REQUIRED**121108. REZONING - BUTLER DEVELOPMENT PLANNED DEVELOPMENT (B)**

Ordinance No. 121108; Petition No. PB-12-150 PDV

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning certain property known as the Butler Development that is generally located north of Archer Road, west of SW 34th Street, east of I-75, and south of SW 24th Avenue as more specifically described in this ordinance, from Planned Development District (PD), Business Industrial District (BI) and General Business District (BUS) to Planned Development District (PD); adopting a PD report; providing for enforcement; providing a severability clause; providing a repealing clause; and providing an effective date.

Scott Wright made a presentation.

RECOMMENDATION

The City Commission: 1) adopt the proposed ordinance; and 2) authorize the City Manager or designee to execute the Traffic Enforcement Agreements, Transit Transfer Station and park-and-Ride Lot Agreement, Second Addendum to TCEA Zone M Agreement, subject to review as to form and legality by the City Attorney; 3) direct staff to initiate a petition to the Plan Board to conditionally vacate a portion of Southwest 42nd Street between the northern and southern boundary of the Butler Development PD.

A motion was made by Commissioner Poe, seconded by Commissioner Bottcher, that this Matter be Adopted on Final Reading (Ordinance) and Approved the Recommendation. The motion carried by the following vote:

Aye: 5 - Commissioner Bottcher, Commissioner Poe, Commissioner Chase, Mayor-Commissioner Pro Tem Wells, and Commissioner Hinson-Rawls

Nay: 1 - Commissioner Hawkins

Absent: 1 - Mayor Braddy

130180. TEXT CHANGE - REGULATING CHICKEN-KEEPING AS AN ALLOWABLE ACCESSORY USE BY RIGHT IN SINGLE-FAMILY RESIDENTIAL DISTRICTS AND RC DISTRICT (B)

Ordinance 130180; Petition No. PB-13-64 TCH

An ordinance of the City of Gainesville, Florida, relating to chicken-keeping in residential zoning districts; amending the Code of Ordinances by amending the definition of Fowl in Section 5-1. Definitions; amending the Land Development Code by creating Section 30-124. Chicken-keeping to allow by right and provide applicable regulations regarding the keeping of chickens as an accessory use to any single-family dwelling in the residential zoning districts of RSF-1, RSF-2, RSF-3, RSF-4, and RC; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Phil Lake, Rebecca Hyde, Mark Venske and Charlotte Lake spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

Nay: 2 - Commissioner Chase, and Commissioner Hinson-Rawls

Absent: 1 - Mayor Braddy

130397. AMENDMENTS TO ELECTIONS CODE RELATING TO EARLY VOTING SITES (B)

Ordinance No. 130397

An ordinance of the City of Gainesville, Florida, amending Chapter 9 of the Code of Ordinances relating to elections; amending Section 9-6.5 as it relates to early voting sites; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Donald Shepherd and Mark Venske spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

Absent: 1 - Mayor Braddy

PLAN BOARD PETITIONS

130319.

Special Event Permit for Food truck sales within the CCD (Central City District) zoning district (B)

Petition PB-13-73 TCH. City of Gainesville. Amend the Land Development Code to extend the time frame for the operation of food truck sales within the CCD (Central City District) zoning designation.

ESTIMATED STAFF PRESENTATION 20 MINUTES

Mayor Braddy arrived at 7:39PM. Lawrence Calderon made a presentation. Pat Avery, Diago Vadez, Moe Rodriguez, Danny Hughes and Shawn Sheppard spoke to the matter.

Modification: 1x a month

RECOMMENDATION

City Plan Board to City Commission -Approve Petition PB-13-73 TCH as modified to: 1) Allow two permits per month per location; 2) Allow the operating hours for food truck vendors from 5:00 p.m. until 12:00 midnight, with a setup time of 4:00p.m.; and 3) Allow "Food Truck Vending" on vacant or unimproved property.

Alternative Recommendation - Approve Petition PB-13-73TCH without the Plan Board recommended modification.

Staff to City Plan Board - Approve Petition PB-13-73 TCH .

A motion was made by Commissioner Hawkins, seconded by Commissioner Chase, that this Matter be Approved (Petition) as Modified. The motion carried by the following vote:

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

130432. Airport Hazard Zoning Restrictions (B)

Petition PB-13-65 TCH. Rod Smith, Esquire. agent for East Gainesville Development Partners, LLC. Amend the Land Development Code Appendix F, Airport Hazard Zoning Restrictions, Table 1. Land Use Regulation Chart to eliminate the noise restrictions for residential development within the 65- 60dB DNL subzone.

ESTIMATED STAFF PRESENTATION 15 MINUTES

Comm Poe moved and Comm Wells seconded to accept a late Powerpoint presentation. Motion carried 4-0 with Comm TC, Comm TH and Comm SB absent. Ralph Hilliard, Ted Baldwin, Rod Smith, Linda Shelley, Peter Kirsch, Robert Boyd, Rodney Long and Alan Penske made presentations.

First motion: Approve petition with Amendment: 1. Abigation Easement is permanent and perpetual 2. Disclosure notice on deed to all owners 3. 25 decibel building sound insulation standards applied less than standard. Motion failed 3-4 with Comm RW, Comm YHR and Mayor Braddy voting yes.

Comm LP moved and Comm RW seconded to continue meeting to 11:30PM. Motion carried 7-0.

Comm LP moved and Comm RW seconded to continue meeting to 11:45PM. Motion carried 7-0.

Lillie McGee, Cynthia Chestnut, Theresa Bright, Bill Porkony, Harry Garner, Evelyn Foxx, Kevin Thorpe, MacArthur Shelton, Alex King, Kevin Claney, Donald Shepherd and Paula Stahmer spoke to the matter.

RECOMMENDATION

City Plan Board to City Commission -Deny Petition PB-13-65TCH

Staff to City Commission- Approve the City Plan Board's recommendation.

Staff to City Plan Board - Deny Petition PB-13-65TCH

Alternative Recommendation

Staff to City Commission - Continue Petition PB-13-65TCH, and ask the applicant to develop a plan to limit the number of homes that would be placed directly under the flight path.

A motion was made by Commissioner Bottcher, seconded by Mayor-Commissioner Pro Tem Wells, that this Matter be Continued (Petition). The motion carried by the following vote:

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

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

UNFINISHED BUSINESS

COMMISSION COMMENT

130600. Enhanced UF Student Participation

RECOMMENDATION *Refer to Committee*

A motion was made by Commissioner Poe, seconded by Commissioner Hinson-Rawls, that this Matter be Referred to the Audit, Finance and Legislative Committee, due back on 5/21/2014. The motion carried by the following vote:

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

CITIZEN COMMENT (If time available)

ADJOURNMENT-11:45PM

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Minutes - Draft

Thursday, December 5, 2013

1:00 PM

MODIFIED AGENDA

City Hall Auditorium

City Commission

Mayor Ed Braddy (At Large)
Commissioner 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)
Mayor-Commissioner Pro Tem 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-1:07PM

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

AGENDA STATEMENT

ROLL CALL

INVOCATION

CONSENT AGENDA

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

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

CONSENT AGENDA

CITY MANAGER, CONSENT AGENDA ITEMS

130439. State Homeland Security Grant Program Subrecipient Agreement 2013 (NB)

This item requests that the City Commission authorize the City Manager to enter into a contract with the State of Florida Division of Emergency Management to support equipment maintenance for Gainesville Fire Rescue's Hazardous Materials Team.

RECOMMENDATION

The City Commission authorize the City Manager or designee to enter into a contract with the State of Florida Division of Emergency Management, subject to approval of the City Attorney as to form and legality.

Approved as Recommended

130513. Approval and Authorization to Purchase Real Property on Southeast 4th Street (B)

This item is a request to approve and authorize the purchase of real property, located at 1125 Southeast 4th Street, known as Alachua County Tax Parcel 16026-000-000.

RECOMMENDATION

The City Commission: 1) approve and authorize the City Manager to execute the Contract for Purchase with the Joseph N. Holton QTIP Trust for the purchase of Tax Parcel 16026-000-000, subject to approval by the City Attorney as to form and legality; 2) authorize the City Manager to pursue all necessary approvals to subdivide the property prior to closing; and 3) if the subdivision is approved, authorize the City Manager to negotiate and execute Assignments of Contract to other buyers, subject to approval by the City Attorney as to form and legality.

Approved as Recommended

130516. Ratification of Agreement between the International Association of Firefighters (IAFF), Local 2157, Professional Firefighters Bargaining Unit and the City of Gainesville for October 1, 2012 through September 30, 2015 (B)

RECOMMENDATION

The City Commission ratify the Agreement between the IAFF, Local 2157, Professional Firefighters Bargaining Unit and the City of Gainesville, extending the Agreement through September 30, 2015.

Approved as Recommended

130517. Ratification of Agreement between the International Association of Firefighters (IAFF), Local 2157, District Chiefs Bargaining Unit and the City of Gainesville for October 1, 2011 through September 30, 2014 (B)

RECOMMENDATION

The City Commission ratify the Agreement between the IAFF, Local 2157, District Chiefs Bargaining Unit and the City of Gainesville, extending the Agreement through September 30, 2014.

Approved as Recommended

130518. Ratification of amendments to the Agreement between the International Association of Firefighters (IAFF), Local 2157, Professional Firefighters Bargaining Unit and the City of Gainesville for October 1, 2011 through September 30, 2012 (B)

RECOMMENDATION

The City Commission ratify amendments to the Agreement between the City of Gainesville and the IAFF, Local 2157, Professional Firefighters Bargaining Unit, amending the Agreement through September 30, 2012.

Approved as Recommended

130522. Roof Replacement on the Westside Pool Pump Room (B)

This item involves a request for the City Commission to approve the appropriation of \$54,720 from the General Fund fund Balance for the expenses to replace the roof on the pump house at the H. Spurgeon Cherry (Westside) Pool.

RECOMMENDATION

The City Commission to approve the appropriation of \$54,720 from the General Fund fund balance for the expenses to replace the roof on the pump house at the H. Spurgeon Cherry (Westside) Pool.

Alternative Recommendation:

The City Commission not approve the appropriation of \$54,720 from the General Fund fund balance for the expenses to replace the roof on the pump house at the H. Spurgeon Cherry (Westside) Pool, and provide staff with further direction.

Approved as Recommended

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

CITY ATTORNEY, CONSENT AGENDA ITEMS

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

130543. City Commission Minutes (B)

RECOMMENDATION

The City Commission approve the minutes of October 3, October 17, November 7 and November 12, 2013.

Approved as Recommended

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

COMMUNITY DEVELOPMENT COMMITTEE, CONSENT**130261. Sidewalk Cafés (B)**

This item involves a recommendation from the Community Development Committee to the City Commission to hear a staff presentation, authorize staff to enter into an agreement with Florida Department of Transportation (FDOT), and amend the Land Development Code to include FDOT requirements.

RECOMMENDATION

The Community Development Committee to the City Commission - 1) authorize the City Manager to execute Sidewalk Café Lease Agreements with the FDOT, subject to approval by the City Attorney as to form and legality; and 2) direct staff to initiate a petition to the City Plan Board to amend the Land Development Code to provide for sidewalk cafes on FDOT right-of-way.

Approved as Recommended

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE, CONSENT**120044. Early Voting Site on the University of Florida (UF) Campus (B)****RECOMMENDATION**

The City Commission authorize the Mayor to draft a letter to the Alachua County Library District and the University of Florida requesting access to the Millhopper Branch Library and the Reitz Union or an allowable alternative for early voting sites for municipal elections beginning in spring 2014.

Approved as Recommended

120587. City Commission Emails on the Internet Referral (B)

This item presents options for making Commissioner emails available on the internet

RECOMMENDATION

The Audit, Finance and Legislative Committee recommends the City Commission: 1) approve moving forward with Option #2 to provide public access to City Commissioner emails and 2) direct staff to conduct a test phase of the process to ensure that proper steps are taken to remove any confidential information from emails before they are made accessible.

Approved as Recommended

- 130467.** Review of General Fund Forecasted Revenues and Other Sources of Funds for the Fiscal Year Ending September 30, 2014 (B)

RECOMMENDATION *The Audit, Finance and Legislative Committee recommends that the City Commission accept the City Auditor's report.*

Approved as Recommended

- 130466.** Report on the Status of Outstanding Audit Recommendations for November 2013 (B)

RECOMMENDATION *The Audit, Finance and Legislative Committee recommends that the City Commission accept the City Auditor's report.*

Approved as Recommended

EQUAL OPPORTUNITY COMMITTEE, CONSENT

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

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

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

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

CITY MANAGER

130546. Alachua County Boundary Adjustment Act (B)

This item provides an update on the status of the Alachua County Boundary Adjustment Act. *estimated staff presentation 10 minutes*

Motion: Negotiate with 8 municipalities and determine language supporting an amendment that addresses the administrative hardships associated with the Boundary Adjustment Act.

Lila Stewart and Becky Rountree made presentations.

Jim Konish and Bob Lynn spoke the matter.

RECOMMENDATION *The City Commission receive a presentation from staff and take appropriate action.*

Alternative Recommendation

The City Commission: 1) receive a presentation from staff; 2) discuss the City's position on the local bill to repeal the Alachua County Boundary Adjustment Act; and 3) direct the City Manager to include support or opposition of the local effort to repeal the Alachua County Boundary Adjustment Act in the Legislative Agenda.

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

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

120521. NW 8th Avenue Project (B)

This item is presentation regarding the data collected during the trial testing of NW 8th Avenue between NW 31st Drive and NW 23rd Street as a two lane facility with on-street bikelanes.

Motion: Two Lane Configuration (with current configuration to stay until construction), include raised median and plan for bike lanes.

Phil Mann, John Veilleux and, Joe Raulerson and Teresa Scott made presentations.

Jeff McAdams, Joseph Genero, Julie Reiskind, Ethan Philman, Nathan Skop, Jim Konish, Jo Beaty, Arnall Downs, James Thompson, Debbie Martinez, Tanya Silva, Dave Killen, James Lesley, Kamal Latham, Shaun Webber, Bob Karp, Ernesto Martinez, George Elmore, Nick Aconta, Sam Harris, Kathleen Pegan, Donald Shepherd and Susan Sidosky spoke the matter.

RECOMMENDATION *The City Commission hear a presentation regarding the data collected during the NW 8th Avenue lane reduction trial.*

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

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

Nay: 3 - Mayor Braddy, Commissioner Chase, and Commissioner Hinson-Rawls

GENERAL MANAGER FOR UTILITIES

130540. Innovation District Water, WasteWater and Reclaimed Water Infrastructure Funding (B)

In December 2011, the City Commission authorized staff to prepare an ordinance to establish a funding mechanism for water, wastewater, and reclaimed water improvements needed to support redevelopment in the Innovation District (iDistrict). Several alternatives were evaluated by staff and the Economic Development/University Community Committee (EDUCC). The proposed approach includes the designation of water, wastewater, and reclaimed water “iDistrict Infrastructure Improvement Areas.” Within these areas GRU will construct necessary capacity improvements. The cost for these improvements will be recovered via infrastructure improvement area charges applied to the building square footage of new development within the designated areas. Staff will present the proposed approach. An ordinance implementing the charges is being prepared and will be presented to the City Commission for first reading on December 19, 2013.

David Richardson and Rick Hutton made presentations.

Motion: GRU staff develop an integrated and strategic response similar to iDistrict which addresses infrastructure and capacity for SEGRI and return the City Commission in 6 months.

Nathan Skop, Jim Konish, Mark Venske, Donald Shepherd, Stuart Cullen and Debbie Martinez spoke to the matter.

RECOMMENDATION *The City Commission hear a presentation from staff on the proposed iDistrict Infrastructure Improvement Area ordinance for constructing and funding potable water, reclaimed water, and wastewater system capacity improvements in the iDistrict area.*

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

Aye: 6 - Mayor Braddy, Commissioner Bottcher, Commissioner Poe, Commissioner Chase, Commissioner Hawkins, and Commissioner Hinson-Rawls

Absent: 1 - Mayor-Commissioner Pro Tem Wells

130541. Update on Development of Minimum Flows and Levels Rules and Request for Authorization to Participate in Administrative Challenge if Necessary to Resolve Issues with Proposed Rules (B)

Staff will provide an update to the City Commission on the development of Minimum Flows and Levels (MFLs) for the Lower Santa Fe River and Ichetucknee River and Priority Springs by the Suwannee River Water Management District (SRWMD) and Florida Department of Environmental Protection (FDEP). These MFLs and accompanying prevention/recovery plans are to be adopted as rules by the FDEP. There are significant concerns about the technical validity of the proposed rules, and there are significant potential impacts to GRU and the community. Staff is continuing to work with the regulatory agencies and stakeholders to resolve issues with the proposed rules. However, if these issues cannot be resolved it may be necessary to participate with other utilities in an administrative challenge to the rules.

RECOMMENDATION

1. *The City Commission hear a presentation from staff on the development of Minimum Flows and Levels (MFLs) for the Lower Santa Fe River and Ichetucknee River and Priority Springs; and*
2. *Authorize the Interim General Manager of Utilities or her designee to:*
 - a. *Continue working with regulatory agencies and other stakeholders to resolve issues with the proposed Lower Santa Fe River and Ichetucknee River MFLs and prevention/recovery plans; and*
 - b. *Participate in administrative challenge to the rule if issues cannot be resolved.*

Withdrawn

130173. Proposed Consent Order Regarding Wastewater Overflows (NB)

Staff will present the proposed Consent Order to the City Commission developed by the Florida Department of Environmental Protection (FDEP). The Consent Order is for violations regarding broken force mains and subsequent discharge of wastewater to the environment that occurred in July and August of 2013. The Consent Order requires GRU to pay administrative costs (\$250), civil penalties (\$7,500), conduct an engineering analysis of the existing force main, and develop and implement a valve exercising program for the force main system. The valve exercising program could result in significant long-term fiscal impacts including additional staff, vehicles, and equipment.

*Tony Cunningham made a presentation.
Amendment: utilize an in-kind contribution rather than fine*

Nathan Skop, Debbie Martinez, Mark Venske, Jim Konish and Donald Shepherd spoke the matter.

- RECOMMENDATION
1. The City Commission hear a brief presentation from staff on the elements of the proposed Consent Order; and
 2. Authorize the Interim General Manager of Utilities or her designee to finalize the negotiation of the Consent Order and execute the Order on behalf of the City.

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

Aye: 7 - Mayor Braddy, Commissioner Bottcher, Commissioner Poe, Commissioner Chase, Commissioner Hawkins, Mayor-Commissioner Pro Tem Wells, 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**110683. Alcohol Sales and Consumption Outdoors Downtown and Special Event Permits for Bars (B)**

The basis of these referrals is an interest in addressing increasing demand for outdoor events in the downtown area that allow the sale and consumption of alcohol on City property and also the interest of private alcohol serving establishments to allow for the temporary outdoor sales and consumption of alcoholic beverages beyond University of Florida football home games. A draft re-write of the City's alcohol ordinance will be presented for City Commission consideration and direction. *Estimated staff presentation time 20 minutes*

*Paul Folkers and Lawrence Calderon made presentations.
Mark Venske and Debbie Martinez spoke the matter.*

RECOMMENDATION

The City Commission: 1) hear a presentation from City staff; 2) provide City staff with direction on any concerns or proposed changes to the draft ordinance; and 3) direct the City Attorney to prepare and the Clerk of the Commission to advertise revisions to the City's alcohol ordinance.

A motion was made by Commissioner Hinson-Rawls, seconded by Commissioner Hawkins, that this Matter be Approved as Recommended. The motion carried by the following vote:

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

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE**ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)****OUTSIDE AGENCIES****MEMBERS OF THE CITY COMMISSION**

130547. Mayor Ed Braddy - Audit of GRU (NB)

*This item was heard in the evening session.
Commissioner Poe left the meeting at 10:56PM.*

RECOMMENDATION *The City Commission discuss a forensic audit of GRU.*

A motion was made by Commissioner Chase, seconded by Commissioner Bottcher, that this Matter be Referred to the Audit, Finance and Legislative Committee, due back on 6/5/2014. The motion carried by the following vote:

Aye: 5 - Mayor Braddy, Commissioner Bottcher, Commissioner Chase, Mayor-Commissioner Pro Tem Wells, and Commissioner Hinson-Rawls

Nay: 1 - Commissioner Hawkins

Absent: 1 - Commissioner Poe

130555. Commissioner Yvonne Hinson-Rawls - Digital Divide (B)

RECOMMENDATION *The City Commission receive a presentation on "Bridging the Digital Divide".*

Continued

COMMISSION COMMENTS (if time available)

RECESS-5:33PM

RECONVENE-6:21PM

PLEDGE OF ALLEGIANCE (5:30pm)

PROCLAMATIONS/SPECIAL RECOGNITIONS

130544. King Celebration 2014 - January 12-21, 2014 (B)

RECOMMENDATION *President Martin Luther King, Jr. Commission of Florida, Inc. Honorable Rodney Long to accept the proclamation.*

Heard

130545. Martin Luther King, Jr. Hall of Fame Day - January 12, 2014 (B)

RECOMMENDATION *President Martin Luther King, Jr. Commission of Florida, Inc. Honorable Rodney Long to accept the proclamation.*

Heard

130592. Validated Parking

RECOMMENDATION *Refer to Committee*

A motion was made by Mayor-Commissioner Pro Tem Wells, seconded by Commissioner Chase, that this Matter be Referred to the Audit, Finance and Legislative Committee, due back on 6/5/2014. The motion carried by the following vote:

Aye: 4 - Mayor Braddy, Commissioner Poe, Commissioner Chase, and Mayor-Commissioner Pro Tem Wells

Nay: 2 - Commissioner Hawkins, and Commissioner Hinson-Rawls

Absent: 1 - Commissioner Bottcher

130596. Affordable Housing Issues

RECOMMENDATION *Refer to Committee*

A motion was made by Mayor-Commissioner Pro Tem Wells, seconded by Commissioner Hinson-Rawls, that this Matter be Referred to the Community Development Committee, due back on 6/5/2014. The motion carried by the following vote:

Aye: 6 - Mayor Braddy, Commissioner Poe, Commissioner Chase, Commissioner Hawkins, Mayor-Commissioner Pro Tem Wells, and Commissioner Hinson-Rawls

Absent: 1 - Commissioner Bottcher

CITIZEN COMMENT (6:00pm)

*Jim Konish-Biomass
Debbie Martinez-Parking/GRU Kali Blount-Housing Issues
Donald Shepherd-GRU
John Davies-City Issues
Mark Venske-City Issues
Pat Fitzpatrick-City Issues- File # 130590
Ernesto Martinez-City Issues
Nathan Skop-GRU issues*

PUBLIC HEARINGS**RESOLUTIONS- ROLL CALL REQUIRED**

130422. Resolution for a Joint Participation Agreement (JPA) - Service Development Funds for Regional Transit System (RTS) Routes 2 and 24 (B)

This item is a request for a Resolution authorizing the City Manager to execute a Joint Participation Agreement (JPA) between the City of Gainesville and the Florida Department of Transportation (FDOT) to receive Service Development Funds for the operation of Routes 2 and 24.

Jesus Gomez made a presentation.

Mark Venske spoke the matter.

RECOMMENDATION *The City Commission adopt the Resolution.*

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

Aye: 6 - Mayor Braddy, Commissioner Poe, Commissioner Chase, Commissioner Hawkins, Mayor-Commissioner Pro Tem Wells, and Commissioner Hinson-Rawls

Absent: 1 - Commissioner Bottcher

130423. Resolution for a Joint Participation Agreement (JPA) - Service Development Funds for Regional Transit System (RTS) Route 41 (B)

This item is a request for a Resolution authorizing the City Manager to execute a Joint Participation Agreement (JPA) between the City of Gainesville and the Florida Department of Transportation (FDOT) to receive Service Development Funds for the operation of Route 41.

RECOMMENDATION *The City Commission adopt the Resolution.*

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

Aye: 6 - Mayor Braddy, Commissioner Poe, Commissioner Chase, Commissioner Hawkins, Mayor-Commissioner Pro Tem Wells, and Commissioner Hinson-Rawls

Absent: 1 - Commissioner Bottcher

130427. Resolution for a Joint Participation Agreement (JPA) - Service Development Funds for Regional Transit System (RTS) Route 77 (B)

This item is a request for a Resolution authorizing the City Manager to execute a Joint Participation Agreement (JPA) between the City of Gainesville and the Florida Department of Transportation (FDOT) to receive Service Development Funds for the operation of new Route 77.

RECOMMENDATION *The City Commission adopt the Resolution.*

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

Aye: 6 - Mayor Braddy, Commissioner Poe, Commissioner Chase, Commissioner Hawkins, Mayor-Commissioner Pro Tem Wells, and Commissioner Hinson-Rawls

Absent: 1 - Commissioner Bottcher

130428. Resolution for a Joint Participation Agreement (JPA) - Service Development Funds for Regional Transit System (RTS) Route 39 (B)

This item is a request to adopt a Resolution authorizing the City Manager to execute a Joint Participation Agreement (JPA) between the City of Gainesville and the Florida Department of Transportation (FDOT) to receive Service Development Funds for the continued operation of Route 39.

RECOMMENDATION *The City Commission adopt the Resolution.*

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

Aye: 6 - Mayor Braddy, Commissioner Poe, Commissioner Chase, Commissioner Hawkins, Mayor-Commissioner Pro Tem Wells, and Commissioner Hinson-Rawls

Absent: 1 - Commissioner Bottcher

130465. Proposed Fiscal Year 2014 Annual Audit Plan (B)

RECOMMENDATION *The City Commission adopt the proposed resolution.*

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

Aye: 6 - Mayor Braddy, Commissioner Poe, Commissioner Chase, Commissioner Hawkins, Mayor-Commissioner Pro Tem Wells, and Commissioner Hinson-Rawls

Absent: 1 - Commissioner Bottcher

130468. FINAL AMENDMENT TO THE FY 2012-2013 GENERAL GOVERNMENT FINANCIAL AND OPERATING PLAN (B)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA; RELATING TO ITS GENERAL GOVERNMENT BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2012 AND ENDING SEPTEMBER 30, 2013; AMENDING RESOLUTION NO. 120271 AS AMENDED BY RESOLUTION NO. 120758, 130100 AND 130254, BY MAKING CERTAIN ADJUSTMENTS TO THE GENERAL OPERATING AND FINANCIAL PLAN BUDGET; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Comm Bottcher returned at 7:27PM.

RECOMMENDATION *The City Commission adopt the proposed resolution.*

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

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

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

130106. TEXT CHANGE - TERM LIMIT ELIMINATION FOR DEVELOPMENT REVIEW BOARD, CITY PLAN BOARD, BOARD OF ADJUSTMENT AND HISTORIC PRESERVATION BOARD. (B)

Ordinance No. 130106; Petition No. PB-13-52 TCH

An ordinance of the City of Gainesville, Florida, amending the Land Development Code by eliminating term limits for board members serving on the Development Review Board, City Plan Board, Board of Adjustment, and Historic Preservation Board; by amending Section 30-353. - City plan board; by amending Section 30-354. - Board of adjustment; by amending Section 30-355. - Historic preservation board; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Andrew Persons made a presentation.

Mark Venske and Donald Shepherd spoke the matter.

RECOMMENDATION

The City Commission (1) approve Petition No. PB-13-52 TCH, (2) adopt the proposed ordinance, and (3) direct staff to prepare revisions to the rules of procedure for the subject quasi-judicial boards.

A motion was made by Mayor-Commissioner Pro Tem Wells, seconded by Commissioner Poe, that this Matter be Adopted on First Reading and Approved the Recommendations. The motion carried by the following vote:

Aye: 5 - Commissioner Bottcher, Commissioner Poe, Commissioner Hawkins, Mayor-Commissioner Pro Tem Wells, and Commissioner Hinson-Rawls

Nay: 2 - Mayor Braddy, and Commissioner Chase

130440

HISTORIC PROPERTY TAX EXEMPTION - 418 NW 4TH AVENUE (B)

Ordinance No. 130440

An ordinance of the City of Gainesville, Florida, finding that property located at 418 NW 4th 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, 2014, 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.

Dee Hendrix made a presentation.

Donald Shepherd and Mark Venske spoke 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 Wells, seconded by Commissioner Bottcher, that this Matter be Adopted on First Reading (Ordinance) and Approved the Recommendation. The motion carried by the following vote:

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

Nay: 1 - Mayor Braddy

130599.

Historic Tax Exemption Criteria

RECOMMENDATION

Refer to Committee

A motion was made that this Matter be Referred to the Community Development Committee, due back on 6/5/2014. The motion carried by the following vote:

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

130339. VOLUNTARY ANNEXATION - CITY-OWNED PARCEL LOCATED NORTH OF MORNINGSIDE NATURE CENTER AND EAST OF NORTHEAST WALDO ROAD (B)

Ordinance No. 130339

An ordinance of the City of Gainesville, Florida, annexing a certain portion of the City of Gainesville reserve area, as petitioned for by the City as the property owner pursuant to Chapter 90-496, as amended, Special Act, Laws of Florida, known as the Alachua County Boundary Adjustment Act, that includes Tax Parcel No. 10860-000-000, which is generally located south of NE 39th Avenue, west of Morningside Nature Center, north of E University Avenue, and east of NE Waldo Road; making certain findings; providing for inclusion of the area 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 Hinson-Rawls, seconded by Commissioner Hawkins, that this Matter be Adopted on First Reading (Ordinance). The motion carried by the following vote:

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

Absent: 1 - Mayor Braddy

130340. VOLUNTARY ANNEXATION - CITY-OWNED PARCEL LOCATED SOUTH OF FRED CONE PARK (B)

Ordinance No. 130340

An ordinance of the City of Gainesville, Florida, annexing a certain portion of the City of Gainesville reserve area, as petitioned for by the City as the property owner pursuant to Chapter 90-496, as amended, Special Act, Laws of Florida, known as the Alachua County Boundary Adjustment Act, that includes Tax Parcel No. 16146-000-000 and a portion of the right-of-way of SE Hawthorne Road, and which is generally located south of E University Avenue and Fred Cone Park, west of Tax Parcel No. 16143-000-000, north of SE Hawthorne Road, and east of SE 24th Street and the Alachua County Sheriff's office; making certain findings; providing for inclusion of the area 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 Hinson-Rawls, seconded by Commissioner Bottcher, that this Matter be Adopted on First Reading (Ordinance). The motion carried by the following vote:

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

Absent: 1 - Mayor Braddy

130341. VOLUNTARY ANNEXATION - TAX PARCEL NO. 05871-002-000 - CITY-OWNED PARCEL LOCATED NORTHEAST OF GRU DEERHAVEN GENERATING STATION (B)

Ordinance No. 130341

An ordinance of the City of Gainesville, Florida, annexing a certain portion of the City of Gainesville reserve area, as petitioned for by the City as the property owner pursuant to Chapter 90-496, as amended, Special Act, Laws of Florida, known as the Alachua County Boundary Adjustment Act, that includes Tax Parcel No. 05871-002-000 and a portion of the right-of-way of State Road 121, and which is generally located south of NW 128th Lane, west of State Road 121 and Seminole Woods Subdivision, north of Tax Parcel No. 05882-004-000, and east of Tax Parcel No. 05878-004-001; making certain findings; providing for inclusion of the area 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 Hinson-Rawls, seconded by Commissioner Bottcher, that this Matter be Adopted on First Reading (Ordinance). The motion carried by the following vote:

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

Absent: 1 - Mayor Braddy

130342. VOLUNTARY ANNEXATION - TAX PARCEL NO. 05871-003-000 - CITY-OWNED PARCEL LOCATED NORTHEAST OF GRU DEERHAVEN GENERATING STATION (B)

Ordinance No. 130342

An ordinance of the City of Gainesville, Florida, annexing a certain portion of the City of Gainesville reserve area, as petitioned for by the City as the property owner pursuant to Chapter 90-496, as amended, Special Act, Laws of Florida, known as the Alachua County Boundary Adjustment Act, that includes Tax Parcel No. 05871-003-000 and a portion of the right-of-way of NW 128th Lane, and which is generally located south of NW 142nd Avenue and Tax Parcel No. 05871-000-000, west of State Road 121, north of NW 128th Lane, and east of Tax Parcel No. 05869-002-000; making certain findings; providing for inclusion of the area 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 Hinson-Rawls, seconded by Commissioner Bottcher, that this Matter be Adopted on First Reading (Ordinance). The motion carried by the following vote:

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

Absent: 1 - Mayor Braddy

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

**130411. CONSOLIDATED POLICE OFFICERS AND FIREFIGHTERS
RETIREMENT PLAN AMENDMENTS FOR FIREFIGHTERS (B)**

Ordinance No. 130411

An ordinance of the City of Gainesville, Florida, amending Chapter 2, Article VII, Division 8 (Consolidated Police Officers and Firefighters Retirement Plan) of the Code of Ordinances of the City of Gainesville; amending Section 2-596, Definitions; amending the definition of accrued benefit relating to the multiplier for firefighters; amending the definition of earnings related to overtime pay and termination vacation pay for firefighters; adding a definition of firefighter; amending the definition of service credit rules related to service credit for sick leave earned by firefighters; amending Section 2-599 related to contributions of firefighters; amending Section 2-600, Retirement dates and benefits, related to years of service and age required for normal retirement of firefighters and sick leave credit for firefighters entering DROP; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Donald Shepherd spoke the matter.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

**130278. TEXT CHANGE - AMEND LIST OF PERMITTED USES BY RIGHT
FOR THE BA ZONING DISTRICT (B)**

Ordinance No. 130278; Petition PB-13-72 TCH

An ordinance of the City of Gainesville, Florida, amending the Land Development Code by adding public administration uses to the list of permitted uses by right in Section 30-62 - Automotive-oriented business district (BA); 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 Poe, seconded by Mayor-Commissioner Pro Tem Wells, that this Matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:

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

PLAN BOARD PETITIONS**DEVELOPMENT REVIEW BOARD PETITIONS****SCHEDULED EVENING AGENDA ITEMS****UNFINISHED BUSINESS****COMMISSION COMMENT**

Commissioner Poe-Compressed Natural Gas

Comm YHR moved and Comm TC seconded to continue meeting to 11:15PM. Motion carries 6-0 with Comm LP absent.

Comm TC moved and Comm SB seconded to continue meeting to 11:30PM. Motion carried 5-1 with Comm TH voting no and Comm LP absent.

Comm SB moved and Comm SB seconded to continue meeting to 11:35PM. Motion carried 5-1 with Comm TH voting no and Comm LP absent.

130598.

Compressed Natural Gas

RECOMMENDATION*Refer to Committee*

A motion was made by Commissioner Poe, seconded by Commissioner Hawkins, that this Matter be Referred to the Public Works Committee, due back on 6/5/2014. The motion carried by the following vote:

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

CITIZEN COMMENT (If time available)**ADJOURNMENT-11:34PM.**

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Minutes - Draft

Monday, December 9, 2013

3:00 PM

Joint City/County Commission Special Meeting

Jack Durrance Auditorium

City Commission

Mayor Ed Braddy (At Large)
Commissioner 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)
Mayor-Commissioner Pro Tem 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.

ADOPTION OF THE AGENDA-3:08PM

Mayor Braddy arrived at 3:09PM

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

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

Absent: 1 - Mayor Braddy

AGENDA STATEMENT

ROLL CALL

CITY MANAGER

110784. Transition Study for Alachua County Fire Station 19 (B)

This item requests that the Gainesville City Commission and Alachua County Board of County Commissioners jointly hear a presentation regarding the transition of fire and rescue services in the area currently served by Alachua County Fire Station 19.

ESTIMATED STAFF PRESENTATION TIME 20 MINUTES

Russ Blackburn, Richard Hedrick, Gene Prince and Ed Bailey made presentations.

Donald Shepherd spoke the matter.

Motion: City staff to negotiate with the County

RECOMMENDATION

The City Commission: 1) receive a report from the City Manager and the Fire Chief for providing services in the SW 20th Avenue area; and 2) request that the County Commission provide direction to County staff to finalize a plan for the transition of fire-rescue services with City staff by March 1, 2014.

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

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

MEMBERS OF THE CITY COMMISSION

130482. Mayor Ed Braddy - GRU Governance (NB)

Jim Konish, Bruce Nelson, Debbie Martinez, Ernesto Martinez, Don Glendening, Nancy Garrins, Nathan Skop, Donald Shepherd and Ray Washington spoke the matter.

Comm Chase left at app. 5:45PM.

Comm Hinson-Rawls left at 6:31PM.

Comm Bottcher left at 6:33PM.

RECOMMENDATION *The City Commission discuss GRU Governance.*

Discussed

ADJOURNMENT-7:22PM