

# City of Gainesville

City Hall  
200 East University Avenue  
Gainesville, Florida 32601



## Minutes - Final

Thursday, September 19, 2013

1:00 PM

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**

- Present** 6 - Mayor Braddy, Commissioner Bottcher, Commissioner Poe, Commissioner Chase, Commissioner Hawkins, and Commissioner Hinson-Rawls
- Absent** 1 - Mayor-Commissioner Pro Tem Wells

**AGENDA STATEMENT**

**ROLL CALL**

**INVOCATION**

**CONSENT AGENDA**

**CITY MANAGER, CONSENT AGENDA ITEMS**

[120416.](#) **Solid Waste Collection Contract (B)**

**This item is a request for the City Commission to approve the renewal of a contract between the City and WCA (City’s contract waste hauler) for residential and municipal solid waste, recycling and yard trash collection.**

RECOMMENDATION *The City Commission authorize the City Manager to execute the Renewal Agreement with WCA of Florida, LLC for residential and municipal solid waste, recycling and yard trash collection through September 30, 2021; subject to approval by the City Attorney as to form and legality.*

**This Matter was Approved as Recommended**

[130185.](#) **Edward Byrne Memorial Justice Assistance Grant Application (JAG countywide - State Solicitation) (NB)**

**This item requests City Commission authorization to apply for and accept Edward Byrne Memorial Justice Assistance Grant funds (State Solicitation) in the amount of \$10,000 for the Sexual Predator and Offender Tracking Program and \$10,000 for the Brave Overt Leaders of Distinction (B.O.L.D.) Program.**

RECOMMENDATION *The City Commission authorize the City Manager to execute the grant application, grant award and any other necessary documents pending review by the City Attorney as to form and legality.*

**This Matter was Approved as Recommended**

[130232.](#)

**Bid Award for Open-Close-Clean Services at City of Gainesville Parks  
(B)**

**This item involves a request for the City Commission to authorize the bid award and contract to Superglo Cleaning Service for the opening, closing and cleaning of City of Gainesville parks in the amount of \$82,980.**

RECOMMENDATION

*The City Commission: 1) award the contract for park opening, closing and cleaning to Superglo Cleaning Service for a one-year period from October 1, 2013, through September 30, 2014, with the option to execute two (2) one-year extensions; 2) authorize the City Manager or his designee to execute the contract, subject to approval by the City Attorney as to form and legality; and 3) approve the issuance of a purchase order in the amount of \$82,980 for the 2013-2014 fiscal year.*

*Alternative Recommendation:*

*The City Commission not award the contract for park opening, closing and cleaning to Superglo Cleaning Service and direct staff to rebid the contract.*

**This Matter was Approved as Recommended**

[130266.](#)

**Bid Award - Annual Contract for Asphaltic Concrete Surfacing Services  
(B)**

**This item is a request for the City Commission to authorize bid awards to Oldcastle Southern Group, Inc. d/b/a APAC Southeast, Inc., John C. Hipp Construction Equipment Company and V.E. Whitehurst & Sons, Inc., for delivery of asphalt.**

RECOMMENDATION

*The City Commission: 1) authorize the City Manager to execute contracts with Oldcastle Southern Group, Inc. d/b/a APAC Southeast, Inc., John C. Hipp Construction Equipment Company and V.E. Whitehurst for delivery of asphalt, subject to approval of the City Attorney as to form and legality; and 2) authorize the City Manager to execute any and all related documents.*

**This Matter was Approved as Recommended**

[130268.](#)

**Base Level Transit Services Agreement with Alachua County Board of  
County Commissioners (B)**

**This item is a request to authorize the City Manager to execute the Base Level Transit Services Agreement between the City of Gainesville Regional Transit System (RTS) and the Alachua County Board of County Commissioners (BoCC).**

RECOMMENDATION

*The City Commission authorize the City Manager to execute the Base Level Transit Services Agreement with Alachua County Board of County Commissioners (BoCC) for the period of October 1, 2013 through September 30, 2014,*

*subject to approval by the City Attorney as to form and legality.*

**This Matter was Approved as Recommended**

[130269.](#)

**Transit Services Agreement Route 75 with Alachua County Board of County Commissioners (B)**

**This item is a request to authorize the City Manager to execute the Transit Services Agreement (Route 75) between the City of Gainesville Regional Transit System (RTS) and the Alachua County Board of County Commissioners (BoCC).**

**RECOMMENDATION**

*The City Commission authorize the City Manager to execute the Transit Services Agreement (Route 75) with Alachua County Board of County Commissioners (BoCC) for the period of October 1, 2013 through September 30, 2014, subject to approval by the City Attorney as to form and legality.*

**This Matter was Approved as Recommended**

[130270.](#)

**Agreement between ADP, Inc., and Regional Transit System (RTS) for Timekeeping and Attendance Upgrade (B)**

**This item is a request for the City Commission to authorize the City Manager to execute an Agreement with ADP, Inc., for a timekeeping and attendance system upgrade for Regional Transit System (RTS).**

**RECOMMENDATION**

*The City Commission authorize the City Manager to execute an Agreement with ADP, Inc., for the timekeeping and attendance system upgrade for Regional Transit System (RTS), subject to approval by the City Attorney as to form and legality.*

**This Matter was Approved as Recommended**

[130271](#)

**Agreement between Alachua County Board of County Commissioners (BoCC) and Regional Transit System (RTS) for Emergency Management (B)**

**This item is a request for the City Commission to authorize the City Manager to execute an Agreement with Alachua County Board of County Commissioners (BoCC) and Regional Transit System (RTS) for Emergency Management.**

**RECOMMENDATION**

*The City Commission authorize the City Manager to negotiate and execute an Agreement with Regional Transit System (RTS) and the Alachua County Board of County Commissioners (BoCC), for Emergency Management, subject to approval by the City Attorney as to form and legality.*

**This Matter was Approved as Recommended**

**130281. 2013 Strike Out Hunger Food Drive (B)**

**The purpose of this agenda item is to request the City of Gainesville to co-sponsor and authorize staff participation in the 2013 Strike Out Hunger Food Drive for Gainesville/Alachua County.**

**RECOMMENDATION**

*The City Commission approve the request to co-sponsor the Strike Out Hunger event for 2013 and authorize the City Manager to designate staff to assist with the event coordination.*

**This Matter was Approved as Recommended**

**130289. Amendment to extend the term of the Interlocal Agreement between the City of Gainesville and Alachua County for the Provision of Emergency Supplemental Shelter and Services (B)**

**This item involves a request for City Commission approval to amend the Interlocal Agreement for the provision of emergency shelter and services for homeless persons and families. The proposed amendment extends the term of the Agreement by one year, from September 30, 2013, to September 30, 2014.**

**RECOMMENDATION**

*The City Commission: 1) approve the amendment to the Interlocal Agreement between the City of Gainesville and Alachua County to continue supporting emergency shelter and services for homeless persons and families; and 2) authorize the Mayor to execute the amendment and any related documents necessary on behalf of the City, subject to approval by the City Attorney as to form and legality.*

**This Matter was Approved as Recommended**

**130261. Sidewalk Cafes on State Roads (NB)**

**This is a request to refer the issue of sidewalk cafes on state roads to the Community Development Committee.**

**RECOMMENDATION**

*The City Commission refer the issue of sidewalk cafes on state roads to the Community Development Committee.*

**This Matter was Approved as Recommended**

**GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS****CITY ATTORNEY, CONSENT AGENDA ITEMS****130267. ALFREDO NOBLE-RODRIGUEZ V. CITY OF GAINESVILLE;  
ALACHUA COUNTY CIRCUIT COURT; CASE NO.: 01-2012-CA-1399  
(B)**

RECOMMENDATION

*The City Commission 1) approve the terms of the mediated settlement; and 2) authorize the City Attorney to settle the claim of Alfredo Noble-Rodriguez v. City of Gainesville; Alachua County Circuit Court Case No.: 01-2012-CA-1399, on behalf of the City.*

**Approved as Recommended**

**CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS**

[130314.](#) City Commission Minutes (B)

RECOMMENDATION

*The City Commission approve the minutes of August 6, August 12, August 13, August 19, August 20, August 27, and September 9, 2013.*

**This Matter was Approved as Recommended**

**EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**

[130262.](#) EO Office 2013 Update (B)

RECOMMENDATION

*The City Commission accept from EO Director a 2013 update on the EO Office.*

**This Matter was Approved as Recommended**

**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**

[130244.](#) Review of Combined Communication Center Expenses (B)

RECOMMENDATION

*The Audit, Finance and Legislative Committee recommends that the City Commission accept the City Auditor's report and the written response to the report from Sheriff Sadie Darnell.*

**This Matter was Approved as Recommended**

[120551](#) City Commission Candidate Qualification Process (NB)

RECOMMENDATION      *The Audit, Finance and Legislative Committee recommends removal of this item from the referral list.*

**This Matter was Approved as Recommended**

[110822.](#)

Sales Tax Rebate (NB)

RECOMMENDATION      *The Audit, Finance and Legislative Committee recommends removal of this item from the referral list.*

**This Matter was Approved as Recommended**

[130236.](#)

Fiscal Year 2013 Operating Funds Quarterly Monitoring Report - Quarter Ending June 30, 2013 (B)

RECOMMENDATION      *The Audit, Finance and Legislative Committee recommends that the City Commission receive the quarterly budget monitoring report for the quarter ended June 30, 2013.*

**This Matter was Approved as Recommended**

[130246.](#)

Quarterly Financial Report - Gainesville Regional Utilities (B)

RECOMMENDATION      *The Audit, Finance and Legislative Committee recommends that the City Commission receive the GRU Quarterly Financial Report as of June 30, 2013.*

**This Matter was Approved as Recommended**

**Approval of the Consent Agenda**

**A motion was made by Commissioner Poe, seconded by Commissioner Bottcher, to Adopt the Consent Agenda. 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

**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 Bottcher, that this Matter be Adopted. 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

## CHARTER OFFICER UPDATES

## CLERK OF THE COMMISSION

[130338.](#)

Charter Review Meeting Re-schedule (NB)

*Motion: Schedule for November 4th*

**RECOMMENDATION**

*The City Commission change the October 29th meeting to November 4, November 6 or November 18 at 6:00 PM.*

**A motion was made by Commissioner Poe, seconded by Commissioner Bottcher, 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

## CITY MANAGER

[130264.](#)

**Charter County and Regional Transportation System Surtax (B)**

**Section 212.055, Florida Statutes allows charter counties to impose a discretionary sales surtax of up to one (1) percent. The Alachua County Board of County Commissioners is considering a 2014 ballot initiative for a one (1) cent Charter County Transportation System Surtax.**

*Teresa Scott made a presentation. Nathan Skop, Debbie Martinez, Bruce Nelson, Ernesto Martinez, Mac McEachern, Bob Karp, Walter Willard, Duane Gildea, Donald Shepherd and James Thompson spoke the matter.*

*Motion: Adopt transportation needs list 130264c and forward to the County as the City's list for the Surtax*

**RECOMMENDATION**

*The City Commission: 1) hear presentation; and 2) discuss prioritization of transportation projects considered for Surtax funding.*

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

**Aye:** 4 - Commissioner Bottcher, Commissioner Poe, Commissioner Hawkins, and Commissioner Hinson-Rawls

**Nay:** 2 - Mayor Braddy, and Commissioner Chase



**Absent:** 1 - Mayor-Commissioner Pro Tem Wells

[130212.](#)

**Agreement between the City of Gainesville and Keep Alachua County Beautiful for FY2014 (B)**

**This item is a request for the City Commission to approve the execution of an agreement with Keep Alachua County Beautiful in the amount of \$55,000.**

*Gina Hawkins made a presentation. Bruce Nelson spoke the matter.*

**RECOMMENDATION**

*The City Commission authorize the City Manager to execute the contract with Keep Alachua County Beautiful for the period of October 1, 2013, through September 30, 2014, subject to approval by the City Attorney as to form and legality.*

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

**Aye:** 5 - Commissioner Bottcher, Commissioner Poe, Commissioner Chase, Commissioner Hawkins, and Commissioner Hinson-Rawls

**Absent:** 2 - Mayor Braddy, and Mayor-Commissioner Pro Tem Wells

[130191.](#)

**Parking and Transportation Funding Options for Innovation Square (B)**

**This item involves a request for the City Commission to hear a presentation on Innovation Square parking and transportation funding options.**

*Paul Folkers, Ed Poppell and Camille Tharpe made presentations.*

*Amendment: Look at additional geographic districts and include cost estimate from City Attorney's Office*

*Nathan Skop, Jim Konish, Paula Stahmer, Jo Beaty, Walter Willard, Donald Shepherd and Pat Fitzpatrick spoke to the matter.*

**RECOMMENDATION**

*The City Commission: 1) hear an update on Innovation Square; 2) hear a presentation on Innovation Square parking and transportation facility and service funding options; and 3) direct staff to return to the City Commission to report on the need for and general feasibility of a Special Assessment for Parking and Transportation Services for Innovation Square.*

**A motion was made by Commissioner Poe, seconded by Commissioner Hawkins, that this Matter be Approved as Amended. 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

**GENERAL MANAGER FOR UTILITIES****130302.****Dewatering Equipment for Water Reclamation Facilities (B)**

**Staff recommends award of a contract to Andritz Separation Inc. for the purchase of dewatering equipment for the Water Reclamation Facilities Dewatering Project.**

*Ron Herget made a presentation.*

*Mark Venske, Paula Stahmer and Donald Shepherd spoke to the matter.*

**RECOMMENDATION**

*The City Commission: 1) authorize the General Manager, or his designee, to execute a contract with Andritz Separation Inc. for the purchase of dewatering equipment for the Water Reclamation Facilities, and 2) approve the issuance of a purchase order to Andritz Separation Inc. for dewatering equipment in the amount of \$968,500, subject to approval of the City Attorney as to form and legality, subject to the final appropriation of funds.*

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

**Aye:** 5 - Mayor Braddy, Commissioner Bottcher, Commissioner Poe, Commissioner Chase, and Commissioner Hinson-Rawls

**Absent:** 2 - Commissioner Hawkins, and Mayor-Commissioner Pro Tem Wells

**130310.****GREC Proposal Discussion Item (B)**

*This item was heard at the end of the evening agenda.*

*John Stanton made a presentation.*

*Motion: Clerk schedule special meeting on GREC issue.*

*Comm TC moved with Comm TH seconding to waive the rules to extend meeting until 11:15PM. Motion carries 5-0 with Comm LP leaving at 10:56PM.*

**RECOMMENDATION**

*Hear a presentation and discussion.*

**A motion was made by Commissioner Poe, seconded by Commissioner Hinson-Rawls, 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

**130336.****Amendment of Escrow Agreement in Order to Preserve Tax-Exempt Status of Utilities System Revenue Bonds, 2007 Series A (B)**

*David Richardson made a presentation. Nathan Skop spoke to the matter.*

**RECOMMENDATION**

*The City Commission authorize the General Manager for Utilities (1) to enter into an amendment to the escrow agreement for the Refunded Bonds in substantially the form submitted to this meeting, with such changes thereto as the General Manager for Utilities may determine to be necessary or desirable and subject to approval of the City Attorney as to form and legality, in order to permit necessary reinvestments in open-market U.S. Treasury securities in addition to 0% SLGS; (2) to execute such other documents and take such other actions (including, without limitation, hiring certain professionals to assist GRU with the purchase of such open-market securities and to verify compliance with federal income tax requirements) as may be necessary or desirable to proceed with this transaction and preserve the tax-exempt status of the 2007 Series A Bonds; (3) to cause any excess arbitrage earnings on the escrow to be paid over to the federal government, and to enter into any commitments with respect thereto as may be necessary or desirable; and (4) to enter into amendments to escrow agreements for such other Utilities System Revenue Bonds issuances that may be similarly impacted in substantially similar form subject to approval of the City Attorney as to form and legality.*

**A motion was made by Commissioner Poe, seconded by Commissioner Hinson-Rawls, that this Matter be Approved as Recommended. 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

**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**

**AUDIT, FINANCE AND LEGISLATIVE COMMITTEE**

**ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)**

**OUTSIDE AGENCIES**

**MEMBERS OF THE CITY COMMISSION**

**COMMISSION COMMENTS (if time available)**

**RECESS-5:03PM**

**RECONVENE-6:00PM**

**PLEDGE OF ALLEGIANCE (5:30pm)**

Ray Davis

**PROCLAMATIONS/SPECIAL RECOGNITIONS**

**130307. Gainesville Fire Fighter Appreciation Week - September 16-22, 2013 (B)**

RECOMMENDATION      *Muscular Dystrophy Association Fundraising Coordinator Gillian Market and Gainesville Fire Department Chief Gene Prince and MDA Coordinator Sean Withers to accept the proclamation.*

Heard

**130315. Expressions Learning Arts Academy 2012-2013 2nd Grade Class and Ms. Kuchinski Day - September 26, 2013 (B)**

RECOMMENDATION      *Expressions Learning Arts Academy to accept the proclamation.*

Heard

**130316. September 16-21, 2013 as Constitution Week and September 17, 2013 as Sons of the American Revolution Day (B)**

RECOMMENDATION      *Sons of the American Revolution Past President Ray Davis to accept the proclamation.*

Heard

**CITIZEN COMMENT (6:00pm)**

*Jim Konish-UF*

Russ Pisano-GREC noise-File #130357  
Larry Nogel-GREC noise  
Robert Wilford-GREC noise  
Nathan Skop-GREC  
Mac McEachern-GREC  
Peter Perkins-GREC  
Terry Fleming-Homeless RFP  
Marty Misner-GREC  
Harold Saive-GREC  
Beth O'Brady-Homeless RFP  
Jane Hendrix-GREC  
Debbie Martinez-GREC  
Wilbur Holloway-GREC  
Jack Donovan-Homeless RFP  
Mariam Elliot-Homeless RFP  
Kimberly Sims-GREC  
Pat Fitzpatrick-Homeless-File #130357  
Paula Stahmer-GREC  
Maria Parsons-Koppers  
Martha Miller-Koppers  
John Davies-DEC  
Patrick Dodds-Homeless RFP  
Mark Venske-Website

*John Stanton made a presentation.*

*Comm YHR moved with Comm SB seconding to direct the City Manager to take a noise reading of the GREC plant. Motion carried 4-0 with Comm TH, Comm SB, Comm YHR and Mayor Braddy voting yes.*

## **PUBLIC HEARINGS/BUDGET RESOLUTIONS**

### [130222.](#)

#### **APPENDIX A - SCHEDULE OF FEES, RATES & CHARGES FOR UTILITIES (B)**

Ordinance No. 130222

An ordinance of the City of Gainesville, Florida, relating to utilities; amending portions of Appendix A, Schedule of Fees, Rates and Charges of the Code of Ordinances by revising fees, rates and charges for Electricity, Water, Sewerage and Natural gas; amending section 27-271, Natural gas definitions, by creating and adding a new definition for "General service, small commercial;" providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date in accordance with the schedule provided herein.

*Diane Wilson made a presentation.*

*Nathan Skop, Jim Konish, Bob Bergdoll and Donald Shepherd 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 Commissioner Hinson-Rawls

**Nay:** 1 - Mayor Braddy

**Absent:** 2 - Commissioner Chase, and Mayor-Commissioner Pro Tem Wells

[130275.](#)

**FINAL GAINESVILLE REGIONAL UTILITIES BUDGET (B)**

RESOLUTION NO. 130275

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA, RELATING TO THE TENTATIVE BUDGET FOR THE CITY OF GAINESVILLE REGIONAL UTILITIES FOR THE FISCAL YEAR 2013-2014 BEGINNING OCTOBER 1, 2013 AND ENDING SEPTEMBER 30, 2014; PROJECTING REVENUES AND ESTABLISHING A TENTATIVE BUDGET TO PAY FOR PERSONAL SERVICES EXPENSES, OPERATING AND MAINTENANCE EXPENSES AND OTHER EXPENSES, FOR CAPITAL OUTLAY, AND FOR DEBT SERVICE REQUIREMENTS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

*Nathan Skop, Jim Konish, Bob Bergdoll, Mac McEachern and Annie Orlando spoke to the matter.*

**RECOMMENDATION**

*The City Commission adopt the proposed resolution.*

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

**Aye:** 4 - Commissioner Bottcher, Commissioner Poe, Commissioner Hawkins, and Commissioner Hinson-Rawls

**Nay:** 1 - Mayor Braddy

**Absent:** 2 - Commissioner Chase, and Mayor-Commissioner Pro Tem Wells

[130196.](#)

**APPENDIX A - SCHEDULE OF FEES, RATES & CHARGES (B)**

Ordinance No. 130196

An ordinance of the City of Gainesville, Florida, amending Appendix A, Schedule of Fees, Rates and Charges of the Code of Ordinances by revising fees, rates and charges for adult performance establishment, escort services, and escort licenses; alcoholic beverage bottle club license; cable franchise; cemetery, including a ten percent surcharge on fees; controlled vehicular parking area decals/permits; fire/rescue fire alarm operators, false alarm, prohibited devices, fire alarm monitoring companies, fire alarm system contractors, fire inspection, burning leaves, brush, clean wood or other vegetative debris, annual burning permit, pyrotechnic display; basic air monitoring fee for hazardous material response; home occupation permit; land development code fees; parks, recreation, and cultural affairs facilities and

events, including a ten percent surcharge on fees; peddlers, solicitors and canvassers; burglar alarm operators, burglar alarm monitoring companies, burglar alarm systems contractors, and burglar alarm systems; roam towing trespass towing application process fee, registration for owners, operators and vehicles, immobilization; registered domestic partnerships; secondhand goods dealers; permits for congregating on streets and sidewalks; permit to remove, construct, alter curb, driveway, gutter, etc.; traffic and motor vehicle parking violations and delinquency and immobilization; solid waste and recyclables; stormwater management; and vehicles for hire; Amending Section 11.5-31 of Chapter 11.5, Article III, Hazardous Material Cost Recovery to include within the definition of costs for recovery, a fee associated with the use of a basic air monitoring device; Amending Section 18-17 of Chapter 18, Article II, Park Regulation to limit city manager's authority to set parks and recreation fees; Amending Chapter 18, Article II, Park Regulation, by adding a new section regarding setting fees for parks, recreation and cultural affairs facilities and events; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date in accordance with the schedule provided herein.

*Mark Venske and Nathan Skop 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 Commissioner Hinson-Rawls

**Nay:** 1 - Mayor Braddy

**Absent:** 2 - Commissioner Chase, and Mayor-Commissioner Pro Tem Wells

[130273.](#)

**FINAL MILLAGE RATE - FISCAL YEAR 2013 - 2014 (B)**

RESOLUTION NO. 130273

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA; RELATING TO THE LEVY OF GENERAL MUNICIPAL PURPOSE AD VALOREM TAXES FOR THE 2013-2014 FISCAL YEAR; ADOPTING THE FINAL MILLAGE RATE; DIRECTING THE TRANSMITTAL OF CERTIFIED COPIES; AUTHORIZING A SPECIFIED ADJUSTMENT TO THE FINAL MILLAGE RATE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

*April Shuping made a presentation. Nathan Skop spoke to the matter.*

**RECOMMENDATION**            *The City Commission adopt the proposed resolution.*

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

**Aye:** 4 - Mayor Braddy, Commissioner Bottcher, Commissioner Poe, and Commissioner Hinson-Rawls

**Nay:** 1 - Commissioner Hawkins

**Absent:** 2 - Commissioner Chase, and Mayor-Commissioner Pro Tem Wells

[130274.](#)

**FINAL - GENERAL GOVERNMENT BUDGET - FISCAL YEAR 2013 - 2014 (B)**

RESOLUTION NO. 130274

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, 2013 AND ENDING SEPTEMBER 30, 2014; ADOPTING THE GENERAL GOVERNMENT FINANCIAL AND OPERATING PLAN BUDGET; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

RECOMMENDATION            *The City Commission adopt the proposed resolution.*

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

**Aye:** 4 - Mayor Braddy, Commissioner Bottcher, Commissioner Poe, and Commissioner Hinson-Rawls

**Nay:** 1 - Commissioner Hawkins

**Absent:** 2 - Commissioner Chase, and Mayor-Commissioner Pro Tem Wells

**RESOLUTIONS- ROLL CALL REQUIRED**

[130254.](#)

**THIRD AMENDMENT TO THE FY 2012-2013 GENERAL GOVERNMENT FINANCIAL AND OPERATING PLAN (B)**

RESOLUTION NO. 130254

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 AND 130100, BY MAKING CERTAIN ADJUSTMENTS TO THE GENERAL FINANCIAL AND OPERATING PLAN BUDGET; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

RECOMMENDATION            *The City Commission adopt the proposed resolution.*

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



**Aye:** 5 - Mayor Braddy, Commissioner Bottcher, Commissioner Poe, Commissioner Hawkins, and Commissioner Hinson-Rawls

**Absent:** 2 - Commissioner Chase, and Mayor-Commissioner Pro Tem Wells

[130265.](#)

**Grant of License Agreement to the State of Florida Department of Transportation (B)**

**This item is a request to adopt a resolution approving the grant of a License Agreement to the State of Florida Department of Transportation (FDOT) to allow FDOT to install a sidewalk on City of Gainesville property.**

**RECOMMENDATION**

*The City Commission: 1) adopt the Resolution to grant a License Agreement to the State of Florida Department of Transportation, allowing the State to install a sidewalk on City owned property; and 2) authorize the City Manager to execute a Maintenance Agreement for the sidewalk with the State of Florida Department of Transportation, subject to approval by the City Attorney as to form and legality.*

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

**Aye:** 5 - Mayor Braddy, Commissioner Bottcher, Commissioner Poe, Commissioner Hawkins, and Commissioner Hinson-Rawls

**Absent:** 2 - Commissioner Chase, and Mayor-Commissioner Pro Tem Wells

[130329.](#)

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA WITHDRAWING THE APPOINTMENT OF JENNIFER L. HUNT AS AN "AUTHORIZED Officer" as that term is defined by THE UTILITIES SYSTEM REVENUE BOND RESOLUTION DATED JUNE 6, 1983, AS SUPPLEMENTED AND AMENDED; AND APPOINTING DAVID RICHARDSON AS INTERIM CHIEF FINANCIAL OFFICER AND AUTHORIZED OFFICER PENDING APPOINTMENT OF A PERMANENT CHIEF FINANCIAL OFFICER TO FILL THE POSITION; AND PROVIDING AN EFFECTIVE DATE. (B)**

*Donald Shepherd spoke to the matter.*

*Additional Motion: Comm LP moved with Comm YHR seconding to use .054 for October/November and use .071 for December. Motion carried 5-1 with Mayor Braddy voting no.*

*Nathan Skop, Jim Konish, Wilbur Holloway, Debbie Martinez, Annie Orlando, Paula Stahmer, Mac McEachern, Ernesto Martinez, Mark Venske, Jo Beaty and Donald Shepherd spoke to the matter.*

**RECOMMENDATION**

*The City Commission adopt the proposed resolution.*

**A motion was made by Commissioner Poe, seconded by Commissioner Hinson-Rawls, that this Matter be Adopted (Resolution). The motion carried by**

the following vote:

**Aye:** 5 - Mayor Braddy, Commissioner Bottcher, Commissioner Poe, Commissioner Hawkins, and Commissioner Hinson-Rawls

**Absent:** 2 - Commissioner Chase, and Mayor-Commissioner Pro Tem Wells

## **ADOPTION READING - ROLL CALL REQUIRED**

[121106.](#)

### **LAND USE CHANGE - SMALL SCALE - BUTLER DEVELOPMENT (B)**

Ordinance No. 121106; Petition No. PB-12-149 LUC

An ordinance of the City of Gainesville, Florida, amending the Future Land Use Map of the Comprehensive Plan by overlaying the Planned Use District (PUD) land use category on six properties totaling approximately 3.2 acres that have underlying land use categories of Commercial (C) and Business Industrial (BI) and that are generally located at 3654, 3730, and 3820 SW Archer Road, and 3310 and 3318 SW 40th Terrace, as more specifically described in this ordinance; assigning subject properties to the Butler Development PUD as regulated by Policy 4.3.6 of the Future Land Use Element of the Comprehensive Plan; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

*Scott Wright and Jerry Dedenbach made presentations.  
Nathan Skop and Donald Shepherd 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 (Ordinance) on Adoption Reading. 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

## **TRANSMITTAL HEARING - 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.

*Onelia Lazari and Gerry Dedenbach made presentations.  
Mac McEachern spoke to the matter.*

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

**A motion was made by Commissioner Bottcher, seconded by Commissioner Chase, that this Matter be Adopted (Ordinance) on Transmittal Hearing. The motion carried by the following vote:**

**Aye:** 5 - Mayor Braddy, Commissioner Bottcher, Commissioner Poe, Commissioner Chase, and Commissioner Hinson-Rawls

**Nay:** 1 - Commissioner Hawkins

**Absent:** 1 - Mayor-Commissioner Pro Tem Wells

## **ORDINANCES, 1ST 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.  
Mark Venske and Donald Shepherd 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 First Reading (Ordinance). The motion carried by the following vote:**

**Aye:** 5 - Mayor Braddy, Commissioner Bottcher, Commissioner Poe, Commissioner Chase, and Commissioner Hinson-Rawls

**Nay:** 1 - Commissioner Hawkins

**Absent:** 1 - Mayor-Commissioner Pro Tem Wells

## **ORDINANCES, 2ND READING- ROLL CALL REQUIRED**

### 130203

#### **GENERAL EMPLOYEE'S PENSION PLAN AMENDMENTS (B)**

Ordinance No. 130122

An ordinance of the City of Gainesville, Florida, amending Chapter 2, Article VII, Division 5 (Employees Pension Plan) of the Code of Ordinances of the City of Gainesville, for federal tax compliance purposes and to amend the investment authority of the board of trustees; amending Section 2-521, Definitions; amending Section 2-522, Establishment of system; amending Section 2-523, Membership and service; amending Section 2-524, Contributions and funding; amending Section 2-526, Benefits; amending Section 2-527, Administration of the plan; amending Section 2-530, Miscellaneous; 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 Final Reading (Ordinance). The motion carried by the following vote:**

**Aye:** 5 - Mayor Braddy, Commissioner Bottcher, Commissioner Poe, Commissioner Chase, and Commissioner Hawkins

**Absent:** 2 - Mayor-Commissioner Pro Tem Wells, and Commissioner Hinson-Rawls

### 130203.

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

Ordinance No. 130203

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, for purposes of compliance with federal tax law and Chapters 175 and 185, Florida Statutes; amending Section 2-596, Definitions; amending Section 2-597, Establishment; amending Section 2-600, Retirement dates and benefits; amending Section 2-601, Optional forms of retirement income; amending Section 2-602, Administration of the plan; amending Section 2-605, Amendment; termination of plan; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

*Donald Shepherd 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:** 5 - Mayor Braddy, Commissioner Bottcher, Commissioner Poe,  
Commissioner Chase, and Commissioner Hawkins

**Absent:** 2 - Mayor-Commissioner Pro Tem Wells, and Commissioner Hinson-Rawls

**PLAN BOARD PETITIONS**

**DEVELOPMENT REVIEW BOARD PETITIONS**

**SCHEDULED EVENING AGENDA ITEMS**

**UNFINISHED BUSINESS**

**COMMISSION COMMENT**

*Mayor Braddy-Billy Bob restaurant  
Comm YHR-leaves at 11:09PM  
Mayor Braddy-Archer Road road trips*

**CITIZEN COMMENT (If time available)**

**ADJOURNMENT-11:11PM**

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**Kurt Lannon, Clerk of the Commission**