

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Minutes - Final

Thursday, November 7, 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-1:08PM

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

Prophet George Young

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

Absent: 1 - Mayor Braddy

CITY MANAGER, CONSENT AGENDA ITEMS

[130345.](#) Agreement Between the School Board of Alachua County (SBAC) and the City of Gainesville for the School Resource Officer Program (B)

This is a request for City Commission approval for the continuation of the Gainesville Police Department’s agreement with the School Board of Alachua County (SBAC) for the School Resource Officer Program.

RECOMMENDATION *The City Commission: 1) approve the agreement for \$348,310.80 between the City of Gainesville and the Alachua County School Board; and 2) authorize the City Manager to accept and execute any other necessary documents subject to approval by the City Attorney as to form and legality.*

Approved as Recommended

[130383.](#) Authorization to Purchase Equipment for the Gainesville Police Department using State Law Enforcement Contraband Forfeiture Trust Funds (B)

This is a request for City Commission authorization to purchase tasers,

extra training cartridges and four year extended care warranties for the Gainesville Police Department using state forfeiture funds.

RECOMMENDATION

The City Commission authorize the appropriation of an amount not to exceed \$24,000 from the State Law Enforcement Contraband Forfeiture Trust Fund and issuance of a purchase order to DGG Taser Inc for the purchase.

Alternative Recommendation

The City Commission deny funding at this time.

Approved as Recommended

[130407.](#)

Grant match for Non-point Source (319 (h)) and Total Maximum Daily Load Water Quality (TMDL) Restoration Grants from the Florida Department of Environmental Protection for the Paynes Prairie Sheetflow Restoration Project (NB)

This item is to designate the source of matching funds for grants awarded by the Florida Department of Environmental Protection (FDEP) for Agreement G0312- Amendment 3 in the amount of \$2,506,270 for the Paynes Prairie Sheetflow Restoration Project.

RECOMMENDATION

The City Commission authorize the City Manager or designee to designate the match funding sources as presented in the fiscal note.

Approved as Recommended

[130408.](#)

National League of Cities Institute for Youth, Education and Families Grant (B)

This item involves a request to accept a grant, if awarded, from the National League of Cities (NLC) Institute for Youth, Education and Families (YEF Institute) to assist the City in Expanding Access to Health Care for Children and Families.

RECOMMENDATION

The City Commission: 1) approve the request to accept a grant, if awarded, from the National League of Cities (NLC) Institute for Youth, Education and Families to assist the City in Expanding Access to Health Care for Children and Families; and 2) if awarded, authorize the City Manager or designee to execute the grant award agreement and other grant-related documents, subject to approval by the City Attorney as to form and legality.

Approved as Recommended

[130434.](#)

Letter of Support for a Co-located Child Advocacy Center (B)

This is a request for City Commission authorization to send a letter of support for a co-located Child Advocacy Center.

RECOMMENDATION

The City Commission authorize Mayor Ed Braddy to sign and transmit the letter of support.

Approved as Recommended

[130438.](#)

Employment Agreement - Interim General Manager for Utilities (B)

RECOMMENDATION

The City Commission approve the terms of the agreement in the attached document.

Approved as Recommended

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

CITY ATTORNEY, CONSENT AGENDA ITEMS

[130412.](#)

ROBERT WILLIAMS v. CITY OF GAINESVILLE; CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT IN AND FOR ALACHUA COUNTY, FL; CASE NO. 01-2012-CA-1984 (B)

RECOMMENDATION

The City Commission 1) approve the terms of the mediated settlement; and 2) authorize the City Attorney to settle the claim of Robert Williams v. City of Gainesville; Circuit Court of the Eighth Judicial Circuit in and for Alachua County, FL; Case No.: 01-2012-CA-1984, on behalf of the City.

Approved as Recommended

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

[130391.](#)

City Commission Minutes (B)

RECOMMENDATION

The City Commission approve the minutes of October 2 and October 7, 2013.

Approved as Recommended

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE, CONSENT

[100523.](#)

City of Gainesville Registry of Protected Public Places Phase II-B Listing (B)

This item is regarding the potential listing of four properties to the

Registry of Protected Public Places as per Ordinance #080576.

RECOMMENDATION

The City Commission direct the City Attorney to draft and the Clerk of the Commission to advertise an ordinance placing the recommended Phase II-B properties in the City of Gainesville Registry of Protected Places.

Approved as Recommended

130008.

Land Conservation and Acquisition Program (B)

This item is to request the City Commission to approve adding the Elks Lodge/Glen Springs property to the priority acquisition list for the Land Conservation and Acquisition Program.

RECOMMENDATION

The Recreation, Cultural Affairs and Public Works Committee recommends that the City Commission approve an updated priority land acquisition list for the Land Conservation and Acquisition Program with the addition of the Elks Lodge/Glens Springs property.

Approved as Recommended

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

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

Absent: 1 - Mayor Braddy

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION**CITY MANAGER**[080471.](#)

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

This item is an action step for the City Commission's Strategic Initiative 3.3, providing an update on juvenile crime reduction efforts presented jointly by the Gainesville Police Department, the State Attorney's Office and the Parks, Recreation and Cultural Affairs Department.

ESTIMATED STAFF PRESENTATION 20 MINUTES

Tony Jones , Gretchen Casey and Shannon Keleher made presentations. Mark Venske, Pat Fitzpatrick, Jeff McAdams and Donald Shepherd spoke to the matter.

Motion: City Manager prepare increment for FY 15 including sponsorships for FY 14

RECOMMENDATION

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

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

Absent: 1 - Mayor Braddy

[130520.](#)

Child and Youth Programs Crime Prevention

RECOMMENDATION

Refer to Committee

A motion was made by Commissioner Hinson-Rawls, seconded by Commissioner Hawkins, that this Matter be Referred to the Public Safety Committee, due back on 5/7/2014. 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

[130359.](#)**The City of Gainesville Strategic Plan for Fiscal Years 2013 and 2014 (B)**

This item seeks approval of adjustments to the City of Gainesville Strategic Plan for Fiscal Years 2013 and 2014.

ESTIMATED STAFF PRESENTATION 20 MINUTES

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

Mayor Braddy arrived at 2:13PM

Amendment: Comm Poe add 3.6 and 4.3. Comm Wells add 7.2.

RECOMMENDATION

The City Commission: 1) receive a presentation on the City Commission Strategic Plan; 2) accept the assignment of initiatives to each member of the City Commission to sponsor; 3) remove all existing strategic initiative referrals from the committee referral lists; 4) refer all strategic initiatives to the aligned Committee; and 5) adopt the adjustments to the City of Gainesville Strategic Plan for Fiscal Years 2013 and 2014.

A motion was made by Commissioner Hawkins, seconded by Commissioner Hinson-Rawls, 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

[130413.](#)**2014 State Legislative Agenda (B)**

This is a request for the City Commission to approve the 2014 State Legislative Agenda and provide policy direction on future referrals to the Legislative Agenda.

Teresa Scott made a presentation.

Jim Konish, Debbie Martinez, Nathan Skop, Mark Venske and Mac McEachern spoke to the matter.

Comm TH moved and Comm YHR seconded and motion carried 7-0.

RECOMMENDATION

The City Commission: 1) approve the 2014 State Legislative Agenda; 2) direct that all new referral items to the Legislative Agenda be forwarded to the Audit, Finance and Legislative Committee for review and recommendation; and 3) direct staff to provide the 2014 State Legislative Agenda to the Alachua County Legislative Delegation; the Florida League of Cities, and other interested parties.

This Matter was Approved as Recommended

GENERAL MANAGER FOR UTILITIES[130310.](#)**GREC Right of First Offer (NB)**

Motion: Comm Wells Recommendation regarding 1603 grant

David Richardson made a presentation.

Jim Konish, Ernesto Martinez, Mark Venske, Paula Stahmer, Debbie Martinez, Walter Willard, Nathan Skop, Mac McEachern and Donald Shepherd spoke to the matter.

RECOMMENDATION

The City Commission consider the status of the offer to purchase the 100 MW Biomass Plant and take further actions as it deems appropriate.

Recommendation from Mayor-Commissioner Pro Tem Randy Wells

Move that we add to our Federal legislative agenda legislation and/or regulations that would remove the disadvantage for municipal utilities to acquire eligible renewable energy projects that were funded in part by a 1603 grant.

A motion was made by Mayor-Commissioner Pro Tem Wells, 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

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

[130433.](#) Commissioner Yvonne Hinson-Rawls - Flooding Issues (NB)

RECOMMENDATION *The City Commission discuss flooding issues South of NE 8th Avenue in the Duval Community and take action deemed appropriate.*

Heard

COMMISSION COMMENTS (if time available)

Comm Chase-Sidewalks on 8th Avenue

Comm Hawkins moved and Comm Wells seconded to 1. Keep Crosswalks at 2nd and 4th 2. arrange meeting with FDOT Secretary and 3. Refer NW 8th Avenue to the MTPO

*Items 1/2 passed 7-0
Item 3 passed 5-2 with Comm TC and Mayor Braddy voting no*

Comm Hawkins-Residential noise permits

Comm Hawkins-ATU and FOP salary issues

[130521.](#) Noise Permits in Residential Areas

RECOMMENDATION *Refer to Committee*

A motion was made by Commissioner Hawkins, seconded by Mayor-Commissioner Pro Tem Wells, that this Matter be Referred to the Public Safety Committee, due back on 5/7/2014. 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

RECESS-4:35PM

RECONVENE-6:46PM

PLEDGE OF ALLEGIANCE (5:30pm)

PROCLAMATIONS/SPECIAL RECOGNITIONS

[130414.](#) **Survivors of Suicide Memory Garden Dedication Day - November 14, 2013 (B)**

RECOMMENDATION *Friends of the Crisis Center President Wendy Brant, Project Manager, SOS Memory Garden Judy Broward and Alachua County Crisis Center Director Marshall Knudson to accept*

the proclamation.

Heard

[130415.](#) **Veterans Day - November 11, 2013 (B)**

RECOMMENDATION *Gator Detachment of the Marine Corp League Bob Gasche, Sr. and Young Marine Master Gunnery Sergeant Emily Kidwell to accept the proclamation.*

Heard

[130416.](#) **Pancreatic Cancer Awareness Month - November 2013 (B)**

RECOMMENDATION *Pancreatic Cancer Action Network Advocacy Coordinator Amy Osteryoung to accept the proclamation.*

Heard

[130417.](#) **National Association for the Advancement of Colored People (NAACP) Day - November 10, 2013 (B)**

RECOMMENDATION *National Association for the Advancement of Colored People (NAACP) President Evelyn Foxx to accept the proclamation.*

Heard

[130418.](#) **Hunger Awareness Month - November 2013 (B)**

RECOMMENDATION *The Long Foundation, Inc. President & CEO Honorable Rodney Long to accept the proclamation.*

Heard

[130429.](#) **Milton Reid Conference Room (B)**

RECOMMENDATION *City of Gainesville General Services and Fleet Management Director Milton Reid to accept the proclamation.*

Heard

CITIZEN COMMENT (6:00pm)

*Jim Konish
Debbie Martinez
Jane Hendricks-File # 130484
Mac McEachern
Armando Grundy
Nathan Skop
Paula Stahmer
Donald Shepherd
Gabe Kaimowitz-File # 130484
Mark Venske
Pat Fitzpatrick-File # 130484
John Davies*

PUBLIC HEARINGS**RESOLUTIONS- ROLL CALL REQUIRED****ORDINANCES, 1ST READING- ROLL CALL REQUIRED****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.

Mark Venske spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

A motion was made by Commissioner Hawkins, seconded by Commissioner Poe, 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

Nay: 2 - Mayor Braddy, and Commissioner Chase

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.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

A motion was made by Commissioner Bottcher, seconded by Commissioner Poe, that this Matter be Adopted on First Reading (Ordinance). The motion

carried by the following vote:

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

Absent: 1 - Commissioner Poe

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

130171. AMENDMENTS TO ELECTIONS CODE RELATING TO CAMPAIGN FINANCE REPORTS (B)

Ordinance No. 130171

An ordinance of the City of Gainesville, Florida, amending Chapter 9 of the Code of ordinances relating to elections; amending Section 9-11 as it relates to campaign contribution limitations and campaign finance reports; providing directions to the codifier; 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, as revised on second reading.*

A motion was made by Commissioner Bottcher, seconded by Commissioner Hawkins, 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

130382.

Vacate, abandon and close the 50-foot right-of-way abutting the north property line of 4820 NW 13th Street (B)

Petition PB-13-66 SVA. Thomas A. Daniel, agent for Streit’s, Inc. Vacate, abandon and close the 50-foot right-of-way abutting the north property line of 4820 NW 13th Street.

ESTIMATED STAFF PRESENTATION 5 MINUTES

Lawrence Calderon and Tom Daniel made presentations.

RECOMMENDATION *City Plan Board to City Commission -Approve Petition PB-13-66 SVA, and authorized the City Attorney to draft the Ordinance.*

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

Staff to City Plan Board - Approve Petition PB-13-66 SVA.

Alternative Recommendation:

City Commission - Deny the petition and retain right-of-way for future Park access.

A motion was made by Commissioner Poe, seconded by Commissioner Bottcher, that this Matter be Approved (Petition). 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

[130398.](#)

Wellfield Protection and TCEA Special Use Permit with development plan review to allow construction of a new gas station with underground fuel storage tanks (B)

Petition CC-13-60 WSU. Scott Stannard, agent for Commercial Site Solutions, Inc. Requesting a Wellfield Protection and TCEA Special Use Permit with development plan review to allow construction of a new gas station with underground fuel storage tanks. Zoned: MU-2 (12-30 units/acre mixed use medium intensity district). Located at 6360 NW 13th Street.

ESTIMATED STAFF PRESENTATION 15 MINUTES

Lawrence Calderon, John Mousa, Wade Gibson, Scott Standard and Tim Larsen made presentations.

Kim Popejoy spoke to the matter

RECOMMENDATION

City Plan Board to City Commission -Approve Petition CC-13-60 WSU.

Staff to City Plan Board - Approve Petition CC-13-60 WSU with conditions and the associated development plan.

Alternative Recommendation

Alternate Staff to City Commission - Continue Petition CC-13-60 WSU and provide directions to staff and the applicant to address concerns of the Commission.

A motion was made by Commissioner Hawkins, seconded by Commissioner Hinson-Rawls, that this Matter be Approved (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

[100672.](#)

Update on the Status of the Cabot-Koppers Superfund Site (B)

This item involves receiving an update from staff on the draft Offsite Remediation Action Plan for the Cabot-Koppers Superfund Site.

ESTIMATED STAFF PRESENTATION 15 MINUTES

Amy Schafer, Fred Murry and Anthony Dennis made presentations. Sandra Watts Kennedy, Maria Parsons, Alice Alanso, Susan Fairforest, Maggie Nelson, Steven Miller, Charles Mills, Sally Shutner, Charlotte Ravell, Alan Powell, Christa Jensen, James Miller, Barbara Ruth, Martha Lewis, Brenda O'Steen, Kim Popejoy and Martha Miller spoke to the matter.

RECOMMENDATION *The City Commission: 1) accept the draft Offsite Remediation Action Plan; and 2) approve the plan by staff to receive input on the draft Offsite Remediation Action Plan.*

A motion was made by Mayor-Commissioner Pro Tem Wells, 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

UNFINISHED BUSINESS

COMMISSION COMMENT

*Comm Wells-Criminal Justice Grant-Letter of Support
Comm Hinson-Rawls-GRU Cut-offs days Friday v. Monday
Comm Chase- Homecoming Parade*

CITIZEN COMMENT (If time available)

ADJOURNMENT-10:44PM

Kurt Lannon, Clerk of the Commission