

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Minutes

November 16, 2017

1:00 PM

MODIFIED AGENDA

City Hall Auditorium

City Commission

Mayor Lauren Poe (At Large)

Mayor-Commissioner Pro Tem Harvey Budd (At Large)

Commissioner Helen Warren (At Large)

Commissioner Charles Goston (District 1)

Commissioner Harvey Ward (District 2)

Commissioner David Arreola (District 3)

Commissioner Adrian Hayes-Santos (District 4)

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CALL TO ORDER - 1:02 PM**ROLL CALL**

Present 7 - Commissioner Goston, Mayor Poe, Commissioner Hayes-Santos, Commissioner Ward, Commissioner Arreola, Commissioner Warren, and Mayor-Commissioner Pro Tem Budd

AGENDA STATEMENT**INVOCATION****ADOPTION OF CONSENT ITEMS - GRU, General Government, Audit & Finance Committee and General Policy Committee Items**

A motion was made by Commissioner Hayes-Santos, seconded by Commissioner Goston, that this Matter be Adopted on the Consent Agenda. The motion carried by the following vote:

Aye: 7 - Commissioner Goston, Mayor Poe, Commissioner Hayes-Santos, Commissioner Ward, Commissioner Arreola, Commissioner Warren, and Mayor-Commissioner Pro Tem Budd

[170549.](#)

City Commission Minutes (B)

RECOMMENDATION *The City Commission approve the minutes of October 9, October 13, October 24, November 2, and November 6, 2017.*

Approved as Recommended

[170553.](#)

Resignation of Kimberly Buchholz and Jacquelyne Smith from the City Beautification Board and Richard Fulmer from the Nature Centers Commission (B)

RECOMMENDATION *The City Commission accepts the resignation of Kimberly Buchholz, Jacquelyne Smith and Richard Fulmer, effective immediately.*

Approved as Recommended

[170518.](#)

First Amendment to Agreement with OpenCounter Enterprises Inc. (B)

This item is a request to amend the agreement between the Department of Doing and OpenCounter Enterprises Inc. to add a subscription to the OpenCounter Business Portal for the City of Gainesville.

RECOMMENDATION *The City Commission authorize the City Manager to execute the First Amendment to the agreement with Open Counter*

Enterprises Inc, and related documents, subject to approval by the City Attorney as to form and legality.

Approved as Recommended

170520.

Annexation by Referendum - Sterling Place Neighborhood (B)

This is the request for authorization to commence the process for an annexation by referendum of an area commonly referred to as Sterling Place Neighborhood.

RECOMMENDATION

The City Commission: 1) direct the City Manager to analyze the area; 2) direct the City Manager to notify the Supervisor of Elections of the desire to conduct the referendum; 3) and authorize the City Attorney to prepare and the Clerk of the Commission to advertise ordinances relating to the annexation referendum of the area, if appropriate.

Approved as Recommended

170493.

Addition of a Consent Agenda for the UAB (B)

RECOMMENDATION

Approve the amendment to Article III, Section 1, Order of Business of the UAB's Rules of Procedure to allow for the addition of a consent agenda.

Approved as Recommended

170534.

Eugene Thurman v. City of Gainesville; Case No. 2017-CA-764; Eighth Judicial Circuit, in and for Alachua County, Florida. (NB)

RECOMMENDATION

The City Commission 1) approve the terms of the mediated settlement agreement; and 2) authorize the City Attorney to settle the claim of Eugene Thurman arising from an accident that occurred on or about April 1, 2016.

Approved as Recommended

ADOPTION OF REGULAR AGENDA

Modification: Remove Item No's 170576 and 170577 and carry over to a later date, if needed, as necessary.

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

Aye: 7 - Commissioner Goston, Mayor Poe, Commissioner Hayes-Santos, Commissioner Ward, Commissioner Arreola, Commissioner Warren, and Mayor-Commissioner Pro Tem Budd

GENERAL CITIZEN COMMENT - For items not on the agenda, limited to 3 minutes per citizen and not to exceed 30 minutes total

Fred Murry made a presentation regarding the RFP for Homeless Services.

*Jim Konish
Jon DeCarmin
Joe Jackson*

Motion by Commissioner Warren, seconded by Commissioner Ward: Authorize the Clerk to schedule a special meeting on the Homeless Services RFP before December 7, 2017. Motion passed 7-0.

BUSINESS DISCUSSION ITEMS - GRU and General Government items placed on the agenda by the Charter Officers or moved from Consent.

170552.

Appointments to the Development Review Board, City Plan Board and Historic Preservation Board (B)

Kelly Marton, Carla Harvey, David Frazier and Christian Newman spoke to the matter regarding the Development Review Board.

Motion by Commissioner Hayes-Santos, seconded by Commissioner Warren: Appoint Carla Harvey to the Development Review Board. Motion passed 7-0.

Megan Walker-Radtke and Robert Ackerman spoke to the matter regarding the City Plan Board.

Motion by Mayor-Commissioner Pro Tem Harvey Budd, seconded by Commissioner Warren: 1) Appoint Robert Ackerman, Stephanie Sutton, Erin Condon and Megan Walker-Radtke to a full term; and 2) appoint Christian Newman for a one-year term ending 11/1/2018 to the City Plan Board. Motion passed 7-0.

Motion by Commissioner Hayes-Santos, seconded by Commissioner Warren: 1) Appoint Bill Warinner, Kyra Lucas, James Reeves and Michelle Hazen to the Historic Preservation Board; and 2) readvertise for one additional position. Motion passed 7-0.

RECOMMENDATION

The City Commission discuss appointments to the Development Review Board (One (1) full term opening), City Plan Board (Four (4) full term openings and One (1) vacancy for a term to end 11/1/2018) and Historic Preservation Board (Five (5) full term openings) and take appropriate action.

Approved, as shown above

170476.

Full-time Clerk of the Commission Hiring Update (B)

Motion: The City Commission will interview the following candidates for a possible selection as the next Clerk of the City Commission : 1) Omichele Gainey; 2) Lori McWilliams; 3) Stephanie Seawright; 4) Virginia Smith; and 4) Robert Woods.

RECOMMENDATION

The City Commission receive an update and select 3-5 candidates to interview for the full-time Clerk of the Commission position.

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

Aye: 7 - Commissioner Goston, Mayor Poe, Commissioner Hayes-Santos, Commissioner Ward, Commissioner Arreola, Commissioner Warren, and Mayor-Commissioner Pro Tem Budd

170554.

Clerk of the Commission Special Recognition (NB)

Donald Shepherd spoke to the matter.

RECOMMENDATION

The City Commission recognize the Clerk of Commission, Kurt Lannon.

Heard

170526.

Cultural Affairs Board and Art in Public Places Trust Ordinance Amendments (B)

This item relates to City Commission consideration and approval of amendments to the ordinance creating the Gainesville Cultural Affairs Board and Gainesville Art in Public Places Trust.

Dan Hoffman made a presentation.

Donald Shepherd spoke to the matter.

RECOMMENDATION

The City Commission: 1) hear a brief presentation from City staff on the ordinance amendments; 2) approve the changes to Division 3. - Gainesville Cultural Affairs Board and Chapter 5.5 Art in Public Places Trust policies; and 3) authorize the City Attorney to draft the ordinance.

A motion was made by Commissioner Hayes-Santos, seconded by Commissioner Goston, that this Matter be Approved as Recommended. The motion carried by the following vote:

Aye: 6 - Commissioner Goston, Mayor Poe, Commissioner Hayes-Santos, Commissioner Ward, Commissioner Arreola, and Commissioner Warren

Absent: 1 - Mayor-Commissioner Pro Tem Budd

170545.

Replacement of Outage Management System (OMS) (B)

****This item was presented to the UAB on November 9, 2017. ****

Darko Kovac and Justin Locke made presentations.

Donald Shepherd and Don Fields spoke to the matter.

RECOMMENDATION

The City Commission to authorize the General Manager, or his designee, to:

1) negotiate and execute agreements with Open Systems International, Inc. for implementation services, software support services, and a software license to install and configure a new Outage Management System (OMS), subject

to approval of the City Attorney as to form and legality; and

2) approve the issuance of a purchase order in the amount of \$596,760.00 for the OMS, which includes system maintenance and support for the first year of the contract.

The UAB voted 5-0, with Members Campbell and Selvester absent, to recommend approval of the staff recommendation.

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

Aye: 7 - Commissioner Goston, Mayor Poe, Commissioner Hayes-Santos, Commissioner Ward, Commissioner Arreola, Commissioner Warren, and Mayor-Commissioner Pro Tem Budd

170557.

Settlement of City's Claims Against Jones Edmunds Regarding the Design and Engineering of the Sediment Basin of the Sweetwater Branch/Paynes Prairie Sheetflow Restoration Project (B)

****This item was presented to the UAB on November 9, 2017.****

Tony Cunningham made a presentation.

Don Fields and Donald Shepherd spoke to the matter.

RECOMMENDATION

The City Commission authorize the General Manager or his designee and the City Manager or his designee to execute the Settlement Agreement, subject to approval by the City Attorney as to form and legality.

The UAB voted 5-0, with Members Campbell and Selvester absent, to recommend approval of the staff recommendation.

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

Aye: 7 - Commissioner Goston, Mayor Poe, Commissioner Hayes-Santos, Commissioner Ward, Commissioner Arreola, Commissioner Warren, and Mayor-Commissioner Pro Tem Budd

170451.

Engineering Services for the Wastewater Collection System Assessment to Target Inflow & Infiltration (I&I) Reduction Measures (B)

****This item was presented to the UAB on November 9, 2017.****

Tony Cunningham made a presentation.

Donald Shepherd spoke to the matter.

RECOMMENDATION

1. *Approve the final ranking of engineering firms in the given order of preference for professional engineering services for the Wastewater Collection System Assessment to Target Inflow & Infiltration (I&I) Reduction Measures project; and*

2. Authorize the General Manager, or his designee, to initiate contract negotiations with the top ranked firm in accordance with the Consultants' Competitive Negotiation Act (CCNA); and further negotiations with the second-ranked firm if necessary;

3. Authorize the General Manager, or his designee, upon successful negotiations, to execute a contract with the negotiated firm, subject to approval of the City Attorney as to form and legality, and final appropriation of funds for each year of the project.

The UAB recommends that the City Commission approve the staff recommendations.

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

Aye: 7 - Commissioner Goston, Mayor Poe, Commissioner Hayes-Santos, Commissioner Ward, Commissioner Arreola, Commissioner Warren, and Mayor-Commissioner Pro Tem Budd

170555.

Audit of Gainesville Regional Utilities' Non-Pension Investments (B)

Eileen Marzak and Mark Benton made presentations.

RECOMMENDATION

The City Auditor recommends that the City Commission accept the report.

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

Aye: 7 - Commissioner Goston, Mayor Poe, Commissioner Hayes-Santos, Commissioner Ward, Commissioner Arreola, Commissioner Warren, and Mayor-Commissioner Pro Tem Budd

170556.

Annual Follow-up of Audit Recommendations (B)

Eileen Marzak and Brecka Anderson made presentations.

Motion: Accept staff recommendation and report back on an update of the open recommendation.

Don Fields and Donald Shepherd spoke to the matter.

RECOMMENDATION

The City Auditor recommends that the City Commission accept the report.

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

Aye: 7 - Commissioner Goston, Mayor Poe, Commissioner Hayes-Santos, Commissioner Ward, Commissioner Arreola, Commissioner Warren, and Mayor-Commissioner Pro Tem Budd

170500. Bid Award - SE 4th Street Reconstruction (Williston Road to Depot Avenue) Project (B)

This item is a request for the City Commission to authorize the bid award to D.A.B. Constructors, Inc. for the SE 4th Street Reconstruction (Williston Road to Depot Avenue) Project.

Phil Mann and Stefan Broadus made presentations.

Motion: 1) Approve staff recommendation; 2) Staff to report back in two weeks on how long the delay would be; and 3) Funding options for both underground utilities and running conduit for fiber.

Donald Shepherd and Don Fields spoke to the matter.

RECOMMENDATION

The City Commission: 1) award the bid to D.A.B. Constructors, Inc. for the construction of the SE 4th Street Reconstruction (Williston Road to Depot Avenue) Project; and 2) authorize the City Manager or designee to execute all contract documents and other necessary documents, subject to approval by the City Attorney as to form and legality.

A motion was made by Commissioner Hayes-Santos, seconded by Commissioner Goston, that this Matter be Approved as Shown Above. The motion carried by the following vote:

Aye: 6 - Mayor Poe, Commissioner Hayes-Santos, Commissioner Ward, Commissioner Arreola, Commissioner Warren, and Mayor-Commissioner Pro Tem Budd

Absent: 1 - Commissioner Goston

170575. Commissioner Charles Goston - GRU Rates (NB)

Justin Locke made a presentation.

RECOMMENDATION

The City Commission direct the General Manager for Utilities to immediately reduce the fuel adjustment rate by 35 mills per kWh, providing the General Manager authority to exceed the recommended fuel adjustment levelization balance percentage floor if necessary.

Discussed

170576. Commissioner Charles Goston - GREC Non-Disclosure Agreement (NB)

RECOMMENDATION

The City Commission direct the City Attorney to ask all signatories to the GREC non-disclosure agreement to sign a waiver agreeing that the NDA is abrogated so that all communications relating to the GREC arbitration and purchase negotiations that occurred prior to March 14, 2017 may be freely discussed.

Withdrawn

170577. Commissioner Charles Goston - Attorney General's Opinion on the right of a City Commissioner to sign the GREC Non-Disclosure Agreement (NB)

RECOMMENDATION

The City Commission direct the City Attorney, in the event that the City Commission does not direct the City Attorney to ask all signatories to the GREC non-disclosure agreement to sign a waiver agreeing that the NDA is abrogated or in the event that all signatories to the GREC non-disclosure agreement do not sign a waiver agreeing that the NDA is abrogated, to seek an Attorney General's Opinion as to whether a City Commissioner wishing to have access to information communicated during the GREC arbitration and purchase negotiations that occurred prior to March 14, 2017 may sign the NDA.

Withdrawn

170578. Commissioner Charles Goston - Maritime School (NB)

Nick Schevikhoven and James Meadows made presentations

RECOMMENDATION

The City Commission hear a presentation from Blue Water Maritime School representatives.

Heard

COMMITTEE DISCUSSION ITEMS - Items placed on the agenda by the Audit & Finance Committee or General Policy Committee or moved from Consent

OTHER POLICY DISCUSSION ITEMS - If the Commission does not get to these items, they are continued to the next regular Commission meeting or such other regular or special meeting or workshop, as the Commission directs

INFORMATIONAL PRESENTATIONS - Items that do not request or require any Commission action. If the Commission does not get to these items, they are continued to the next regular Commission meeting or such other regular or special meeting or workshop, as the Commission directs.

RECESS - 4:52 PM

RECONVENE - 5:33 PM

PLEDGE OF ALLEGIANCE

PROCLAMATIONS/SPECIAL RECOGNITIONS**170550. Family Caregiver Month - November 2017 (B)****RECOMMENDATION**

Academy of Florida Elder Law Attorneys Al Rothstein to accept the proclamation.

Heard

170551. Deep Sea Ministry Day - November 22, 2017 (B)**RECOMMENDATION**

Prophet George Young to accept the proclamation.

Heard

GENERAL CITIZEN COMMENT - For items not on the agenda, limited to 3 minutes per citizen and not to exceed 30 minutes total

*Marilyn Gray
Jacquelyne Collett
Jim Konish
Ray Washington
Debbie Martinez
Telford Cartwright
Donald Shepherd
Ernesto Martinez*

PUBLIC HEARINGS**RESOLUTIONS - ROLL CALL REQUIRED****170533. Qualified Target Industry (QTI) Resolution - USR Systems, LLC (B)**

This item seeks a one year extension to former City Commission approval for a QTI Resolution associated with prospective job creation for the location within the City of Gainesville for USR Systems, LLC.

Erik Bredfeldt made a presentation.

RECOMMENDATION

The City Commission: 1) adopt the QTI Resolution; 2) authorize the Mayor to execute and the Clerk to attest to the QTI Resolution regarding USR Systems, LLC; 3) and 3) direct the City Manager to forward the executed QTI Resolution to Enterprise Florida.

A motion was made by Commissioner Goston, seconded by Commissioner Hayes-Santos, that this Matter be Adopted (Resolution) and Approved the Recommendation. The motion carried by the following vote:

Aye: 7 - Commissioner Goston, Mayor Poe, Commissioner Hayes-Santos, Commissioner Ward, Commissioner Arreola, Commissioner Warren, and Mayor-Commissioner Pro Tem Budd

170562.

Resolution in support of preserving the official designation of U.S. Highway 441 in Alachua County as the "Martin Luther King, Jr., Highway" (B)

RESOLUTION NO. 170562

A Resolution of the City Commission of the City of Gainesville, Florida, in support of preserving the official designation of U.S. Highway 441 in Alachua County as the "Martin Luther King, Jr., Highway;" providing an immediate effective date.

RECOMMENDATION

The City Commission adopt the Resolution

A motion was made by Commissioner Hayes-Santos, seconded by Commissioner Warren, that this Matter be Adopted (Resolution). The motion carried by the following vote:

Aye: 7 - Commissioner Goston, Mayor Poe, Commissioner Hayes-Santos, Commissioner Ward, Commissioner Arreola, Commissioner Warren, and Mayor-Commissioner Pro Tem Budd

ORDINANCES, 1ST READING - ROLL CALL REQUIRED

ORDINANCES, 2ND READING - ROLL CALL REQUIRED

170057.

QUASI-JUDICIAL - REZONING - 1145 E UNIVERSITY AVENUE (B)

Ordinance No. 170057; Petition No. PB-17-01 ZON

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning approximately 0.25 acres of property that is generally located at 1145 E University Avenue at the intersection of SE 12th Street, as more specifically described in this ordinance, from Mixed-Use Low-Intensity (MU-1) district to Public Services and Operations (PS) district; specifying uses permitted by right; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

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

Aye: 7 - Commissioner Goston, Mayor Poe, Commissioner Hayes-Santos, Commissioner Ward, Commissioner Arreola, Commissioner Warren, and Mayor-Commissioner Pro Tem Budd

PLANNING PETITIONS**CITIZEN COMMENT - For items not on the agenda, limited to 3 minutes per citizen and not to exceed 30 minutes total**

*Kali Blount
Donald Shepherd
Dejon Cain
Telford Cartwright*

COMMISSION COMMENT

Commissioner Hayes-Santos: 1) UAB vacancies; 2) Overview of the state of the utility (add to the City Commission Consent Agendas); and 3) CIT Training.

Commissioner Ward: 1) Cost of underground utilities for Foxgrove and Brywood neighborhoods; 2) Speeding at NW 40th Avenue and NW 10th Street (4-way stop); and 3) Sexual harassment and sexual abuse.

Commissioner Warren: 1) UAB vacancies (consolidate advertisement).

Mayor Poe: 1) Public Works transition (transportation issues); 2) Joint meeting with School Board and Alachua County Commission regarding agenda items (Children Services Council Afterschool Programs and infrastructure Surtax).

Commissioner Goston: 1) Poor school performance.

170592.

Carbon Tax

RECOMMENDATION*Refer to Committee*

A motion was made by Commissioner Hayes-Santos, seconded by Mayor-Commissioner Pro Tem Budd, that this Matter be Referred to the General Policy Committee, due back on 4/30/2018. The motion carried by the following vote:

Aye: 7 - Commissioner Goston, Mayor Poe, Commissioner Hayes-Santos, Commissioner Ward, Commissioner Arreola, Commissioner Warren, and Mayor-Commissioner Pro Tem Budd

170593.

City Commission Agenda Process

RECOMMENDATION*Refer to Committee*

A motion was made by Commissioner Arreola, seconded by Mayor-Commissioner Pro Tem Budd, that this Matter be Referred to the General Policy Committee, due back on 4/30/2018. The motion carried by the following vote:

Aye: 7 - Commissioner Goston, Mayor Poe, Commissioner Hayes-Santos, Commissioner Ward, Commissioner Arreola, Commissioner Warren, and Mayor-Commissioner Pro Tem Budd

ADJOURNMENT - 6:47 PM