

# City of Gainesville

City Hall  
200 East University Avenue  
Gainesville, Florida 32601



## **Minutes - Final**

**March 1, 2018**

**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)*

*If you have a disability and need an accommodation in order to participate in this meeting, please contact the Office of Equal Opportunity at (352)334-5051 at least two business days in advance. TTY (Text Telephone Telecommunication Device) users please call 711 (Florida Relay Service). For Speech to Speech (STS) relay, please call 1-877-955-5334. For STS Spanish relay, please call 1-877-955-8773. For STS French Creole relay, please call 1-877-955-8707.*

**CALL TO ORDER - 1:03 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**

**PROPHET GEORGE YOUNG**

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

A motion was made by Commissioner Warren, 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

[170842.](#) **City Commission Minutes (B)**

RECOMMENDATION      *The City Commission approve the minutes of January 31, February 8, February 12, and February 14, 2018.*

**Approved as Recommended**

[170853.](#) **Resignation of Christopher Weaver from the Gainesville Housing Authority (B)**

RECOMMENDATION      *The City Commission accepts the resignation of Christopher Weaver, effective immediately.*

**Approved as Recommended**

[170774.](#) **Agreement with Micrographics Document Imaging Services for Scanning Services (B)**

**This item is a request for the City Commission to approve an agreement between the City of Gainesville (City) and Micrographics for Document Imaging Services.**

**RECOMMENDATION**

*The City Commission: 1) approve the agreement with Micrographics for document imaging services 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.*

**Approved as Recommended**

[170804.](#)

**RFP Award - Enterprise Resource Planning (ERP) IT Consulting Services for the Technology Project (B)**

**This item is a request for the City Commission to authorize the RFP award to Berry Dunn to provide IT Consulting Services for the Enterprise Resource Planning Project.**

**RECOMMENDATION**

*The City Commission: 1) authorize the City Manager to initiate contract negotiations with Berry Dunn McNeil & Parker, LLC as the IT Consulting Services provider for the Enterprise Resource Planning Project; and 2) authorize the City Manager to execute the contract subject to approval by the City Attorney as to form and legality.*

**Approved as Recommended**

[170810.](#)

**Assistance to Firefighters Fire Prevention and Safety Grant Application FY2017 (B)**

**This item requests that the City Commission authorize the City Manager or designee to apply for and, if awarded, accept grant funds from the FY2017 US Department of Homeland Security, Federal Emergency Management Agency Fire Prevention and Safety Grant Program.**

**RECOMMENDATION**

*The City Commission authorize the City Manager or designee to: 1) submit the grant application; 2) if awarded, execute the grant contract, pending approval by the City Attorney as to form and legality; and 3) approve required financial processes for expending the grant funds and matching funds.*

**Approved as Recommended**

[170817.](#)

**Voluntary annexation petitions for 12.24+ acres owned by multiple property owners south of SE Hawthorne Road and East of SE 27th Street (B)**

**This is the submission of petitions for voluntary annexation of parcels 16146-002-000, 16148-004-000, 16148-005-000, 16166-000-000, a portion of 16148-006-000, 16173-000-000, 16175-000-000, and 16147-000-000, which are owned by multiple property owners. There are 8 total parcels, one (1) of which have single family homes and seven (7) of which are vacant. The total**

**annexation area is approximately 12.24+/- acres and is located south of SE Hawthorne Road and East of SE 27th Boulevard.**

**RECOMMENDATION**

*The City Commission: 1) receive the petitions for annexation and make findings that it contains the signature of the property owners or authorized agents; 2) authorize the Mayor to provide notice to the Board of County Commissioners; and 3) authorize the City Attorney to prepare and the Clerk of the Commission to advertise ordinances relating to the annexation of the area, if appropriate.*

**Approved as Recommended**

[170839.](#)

**Nominations - Library District Board of Trustees (B)**

**RECOMMENDATION**

*The City Commission nominate the applicants for consideration of appointment by the Library District Governing Board.*

**Approved as Recommended**

[170838.](#)

**Manufacturing Retention/Expansion Incentive Program for Electric Service - Double Envelope Application (B)**

**This item pertains to a manufacturing retention/expansion incentive for electric service for Double Envelope.**

**RECOMMENDATION**

*The City Commission: 1) approve the Double Envelope application for the manufacturing retention/expansion incentive program for Electric Service.*

**Approved as Recommended**

**ADOPTION OF REGULAR AGENDA**

*Modifications: 1) Move Item No. 170667 to the first item on the afternoon agenda after Citizen Comment; and 2) Move Item No. 170840 to the first item of the evening agenda after Citizen Comment.*

**A motion was made by Commissioner Ward, seconded by Commissioner Warren, that this Matter be Adopted with Modifications. 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**

*Jim Konish  
Rodney Long*

Von Ruder  
Irene Goldstein  
Kathy Finelli  
Lauren Latimer  
Mandy Hancock Anderson  
Kali Blount  
John Rowman  
Telford Cartwright

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

[170667.](#) **Equal Opportunity Director Charter Officer Selection Process (B)**

*Audrey Gainey gave an introduction.*

*W.D. Higginbotham made a presentation.*

**RECOMMENDATION**      *The City Commission receive an update from the Executive Search Firm and take any action deemed appropriate.*

**Discussed**

[170815.](#) **Strike Out Hunger Food Drive (B)**

**The purpose of this agenda item is to provide the City Commission with the results and outcomes of the 2017 Strike Out Hunger Food Drive for Gainesville/Alachua County and ask for continued support from the City during the 2018 Strike Out Hunger Food Drive. \*\* ESTIMATED PRESENTATION TIME 10 MINUTES. \*\***

*Rodney Long made a presentation.*

*Note: October 18, 2018 - Proclamation for National Strike Out Hunger Food Day.*

*Lauren Latimer spoke to the matter.*

**RECOMMENDATION**      *The City Commission: 1) hear a presentation on the 2017 Strike Out Hunger Food Drive for Gainesville/Alachua County; 2) consider the request for continued City support of, and participation in, the 2018 Strike Out Hunger Food Drive; and 3) waive any City building use fees for the 2018 Strike Out Hunger Food Drive meetings.*

**A motion was made by Commissioner Hayes-Santos, seconded by Commissioner Ward, 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

[170700.](#)**First Amendment to Interlocal Agreement for the Distribution of the Local Option Fuel Tax (B)**

On February 15, 2018, the City Commission approved the Interlocal Agreement for the Distribution of the Local Option Fuel Tax that was reached through mediated settlement between the City and the County. On February 21, 2018, the County recorded the executed Interlocal Agreement in the public records of Alachua County as required by State law. At its meeting on February 27, 2018, the County Commission (at the request of the City of Newberry) reconsidered the distribution of the tax proceeds as among the "small cities" (i.e., Alachua, Archer, Hawthorne, High Springs, LaCrosse, Micanopy, Newberry and Waldo). The County Commission approved and executed a First Amendment to the Interlocal Agreement to revise the distribution among the small cities and the County requests the City Commission approve the First Amendment on or before March 8th. The First Amendment is provided as back-up to this agenda item.

*Jeff Hayes made a presentation*

*Motion: 1) Approve the amendment to the Interlocal Agreement for the Local Option Fuel Tax; and 2) send a letter to the County saying that this is not setting a precedent for future negotiations of miles and population.*

*Mayor Jordan Marlowe spoke to the matter.*

**RECOMMENDATION**      *Consider the First Amendment and take action deemed appropriate by the City Commission.*

**A motion was made by Commissioner Warren, seconded by Commissioner Hayes-Santos, 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

[170857](#)**City Commission Priorities (B)**

*Dan Hoffman, Chris Quinn and Carrie Bush made presentations.*

*Walter Williard spoke to the matter.*

**RECOMMENDATION**      *The City Commission discuss and take action deemed appropriate.*

**Discussed**

[170864.](#)**External Quality Control Review of the City Auditor's Office for the period October 2014 through September 2017 (B)**

*Carlos Holt made a presentation.*

**RECOMMENDATION**      *The City Commission accept the External Quality Control Review report prepared by the Association of Local*

*Government Auditors Review Team and the City Auditor's response.*

**A motion was made by Commissioner Warren, seconded by Commissioner Hayes-Santos, 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

**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 - 4:31 PM**

**RECONVENE - 5:32 PM**

**PLEDGE OF ALLEGIANCE**

**PROCLAMATIONS/SPECIAL RECOGNITIONS**

[170845.](#) **Karen Garren, Robert Garren, Charlie Pedersen, Eric Wright, Mary Logan, Danielle Ellis and Marwa Hussein Day - March 1, 2018 (B)**

**RECOMMENDATION** *Star Good Neighbor Karen Garren and Robert Garren, Star Volunteer Charlie Pedersen, Eric Wright, Mary Logan, Danielle Ellis and Marwa Hussein to accept the proclamation.*

**Heard**

[170846.](#) **Jervaughn Mavin Day- March 1, 2018 (B)**

**RECOMMENDATION** *Youth Recreation Coach Jervaughn Mavin to accept the proclamation.*

**Heard**

[170847.](#)**Steven Butler and The Actors' Warehouse, the Bulla Cubana Project Team and Jerry Uelsmann Day - March 1, 2018 (B)**RECOMMENDATION

*Executive/Artistic Director Steven Butler, Bulla Cubana Project Team Project Organizer Randy Batista and Photographer Jerry Uelsmann to accept the proclamation.*

**Heard**[170848.](#)**Joseph Glover Day - March 1, 2018 (B)**RECOMMENDATION

*Representing Joseph Glover, PhD Provost UF Dean of the College of Fine Arts Lucinda Lavelli to accept the proclamation.*

**Heard**[170849.](#)**Will Hooper Day - March 1, 2018 (B)**RECOMMENDATION

*Youth Baseball, Inc. President Will Hooper to accept the proclamation.*

**Heard**[170850.](#)**Meg Niederhofer Day - March 1, 2018 (B)**RECOMMENDATION

*Meg Niederhofer 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**

*Jim Konish  
Julia Reiskind  
Patricia Schmidt  
Tom Wells  
John Davies  
Faye Williams  
Carol Thomas  
Kali Blount  
Taniel Saunders  
Turbado Marabou*

*Motion by Commissioner Ward, seconded by Commissioner Warren, to waive the City Commission rules and extend Citizen Comment to 6:36 PM. Motion passed 7-0.*

*Melissa Hawthorne  
Jess Martini  
Cara Jennings  
Barb Howe  
James Thompson  
Jenn Powell  
Amol Jethwani  
Carol Velasquez-Richardson*



Roxanne Palmer  
Benji Langford  
Marcus Thompson  
Christina Logan

*Motion by Commissioner Hayes-Santos, seconded by Commissioner Warren, to waive the City Commission rules and extend Citizen Comment 20 minutes. Motion passed 7-0.*

Walter Williard  
Sharon Gilbert  
Tyra Edwards  
Marcus Turdio  
Manuel Kozido  
Eileen Goldstein

## **PUBLIC HEARINGS**

[170840.](#)

### **Commissioner Harvey Ward - Discussion of Potential Resolution Regarding Firearms (B)**

*Motion by Commissioner Hayes-Santos, seconded by Commissioner Ward: Direct the City Attorney to draft an ordinance placing a ban on assault rifles, high capacity gun magazines and bump stocks. Motion failed 2-5. Commissioner Ward and Commissioner Hayes-Santos voting yes.*

*Motion by Commissioner Hayes-Santos, seconded by Commissioner Ward: 1) City Commission authorize the Mayor to draft a letter requesting the County to enact a five-day waiting period and require background checks for all gun sales in Alachua County; 2) Direct the City Attorney to join other cities with an amicus brief to advocate legal challenges filed by Weston and Coral Gables on state law preemptions for gun regulation; 3) Direct the City Attorney to draft a resolution in support of a ban on assault rifles, high capacity gun magazines, bump stocks and to oppose arming teachers in Florida schools and send copies of the resolution to the Legislative Delegation, and the Governor; and 4) Direct staff to reach out to other cities who want to work on gun control to create a network for future action. Motion passed 7-0.*

*Emily Wygerten, Zachariah Zhu, Pat Abbott, Kierston Webster, Ally Kovin, Roxanne Palmer, Jonathan Suttle, Olysha Magruder, Tom Wells, Benji Langford, Marni Weiss, Christine Logan and Harold Saive spoke to the matter.*

**RECOMMENDATION**      *The City Commission discuss and take action deemed appropriate.*

**Approved, as shown above**

## **RESOLUTIONS - ROLL CALL REQUIRED**

## **ORDINANCES, 1ST READING - ROLL CALL REQUIRED**

[160685.](#)

### **TEXT CHANGE - AMENDING MEDICAL MARIJUANA DISPENSING FACILITY REGULATIONS AND PERMITTED ZONING DISTRICTS**

(B)

Ordinance No. 160685, Petition PB-16-185 TCH

An ordinance of the City of Gainesville, Florida, amending the Land Development Code (Chapter 30 of the City of Gainesville Code of Ordinances) relating to Medical Marijuana Dispensing Facilities by amending Section 30-2.1 to delete and amend definitions; amending Section 30-4.12 to add Medical Marijuana Dispensing Facilities as a use by right in the Urban 6 (U6) and Urban 7 (U7) transect zoning districts; amending Section 30-4.19 to add Medical Marijuana Dispensing Facilities as a use by right in the Automotive-Oriented Business (BA), Tourist-Oriented Business (BT), Business Industrial (BI), and Warehousing and Wholesaling (W) zoning districts and as a use allowable by Special Use Permit in the Corporate Park (CP), Limited Industrial (I-1), and General Industrial (I-2) zoning districts; amending Section 30-4.23 to add Medical Marijuana Dispensing Facilities as a use by right in the Airport Facility (AF) zoning district; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

*Dean Mimms made a presentation.*

**RECOMMENDATION**

*The City Commission: 1) approve Petition No. PB-16-185 TCH and 2) adopt the proposed ordinance.*

**A motion was made by Commissioner Warren, seconded by Commissioner Hayes-Santos, that this Matter be Approved (Petition) and Adopted on First 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

[160834.](#)

**ORDINANCE AMENDING CHAPTER 26 - TRAFFIC AND MOTOR VEHICLES (B)**

ORDINANCE NO. 160834

An ordinance of the City of Gainesville, Florida, amending Chapter 26 of the Code of Ordinances relating to Parking, by amending Section 26-50 to provide an exception to the prohibition against backing up to a curb; amending Section 26-71 and Section 26-73 to provide for implementation of a remote pay system; amending Section 26-117 to authorize the city manager to take action regarding designation of controlled vehicular parking areas and allow affected parties to request a public hearing; 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 Hayes-Santos, seconded by**

**Commissioner Warren, that this Matter be Adopted on First 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

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

[160485.](#)

### **TEXT CHANGE - AMENDING SIGN REGULATIONS IN THE LAND DEVELOPMENT CODE (B)**

Ordinance No. 160485; Petition PB-16-145 TCH

An ordinance of the City of Gainesville, Florida, updating, clarifying, and reorganizing the sign regulations in the Land Development Code by amending Section 30-2.1. Definitions; amending Article IX. Signs; 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 Goston, seconded by Commissioner Hayes-Santos, 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

[170526.](#)

### **ORDINANCE AMENDING CULTURAL AFFAIRS BOARD AND ART IN PUBLIC PLACES TRUST (B)**

Ordinance 170526

An ordinance of the City of Gainesville, Florida, amending Sections 2-281 through 2-285, related to the Gainesville-Alachua County Cultural Affairs Board to align with changes made by Alachua County regarding the local arts agency; amending Sections 5.5-2 through 5.5-5, related to Art in Public Places Trust to align with changes made by Alachua County regarding the local arts agency; 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 Warren, seconded by Commissioner Hayes-Santos, 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

[170786.](#)**ORDINANCE AMENDING REGULATIONS FOR OBSTRUCTIONS OF AND UTILITY USE OF PUBLIC RIGHTS-OF-WAY (B)**

Ordinance No. 170786

An ordinance of the City of Gainesville, Florida, amending Chapter 23 - Streets, Sidewalks and Other Public Places in the City of Gainesville Code of Ordinances relating to regulations that apply to temporary obstructions of public rights-of-way and to regulations that apply to use of public rights-of-way by utilities, including communications facilities and small wireless facilities; by deleting Chapter 23, Article III - Encroachments and Obstructions; by deleting Chapter 23, Article VI - Registration Requirements for Use of Public Rights-of-Way by Communications Services Providers and Other Wireline Users of Rights-of-Way; by renumbering the articles of Chapter 23; by adding a new Article V - Public Rights-of-Way Obstructions; by adding a new Article VI - Public Rights-of-Way Use by Utilities; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

**RECOMMENDATION**            *Adopt the proposed ordinance.*

**A motion was made by Mayor-Commissioner Pro Tem Budd, seconded by Commissioner Goston, 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**

**COMMISSION COMMENT**

*Commissioner Hayes-Santos - 1) Annexation timelines.*

*Commissioner Goston - 1) Reconstitution of the EEO Committee (refer to GPC agenda for 3/8/18); and 2) Pinegrove Cemetary.*

*Mayor-Commissioner Pro Tem Budd - 1) House built off of NW 8th Avenue - enforcement of more than 3 unrelated persons living together.*

*Commissioner Ward - 1) Annexing neighborhoods by I-75; 2) Fire Services discussion with County 2) Firearms appreciation to the City Attorney's office; and 3) appointment to talk with the Governor.*

*Commissioner Arreola - 1) Residential and Landlord Tenant Ordinance (refer to the GPC).*

**A motion was made by Commissioner Warren, 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

[170872.](#)

Reconstitution of the EEO Committee

**RECOMMENDATION**            *Refer to Committee*

**A motion was made by Commissioner Goston, 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

[170873.](#)

**Residential and Landlord Tenant Ordinance**

**RECOMMENDATION**            *Refer to Committee*

**A motion was made by Commissioner Hayes-Santos, seconded by Commissioner Warren, 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 - 9:52 PM**