

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Minutes - Final

Thursday, February 18, 2016

1:00 PM

City Hall Auditorium

City Commission

Mayor Ed Braddy (At Large)
Commissioner Harvey Budd (At Large)
Commissioner Helen Warren (At Large)
Commissioner Charles Goston (District 1)
Commissioner Todd Chase (District 2)
Mayor-Commissioner Pro Tem Craig Carter (District 3)
Commissioner 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 - 1:10 PM

Present 7 - Mayor Braddy, Commissioner Warren, Commissioner Wells, Commissioner Goston, Commissioner Budd, Mayor-Commissioner Pro Tem Carter, and Commissioner Chase

AGENDA STATEMENT

INVOCATION

ADOPTION OF THE CONSENT AGENDA (Including both General Government and Gainesville Regional Utilities items)

Jim Konish and Gabe Hillel spoke to the matter.

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

Aye: 6 - Commissioner Warren, Commissioner Wells, Commissioner Goston, Commissioner Budd, Mayor-Commissioner Pro Tem Carter, and Commissioner Chase

Absent: 1 - Mayor Braddy

CITY MANAGER, CONSENT AGENDA ITEMS

[150658.](#)

Continuation of Employee Bus Pass Program (B)

This item is a request for the City Commission to approve the continuation of the Employee Bus Pass Program and authorize the City Manager to execute service agreements with local agencies for the Employee Bus Pass Program.

RECOMMENDATION

The City Commission: 1) approve the continuation of the Employee Bus Pass Program through January 2017; and 2) authorize the City Manager or his designee to execute service agreements with local agencies for the Employee Bus Pass Program, subject to approval by the City Attorney as to form and legality.

Approved as Recommended

[150719.](#)

Settlement of Worker’s Compensation Claim - Howard Richardson (NB)

This item involves the full and final settlement of Mr. Richardson’s workers’ compensation claim(s), which will include all future medical and indemnity payments. The total settlement amount is \$45,500.00 and represents a significant cost advantage to the city.

RECOMMENDATION

The City Commission authorizes Special Counsel to prepare and execute the appropriate documents for a lump-sum settlement of the Worker's Compensation claim of Mr. Richardson in the amount of \$45,500.00.

Approved as Recommended

[150739.](#)

Northeast Pool Liner Replacement (B)

The Northeast Pool Liner is no longer functional and needs to be replaced. City staff is seeking City Commission approval to enter into a Settlement Agreement with Natare, the company that installed the pool liner.

RECOMMENDATION

The City Commission authorize the City Manager to execute a settlement agreement with Natare for resolution of the warranty claim in an amount not to exceed \$75,000 for installation of a new liner at Northeast Pool with a 10-year warranty.

Approved as Recommended

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

CITY ATTORNEY, CONSENT AGENDA ITEMS

[150736.](#)

ASPEN AMERICAN INSURANCE COMPANY, A/S/O DR. SAMY F. BISHAI, D/B/A SEMINOLE BOWL VS. GAINESVILLE REGIONAL UTILITY; EIGHTH JUDICIAL CIRCUIT, CASE NO. 2016-CA-180 (B)

RECOMMENDATION

The City Commission authorize the City Attorney to represent the City in the case styled Aspen American Insurance Company, a/s/o Dr. Samy F. Bishai, d/b/a Seminole Bowl vs. Gainesville Regional Utility; Eighth Judicial Circuit, Case No. 2016-CA-180.

Approved as Recommended

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

[150743.](#)

City Commission Minutes (B)

RECOMMENDATION

The City Commission approve the minutes of January 21, January 25, February 4, and February 8, 2016.

Approved as Recommended

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

AUDIT AND FINANCE COMMITTEE, CONSENT

EQUAL OPPORTUNITY COMMITTEE, CONSENT

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

END OF CONSENT AGENDA

ADOPTION OF THE GENERAL GOVERNMENT REGULAR AGENDA (Read if any, each item added or modified)

Motion by Commissioner Warren, seconded by Commissioner Wells to hear Item Nos. 150657 and 140739 to the evening agenda, and postpone Item No. 150524. Motion failed 3-3, with Mayor-Pro Tem Carter, Commissioner Chase, and Commissioner Goston voting no, and Mayor Brady being absent.

Motion: Postpone Item No. 150524 and to replace the time certain item with Item No. 140739. Motion passed 6-0, with Mayor Braddy being absent.

Gabe Hillel, Donald Shepherd, Jo Beaty, Perry Clausen and Jim Konish spoke to the matter.

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

Aye: 6 - Commissioner Warren, Commissioner Wells, Commissioner Goston, Commissioner Budd, Mayor-Commissioner Pro Tem Carter, and Commissioner Chase

Absent: 1 - Mayor Braddy

GENERAL GOVERNMENT-RELATED CITIZEN COMMENT (not to exceed 30 minutes in length)

*Cody Anderson
Gabe Hillel
Daniel Brenall
Jonathan Ortiz
Debbie Martinez
Jim Konish
Jo Beaty
Donald Shepherd
Perry Clausen*

Mayor Braddy arrived at 2:02 PM.

CLERK OF THE COMMISSION

[150742.](#) **Appointments to the Utility Advisory Board (B)**

Bill Leonard, Michael Selvester and Pete Enwall made presentations regarding their applications.

1) Appoint Michael Selvester as a licensed attorney with business, contract or corporate law experience.

Annie Orlando, Robert Walpole and Darin Cook made presentations regarding their applications.

2) Appoint Robert Walpole as a representative of a major business (25 or more employees) that is a utility commercial customer.

David Denslow made a presentation regarding his application.

3) Appoint David Denslow as a person with investment banking, financial or certified public accounting experience.

4) Appoint Darin Cook as a person with utility management experience.

George Braun, Jorge Suarez, Wendell Porter, Donnie Ellington and Barry Jacobson made presentations regarding their applications.

5) Appoint Mary Alford as a person with engineering experience.

Jason Fults made a presentation regarding his application.

6) Appoint Sandra Campbell and Annie Orlando with any qualifications the City Commission deems relevant or beneficial to service on the board.

Torey Alston made a presentation.

Gabe Kamiwotz, Perry Clausen, Jo Beaty, Donald Shepherd and Jim Konish spoke to the matter.

Terms will be decided at the next City Commission meeting.

RECOMMENDATION *The City Commission appoint members to the Utility Advisory Board.*

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

Aye: 5 - Mayor Braddy, Commissioner Warren, Commissioner Goston, Mayor-Commissioner Pro Tem Carter, and Commissioner Chase

Nay: 2 - Commissioner Wells, and Commissioner Budd

CITY MANAGER

[150662.](#)

2017 Federal Legislative Agenda (B)

This is a request for the City Commission to approve the Federal Legislative Agenda. **ESTIMATED STAFF PRESENTATION 5 MINUTES**

Kelly Ferrel made a presentation.

Amendment: Approve transparency procedure.

Gabe Hillel, Donald Shepherd and Jim Konish spoke to the matter.

RECOMMENDATION

The City Commission: 1) discuss and prioritize the projects listed in the draft 2017 Legislative agenda; and 2) and approve the 2017 Federal Legislative Agenda for presentation in Washington, D.C.

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

Aye: 5 - Commissioner Warren, Commissioner Wells, Commissioner Goston, Commissioner Budd, and Mayor-Commissioner Pro Tem Carter

Absent: 2 - Mayor Braddy, and Commissioner Chase

[150568.](#)

Citizen Centered Gainesville Implementation Update

This item is a request for the City Commission to hear a presentation on the implementation efforts related to Citizen Centered Gainesville and approve funding for implementation in FY2016. **ESTIMATED STAFF PRESENTATION 15 - 20 MINUTES**

Carrie Bush made a presentation.

Gabe Hillel, Mark Goldstein, Donald Shepherd, and Walter Williard spoke to the matter.

RECOMMENDATION

The City Commission: 1) receive a presentation from staff; and 2) approve the allocation of resources from the CIRB 2005 capital projects fund unallocated interest earnings, Building Code Inspection Fund and General Fund unappropriated Fund Balance to implement Citizen Centered Gainesville initiatives in FY2016.

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

Aye: 6 - Mayor Braddy, Commissioner Warren, Commissioner Goston, Commissioner Budd, Mayor-Commissioner Pro Tem Carter, and Commissioner Chase

Absent: 1 - Commissioner Wells

RECESS - 5:08 PM

RECONVENE - 6:03 PM

PLEDGE OF ALLEGIANCE (5:30pm)

PROCLAMATIONS/SPECIAL RECOGNITIONS Placed on Agenda by Commissioner or Charter Officer

[150737.](#) Special Recognition for Gainesville High School Marching Band 2015 Class 3A Champion Mr. Bill Pirzer, Director, Gainesville High School Students Alex Maruniak and Eric Geunes Cambridge “Top in the World” and “Top in the Country” Honors and Eastside High School Student Sophia Eikenberry Perfect Score on the National ACT College Entrance Exam (B)

RECOMMENDATION *The City Commission hear the Special Recognitions.*

Heard

[150735.](#) Bet on Vets! Month - February 15 - March 15, 2016 (B)

RECOMMENDATION *University of Florida Bateman Case Study Competition Team Faculty Advisor Deanna Pelfrey, and Team Members Emily Davis, Erin Wronka and David Jolley to accept the proclamation.*

Heard

CITIZEN COMMENT (to end at a time certain of 6:30pm or at such later time as allows for 30 minutes of citizen comment)

- Mark Goldstein*
- Frank Lineberger*
- Barbara Sharpe*
- Gabe Hillel*
- Grandma Koko*
- Tonya Silva*
- Don Glendening*
- Rob Brinkman*
- John Davies*
- Jancie Vinson*
- Vi Hayes*
- Linda Mack*
- Jim Konish*
- Walter Williard*
- Debbie Martinez*
- Jo Beaty*
- Darlene Pifalo*
- Donald Shepherd*
- Scott Hash*
- Ernesto Martinez*

TIME CERTAIN OF 6:30 PM

[150745.](#) **Mayor Ed Braddy - Mayor's Community Response Council Recommendations (B)**

John Alexander, Annette Gilley, Chief Jones, Jaime Kurnick and Scott Momnett made presentations.

Motion: Community Response Council to report back with recommendations on the review board.

Gabe Kamiwotz, Kali Blount, Walter Willard, Tana Silva, Vi Hayes and Sharon Ferguson spoke to the matter.

RECOMMENDATION *The City Commission hear a presentation and take action deemed appropriate.*

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

Aye: 5 - Mayor Braddy, Commissioner Warren, Commissioner Wells, Commissioner Goston, and Commissioner Chase

Absent: 2 - Commissioner Budd, and Mayor-Commissioner Pro Tem Carter

TIME CERTAIN OF 7:00 PM

140739.

Welcoming City (B)

The Recreation, Cultural Affairs and Public Works (RCAPW) Committee requests the City Commission hear a citizen presentation regarding civic interest in having Gainesville named as a “Welcoming City.” *ESTIMATED PRESENTATION TIME: 5-7 MINUTES*****

Paul Folkers, Richard MacMaster and Paula Cotcha made presentations.

Motion: Work with staff on a resolution delegating Gainesville as a Welcoming City.

Steve Kalishman, Gabe Kamiwotz, David Areola, Christopher Wild, Debra Anderson, Vilma Fuentes, Darlene Pifalo, Carol Nesbit, Perry Clausen, Mildred Russell, Vi Hayes and Ms. Moore spoke to the matter.

RECOMMENDATION *The Recreation, Cultural Affairs and Public Works Committee recommends the City Commission hear a presentation from Welcoming Gainesville, Inc. and discuss next steps.*

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

Aye: 7 - Mayor Braddy, Commissioner Warren, Commissioner Wells, Commissioner Goston, Commissioner Budd, Mayor-Commissioner Pro Tem Carter, and Commissioner Chase

PUBLIC HEARINGS

RESOLUTIONS- ROLL CALL REQUIRED

ORDINANCES, 1ST READING- ROLL CALL REQUIRED150540.**PLUM CREEK TIME EXTENSION TO ADOPT PLANNED DEVELOPMENT (PD) ZONING ORDINANCE (B)**

Ordinance No. 150540

An ordinance of the City of Gainesville, Florida, amending Ordinance No. 070447 (as was subsequently amended by Ordinance Nos. 100189 and 110700) to extend the deadline for the property owner/developer to have a Planned Development (PD) zoning ordinance adopted that implements the adopted Plum Creek Planned Use District (PUD) land use overlay; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Ralph Hilliard made a presentation.

Amendment: Extend the expiration date from 2016 to 2018.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

Aye: 7 - Mayor Braddy, Commissioner Warren, Commissioner Wells, Commissioner Goston, Commissioner Budd, Mayor-Commissioner Pro Tem Carter, and Commissioner Chase

ORDINANCES, 2ND READING- ROLL CALL REQUIRED150284.**CITY AUDITOR - ORDINANCE DESCRIBING RESPONSIBILITIES AND ADMINISTRATIVE PROCEDURES (B)**

Ordinance No. 150284

An ordinance of the City of Gainesville, Florida, amending the Code of Ordinances relating to the duties of the City Auditor; by creating Chapter 2. Administration, Article III. Officers and Employees, Division 3. - City Internal Auditor; providing for duties of internal auditor; providing for authority as to subordinates; providing for a committee to assist the internal auditor and commission in selection of external auditor; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Carlos Holt made a presentation.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

Aye: 6 - Mayor Braddy, Commissioner Wells, Commissioner Goston, Commissioner Budd, Mayor-Commissioner Pro Tem Carter, and Commissioner Chase

Absent: 1 - Commissioner Warren

[150596.](#)

ORDINANCE CORRECTING LEGAL DESCRIPTION ATTACHED TO VOLUNTARY ANNEXATION ORDINANCE NO. 001162 (B)

Ordinance No. 150596

An ordinance of the City of Gainesville, Florida, amending Ordinance No. 001162 to delete and replace, nunc pro tunc, the incorrect legal description mistakenly attached to Ordinance No. 001162 as Exhibit "A" with the correct legal description attached to this ordinance; providing directions to the City Manager; providing directions to the Clerk of the Commission; 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 Wells, seconded by Mayor-Commissioner Pro Tem Carter, that this Matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:

Aye: 6 - Mayor Braddy, Commissioner Wells, Commissioner Goston, Commissioner Budd, Mayor-Commissioner Pro Tem Carter, and Commissioner Chase

Absent: 1 - Commissioner Warren

PLAN BOARD PETITIONS

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

[150524.](#)

Proposed Charter Amendment for GRU Governance (B)

RECOMMENDATION *The City Commission hear a report on the revised draft of the proposed charter amendment from the RUC, and discuss the issue further.*

A motion was made by Commissioner Warren, seconded by Commissioner Wells, that this Matter be Postponed. The motion carried by the following vote:

Aye: 6 - Commissioner Warren, Commissioner Wells, Commissioner Goston, Commissioner Budd, Mayor-Commissioner Pro Tem Carter, and Commissioner Chase

Absent: 1 - Mayor Braddy

[150724.](#)**Alachua County Stormwater Management Manual (B)**

This is an informational item for staff to present an overview of the proposed Stormwater Management Manual Ordinance that Alachua County has undertaken. **ESTIMATED PRESENTATION 10 MINUTES**

Paul Folkers and Gus Olmos made presentations.

RECOMMENDATION

The City Commission receive a presentation from Alachua County staff on the County plans to develop a Stormwater Management Manual.

Heard[150068.](#)**Girls Place Referral to the Parks, Recreation and Cultural Affairs (B)**

This item involves a proposal from Girls Place, Inc., for consideration of a partnership with the City of Gainesville to transform the infield of the existing track in Kiwanis Challenge Park into a multi-purpose recreational field, and place the land adjacent to Greentree Park on the Land Acquisition List. **STAFF AND GIRLS PLACE PRESENTATION 15 MINUTES**

Paul Folkers, Janna Magette, Steve Phillips, Michelle Park, Mark Seibert and Christi Arrington made presentations.

Motion: Approve staff recommendation and include a 5th element of the Master Plan for the entire combined space.

Gabe Kamiwotz, Nancy Daren, Elizabeth Manley, Perry Clausen, Scotty Butler, Major Roberts and Ewen Thompson spoke to the matter.

Motion by Commissioner Wells, seconded by Mayor-Commissioner Pro Tem Carter to waive the rules and extend the meeting to 11:30 PM. Motion passed 7-0.

RECOMMENDATION

The City Commission: 1) approve the proposal and enter into an Agreement with Girls Place, Inc. for the construction and use of a multipurpose field on the interior of the track at Kiwanis Challenge Park, while working to save as many trees on the interior as possible; 2) PRCA staff develop a tree mitigation plan with neighborhood input; 3) add the Ridgeview Baptist Church parcel to the land acquisition list; and 4) authorize the City Manager to sign the land purchase agreement, subject to approval by the City Attorney as to form and legality, and 5) provide any other necessary direction to staff.

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

Aye: 7 - Mayor Braddy, Commissioner Warren, Commissioner Wells, Commissioner Goston, Commissioner Budd, Mayor-Commissioner Pro Tem Carter, and Commissioner Chase

[120722.](#)**Strategic Initiative 6.5: Recreation Master Plan (B)**

This item provides the City Commission an update on the funding formula and master plan project list. **estimated presentation 10 - 15 minutes**

Michelle Park made a presentation.

Jim Konish, Elizabeth Manley, Leslie Ladendorf, Bill Burger and Charlie Pedersen spoke to the matter.

RECOMMENDATION

The City Commission approve the City's prioritized project list and the list of potential City/County partnership projects for transmission to the Board of County Commissioners after receiving recommendations from the Recreation, Cultural Affairs and Public Works Committee, based on their February 11, 2016 meeting.

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

Aye: 7 - Mayor Braddy, Commissioner Warren, Commissioner Wells, Commissioner Goston, Commissioner Budd, Mayor-Commissioner Pro Tem Carter, and Commissioner Chase

UNFINISHED BUSINESS**CITY ATTORNEY****CITY AUDITOR**[150657.](#)**Audit of City of Gainesville Policy and Procedures related to the FDLE Affidavit about former GPD Officer J. McAdams (B)**

Carlos Holt made a presentation.

Motion by Commissioner Wells, seconded by Mayor-Commissioner Pro Tem Carter to extend the meeting to midnight. Motion passed 7-0.

Motion: Accept report and City Attorney provide research on existing Codes of Conduct and due process for elected officials in the State of Florida or elsewhere and bring back for further consideration.

Commissioner Chase left at 11:59 PM.

Motion by Commissioner Wells, seconded by Mayor-Commissioner Pro Tem Carter to extend the meeting to 12:15 PM. Motion passed 6-0, with Commissioner Chase being absent.

Motion by Mayor-Commissioner Pro Tem Carter, seconded by Commissioner Wells to extend the meeting to 12:20 PM. Motion passed 6-0, with Commissioner Chase being absent..

Gabe Kamiwotz, Frank Lineberger and Jim Konish spoke to the matter.

RECOMMENDATION *The City Auditor recommends that the City Commission accept the City Auditor's report.*

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

Aye: 6 - Mayor Braddy, Commissioner Warren, Commissioner Wells, Commissioner Goston, Commissioner Budd, and Mayor-Commissioner Pro Tem Carter

Absent: 1 - Commissioner Chase

EQUAL OPPORTUNITY DIRECTOR

GENERAL GOVERNMENT COMMITTEE REPORTS (PULLED FROM CONSENT)

COMMUNITY DEVELOPMENT COMMITTEE

[140930.](#) **Property Assessed Clean Energy (B)**

This is a request for the City Commission to hear a presentation from Alachua County staff on the status of the Property Assessed Clean Energy (PACE) program. **ESTIMATED STAFF PRESENTATION 5 MINUTES******

RECOMMENDATION *The Community Development Committee requests that the City Commission hear a presentation by County staff. No action is required.*

Continued

RECREATION, CULTURAL AFFAIRS and PUBLIC WORKS COMMITTEE

LEGISLATIVE and ORGANIZATIONAL POLICY COMMITTEE

[140186.](#) **Residency Requirement for Candidates (B)**

RECOMMENDATION *The City Commission: 1) Discuss the residency requirement for candidates; 2) Take any action deemed appropriate; and 3) Remove this item from the Legislative and Organization Policy committee referral list.*

Continued

GENERAL GOVERNMENT ADVISORY BOARD/COMMITTEE REPORTS. Reports must be placed on the agenda by a Charter Officer, through staff liaison after approval by Board/Committee.

**GENERAL GOVERNMENT-RELATED ITEMS FROM OUTSIDE AGENCIES.
Must be submitted by a Charter Officer. Update limited to ten (10) minutes.**

GENERAL GOVERNMENT-RELATED ITEMS FROM MEMBERS OF THE CITY COMMISSION

GENERAL GOVERNMENT-RELATED COMMISSION COMMENTS (if time permits)

COMMISSION COMMENT

GAINESVILLE REGIONAL UTILITIES items of a time-sensitive or important nature or pulled from Consent. Must be submitted or pulled by the Mayor, a City Commissioner or a Charter Officer.

CITIZEN COMMENT (If time permits)

ADJOURNMENT - 12:20 PM

Kurt Lannon, Clerk of the Commission