

# City of Gainesville

City Hall  
200 East University Avenue  
Gainesville, Florida 32601



## Minutes - Final

Thursday, October 17, 2013

1:00 PM

City Hall Auditorium

## City Commission

*Mayor Ed Braddy (At Large)*  
*Commissioner Lauren Poe (At Large)*  
*Commissioner Thomas Hawkins (At Large)*  
*Commissioner Yvonne Hinson-Rawls (District 1)*  
*Commissioner Todd Chase (District 2)*  
*Commissioner Susan Bottcher (District 3)*  
*Mayor-Commissioner Pro Tem Randy Wells (District 4)*

*Persons with disabilities who require assistance to participate in this meeting are requested to notify the Office of Equal Opportunity at 334-5051 or call the TDD phone line at 334-2069 at least two business days in advance.*

**CALL TO ORDER**

**Present** 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**

**CONSENT AGENDA**

*Jo Beaty spoke to the matter.*

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

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

**Nay:** 1 - Commissioner Chase

**CITY MANAGER, CONSENT AGENDA ITEMS**

[130322.](#)

**Contract Award to Tindale-Oliver & Associates, Inc. for Transit Development Plan (TDP) for the Regional Transit System (RTS) (B)**

**This item is a request to approve the recommended award for Request for Proposal (RFP) #RTSX-140009-DS and execute a contract with Tindale-Oliver & Associates, Inc., to conduct a Transit Development Plan (TDP) for the Regional Transit System (RTS).**

**RECOMMENDATION**

*The City Commission authorize the City Manager or his designee to execute a contract with Tindale-Oliver & Associates, Inc., for the Transit Development Plan (TDP) for the Regional Transit System (RTS), subject to approval by the City Attorney as to form and legality.*

**Approved as Recommended**

[130337.](#)

**Florida Department of Environmental Protection Florida Recreation Development Assistance Program (FRDAP) 2014-15 grant application (NB)**

**This item involves a request for the City to accept a grant from the Florida Department of Environmental Protection, Florida Recreation Development Assistance Program (FRDAP), if awarded, to assist the City in constructing planned park improvements at Hogtown Creek Headwaters Nature Park.**

RECOMMENDATION

*The City Commission: 1) approve the request to accept a grant, if awarded, from the Florida Department of Environmental Protection, Florida Recreation Development Assistance Program to assist the City in constructing planned park improvements at Hogtown Creek Headwaters Nature Park; 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**

[130358.](#)

**Release of Lien Affecting 1024 SE 18th Terrace, Tax Parcel #16116-087-000 (B)**

**This item requests that the City Commission release the above-referenced property from the lien arising from costs incurred by the City of Gainesville to abate a violation in the amount of \$242.**

RECOMMENDATION

*The City Commission: 1) approve the request from Alachua Habit for Humanity for the release of lien on 1024 SE 18th Terrace, tax parcel #16116-087-000; and 2) authorize staff to prepare and execute the required paperwork to facilitate the release of lien, subject to approval by the City Attorney as to form and legality.*

*Alternate Recommendation A: Take no action and allow lien to remain in place.*

**Approved as Recommended**

[130373.](#)

**Application for Disability Retirement for Larry D. Brown (B)**

**This item is a request for the City Commission to approve the retirement application for Larry D. Brown, Transit Operator, at Regional Transit System (RTS) 8.333 years, who has been under the care of a physician for medical reasons.**

RECOMMENDATION

*The City Commission approve the submitted application for disability retirement for Larry D. Brown, Transit Operator at RTS.*

**Approved as Recommended**

**GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS**

**CITY ATTORNEY, CONSENT AGENDA ITEMS**

[130361.](#) **KATHLEEN KOPACZ VS. CITY OF GAINESVILLE, EEOC NO.: 510201304951 (NB)**

**RECOMMENDATION** *The City Commission authorize the City Attorney to represent the City in the case styled Kathleen Kopacz vs. the City of Gainesville; EEOC No.: 510201304951*

**Approved as Recommended**

[130362.](#) **STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION VS. IVAN MITCHELL; ESTATE OF DORINDA HENRY, DECEASED, ET AL.; EIGHTH JUDICIAL CIRCUIT, CASE NO. 2013-CA-4072 (B)**

**RECOMMENDATION** *The City Commission authorize the City Attorney to represent the City of Gainesville in the case styled State of Florida Department of Transportation vs. Ivan Mitchell; Estate of Dorinda Henry, Deceased, et al., Eighth Judicial Circuit, Case No. 2013-CA-4072.*

**Approved as Recommended**

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

[130374.](#) **City Commission Minutes (B)**

**RECOMMENDATION** *The City Commission approve the minutes of August 15, September 19 and September 24, 2013.*

**Approved as Recommended**

[130376.](#) **Appointment to the Gainesville Housing Authority (B)**

**RECOMMENDATION** *The City Commission confirm the Mayor's appointment for the following:*

*Craig Wilburn to the Gainesville Housing Authority for a term to expire August 1, 2016.*

**Approved as Recommended**

[130377.](#) **Appointments to City Commission Advisory Boards and Committees (NB)**

**RECOMMENDATION** *The City Commission appoint:*

*Kentucky Costellow as a student seat to the Bicycle/Pedestrian Advisory Board for a term to expire 9/30/15.*

*Ethan Hudgins as a student seat to the Citizens Advisory Committee for Community Development for a term to expire 9/30/15.*

*William Anderson to the City Beautification Board for a term to expire 11/1/16.*

*Fredrick Sowder to the Gainesville/Alachua County Cultural Affairs Board for a term to expire 9/30/16.*

*Dakota Woll as a student seat to the Gainesville Energy Advisory Committee for a term to expire 9/30/15.*  
*Stephanie Mandelblum as a student seat to the Gainesville Human Rights Board for a term to expire 9/30/15.*  
*Katherine Jacob as a student seat to the Historic Preservation Board for a term to expire 9/30/15.*  
*Charles Nealis as a student seat to the Public Recreation and Parks Board for a term to expire 9/30/15.*  
*Andrew Schein as a student seat to the Regional Transit System Advisory Board for a term to expire 9/30/15.*  
*Layne Prebor as a student seat to the Student Community Relations Advisory Board for a term to expire 9/30/15.*  
*Theresa Spurling-Wood to the Gainesville Energy Advisory Committee for a term to expire 9/30/16.*

Approved as Recommended

**EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**

**COMMITTEE REPORTS, CONSENT AGENDA ITEMS**

**RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE, CONSENT**

[120713.](#)

**Strategic Initiative 5.2 Update (B)**

**This item is to provide an update to the City Commission and request approval of proposed 6th Street Projects.**

**RECOMMENDATION**

*The Recreation, Cultural Affairs and Public Works Committee recommends the City Commission approve: 1) implementation of a roundabout at SW 4th Avenue and left turn lanes at University Avenue; and 2) addition of sidewalk improvements adjacent to Central Florida Office Plus instead of a southbound left turn lane, if necessary.*

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 Hawkins, seconded by Mayor-Commissioner Pro Tem Wells, that this Matter be Adopted. 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

## CHARTER OFFICER UPDATES

### CITY MANAGER

[130372.](#)

**Parks, Recreation and Cultural Affairs Department Receives National Accreditation (NB)**

**This item is a brief presentation by Assistant City Manager Paul Folkers and Gina Peebles, President of the Florida Recreation and Park Association regarding Parks, Recreation and Cultural Affairs Department having obtained accreditation from the National Recreation and Parks Association (NRPA). \*estimated staff presentation 10 minutes\***

**RECOMMENDATION**

*The City Commission hear a brief presentation by Assistant City Manager Paul Folkers and Gina Peebles, President of the Florida Recreation and Park Association regarding Parks, Recreation and Cultural Affairs Department having obtained accreditation from the National Recreation and Parks Association (NRPA).*

**Heard**

[120296.](#)

**Update and Bid Award - Maintenance of Ironwood Golf Course (B)**

**This is a request for the City Commission to hear an update and award a bid to OneSource Landscape and Golf Services, Inc. for Maintenance Only of Ironwood Golf Course. \*estimated staff presentation 20 minutes\***

*Amendment: Ask City Manager to entertain a non-inclusive marketing proposal and private restaurant and refer both issues to committee*

*Floyd Gibson, Jo Beaty, Nathan Skop, Peter Johnson, Bob Gates, Jack Butler, Jim Stringfellow, Donald Shepherd and Mac McEachern spoke the matter.*

**RECOMMENDATION**

*The City Commission: 1) hear a brief update regarding the Request for Proposals for Ironwood Golf Course; 2) award a bid to OneSource Landscape and Golf Services, Inc., for maintenance of Ironwood Golf Course including their*

*proposal to re-grass the fairways at no cost to the City; and  
3) authorize the City Manager or designee to execute the  
contract and other documents necessary to facilitate this  
service, subject to approval by the City Attorney as to form  
and legality.*

**A motion was made by Commissioner Poe, seconded by Commissioner Bottcher, that this Matter be 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

[130455.](#)

Golf Course Marketing and Restaurant(NB)

RECOMMENDATION            *Refer to Committee*

**A motion was made by Commissioner Poe, seconded by Commissioner Bottcher, that this Matter be Referred to the Recreation, Cultural Affairs and Public Works Committee, due back on 4/17/2014. 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

RECOMMENDATION            *Refer to Committee*

[130310.](#)

**GREC Right of First Offer (B)**

*This item was heard in the evening.*

*Main Motion: Comm RW moved and Commissioner YHR seconded to authorize a request a right of first offer in the amount of \$400,000 as the draft offer provided by staff incorporating the attached document and that the outgoing General Manager, the 3 AGM's being considered for the Interim General Manager, City Attorney, City Manager and the City Auditor, along with Commissioner Wells be part of all negotiations and decision making. Motion carried 4-3 with Comm TC, Comm SB and Mayor Braddy voting no.*

*Additional Motion #1. Comm TH moved with Comm YHR seconded to call the question with a split motion. Motion failed 4-3.(Need 2/3rds vote)*

*Additional Motion #2 Comm RW moved and Comm TC seconded to include in that portion that either Mr. Richardson as CFO or Mr. Stanton as the team leader. Motion failed 4-3(Needs 2/3rds vote)*

*Additional Motion #3 A Motion to designate Mr. Richardson as the lead negotiator and to authorize the City Manager, The City Attorney, City Auditor, AGM's, outgoing GM, Mr Stanton and Commissioner Wells to be aware of everything that is going on. Motion carries 5-2 with Comm TH and Comm YHR voting no.*

*Additional Motion #4 Comm RW moved and Comm TC seconded to consider an addition to to the Legislative agenda to provide for municipal fairness for the 1063 grant and invite the County Commission to do likewise. Motion failed.*

*Ray Washington, Donald Shepherd, Jim Konish, Nathan Skop, Debbie Martinez, Barbara Sharpe, Robert Wilford, Darlene Pifalo, Mark Goldstein, Mac McEachern, Kevin Daley, Don Glendening, Armando Grundy, Wilbur Holloway, Jo Beaty, Harold Saive, Paula Stahmer and Mark Venske spoke the matter.*

*Comm TH moved and Comm RW seconded to waive rules to continue meeting to 11:05PM. Motion carries 7-0.*

*Comm TC moved and Comm RW seconded to waive rules to continue meeting to 11:30PM. Motion carries 6-1 with Comm TH voting no*

*Comm RW moved and Comm TC seconded to waive rules to continue meeting to 11:35PM. Motion carries 6-1 with Comm TH voting no.*

*Comm RW moved and Comm TC seconded to waive rules to continue meeting to 11:40PM. Motion carried 3-2 with Comm RW, TC and Mayor EB voting yes, Comm TC and Comm YHR voting no and Comm LP and Comm SB absent.*

*Comm RW moved and Comm TC seconded to waive rules to extend meeting to 11:44PM. Motion fails with Comm RW, Comm TC and Mayor EB voting yes, Comm TH, Comm HYR, and Comm SB voting no and Comm LP absent.*

RECOMMENDATION            *Hear a presentation and discussion.*

**Approved, as shown above - See Motion(s)**

**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**

**MAYOR ED BRADY/GENERAL MANAGER FOR UTILITIES**

**[130400](#)            **Second Amendment to Employment Agreement - Robert Hunzinger (B)****

*Additional Motion: Comm TH moved and Comm RW seconded to 1) Authorize Human Resources to prepare list of candidates for consideration including the three GRU employees( David Beaulieu, Kathy Viehe and David Richardson) 2.) Authorize Human Resources to facilitate meetings between the City Commissioners and candidates and 3) City Commission hold a special meeting the last week in October*



to select an Interim General Manager with Human Resources preparing the back-up making the meeting early afternoon if possible on October 31st. Motion carried 7-0. Stephanie Marchman made a presentation. Jim Konish, Ray Washington, Mark Venske, Paula Stahmer, Ted Delagall, Mario Perez, Donald Shepherd, Walter Willard, Jo Beaty and Larry Nogel spoke the matter.

**RECOMMENDATION** City Commission approve.

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

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

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

## MEMBERS OF THE CITY COMMISSION

### [130403.](#) Mayor-Commissioner Pro Tem Randy Wells - Legislative Intent of Noise Ordinance (NB)

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

Continued

### [130457.](#) Skateboard Park(NB)

**RECOMMENDATION** Refer to Committee

**A motion was made by Commissioner Poe, seconded by Commissioner Hawkins, that this Matter be Referred to the Recreation, Cultural Affairs and Public Works Committee, due back on 4/17/2014. 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

### [130458.](#) Mural Section of sign ordinance(NB)

**RECOMMENDATION** Refer to Plan Board

**A motion was made by Mayor Braddy, seconded by Commissioner Hawkins, that this Matter be Referred to the City Plan Board, due back on 4/17/2014. 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

### [130460.](#) PODS Ordinance(NB)

**RECOMMENDATION** Refer to Plan Board

**A motion was made by Commissioner Chase, seconded by Commissioner**

**Bottcher, that this Matter be Referred to the City Plan Board, due back on 4/17/2014. The motion carried by the following vote:**

**Aye:** 5 - Mayor Braddy, Commissioner Bottcher, Commissioner Chase, Mayor-Commissioner Pro Tem Wells, and Commissioner Hinson-Rawls

**Nay:** 2 - Commissioner Poe, and Commissioner Hawkins

**COMMISSION COMMENTS (if time available)**

**RECESS-4:58PM**

**RECONVENE**

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

**PROCLAMATIONS/SPECIAL RECOGNITIONS**

[130399.](#) **Butterfly Fest Weekend - October 19-20, 2013 (B)**

RECOMMENDATION

*Gabriel Hillel, Peter Johnson and Tavane Griffith to accept the proclamation.*

Heard

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

- Jim Konish*
- Debbie Martinez*
- Jo Beaty*
- Wilbur Holloway*
- John Davies*
- Mark Venske*
- Pat Fitzpatrick-File #130461*
- Walter Willard*
- Ernesto Martinez*
- Gabe Kaimowitz*
- Donald Shepherd*
- Ray Washington*
- Paula Stahmer*
- Nathan Skop*
- Darlene Pilalo*
- Rob Brinkman*

**PUBLIC HEARINGS**

**RESOLUTIONS- ROLL CALL REQUIRED**

**ORDINANCES, 1ST 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.**

**RECOMMENDATION**

*The City Commission adopt the proposed ordinance, as revised on second reading.*

**A motion was made by Commissioner Chase, seconded by Commissioner Bottcher, that this Matter be Adopted on First 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

**130243. VOLUNTARY ANNEXATION - WRH PROPERTIES (B)****Ordinance No. 130243**

An ordinance of the City of Gainesville, Florida, annexing a certain portion of the City of Gainesville reserve area, as petitioned for by the property owner pursuant to Chapter 90-496, as amended, Special Act, Laws of Florida, known as the Alachua County Boundary Adjustment Act, that comprises Tax Parcel Nos. 07240-030-000, 07240-001-010, and 07242-001-000, along with a portion of the right-of-way of SW 41st Boulevard, and which is generally located south of SW Archer Road, west of Fred Bear Drive and I-75, north of SE Williston Road, and east of SW 62nd Avenue; making certain findings; providing for inclusion of the area in Appendix I of the City Charter; providing for land use plan, zoning, and subdivision regulations, and enforcement of same; providing for persons engaged in any occupation, business, trade, or profession; providing directions to the Clerk of the Commission; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

**RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

**A motion was made by Commissioner Poe, seconded by Commissioner Bottcher, that this Matter be Adopted on First 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

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

**PLAN BOARD PETITIONS**

**DEVELOPMENT REVIEW BOARD PETITIONS**

**SCHEDULED EVENING AGENDA ITEMS**

**UNFINISHED BUSINESS**

**COMMISSION COMMENT**

**CITIZEN COMMENT (If time available)**

**ADJOURNMENT-11:40PM**

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**Kurt Lannon, Clerk of the Commission**