

# City of Gainesville

City Hall  
200 East University Avenue  
Gainesville, Florida 32601



## Minutes - Final

Thursday, July 18, 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****CITY MANAGER, CONSENT AGENDA ITEMS**[130035.](#)**The Center for Children's Law and Policy Racial and Ethnic Disparities Reduction Project (B)**

**This is a request for City Commission approval for the Gainesville Police Department to participate in a partnership with the Office of Juvenile Justice and Delinquency Prevention (OJJDP).**

RECOMMENDATION

*The City Commission authorize the City Manager to accept the contract from the Center for Children's Law and Policy in the amount of \$60,000 to support the planning and implementation of Disproportionate Minority Contact reduction strategies by the Gainesville Police Department and Juvenile Justice Stakeholders in Alachua County, subject to approval by the City Attorney as to form and legality.*

*Alternative Recommendation*

*The City Commission decline participation in the partnership and advise staff to not accept the contract from the Center for Children's Law and Policy Center.*

**This Matter was Approved as Recommended**

[130053.](#)**Grant Application for Tourist Product Development (TPD) Capital Grant Project, Improving Bo Diddley Plaza Sound System (NB)**

**This item requests approval by the City Commission for the Department of Parks, Recreation and Cultural Affairs (PRCA) to accept the TPD Capital Grant if awarded.**

RECOMMENDATION

*The City Commission: 1) authorize the Parks, Recreation and Cultural Affairs Department to accept the grant if*

*awarded; and 2) authorize the City Manager or designee to execute any grant related documents, subject to approval by the City Attorney as to form and legality.*

**This Matter was Approved as Recommended**

[130075.](#)

**Interlocal Agreement with the University of Florida Board of Trustees (UF) and the City of Gainesville (B)**

**This is a request for the City Commission to authorize the City Manager to execute a new Interlocal Agreement with the University of Florida Board of Trustees (UF) and the City of Gainesville for Regional Transit System (RTS) to provide unlimited access to public transit to UF students.**

**RECOMMENDATION**

*The City Commission: 1) approve the additional Regional Transit System (RTS) positions effective August 15, 2013; and 2) authorize the City Manager or his designee to execute the Interlocal Agreement and related documents between the University of Florida Board of Trustees (UF) and the City of Gainesville for the period of August 20, 2013 through August 19, 2016, subject to approval by the City Attorney as to form and legality.*

**This Matter was Approved as Recommended**

[130076.](#)

**Continuation of Transit Services for Santa Fe College (SF) (B)**

**This item is a request for the City Commission to authorize the City of Gainesville Regional Transit System (RTS) to continue to provide transit services for Santa Fe College (SF).**

**RECOMMENDATION**

*The City Commission: 1) authorize Regional Transit System (RTS) to continue to provide transit services for Santa Fe College (SF); and 2) authorize the City Manager or his designee to execute any related documents for service changes, subject to approval by the City Attorney as to form and legality.*

**This Matter was Approved as Recommended**

[130084.](#)

**“TD Tree Days” Grant Application (NB)**

**This item involves a request to accept a “TD Tree Days” grant from the Alliance for Community Trees and TD Bank, if awarded, to support an urban forestry project to plant 40 trees in and around Cedar Grove Park.**

**RECOMMENDATION**

*The City Commission: 1) approve the request to accept a grant, if awarded, from the Alliance for Community Trees and TD Bank, and 2) if the grant is awarded, authorize the City Manager or designee to execute the grant agreement and other grant-related documents, subject to approval by the City Attorney as to form and legality.*

**This Matter was Approved as Recommended**

[130088.](#)**Ranking for Professional Engineering Services for the NE 2nd Street Project (B)**

**This item is a request for the City Commission to approve the ranking of Engineering Firms/Teams and authorize a contract for engineering services for the NE 2nd Street Project that includes NE 2nd Street from NE 10th Avenue to NE 16th Avenue. This project reconstructs the roadway with two-10 ft. lanes using curb and gutter with a 6 ft. sidewalk and an 8 ft. shared use path. The stormwater improvements include a neighborhood stormwater park proposed on a 2 acre parcel adjacent to the corridor.**

**RECOMMENDATION**

*The City Commission: 1) accept the selection of the four most qualified firms in the order of ranking; 2) authorize the City Manager or designee to initiate contract negotiations and execute a contract for professional services in accordance with Consultants Competitive Negotiation Act (CCNA); and 3) 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.*

**This Matter was Approved as Recommended**

**GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS****CITY ATTORNEY, CONSENT AGENDA ITEMS****CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS**[130094.](#)**City Commission Minutes (B)****RECOMMENDATION**

*The City Commission approve the minutes of June 6, 2013.*

**This Matter was Approved as Recommended**

[130128.](#)**Appointments to City Commission Advisory Boards and Committees (NB)****RECOMMENDATION**

*The City Commission appoint:*

*Lisa Campbell to the City Beautification Board for a term to expire 11/1/16.*

*Robert Gill, Timothy Hoskinson, and Wells TheLosen to the Historic Preservation Board for a term to expire 6/1/16.*

**This Matter was Approved as Recommended**

**Approval of the Consent Agenda**

**A motion was made by Commissioner Hawkins, seconded by Commissioner Bottcher, to Adopt the Consent Agenda. 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

**EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**

**COMMITTEE REPORTS, CONSENT AGENDA ITEMS**

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

**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**

*Modifications approved and move Fuel Adjustment to second scheduled item on the evening agenda*

*Nathan Skop, Debbie Martinez, Ernesto Martinez, Deborah Bowie, Donald Sheppard and Osborn Hall spoke to the matter.*

*Comm Poe arrived at 1:18PM.*

**A motion was made by Commissioner Bottcher, 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

### CLERK OF THE COMMISSION

[130034.](#)

Gainesville Chamber Energy Group Work-shop (NB)

*Deborah Bowie spoke to the matter.*

**RECOMMENDATION**

*The City Commission schedule a work-shop per the request of the Gainesville Chamber of Commerce for August 13, at 5:30 PM.*

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

### CITY MANAGER

[120416.](#)

Solid Waste Collection Contract (B)

**This item is a request for the City Commission to consider an opportunity for WCA (City's contract waste hauler) to convert their fleet to Compressed Natural Gas (CNG) and develop a publicly accessible fueling station in return for a 5-year extension of the current waste and recycling collection contract set to expire September 30, 2016.**

*Tersesa Scott, Brad Avery, Bob Shires and Sally Polmi made presentations.*

*Donald Sheppard and Nathan Skop spoke to the matter.*

*Use Option A and remove "execute" from recommendation 2*

**RECOMMENDATION**

*The City Commission: 1) hear a presentation from staff; 2) authorize the City Manager to complete and execute, subject to review of the City Attorney as to form and legality, a five-year contract extension with WCA in return for converting its fleet to CNG; providing a publicly accessible CNG fueling station, and including the terms outlined in 1, 2, and 3A of the explanation; and 3) request that staff bring the negotiated contract back to the City Commission for final approval.*

*Alternative Recommendation*

*The City Commission: 1) hear a staff presentation; and 2) direct the City Manager cease negotiations with WCA for a 5-year contract extension at this time.*

**A motion was made by Commissioner Poe, seconded by Commissioner Hinson-Rawls, 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

[120815.](#)

**Design and Construction of the GPD Headquarters & Physical Training Facility Furniture Expenditure (NB)**

**This is a request for the City Commission to approve the transfer of \$700,000 from the Federal Contraband Trust Fund to the Capital Improvement Plan Fund to offset the expenditure of approximately \$640,000 for Furniture and \$60,000 for Equipment (F&E) for the new GPD Headquarters & Physical Training Facility.**

*Tony Jones, Lonnie Scott and Mark Benton made presentations.*

*Nathan Skop and Donald Sheppard spoke to the matter  
Amendment: \$750,000*

**RECOMMENDATION**

*The City Commission approve the appropriation of the amount of \$700,000 from the Federal Law Enforcement Contraband Forfeiture Trust Fund to be transferred to the Capital Improvement Plan Fund for Gainesville Police Department Headquarters & Physical Training Facility project.*

**A motion was made by Commissioner Hinson-Rawls, seconded by Commissioner Poe, 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

[130168.](#)

**Gun Safety Classes**

**RECOMMENDATION**

*Refer to Committee*

**A motion was made by Commissioner Hinson-Rawls, seconded by Commissioner Hawkins, that this Matter be Assigned to the Public Safety Committee, due back on 1/18/2014. 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

[130086.](#)

**Roadway Transfer Agreement with Alachua County (B)**

**The City of Gainesville entered into a Maintenance Agreement with Alachua County for the Section of Main Street (SR 329) from Depot Avenue to University Avenue in 2003. The Roadway Transfer Agreement will transfer ownership of Main Street from South 16th Avenue to University Avenue to the City of Gainesville.**

*Teresa Scott, Anthony Lyons and Michael Faye made presentations.*

*1st motion: Comm Wells moved with Comm Poe seconding to use Alternative A and change 39th Avenue to University Avenue*

*Motion failed 3-4 with Poe, Hawkins, and Wells voting yes.*

*Nathan Skop and Ray Washington spoke to the matter.*

**RECOMMENDATION**

*The City Commission authorize the City Manager to execute all documents effecting the transfer of Main Street (SR 329) from South 16th Avenue to University Avenue to the City and Landscape/Streetscape Maintenance of Main Street (SR 329) from Williston Road to South 16th Avenue, subject to approval by the City Attorney as to form and legality.*

*Alternate Recommendation A:*

*The City Commission authorize the City Manager to execute all documents affecting the transfer of Main Street (SR 329) from Williston Road to NE 39 Avenue (less that segment from University Avenue to N 8 Avenue) to the City, subject to approval by the City Attorney as to form and legality.*

*Alternate Recommendation B:*

*The City Commission deny the request to transfer ownership of Main Street and authorize the City Manager to send a letter to Alachua County notifying the Board of County Commissioners of this decision.*

**A motion was made by Commissioner Hawkins, seconded by Commissioner Poe, that this Matter be Approved as Recommended. 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

## **GENERAL MANAGER FOR UTILITIES**

[130117.](#)

### **Kanapaha Water Reclamation Facility Sequential Chlorination Project (B)**

**Staff recommends awarding a contract to Brandes Design-Build, Inc. for construction services for the Kanapaha Water Reclamation Sequential Chlorination Project.**

*Debbie Daugherty made a presentation.*

*Amendment: Bring back contract to City Commission if there are significant changes*

.

**RECOMMENDATION**

*The City Commission: 1) authorize the General Manager, or his designee, to execute a contract with Brandes Design-Build, Inc. to perform construction services for the*



*Kanapaha Water Reclamation Facility Sequential Chlorination Project, subject to approval of the City Attorney as to form and legality; and 2) approve the issuance of a purchase order to Brandes Design Build, Inc. for these services in an amount not to exceed \$1,153,100; and 3) authorize staff to procure services, equipment and materials, as required, to complete the project as budgeted, subject to the final appropriation of funds in each fiscal year.*

**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

[130169.](#)

Contract Recommendations

RECOMMENDATION                      *Refer to Committee*

**A motion was made by Mayor-Commissioner Pro Tem Wells, seconded by Commissioner Poe, that this Matter be Referred to the Audit, Finance and Legislative Committee, due back on 1/18/2014. 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

**CITY ATTORNEY**

[130108.](#)

**SETTLEMENT AGREEMENT FOR MOGAS INVESTMENTS, INC., NALBANDIAN PROPERTIES, LLC, ROPEN NALBANDIAN v. CITY OF GAINESVILLE, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, CASE NOS.: 2010-CA-6285 and 2010-CA-4963 (B)**

*Nathan Skop and Donald Sheppard spoke to the matter.*

*The City Commission waived their rules by consensus to hear the next item on the agenda as the third item in the evening portion of the agenda.*

RECOMMENDATION                      *The City Commission authorize the City Attorney to file an action in circuit court to enforce the terms of the settlement agreement entered into between Nalbandian and the City.*

*Alternative recommendation:*

*The City Commission accept Nalbandian's alternative proposal as outlined above and authorize the City Manager to execute all necessary documents, subject to review as to form and legality by the City Attorney.*

**A motion was made by Commissioner Hawkins, seconded by Commissioner Poe, that this Matter be Approved. 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

**CITY AUDITOR**

**EQUAL OPPORTUNITY DIRECTOR**

**COMMITTEE REPORTS (PULLED FROM CONSENT)**

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

[120712.](#) **Signage and Pavement Marking Improvements for Pedestrian Safety (B)**

**This item is a proposal to implement improvements to enhance pedestrian safety.**

RECOMMENDATION                      *The City Commission receive a presentation from staff and combine referrals #121053 and #120542 under Strategic Initiative 5.1 (#120712).*

**A motion was made by Commissioner Poe, seconded by Commissioner Hinson-Rawls, 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

**EQUAL OPPORTUNITY COMMITTEE**

[130077.](#) **3rd Quarter Hiring Report (B)**

*This item was heard on July 22nd during the continuation of the meeting. The meeting was called to order at 6:00PM. The meeting recessed at 6:02PM to complete the July 22nd Budget Meeting. The meeting reconvened at 7:48PM,*

RECOMMENDATION                      *The City Commission: 1) hear a presentation from EO Director Cecil Howard; and 2) discuss and accept the hiring report as presented.*

**Heard**

**PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE**

**PUBLIC SAFETY COMMITTEE**

**AUDIT, FINANCE AND LEGISLATIVE COMMITTEE**

**ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)**

**OUTSIDE AGENCIES**

**MEMBERS OF THE CITY COMMISSION**

130059. **Commissioner Thomas Hawkins - City of Gainesville Resolution to Support Florida's Water and Land Legacy Campaign (B)**

**This is a request for the City Commission to consider adopting a Resolution supporting the Florida Water and Land Legacy Statewide Ballot Initiative.**

*Nathan Skop spoke to the matter.*

RECOMMENDATION *The City Commission: 1) consider whether to draft a resolution to support Florida's Water and Land Legacy Campaign; and 2) if approved, provide direction to the City Attorney to prepare a resolution expressing the Commission's support for Florida's Water and Land Legacy Campaign.*

*Alternative Recommendation  
The City Commission not approve drafting of a resolution to support Florida's Water and Land Legacy Campaign.*

**A motion was made by Commissioner Hawkins, seconded by Commissioner Poe, that this Matter be Approved as Recommended. 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

130130. **Mayor Ed Braddy - Gainesville Chamber of Commerce Recommendations for Small Businesses (NB)**

*This item was heard on July 22nd.*

RECOMMENDATION *The City Commission discuss and refer to the appropriate committee.*

**Discussed**

130170. **Small Business/Chamber of Commerce**

RECOMMENDATION *Refer to Committee*

**A motion was made by Commissioner Poe, seconded by Mayor-Commissioner Pro Tem Wells, that this Matter be Referred to the Audit, Finance and Legislative Committee, due back on 1/18/2014. 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

[130131.](#)

Mayor Ed Braddy - Public Records Request (NB)

**RECOMMENDATION**            *The City Commission discuss public record requests and refer to the appropriate committee.*

**A motion was made by Commissioner Poe, seconded by Mayor-Commissioner Pro Tem Wells, that this Matter be Referred to the Audit, Finance and Legislative Committee, due back on 1/18/2014. 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

[130127.](#)

**Commissioner Todd Chase - Fuel Adjustment (B)**

*This item was heard in the evening session.*

*8:28 Recess/*

*8:34 Reconvene*

*Diane Wilson made a presentation.*

*Motion: Reduction \$ 4.4 Million*

*Use for two months*

*Use \$0.039/kWh*

*Projected Levelization \$11 Million at end of 2014*

*(\$12 per 1000 kWh used for two months returned to customers)*

*Comm Wells added Commission determines it is in public interest to follow ordinance*

*Jim Konish, Nathan Skop, Mac McEachern, Debbie Martinez, Donald Sheppard, Mark Venske, Adele Francine, Annie Orlando, Rob Brinkman, Kamal Latham and Armando Grundy spoke to the matter.*

*Comm Chase moved with Comm Wells seconding to waive the rules to continue until 11:30PM. Motion 7-0.*

**RECOMMENDATION**            *Alternative recommendations are:*

- 1) Keep the current fuel adjustment billing component at 51 mils (5.1 cents per kWh) for the remainder of fiscal year 2013. Adjust the fuel adjustment billing component at the beginning of fiscal year 2014 to reflect the inclusion of biomass costs from the Power Purchase Agreement (PPA);*
- 2) Reduce the fuel adjustment billing component during the final two months of fiscal 2013 (August and September) to reflect any current amount over the July 13, 2012 "Official Statement" projected levelization balance of \$21.8 million (see page 48 of the document). As*

of today, July 9, 2013, this amount is approximately \$1 million, reflecting the May 2013 cash balance. Adjust the fuel adjustment billing component at the beginning of fiscal year 2014;

3) Reduce the fuel adjustment billing component during the final two months of fiscal 2013 (August and September) to reflect the projected year-end fiscal 2013 (September 30, 2013) amount over the July 13, 2012 "Official Statement" projected levelization balance of \$21.8 million (see page 48 of the document). As of today, July 9, 2013, this amount is estimated to be approximately \$4.4 million. Adjust the fuel adjustment billing component at the beginning of fiscal year 2014;

4) Reduce the fuel adjustment billing component during the final two months of fiscal 2013 (August and September) to a value between alternatives 2 and 3 above. Adjust the fuel adjustment billing component at the beginning of fiscal year 2014.

*Note: As mentioned at the June 24, 2013 RUC meeting, the levelization balance is constantly in flux, based on many different variables, some of which include sales levels, fuel prices, generating unit reliability, market prices, etc. In fact, the values mentioned above have changed from those mentioned at that meeting, and will continue to change. The ultimate decision of the City Commission is one of timing relative to the use of the projected fuel levelization balance. Staff will present the latest available information at the July 18, 2013 City Commission meeting.*

**A motion was made by Commissioner Hinson-Rawls, seconded by Commissioner Chase, that this Matter be Approved, as shown above. The motion carried by the following vote:**

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

**Nay:** 1 - Commissioner Hawkins

### **COMMISSION COMMENTS (if time available)**

### **RECESS**

### **RECONVENE-5:54PM**

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

### **PROCLAMATIONS/SPECIAL RECOGNITIONS**

[130114.](#) **Farm-to-Restaurant Month - August 2013 (B)**

RECOMMENDATION *Blue Oven Kitchens President Val Leitner to accept the proclamation.*

Heard

[130135](#) **Americans with Disabilities Act Awareness Month - July 2013 (B)**

RECOMMENDATION *Office of Equal Opportunity Director Cecil Howard to accept the proclamation.*

Heard

[130125.](#) **Emergency Physicians Medical Center Day - July 18, 2013 (B)**

RECOMMENDATION *Emergency Physicians Medical Center CEO Dr. Steven Yucht and Office Manager Mr. Charles Cooper to accept the proclamation.*

Heard

[130126.](#) **Shands Healthcare Day - July 18, 2013 (B)**

RECOMMENDATION *Shands Health Care Director of Emergency Services Dr. Adrian Tyndall to accept the proclamation.*

Heard

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

*Kali Bount-Housing File #130172  
Nathan Skop-GRU  
Jim Konish-GRU  
Debbie Martinez-GRU  
Adele Francine-CO2 and Biomass  
Gabe Kaimowitz-Attorney Fees  
Jo Beaty-GRU  
Armando Grundy-Police Station  
Robert Dorry-Police Funding  
John Davies-DEC  
Pat Fitzpatrick-Hunger Issues*

*Comm Hinson-Rawls moved with Comm Wells seconding to request \$1700-\$1800 be found for private security-Motion fails*

*Annie Orlando, Mark Venske, Juanita Miles-Hamilton, Barbara Sharpe, Donald Sheppard and Armando Grundy spoke to the matter.*

**PUBLIC HEARINGS**[120936.](#) **Approval and Adoption of the 2013/2014-2017/2018 CDBG/HOME Consolidated Plan, including an updated Citizen Participation Plan, and**

**the FY 2013/2014 Annual Action Plan for the City of Gainesville (B)**

**The purpose of this item is to approve and adopt the City's 2013/2014 - 2017/2018 CDBG/HOME Consolidated Plan, including an updated Citizen Participation Plan, and the 2013/2014 Annual Action Plan. The Consolidated Plan outlines the City's Community Development Block Grant (CDBG) and Home Investment Partnerships (HOME) program goals and objectives over a five year time period. The Annual Action Plan identifies specific projects to accomplish the goals and objectives stated in the Consolidated Plan.**

*John Wachtel, Amanda Warner, Brad Cornelius, Denise Joshua, Juanita Miles-Hamilton and Fred Murry made presentations.*

*Gigi Simmons spoke to the matter.*

**RECOMMENDATION**

*The City Commission: 1) hear a presentation from Wade Trim, Inc. and the CACCD on the 2013/2014-2017/2018 Consolidated Plan and 2013/2014 Annual Action Plan; 2) approve and adopt the 2013/2014-FY 2017/2018 Consolidated Plan, including an updated Citizen Participation Plan; 3) approve and adopt the 2013/2014 Annual Action Plan; and 4) authorize the City Manager to submit the 2013/2014-2017/2018 Consolidated Plan and 2013/2014 Annual Action Plan to HUD; 5) authorize the City Manager to execute all necessary documents required for the 2013/2014-2017/2018 Consolidated Plan and 2013/2014 Annual Action Plan, subject to approval by the City Attorney as to form and legality; 6) authorize the City Manager or designee to take actions as appropriate to allocate the FY 2014 CDBG and HOME Program funds; and 7) authorize the City Manager to execute sub-recipient agreements with those outside agencies that are designated to receive FY 2014 CDBG and HOME funding, subject to approval by the City Attorney as to form and legality.*

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

**RESOLUTIONS- ROLL CALL REQUIRED**

[130079.](#)

**Resolution for Approval and Authorization for a Partial Release of Mortgage for 838 Southeast 7th Avenue (B)**

**This item is requesting a Resolution for approval and authorization to sign a Partial Release of Mortgage for 838 Southeast 7th Avenue.**

**RECOMMENDATION**

*The City Commission: 1) adopt the Resolution approving the Florida Department of Transportation's request for a Partial*

*Release of Mortgage, subject to approval by the City Attorney as to form and legality; and 2) authorize the Mayor to execute and the Clerk of the Commission to attest the Partial Release of Mortgage, 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 Adopted (Resolution) and Approved the Recommendation. 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

**Absent:** 1 - Commissioner Chase

[130080.](#)

**Resolution for Approval and Authorization for a Partial Release of Mortgage for 907 Southeast 7th Avenue (B)**

**This item is requesting a Resolution for approval and authorization to sign a Partial Release of Mortgage for 907 Southeast 7th Avenue.**

**RECOMMENDATION**

*The City Commission: 1) adopt the Resolution approving the Florida Department of Transportation's request for a Partial Release of Mortgage, subject to approval by the City Attorney as to form and legality; and 2) authorize the Mayor to execute and the Clerk of the Commission to attest the Partial Release of Mortgage, 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 Adopted (Resolution) and Approved the Recommendation. 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

**Absent:** 1 - Commissioner Chase

[130081.](#)

**Resolution Authorizing Acceptance of Land from the Florida Department of Transportation (FDOT) for the Depot Avenue Transportation Corridor Project (B)**

**This item is to adopt a Resolution approving the acceptance of real property from FDOT for the management and maintenance of the Depot Avenue Corridor Project.**

**RECOMMENDATION**

*The City Commission adopt the Resolution accepting Segments 2 and 4 of the Depot Avenue Transportation Corridor Project and the Archer Road/Waldo Road Rail Trail connector, Southwest 13th Street to East University Avenue, subject to approval by the City Attorney as to form and legality.*

**A motion was made by Commissioner Poe, seconded by Mayor-Commissioner Pro Tem Wells, that this Matter be Adopted (Resolution) and Approved the**



**Recommendation. 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

[130085.](#)

**Resolution to Declare 1761 Southeast 4th Street as Surplus and Dispose of City Owned Property (B)**

This item involves a request to the City Commission to adopt a Resolution declaring 1761 Southeast 4th Street (Tax parcel 15853-000-000) as surplus property to be disposed of for affordable housing purposes, retaining the front Twenty (20) feet for future right-of-way.

**RECOMMENDATION**

*The City Commission: adopt the Resolution declaring 1761 Southeast 4th Street (Tax parcel 15853-000-000) as surplus property to be disposed of for affordable housing purposes, retaining the front Twenty (20) feet for future right-of-way.*

**A motion was made by Commissioner Poe, seconded by Mayor-Commissioner Pro Tem Wells, that this Matter be Adopted (Resolution). 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

**ADOPTION READING-ROLL CALL REQUIRED**

[121096.](#)

**LAND USE CHANGE - SMALL SCALE - PROPERTY GENERALLY LOCATED WEST OF NE 18TH STREET, SOUTH OF NE 6TH PLACE, EAST OF NE 17TH TERRACE, AND NORTH OF NE 5TH AVENUE (B)**

Ordinance No. 121096; Petition No. PB-13-26 LUC

An ordinance amending the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of approximately 3.47 acres of property generally located west of NE 18th Street, south of NE 6th Place, east of NE 17th Terrace, and north of NE 5th Avenue, as more specifically described in this ordinance, from Residential Low-Density (RL) to Residential Medium-Density (RM); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

*Andrew Persons made a presentation.*

**RECOMMENDATION**

*The City Commission: (1) approve Petition No. PB-13-26 LUC and (2) adopt the proposed ordinance.*

**A motion was made by Commissioner Poe, seconded by Commissioner Bottcher, that this Matter be Adopted on Adoption Reading (Ordinance) and Approved the Recommendation, 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

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

### 121097.

#### **REZONING - PROPERTY GENERALLY LOCATED WEST OF NE 18TH STREET, SOUTH OF NE 6TH PLACE, EAST OF NE 17TH TERRACE, AND NORTH OF NE 5TH AVENUE (B)**

Ordinance No. 121097; Petition No. PB-13-27 ZON

An ordinance amending the Zoning Map Atlas of the City of Gainesville, Florida, by rezoning approximately 3.47 acres of property generally located west of NE 18th Street, south of NE 6th Place, east of NE 17th Terrace, and north of NE 5th Avenue, as more specifically described in this ordinance, from Residential low density district (RMF-5) to Multiple-family medium density residential district (RMF-7); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

*Andrew Persons made a presentation.*

#### **RECOMMENDATION**

*The City Commission: (1) approve Petition No. PB-13-27 ZON and (2) adopt the proposed ordinance.*

**A motion was made by Mayor-Commissioner Pro Tem Wells, seconded by Commissioner Bottcher, that this Matter be Adopted on First Reading (Ordinance) and Approved the Recommendation. 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

### 121102.

#### **SPECIAL MAGISTRATE FOR CODE ENFORCEMENT (B)**

Ordinance No. 121102

An ordinance of the City of Gainesville, Florida, amending the Gainesville Code of Ordinances by creating a special magistrate position as an alternative to the code enforcement board to enforce compliance with City Of Gainesville ordinances; amending Chapter 2, Article V, Division 8, Code Enforcement Board to provide intent; provide minimum qualifications and requirements for appointment of special magistrates; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

*Chris Cooper made a presentation.*

#### **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:** 5 - Commissioner Bottcher, Commissioner Poe, Commissioner Hawkins, Mayor-Commissioner Pro Tem Wells, and Commissioner Hinson-Rawls

**Nay:** 2 - Mayor Braddy, and Commissioner Chase

[121103.](#)

**ESTABLISHING BOARD OF ADJUSTMENT MEMBERS AS THE EX OFFICIO MEMBERS OF THE NUISANCE ABATEMENT BOARD (B)**

Ordinance No. 121103

An ordinance of the City of Gainesville, Florida, amending Sec. 16-95 of the Gainesville Code of Ordinances by establishing board of adjustment members as the ex officio members of the nuisance abatement board; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

**RECOMMENDATION**      *The City Commission continue the item until such time a special magistrate is appointed.*

**A motion was made by Commissioner Poe, seconded by Mayor-Commissioner Pro Tem Wells, that this Matter be Continued. 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

**Nay:** 1 - Mayor Braddy

[130098.](#)

**VOLUNTARY ANNEXATION - URBAN SERVICES REPORT - WRH PROPERTIES (B)**

Ordinance No. 130098

An ordinance of the City of Gainesville, Florida, adopting an Urban Services Report that sets forth plans to provide urban services to Tax Parcel Nos. 07240-030-000, 07240-001-010 and 07242-001-000, which are 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, upon voluntary annexation 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; providing directions to the City Manager, the City Attorney and the Clerk of the Commission; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

*Lila Stewart made a presentation.*

**RECOMMENDATION**      *The City Commission adopt the proposed ordinance.*

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

### 120842.

**REZONING - APPROXIMATELY 0.15 ACRES GENERALLY LOCATED ON THE SOUTH SIDE OF NW 21ST AVENUE, APPROXIMATELY 320 FEET EAST OF NW 13TH STREET, FROM CONSERVATION (CON) TO MIXED-USE LOW INTENSITY DISTRICT (MU-1) (B)**

Ordinance No. 120842; Petition No. PB-12-160 ZON

An ordinance amending the Zoning Map Atlas of the City of Gainesville, Florida, by rezoning approximately 0.15 acres of property generally located on the south side of NW 21st Avenue, approximately 320 feet east of NW 13th Street, as more specifically described in this ordinance, from Conservation (CON) to Mixed-use low intensity district (MU-1); 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 Poe, seconded by Commissioner Bottcher, 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

### 120931.

**TEXT CHANGE - AMEND THE LIST OF PERMITTED USES BY RIGHT FOR THE RMF-5 ZONING DISTRICT IN THE LAND DEVELOPMENT CODE BY ADDING "ACCESSORY USES" WITH CERTAIN CONDITIONS AS AN ALLOWABLE USE WITHIN THE RMF-5 ZONING DISTRICT (B)**

Ordinance 120931; Petition No. PB-13-009 TCH

An ordinance of the City of Gainesville, Florida, amending the list of permitted uses by right for the RMF-5 zoning district in Section 30-52 - Residential low density districts (RMF-5, RC and MH) of the Land Development Code by adding "accessory uses" with certain conditions as an allowable use; 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 Poe, seconded by Commissioner Bottcher, 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

[121031](#)

**REZONING - 2845 NE 39TH AVENUE (B)**

Ordinance No. 121031; Petition No. PB-13-15 ZON

An ordinance of the City of Gainesville, Florida, amending Section 30-23 of the Land Development Code to include the definition of continuum of care facility; amending the Public services and operations zoning by establishing uses permitted by right for approximately 30.85 acres of certain real property located in the vicinity of 2845 NE 39th Avenue; establishing development requirements for the subject property; waiving the requirement of a preliminary development plan; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

*Comm Hawkins moved with Comm Wells seconding to waive rules to continue meeting until 11:40PM*

**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 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

[121036.](#)

**REZONING - APPROXIMATELY 1.86 ACRES OF PROPERTY  
GENERALLY LOCATED AT 2001 NW 13th Street (B)**

Ordinance No. 121036; Petition PB-13-23 ZON

An ordinance amending the Zoning Map Atlas of the City of Gainesville, Florida, by rezoning approximately 1.86 acres of property generally located at 2001 NW 13th Street, as more specifically described in this ordinance, from Automotive-oriented business district (BA) to Mixed-use low intensity district (MU-1); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

*Guy Parolla spoke to the matter.*

**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 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**

**DEVELOPMENT REVIEW BOARD PETITIONS**

**SCHEDULED EVENING AGENDA ITEMS**

**UNFINISHED BUSINESS**

**COMMISSION COMMENT**

*Comm Wells moved with Comm Hawkins seconding to have the City Manager support program at a conference. Motion carried 5-0 with Comm SB and LP absent. Comm Chase moved with Com Hawkins seconding to waive rules to continue meeting until 11:43PM. Motion carried 5-0 with Comm SB and LP absent. Nathan Skop spoke to the matter. The meeting was recessed until July 22nd at 6:00PM.*

**CITIZEN COMMENT (If time available)**

*On July 22nd Nathan Skop, Rob Brinkman and Donald Sheppard made comments.*

**ADJOURNMENT-8:42PM on July 22nd**

---

**Kurt Lannon, Clerk of the Commission**