

#170467

# City of Gainesville

City Hall  
200 East University Avenue  
Gainesville, Florida 32601



## Minutes

October 5, 2017

1:00 PM

**MODIFIED AGENDA**

City Hall Auditorium

## City Commission

*Mayor Lauren Poe (At Large)*

*Mayor-Commissioner Pro Tem Harvey Budd (At Large)*

*Commissioner Helen Warren (At Large)*

*Commissioner Charles Goston (District 1)*

*Commissioner Harvey Ward (District 2)*

*Commissioner David Arreola (District 3)*

*Commissioner Adrian Hayes-Santos (District 4)*

*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 - 1:22 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 Ward, seconded by Commissioner Warren, that this Matter be Adopted. The motion carried by the following vote:**

**Aye:** 4 - Commissioner Goston, Commissioner Ward, Commissioner Warren, and Mayor-Commissioner Pro Tem Budd

**Absent:** 3 - Mayor Poe, Commissioner Hayes-Santos, and Commissioner Arreola

**170401. City Commission Minutes (B)**

**RECOMMENDATION** *The City Commission approve the minutes of August 14, August 16, August 17, August 24, September 7, and September 21, 2017.*

**Approved as Recommended**

**170422. Resignation of Derek Wohlust from the Gainesville/Alachua County Cultural Affairs Board, Selena Patterson from the City Beautification Board, Harold Shaw from the Student Community Relations Advisory Board and Sheryl Eddie from the Regional Transit System Advisory Board (B)**

**RECOMMENDATION** *The City Commission accepts the resignation of Derek Wohlust, Selena Patterson, Harold Shaw and Sheryl Eddie, effective immediately.*

**Approved as Recommended**

**170402. TeamBuilding Retreat (NB)**

**RECOMMENDATION** *The City Commission approve the date of October 24th for the TeamBuilding Retreat at GRU's Multi-purpose Room from*

1:30pm - 5:30pm.

**Approved as Recommended**

**170367. Bid Award - Public Works Annual Contract for Redi-Mix Concrete Material (B)**

**This item is a request for the City Commission to authorize the bid award to Argos North America Corp. as the primary supplier and Smyrna Ready Mix Concrete, LLC. as the secondary supplier for the annual contract for Redi-Mix Concrete.**

**RECOMMENDATION**      *The City Commission authorize the City Manager to execute contracts and all related documents with Argos North America Corp. as the primary supplier and Smyrna Ready Mix Concrete, LLC. as the secondary supplier, subject to approval of the City Attorney as to form and legality.*

**Approved as Recommended**

**170350. Use of Federal Forfeiture Funds for Police Equipment and Programs (NB)**

**This is a request for the City Commission to approve funding from the Federal Forfeiture funds for the amount not to exceed \$150,000.**

**RECOMMENDATION**      *The City Commission authorize the Gainesville Police Department to move forward with purchasing equipment/item with Federal Forfeiture funds for an amount not to exceed \$150,000.*

**Approved as Recommended**

**170370. Contract Award to Hicks Seal Coating and Striping, LLC dba Hicks Asphalt Paving & Concrete, for Bus Stop Improvements - Phases V and VI (B)**

**This item is a request to approve the recommended award and execute a contract with Hicks Seal Coating and Striping, LLC dba Hicks Asphalt Paving & Concrete, for Bus Stop Improvements - Phases V and VI.**

**RECOMMENDATION**      *The City Commission authorize the City Manager or his designee to execute a contract with Hicks Seal Coating and Striping, LLC dba Hicks Asphalt Paving & Concrete, for Bus Stop Improvements - Phases V and VI, subject to approval by the City Attorney as to form and legality.*

**Approved as Recommended**

**170325. Gainesville Regional Utilities Unaudited Internally Prepared Financial Statements for the Period Ended June 30, 2017 (B)**

**RECOMMENDATION**

The City Commission accept the GRU Unaudited Internally Prepared Financial Statements for the period ended June 30, 2017.

Approved as Recommended

170326.

**Gainesville Regional Utilities Internally Prepared Actuals to Budget for the Period Ended June 30, 2017 (B)****RECOMMENDATION**

The City Commission accept the GRU Internally Prepared Actuals to Budget for the year ended June 30, 2017.

Approved as Recommended

170327.

**Gainesville Regional Utilities Internally Prepared Supplementary Data for the Period Ended June 30, 2017 (B)****RECOMMENDATION**

The City Commission accept the GRU Internally Prepared Supplementary Data for the year ended June 30, 2017.

Approved as Recommended

**170442.**

**THE CITY OF GAINESVILLE D/B/A GAINESVILLE REGIONAL UTILITIES (GRU) CLAIM FOR COMPENSATION IN REGARD TO THE DEERHAVEN SCRUBBER COLLAPSE (NB)****RECOMMENDATION**

1) Authorize the Office of the City Attorney, on behalf of the General Manager for Utilities, to modify the retention letter for Holland & Knight LLP for an amount not to exceed \$250,000.00 and 2) authorize the General Manager for Utilities to pursue litigation or other resolution of the City's claim, including settlement if appropriate.

**ADOPTION OF REGULAR AGENDA**

Commissioner Arreola arrived at 1:24 PM.

Modification: Move Item No. 160876 to the end of the afternoon agenda. Note: The item was later moved to a time certain of 6:30 PM.

**A motion was made by Commissioner Warren, seconded by Commissioner Ward, that this Matter be Adopted with Modifications. The motion carried by the following vote:**

**Aye:** 5 - Commissioner Goston, Commissioner Ward, Commissioner Arreola, Commissioner Warren, and Mayor-Commissioner Pro Tem Budd

**Absent:** 2 - Mayor Poe, and Commissioner Hayes-Santos

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

Jim Konish  
Paul Simmons  
Keith Harben

Melanie Barr  
Kali Blount  
Debbie Martinez

Commissioner Hayes-Santos arrived at 1:42 PM.

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

**170392. Bloomberg Philanthropies 2017 Mayor’s Challenge Idea and Solutions Presentation (B)**

**This item requests the City Commission receive a presentation regarding the Bloomberg Mayor’s Challenge idea and solution sets and provide direction for the City of Gainesville’s application.**

*Carrie Bush, Andres Lazo, Chief Lane and Dan Hoffman made presentations.*

*Mayor Poe arrived at 1:54 PM.*

*Motion: Approve Challenge Area #2: Health Services.*

*Mayor Poe left the meeting at 2:43 PM.*

*Jim Konish and Nancy Daren spoke to the matter.*

**RECOMMENDATION**      *The City Commission: 1) receive a presentation; and 2) provide direction on the challenge and solution set for the October 20, 2017 application.*

**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:** 4 - Commissioner Goston, Commissioner Hayes-Santos, Commissioner Warren, and Mayor-Commissioner Pro Tem Budd

**Nay:** 2 - Commissioner Ward, and Commissioner Arreola

**Absent:** 1 - Mayor Poe

**170411. Code for Gainesville and the Department of Doing Collaboration (B)**

**This item requests the City Commission receive a presentation about the Code for Gainesville brigade, the Gainesville business portal, and the Department of Doing’s Grow-It-Yourself kit.**

*Wendy Thomas, Samantha Wolfe and Lila Stewart made presentations.*

*Jim Konish spoke to the matter.*

**RECOMMENDATION**      *The City Commission receive a presentation.*

Heard

[170433.](#)

**Mayor-Commissioner Pro Tem Harvey Budd - Gainesville  
Regional Utilities (GRU) Billing Issues (NB)**

*Motion by Commissioner Warren, seconded by Commissioner Hayes-Santos: 1) Move Item No. 170432 to the evening schedule; and 2) Item No. 160876 to a time certain of 6:30 PM. Motion passed 6-0. Mayor Poe absent.*

*Bill Shepherd made a presentation.*

*Jim Konish and JoAnne Williams spoke to the matter.*

**RECOMMENDATION**      *The City Commission discuss GRU's billing issue and take action deemed appropriate.*

Heard

[170435.](#)

**Clerk of the Commission Hiring Update (B)**

*Audrey Gainey made a presentation.*

*Motion: Approve staff recommendations that we advertise and submit for applications to be received for an Interim Clerk of the Commission starting October 9, 2017.*

**RECOMMENDATION**      *The City Commission receive an update.*

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

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

**Absent:** 1 - Mayor Poe

[170446.](#)

**Alachua County and City of Gainesville Settlement Agreement and  
Agreement for Interlocal Cooperation and Joint Planning Agreement (B)**

**A request to approve or amend an agreement with Alachua County to settle the challenges they have brought in regard to two annexations approved by the City Commission.**

*Wendy Thomas made a presentation.*

**RECOMMENDATION**      *The City Commission approve the agreement as drafted.*

**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:** 4 - Commissioner Hayes-Santos, Commissioner Ward, Commissioner Warren, and Mayor-Commissioner Pro Tem Budd

**Nay:** 1 - Commissioner Arreola

**Absent:** 2 - Commissioner Goston, and Mayor Poe

**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 - 4:47 PM**

**RECONVENE - 5:33 PM**

**PLEDGE OF ALLEGIANCE**

**PROCLAMATIONS/SPECIAL RECOGNITIONS**

170418. **White Cane Safety Awareness Month - October 2017 (B)**

RECOMMENDATION *Council of the Blind President Spencer Morton to accept the proclamation.*

Heard

170419. **Fire Prevention Week - October 8 - 14, 2017 (B)**

RECOMMENDATION *Gainesville Fire Rescue Fire Chief Jeff Lane, Assistant Fire Chief Steve Hesson and Risk Reduction Specialist Krista Ott to accept the proclamation.*

Heard

170420. **National Physician Assistant Week - October 6 - 12, 2017 (B)**

RECOMMENDATION *Florida Academy of Physician Assistants Jenni Johnson and Jessie Johnson to accept the proclamation.*

Heard

170421. **National Arts and Humanities Month - October 2017 (B)**

RECOMMENDATION

*College of the Arts Dean Lucinda Lavelli to accept the proclamation.*

Heard

170425.

**Mental Illness Awareness Month - October 2017 (B)**

RECOMMENDATION

*Local Chapter National Alliance on Mental Illness Judy Broward 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*
- John Davies*
- Debbie Martinez*
- Ernesto Martinez*
- Adele Franson*
- Gabe Hillel*
- Jess Larsen*
- Jeff Goldstein*
- Telford Cartwright*
- Scott Hesch*

**PUBLIC HEARINGS**

160876.

**Mayor-Commissioner Pro Tem Harvey Budd - Gainesville Election Issues (NB)**

*Motion: Authorize the City Attorney to draft an ordinance to place an issue on the November 18, 2018 ballot to move City elections to the Fall primary ballot, and if needed, a November runoff (School Board model), and if passed, then follow implementation plan as listed in the backup under the second model down.*

*Tiffany Fisher, Susan Bottcher and Jason Faults spoke to the matter.*

RECOMMENDATION

*The City Commission review the proposed charter amendment for further discussion.*

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

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

**Nay:** 1 - Commissioner Goston

170406.

**Adoption of the Citizen Participation Plan (B)**

**This item requests the City Commission to conduct a public hearing to adopt**



**the Citizen Participation Plan .**

*John Wachtel made a presentation.*

**RECOMMENDATION**

*The City Commission: 1) hear a presentation from staff; 2) conduct a Public Hearing to gather public comments about the Citizen Participation Plan; and 3) adopt the Citizen Participation Plan.*

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

**RESOLUTIONS - ROLL CALL REQUIRED****170369. Resolution Declaring City Owned Properties as Surplus and Authorize the Disposition (B)**

**Request to declare as surplus and dispose of City Owned Properties Tax Parcel 11309-000-000 and 11317-000-000.**

*Scott Winzeler spoke to the matter.*

**RECOMMENDATION**

*The City Commission: 1) adopt the Resolution declaring Tax Parcels 11309-000-000 and 11317-000-000 as surplus properties; 2) direct staff to dispose of the properties by competitive bid or offer the properties to a qualified nonprofit organization to be disposed of for affordable housing purposes; and 3) authorize the Mayor to sign and the Clerk to attest a Special Warranty Deed, subject to legal approval as to form and legality, retaining the east ten feet of Tax Parcel 11317-000-000 for utilities.*

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

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

**BUSINESS DISCUSSION ITEMS - GRU and General Government items placed on the agenda by the Charter Officers or moved from Consent.****170432. Mayor Lauren Poe - Discussion of Regular Meetings (NB)**

*Motion: 1) waive the rules and cancel the October 19, 2017 meeting; 2) schedule a special meeting at 3:00 PM for October 13, 2017 to hear the swap resolution; 3) cancel*

the December 21, 2017 meeting; and 4) cancel the December 28, 2017 General Policy meeting.

**RECOMMENDATION**      *The City Commission discuss regular meeting dates and cancellation of meetings and take action deemed appropriate.*

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

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

### 170410.

#### **APPENDIX A - SCHEDULE OF FEES, RATES AND CHARGES - STORMWATER (B)**

Ordinance No. 170410

An ordinance of the City of Gainesville, Florida, amending the fee for stormwater management in Appendix A - Schedule of Fees, Rates and Charges of the Code of Ordinances; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

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

**A motion was made by Commissioner Hayes-Santos, seconded by Commissioner Warren, that this Matter be Adopted on First Reading (Ordinance) and continue second reading to November 2, 2017. 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

### 170256.

#### **VOLUNTARY ANNEXATION - 8.33 ACRES OF PROPERTY ALONG SW 20TH AVENUE (B)**

Ordinance No. 170256

An ordinance of the City of Gainesville, Florida, annexing approximately 8.33 acres of privately-owned property that is generally located south of Sugarfoot Oaks Subdivision, west of SW 61st Terrace, north of SW 20th Avenue, and east of Parcel 06675-004-000, as more specifically described in this ordinance, as petitioned for by the property owners pursuant to Chapter 171, Florida Statutes; making certain findings; providing for inclusion of the property 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.

*Megan Echols made a presentation.*

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

**A motion was made by Commissioner Warren, seconded by Commissioner Arreola, that this Matter be Adopted on First Reading (Ordinance) and continue second reading to November 2, 2017. 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**

### **160709.      ORDINANCE AMENDING SOLID WASTE COLLECTION TIMES FOR CERTAIN ZONES (B)**

Ordinance 160709

An ordinance of the City of Gainesville, Florida, amending the Code of Ordinances relating to solid waste disposal by amending paragraph (e) of section 27-79 to provide for earlier solid waste collection times in certain zones; 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 Arreola, 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

### **170353.      SECOND EXTENSION OF MORATORIUM ON CONSTRUCTION OF WIRELESS COMMUNICATION FACILITIES IN PUBLIC RIGHTS-OF-WAY (B)**

Ordinance No. 170353

An ordinance of the City of Gainesville, Florida, readopting and ratifying, in part, Ordinance No. 160401 and Ordinance No. 160798, and extending the time period of the temporary moratorium to prohibit the filing, acceptance or processing of any permit, development order, or any other official action of the City having the effect of permitting or allowing the placement of above-ground wireless communication facilities in the public rights-of-way within the city limits; providing a severability clause; providing repealing clauses; and providing an effective date.

RECOMMENDATION      *The City Commission adopt the proposed ordinance.*

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

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

**Absent:** 1 - Commissioner Goston

## 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 Ward: 1) election issue; and 2) Tom Petty.*

*Motion by Commissioner Arreola, seconded by Commissioner Ward to schedule a tri-party meeting with the School Board of Alachua County, County Commission and City Commission. Motion passed 7-0.*

*Commissioner Arreola: Update on UF and City staff partnership.*

*Commissioner Goston: Respect.*

*Commissioner Warren: Climate change*

*Mayor Poe - Hurricane debris clean-up*

**170453.** Tom Petty Remembrance

RECOMMENDATION      *Refer to Committee*

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

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

**170454.** Private Foundation 501c3

RECOMMENDATION      *Refer to Committee*

**A motion was made by Mayor-Commissioner Pro Tem Budd, seconded by Commissioner Hayes-Santos, 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 - 8:40 PM**