

#180291

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Minutes - Draft

August 16, 2018

1:00 PM

MODIFIED AGENDA

City Hall Auditorium

City Commission

Mayor Lauren Poe (At Large)
Commissioner Helen Warren (At Large)
Commissioner Gail Johnson (At Large)
Commissioner Gigi Simmons (District 1)
Commissioner Harvey Ward (District 2)
Commissioner David Arreola (District 3)
Mayor-Commissioner Pro Tem Adrian Hayes-Santos (District 4)

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CALL TO ORDER - 1:01 PM

AGENDA STATEMENT

ROLL CALL

- Present** 6 - Mayor Poe, Commissioner Ward, Commissioner Arreola, Commissioner Johnson, Commissioner Simmons, and Mayor-Commissioner Pro Tem Hayes-Santos
- Absent** 1 - Commissioner Warren

INVOCATION

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

A motion was made by Mayor-Commissioner Pro Tem Hayes-Santos, seconded by Commissioner Simmons, that this Matter be Adopted on the Consent Agenda. The motion carried by the following vote:

- Aye:** 6 - Mayor Poe, Commissioner Ward, Commissioner Arreola, Commissioner Johnson, Commissioner Simmons, and Mayor-Commissioner Pro Tem Hayes-Santos
- Absent:** 1 - Commissioner Warren

180242. Joint City Commission - Gainesville Housing Authority Special Meeting (NB)

RECOMMENDATION *The City Commission approve a joint City Commission/GHA special meeting on September 18, 2018 at 5:30 pm.*

Approved as Recommended

180266. City Commission Minutes (B)

RECOMMENDATION *The City Commission approve the minutes of August 2, 2018 (3)*

Approved as Recommended

180228. Request to Approve and Authorize an Easement to AT&T (B)

AT&T easement associated with the South Main Street project.

RECOMMENDATION *The City Commission: 1) approve the grant of the Utility Easement to AT&T Corporation and; 2) authorize the Mayor to execute the Utility Easement, subject to the approval of the City Attorney as to form and legality*

Approved as Recommended

ADOPTION OF REGULAR AGENDA

A motion was made by Mayor-Commissioner Pro Tem Hayes-Santos, seconded by Commissioner Ward, that this Matter be Adopted. The motion carried by the following vote:

Aye: 6 - Mayor Poe, Commissioner Ward, Commissioner Arreola, Commissioner Johnson, Commissioner Simmons, and Mayor-Commissioner Pro Tem Hayes-Santos

Absent: 1 - Commissioner Warren

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

*Jim Konish
Gabe Kaimowitz
Walter Williard*

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

[171046.](#)

Appointment to the Utility Advisory Board (B)

Bernard Sessions and Timothy Nance introduced themselves.

Motion: 1) Appoint Jim Gross to the Utility Advisory Board (UAB); and 2) Send a letter to the County and the Alachua County School Board asking them to appoint their Ex-Officio member to the UAB.

Gabe Kaimowitz spoke to the matter.

RECOMMENDATION *The City Commission interview and appoint a member to the Utility Advisory Board.*

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

Aye: 6 - Mayor Poe, Commissioner Ward, Commissioner Arreola, Commissioner Johnson, Commissioner Simmons, and Mayor-Commissioner Pro Tem Hayes-Santos

Absent: 1 - Commissioner Warren

[180261.](#)

Appointments to the Gainesville Human Rights Board, Historic Preservation Board, Development Review Board, Gainesville/Alachua County Regional Airport Authority and Historic Preservation Board Student Seat (B)

Lisa Scott introduced herself.

Motion by Commissioner Hayes-Santos, seconded by Commissioner Arreola: Appoint Lisa Scott to the Human Rights Board. Motion passed 6-0. Commissioner Warren absent.

Jennifer Reid and Eric Barkhurst introduced themselves.

Motion by Commissioner Arreola, seconded by Commissioner Simmons: Appoint Eric Barkhurst to the Historic Preservation Board. Motion passed 6-0. Commissioner Warren absent. Gabe Kaimowitz spoke to the matter.

Motion by Commissioner Ward, seconded by Commissioner Simmons: Appoint Uretha Bostic to the Development Review Board. Motion passed 6-0. Commissioner Warren absent.

Randall Wright introduced himself.

Motion by Commissioner Arreola, seconded by Mayor-Commissioner Hayes-Santos: Appoint Randall Wright to the Gainesville/Alachua County Regional Airport Authority. Motion passed 6-0. Commissioner Warren absent. Gabe Kaimowitz spoke to the matter.

Motion by Commissioner Arreola, seconded by Mayor-Commissioner Hayes-Santos: Appoint Matthew Gallagher to the Student Seat of the Historic Preservation Board. Motion passed 6-0. Commissioner Warren absent.

RECOMMENDATION

The City Commission interview and appointment members to the Gainesville Human Rights Board, Historic Preservation Board, Development Review Board, Gainesville/Alachua County Regional Airport Authority and Historic Preservation Board Student Seat.

[180230.](#)

Heartwood Internet (B)

Lewis Walton spoke to the matter.

Sarah Vidal-Finn and Andrew Meeker spoke to the matter.

Motion: 1) CRA to place on future agenda; and 2) Ask staff to work together on a HOA model for gigabit.

Armando Grundy, Gabe Kaimowitz and Walter Williard spoke to the matter.

RECOMMENDATION

The Broadband Subcommittee requests that the City Commission discuss the concept of a Pilot Internet Plan for Heartwood;

Staff recommends that the City Commission discuss the fiscal impact and funding sources for recovery of GRUCom's expenses to provide GRUNet or GATOR NET internet service to the CRA as the developer in the Heartwood development.

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

Aye: 6 - Mayor Poe, Commissioner Ward, Commissioner Arreola, Commissioner Johnson, Commissioner Simmons, and Mayor-Commissioner Pro Tem Hayes-Santos

Absent: 1 - Commissioner Warren

[180264.](#)

Active Shooting Training (NB)

Fred Murry spoke to the matter.

Gabe Kaimowitz spoke to the matter.

RECOMMENDATION *The City Commission approve an Active Shooter Training Workshop on September 19, 2018 at 1:30pm.*

A motion was made by Mayor-Commissioner Hayes-Santos, seconded by Commissioner Ward that this Matter be Approved as Recommended. The motion carried by the following vote:

Aye: 6 - Mayor Poe, Commissioner Ward, Commissioner Arreola, Commissioner Johnson, Commissioner Simmons, and Mayor-Commissioner Pro Tem Hayes-Santos

Absent: 1 - Commissioner Warren

[180227.](#)

City Parking Lot # 10 - Contract Status (B)

This item involves a request for direction from the City Commission regarding the contract for City Parking Lot # 10.

Erik Bredfeldt made a presentation.

Anthony Lyons spoke to the matter.

Motion: 1) Authorize staff to go back and complete negotiations with one plus one equals three, to create an escrow account up to 20% of the purchase price, with clearly defined conditions, on how that escrow account could be accessed; 2) Do not get involved in funding utility or stormwater fees; 3) At some point in the future, have a discussion with RTS about optimal placement of the bus shelter that is currently in front of the property; and 4) City staff to work with developer on diversity in artwork displayed.

Reid Fogler spoke to the matter.

Jesus Gomez spoke to the matter.

Phil Mann spoke to the matter.

Nicolle Shalley spoke to the matter.

Gabe Kaimowitz spoke to the matter.

RECOMMENDATION *The City Commission: 1) hear a presentation from staff; 2) provide appropriate direction.*

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

Aye: 6 - Mayor Poe, Commissioner Ward, Commissioner Arreola, Commissioner Johnson, Commissioner Simmons, and Mayor-Commissioner Pro Tem Hayes-Santos

Absent: 1 - Commissioner Warren

[180208.](#)

Transit Services Agreements with Alachua County Board of County Commissioners (B)

This item is a request to authorize the City Manager to execute the Base Level Transit Services Agreement and the Route 75 Transit Services Agreement for FY19. Both Agreements are between the City of Gainesville Regional Transit System (RTS) and the Alachua County Board of County Commissioners (BoCC).

Jesus Gomez spoke to the matter.

RECOMMENDATION

The City Commission: 1) authorize the City Manager or his designee to execute the Base Level Transit Services Agreement with Alachua County Board of County Commissioners (BoCC) for the period of October 1, 2018 through September 30, 2019, subject to approval by the City Attorney as to form and legality; and 2) authorize the City Manager or his designee to execute the Route 75 Transit Services Agreement with Alachua County Board of County Commissioners (BoCC) for the period of October 1, 2018 through September 30, 2019, subject to approval by the City Attorney as to form and legality.

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

Aye: 4 - Mayor Poe, Commissioner Ward, Commissioner Arreola, and Mayor-Commissioner Pro Tem Hayes-Santos

Absent: 3 - Commissioner Warren, Commissioner Johnson, and Commissioner Simmons

[160739.](#)

Additional Grant Funding to Retrofit the Martin Luther King Jr.as an Emergency Shelter (B)

This is a request for the City Commission to accept additional grant funds from the State of Florida Division of Emergency Management Hurricane Shelter Retrofit Program.

Ed Gable spoke to the matter.

RECOMMENDATION

The City Commission: 1) authorize the City Manager (or designee) to apply for, accept, and execute any related documents regarding the FDEM Shelter Retrofit Project additional grant funds, subject to approval by the City Attorney as to form and legality, 2) authorize the City Manager (or designee) to execute the grant agreement between the City of Gainesville and Florida Division of Emergency Management, subject to approval by the City Attorney as to form and legality.

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

Aye: 5 - Mayor Poe, Commissioner Ward, Commissioner Arreola, Commissioner Johnson, and Mayor-Commissioner Pro Tem Hayes-Santos

Absent: 2 - Commissioner Warren, and Commissioner Simmons

[180268.](#)

Mayor Lauren Poe - Indigenous Peoples' Day (NB)

Fred Murry spoke to the matter.

Motion: Commemorate and recognize Indigenous Peoples' Day and follow-up with a proclamation.

Sylvia Poluzi spoke to the matter.

Gabe Kaimowitz spoke to the matter.

RECOMMENDATION

The City Commission discuss commemorating and recognizing Indigenous Peoples' Day.

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

Aye: 6 - Mayor Poe, Commissioner Ward, Commissioner Arreola, Commissioner Johnson, Commissioner Simmons, and Mayor-Commissioner Pro Tem Hayes-Santos

Absent: 1 - Commissioner Warren

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 - 3:54 PM

RECONVENE - 5:33 PM

PLEDGE OF ALLEGIANCE

PROCLAMATIONS/SPECIAL RECOGNITIONS

180263. **Public Education Awareness Month (B)**

Pamela Konithosk and Sue Legg accepted/spoke.

RECOMMENDATION

Ms. Pamela Korithosk, President, Alachua County Council of PTA and Ms. Phyllis Erney, Education Committee Chair, League of Women Voters, to accept proclamation.

Heard

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

*Gabe Kaimowitz
John Davies
Sharon Bauer
Debbie Martinez
Jim Konish
Rick Calliani
Tana Silva
Nathan Skop
Telford Cartwright
Mark van Soestbergen
Kim Kirby
Kali Blount
Nancy Daren
Ernesto Martinez
Faye Williams*

Dan Hoffman spoke to the Tom Petty events.

Nicolle Shalley spoke to the alcohol beverages ordinance.

Ed Bielarski spoke to the GAP

PUBLIC HEARINGS

RESOLUTIONS - ROLL CALL REQUIRED

170957. **Most Connected City in America Resolution (B)**

Resolution No. 170957

A Resolution of the City Commission of the City of Gainesville, Florida, making the City of Gainesville the most connected city in America; and providing an effective date.

Anthony Lyons spoke to the matter.

Dan Hoffman introduced Elias Eldayrie and Lucian Badea.

Telford Cartwright spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed Resolution.*

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

Aye: 6 - Mayor Poe, Commissioner Ward, Commissioner Arreola, Commissioner Johnson, Commissioner Simmons, and Mayor-Commissioner Pro Tem Hayes-Santos

Absent: 1 - Commissioner Warren

ORDINANCES, 1ST READINGS - ROLL CALL REQUIRED

170953. **Voluntary Annexation - 0.87 Acres of Property North of West University Avenue and East of NW 75th Street (B)**

Ordinance No. 170953

An ordinance of the City of Gainesville, Florida, annexing approximately 0.87 acres of privately-owned property that is generally located south of NW 4th Boulevard, west of Interstate 75, north of W University Avenue, and east of NW 75th Street, as more specifically described in this ordinance, as petitioned for by the property owner(s) 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 Mayor-Commissioner Pro Tem Hayes-Santos, seconded by Commissioner Arreola, that this Matter be Adopted on First Reading (Ordinance). The motion carried by the following vote:

Aye: 6 - Mayor Poe, Commissioner Ward, Commissioner Arreola, Commissioner Johnson, Commissioner Simmons, and Mayor-Commissioner Pro Tem Hayes-Santos

Absent: 1 - Commissioner Warren

ORDINANCES, 2ND READING - ROLL CALL REQUIRED**180018.****Quasi-Judicial - Amendment to Fletcher Oaks Planned Development Zoning Ordinance (B)**

Ordinance No. 180018

An ordinance of the City of Gainesville, Florida, amending a design requirement for garages in the Planned Development District (PD) Ordinance No. 991267 (as amended by Ordinance Nos. 020948, 071066, and 100762) for certain property known as "Fletcher Oaks A Planned Development" located in the vicinity of NW 31st Avenue and NW 26th Street and to the south of the 2500 block of NW 39th Avenue, as more specifically described in Ordinance No. 991267; providing certain conditions; 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 Ward, seconded by Commissioner Arreola, that this Matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:

Aye: 5 - Mayor Poe, Commissioner Ward, Commissioner Arreola, Commissioner Simmons, and Mayor-Commissioner Pro Tem Hayes-Santos

Absent: 2 - Commissioner Warren, and Commissioner Johnson

PLANNING PETITIONS**180200.****2018 Land Development Code Amendments (B)**

Petition PB-18-101 TCH. City of Gainesville. Amend various sections of the Land Development Code to revise regulations concerning: accessory dwelling units, subdivisions, outdoor and sidewalk cafes, outdoor recreational uses, tree preservation and mitigation, density bonuses, transect zone form standards, and Urban 4 (U-4) zoning. Related to PB-18-100 CPA.

Andrew Persons made a presentation.

Motion: Approve all clarity consistency amendments, (which includes several things, but most importantly, an increase of maximum allowable density from 20 to 30 units in urban 4 zoning. Motion passed 4-2. Commissioner Simmons and Commissioner Johnson in dissent. Commissioner Warren absent.

Motion: 1) Balance of what's included in the recommendation (including looking for ways to increase the Gainesville rise or threshold over the course of the next year, up from 10%); 2) Approve the Tree Advisory Board and Plan Board's changes to the tree portion of this; 3) Asking GRU staff to look if there is another logical nexus for a lower break in connection fees for accessory dwelling units; 4) Asking all of our staff to work together and bring back some recommendations on excelling and increasing the spread of affordable housing throughout the community; 5) Separating utility issues; and 6) Staff look at exempting the impact on Porters. Motion passed 5-1. Commissioner Johnson in dissent. Commissioner Warren absent.

Telford Cartwright, Anne Pazzela, Elaine Ward, Robert Mounts, Mark Goldstein, Nathan Skop, Charles Boisseau, Don Peters, Jason Smith, Jane Brockman, Tana Silva, Joe Wolf, Maria Huff-Edwards, Andrew Coffey, Meg Neiderhofer, Jeff Knee, Chane Baker and Ivor Kincaide spoke to the matter.

RECOMMENDATION

City Plan Board to City Commission - Approve Petition PB-18-101 TCH with the following amendments.

- *Approve all Downtown Arts and Culture amendments (Remove event limitations, add outdoor recreation to downtown, amend sidewalk café ordinance). Plan Board vote 6-0.*
- *Approve the Tree Ordinance components (density bonuses, mitigation offset, exemptions for laurel and water oaks) including the recommendation from the Tree Advisory Board, to add the urban forest ecological assessment and management plan to the list of permitted tree mitigation fund expenditures but otherwise retain the existing tree mitigation fund language. Direct staff to consider adding additional setback flexibility regarding the Building Frontage provision in the interest of tree preservation prior to final adoption. Plan Board vote 6-0.*
- *Approve the Housing and Infill amendments as follows:*
 1. *Accessory dwelling units: Amend staff's recommendation limiting new accessory dwelling unit maximum height to 1.5 stories to 2 stories and prohibit new detached accessory dwelling units from exceeding the height of the primary residential unit.*
 2. *Approve the definition and design amendments for the various housing types.*

3. Approve the GNV RISE subdivision amendments but remove the enhanced architectural standards and the infill compatibility standards from the GNV RISE public benefit criteria, with the understanding that they will be further developed and brought back to the Plan Board for review.

Plan Board vote 3-2.

- Approve all Clarity and Consistency amendments (Urban 4 zoning, podium buildings clarification, remove 1.5' finished floor requirement, add health services to urban zones). Plan Board vote 5-0.

- Deny privately initiated proposed text amendments. Plan Board vote 5-0.

Staff to City Commission - Approve Petition PB-18-101 TCH.

Staff to City Plan Board - Staff recommends approval of Petition PB-18-101 TCH.

Approved as Shown Above

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

*Telford Cartwright
Nathan Skop*

COMMISSION COMMENT

Commissioner Ward: 1) Affordable Housing; 2) Commission Comment in the afternoon session; and 3) City Manager to report back on evictions from Dignity Village.

Motion by Commissioner Ward, seconded by Commissioner Simmons: Staff report back with recommendations on how to open SE 2nd Street. Motion passed 6-0. Commissioner Warren absent. Nathan Skop spoke to the matter.

Mayor-Commissioner Pro Tem Hayes-Santos: 1) General Manager and City Manager to meet with County staff on governmental office space (EPA, Planning and Public Defender's office moving); 2) Report from GRU staff on urban standards; and 3) FDOT putting in a rapid beacon over the roadways. Mayor Poe will send a letter to FDOT and phone Congressman Yoho. Phil Mann spoke to the matter.

Commissioner Simmons: 1) City Manager have Jesus Gomez provide a memo to the City Commission updating them on the plan to put shelters on all of the stops, as well as the separate fund that developers pay into and how much is in the fund; 2) Stormwater off of the GRU bill (put on the GPC agenda for 9/27/18).

Commissioner Arreola: 1) VoTech Forum; 2) put on the next GPC agenda (food/security policy); 3) Update from management on climate change resiliency; and 4) Ancient Greece.

Commissioner Johnson: City/County traffic violations (Invite Sheriff Darnell to speak on the de-escalation policy and strategy) and request to the State Attorney Bill Cervone to give a presentation (sometime in October). Mayor Poe will work with staff about scheduling that presentation.

Mayor Poe: 1) Town Hall Racial Disparity; 2) Thank you to Commissioner Simmons for the Porter's Summer Block party.

[180283.](#)

Carriage Riding and Horse Carriage Riding

RECOMMENDATION *Refer to Committee*

A motion was made by Mayor-Commissioner Pro Tem Hayes-Santos, seconded by Commissioner Simmons, that this Matter be Referred to the General Policy Committee, due back on 4/30/2019. The motion carried by the following vote:

Aye: 5 - Mayor Poe, Commissioner Ward, Commissioner Johnson, Commissioner Simmons, and Mayor-Commissioner Pro Tem Hayes-Santos

Nay: 1 - Commissioner Arreola

Absent: 1 - Commissioner Warren

[180284.](#)

Discussion of 100% Renewal Energy for the City/GRU for all Services

Telford Cartwright and Nathan Skop spoke to the matter.

RECOMMENDATION *Refer to Committee*

A motion was made by Mayor-Commissioner Pro Tem Hayes-Santos, seconded by Commissioner Arreola, that this Matter be Referred to the General Policy Committee, due back on 4/30/2019. The motion carried by the following vote:

Aye: 6 - Mayor Poe, Commissioner Ward, Commissioner Arreola, Commissioner Johnson, Commissioner Simmons, and Mayor-Commissioner Pro Tem Hayes-Santos

Absent: 1 - Commissioner Warren

ADJOURNMENT - 9:55 PM