

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Minutes - Final

June 15, 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)

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ROLL CALL

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

CALL TO ORDER - 1:01 PM

AGENDA STATEMENT

INVOCATION

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

Jim Konish spoke to the matter.

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

Aye: 5 - Mayor Poe, Commissioner Hayes-Santos, Commissioner Ward, Commissioner Warren, and Mayor-Commissioner Pro Tem Budd

Absent: 2 - Commissioner Goston, and Commissioner Arreola

[170100.](#)

Resignation of Mark Stern from Historic Preservation Board (B)

RECOMMENDATION *The City Commission accepts the resignation of Mark Stern, effective immediately.*

Approved as Recommended

[170101.](#)

Removal of Ashley Murphy, Jamis Godwin and Jessica Gomez from the Citizen’s Advisory Committee for Community Development (CACCD) (B)

RECOMMENDATION *The City Commission approve the removal of Ashley Murphy, Jamis Godwin and Jessica Gomez from the Citizen’s Advisory Committee for Community Development (CACCD), effective immediately.*

Approved as Recommended

[170115.](#)

City Commission Minutes (B)

RECOMMENDATION *The City Commission approve the minutes of April 19, May 18, May 22, May 23, May 30 and June 1, 2017.*

Approved as Recommended

[170075.](#) **EXTENSION OF TOLLING AGREEMENT FOR CITY'S CLAIMS AGAINST JONES EDMUNDS REGARDING THE DESIGN AND ENGINEERING OF CERTAIN ELEMENTS OF THE SWEETWATER BRANCH/PAYNES PRAIRIE SHEETFLOW RESTORATION PROJECT (B)**

RECOMMENDATION *The City Commission approve the Fifth Amendment to Tolling Agreement.*

Approved as Recommended

[170111.](#) **IMPASSE RESOLUTION WITH GATOR LODGE 67, INC., FRATERNAL ORDER OF POLICE (B)**

RECOMMENDATION *The City Commission receive written update from the City Attorney regarding the impasse resolution process with Gator Lodge 67, Inc., Fraternal Order of Police.*

Approved as Recommended

[160027.](#) **Special Category Historic Preservation Grant (B)**

This item involves a request to accept a Special Category Historic Preservation Grant from the Florida Department of State, Division of Historical Resources, if awarded, to renovate the Historic Hartman House 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 State, Division of Historical Resources; and 2) 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

[160263.](#) **Chapter 4, Article III Underage Prohibition in Alcoholic Beverage Establishments (NB)**

An ordinance of the City of Gainesville, Florida, amending the Code of Ordinances relating to persons under the age of 21 in alcoholic beverage establishments; by amending Chapter 4, Article III to regulate persons under 21 being present in alcoholic beverage establishments which have a high number of underage alcohol violations.

RECOMMENDATION *The City Commission refer this item to the General Policy Committee to hear an update from GPD staff members on the proposed ordinance changes.*

Approved as Recommended

[160291.](#)**Traffic Engineering Services Agreement between the City of Gainesville and Alachua County for FY 2017 (B)**

This item is an agreement between the City of Gainesville (City) and Alachua County (County) for traffic engineering services in the amount of \$208,047.34 in revenue to the City during FY17.

RECOMMENDATION

The City Commission authorize the City Manager to renew the agreement for Traffic Engineering Services between the City of Gainesville and Alachua County for the period of October 1, 2016 to September 30, 2017, subject to approval by the City Attorney as to form and legality.

Approved as Recommended

[160973](#)**Request to Amend the Open/Close and Clean Contract with Contractor's Enterprise, Inc. (NB)**

This item involves a request to add seven (7) additional sites to the list of service areas for Contractor's Enterprises, Inc.

RECOMMENDATION

The City Commission authorize the City Manager to amend the contract with Contractor's Enterprises, Inc., to add seven (7) sites to their list of services areas, subject to approval of the City Attorney as to form and legality.

Approved as Recommended

[170029.](#)**Purchase and Installation of DVRs, Cameras and Accessories, and Surveillance System Software Upgrade for Regional Transit System Buses (B)**

This is a request for City Commission approval to purchase additional DVRs, cameras, accessories, and surveillance system software upgrades for Regional Transit System (RTS) buses.

RECOMMENDATION

The City Commission: 1) approve the purchase of additional DVRs and cameras for transit buses; and 2) authorize the City Manager or his designee to execute an agreement and related documents with Seon Systems Sales, Inc., subject to approval by the City Attorney as to form and legality.

Approved as Recommended

[170103.](#)**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 police equipment and programs in an

amount not to exceed \$65,000.

RECOMMENDATION

The City Commission authorize the Gainesville Police Department to move forward with purchasing equipment/item with Federal Forfeiture funds in an amount not to exceed \$65,000.

Approved as Recommended

170104.

Reallocate Capital Improvement Project Funds for 217 NE 1st St & Main GPD Building Improvement (NB)

This is a request for City Commission approval to reallocate a portion of Capital Improvement Project funding.

RECOMMENDATION

The City Commission approve the reallocation of \$93,177.97 of Capital Improvement Project Funding currently remaining in the projects budgeted for the GPD Headquarters Annex and the GPD Property and Evidence roof.

Approved as Recommended

170107.

Reallocate Federal Forfeiture Funds from the Mounted Unit Account to the Joint Aviation Account (NB)

This is a request for City Commission approval to reallocate a portion of Federal Forfeiture Funds.

RECOMMENDATION

The City Commission approve the reallocation of \$60,000 of Federal Forfeiture Funds currently budgeted for the GPD Mounted Unit to the Joint Aviation.

Approved as Recommended

170112.

Grant Application to the Federal Transit Administration's Low or No Emission Vehicle Grant Program (NB)

This is a request for City Commission approval for the Regional Transit System (RTS) to submit a grant application to the Federal Transit Administration's Low or No Emission Vehicle Grant Program.

RECOMMENDATION

The City Commission: 1) authorize the City Manager or designee to submit an application with the Federal Transit Administration's Low or No Emission Vehicle Grant Program; and 2) if the grant is awarded, authorize the City Manager or designee to execute all related documents, subject to approval by the City Attorney as to form and legality.

Approved as Recommended

170139.

MELISSA LYNN BIGBIE v. CITY OF GAINESVILLE; CASE NO. 2016-CA-1196; EIGHTH JUDICIAL CIRCUIT, IN AND FOR

ALACHUA COUNTY, FLORIDA (NB)**RECOMMENDATION**

The City Commission 1) authorize the acceptance of the Plaintiff's proposal for settlement; and 2) authorize the City Attorney to settle the claim of Melissa Lynn Bigbie arising from an accident that occurred on or about April 8, 2013 for a sum up to and including \$35,000.

Approved as Recommended

ADOPTION OF REGULAR AGENDA

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

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

Absent: 1 - Commissioner Arreola

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

*Jim Konish
Debbie Martinez
Jo Beaty
Gerald Mobley
Jim Triano
Scott Hesch
Ernesto Martinez
Kali Blount*

BUSINESS DISCUSSION ITEMS - GRU and General Government items placed on the agenda by the Charter Officers or moved from Consent.**[170014.](#) 2017 State Legislative Update End of Session Presentation (NB)**

This is a request for the City Commission to hear a presentation from Peebles and Smith, Inc., State Lobbyist summarizing the 2017 State Legislative Session.

Kelly Ferrel and John Wayne Smith made presentations.

Motion by Mayor-Commissioner Budd, seconded by Commissioner Warren to have a joint meeting with the City Commission and the Utility Advisory Board in July, at 6:00 PM, to discuss the negotiation for the asset purchase, as well as the issue of governance. Motion passed 7-0.

Motion by Commissioner Arreola, seconded by Commissioner Ward to authorize the Mayor to send a letter to other government partners, inviting them to discuss common legislative priorities. Motion passed 7-0.

Kali Blount spoke to the matter.

RECOMMENDATION *The City Commission hear the 2017 State Legislative Session presentation.*

Heard

[170143.](#)

Vacation/Air BNB Rentals

RECOMMENDATION *Refer to Committee*

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

[170074.](#)

City Auditor's Investigation Report of Purchase Card Transactions for Parks, Recreation, and Cultural Affairs (B)

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

A motion was made by Mayor-Commissioner Pro Tem Budd, seconded by Commissioner Arreola, to Accept the Report. 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

[170097.](#)

Fire Services Assistance Agreement (B)

This item requests that the Commission hear a presentation on the Fire Services Assistance Agreement (FSAA).

Jeff Lane and Tracey Higdon made presentations.

Motion by Commissioner Arreola, seconded by Mayor-Commissioner Pro Tem Budd: 1) accept staff recommendations; and 2) direct staff to look into areas in the County and around the City limits that will see a decrease in fire services and look at annexation in those areas. Motion passed 7-0.

Motion by Commissioner Hayes-Santos, seconded by Commissioner Warren to look into broadening annexation strategies. Motion passed 7-0.

RECOMMENDATION *The City Commission hear a presentation on the Fire Services Assistance Agreement.*

Approved, as shown above

[170123.](#)

Mayor Lauren Poe - Climate Change (NB)

Motion by Commissioner Arreola, seconded by Mayor-Commissioner Pro Tem Budd: referral to the GPC to bring back a staff analysis of where we are today and what it would take to achieve the terms and conditions of the Paris Climate Agreement .

Motion passed 7-0.

Motion by Commissioner Warren, seconded by Commissioner Mayor-Commissioner Budd: to join the group of the Mayors and take local action to address climate change. Motion passed 7-0.

RECOMMENDATION *The City Commission discuss the City of Gainesville's role in addressing climate change.*

Approved, as shown above

[170146.](#)

Staff Analysis to Achieve the Terms and Conditions of the Paris Climate Agreement

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

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 - 4:45 PM

RECONVENE - 5:35 PM

PLEDGE OF ALLEGIANCE

PROCLAMATIONS/SPECIAL RECOGNITIONS

[170117.](#)

The 30th Year Anniversary of Florida Certified Organic Growers and Consumers, Inc. (B)

RECOMMENDATION

Florida Certified Organic Growers and Consumers, Inc. (FOG) President Pam Smith 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
Trisha Ingle
Debbie Martinez
Jo Beaty
Ernesto Martinez*

PUBLIC HEARINGS

RESOLUTIONS - ROLL CALL REQUIRED

[170049.](#)

Resolution and Perpetual Easement from the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (B)

This item involves the request for adoption of a Resolution approving the grant of a Perpetual Easement from the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (BTITF).

RECOMMENDATION

The City Commission: 1) adopt the Resolution approving the request for a Perpetual Easement from the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida; and 2) authorize the Mayor or his designee to make application for the Perpetual Easement.

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

ORDINANCES, 1ST READING - ROLL CALL REQUIRED

[170066.](#)

VEHICLES FOR HIRE - REPEAL OF REGULATIONS FOR TRANSPORTATION NETWORK COMPANIES (B)

Ordinance No. 170066
An ordinance of the City of Gainesville, Florida, amending the Code of Ordinances relating to vehicles for hire; by amending Sections 28-1, 28-8 and 28-9 to remove provisions regulating transportation network companies; providing directions to the codifier; providing a severability clause; providing

a repealing clause; and providing a retroactive effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

Aye: 5 - Mayor Poe, Commissioner Hayes-Santos, Commissioner Ward, Commissioner Arreola, and Commissioner Warren

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

[170102.](#)

AMENDMENT TO THE RETIREE HEALTH INSURANCE PROGRAM AND TRUST FUND TO RECOGNIZE TRANSITION OF THE DISABILITY BENEFIT FROM THE DISABILITY PLAN TO THE GENERAL PLAN (B)

ORDINANCE NO. 170102

An ordinance of the City of Gainesville, Florida, amending Chapter 2, Article XII of the Code of Ordinances of the City of Gainesville to recognize the transition of the disability benefit from the Disability Plan to the General Plan in the Retiree Health Insurance Program and Trust Fund; 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 Warren, that this Matter be Adopted on First 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

[160676.](#)

TEXT CHANGE - UPDATE AIRPORT HAZARD ZONING REGULATIONS (B)

Ordinance No. 160676; Petition PB-16-186 TCH

An ordinance of the City of Gainesville, Florida, amending the Land Development Code (Chapter 30 of the City of Gainesville Code of Ordinances) to update Airport Hazard Zoning Regulations; by deleting definitions from Section 30-23 Definitions; by amending Appendix F - Airport Hazard Zoning Regulations; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Dean Mimms made a presentation.

RECOMMENDATION

The City Commission: 1) approve Petition PB-16-186 TCH, 2) adopt the proposed ordinance, and 3) approve the Interlocal Agreement for Airport Protection Zoning Regulations.

A motion was made by Commissioner Ward, seconded by Commissioner Goston, that this Matter be Approved (Petition) and Adopted on First 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

ORDINANCES, 2ND READING - ROLL CALL REQUIRED**160988.****ORDINANCE SETTING 2018 ELECTION DATES AND QUALIFYING DATES (B)**

ORDINANCE NO. 160988

AN ORDINANCE OF THE CITY OF GAINESVILLE, FLORIDA, SETTING MARCH 20, 2018 AS THE DATE FOR THE 2018 REGULAR CITY ELECTION AND MAY 1, 2018 AS THE DATE FOR THE 2018 RUN-OFF ELECTION, IF NECESSARY; SETTING THE EARLY VOTING DATES FOR THE 2018 REGULAR CITY ELECTION AND 2018 RUN-OFF ELECTION, IF NECESSARY; SETTING THE DATES FOR QUALIFYING FOR THE 2018 REGULAR ELECTION; 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 Warren, seconded by Commissioner Ward, 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

PLANNING PETITIONS**160885.****ORDER OF THE CITY COMMISSION - DESIGN PLAT FOR BLUES CREEK UNIT 5 - PETITION DB-15-114 SUB (B)****RECOMMENDATION**

The City Commission ratify the written order.

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

Aye: 6 - Commissioner Goston, Mayor Poe, Commissioner Hayes-Santos, Commissioner Ward, Commissioner Arreola and Commissioner Warren.

Nay: 1 - Mayor-Commissioner Pro Tem Budd

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

COMMISSION COMMENT

Motion by Commissioner Hayes-Santos, seconded by Commissioner Arreola to direct staff to engage the County to discuss the transition of the lead responsibilities of Grace Marketplace and Dignity Village. Motion passed 7-0.

Motion by Commissioner Ward, seconded by Commissioner Arreola to get a list of perceived friction points between the City and County Commissions distributed to the entire City Commission by 6/30/17 . Motion passed 7-0.

Commissioner Goston - 1) Email from Evelyn Foxx (NAACP allegations); and 2) Hiring an outside contractor.

Commissioner Ward - 1) NAACP allegations; 2) Trusting the Charter Officers.

Commissioner Budd - 1) Hostile work environment; and 2) East Gainesville

Commissioner Hayes-Santos - Support of all Charter Officers

Motion by Commissioner Warren, seconded by Mayor-Commissioner Pro Tem Budd to authorize the City Attorney to bring back an amicus brief to the City Commission for review (a class action suit dealing with VA hospitals and their treatment with transgender individuals). Motion passed 7-0.

Mayor Poe - John Ward (Climate Change resolution); and 2) Covered bike parking at the airport.

ADJOURNMENT - 7:08 PM

Kurt Lannon, Clerk of the Commission