

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Minutes - Final

Thursday, October 1, 2015

1:00 PM

City Hall Auditorium

City Commission

Mayor Ed Braddy (At Large)
Commissioner Harvey Budd (At Large)
Commissioner Helen Warren (At Large)
Commissioner Charles Goston (District 1)
Commissioner Todd Chase (District 2)
Mayor-Commissioner Pro Tem Craig Carter (District 3)
Commissioner 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 - 1:04 PM

Present 7 - Mayor Braddy, Mayor-Commissioner Pro Tem Carter, Commissioner Warren, Commissioner Wells, Commissioner Chase, Commissioner Goston, and Commissioner Budd

AGENDA STATEMENT

INVOCATION

Prophet George Young

ADOPTION OF THE CONSENT AGENDA (Including both General Government and Gainesville Regional Utilities items)

Jim Konish spoke to the matter.

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

Aye: 5 - Mayor-Commissioner Pro Tem Carter, Commissioner Warren, Commissioner Wells, Commissioner Chase, and Commissioner Budd

Absent: 2 - Mayor Braddy, and Commissioner Goston

CITY MANAGER, CONSENT AGENDA ITEMS

[150288.](#) Local Government Contribution to Gainesville Housing Authority for an Affordable Housing Project (B)

This item is a request to the City Commission to approve the Gainesville Housing Authority’s request for a local government contribution, as required by the Florida Housing Finance Corporation Universal Cycle Tax Credit Program, to develop an affordable housing project.

RECOMMENDATION *The City Commission: 1) approve a local government contribution to the Gainesville Housing Authority for \$37,500 from the City’s Infill Housing Program; and 2) authorize the City Manager or his designee to execute all necessary documents to provide a grant commitment to the Gainesville Housing Authority, including other program documents required by the City and Florida Housing Finance Corporation related to the approval and completion of the housing project, subject to approval by the City Attorney as to form and legality.*

Approved as Recommended

[150314.](#) Budget Calendar (NB)

The City Commission approve dates for discussion of the FY2017/2018 biennial budget.

RECOMMENDATION

The City Commission: 1) Approve the dates requested by staff; 2) Waive the City Commission Rules to hear the Resolutions to approve the Preliminary Fire Assessment Rate before 6:00pm on July 25, 2016; and 3) Waive the City Commission Rules to hear the Resolutions to Set the Proposed Tentative Millage and Adopt the Proposed Tentative Budgets before 6:00pm on July 28, 2016.

Approved as Recommended

[150333.](#)

Depot Avenue Corridor Project - 9th Supplemental Agreement to the Professional Design Services Agreement (B)

This item is a request for the City Commission to approve the supplemental agreement and any related documents, for Comprehensive Engineering Services, Inc., for Professional Design services for the Depot Avenue Roadway Project.

RECOMMENDATION

The City Commission authorize the City Manager or designee to execute the supplemental Agreement for CES for Professional Design services for the Depot Avenue Roadway Project and other necessary documents, subject to approval by the City Attorney as to form and legality.

Approved as Recommended

[150354.](#)

Alcohol Sales and Consumption for Permitted Events at Parking Lot 10 and Parking Lot 13 (B)

This item involves a request for the City Commission to approve Parking Lot 10 and Parking Lot 13 as City-owned properties eligible for special event sales of alcohol.

RECOMMENDATION

The City Commission approve Parking Lot 10 and Parking Lot 13 as City-owned property eligible for special event sales of alcohol.

Approved as Recommended

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

CITY ATTORNEY, CONSENT AGENDA ITEMS

[150351.](#)

SCOTT MEYER V. CITY OF GAINESVILLE, GAINESVILLE POLICE DEPARTMENT, FRANKLIN JAMES, POLICE OFFICER, MICHAEL PRESTON, POLICE OFFICER, ET AL; COURT CASE NO. 1:15-CV-185 (B)

RECOMMENDATION

The City Commission authorize the City Attorney and/or special counsel if insurance coverage is available to represent the City and individual officers in the case styled Scott Meyer v. City of Gainesville, Gainesville Police Department, Franklin James, Police Officer, Michael Preston, Police Officer, et al; Court Case No. 1:15-CV-185.

Approved as Recommended

[150357.](#)

J.B. v. City of Gainesville (NB)

RECOMMENDATION

The City Commission 1) approve the terms of the negotiated settlement; and 2) authorize the City Attorney to settle the claim of J.B.

Approved as Recommended

[150383.](#)

RETENTION OF AKERMAN LLP TO REPRESENT THE CITY d/b/a GRU IN ANY DISPUTE RESOLUTION PROCESS RELATED TO THE CONSTRUCTION COST ADJUSTER UNDER THE POWER PURCHASE AGREEMENT WITH GAINESVILLE RENEWABLE ENERGY CENTER, LLC (NB)

RECOMMENDATION

Authorize the Office of the City Attorney to retain the law firm of Akerman LLP as outside legal counsel for representation of the City in any dispute resolution process related to the Construction Cost Adjuster issue.

Approved as Recommended

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

[150388.](#)

Resignation of Erika Smith from the Bicycle Pedestrian Advisory Board and Johnnie Snow from the Gainesville/Alachua County Cultural Affairs Board (B)

RECOMMENDATION

The City Commission accepts the resignation of Erika Smith and Johnnie Snow, effective immediately.

Approved as Recommended

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE, 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 GENERAL GOVERNMENT REGULAR AGENDA (Read if any, each item added or modified)

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

Aye: 5 - Mayor-Commissioner Pro Tem Carter, Commissioner Warren, Commissioner Wells, Commissioner Chase, and Commissioner Budd

Absent: 2 - Mayor Braddy, and Commissioner Goston

UTILITY-RELATED CITIZEN COMMENT (not to exceed 30 minutes in length)

*Jim Konish
Donald Shepherd
Ethan Huggins*

Mayor Braddy arrived at 1:15 PM.

GENERAL MANAGER FOR UTILITIES

UTILITY COMMITTEE REPORTS (PULLED FROM CONSENT)

UTILITY ADVISORY BOARD/COMMITTEE REPORTS. Reports must be placed on the agenda by Charter Officer, through staff liaison after approval by Board/Committee.

UTILITY-RELATED ITEMS FROM OUTSIDE AGENCIES. Must be submitted by a Charter Officer. Update limited to ten (10) minutes.

UTILITY-RELATED ITEMS FROM MEMBERS OF THE CITY COMMISSION

UTILITY-RELATED COMMISSION COMMENTS (if time permits)

GENERAL GOVERNMENT items of a time-sensitive or important nature or pulled from Consent. Must be submitted or pulled the Mayor, a City Commissioner or a Charter Officer.

150139. **Oversight Advisory Board Recommendations to the Gainesville City Commission and the Alachua County Board of County Commissioners (B)**

The Empowerment Center Oversight Advisory Board seeks direction from the City Commission regarding allocation of the FY 2016 budget for the Alachua County Coalition for the Homeless and Hungry.

****ESTIMATED STAFF ORAL PRESENTATION 10 MINUTES****

Fred Murray made a presentation.

Motion: Approve recommendation and come back with an update on June 30, 2016.

Jim Konish, Jo Beaty, Jon Decarmine and Donald Shepherd spoke to the matter.

RECOMMENDATION

The recommendation from the Oversight Advisory Board to the Gainesville City Commission and the Alachua County Board of County Commissioners that ACCHH be allowed to access the full amount of the budget in the amount of \$780,793.50 or 1/12 per month (\$65,066.12), and reconcile the differences between that and what is raised during the fundraising campaign at the end of the budget year.

Alternate Recommendation

The City Commission take no action and recommend that the Oversight Advisory Board establish fundraising goals, with timelines, for ACCHH. If the goals are not successfully met within the designated timelines, the Oversight Advisory Board would then recommend that the City and County release the contingency funds.

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

Aye: 7 - Mayor Braddy, Mayor-Commissioner Pro Tem Carter, Commissioner Warren, Commissioner Wells, Commissioner Chase, Commissioner Goston, and Commissioner Budd

150399. Presentation by Anthony Lyons - Blue Ribbon Committee

Motion by Commissioner Wells, seconded by Commissioner Chase to waive the rules and hear a presentation from Anthony Lyons before Item No. 140354. Motion passed 7-0.

Anthony Lyons, Kate Lyndon, and Scott Patterson made presentations.

Jim Konish, Donald Shepherd and Jo Beaty spoke to the matter.

RECOMMENDATION

Hear a report

Heard

[140354.](#)

Gainesville Fire Rescue Special Sprinkler Initiative (B)

This item provides an update from Gainesville Fire Rescue on efforts to increase the use of home sprinkler systems. *ESTIMATED STAFF PRESENTATION 15 MINUTES*

Jeff Lane and Joanne Rice made presentations.

Jo Beaty and Donald Shepherd spoke to the matter.

RECOMMENDATION

The City Commission 1) receive the presentation on Residential Automatic Fire Sprinklers from GFR staff; 2) direct staff to create a Public Service Awareness campaign to educate and inform the public on the benefits and myths of home fire sprinklers, to include public service announcements, 3) direct the City Manager to prepare an increment for City Commissioner consideration for FY 17 for an economic impact study to identify additional incentives for homeowners, builders, and developers; 4) direct staff to specify the inclusion of sprinkler systems in City initiated construction projects involving new housing and 5) direct staff to seek grants and other funding sources to retrofit existing residential structures for sprinkler systems.

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

Aye: 7 - Mayor Braddy, Mayor-Commissioner Pro Tem Carter, Commissioner Warren, Commissioner Wells, Commissioner Chase, Commissioner Goston, and Commissioner Budd

[150370.](#)

Mayor Ed Braddy - Agenda Review Changes (NB)

Motion: Move Agenda Review to Wednesdays at 5:00 PM and authorize City Attorney to modify rules,

Donald Shepherd spoke to the matter.

RECOMMENDATION

The City Commission discuss changes to Agenda Review.

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

Aye: 7 - Mayor Braddy, Mayor-Commissioner Pro Tem Carter, Commissioner Warren, Commissioner Wells, Commissioner Chase, Commissioner Goston, and Commissioner Budd

[150376.](#)

Mayor Ed Braddy - Receive an update from Supervisor of Elections Pam Carpenter (NB)

Pam Carpenter and Will Boyette made presentations.

Donald Shepherd spoke to the matter.

RECOMMENDATION

Hear an update and take appropriate action.

Heard

RECESS - 4:53 PM

RECONVENE - 5:48 PM

PLEDGE OF ALLEGIANCE

**PROCLAMATIONS/SPECIAL RECOGNITIONS Placed on Agenda by
Commissioner or Charter Officer**

[150377.](#) **Certificate of Merit Recipients (B)**

RECOMMENDATION

*The City Commission hear the Special Recognition of:
Shirley McNish, Carla Lewis, Vivian Filer, Officer Patrick
Hopkins, Officer Brett Kikendall and Dr. Runa Peng.*

Heard

[150358.](#) **White Cane Safety Awareness Month - October 2015 (B)**

RECOMMENDATION

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

Heard

[150359.](#) **Entrepreneurship Month - October 2015 (B)**

RECOMMENDATION

Dug Jones to accept the proclamation.

Heard

[150360.](#) **Fire Prevention Week - October 4-10, 2015 (B)**

RECOMMENDATION

*Gainesville Fire Rescue Risk Reduction Specialist Krista Ott,
Fire Chief Jeff Lane and Interim Deputy Chief JoAnne Rice
to accept the proclamation.*

Heard

[150361.](#) **Florida Native Plant Month - October 2015 (B)**

RECOMMENDATION

*Paynes Prairie Chapter of FNPS Representative Sandi
Sauers to accept the proclamation.*

Heard

[150363.](#) **Ron G. Herget Day - October 8, 2015 (B)**

RECOMMENDATION*Ron G. Herget to accept the proclamation.*

Placed on File

[150369.](#)**Delta Sigma Theta Sorority, Inc. Month (B)**RECOMMENDATION*Tannia Weaver, Chapter President to accept the proclamation.*

Heard

CITIZEN COMMENT (to end at a time certain of 6:30pm or at such later time as allows for 30 minutes of citizen comment)

*Jim Konish
Barry Murphy
John Davies
Donald Shepherd
Maria Parsons
Zac Hatfield*

[150406.](#)

Smoking at Bo Diddley Plaza

RECOMMENDATION*Refer to Committee*

A motion was made by Commissioner Wells, seconded by Commissioner Warren, that this Matter be Referred to the Recreation, Cultural Affairs and Public Works Committee, due back on 4/1/2016. The motion carried by the following vote:

Aye: 6 - Mayor-Commissioner Pro Tem Carter, Commissioner Warren, Commissioner Wells, Commissioner Chase, Commissioner Goston, and Commissioner Budd

Absent: 1 - Mayor Braddy

PUBLIC HEARINGS**RESOLUTIONS- ROLL CALL REQUIRED**[150393.](#)**Utility System Revenue Bond Resolution - Authorized Officer (B)**

A resolution of the Gainesville City Commission withdrawing the appointment of David Richardson as an “authorized officer” as that term is defined by the Utilities System Revenue Bond Resolution, dated June 6, 1983, as supplemented and amended; appointing Justin Locke as Chief Financial Officer and Authorized Officer; and providing an immediate effective date.

RECOMMENDATION*The City Commission adopt the proposed resolution.*

A motion was made by Commissioner Wells, seconded by Commissioner Warren, that this Matter be Adopted (Resolution). The motion carried by the

following vote:

Aye: 6 - Mayor-Commissioner Pro Tem Carter, Commissioner Warren, Commissioner Wells, Commissioner Chase, Commissioner Goston, and Commissioner Budd

Absent: 1 - Mayor Braddy

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

[150352.](#)

SETTING 2016 ELECTION DATES AND QUALIFYING DATES (B)

ORDINANCE NO. 150352

AN ORDINANCE OF THE CITY OF GAINESVILLE, FLORIDA, SETTING MARCH 15, 2016 AS THE DATE FOR THE 2016 REGULAR CITY ELECTION AND APRIL 12, 2016 AS THE DATE FOR THE 2016 RUN-OFF ELECTION, IF NECESSARY; SETTING THE DATES FOR QUALIFYING FOR THE 2016 REGULAR ELECTION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; REPLACING AND SUPERSEDING ORDINANCE NO. 140911; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

Aye: 6 - Mayor-Commissioner Pro Tem Carter, Commissioner Warren, Commissioner Wells, Commissioner Chase, Commissioner Goston, and Commissioner Budd

Absent: 1 - Mayor Braddy

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

PLAN BOARD PETITIONS

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

UNFINISHED BUSINESS

COMMISSION COMMENT

Commissioner Budd - 1) Retention Pond Issue; 2) Stormwater Fees; 3) Compare Commercial Rates around the State of Florida; 4) Elections in the Fall; 5) Stephen

Foster Neighborhood Plan; 6) CRA Office; and 7) LED Lights.

Commissioner Wells: Soundproofing Plaza.

Commissioner Chase: 1) Stormwater; 2) Procedural Guidance on Planning Petition; and 3) Koppers Contamination going Deeper into aquifer.

City Manager - 1) Horizon Contract; and 2) City Hall Open on Friday

[150400.](#)

Reporters and Staff Parking

RECOMMENDATION *Refer to Committee*

A motion was made by Commissioner Chase, seconded by Commissioner Wells, that this Matter be Referred to the City Manager, due back on 4/1/2016. The motion carried by the following vote:

Aye: 6 - Mayor-Commissioner Pro Tem Carter, Commissioner Warren, Commissioner Wells, Commissioner Chase, Commissioner Goston, and Commissioner Budd

Absent: 1 - Mayor Braddy

CITIZEN COMMENT (If time permits)

*Robert Pearce
Jo Beaty*

ADJOURNMENT - 7:38

Kurt Lannon, Clerk of the Commission