

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Minutes - Final

Thursday, December 5, 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-1:07PM

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

A motion was made by Commissioner Poe, seconded by Commissioner Hawkins, that this Matter be Adopted on the Consent Agenda. 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

CONSENT AGENDA

CITY MANAGER, CONSENT AGENDA ITEMS

[130439.](#) **State Homeland Security Grant Program Subrecipient Agreement 2013 (NB)**

This item requests that the City Commission authorize the City Manager to enter into a contract with the State of Florida Division of Emergency Management to support equipment maintenance for Gainesville Fire Rescue's Hazardous Materials Team.

RECOMMENDATION *The City Commission authorize the City Manager or designee to enter into a contract with the State of Florida Division of Emergency Management, subject to approval of the City Attorney as to form and legality.*

Approved as Recommended

[130513.](#) **Approval and Authorization to Purchase Real Property on Southeast 4th Street (B)**

This item is a request to approve and authorize the purchase of real property, located at 1125 Southeast 4th Street, known as Alachua County Tax Parcel 16026-000-000.

RECOMMENDATION

The City Commission: 1) approve and authorize the City Manager to execute the Contract for Purchase with the Joseph N. Holton QTIP Trust for the purchase of Tax Parcel 16026-000-000, subject to approval by the City Attorney as to form and legality; 2) authorize the City Manager to pursue all necessary approvals to subdivide the property prior to closing; and 3) if the subdivision is approved, authorize the City Manager to negotiate and execute Assignments of Contract to other buyers, subject to approval by the City Attorney as to form and legality.

Approved as Recommended

[130516.](#)

Ratification of Agreement between the International Association of Firefighters (IAFF), Local 2157, Professional Firefighters Bargaining Unit and the City of Gainesville for October 1, 2012 through September 30, 2015 (B)

RECOMMENDATION

The City Commission ratify the Agreement between the IAFF, Local 2157, Professional Firefighters Bargaining Unit and the City of Gainesville, extending the Agreement through September 30, 2015.

Approved as Recommended

[130517.](#)

Ratification of Agreement between the International Association of Firefighters (IAFF), Local 2157, District Chiefs Bargaining Unit and the City of Gainesville for October 1, 2011 through September 30, 2014 (B)

RECOMMENDATION

The City Commission ratify the Agreement between the IAFF, Local 2157, District Chiefs Bargaining Unit and the City of Gainesville, extending the Agreement through September 30, 2014.

Approved as Recommended

[130518.](#)

Ratification of amendments to the Agreement between the International Association of Firefighters (IAFF), Local 2157, Professional Firefighters Bargaining Unit and the City of Gainesville for October 1, 2011 through September 30, 2012 (B)

RECOMMENDATION

The City Commission ratify amendments to the Agreement between the City of Gainesville and the IAFF, Local 2157, Professional Firefighters Bargaining Unit, amending the Agreement through September 30, 2012.

Approved as Recommended

[130522.](#)

Roof Replacement on the Westside Pool Pump Room (B)

This item involves a request for the City Commission to approve the appropriation of \$54,720 from the General Fund fund Balance for the expenses to replace the roof on the pump house at the H. Spurgeon Cherry (Westside) Pool.

RECOMMENDATION

The City Commission to approve the appropriation of \$54,720 from the General Fund fund balance for the expenses to replace the roof on the pump house at the H. Spurgeon Cherry (Westside) Pool.

Alternative Recommendation:

The City Commission not approve the appropriation of \$54,720 from the General Fund fund balance for the expenses to replace the roof on the pump house at the H. Spurgeon Cherry (Westside) Pool, and provide staff with further direction.

Approved as Recommended

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

CITY ATTORNEY, CONSENT AGENDA ITEMS

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

[130543.](#) City Commission Minutes (B)

RECOMMENDATION

The City Commission approve the minutes of October 3, October 17, November 7 and November 12, 2013.

Approved as Recommended

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

COMMUNITY DEVELOPMENT COMMITTEE, CONSENT

[130261.](#) Sidewalk Cafés (B)

This item involves a recommendation from the Community Development Committee to the City Commission to hear a staff presentation, authorize staff to enter into an agreement with Florida

Department of Transportation (FDOT), and amend the Land Development Code to include FDOT requirements.

RECOMMENDATION

The Community Development Committee to the City Commission - 1) authorize the City Manager to execute Sidewalk Café Lease Agreements with the FDOT, subject to approval by the City Attorney as to form and legality; and 2) direct staff to initiate a petition to the City Plan Board to amend the Land Development Code to provide for sidewalk cafes on FDOT right-of-way.

Approved as Recommended

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE, CONSENT

[120044.](#)

Early Voting Site on the University of Florida (UF) Campus (B)

RECOMMENDATION

The City Commission authorize the Mayor to draft a letter to the Alachua County Library District and the University of Florida requesting access to the Millhopper Branch Library and the Reitz Union or an allowable alternative for early voting sites for municipal elections beginning in spring 2014.

Approved as Recommended

[120587.](#)

City Commission Emails on the Internet Referral (B)

This item presents options for making Commissioner emails available on the internet

RECOMMENDATION

The Audit, Finance and Legislative Committee recommends the City Commission: 1) approve moving forward with Option #2 to provide public access to City Commissioner emails and 2) direct staff to conduct a test phase of the process to ensure that proper steps are taken to remove any confidential information from emails before they are made accessible.

Approved as Recommended

[130467.](#)

Review of General Fund Forecasted Revenues and Other Sources of Funds for the Fiscal Year Ending September 30, 2014 (B)

RECOMMENDATION

The Audit, Finance and Legislative Committee recommends that the City Commission accept the City Auditor's report.

Approved as Recommended

[130466.](#)

Report on the Status of Outstanding Audit Recommendations for November 2013 (B)

RECOMMENDATION

The Audit, Finance and Legislative Committee recommends that the City Commission accept the City Auditor's report.

Approved as Recommended

EQUAL OPPORTUNITY COMMITTEE, CONSENT

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

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

CITY MANAGER

[130546.](#) Alachua County Boundary Adjustment Act (B)

This item provides an update on the status of the Alachua County Boundary Adjustment Act. *estimated staff presentation 10 minutes*

Motion: Negotiate with 8 municipalities and determine language supporting an amendment that addresses the administrative hardships associated with the Boundary Adjustment Act.

Lila Stewart and Becky Rountree made presentations.

Jim Konish and Bob Lynn spoke the matter.

RECOMMENDATION *The City Commission receive a presentation from staff and take appropriate action.*

*Alternative Recommendation
The City Commission: 1) receive a presentation from staff; 2) discuss the City's position on the local bill to repeal the Alachua County Boundary Adjustment Act; and 3) direct the City Manager to include support or opposition of the local effort to repeal the Alachua County Boundary Adjustment Act in the Legislative Agenda.*

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

[120521.](#)

NW 8th Avenue Project (B)

This item is presentation regarding the data collected during the trial testing of NW 8th Avenue between NW 31st Drive and NW 23rd Street as a two lane facility with on-street bikelanes.

Motion: Two Lane Configuration (with current configuration to stay until construction), include raised median and plan for bike lanes.

Phil Mann, John Veilleux and, Joe Raulerson and Teresa Scott made presentations.

Jeff McAdams, Joseph Genero, Julie Reiskind, Ethan Philman, Nathan Skop, Jim Konish, Jo Beaty, Arnall Downs, James Thompson, Debbie Martinez, Tanya Silva, Dave Killen, James Lesley, Kamal Latham, Shaun Webber, Bob Karp, Ernesto Martinez, George Elmore, Nick Aconta, Sam Harris, Kathleen Pegan, Donald Shepherd and Susan Sidosky spoke the matter.

RECOMMENDATION *The City Commission hear a presentation regarding the data collected during the NW 8th Avenue lane reduction trial.*

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

Aye: 4 - Commissioner Bottcher, Commissioner Poe, Commissioner Hawkins, and Mayor-Commissioner Pro Tem Wells

Nay: 3 - Mayor Braddy, Commissioner Chase, and Commissioner Hinson-Rawls

GENERAL MANAGER FOR UTILITIES

[130540.](#)

Innovation District Water, WasteWater and Reclaimed Water Infrastructure Funding (B)

In December 2011, the City Commission authorized staff to prepare an ordinance to establish a funding mechanism for water, wastewater, and reclaimed water improvements needed to support redevelopment in the Innovation District (iDistrict). Several alternatives were evaluated by staff and the Economic Development/University Community Committee (EDUCC). The proposed approach includes the designation of water, wastewater, and reclaimed water “iDistrict Infrastructure Improvement Areas.” Within these areas GRU will construct necessary capacity improvements. The cost for these improvements will be recovered via infrastructure improvement area charges applied to the building square footage of new development within the designated areas. Staff will present the proposed approach. An ordinance implementing the charges is being prepared and will be presented to the City Commission for first reading on December 19, 2013.

David Richardson and Rick Hutton made presentations.

Motion: GRU staff develop an integrated and strategic response similar to iDistrict which addresses infrastructure and capacity for SEGRI and return the City Commission in 6 months.

Nathan Skop, Jim Konish, Mark Venske, Donald Shepherd, Stuart Cullen and Debbie Martinez spoke to the matter.

RECOMMENDATION *The City Commission hear a presentation from staff on the proposed iDistrict Infrastructure Improvement Area ordinance for constructing and funding potable water, reclaimed water, and wastewater system capacity improvements in the iDistrict area.*

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

Absent: 1 - Mayor-Commissioner Pro Tem Wells

[130541.](#)

Update on Development of Minimum Flows and Levels Rules and Request for Authorization to Participate in Administrative Challenge if Necessary to Resolve Issues with Proposed Rules (B)

Staff will provide an update to the City Commission on the development of Minimum Flows and Levels (MFLs) for the Lower Santa Fe River and Ichetucknee River and Priority Springs by the Suwannee River Water Management District (SRWMD) and Florida Department of Environmental Protection (FDEP). These MFLs and accompanying prevention/recovery plans are to be adopted as rules by the FDEP. There are significant concerns about the technical validity of the proposed rules, and there are significant potential impacts to GRU and the community. Staff is continuing to work with the regulatory agencies and stakeholders to resolve issues with the proposed rules. However, if these issues cannot be resolved it may be necessary to participate with other utilities in an administrative challenge to the rules.

RECOMMENDATION

- 1. The City Commission hear a presentation from staff on the development of Minimum Flows and Levels (MFLs) for the Lower Santa Fe River and Ichetucknee River and Priority Springs; and*
- 2. Authorize the Interim General Manager of Utilities or her designee to:*
 - a. Continue working with regulatory agencies and other stakeholders to resolve issues with the proposed Lower Santa Fe River and Ichetucknee River MFLs and prevention/recovery plans; and*
 - b. Participate in administrative challenge to the rule if issues cannot be resolved.*

Withdrawn

[130173.](#)

Proposed Consent Order Regarding Wastewater Overflows (NB)

Staff will present the proposed Consent Order to the City Commission developed by the Florida Department of Environmental Protection (FDEP). The Consent Order is for violations regarding broken force mains and subsequent discharge of wastewater to the environment that occurred in July and August of 2013. The Consent Order requires GRU to pay administrative costs (\$250), civil penalties (\$7,500), conduct an engineering analysis of the existing force main, and develop and implement a valve exercising program for the force main system. The valve exercising program could result in significant long-term fiscal impacts including additional staff, vehicles, and equipment.

Tony Cunningham made a presentation.

Amendment: utilize an in-kind contribution rather than fine

Nathan Skop, Debbie Martinez, Mark Venske, Jim Konish and Donald Shepherd spoke the matter.

RECOMMENDATION

1. *The City Commission hear a brief presentation from staff on the elements of the proposed Consent Order; and*
2. *Authorize the Interim General Manager of Utilities or her designee to finalize the negotiation of the Consent Order and execute the Order on behalf of the City.*

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

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE

PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE

PUBLIC SAFETY COMMITTEE

[110683.](#)**Alcohol Sales and Consumption Outdoors Downtown and Special Event Permits for Bars (B)**

The basis of these referrals is an interest in addressing increasing demand for outdoor events in the downtown area that allow the sale and consumption of alcohol on City property and also the interest of private alcohol serving establishments to allow for the temporary outdoor sales and consumption of alcoholic beverages beyond University of Florida football home games. A draft re-write of the City's alcohol ordinance will be presented for City Commission consideration and direction. *Estimated staff presentation time 20 minutes*

*Paul Folkers and Lawrence Calderon made presentations.
Mark Venske and Debbie Martinez spoke the matter.*

RECOMMENDATION

The City Commission: 1) hear a presentation from City staff; 2) provide City staff with direction on any concerns or proposed changes to the draft ordinance; and 3) direct the City Attorney to prepare and the Clerk of the Commission to advertise revisions to the City's alcohol ordinance.

A motion was made by Commissioner Hinson-Rawls, 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

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE**ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)****OUTSIDE AGENCIES****MEMBERS OF THE CITY COMMISSION**[130547.](#)

Audit of GRU (NB)

*This item was heard in the evening session.
Commissioner Poe left the meeting at 10:56PM.*

RECOMMENDATION

The Audit, Finance and Legislative Committee discuss the item and take appropriate action.

A motion was made by Commissioner Chase, seconded by Commissioner Bottcher, that this Matter be Referred to the Audit, Finance and Legislative Committee, due back on 6/5/2014. The motion carried by the following vote:

Aye: 5 - Mayor Braddy, Commissioner Bottcher, Commissioner Chase, Mayor-Commissioner Pro Tem Wells, and Commissioner Hinson-Rawls

Nay: 1 - Commissioner Hawkins

Absent: 1 - Commissioner Poe

[130555.](#)

Commissioner Yvonne Hinson-Rawls - Digital Divide (B)

RECOMMENDATION *The City Commission receive a presentation on "Bridging the Digital Divide".*

Continued

COMMISSION COMMENTS (if time available)

RECESS-5:33PM

RECONVENE-6:21PM

PLEDGE OF ALLEGIANCE (5:30pm)

PROCLAMATIONS/SPECIAL RECOGNITIONS

[130544.](#)

King Celebration 2014 - January 12-21, 2014 (B)

RECOMMENDATION *President Martin Luther King, Jr. Commission of Florida, Inc. Honorable Rodney Long to accept the proclamation.*

Heard

[130545.](#)

Martin Luther King, Jr. Hall of Fame Day - January 12, 2014 (B)

RECOMMENDATION *President Martin Luther King, Jr. Commission of Florida, Inc. Honorable Rodney Long to accept the proclamation.*

Heard

[130592.](#)

Validated Parking

RECOMMENDATION *Refer to Committee*

A motion was made by Mayor-Commissioner Pro Tem Wells, seconded by Commissioner Chase, that this Matter be Referred to the Audit, Finance and Legislative Committee, due back on 6/5/2014. The motion carried by the following vote:

Aye: 4 - Mayor Braddy, Commissioner Poe, Commissioner Chase, and Mayor-Commissioner Pro Tem Wells

Nay: 2 - Commissioner Hawkins, and Commissioner Hinson-Rawls

Absent: 1 - Commissioner Bottcher

[130596.](#)

Affordable Housing Issues

RECOMMENDATION *Refer to Committee*

A motion was made by Mayor-Commissioner Pro Tem Wells, seconded by Commissioner Hinson-Rawls, that this Matter be Referred to the Community Development Committee, due back on 6/5/2014. The motion carried by the following vote:

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

Absent: 1 - Commissioner Bottcher

CITIZEN COMMENT (6:00pm)

- Jim Konish-Biomass*
- Debbie Martinez-Parking/GRU Kali Blount-Housing Issues*
- Donald Shepherd-GRU*
- John Davies-City Issues*
- Mark Venske-City Issues*
- Pat Fitzpatrick-City Issues- File # 130590*
- Ernesto Martinez-City Issues*
- Nathan Skop-GRU issues*

PUBLIC HEARINGS

RESOLUTIONS- ROLL CALL REQUIRED

[130422.](#)

Resolution for a Joint Participation Agreement (JPA) - Service Development Funds for Regional Transit System (RTS) Routes 2 and 24 (B)

This item is a request for a Resolution authorizing the City Manager to execute a Joint Participation Agreement (JPA) between the City of Gainesville and the Florida Department of Transportation (FDOT) to receive Service Development Funds for the operation of Routes 2 and 24.

Jesus Gomez made a presentation.

Mark Venske spoke the matter.

RECOMMENDATION *The City Commission adopt the Resolution.*

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

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

Absent: 1 - Commissioner Bottcher

[130423.](#)

Resolution for a Joint Participation Agreement (JPA) - Service Development Funds for Regional Transit System (RTS) Route 41 (B)

This item is a request for a Resolution authorizing the City Manager to execute a Joint Participation Agreement (JPA) between the City of Gainesville and the Florida Department of Transportation (FDOT) to receive Service Development Funds for the operation of Route 41.

RECOMMENDATION *The City Commission adopt the Resolution.*

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

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

Absent: 1 - Commissioner Bottcher

[130427.](#)

Resolution for a Joint Participation Agreement (JPA) - Service Development Funds for Regional Transit System (RTS) Route 77 (B)

This item is a request for a Resolution authorizing the City Manager to execute a Joint Participation Agreement (JPA) between the City of Gainesville and the Florida Department of Transportation (FDOT) to receive Service Development Funds for the operation of new Route 77.

RECOMMENDATION *The City Commission adopt the Resolution.*

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

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

Absent: 1 - Commissioner Bottcher

[130428.](#)

Resolution for a Joint Participation Agreement (JPA) - Service Development Funds for Regional Transit System (RTS) Route 39 (B)

This item is a request to adopt a Resolution authorizing the City Manager to execute a Joint Participation Agreement (JPA) between the City of Gainesville and the Florida Department of Transportation (FDOT) to receive Service Development Funds for the continued operation of Route

39.

RECOMMENDATION *The City Commission adopt the Resolution.*

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

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

Absent: 1 - Commissioner Bottcher

[130465.](#)

Proposed Fiscal Year 2014 Annual Audit Plan (B)

RECOMMENDATION *The City Commission adopt the proposed resolution.*

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

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

Absent: 1 - Commissioner Bottcher

[130468.](#)

FINAL AMENDMENT TO THE FY 2012-2013 GENERAL GOVERNMENT FINANCIAL AND OPERATING PLAN (B)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA; RELATING TO ITS GENERAL GOVERNMENT BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2012 AND ENDING SEPTEMBER 30, 2013; AMENDING RESOLUTION NO. 120271 AS AMENDED BY RESOLUTION NO. 120758, 130100 AND 130254, BY MAKING CERTAIN ADJUSTMENTS TO THE GENERAL OPERATING AND FINANCIAL PLAN BUDGET; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Comm Bottcher returned at 7:27PM.

RECOMMENDATION *The City Commission adopt the proposed resolution.*

A motion was made by Mayor-Commissioner Pro Tem Wells, seconded by Commissioner Hinson-Rawls, 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

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

[130106.](#)**TEXT CHANGE - TERM LIMIT ELIMINATION FOR DEVELOPMENT REVIEW BOARD, CITY PLAN BOARD, BOARD OF ADJUSTMENT AND HISTORIC PRESERVATION BOARD. (B)**

Ordinance No. 130106; Petition No. PB-13-52 TCH

An ordinance of the City of Gainesville, Florida, amending the Land Development Code by eliminating term limits for board members serving on the Development Review Board, City Plan Board, Board of Adjustment, and Historic Preservation Board; by amending Section 30-353. - City plan board; by amending Section 30-354. - Board of adjustment; by amending Section 30-355. - Historic preservation board; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Andrew Persons made a presentation.

Mark Venske and Donald Shepherd spoke the matter.

RECOMMENDATION

The City Commission (1) approve Petition No. PB-13-52 TCH, (2) adopt the proposed ordinance, and (3) direct staff to prepare revisions to the rules of procedure for the subject quasi-judicial boards.

A motion was made by Mayor-Commissioner Pro Tem Wells, seconded by Commissioner Poe, that this Matter be Adopted on First Reading and Approved the Recommendations. 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

[130440](#)**HISTORIC PROPERTY TAX EXEMPTION - 418 NW 4TH AVENUE (B)**

Ordinance No. 130440

An ordinance of the City of Gainesville, Florida, finding that property located at 418 NW 4th Avenue, Gainesville, Florida, as more specifically described in this ordinance, qualifies for an ad valorem tax exemption for historic properties; granting an exemption from ad valorem tax for certain improvements beginning January 1, 2014, and continuing for 10 years under certain conditions; authorizing the Mayor and the Clerk of the Commission to sign the Historic Preservation Property Tax Exemption Covenant between the property owner and the City; providing a severability clause; providing a repealing clause; and providing an effective date.

Dee Hendrix made a presentation.

Donald Shepherd and Mark Venske spoke the matter.

RECOMMENDATION

The City Commission: 1) approve Part 2 of the Historic Preservation Property Tax Exemption Application; 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: 6 - Commissioner Bottcher, Commissioner Poe, Commissioner Chase, Commissioner Hawkins, Mayor-Commissioner Pro Tem Wells, and Commissioner Hinson-Rawls

Nay: 1 - Mayor Braddy

[130599.](#)

Historic Tax Exemption Criteria

RECOMMENDATION *Refer to Committee*

A motion was made that this Matter be Referred to the Community Development Committee, due back on 6/5/2014. 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

[130339.](#)

VOLUNTARY ANNEXATION - CITY-OWNED PARCEL LOCATED NORTH OF MORNINGSIDE NATURE CENTER AND EAST OF NORTHEAST WALDO ROAD (B)

Ordinance No. 130339

An ordinance of the City of Gainesville, Florida, annexing a certain portion of the City of Gainesville reserve area, as petitioned for by the City as the property owner pursuant to Chapter 90-496, as amended, Special Act, Laws of Florida, known as the Alachua County Boundary Adjustment Act, that includes Tax Parcel No. 10860-000-000, which is generally located south of NE 39th Avenue, west of Morningside Nature Center, north of E University Avenue, and east of NE Waldo Road; making certain findings; providing for inclusion of the area 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.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

A motion was made by Commissioner Hinson-Rawls, seconded by Commissioner Hawkins, that this Matter be Adopted on First Reading (Ordinance). 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

Absent: 1 - Mayor Braddy

130340.

VOLUNTARY ANNEXATION - CITY-OWNED PARCEL LOCATED SOUTH OF FRED CONE PARK (B)

Ordinance No. 130340

An ordinance of the City of Gainesville, Florida, annexing a certain portion of the City of Gainesville reserve area, as petitioned for by the City as the property owner pursuant to Chapter 90-496, as amended, Special Act, Laws of Florida, known as the Alachua County Boundary Adjustment Act, that includes Tax Parcel No. 16146-000-000 and a portion of the right-of-way of SE Hawthorne Road, and which is generally located south of E University Avenue and Fred Cone Park, west of Tax Parcel No. 16143-000-000, north of SE Hawthorne Road, and east of SE 24th Street and the Alachua County Sheriff's office; making certain findings; providing for inclusion of the area 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.

RECOMMENDATION*The City Commission adopt the proposed ordinance.*

A motion was made by Commissioner Hinson-Rawls, seconded by Commissioner Bottcher, that this Matter be Adopted on First Reading (Ordinance). 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

Absent: 1 - Mayor Braddy

130341.

VOLUNTARY ANNEXATION - TAX PARCEL NO. 05871-002-000 - CITY-OWNED PARCEL LOCATED NORTHEAST OF GRU DEERHAVEN GENERATING STATION (B)

Ordinance No. 130341

An ordinance of the City of Gainesville, Florida, annexing a certain portion of the City of Gainesville reserve area, as petitioned for by the City as the property owner pursuant to Chapter 90-496, as amended, Special Act, Laws of Florida, known as the Alachua County Boundary Adjustment Act, that includes Tax Parcel No. 05871-002-000 and a portion of the right-of-way of State Road 121, and which is generally located south of NW 128th Lane, west of State Road 121 and Seminole Woods Subdivision, north of Tax Parcel No. 05882-004-000, and east of Tax Parcel No. 05878-004-001; making certain findings; providing for inclusion of the area 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.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

A motion was made by Commissioner Hinson-Rawls, seconded by Commissioner Bottcher, that this Matter be Adopted on First Reading (Ordinance). 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

Absent: 1 - Mayor Braddy

[130342.](#)

VOLUNTARY ANNEXATION - TAX PARCEL NO. 05871-003-000 - CITY-OWNED PARCEL LOCATED NORTHEAST OF GRU DEERHAVEN GENERATING STATION (B)

Ordinance No. 130342

An ordinance of the City of Gainesville, Florida, annexing a certain portion of the City of Gainesville reserve area, as petitioned for by the City as the property owner pursuant to Chapter 90-496, as amended, Special Act, Laws of Florida, known as the Alachua County Boundary Adjustment Act, that includes Tax Parcel No. 05871-003-000 and a portion of the right-of-way of NW 128th Lane, and which is generally located south of NW 142nd Avenue and Tax Parcel No.

05871-000-000, west of State Road 121, north of NW 128th Lane, and east of Tax Parcel No. 05869-002-000; making certain findings; providing for inclusion of the area 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.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

A motion was made by Commissioner Hinson-Rawls, seconded by Commissioner Bottcher, that this Matter be Adopted on First Reading (Ordinance). 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

Absent: 1 - Mayor Braddy

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

[130411.](#)**CONSOLIDATED POLICE OFFICERS AND FIREFIGHTERS
RETIREMENT PLAN AMENDMENTS FOR FIREFIGHTERS (B)****Ordinance No. 130411**

An ordinance of the City of Gainesville, Florida, amending Chapter 2, Article VII, Division 8 (Consolidated Police Officers and Firefighters Retirement Plan) of the Code of Ordinances of the City of Gainesville; amending Section 2-596, Definitions; amending the definition of accrued benefit relating to the multiplier for firefighters; amending the definition of earnings related to overtime pay and termination vacation pay for firefighters; adding a definition of firefighter; amending the definition of service credit rules related to service credit for sick leave earned by firefighters; amending Section 2-599 related to contributions of firefighters; amending Section 2-600, Retirement dates and benefits, related to years of service and age required for normal retirement of firefighters and sick leave credit for firefighters entering DROP; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Donald Shepherd spoke the matter.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

[130278.](#)**TEXT CHANGE - AMEND LIST OF PERMITTED USES BY RIGHT
FOR THE BA ZONING DISTRICT (B)****Ordinance No. 130278; Petition PB-13-72 TCH**

An ordinance of the City of Gainesville, Florida, amending the Land Development Code by adding public administration uses to the list of permitted uses by right in Section 30-62 - Automotive-oriented business district (BA); 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 Mayor-Commissioner Pro Tem Wells, 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

Commissioner Poe-Compressed Natural Gas

Comm YHR moved and Comm TC seconded to continue meeting to 11:15PM. Motion carries 6-0 with Comm LP absent.

Comm TC moved and Comm SB seconded to continue meeting to 11:30PM. Motion carried 5-1 with Comm TH voting no and Comm LP absent.

Comm SB moved and Comm SB seconded to continue meeting to 11:35PM. Motion carried 5-1 with Comm TH voting no and Comm LP absent.

[130598.](#)

Compressed Natural Gas

RECOMMENDATION *Refer to Committee*

A motion was made by Commissioner Poe, seconded by Commissioner Hawkins, that this Matter be Referred to the Public Works Committee, due back on 6/5/2014. 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

CITIZEN COMMENT (If time available)

ADJOURNMENT-11:34PM.

Kurt Lannon, Clerk of the Commission