

#160782

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Minutes

February 16, 2017

1:00 PM

MODIFIED AGENDA

City Hall Auditorium

City Commission

Mayor Lauren Poe (At Large)

Commissioner Harvey Budd (At Large)

Mayor-Commissioner Pro Tem Helen Warren (At Large)

Commissioner Charles Goston (District 1)

Commissioner Todd Chase (District 2)

Commissioner Craig Carter (District 3)

Commissioner Adrian Hayes-Santos (District 4)

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CALL TO ORDER - 1:01 PM

Present 6 - Commissioner Goston, Commissioner Budd, Commissioner Chase, Commissioner Hayes-Santos, Commissioner Carter, and Mayor-Commissioner Pro Tem Warren

Absent 1 - Mayor Poe

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

Motion by Commissioner Carter, seconded by Commissioner Chase to appoint Commissioner Hayes-Santos as Mayor-Commissioner-Pro Tem for this meeting. Motion passed 6-0. Mayor Poe absent.

Erik Bredfeldt made a presentation regarding Lot #10.

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

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

Absent: 1 - Mayor Poe

160295. **Wild Spaces Public Places Proposed Project and Implementation referral to the General Policy Committee (NB)**

This is a request for the City Commission to refer a discussion of the Wild Spaces Public Places Proposed Projects and Implementation to the General Policy Committee.

RECOMMENDATION *The City Commission refer Wild Spaces Public Places Proposed Projects and Implementation to the General Policy Committee.*

Approved as Recommended

160772. **Wild Spaces Public Places Proposed Projects**

RECOMMENDATION *Refer to Committee*

A motion was made by Commissioner Carter, seconded by Commissioner Goston, that this Matter be Referred to the General Policy Committee, due back on 4/30/2017. The motion carried by the following vote:

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

Absent: 1 - Mayor Poe

160694.

Bid Award - Suburban Heights: Beville Creek Restoration Project (B)

This item is a request for the City Commission to authorize the bid award to Landshore Enterprises LLC dba Erosion Restoration LLC for the construction of the Suburban Heights: Beville Creek Restoration Project.

RECOMMENDATION

The City Commission: 1) award the bid to Landshore Enterprises LLC dba Erosion Restoration LLC for the construction of the Suburban Heights: Beville Creek Restoration Project; and 2) authorize the City Manager or designee to execute all contract documents and other necessary documents, subject to approval by the City Attorney as to form and legality.

Approved as Recommended

160706.

Refer the Discussion on the Draft Land Development Code (LDC) to the General Policy Committee (NB)

This is a request for the City Commission to refer a discussion on the Draft Land Development Code (LDC) to the General Policy Committee. Discussion topics will include the upcoming public hearing timing, an update on proposed improvements to the document as a result of review by the Office of the City Attorney and the Department of Doing, and soliciting feedback from the City Commission.

RECOMMENDATION

The City Commission refer the discussion on the draft Land Development Code (LDC) to the General Policy Committee.

Approved as Recommended

160773.

Discussion on the Draft Land Development Code (B)

Discussion topics will include the upcoming public hearing timing, an update on proposed improvements to the document as a result of review by the Office of the City Attorney and the Department of Doing, and soliciting feedback from the City Commission. ** ESTIMATED STAFF PRESENTATION 20 MINS **

RECOMMENDATION

The General Policy Committee discuss the draft Land Development Code.

A motion was made by Commissioner Carter, seconded by Commissioner Goston, that this Matter be Referred to the General Policy Committee, due back on 4/30/2017. The motion carried by the following vote:

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

Absent: 1 - Mayor Poe

160731.

Human Resources Discipline Policies (NB)

This is a request for the City Commission to refer the Human Resources Discipline Policies item to the General Policy Committee for discussion.

RECOMMENDATION *The City Commission refer the Human Resources Discipline Policies item to the General Policy Committee for discussion.*

Approved as Recommended

160774.

Human Resources Discipline Policies (B)

This item is a request for the General Policy Committee members to discuss Human Resources discipline policies.

RECOMMENDATION *The General Policy Committee hear a presentation from staff on Human Resources discipline policies.*

A motion was made by Commissioner Carter, seconded by Commissioner Goston, that this Matter be Referred to the General Policy Committee, due back on 4/30/2017. The motion carried by the following vote:

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

Absent: 1 - Mayor Poe

160720.

Body-Worn Camera Policy and Implementation Program (B)

This is a request for City Commission approval for the Gainesville Police Department to accept a grant, if awarded, from the U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), and the Bureau of Justice Assistance (BJA) through the Florida Department of Law Enforcement in implementing a body-worn camera policy.

RECOMMENDATION *The City of Gainesville authorize the City Manager to: 1) accept the grant, if awarded, by the US Department of Justice(DOJ), Office of Justice Programs (OJP) and the Bureau of Justice Assistance(BJA) and 2) if awarded execute any grant documents, subject to approval as to form and legality by the City Attorney.*

Approved as Recommended

160741.

Change Order to the Construction Contract for Thomas Center Building B, Citizen Centered Improvements (B)

This item involves a request to approve a Change Order for the

construction contract, 306 NE 6th Avenue, in order to provide a better final product and to address site conditions to provide network connectivity for existing and future building division staff.

RECOMMENDATION

The City Commission: 1) authorize the City Manager to execute Change Order #1 for the 306 NE 6th Avenue, Thomas Center Building B Citizen Centered Gainesville project; 2) modify the purchase order as necessary, not to exceed the construction cost of \$323,711.40; and 3) authorize the City Manager to purchase and authorize installation of \$15,288.66 for network equipment.

Approved as Recommended

160716.

TYRIS MILLER VS. ABRAM SERVANCE AND CITY OF GAINESVILLE; EIGHTH JUDICIAL CIRCUIT, CASE NO. 2017-CA-118 (B)

RECOMMENDATION

The City Commission authorize the City Attorney to represent the City and City employee acting in the course and scope of City employment in the case styled Tyris Miller vs. Abram Servance and City of Gainesville; Eighth Judicial Circuit, Case No. 2017-CA-118.

Approved as Recommended

160717.

EDDIE WESLEY VS. ABRAM SERVANCE AND CITY OF GAINESVILLE; EIGHTH JUDICIAL CIRCUIT, CASE NO. 2017-CA-119 (B)

RECOMMENDATION

The City Commission authorize the City Attorney to represent the City and City employee acting in the course and scope of City employment in the case styled Eddie Wesley vs. Abram Servance and City of Gainesville; Eighth Judicial Circuit, Case No. 2017-CA-119.

Approved as Recommended

160708.

WIRELESS TELECOMMUNICATION FACILITIES - AUTHORIZATION TO PARTICIPATE FEDERAL RULE MAKING (B)

RECOMMENDATION

The City Commission: 1) Join the Florida Local Government Coalition to file a response to the FCC regarding the FCC's Public Notice; and 2) Amend the existing retention letter with Gray Robinson, PA to allow Gary Resnick to represent the City in the FCC proceeding as a member of the coalition, for an amount not to exceed \$2,500.00

Approved as Recommended

160736.

Resignation of James Owens from the Board of Adjustment (B)

RECOMMENDATION

The City Commission accepts the resignation of James Owens, effective immediately.

Approved as Recommended

ADOPTION OF REGULAR AGENDA

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

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

Absent: 1 - Mayor Poe

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

*Jim Konish
Robert Mounds*

BUSINESS DISCUSSION ITEMS - GRU and General Government items placed on the agenda by the Charter Officers or moved from Consent.**160740. Interlocal Agreement for Election Services (B)**

Kim Barton made a presentation.

Motion by Commissioner Carter, seconded by Commissioner Goston to approve the Interlocal Agreement. Motion passed 6-0. Mayor Poe absent.

Motion by Commissioner Chase, seconded by Commissioner Carter to direct the Clerk of the Commission to begin negotiations on utilizing clause in agreement to transfer City Commissioner qualifying to the Supervisor of Elections. Motion passed 6-0. Mayor Poe absent.

Jim Konish and Will Boyett spoke to the matter.

RECOMMENDATION *The City Commission approve the Interlocal Agreement for Election services and authorize the Mayor to execute.*

This Matter was Approved, as shown above

160711. RETENTION OF NORTON ROSE FULBRIGHT TO ADVISE THE CITY IN THE REVIEW OF LEGAL ISSUES ASSOCIATED WITH A POTENTIAL PURCHASE OR OTHER BENEFICIAL TRANSACTION INVOLVING THE GAINESVILLE RENEWABLE ENERGY CENTER FACILITY (NB)

Justin Locke made a presentation.

Jim Konish and Mark Goldstein spoke to the matter.

RECOMMENDATION *The City Commission authorize the Office of the City Attorney, on behalf of GRU, to retain Norton Rose Fulbright for representation of the City in the review of issues associated with a potential purchase or other beneficial transaction involving the GREC facility.*

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

Aye: 5 - Commissioner Goston, Commissioner Chase, Commissioner Hayes-Santos, Commissioner Carter, and Mayor-Commissioner Pro Tem Warren

Nay: 1 - Commissioner Budd

Absent: 1 - Mayor Poe

160738.

Proposed settlement agreement to resolve lawsuit by Alachua County concerning reverter clause in deed for original RTS property located at 100 SE 10th Avenue (B)

Paul Folkers and Jim Harriott made presentations.

RECOMMENDATION

The City Commission (1) approve and authorize the Mayor to sign the Settlement and Forebearance Agreement; and (2) authorize the Mayor and/or City Manager or designee to execute all contract documents and other necessary documents, subject to approval by the City Attorney as to form and legality.

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

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

Absent: 1 - Mayor Poe

150908.

License Agreement for Parking for City Parking Lot #2 (B)

This item involves a request for the City Commission to consider terms for a License Agreement for Parking for City Parking Lot #2.

Eric Bredfeldt made a presentation.

Motion: Bring back the final agreement and air rights options.

Michelle Hazen, Roberta Gasmeyer, Andy Hogshead, Larry Hamilton, Dotty Faibisy and Carl Cataudella spoke to the matter.

RECOMMENDATION

The City Commission: 1) hear a brief presentation from staff, and 2) provide appropriate direction to staff on how to proceed.

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

Aye: 4 - Commissioner Goston, Commissioner Budd, Commissioner Chase, and Commissioner Carter

Nay: 2 - Commissioner Hayes-Santos, and Mayor-Commissioner Pro Tem Warren

Absent: 1 - Mayor Poe

160735. **Appointments to Historic Preservation Board, Board of Adjustment, and Gainesville Human Rights Board (B)**

Motion by Commissioner Carter, seconded by Commissioner Goston to appoint Jason Straw to the Historic Preservation Board. Motion carried 5-0. Mayor Poe and Commissioner Hayes-Santos absent.

Motion by Commissioner Carter, seconded by Commissioner Goston to appoint Jamie Bell to the Board of Adjustment. Motion carried 5-0. Mayor Poe and Commissioner Hayes-Santos absent.

Motion by Commissioner Goston, seconded by Commissioner Carter to appoint Jennifer Titus to the Human Rights Board. Motion carried 5-0. Mayor Poe and Commissioner Hayes-Santos absent.

RECOMMENDATION *The City Commission discuss appointments to the Historic Preservation Board and Board of Adjustment for a full term and Gainesville Human Rights Board to fill a vacancy.*

Approved, as shown above

160709. **Ordinance Revision to Allow Earlier Collection of Waste and Recycling in Specified Areas (B)**

This item is a request for the City Commission to approve revisions to the Commercial Franchise Ordinance Section 27-79(e) regarding collection of solid waste and recycling in certain commercial areas.

Teresa Scott made a presentation.

Joseph Floyd spoke to the matter.

Motion by Commissioner Chase, seconded by Commissioner Hayes-Santos to waive the rules and hear Citizen Comment from Scott Hesch. Motion passed 5-0. Mayor Poe and Commissioner Goston absent.

RECOMMENDATION *The City Commission authorize the City Attorney to draft an ordinance allowing an earlier start time for waste and recycling collectors in specific commercial areas the City Manager or designee deems appropriate based upon considerations such as zoning, congestion, and safety concerns and following public outreach to the impacted areas.*

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

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

Absent: 1 - Mayor Poe

COMMITTEE DISCUSSION ITEMS - Items placed on the agenda by the Audit & Finance Committee or General Policy Committee or moved from Consent

OTHER POLICY DISCUSSION ITEMS - If the Commission does not get to these items, they are continued to the next regular Commission meeting or such other regular or special meeting or workshop, as the Commission directs

INFORMATIONAL PRESENTATIONS - Items that do not request or require any Commission action. If the Commission does not get to these items, they are continued to the next regular Commission meeting or such other regular or special meeting or workshop, as the Commission directs.

RECESS - 4:48 PM

RECONVENE - 5:30 PM

PLEDGE OF ALLEGIANCE

PROCLAMATIONS/SPECIAL RECOGNITIONS

160729. **City of Gainesville's 95th Anniversary of Recognition by International City/County Management Association (NB)**

This is a request for the City Commission to receive a special recognition by the International City/County Management Association (ICMA) on behalf of the Florida City County Management Association (FCCMA) in celebration of the City's 95th anniversary for operating under the Council-Manager form of government.

RECOMMENDATION *The City Commission receive the recognition from the special recognition.*

Heard

160746. **Phalanx Defense Systems Special Recognition to the City of Gainesville (B)**

Phalanx Defense Systems has requested the opportunity to make a brief presentation and provide special recognition to the City of Gainesville.

RECOMMENDATION *The City Commission receive a presentation and special recognition.*

Heard

160753.

Pop Warner Gator Varsity Cheerleader Day - February 16, 2017 (B)

RECOMMENDATION

PRCA Gator Varsity Cheerleaders Head Coach Lauren Harris, Assistant Coaches Teryn Patrick, Deannayce Mavin and Shambria Woods and Team Mom and Equipment Manager Rosa Alston-Rivers and Keondra Brown to accept the proclamation.

Heard

160754.

Menagerie in Motion Kinetic Derby Month - February 2017 (B)

RECOMMENDATION

Active Streets Alliance Executive Director Joseph Floyd 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*
- Gabe Kaimowitz*
- Jack Carter*
- John Davies*
- Don Glendening*
- Walter Williard*
- Ray Washington*

PUBLIC HEARINGS

RESOLUTIONS - ROLL CALL REQUIRED

160732.

Application to FEMA for Reimbursement of Eligible Expenses Incurred during Hurricane Hermine (B)

RECOMMENDATION

The City Commission: 1) adopt the Resolution; 2) approve the application for state and federal disaster funding; 3) authorize the City Manager or his designee to approve any related grant agreements and payment requests, subject to approval by the City Attorney as to form and legality; 4) request the Mayor to sign the applications for reimbursement; and 5) approve the appropriation of up to \$9,300 from General Fund fund balance.

A motion was made by Commissioner Carter, seconded by Commissioner Goston, that this Matter be Adopted (Resolution). The motion carried by the following vote:

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

Absent: 1 - Mayor Poe

160574. Resolution Establishing the Citizen Committee for Implementing the Strategic Framework (B)

This item requests adoption of a resolution establishing a citizen advisory committee to assess and prioritize the community's big ideas to support implementing the strategic plan framework.

Samantha Wolfe made a presentation.

Appointments listed below:

Commissioner Carter - 1) Dave Ferro; and 2) Mitch Glaeser

Commissioner Chase - 1) Susan Davenport; and Jahmere Webb

Commissioner Goston - 1) Kevin Thorpe; and 2) Dyonne McGraw

Commissioner Hayes-Santos - 1) John Fleming; and 2) Quang Tran

Commissioner Budd - 1) Randy Wells, and 2) Fatama Kaplan

Mayor Pro Tem Warren - 1) Art Stockwell; and 2) Cary Bryant

RECOMMENDATION *The City Commission: 1) adopt the Resolution, and 2) appoint two citizen members per Commissioner.*

A motion was made by Commissioner Carter, seconded by Commissioner Hayes-Santos, that this Matter be Adopted (Resolution) and approved as shown above. The motion carried by the following vote:

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

Absent: 1 - Mayor Poe

ORDINANCES, 1ST READING - ROLL CALL REQUIRED

150694. BLUES CREEK PLANNED DEVELOPMENT AMENDMENT (B)

ORDINANCE NO. 150694, PETITION NO. PB-15-115 PDA

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning to Planned Development District (PD) approximately 36.7 acres of property located at 7000-7800 block of NW 58th Street, as more specifically described in this ordinance and commonly referred to as Blues Creek Unit 5, Phase 2; adopting PD maps, a PD report, and development conditions; providing for enforcement; providing a severability clause; providing a repealing clause; and providing an effective date.

Andrew Persons made a presentation.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

Aye: 4 - Commissioner Goston, Commissioner Chase, Commissioner Carter, and Mayor-Commissioner Pro Tem Warren

Nay: 1 - Commissioner Hayes-Santos

Absent: 2 - Commissioner Budd, and Mayor Poe

ORDINANCES, 2ND READING - ROLL CALL REQUIRED

160216.

VOLUNTARY ANNEXATION - 100 ACRES OF PROPERTY SOUTHWEST OF THE CURRENT CITY BOUNDARY (B)

Ordinance No. 160216

An ordinance of the City of Gainesville, Florida, annexing approximately 100 acres of city-owned and privately-owned property that is generally located south of Tax Parcel No. 07240-049-000 and the existing City of Gainesville boundary, west of SW 41st Boulevard and Interstate 75, north of SW Williston Road, and east of SW 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.

Lila Stewart made a presentation.

Gerry Dedenbach, Tommy Williams, Joyce Ellis, and Nina Powell spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

Absent: 1 - Mayor Poe

160580.

APPENDIX A - SCHEDULE OF FEES, RATES AND CHARGES, UNIVERSITY OF FLORIDA WATER SERVICE RATES (B)

Ordinance No. 160580

An ordinance of the City of Gainesville, Florida, amending the Code of Ordinances, by amending Appendix A, Schedule of Fees, Rates and Charges, to revise fees, rates, and charges for water service provided to the University of Florida; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

Absent: 1 - Mayor Poe

PLANNING PETITIONS

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

Dave Beasecki

COMMISSION COMMENT

Mayor-Commissioner Pro Tem Hayes-Santos: 1) Downtown Safety/Streetlights; and 2) Phosphate mines in Bradford and Union County.

Commissioner Budd - Perry McGriff - name something after him (CM to look at policy)

Commissioner Chase - Haven Hospice

Commissioner Goston - Enterprise Zones

160776. Gainesville Annexation Strategies

RECOMMENDATION *Refer to Committee*

A motion was made by Commissioner Hayes-Santos, seconded by Commissioner Carter, that this Matter be Referred to the General Policy Committee, due back on 4/30/2017. The motion carried by the following vote:

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

Absent: 1 - Mayor Poe

ADJOURNMENT - 7:38 PM

