

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Minutes - Final

September 3, 2020

1:00 PM

Virtual Teleconference City Commission Meeting

City Commission

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

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CALL TO ORDER - 1:00 PM

AGENDA STATEMENT

ROLL CALL

Present 7 - Commissioner Johnson, Commissioner Simmons, Commissioner Hayes-Santos, Mayor Poe, Commissioner Saco, Commissioner Ward, and Mayor-Commissioner Pro Tem Arreola

CA ADOPTION OF CONSENT AGENDA (CA) - GRU, General Government, Audit & Finance Committee and General Policy Committee Items

Modification: Move CA-2 (School Resource Officer and School Board of Alachua County Funding Agreement) to the afternoon Business Discussion.

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

Aye: 7 - Commissioner Johnson, Commissioner Simmons, Commissioner Hayes-Santos, Mayor Poe, Commissioner Saco, Commissioner Ward, and Mayor-Commissioner Pro Tem Arreola

CA-1 [200261.](#) Approval of Minutes from the August 10, August 20, and August 26, 2020 City Commission Meetings (B)

RECOMMENDATION *The City Commission approve the August 10, August 20, and August 26, 2020 Minutes.*

Approved as Recommended

CA-3 [200192.](#) Transit Services Agreement with Alachua County Board of County Commissioners (B)

This item is a request to authorize the City Manager to execute the Transit Services Agreement for FY21 between the City of Gainesville Regional Transit System (RTS) and the Alachua County Board of County Commissioners (BoCC).

RECOMMENDATION *The City Commission authorize the City Manager or his designee to execute the Transit Services Agreement with Alachua County Board of County Commissioners (BoCC) for the period of October 1, 2020 through September 30, 2021, subject to approval by the City Attorney as to form and legality.*

Approved as Recommended

CA-4 [200234.](#) **Florida Department of State, Division of Cultural Affairs General Program Support, Multidisciplinary Presenter (B)**

This item requests retroactive approval by the City Commission for the Department of Parks, Recreation and Cultural Affairs (PRCA) to accept, if awarded, a General Program Support grant from the Florida Division of Cultural Affairs.

RECOMMENDATION *The City Commission to 1) retroactively approve the request for the Department of Parks, Recreation and Cultural Affairs (PRCA) to accept the grant if awarded, from the Florida Department of State, Division of Cultural Affairs, 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

CA-5 [200242.](#) **Subrecipient Agreement between the City of Gainesville and Alachua County for CARES Funding of COVID19 Expenses (B)**

The City Manager is requesting City Commission approval of the Subrecipient Agreement allowing the City of Gainesville to request CARES funding for reimbursement of COVID19 related expenses from Alachua County.

RECOMMENDATION *The City Commission authorize the City Manager to apply for and accept the grant and to execute the Subrecipient Grant Agreement with Alachua County, as well as any other necessary documents, subject to review by the City Attorney as to form and legality.*

Approved as Recommended

ADOPTION OF REGULAR AGENDA

Amendment: 1) Move Commission Comment to the afternoon session; and 2) Move FR-3 (Ordinance Suspending Enforcement of Open Container During the COVID-19 Pandemic) to the last item on the agenda.

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

Aye: 7 - Commissioner Johnson, Commissioner Simmons, Commissioner Hayes-Santos, Mayor Poe, Commissioner Saco, Commissioner Ward, and Mayor-Commissioner Pro Tem Arreola

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

BD-1 [200260.](#)**Coronavirus Relief Fund Utility Assistance Program (B)**

This is a request for the City Commission to approve the Coronavirus Relief Fund Utility Assistance Program.

Lee Feldman, City Manager provided an update.

Helen Harris, Housing and Community Development Supervisor spoke to the matter.

Deborah Bowie, Assistant City Manager spoke to the matter.

RECOMMENDATION

The City Commission: 1) approve the Coronavirus Relief Fund Utility Assistance Program; 2) authorize the City Manager or designee to take actions as appropriate to expend funds associated with Coronavirus Relief Fund Utility Assistance Program; and 3) authorize the City Manager to execute any required programmatic and financial agreements to implement the Coronavirus Relief Fund Utility Assistance Program, subject to approval by the City Attorney as to form and legality.

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

Aye: 6 - Commissioner Johnson, Commissioner Simmons, Commissioner Hayes-Santos, Mayor Poe, Commissioner Saco, and Commissioner Ward

Nay: 1 - Mayor-Commissioner Pro Tem Arreola

BD-2 [200259.](#)**Acceptance of Anticipated US Department of Transportation FAA AIP Grant No. 3-12-0028-045-2020 in an amount up to \$1,796,715.00 (B)**

Resolution No. 200259

A Resolution of the City of Gainesville, Florida, accepting FAA AIP Grant No. 3-12-0028-045-2020 from the U.S. Department of Transportation, Federal Aviation Administration, and authorizing execution by the Mayor and the Clerk of the Commission on behalf of the City of Gainesville; and providing an immediate effective date.

RECOMMENDATION

The City Commission adopt the resolution.

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

Aye: 7 - Commissioner Johnson, Commissioner Simmons, Commissioner Hayes-Santos, Mayor Poe, Commissioner Saco, Commissioner Ward, and Mayor-Commissioner Pro Tem Arreola

BD-3 [200230.](#) **Resolution for Local Agency Program Agreements for NW 19th Lane Multimodal Facility (B)**

This item is associated with a Resolution authorizing the City Manager to execute a Construction and Maintenance Agreement between the City of Gainesville and the Florida Department of Transportation for the NW 19th Lane Multimodal Project.

RECOMMENDATION *The City Commission: 1) adopt the Resolution; and 2) authorize the City Manager to execute the Construction and Maintenance Agreement for NW 19th Lane, subject to approval by the City Attorney as to form and legality.*

A motion was made by Commissioner Hayes-Santos, seconded by Commissioner Johnson, that this Matter be Adopted (Resolution) and Approved the Recommendation. The motion carried by the following vote:

Aye: 7 - Commissioner Johnson, Commissioner Simmons, Commissioner Hayes-Santos, Mayor Poe, Commissioner Saco, Commissioner Ward, and Mayor-Commissioner Pro Tem Arreola

ADOPTION OF CONSENT AGENDA (CA) - GRU, General Government, Audit & Finance Committee and General Policy Committee Items

CA-2 [200177.](#) **School Resource Officer and School Board of Alachua County Funding Agreement (B)**

Lee Feldman provided an update.

Nathan Skop spoke to the matter.

RECOMMENDATION *The City Commission authorize the execution of the SRO Agreement.*

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

Aye: 6 - Commissioner Johnson, Commissioner Simmons, Commissioner Hayes-Santos, Mayor Poe, Commissioner Saco, and Commissioner Ward

Nay: 1 - Mayor-Commissioner Pro Tem Arreola

COMMISSION COMMENT

Commissioner Ward - Staff to provide an update at the 9/17 Commission meeting on the lawsuit regarding preemption of regulation of firearms with the State. Nicolle Shalley spoke to the matter.

Commissioner Simmons - Disturbed at lack of long-range transportation projects in East Gainesville and East Alachua County. As of late, very little action/contact from GCRA - re: East Gainesville.

Wants to schedule a meeting with GCRA. Direction - schedule a Joint City Commission/GCRA meeting for September 15, 2020.

Commissioner Johnson - Wants a list of CRA projects.

Mayor-Commissioner Pro Tem Arreola - Strategic Plan Update and how these projects will proceed. Lee Feldman spoke to the matter.

Mayor Poe - Meridian Receiving Facility.

Recess - 1:54 PM

PR PROCLAMATIONS/SPECIAL RECOGNITIONS (PR)

RE RESOLUTIONS - ROLL CALL REQUIRED (RE)

RE-1 [191241](#) Quasi-Judicial - Final Plat for Finley Woods Phase 2 (B)

Resolution No. 191241

A resolution of the City of Gainesville, Florida, approving the final plat named "FINLEY WOODS PHASE 2" located in the vicinity of 5711 and 5915 SW 43rd Terrace, Gainesville, Florida, as more specifically described in this resolution; authorizing the City Manager to execute a security agreement to secure required public improvements; accepting the dedication of the public rights-of-way, easements, and other dedicated portions as shown on the plat; providing directions to the Clerk of the Commission; and providing an immediate effective date.

Lawrence Calderon, Planner III gave a presentation.

RECOMMENDATION *The City Commission adopt the proposed resolution.*

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

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

Absent: 1 - Commissioner Johnson

PUBLIC HEARINGS (PH)

FR ORDINANCES, 1ST READING - ROLL CALL REQUIRED (FR)

FR-1 [200247](#) Ordinance Repealing the Housing and Commercial Building Codes and

Adopting the International Property Maintenance Code (B)

ORDINANCE NO. 200247

An ordinance of the City of Gainesville, Florida, related to property maintenance standards for existing residential and non-residential properties; repealing the existing Division 1. titled "General Requirements for Fences and Walls" within Article I of Chapter 13 and renumbering the existing Division 2.; repealing the existing Article II titled "Housing Code" of Chapter 13; repealing the existing Article III titled "Commercial Building Code" of Chapter 13; and creating a new Article II titled "Property Maintenance Code" within Chapter 13 to adopt by reference the International Property Maintenance Code (IPMC) with local revisions; amending Sec. 2-339 titled "Applicable codes and ordinances" within Division 6, Article V of Chapter 2; amending Sec. 2-377 titled "Applicability; jurisdiction" within Division 8, Article V of Chapter 2; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing effective dates.

Lee Feldman spoke to the matter.

Andrew Persons, Planning and Development Director provided an update.

Nicolle Shalley, City Attorney spoke to the matter.

Matthew Umanous, Nathan Skop, Darlene Pifalo, Heather Swanson, Jeremiah Tattersall and Jeremy Thomas spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

Aye: 7 - Commissioner Johnson, Commissioner Simmons, Commissioner Hayes-Santos, Mayor Poe, Commissioner Saco, Commissioner Ward, and Mayor-Commissioner Pro Tem Arreola

FR-2 [200249.](#)

Ordinance Repealing the Landlord Permit Program and Creating the Residential Rental Unit Permit and Inspection Program (B)

ORDINANCE NO. 200249

An ordinance of the City of Gainesville, Florida, related to the regulation of residential rental units; amending Chapter 14.5 titled "Miscellaneous Business Regulations" of the City Code of Ordinances by repealing the existing Article I titled "Landlord Permits" and creating a new Article I titled "Residential Rental Unit Permits"; amending Appendix A. titled "Schedule of Fees, Rates and Charges" by

repealing the existing Landlord Permit fees and creating new Residential Rental Unit Permit fees; amending Sec. 2-339 titled "Applicable codes and ordinances" within Division 6, Article V of Chapter 2; amending Sec. 2-377 titled "Applicability; jurisdiction" within Division 8, Article V of Chapter 2; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing effective dates.

Amendment: 1) Approve the ordinance by title only with text changes by the City Attorney (page 15, strike line 4, page 17, strike final clause - begins on line 18-19; City will do home energy rating every 8 years, reduction in cost of fee to cost the city to administer the program; and 2) Ask staff to work on developing a Mediation Program that will be operational by October 1, 2020.

Lee Feldman spoke to the matter.

Andrew Persons provided an overview.

Melanie Barr, Mary Barr, Bo Singley, Sheila Payne, Jennifer Lyon, Scott Arvin, Paul Ortiz, Susan McQuinlan, Savannah Gomez, Matt Umanous, Gordon Clemons, Christine Corvodo, Nathan Skop, Armando Grundy-Gomez, Trish Ingle, James Ingle, Dave Ferro, Terri Martinback, Darlene Pifalo, Glynette Maxwell, Jeremy Thomas, Pamela Clark, Nancy Daren, Janice Gary, Alina Mendahall, Tana Silva, Charne Bellamy, Dave Wilson, Judy Sawyer, Jeremiah Tattersall, Kai Christmas, Helen Warren, Jason Fults, Paula, Alfredo Morales, Jane Hargrave, Jeff Siegel, Scot Hargrave, Marcus Maloney, Arlene Stewart and Cacey Willits spoke to the matter.

Recess - 8:50 PM

Reconvene - 9:00 PM

RECOMMENDATION

The City Commission discuss the draft ordinance and take action deemed appropriate.

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

Aye: 7 - Commissioner Johnson, Commissioner Simmons, Commissioner Hayes-Santos, Mayor Poe, Commissioner Saco, Commissioner Ward, and Mayor-Commissioner Pro Tem Arreola

ORDINANCES, 2ND READING - ROLL CALL REQUIRED (SR)

SR-1 [190988](#) **Text Change - Amending Accessory Dwelling Unit Regulations in the Land Development Code (B)**

Ordinance No. 190988

An ordinance of the City of Gainesville, Florida, amending the Land Development Code (Chapter 30 of the City of Gainesville Code of Ordinances) by amending accessory dwellings as a permitted use in certain zoning districts with associated regulations; by amending Section 30-2.1 Definitions; by amending Section 30-4.12 Permitted Uses in Transects; by amending Section 30-4.16 Permitted Uses in Residential Districts; by amending Section 30-4.19 Permitted Uses in Mixed-Use and Nonresidential Districts; by amending Section 30-4.23 Permitted Uses in Special Districts; by amending Section 30-5.35 Accessory dwellings; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Amendment: 1) Have staff come back to the Commission with the programs that Commissioner Johnson brought forward. Look at a program for paying/waving development fees if the ADU is used for verifiable affordable housing. Also look at a program for helping to develop ADU's for property owners similar to the Backyard Home Project that Commissioner Johnson brought forward. And other programs that might be helpful to build affordable ADU's that staff believes would be effective; and 2) Have staff come back with a plan to survey/audit current and future ADU's.

Virginia Bigbie, City Auditor spoke to the matter.

Andrew Persons spoke to the matter.

Nicolle Shalley spoke to the matter.

Lee Feldman spoke to the matter.

Motion by Mayor-Commissioner Pro Tem Arreola, seconded by Commissioner Hayes-Santos to waive the Commission rules and extend the meeting to 11:00 PM. Motion passed unanimously.

Robert Mounts, Gordon Clemons, Robert Fults, Helen Marshall, Vince Delantis, Betty Smokevidis, Catharine Post, Aaron Huber, Glen Terry, Francesca Violage, Pamela Clarke, Matt Umanous, Peggy Carr, Nathan Skop, Sharon Bauer, Joy Pitts, Kim Tanzer, Casey Willits, Janice Gary, Byron Flagg, Josh Oday, Dave Wilson, Carolyn Weber,

Marylou Hildreth, Nancy Daren, Tana Silver, Bill Warriner, Diane Pifalo, Ann Tamies, Andrew Mitchell, Abe Goldman, Bryan Eastman, Jeffrey King, Mark Goldstein, Delia McMillian Wilson, Ben Restodi and Dean Mimms spoke to the matter.

Motion by Commissioner Hayes-Santos, seconded by Commissioner Saco to waive the Commission rules and extend the meeting to Midnight. Motion passed unanimously.

Motion by Mayor-Commissioner Pro Tem Arreola, seconded by Commissioner Ward to waive the Commission rules and extend the meeting to 12:30 AM. Motion passed 6-1. Commissioner Simmons in dissent.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

Nay: 3 - Commissioner Johnson, Commissioner Simmons, and Commissioner Ward

ORDINANCES, 1ST READING - ROLL CALL REQUIRED (FR)

FR-3 [200250.](#) Ordinance Suspending Enforcement of Open Container During the COVID-19 Pandemic (B)

ORDINANCE NO. 200250

An ordinance of the City of Gainesville, Florida, suspending the enforcement of Sec. 4-4 and Sec. 18-20(16) as it relates to the consumption or possession of any alcoholic beverage in any open container on property owned or operated by the city (including parks) or on any public right-of-way during the declared State of Emergency for the COVID-19 Pandemic; providing for repeal by emergency ordinance; providing for non-codification; providing a severability clause; providing a conflict clause; and providing an effective date and termination date

Lee Feldman spoke to the matter.

Mark Goldstein and Leah White spoke to the matter.

RECOMMENDATION *The City Commission discuss the draft ordinance and take action deemed appropriate.*

A motion was made by Commissioner Hayes-Santos, seconded by Commissioner Ward, that this Matter be Adopted on First Reading (Ordinance).

The motion carried by the following vote:

Aye: 6 - Commissioner Johnson, Commissioner Simmons, Commissioner Hayes-Santos, Mayor Poe, Commissioner Saco, and Commissioner Ward

Nay: 1 - Mayor-Commissioner Pro Tem Arreola

ADJOURNMENT - 12:12 AM on 9/4/20