



**Regular City Commission Meeting
Minutes
August 22, 2016**

Mayor Gib Coerper
Vice Mayor Robert Wilford
Commissioner Gary Hardacre
Commissioner Ben Boukari, Jr.
Commissioner Shirley Green Brown

City Manager Traci L. Gresham
City Attorney Marian Rush

The City Commission will conduct a
Regular City Commission Meeting
At 6:30 PM
to address the item(s) below.

Meeting Date: August 22, 2016

Meeting Location: James A. Lewis Commission Chambers, City Hall

PRESENT: Tami Adkins, Rob Bonetti, Adam Boukari, Niki Caligium, Mike Garrett, Joe Hancock, Stephanie Herlong, Loriann Hunter, Onelia Lazzari, Tara Malone, Dayna Miller, Keith Miller, Mike New, Tim Rogers, Jesse Sandusky, Dave Schneider, Donna Smith, Esperanza Smith, Ryan Thompson, Jessica Vermillion, Sean Vermillion, Melanie Anne Westmoreland, Cap Wilson

CITY COMMISSION MEETING

Notice given pursuant to Section 286.0105, Florida Statutes. In order to appeal any decision made at this meeting, you will need a verbatim record of the proceedings. It will be your responsibility to ensure such a record is made.

CALL TO ORDER

Called to order by Mayor Gib Coerper.

INVOCATION

Led by Vice Mayor Robert Wilford.

PLEDGE TO THE FLAG

Led by Mayor Coerper.

APPROVAL OF THE AGENDA

City Manager Traci Gresham advised the Commission that the Chamber of Commerce requested "Agenda Item E - Resolution 16-20" be withdrawn. She said it will be on a future agenda.

Commissioner Gary Hardacre moved to approve the agenda as amended; seconded by Commissioner Ben Boukari, Jr.

Mayor Coerper opened the floor for comments. There were none.

Passed by unanimous consent.

APPROVE READING OF PROPOSED ORDINANCES AND RESOLUTIONS BY TITLE ONLY

Vice Mayor Wilford moved to approve reading of proposed ordinances and resolutions by title only; seconded by Commissioner Shirley Green Brown.

Passed by unanimous consent.

I. SPECIAL PRESENTATIONS

A. Request for Defense Costs Presentation - Mike New

Assistant City Manager Adam Boukari introduced the item and former City of Alachua Public Service Director Mike New.

Mr. New made his presentation to the Commission.

City Attorney Marian Rush advised the Commission on the comparable elements within the applicable case law. She clarified that Mr. New's request is for the funds to be transmitted directly to the attorney with none of the funds being provided to Mr. New. She advised the Commission that if they were going to take action they needed to waive the Commissioners Rules of Procedure.

Vice Mayor Wilford moved to waive the Commissioners Rules of Procedure; seconded by Commissioner Hardacre.

Passed by unanimous consent.

The commissioners engaged in discussion with City Manager Gresham and City Attorney Rush regards best practices, historical and legal precedents, the amount of the attorney fees, the history of the legal action, and the importance of supporting employees.

Vice Mayor Wilford moved that the City pay the law firm Theriaque & Spain, \$17,844.43 to cover the legal expenses for Mr. New's defense, and that the Commission make a finding of the public purpose, based upon the common law right to do so, and also to attract and retain the best employees with the message that the City will back up their employees; seconded by Commissioner Hardacre.

Mayor Coerper opened the floor for comments. There were none.

Passed 5-0 on roll call vote.

B. 2016 Constitution Week Proclamation

Historian for the Gainesville Chapter of the National Society Daughters of the American Revolution, Kay Hall introduced the Regent of the Gainesville Chapter Annette Jones. Ms. Hall provided the introduction and history of Constitution Week.

Mayor Coerper read the proclamation.

C. County Proposed Stormwater Regulations Presentation - Rory Causseaux, P.E.

Assistant City Manager Boukari introduced the item and provided a brief background.

CHW, Inc. CEO Rory Causseaux provided the presentation.

The commissioners engaged in discussion regarding water regulations on all levels of government, best practices, cost effectiveness, methodology, testing, and cost comparisons.

D. Fiscal Analysis Report for the Period Ended July 31, 2016

Finance and Administrative Services Director Robert Bonetti introduced the item and provided the staff report.

II. COMMENTS FROM CITIZENS ON SUBJECTS NOT ON THE AGENDA

Tim Rogers said he is running for State Representative District 21. He introduced himself to the Commission and provided a brief background on himself with a summary of those issues important to his campaign.

(Please Limit to 3 Minutes.Any citizen who is unable to speak at this time will have an opportunity to speak at the end of the meeting

III. COMMITTEE REPORTS/COMMITTEE APPOINTMENTS/CITY ANNOUNCEMENTS

IV. PUBLIC HEARINGS AND ORDINANCES

(Presentations, other than the applicant, please limit to **3 Minutes**)

- A. Ordinance 16-10, Second Reading: Small Scale Comprehensive Plan Amendment: A request by Ryan Thompson, AICP, of CHW, Inc., applicant and agent for 10.47, LLC. and Wyndswept Hills, LLC, property owners, to amend the Future Land Use Map (FLUM) Designation from Community Commercial to High Density Residential (± 1.8 ac.), and from High Density Residential to Community Commercial (± 3.5 ac.) on an approximate ± 5.3 acre subject property. Consisting of Tax Parcel Number 03869-006-000 and portions of Tax Parcel Numbers 03869-009-000 and 03869-007-000 (Legislative Hearing).

City Attorney Rush advised the Commission that Ordinance 16-10 and Ordinance 16-11 are related.

Assistant Deputy City Clerk Melanie Anne Westmoreland administered the oath for testimony to City Planner Adam Hall.

City Planner Hall introduced the item and provided the staff report. He requested the presentation be incorporated for both agenda items; covering Ordinance 16-10 and Ordinance 16-11.

CHW, Inc., Planner Ryan Thompson advised his presentation from the First Reading at the August 8, 2016, City Commission meeting remains unchanged, and he is available for any questions.

Mayor Coerper asked the commissioners for questions or comments.

City Attorney Rush provided the second reading of Ordinance 16-10 by title only.

Commissioner Boukari moved that based upon the competent substantial evidence presented at this hearing, the presentation before this Commission, and Staff's recommendation, this Commission finds the application to be consistent with the City of Alachua Comprehensive Plan and adopts Ordinance 16-10 on second and final reading; seconded by Commissioner Brown.

Mayor Coerper opened the floor for comments.

Assistant Deputy City Clerk Westmoreland swore in Sean Vermillion.

Sean Vermillion spoke in opposition to the motion. He said he is worried about the security, privacy, and noise with such close commercial development. He questioned what type of attention would be given to his concerns when any development of the property is undertaken. He asked about the residential buffers that are in place by law.

Commissioner Boukari said he wanted to point out that the entire area was commercial, and it was changed to residential because of the desire for the closeness and accessibility to the commercial development of Hitchcock's and the other businesses and restaurants.

Assistant Deputy City Clerk Westmoreland swore in Nick Callegari.

Nick Callegari spoke with the same concerns as Mr. Vermillion. He also owns a residential lot overlooking the commercial development.

Mayor Coerper told the citizens that they should bring up their landscaping and privacy concerns with the developer should it come to the site planning phase.

Assistant Deputy City Clerk Westmoreland swore in Ruth Davis.

Ruth Davis echoed the concerns of her neighbors. She asked about land-use regulations for the commercial area. She said she knew more businesses would go in, but her concerns now were what types of businesses could develop the lots. She also asked if she could get a copy used in the staff presentation.

City Attorney Rush and the commissioners engaged in discussion advising that the types of businesses allowed in the zoning districts would be in the meeting materials online with the agenda under this item. They discussed the difference between the land-use and zoning issues being addressed this evening and the site-planning process. The citizens were told to call City Hall and make sure City Planner Hall had their mailing and contact information for notices as well as to request any copies of maps they would want.

Past 5-0 on roll call vote.

- B. Ordinance 16-11, Second Reading: Site-Specific Amendment to the Official Zoning Atlas: A request by Ryan Thompson, AICP, of CHW, Inc., applicant and agent for 10.47, LLC and Wyndswept Hills, LLC. owners, to amend the Official Zoning Atlas from Planned Development-Commercial ("PD-COMM") to Residential Multifamily-15 ("RMF-15") and Community Commercial ("CC") on an approximate 18 acre subject property. Consisting of Tax Parcel

Numbers 03869-006-000, 03869-007-000 and 03869-009-000 (Quasi-Judicial Hearing).

City Attorney Rush provided the second reading of Ordinance 16-11 by title only.

Vice Mayor Wilford moved that based upon the competent substantial evidence presented at this hearing, the presentation before this Commission, and Staff's recommendation, this Commission finds the application to be consistent with the City of Alachua Comprehensive Plan and in compliance with the Land Development Regulations and adopts Ordinance 16-11 on second and final reading; seconded by Commissioner Hardacre.

Mayor Coerper opened the floor for comments. There were none.

Passed 5-0 on roll call vote.

- C. Ordinance 16-13, Second Reading: Small Scale Comprehensive Plan Amendment: AMES/Detrick Truck Company to amend the Future Land Use Map (FLUM) Designation from Industrial to Commercial on a ±9.32 acre subject property. Consisting of a portion of Tax Parcel Number 05920-001-002 (Legislative Hearing.)

City Attorney Rush said Ordinance 16-13 and Ordinance 16-14 are companion ordinances. She recommended they be presented together and advised they are quasi-judicial.

Assistant Deputy City Clerk Melanie Anne Westmoreland swore in those who indicated they would be speaking on the issue.

Principal Planner Justin Tabor provided the staff report.

Onelia Lazzari of EDA Engineers said she was present to answer any questions.

Mayor Coerper asked the commissioners for questions or comments.

City Attorney Rush provided the second reading of Ordinance 16-13 by title only.

Commissioner Hardacre moved that based upon the presentation before this Commission and Staff's recommendation, this Commission finds the application to be consistent with the City of Alachua Comprehensive Plan and adopts Ordinance 16-13 on second and final reading; seconded by Commissioner Brown.

Mayor Coerper opened the floor for comments. There were none.

Passed 5-0 on roll call vote.

- D. Ordinance 16-14, Second Reading: Site-Specific Amendment to the Official Zoning Atlas: AMES/Detrick Truck Company to amend the Official Zoning Atlas from Light and Warehouse Industrial (ILW) to Commercial Intensive (CI) on a ±9.32 acre subject property. Consisting of a portion of Tax Parcel Number 05920-001-002 (Quasi-Judicial Hearing.)

City Attorney Rush provided the second reading of Ordinance 16-14 by title only.

Commissioner Brown moved that based upon the competent substantial evidence presented at this hearing, the presentation before this Commission, and Staff's recommendation, this Commission finds the application to be consistent with the City of Alachua Comprehensive Plan

and in compliance with the Land Development Regulations and adopts Ordinance 16-14 on second and final reading; seconded by Commissioner Boukari.

Mayor Coerper opened the floor for comments. There were none.

Passed 5-0 on roll call vote.

- E. Ordinance 16-16; First Reading, Amending Code Section 38-178 Relating to Interconnection and Net Metering of Customer-Owned Renewable Generation Systems

City Attorney Rush provided the first reading of Ordinance 16-16 by title only.

Assistant City Manager Boukari introduced the item and provided the staff report.

Mayor Coerper asked the commissioners for questions or comments.

The commissioners discussed how many businesses and residences were online with the alternative energy option as well as how the process works when a customer has such a system in regards to actual energy use as well as billing.

Commissioner Boukari moved to approve Ordinance 16-16 on first reading and schedule second and final reading on September 12, 2016; seconded by Commissioner Hardacre.

Mayor Coerper opened the floor for comments.

Board Member of the Florida Solar Energy Industry Association and Solar Impact Director of Sales and Marketing Mike Garrett spoke in favor of increasing the maximum allowable output of interconnection, but questioned the 500kW difference between the City of Alachua's maximum and others. He said he is opposed to the service charge as it will cut into the energy-cost savings the customer will achieve annually, and it will extend the amount of time before customers recover their costs. He said he also does not like the net-metering calculations only being done annually instead of monthly.

Assistant City Manager Boukari advised there are additional costs to doing the net-metering calculations. He said the City has to make sure the utilities pay for themselves, and an outside professional organization advised on the amount of the service charge. He said the City decided that the citizens who were requiring the net-metering should pay for the service as opposed to spreading the cost over all of the customers.

Commissioner Wilford asked why there was a difference between the City consultant's figure 1.5MW for the increase and the 2MW established by the organization quoted by Mr. Garrett.

Assistant City Manager Boukari said the Public Service Commission threshold is 2MW. He said they are over investor-owned utilities and not municipal utilities, so that threshold does not apply to the City of Alachua. He also pointed out the City of Alachua's increase is 15-times its current threshold.

Passed 4-1 on roll call vote with Vice Mayor Wilford dissenting.

V. AGENDA ITEMS

- A. Bad Debt Write Offs FY 15-16

Utility Billing Manager Stephanie Herlong introduced the item and provided the staff report.

The commissioners discussed collection measures and how to prevent fraud.

Commissioner Boukari moved to approve write off for bad debts for FY 2015-2016, as presented; seconded by Commissioner Brown.

Mayor Coerper opened the floor for comments. There were none.

Passed 5-0 on roll call vote.

- B. Florida Department of Environmental Protection (FDEP) – Florida Recreation Development Assistance Program (FRDAP) Grant Application for Spray/Splash Park Phase II at the Hal Brady Recreation Complex

Grants Specialist Diane Morgan introduced the item and presented the staff report.

Mayor Coerper asked the commissioners for questions or comments.

Vice Mayor Wilford asked if the City had sought a partner in the grant for additional points on the grant process.

Grants Specialist Morgan said that from learning of the grant until submitting it there was less than three weeks so a partner was not sought this time. She said the City would know in January 2017 if the grant was awarded.

Commissioner Boukari moved to authorize the Mayor to execute the grant application to the FDEP under its FRDAP FY 2016/2017 cycle for an addition to the Spray/Splash Park at the Hal Brady Recreation Complex; seconded by Vice Mayor Wilford.

Mayor Coerper opened the floor for comments. There were none.

Passed 5-0 on roll call vote.

- C. Federal Fiscal Year (FFY) 2016 Edward Byrne Memorial Justice Assistance Grant (JAG) Program - JAG Countywide Funds for Alachua County, Florida

Alachua Police Department (APD) Administrative Services Manager, Tara Malone introduced the item and provided the staff report.

Mayor Coerper asked the commissioners for questions or comments.

Commissioner Boukari moved to authorize the Mayor to execute the application on behalf of the City of Alachua, and to direct staff to submit application for funding assistance to the Florida Department of Law Enforcement (Office of Criminal Justice Grants). Should the request for funding assistance be granted to the agency, also authorize the Mayor to execute the Certificate of Acceptance of Subgrant Award on behalf of the City of Alachua, and direct staff to remit the Certificate of Acceptance to FDLE; seconded by Commissioner Hardacre.

Mayor Coerper opened the floor for comments. There were no comments.

Passed 5-0 on roll call vote.

- D. Resolution 16-18 Authorizing the Transfer of \$32,900 from the General Fund-Special Expense Contingency Budget to the Recreation Department Budget; Authorizing the Transfer of \$23,816

from the General Fund-Special Expense Contingency Budget to the Project Legacy Fund;
Increasing the Project Legacy Fund in the Amount of \$23,816 as a Result of the Transfer from the
General Fund.

City Attorney Rush provided the reading of Resolution 16-18 by title only.

Finance and Administrative Services Director Bonetti introduced the item and provided the staff report.

Mayor Coerper asked the commissioners for questions or comments.

Commissioner Boukari moved to adopt Resolution 16-18 authorizing the transfer of \$32,900 from the General Fund-Special Expense Contingency Budget to the Recreation Department Budget; authorizing the transfer of \$23,816 from the General Fund-Special Expense Contingency Budget to the Project Legacy Fund; increasing the Project Legacy Fund in the amount of \$23,816 as a result of the transfer from the General Fund; seconded by Vice Mayor Wilford.

Mayor Coerper opened the floor for comments. There were none.

Passed 5-0 on roll call vote.

E. Resolution 16-20; Brammer Bio, LLC Participation in Qualified Target Industry Tax Refund

Item withdrawn. Agenda was approved as amended with this item withdrawn.

F. Third Contract Amendment Including the Second Contract Extension for Waste Pro, Inc.
Residential Collection and Disposal of Solid Waste

City Attorney Rush advised as this original contract predates the Purchasing Manual, her recommendation is that the Commission should take a specific action to waive the requirements of the Purchasing Manual as specifically provided for in that Manual.

Commissioner Boukari moved that as the original contract predates the Purchasing Manual, the Commission take specific action and waive the requirements of the Purchasing Manual as is specifically provided for in that Manual; seconded by Commissioner Brown.

Mayor Coerper opened the floor for comments. There were none.

Passed 5-0 on roll call vote.

Compliance and Risk Management Director Cap Wilson introduced the item and provided the staff report.

Mayor Coerper asked the commissioners for questions or comments.

Vice Mayor Wilford asked if the contract will result in a reduction to customers with the uniform rate. Compliance and Risk Management Director Wilson said it will result in a reduction.

Vice Mayor Wilford said the contract was impressive. He also said he wanted to thank Waste Pro for all of their philanthropic generosity within the City as well.

Commissioner Boukari said he also wanted to thank Staff as well as Waste Pro.

Commissioner Hardacre asked about excess garbage beyond that which would fill the container. Compliance and Risk Management Director Wilson said the excess garbage should be placed beside the provided receptacles. He said Waste Pro has to pick up everything left at the curb.

Commissioner Hardacre moved to approve the Third Contract Amendment including Second Contract Extension between the City and Waste Pro of Florida, Inc., for the residential collection and disposal of solid waste, yard waste and recycling; seconded by Vice Mayor Wilford.

Mayor Coerper opened the floor for comments. There were none.

Passed 5-0 on roll call vote.

G. Renewal of Commercial and Group Health Insurance Packages

Compliance and Risk Management Director Cap Wilson introduced the item and provided the staff report.

Mayor Coerper asked the commissioners for questions or comments.

Vice Mayor Wilford moved to renew the City Commercial insurance package with and through the Florida Municipal Insurance Trust (FMIT) at the base premium of \$331,034, the FMIT Group Health insurance plan at \$862,873 and, the Dental, Vision, Life, Death and Disability group plans at a combined base premium of \$61,087, and authorize the City Manager to sign any appropriate documents; seconded by Commissioner Boukari.

Mayor Coerper opened the floor for comments. There were none.

Passed 5-0 on roll call vote.

H. Renewal of Duke Energy Florida, Inc. Territorial Agreement

Compliance and Risk Management Director Cap Wilson introduced and provided the staff report.

Mayor Coerper asked the commissioners for questions or comments.

Vice Mayor Wilford moved to approve the Duke Energy of Florida, Inc., and City of Alachua Territorial Agreement, to authorize the filing of the Joint Petition with the Public Services Commission for its approval, and to direct the Mayor and City Manager to execute the appropriate documents to finalize the process; seconded by Commissioner Boukari.

Mayor Coerper opened the floor for comments. There were none.

Passed 5-0 on roll call vote.

Dayna Roper Miller said she wanted to know if she was one of the two customers in the City Territory that was served by Duke. Compliance and Risk Management Director Wilson said he would get that information for her.

I. City Manager Evaluation

Assistant City Manager Boukari introduced the item and provided the staff report.

City Manager Gresham thanked the Commission for its confidence in herself and Staff. She said it is really rewarding for her to be in this position in the town where she grew up and to have served her City for 25 years. She said her accomplishments are a team efforts. She thanked Staff for all of their hard work. She said Staff makes her look good.

City Attorney Rush said that the smooth operations of the City can be attributed to the quality of the relationships that City Manager Gresham has with the people she works with in the City, with Staff, and with the City Attorney's office.

The commissioners praised City Manager Gresham's work ethic, her leadership, her humility, and the whole body of work that has come out of the City under her tenure as City Manager.

Vice Mayor Wilford moved to approve a 3% merit increase for the City Manager; seconded by Commissioner Boukari.

Mayor Coerper opened the floor for comments. There were none.

Passed 5-0 on roll call vote.

VI. COMMENTS FROM CITIZENS ON SUBJECTS NOT ON THE AGENDA

(Please Limit to 3 Minutes.Any citizen who did not speak during the Citizen Comments period at the beginning of the meeting may do so at this time.)

VII. COMMENTS FROM CITY MANAGER AND CITY ATTORNEY

City Manager Gresham thanked the commissioners for their kind words and the merit increase.

She said she enjoyed the Florida League of Cities conference and being there with the commissioners and staff.

City Attorney Rush congratulated City Manager Gresham.

VIII. COMMISSION COMMENTS/DISCUSSION

Vice Mayor Wilford said he voted against the solar energy motion because he felt like he needed to do more research on it before he made a decision. He said he appreciated what Staff was able to impart, but he said he wanted to know more.

ADJOURN

Vice Mayor Wilford moved to adjourn; seconded by Commissioner Boukari.

Passed by unanimous consent.

CONSENT AGENDA

CONSENT AGENDA ITEMS

ATTEST:

CITY COMMISSION OF THE
CITY OF ALACHUA, FLORIDA

Traci L. Gresham, City Manager/Clerk

Gib Coerper, Mayor