

City of Gainesville

*City Hall
200 East University Avenue
Gainesville, Florida 32601*



Meeting Minutes

Thursday, January 15, 2009

1:00 PM

City Hall Auditorium

City Commission

*Mayor Pegeen Hanrahan (At Large)
Mayor-Commissioner Pro Tem Jack Donovan (District 3)
Commissioner Thomas Hawkins (At Large)
Commissioner Jeanna Mastrodicasa (At Large)
Commissioner Scherwin Henry (District 1)
Commissioner Lauren Poe (District 2)
Commissioner Craig Lowe (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 - 1:06 PM**ROLL CALL**

Present: Craig Lowe, Jack Donovan, Jeanna Mastrodicasa, Scherwin Henry, Lauren Poe and Thomas Hawkins
Absent: Pegeen Hanrahan

INVOCATION

The City Commission observed a moment of silence.

CONSENT AGENDA

Commissioner Lowe moved and Commissioner Poe seconded to adopt the Consent Agenda, as modified.

(VOTE: 5-0, Commissioner Henry and Mayor Hanrahan - Absent, MOTION CARRIED)

MODIFICATION: File #080722 - Special City Commission Meeting with St. Petersburg Mayor - (Withdraw from the Consent Agenda).

CITY MANAGER, CONSENT AGENDA ITEMS**080588. Interlocal Agreement with Alachua County for Traffic Management System Construction and Implementation Funds (B)**

This item is a request authorizing the City Manager to execute an Interlocal Agreement between the City of Gainesville and Alachua County to accept the allocation for Traffic Management System Construction of \$2,528,425.60.

RECOMMENDATION *Recommended Motion: The City Commission authorize the City Manager to execute the Interlocal Agreement.*

This Matter was Approved as Recommended on the Consent Agenda.

080652. Bid Award for a Materials Contract for the Depot Park Stormwater Lift Station (B)

This item requests the City Commission to award a materials contract for the Depot Park Stormwater Lift Station to ABS-USA and Beach Construction Co.

RECOMMENDATION *The City Commission: 1) authorize the bid award to ABS-USA and Beach Construction Co. in the amount of \$249,986.54 and \$301,300.00, respectively, for the materials needed for*

the Depot Park Lift Station; and 2) authorize the City Manager or designee to execute the related purchase orders subject to approval as to form and legality by the City Attorney.

This Matter was Approved as Recommended on the Consent Agenda.

080685. Surplus Property Sale (NB)

Staff recommends all items at Surplus Lot to be declared surplus and disposed of through contract methods.

RECOMMENDATION *The City Commission declare all materials, equipment and vehicles stored at the Surplus Lot as surplus property and authorize the sale of such property for the time period covering FY 2009.*

This Matter was Approved as Recommended on the Consent Agenda.

080691. Technology Purchase for Renovation of the Gainesville Police Department's Data Trac Room and new Joint Crime Analysis Center (B)

This item involves a request for the City Commission to authorize the selection of AVI SPL as the vendor to renovate the Police Data Trac Room

RECOMMENDATION *Recommended Motion: The City Commission: 1) approve AVI SPL as the specified source vendor and waive the bid process; and 2) authorize staff to negotiate a contract with AVI SPL for the proposed services.*

This Matter was Approved as Recommended on the Consent Agenda.

080693. State LECFTF Funding for Corner Drug Store Interface Youth Program and Spotlight on Youth Campaign (B)

This item requests that the City Commission appropriate and expend funds from the State Law Enforcement Contraband Forfeiture Fund for the Corner Drug Store Interface Youth Program and Spotlight on Youth campaign

RECOMMENDATION *The City Commission authorize the appropriation of an amount not to exceed \$5,000 from the State Law Enforcement Contraband Forfeiture Trust Fund, for the Corner Drug Store Interface Youth Program and Spotlight on Youth campaign.*

Alternative Recommendation A: The City Commission decline the appropriation and advise staff to not fund the request from the Corner Drug Store. There is no fiscal impact.

This Matter was Approved as Recommended on the Consent Agenda.

080708. First Amendment to the Agreement for Eligibility and Certification Determination, Client Travel Training and Disability Sensitivity Training Workshops (B)

This item is in response to a request from the Center for Independent Living (CIL) to the Regional Transit System (RTS) for a rate increase due to the excessive increase in paratransit certifications.

RECOMMENDATION *Recommended Motion: The City Commission authorize the City Manager to execute the First Amendment to the Agreement for Eligibility and Certification Determination, Client Travel Training and Disability Sensitivity Training Workshops with the Center for Independent Living (CIL), subject to approval by the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

080723. Contract for Classification Consulting Services (NB)

Staff recommends award of a contract for classification consulting services to Lopez & Associates, Inc.

RECOMMENDATION *The City Commission: 1) authorize the General Manager, or his designee, to execute a three year contract with Lopez & Associates, Inc., a specified source, for classification consulting services for general government and Utility positions; and 2) issue purchase orders to Lopez & Associates, Inc. for these services in an amount not to exceed \$100,000 per year subject to final appropriation of funds for each year of the contract.*

This Matter was Approved as Recommended on the Consent Agenda.

080725. Construction Oversight of the Former Manufactured Gas Plant Remediation Project (NB)

Staff recommends approval of the final ranking of the engineering firms and authorization to negotiate a contract in accordance with the Consultants Competitive Negotiations Act (CCNA) for engineering construction oversight of the former Manufactured Gas Plant Remediation Project.

RECOMMENDATION

The City Commission: 1) approve the ranking of engineering firms in the given order of preference for the engineering construction oversight of the former Manufactured Gas Plant Remediation Project; 2) authorize the General Manager, or his designee, to initiate contract negotiations with the top ranked firm in accordance with the CCNA; and 3) authorize the General Manager, or his designee, upon successful negotiations, to execute a contract with the top ranked firm, subject to approval of the City Attorney as to form and legality, in an amount not to exceed budgeted amounts for the project.

This Matter was Approved as Recommended on the Consent Agenda.

CITY ATTORNEY, CONSENT AGENDA ITEMS

080716. EEOC Charge No. 510-2009-01275, FCHR No.: 200900515 EJ, Kim Berryman-Dages vs. City of Gainesville (B)

RECOMMENDATION

The City Commission authorize the City Attorney to represent the City in the case styled Kim Berryman-Dages vs. the City of Gainesville; EEOC Charge No.: 510-2009-01275 and FCHR No.: 200900515 EJ.

This Matter was Approved as Recommended on the Consent Agenda.

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

080706. City Commission Minutes (B)

RECOMMENDATION

The City Commission approve the minutes of December 8, 9, 18, & 22, 2008, as circulated.

This Matter was Approved as Recommended on the Consent Agenda.

080722. Special City Commission Meeting with St. Petersburg Mayor (NB)

RECOMMENDATION

The City Commission schedule this special meeting for February 2, at 3:00 PM in City Hall Auditorium.

Withdrawn

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS**PUBLIC SAFETY COMMITTEE, CONSENT****080284. Roam Towing - Allowing Booting on Private Property (B)**

RECOMMENDATION *The City Commission direct the City Attorney to draft and the Clerk of the Commission to advertise amendments to the Roam Towing Ordinance to allow tow companies to boot vehicles on private property.*

This Matter was Approved as Recommended on the Consent Agenda.

080636. Towing Company Complaints - Referral to Public Safety Committee (NB)

RECOMMENDATION *The City Commission 1) take no action at this time on this referral; and 2) remove this referral from the Public Safety Committee's Referral List.*

This Matter was Approved as Recommended on the Consent Agenda.

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE, CONSENT**080689. Review of GRU Fuel/Coal Contracts (B)**

RECOMMENDATION *The City Commission: 1) Accept the City Auditor's report and response from the General Manager for Utilities; and 2) instruct the City Auditor to conduct a follow-up review on recommendations made and report the results to the Audit, Finance and Legislative Committee.*

This Matter was Approved as Recommended on the Consent Agenda.

080704. Selection of External Auditors for General Government (B)

RECOMMENDATION *The Audit, Finance and Legislative Committee recommend the City Commission: 1) Approve the ranking of the proposals received for external auditing services, General Government segment; and 2) authorize the City Auditor to execute a professional services contract with the top-ranked firm for the General Government segment for a period of five years beginning with the fiscal year 2009 audit, with an option to*

renew for an additional three years, subject to approval of the City Attorney as to form and legality.

This Matter was Approved as Recommended on the Consent Agenda.

080705. External Quality Control Review of the City Auditor's Office for the period October 2005 through September 2008 (B)

RECOMMENDATION *The City Commission accept the External Quality Control Review report prepared by the Association of Local Government Auditors Review Team and the City Auditor's response.*

This Matter was Approved as Recommended on the Consent Agenda.

080702. 2010 Federal Legislative Agenda (B)

RECOMMENDATION *The City Commission approve the 2010 Federal Legislative Agenda.*

This Matter was Approved as Recommended on the Consent Agenda.

Passed The Consent Agenda

A motion was made by Commissioner Lowe, seconded by Commissioner Poe, including all the preceding items marked as having been adopted on the Consent Agenda. The motion carried by the following vote:

Votes: Aye: Craig Lowe, Jack Donovan, Lauren Poe, Jeanna Mastrodicasa and Thomas Hawkins
Absent: Pegeen Hanrahan and Scherwin Henry

EQUAL OPPORTUNITY COMMITTEE, CONSENT

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

Commissioner Lowe moved and Commissioner Mastrodicasa seconded to adopt the Regular Agenda, as modified.

(VOTE: 5-0, Commissioner Henry and Mayor Hanrahan - Absent, MOTION CARRIED

MODIFICATIONS:

1. File #080701 - Summer Heat-Wave 2008 Final Report - (New ppt submitted).
2. File #080715 - Eastside Redevelopment Area Expansion Study Area 3 - (Power Point submitted) - Note: It is anticipated that the City Commission will waive the rules to hear this item later in the afternoon portion of the agenda.
3. File #080566 - (Ordinance) - Solar Feed-In-Tariff - (Rate change on Page 6 of the ordinance), and add to recommendation, as revised.
4. File #080605 - (Ordinance) - Voluntary Annexation - Lakes of Kanapaha - (New Map submitted).
5. File #070941 - (Ordinance) Underage Prohibition in Alcoholic Beverage Establishments (New ppt forthcoming Thursday evening).
6. File #080712 (Resolution) - Eastside Redevelopment Area Expansion Study Area 1 - (New ppt submitted and revised text file).
7. File #080713 (Resolution) - Eastside Redevelopment Area Expansion Study Area 2 - (New ppt submitted and revised text file).
8. File #080751 - (New Item - (Resolution) in support of Proposed Modifications to the Alachua County Boundary Adjustment Act - (Add to the agenda with new ppt).

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

CITY MANAGER

080701. Summer Heat-Wave 2008 Final Report (NB)

Summer Heat-Wave 2008 is designed to provide a well-rounded summer recreational and educational program for at-risk youth that will include both middle and high school aged students.

GPD Community Relations Coordinator Tony Jones, Summer Heat Wave Committee Member Rhonda Stroman and Assistant Director of Parks, Recreation and Cultural Affairs Michelle Parks gave presentations.

NOTE: Commissioner Henry entered the meeting room at 1:19 PM.

AMENDMENT: 1) Authorize the in-kind donations for the program for 2009; 2) indicate an intent to fund this program up to \$9,000 with funds to be identified by staff; and 3) come back to the City Commission with a report in May, 2009.

RECOMMENDATION *The City Commission 1) hear a final report from*

staff/Heat-Wave Committee on the 2008 Summer Heat-Wave program; 2) authorize the in-kind donations for the program for 2009; and 3) due to the moratorium on Commission Contingency Funds, delay consideration of committing \$9,000 in contingency funds for the 150 RTS monthly bus passes for a three month period until June when staff and the Commission will have a better sense of the City's financial condition.

Alternative Recommendation A:

The City Commission 1) hear a final report from staff/Heat-Wave Committee on the 2008 Summer Heat-Wave program; and 2) approve City Commission Contingency Funds in the amount of \$9,000 to cover the cost of 150 RTS monthly bus passes for a three month period and authorize the in-kind donations for this program for 2009.

Alternative Recommendation B:

The City Commission denies the request.

A motion was made by Commissioner Lowe, seconded by Commissioner Henry, that this matter be Approved as Amended. The motion carried by the following vote:

Votes: Aye: Craig Lowe, Jack Donovan, Lauren Poe, Scherwin Henry, Jeanna Mastrodicasa and Thomas Hawkins
Absent: Pegeen Hanrahan

WAIVER OF RULES

The rules were waived by adoption of the Regular Agenda to move File #080715 "Eastside Redevelopment Area Expansion, Study Area 3" to later in the meeting".

GENERAL MANAGER FOR UTILITIES

080724. 2007 GRU Annual Report Recognized for Excellence in Communications by American Public Power Association (NB)

The GRU 2007 Annual Report was recognized by the American Public Power Association as the Annual Report Contest winner with an Award of Excellence as the best annual report among public power utilities across the nation with revenues of \$200 - \$400 million.

GRU Marketing Manager Lewis Walton gave a presentation and recognized GRU employees Christine Marion and Dan Jesse.

RECOMMENDATION

The City Commission acknowledge and recognize the Award of Excellence in the American Public Power Association's 2008 Annual Report Contest. The award was received by GRU for the 2007 Annual Report, "people/ideas," that is

developed yearly to report to the bond rating agencies and bond holders on business performance for the period under review, explain the objectives, strategy and future direction of Gainesville Regional Utilities, and fulfill legal and regulatory requirements.

Heard

080726. Manufactured Gas Plant Remediation Update (B)

GRU is providing an update on the Manufactured Gas Plant remediation project and recommending authorization of certain actions regarding a contract for the remediation and funding of the project.

GRU Strategic Planning Project Engineer Patty Hart gave a presentation.

RECOMMENDATION

The City Commission: 1) hear presentations from GRU Staff regarding the Manufactured Gas Plant project's expedited project approach and FDEP funding; 2) authorize the General Manager or his designee to execute a contract with Environmental Consulting & Technology, Inc., as a specified source contractor for the performance of the remediation, subject to approval by the City Attorney as to form and legality; 3) commit to funding any FDEP monetary shortfalls with regard to the Manufactured Gas Plant remediation; and 4) authorize staff to procure materials, equipment and services required for the project in accordance with Purchasing policies and procedures.

A motion was made by Commissioner Mastrodicasa, seconded by Commissioner Poe, that this matter be Approved as Recommended. The motion carried by the following vote:

Votes: Aye: Craig Lowe, Jack Donovan, Lauren Poe, Scherwin Henry, Jeanna Mastrodicasa and Thomas Hawkins
Absent: Pegeen Hanrahan

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES**MEMBERS OF THE CITY COMMISSION****080721. Commissioner Thomas Hawkins - Residential Subdivision Design (B)**

Planning and Development Services Director Erik Bredfeldt gave a presentation.

MOTION: Direct the City Manager to have Planning staff: 1) Provide a survey of the outstanding subdivision design plats that are awaiting final plat approval and provide a report to the City Commission; and 2) forward Commissioner Hawkins' memo (attached) to the City Plan Board and the Development Review Board for their consideration.

RECOMMENDATION *The City Commission discuss the Rules Regulating Subdivision Form and take appropriate action.*

A motion was made by Commissioner Hawkins, seconded by Commissioner Poe, that this matter be Approved as shown above (See Motion). The motion carried by the following vote:

Votes: Aye: Craig Lowe, Jack Donovan, Lauren Poe, Scherwin Henry, Jeanna Mastrodicasa and Thomas Hawkins
Absent: Pegeen Hanrahan

COMMISSION COMMENTS (if time available)**Commissioner Scherwin Henry**

Request for diagonal Parking at NW 4th Street adjacent to the Church of Christ near Santa Fe Community College.

Commissioner Jack Donovan

Suggested Reading - "The Oasis Project" (book) by Lt. Art Adkins.

Commissioner Lauren Poe

Suggested Reading - "Two Billion Cars - The Road to Sustainability" (book).

RECESS - 2:34 PM**RECONVENE - 4:03 PM**

CITY MANAGER - (CONTINUED)**080715. Eastside Redevelopment Area Expansion, Study Area 3 (B)**

The Study concludes that Study Area 3 does not meet the criteria contained in the statutory definition of blight. The City Commission can consider several options including further studies.

City Neighborhood Planning Coordinator John Wachtel, Wilson Miller Consultant Michael English, Senior Assistant City Attorney Charles Hauck, and Assistant City Manager Fred Murry gave presentations.

MOTION: 1) Approve the recommendation; 2) direct staff to conduct a study of nearby properties to determine the viability of a CRA expansion in a larger area, including areas adjacent to Study Area 3; 3) authorize staff to negotiate with the consultant to complete the study and to report back to the City Commission the results of the negotiations and the findings of their investigations; and 4) have staff review the methodologies used to determine the results of the study.

RECOMMENDATION *The City Commission 1) accept a report from a consultant addressing blighted conditions in the proposed expansion area (Study Area 3); and 2) receive public input.*

Alternative Recommendation A: 1) accept a report from a consultant addressing blighted conditions in the proposed expansion area (Study Area 3); 2) authorize staff to negotiate a contract with WilsonMiller to complete a study to determine whether or not slum or blight exists in the area to the north and west of Study Area 3, and including Study Area 3; and 3) authorize up to \$10,000 from City Commission Contingency Funds to complete the study.

Alternative Recommendation B: Authorize staff to return to the City Commission with a resolution finding blight in Study Area 3.

A motion was made by Commissioner Lowe, seconded by Commissioner Mastrodicasa, that this matter be Approved as shown above (See Motion). The motion carried by the following vote:

Votes: Aye: Craig Lowe, Jack Donovan, Lauren Poe, Scherwin Henry, Jeanna Mastrodicasa and Thomas Hawkins
Absent: Pegeen Hanrahan

WAIVER OF RULES

MOTION: Commissioner Poe moved and Commissioner Hawkins seconded to waive the rules to hear presentations on Resolutions 080712 and 080713 regarding the Eastside Expansion Study Areas 1 & 2 and continue these items to the evening portion of the agenda for the vote on the Resolutions.

(VOTE: 6-0, Mayor Hanrahan - Absent, MOTION CARRIED)

080712. Eastside Redevelopment Area Expansion, Study Area 1 (B)

A resolution of the City Commission of the City of Gainesville, Florida, finding that the conditions in a certain area in the eastern portion of the City of Gainesville (Study Area 1) constitute blight, and that the rehabilitation, conservation, redevelopment, or combination thereof of such area is necessary in the interest of the public health, safety, morals or welfare of the residents of the City; and providing an immediate effective date.

Wilson Miller Consultant Michael English gave a presentation.

NOTE: There was a presentation on this item in the afternoon and the vote was taken during the evening portion of the agenda under Resolutions.

RECOMMENDATION *The City Commission 1) accept a report from the consultant addressing blighted conditions in the proposed expansion area (Study Area 1); 2) receive public input; 3) adopt the proposed resolution; and 4) refer the report and the resolution to the Community Redevelopment Agency and recommend the CRA amend the Eastside Area Redevelopment Plan as appropriate.*

Alternative recommendation: do not adopt the proposed resolution.

A motion was made by Commissioner Lowe, seconded by Commissioner Henry, that this matter be Continued. The motion carried by the following vote:

Votes: Aye: Craig Lowe, Jack Donovan, Lauren Poe, Scherwin Henry, Jeanna Mastrodicasa and Thomas Hawkins
Absent: Pegeen Hanrahan

080713. Eastside Redevelopment Area Expansion, Study Area 2 (B)

A resolution of the City Commission of the City of Gainesville, Florida, finding that the conditions in a certain area in the eastern portion of the City of Gainesville (Study Area 2) constitute blight, and that the rehabilitation, conservation, redevelopment, or combination thereof of such area is necessary in the interest of the public health, safety, morals or welfare of the residents of the City; and providing an immediate effective date.

Wilson Miller Consultant Michael English gave a presentation.

NOTE: There was a presentation on this item in the afternoon and the vote was taken during the evening portion of the agenda under Resolutions.

RECOMMENDATION *The City Commission 1) accept a report from a consultant addressing blighted conditions in the proposed expansion*

area (Study Area 2); 2) receive public input; 3) adopt the proposed resolution; and 4) refer the report and the resolution to the Community Redevelopment Agency and recommend the CRA amend the Eastside Area Redevelopment Plan as appropriate.

Alternative recommendation: do not adopt the proposed resolution.

A motion was made by Commissioner Lowe, seconded by Commissioner Hawkins, that this matter be Continued. The motion carried by the following vote:

Votes: Aye: Craig Lowe, Jack Donovan, Lauren Poe, Scherwin Henry, Jeanna Mastrodicasa and Thomas Hawkins
Absent: Pegeen Hanrahan

RECESS - 5:00 PM

RECONVENE - 5:45 PM

PLEDGE OF ALLEGIANCE (5:30pm)

PROCLAMATIONS/SPECIAL RECOGNITIONS

080686. Presentation of Executive Fire Officer Certificate to Timothy P. Hayes, Deputy Fire Chief (NB)

This item recommends recognition of Gainesville Fire Rescue Deputy Chief Timothy P. Hayes for his successful completion of the U.S. Fire Administration's Executive Fire Officer Program.

RECOMMENDATION *The Mayor and the Fire Chief present the EFO certificate to Deputy Chief Timothy P. Hayes.*

Heard

080687. Presentation of Certificate of Completion of the Harvard Program for Senior Executives in State and Local Government to Michael O. Randolph, Assistant Fire Chief (NB)

This item recommends recognition of Gainesville Fire Rescue Assistant Chief Michael O. Randolph for successful completion of the Harvard Program for Senior Executives in State and Local Government.

RECOMMENDATION *The Mayor and the Fire Chief present the Harvard Program*

Certificate to Assistant Chief Michael O. Randolph.

Heard

080717. School Crossing Guard Appreciation Day - January 15, 2009 (B)

RECOMMENDATION

Gainesville Police Department Executive Lieutenant for Patrol District 2 Anthony Ferrara and Police Service Technician Supervisor Ernestine Fletcher representing School Crossing Guards to accept the proclamation.

Heard

080718. Audubon Cooperative Sanctuary Day - January 15, 2009 (B)

RECOMMENDATION

Ironwood Audubon Certification Committee Chair Jan Weinbrech, Golf Course Superintendent Don Irby, and Golf Course Manager Bill Iwinski to accept the proclamation.

Heard

080719. Arbor Day - January 16, 2009 (B)

RECOMMENDATION

City Beautification Board Arbor Day Chair Dorothy Field, Parks, Recreation and Cultural Affairs City Horticulturist Mark Siburt, and City Beautification Board Becky Howard to accept the proclamation.

Heard

080720. Non-Native Invasive Plant Awareness Week 2009 - January 26-30, 2009 (B)

RECOMMENDATION

Friends of Nature Parks President Penny Wilson Weber to accept the proclamation.

Heard

CITIZEN COMMENT (6:00pm) - Please sign on sign-up sheet

Martha Kohen - Professor of UF School of Architecture

- 1. Thank you for the State of the City Address.*
- 2. Upcoming conference "The Urban Divide".*

080766. Citizen Comment - Professor Martha Kohen - "The Urban Divide" Conference (B)

RECOMMENDATION *The City Commission hear a presentation from Professor Martha Kohen regarding the upcoming conference January 28-30, 2009, and place back-up submitted on file.*

Placed on File

Gabriel Hillel

Butterfly Learning Project - Butterfly Fest.

Tom Cunilio

Various Issues.

Jonathan Ossip

Upcoming agenda item.

Frank Bracco

Upcoming agenda item.

Pat Fitzpatrick

Homeless Issues.

Theodore McLeod

EO Office - GPD - complaint.

Jerry Williamson

- 1. EO Office - GPD - complaint.*
- 2. Cabot-Koppers problem.*

PUBLIC HEARINGS

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

080566. SOLAR FEED-IN TARIFF (B)

Ordinance No. 0-08-88

AN ORDINANCE AMENDING CHAPTER 27, SECTION 27-21, DEFINITIONS, GAINESVILLE CODE OF ORDINANCES, PROVIDING DEFINITIONS; AMENDING APPENDIX A, SECTION UTILITIES (1) ELECTRICITY OF THE GAINESVILLE CODE OF ORDINANCES BY ADDING PROVISIONS FOR THE PURCHASE OF SOLAR GENERATED ENERGY THROUGH A STANDARD OFFER CONTRACT FOR ALL CLASSES; LIMITING NET METERING DISTRIBUTED RESOURCE(S) RATES FOR GENERAL SERVICE AND LARGE POWER CLASSES; PROVIDING A REPEALING CLAUSE; PROVIDING DIRECTIONS TO THE CODIFIER; PROVIDING A SEVERABILITY CLAUSE; AND, PROVIDING AN EFFECTIVE DATE

GRU Assistant General Manager for Strategic Planning Ed Regan gave a presentation.

REVISION: Clerical error - rate change on page 6 in the middle of the page between line 21 and 22 - (correction in attached back-up).

Chair Pro Tem Donovan recognized Harry Kegelmann, Walt Phillips and Felix Nevada, who spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed ordinance, to become effective March 1, 2009, as revised.*

A motion was made by Commissioner Poe, seconded by Commissioner Hawkins, that this matter be Adopted on First Reading, as revised (Ordinance). The motion carried by the following vote:

Votes: Aye: Craig Lowe, Jack Donovan, Lauren Poe, Jeanna Mastrodicasa and Thomas Hawkins
Absent: Pegeen Hanrahan and Scherwin Henry

080605.

VOLUNTARY ANNEXATION - LAKES OF KANAPAHA (B)

Ordinance No. 0-08-84

An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area pursuant to Chapter 90-496, Special Acts, Laws of Florida, as amended by Chapter 91-382 and Chapter 93-347, Special Acts, Laws of Florida, known as the Alachua County Boundary Adjustment Act; making certain findings; including within the corporate limits of the City of Gainesville, Florida, that certain compact and contiguous area comprised of Tax Parcel Numbers 06916-000-000, 06929-000-000, 06916-001-000, 06933-000-000, 06935-001-000 and 06917-000-000, generally located south of Tax Parcel 06819-010-000, west of SW 47th Street, north of SW Archer Road, and east of Lake Kanapaha and the City limits, as more specifically described in this Ordinance; providing for inclusion of the area in Appendix I of the City Charter; providing for land use and zoning regulations; providing directions to the City Manager and Clerk of the Commission; providing a severability clause; and providing an immediate effective date.

Strategic Planning Manager Karen Billings gave a presentation.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

Votes: Aye: Craig Lowe, Jack Donovan, Lauren Poe, Jeanna Mastrodicasa and Thomas Hawkins
Absent: Pegeen Hanrahan and Scherwin Henry

080438. REZONING - PRESTIGE LINCOLN MERCURY, INC.(B)

Ordinance No. 0-08-85, Petition No. 105ZON-08PB

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property within the City, as more specifically described in this Ordinance, from "BUS: General business district" to "BA: Automotive-oriented business district"; located in the vicinity of 2120 and 2140 Northeast 2nd Street; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Senior Planner Susan Bridges Niemann gave a presentation.

Commissioner Mastrodicasa declared that she had no conflict of interest regarding this item.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

Votes: Aye: Craig Lowe, Jack Donovan, Lauren Poe, Jeanna Mastrodicasa and Thomas Hawkins
Absent: Pegeen Hanrahan and Scherwin Henry

070941. UNDERAGE PROHIBITION IN ALCOHOLIC BEVERAGE ESTABLISHMENTS (B)

Ordinance No. 0-07-121

An ordinance of the City of Gainesville, Florida, creating a new Article III of Chapter 4 of the Gainesville Code of Ordinances entitled "Underage Prohibition in Alcoholic Beverage Establishments" which restricts patronage of persons under 21 years of age in alcoholic beverage establishments under certain conditions; providing definitions; providing criteria for issuance of an Underage Prohibition Order; providing for an administrative hearing; providing exceptions; providing penalties; amending section 2-339 of the Code of Ordinances relating to the civil citation table of applicable codes and ordinances; providing for injunctive relief; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

GPD Captain Lonnie Scott, Assistant City Attorney Stephanie Marchman, CRA Project Coordinator and Neighborhood Planner Kelly Huard Fisher and Police Chief Norm Botsford, gave presentations.

Chair Pro Tem Donovan recognized James Gray, Esq., Robert Zeller, Joy Rosean, Eric Matzner, Matthew Goldberger, Walter Willard, Jonathan Ossip, Patrick Schallor, Frank Bracco, Armando Grundy, Ken Norris and Andrew Kumen who spoke to the matter.

MODIFICATION: 1) Add a comma after the word "establishment" on page 3, line 11; and 2) page 11, section 6, line 12, replace the "period" with a "semi colon" and add the language "however, enforcement and implementation of this ordinance shall commence on April 1, 2009."

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

A motion was made by Commissioner Mastrodicasa, seconded by Commissioner Poe, that this matter be Adopted on First Reading, as modified (Ordinance). The motion carried by the following vote:

Votes: Aye: Craig Lowe, Jack Donovan, Lauren Poe, Scherwin Henry, Jeanna Mastrodicasa and Thomas Hawkins
Absent: Pegeen Hanrahan

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

080198. MOBILE HOME (MH) DISTRICT SETBACKS (B)

Ordinance No. 0-08-74; Petition No. 90TCH-08 PB
An ordinance of the City of Gainesville, Florida, amending the Land Development Code of the City of Gainesville relating to Residential low density districts (RMF-5, RC and MH); by amending Table 2 of section 30-52 to decrease setbacks for principal and accessory structures in the MH: 12 units/acre mobile home residential zoning district; 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 Commissioner Mastrodicasa, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:

Votes: Aye: Craig Lowe, Jack Donovan, Lauren Poe, Scherwin Henry, Jeanna Mastrodicasa and Thomas Hawkins
Absent: Pegeen Hanrahan

080544. REZONING - 300 BLOCK OF NE 39TH AVENUE (B)

Ordinance No. 0-08-83, Petition No. 119ZON-08PB

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property within the City, as more specifically described in this Ordinance, from "BUS: General business district" to "BA: Automotive-oriented business district"; located in the vicinity of the 300 block of Northeast 39th Avenue, as more specifically described in this ordinance; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Commissioner Mastrodicasa declared that she had no conflict of interest regarding this item.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

Votes: Aye: Craig Lowe, Jack Donovan, Lauren Poe, Scherwin Henry, Jeanna Mastrodicasa and Thomas Hawkins
Absent: Pegeen Hanrahan

RESOLUTIONS- ROLL CALL REQUIRED**080678. Resolution Approving the Conditional Final Plat Weschester Cluster Subdivision Phase IV (B)**

Conditional final plat review for 139 lots at Weschester Cluster Subdivision Phase IV (formerly Krystle Pines Cluster Subdivision), located in the 8200 block of NW 43rd Street (west side). Petition 122SUB-02DB.

Chief of Current Planning Lawrence Calderon and Agent for the Developer Brad Closterman of Causseaux, Hewitt and Walpole gave presentations.

RECOMMENDATION *Planning Staff to City Commission--The City Commission adopt the following resolution: A Resolution approving the conditional final plat of "Weschester Cluster Subdivision Phase IV, bounded on the east, south and west by Phase I and located generally on the north side of NW 82nd Boulevard between NW 54th Terrace on the west and the west boundary of Phase I closest to NW 51st Drive; and providing an immediate effective date.*

A motion was made by Commissioner Lowe, seconded by Commissioner Mastrodicasa, that this matter be Adopted (Resolution) and Approved the Recommendation. The motion carried by the following vote:

Votes: Aye: Craig Lowe, Jack Donovan, Lauren Poe, Scherwin Henry, Jeanna Mastrodicasa and Thomas Hawkins
Absent: Pegeen Hanrahan

080709. Resolution for a Local Agency Program (LAP) Agreement for Enhancements of the Depot Avenue Transportation Corridor Project (B)

This item is associated with a Resolution authorizing the City Manager to execute a supplemental Local Agency Program (LAP) Agreement (Supplemental Agreement No. 1) between the City of Gainesville and the Florida Department of Transportation for Enhancements of the Depot Avenue Transportation Corridor Project.

RECOMMENDATION *Recommended Motion: The City Commission: 1) adopt the Resolution; and 2) authorize the City Manager to execute a supplemental LAP Agreement (Supplemental Agreement No. 1) for the Enhancements of the Depot Avenue Transportation Corridor Project in the amount of \$4,303,396, subject to approval by the City Attorney as to form and legality.*

A motion was made by Commissioner Poe, seconded by Commissioner Mastrodicasa, that this matter be Adopted (Resolution). The motion carried by the following vote:

Votes: Aye: Craig Lowe, Jack Donovan, Lauren Poe, Scherwin Henry, Jeanna Mastrodicasa and Thomas Hawkins
Absent: Pegeen Hanrahan

080712. Eastside Redevelopment Area Expansion, Study Area 1 (B)

A resolution of the City Commission of the City of Gainesville, Florida, finding that the conditions in a certain area in the eastern portion of the City of Gainesville (Study Area 1) constitute blight, and that the rehabilitation, conservation, redevelopment, or combination thereof of such area is necessary in the interest of the public health, safety, morals or welfare of the residents of the City; and providing an immediate effective date.

RECOMMENDATION *The City Commission 1) accept a report from the consultant addressing blighted conditions in the proposed expansion area (Study Area 1); 2) receive public input; 3) adopt the proposed resolution; and 4) refer the report and the resolution to the Community Redevelopment Agency and recommend the CRA amend the Eastside Area Redevelopment Plan as appropriate.*

Alternative recommendation: do not adopt the proposed resolution.

A motion was made by Commissioner Lowe, seconded by Commissioner Mastrodicasa, that this matter be Adopted (Resolution) and Approved the Recommendation. The motion carried by the following vote:

Votes: Aye: Craig Lowe, Jack Donovan, Lauren Poe, Scherwin Henry, Jeanna Mastrodicasa and Thomas Hawkins
Absent: Pegeen Hanrahan

080713. Eastside Redevelopment Area Expansion, Study Area 2 (B)

A resolution of the City Commission of the City of Gainesville, Florida, finding that the conditions in a certain area in the eastern portion of the City of Gainesville (Study Area 2) constitute blight, and that the rehabilitation, conservation, redevelopment, or combination thereof of such area is necessary in the interest of the public health, safety, morals or welfare of the residents of the City; and providing an immediate effective date.

RECOMMENDATION *The City Commission 1) accept a report from a consultant addressing blighted conditions in the proposed expansion area (Study Area 2); 2) receive public input; 3) adopt the proposed resolution; and 4) refer the report and the resolution to the Community Redevelopment Agency and recommend the CRA amend the Eastside Area Redevelopment Plan as appropriate.*

Alternative recommendation: do not adopt the proposed resolution.

A motion was made by Commissioner Lowe, seconded by Commissioner Mastrodicasa, that this matter be Adopted (Resolution) and Approved the Recommendation. The motion carried by the following vote:

Votes: Aye: Craig Lowe, Jack Donovan, Lauren Poe, Scherwin Henry, Jeanna Mastrodicasa and Thomas Hawkins
Absent: Pegeen Hanrahan

080751. Resolution in Support of Proposed Modifications to the Alachua County Boundary Adjustment Act (B)

The Countywide Visioning and Planning Committee (CVPC) has requested support for the CVPC recommended changes to the Alachua County Boundary Adjustment Act (BAA).

Strategic Planning Manager Karen Billings gave a presentation.

RECOMMENDATION *The City Commission: 1) hear a report from staff on the suggested changes to the BAA; 2) discuss any other possible changes to the BAA; and 3) adopt the proposed resolution and direct staff to convey that position to the CVPC.*

Alternative Recommendation:

The City Commission: 1) hear a report from staff on possible changes to the BAA; 2) discuss any other possible changes to the BAA; and 3) not endorse changes to the BAA nor adopt the proposed resolution.

A motion was made by Commissioner Lowe, seconded by Commissioner Poe, that this matter be Adopted (Resolution) and Approved the Recommendation. The motion carried by the following vote:

Votes: Aye: Craig Lowe, Jack Donovan, Lauren Poe, Scherwin Henry, Jeanna Mastrodicasa and Thomas Hawkins
Absent: Pegeen Hanrahan

PLAN BOARD PETITIONS

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

UNFINISHED BUSINESS

COMMISSION COMMENT

Commissioner Thomas Hawkins

1. Thanks to the City Attorney and Stephanie Marchman regarding Ordinance 070941- Underage Prohibition in Alcoholic Beverage establishments.

City Attorney Marion Radson made comments.

2. Model Land Development Code ideas - Discussed this issue with Planning and Development Services Director Erik Bredfeldt over the past several months and will possibly bring an item to the City Commission regarding this.

Commissioner Scherwin Henry

Condolences to the family who lost their daughter in the semi tractor trailer accident and discussed safety of neighborhoods.

Mayor-Commissioner Pro Tem Jack Donovan

Butterfly City.

CITIZEN COMMENT (If time available)

There were no citizens who wished to speak during this time.

ADJOURNMENT - 9:31 PM.

Kurt M. Lannon, Clerk of the Commission