

# **City of Gainesville**

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



## **Meeting Minutes**

**Thursday, August 19, 2010**

**1:00 PM**

**City Hall Auditorium**

## **City Commission**

*Mayor Craig Lowe (At Large)  
Mayor-Commissioner Pro Tem Jeanna Mastrodicasa (At Large)  
Commissioner Scherwin Henry (District 1)  
Commissioner Lauren Poe (District 2)  
Commissioner Jack Donovan (District 3)  
Commissioner Randy Wells (District 4)  
Commissioner Thomas Hawkins (At Large)*

*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 - 1:03 PM

## ROLL CALL

Present: Craig Lowe, Jack Donovan, Jeanna Mastrodicasa, Scherwin Henry, Lauren Poe, Thomas Hawkins and Randy Wells

## INVOCATION

## CONSENT AGENDA

*Commissioner Hawkins moved and Commissioner Donovan seconded to adopt the Consent Agenda, as modified.*

*(VOTE: 7-0, MOTION CARRIED)*

### *MODIFICATIONS:*

- 1. File #100237 - Interlocal Agreement with the School Board of Alachua County - (Move to the Regular Agenda; and revised back-up and recommendation to approve).*
- 2. File #100273 - School Board Joint Meeting - (Move to the Regular Agenda, add backup and discuss whether to hold a second mediation session).*
- 3. File #100253 - Energy Efficiency Recommendations of the Community Development Committee (Remove from General Manager Consent - Duplication).*
- 4. File #100288 - (NEW ITEM) Air Construction Permit Process - (Add to the Consent Agenda under General Manager for Utilities).*

## CITY MANAGER, CONSENT AGENDA ITEMS

### **090581. Amendment to Government Services Group Contract (NB)**

**This item requests authorization for the City Manager to expend additional funds to cover the costs of mailing the first class notices to property owners required for the fire assessment project.**

#### **RECOMMENDATION**

*The City Commission: 1) appropriate an additional amount of \$14,928.16 from the general fund fund balance for the fire assessment project; and 2) authorize the City Manager to expend total funds for the fire assessment project in the amount of \$55,000 to Government Services Group for consultant services, and \$44,928.16 to Government Services Group to cover the costs of mailing the required first class notices.*

**Approved as Recommended****100125. Contract for Departmental Medical Director Services for the Gainesville Fire Rescue Department (B)**

**This item requests approval to renew the "Agreement Between the City of Gainesville and the University of Florida for Assistant Medical Director" for a three-year period to meet statutory requirements for the provision of advanced life support services by Gainesville Fire Rescue.**

**RECOMMENDATION**      *The City Commission: 1) authorize the City Manager to execute the contract with the University of Florida for the benefit of the Department of Anesthesiology, College of Medicine to provide a Departmental Medical Director for the period of September 1, 2010 through August 31, 2013, subject to approval of the City Attorney as to form and legality; and 2) approve the issuance of a purchase order to the University of Florida, Contracts and Grants for Departmental Medical Director services not to exceed \$58,500 for the period of September 1, 2010 through August 31, 2013.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**100194. Design and Construction of the One Stop Homeless Assistance Center (B)**

**This is a request for the City Commission to approve staff's recommended ranking of the Design Build firms for the Design and Construction of the One Stop Homeless Assistance Center.**

**RECOMMENDATION**      *The City Commission: 1) approve staff's recommended ranking of the Design Build Firms; and 2) authorize the City Manager to negotiate and execute a contract and any related documents, subject to approval from the City Attorney as to form and legality, for the Design and Construction of the One Stop Homeless Assistance Center.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**100212. 2005/2009 Special Appropriations Project (SPAP) Grant Application for Depot Park (NB)**

**This item is a request for the City Commission to authorize the City Manager to file a funding application with the Environmental Protection Agency (EPA) for the Depot Park Project.**

**RECOMMENDATION**      *The City Commission: 1) authorize the City Manager to make*

*application with EPA for the SPAP Grant; and 2) if the grant is offered, authorize the City Manager to execute all related documents, subject to approval by the City Attorney as to form and legality.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**100213. Alachua County Courthouse Connector Project Construction Contract (B)**

**This item is a request to authorize the City Manager to approve the construction contract from J.B. Coxwell Contracting, Inc. for the Alachua County Courthouse Connector Project.**

**RECOMMENDATION** *The City Commission: 1) authorize the City Manager to approve the sole source construction proposal from J.B. Coxwell Contracting, Inc. for the Alachua County Courthouse Connector Project; 2) execute the construction contract and related documents, subject to approval by the City Attorney as to form and legality; and 3) issue a purchase order in an amount not to exceed \$131,675.28.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**100214. State Homeland Security Grant Program Sub-recipient Agreement (NB)**

**This item requests that the City Commission authorize the City Manager to enter into a contract with the State of Florida, Department of Financial Services, to support equipment maintenance and training for Gainesville Fire Rescue's Hazardous Materials and Technical Rescue Teams.**

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

*Alternative Recommendation A: The City not enter into a contract resulting in a loss of up to \$79,545 of available reimbursement funds for equipment maintenance and training and requiring expenditures from the general fund.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**100222. Ratification of Agreement to amend North Central Florida Police Benevolent Association, Inc. Labor Agreement for October 1, 2008 through September 30, 2011 (B)**

**This item proposes the ratification of the amended Agreement between North**

**Central Florida Police Benevolent Association, Inc. and the City of Gainesville.**

**RECOMMENDATION**      *The City Commission ratify the amended Agreement between North Central Florida Police Benevolent Association, Inc. and the City of Gainesville for October 1, 2008 through September 30, 2011.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**100238. Request for Qualifications for Architectural and Engineering Services for Wild Spaces, Public Places (WSPP) Projects (B)**

**This item involves a request for the City Commission to approve staff's ranking of Architectural and Engineering firms for development of the approved WSPP Alfred A. Ring Park project.**

**RECOMMENDATION**      *The City Commission: 1) approve staff's recommended ranking of the firms; and 2) authorize the City Manager or designee to negotiate and execute a contract and any related documents, subject to approval from the City Attorney as to form and legality, for design and construction oversight of the Alfred A. Ring Park development.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**100239. Morningside Nature Center Pavilion Public Art (B)**

**This item involves a request by the Art in Public Places Trust to designate an artist to create public art for the Morningside Nature Center Pavilion.**

**RECOMMENDATION**      *The City Commission approve the designation of artist Peter Davidson to create public artwork for the Morningside Nature Center Pavilion.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS****100252. Contract Amendment for Herbicides (NB)**

**Staff recommends extending the term of the contract for herbicides with Helena Chemical Company.**

**RECOMMENDATION**      *The City Commission: 1) authorize the General Manager, or his designee, to execute an amendment to extend the contract with Helena Chemical Company for herbicides for Energy Delivery for an additional three-year period; and 2) approve*

*the issuance of purchase orders in amounts not to exceed budgeted amounts, subject to the final appropriation of funds for each year of the contract.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**100288. Air Construction Permit Process (NB)**

**The General Manager recommends the City intervene in the Division of Administrative Hearings Air Permit hearing for the Gainesville Renewable Energy Center.**

**RECOMMENDATION**      *The City Commission authorize 1) The City Attorney take all steps necessary for the City to intervene as a party in the air construction permit proceeding pending at the Division of Administrative Hearings (DOAH), and 2) authorize the City Attorney to retain the law firm of Hopping, Green and Sams to represent the interests of the City in said proceeding.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**CITY ATTORNEY, CONSENT AGENDA ITEMS**

**100235. TAYLOR PARKER VS. THE CITY OF GAINESVILLE, FLORIDA, A MUNICIPAL CORPORATION, AND OFFICER DAVID REVEILLE, IN HIS INDIVIDUAL CAPACITY, COURT CASE NO. 1:10-CV-00146 (B)**

**RECOMMENDATION**      *The City Commission authorize the City Attorney and/or special counsel if insurance coverage is available to represent the City of Gainesville in the case Taylor Parker vs. the City of Gainesville, Florida, a municipal corporation, and Officer David Reveille, in his individual capacity, Court Case No. 1:10-CV-00146*

**This Matter was Approved as Recommended on the Consent Agenda.**

**100240. FRATERNAL ORDER OF POLICE, GATOR LODGE 67 V. CITY OF GAINESVILLE, FLORIDA, CASE NUMBER: 2010-CA-4182, DIV. K (B)**

**RECOMMENDATION**      *The City Commission authorize the City Attorney's Office to represent the City of Gainesville in Fraternal Order of Police, Gator Lodge 67 v. City of Gainesville, Florida, Case Number: 2010-CA-4182.*

**This Matter was Approved as Recommended on the Consent Agenda.**

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**CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS****100272. City Commission Minutes (B)**

**RECOMMENDATION**      *The City Commission approve the minutes of June, 21, 2010; June 22, 2010; July 13, 2010; July 20, 2010; July 15, 2010; July 22, 2010; July 26, 2010; and August 5, 2010; as circulated.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS****COMMITTEE REPORTS, CONSENT AGENDA ITEMS****PUBLIC SAFETY COMMITTEE, CONSENT****091038. Towing Company Ordinance Prohibiting Employment of Persons With A Previous Domestic Violence Charge (NB)**

**RECOMMENDATION**      *The City Commission authorize the City Attorney to draft and the Clerk of the Commission to advertise the amendments to the Rotation Towing Ordinance, Roam Towing Ordinance, and the Vehicle For Hire Ordinance to incorporate the changes proposed by the Public Safety Committee.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**COMMUNITY DEVELOPMENT COMMITTEE, CONSENT****100253. Energy Efficiency Recommendations of the Community Development Committee (CDC) (NB)**

**On November 16th, 2009, the CDC heard recommendations from staff on Energy Efficiency Standards and Requirements and results of landlord focus groups. The CDC agreed with a number of recommendations that would assist apartment complexes and rental units with energy efficiency, but is retaining in committee the item "R19 Attic Insulation as a Standard of the Minimum Housing Code."**

**RECOMMENDATION**      *The City Commission endorse the CDC recommendations.*

**This Matter was Approved as Recommended on the Consent Agenda.**

## Passed The Consent Agenda

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

**Votes:** Aye: Randy Wells, Jeanna Mastrodicasa, Thomas Hawkins, Jack Donovan, Lauren Poe, Scherwin Henry and Craig Lowe

## COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

### END OF CONSENT AGENDA

### ADOPTION OF THE REGULAR AGENDA

*Commissioner Donovan moved and Commissioner Hawkins seconded to adopt the Regular Agenda, as modified.*

*(VOTE: 7-0, MOTION CARRIED)*

#### *MODIFICATIONS:*

- 1. File #090538 - Butler Plaza Planned Development (PD) Rezoning - (Additional back-up submitted from the petitioner and notes submitted from Commissioner Hawkins).*
- 2. File #100231 - Legacy Small Scale Land Use Amendment (Back-up submitted from the petitioner ppt.).*
- 3. File #100229 - Fat Tuscan - (Petition) - (Move to the end of the agenda).*

## CHARTER OFFICER UPDATES

## CLERK OF THE COMMISSION

### **100251. City Commission Referral Status Update (B)**

*MOTION (MODIFICATION): Retain File #080925 City Plan Board and Development Review Board Request for City Attorney Representation on the City Attorney's Referral List.*

**RECOMMENDATION** *The City Commission review the referral status reports submitted by staff and take appropriate action.*

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



**Votes:** Aye: Randy Wells, Jeanna Mastrodicasa, Thomas Hawkins, Jack Donovan, Lauren Poe, Scherwin Henry and Craig Lowe

**100266. Appoint District III Seat (B)**

*MOTION (MODIFICATION): Approve the selection process and timeline as presented by the Clerk of the Commission with the modification that the appointment be made after the City Commission selection forum on October 11, 2010, if possible.*

**RECOMMENDATION**      *The City Commission discuss the appointment process for District III seat.*

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

**Votes:** Aye: Randy Wells, Jeanna Mastrodicasa, Thomas Hawkins, Jack Donovan, Lauren Poe, Scherwin Henry and Craig Lowe

**100273. School Board Joint Meeting (B)**

*MOTION: 1) Indicate to the School Board that there is no need for an October joint meeting; 2) waive any further mediation with the School Board; 3) declare an impasse with the School Board regarding payment of stormwater fees; 4) authorize the City Attorney to start the process for litigation regarding the School Board's non payment of City of Gainesville stormwater fees; and 5) offer mediation to the new Board when seated.*

**RECOMMENDATION**      *The City Commission schedule a joint meeting with the Alachua County School Board on October 4, 2010 at 1:00 PM.*

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

**Votes:** Aye: Randy Wells, Jeanna Mastrodicasa, Jack Donovan, Lauren Poe and Craig Lowe  
Nay: Scherwin Henry  
Absent: Thomas Hawkins

## **CITY MANAGER**

**091059. 60% Design Approval of the Alachua County/City of Gainesville Senior Recreation Center (B)**

**This is a request for the City Commission to approve the 60% design of the Alachua County/City of Gainesville Senior Recreation Center within Northside Park located at 5701 NW 34th Street, Gainesville, FL 32653.**

City Construction Manager Amy Raimer and W. G. Mills Project Manager Ty Bliss gave presentations.

**RECOMMENDATION**

*The City Commission: 1) hear presentation; 2) approve the 60% design; 3) instruct the architect to continue working on construction drawings; and 4) waive the 100% construction document presentation to the City Commission.*

*Alternative Recommendation A: The City Commission approve the 60% design with suggestions.*

**A motion was made by Commissioner Henry, seconded by Mayor-Commissioner Pro Tem Mastrodicasa, that this matter be Approved as Recommended. The motion carried by the following vote:**

Votes: Aye: Randy Wells, Jeanna Mastrodicasa, Thomas Hawkins, Jack Donovan, Lauren Poe, Scherwin Henry and Craig Lowe

**100233.**

**Proposed Enhancement to Facilitate Gainesville Regional Airport Economic Development Opportunities (B)**

**Planning staff recently met with the Airport CEO and agent to discuss enhancing economic development opportunities at the Gainesville Regional Airport and suggested sharing this information with the City Commission.**

*Planning and Development Services Director Erik Bredfeldt, Clay Sweger of Eng, Denman and Associates and Airport CEO Alan Penksa gave presentations.*

*NOTE: Commissioner Mastrodicasa declared that she had no conflict of interest regarding this item and would be voting on the motion.*

**RECOMMENDATION**

*The City Commission: 1) hear a brief presentation from staff and the Airport's agent and CEO; and 2) direct staff to initiate a Petition to the Plan Board reflecting the Airport's proposal.*

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

Votes: Aye: Randy Wells, Jeanna Mastrodicasa, Thomas Hawkins, Jack Donovan, Lauren Poe, Scherwin Henry and Craig Lowe

**100232.**

**Progress Report on Comprehensive Plan Evaluation and Appraisal Report (B)**

*Chief of Comprehensive Planning Dean Mimms, Concurrency Management Planner Onelia Lazzari, GRU Supervising Design Engineer Rick Hutton, Alachua County Environmental Protection Representative Gus Olmos and Solid Waste Manager Steve Joplin gave presentations.*

*Mayor Lowe recognized Rob Brinkman and Pat Fitzpatrick who spoke to the matter.*

**RECOMMENDATION**      *Staff to City Commission - the Commission hear a presentation by Planning staff on the draft EAR Report chapters on the following Elements: Public Schools Facilities; Potable Water & Wastewater; Solid Waste; and Housing.*

**Heard**

**100237.                    Interlocal Agreement with the School Board of Alachua County (B)**

**This item involves an agreement with the School Board of Alachua County to assume operational duties of the Teen Zone After-School Program at Westwood Middle School.**

*NOTE: The interlocal agreement was modified by the City Attorney and is attached.*

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

**Votes:** Aye: Randy Wells, Jeanna Mastrodicasa, Thomas Hawkins, Jack Donovan, Lauren Poe, Scherwin Henry and Craig Lowe

## **GENERAL MANAGER FOR UTILITIES**

**100274.                    Update on Staff Policy Recommendations for 2010 Solar Feed In Tariff (FIT) Program (B)**

**The Commission received a presentation on changes to the Solar Feed In program on July 1, 2010. Following the presentation, there was a request from the Commission to consider FIT program policy changes to better accommodate smaller-sized and residential solar systems. There was an additional request from local solar industry representatives to consider policies that would help them maintain an even workflow throughout the year.**

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

*Mayor Lowe recognized Rob Brinkman who spoke to the matter.*

**RECOMMENDATION**      *The City Commission receive a presentation on administrative policy changes that staff proposes for the 2010 Feed In Tariff program which would address the concerns raised.*

**Heard**

## **CITY ATTORNEY**

**CITY AUDITOR****EQUAL OPPORTUNITY DIRECTOR****COMMITTEE REPORTS (PULLED FROM CONSENT)****RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE****080471. Analyze the Availability and Accessibility of Youth Programs and Identify a Role for City Government - CCOM Strategic Initiative (B)**

**This item provides a status update on the progress of Strategic Initiative 3.3: Analyze the Availability and Accessibility of Youth Programs and Identify a Role for City Government.**

*GPD Police Chief Tony Jones and Assistant Recreation and Parks Director Michelle Park gave presentations.*

**RECOMMENDATION**

*The City Commission: 1) receive the GIS presentation on youth programs and the gap analysis; and 2) adopt the draft recommendation of the Role of Government to Create a City of Gainesville Youth Alliance that will: 1) consists of all youth service providers in the city; and 2) meets regularly to build a stronger network of support for youth programs and services by: a) sharing information; b) identifying possible partnerships; and c) providing logistical support and/or assistance.*

**Heard**

**PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE****PUBLIC SAFETY COMMITTEE****AUDIT, FINANCE AND LEGISLATIVE COMMITTEE****ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)****OUTSIDE AGENCIES****MEMBERS OF THE CITY COMMISSION**

**COMMISSION COMMENTS (if time available)**

**Commissioner Scherwin Henry**

*Trees on East University Avenue.*

**Commissioner Lauren Poe**

*Butler Plaza.*

**RECESS - 5:50 PM**

**RECONVENE - 5:51 PM**

**PLEDGE OF ALLEGIANCE (5:30pm)**

**PROCLAMATIONS/SPECIAL RECOGNITIONS**

**100254. Roberta Lisle Kline Conference Room (B)**

RECOMMENDATION *Catherine Lisle (daughter), Nathan Lisle (son) and Mary Hagan (sister) to accept the proclamation.*

**Heard**

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

**John Davies**

*Property Taxes.*

**Harold Saive**

*September 11, 2010 - Dove World Burning of the Koran.*

**Bob Tuskin**

*September 11, 2010 - Dove World Burning of the Koran.*

**Gabriel Hillel**

*Butterfly City Signs.*

**100324. Citizen Comment - Gabriel Hillel - Butterfly City (B)**

**RECOMMENDATION**      *The City Commission hear comments from Gabriel Hillel and place back-up submitted on file.*

**Placed on File**

**Rob Brinkman**

*Biomass Plant.*

**PUBLIC HEARINGS****RESOLUTIONS- ROLL CALL REQUIRED****TRANSMITTAL HEARING****100141. LAND USE CHANGE – FOREST PARK (B)**

**Ordinance No. 100141, Petition PB-10-29LUC**  
**An Ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan; by changing the land use categories of certain property, as more specifically described in this ordinance, from the land use category of “Residential Medium-Density (8-30 units per acre)” to “Conservation”; consisting of approximately 12 acres, located in the vicinity of South of S.W. 20th Avenue between I-75 and Forest Park; providing a severability clause; providing a repealing clause; and providing an effective date.**

*Senior Planner Susan Neimann gave a presentation.*

**RECOMMENDATION**      *The City Commission: 1) approve Petition No. PB-10-29LUC; and 2) adopt the proposed ordinance on first reading.*

**A motion was made by Commissioner Poe, seconded by Commissioner Hawkins, that this matter be Approved (Petition) and Adopted (Ordinance) on Transmittal Hearing. The motion carried by the following vote:**

**Votes:** Aye: Randy Wells, Jeanna Mastrodicasa, Thomas Hawkins, Jack Donovan, Lauren Poe, Scherwin Henry and Craig Lowe

**ORDINANCES, 1ST READING- ROLL CALL REQUIRED****ORDINANCES, 2ND READING- ROLL CALL REQUIRED**

**100042. SOLID WASTE NON-AD VALOREM TAX ASSESSMENT (B)****Ordinance No. 100042**

An ordinance of the City of Gainesville, Florida, providing consent for the entire corporate limits of the City of Gainesville, Florida to be included in the non-ad valorem assessment for the municipal service benefit unit created by Alachua County for certain solid waste management services for the 2010-2011 fiscal year; providing conditions for the consent; providing that the consent is for a one-year period; 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 Henry, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:**

**Votes:** Aye: Randy Wells, Jeanna Mastrodicasa, Thomas Hawkins, Jack Donovan, Lauren Poe, Scherwin Henry and Craig Lowe

**100140. LANDLORD PERMIT RENEWAL FEES (B)****Ordinance No. 100140**

An ordinance of the City of Gainesville, Florida, amending Appendix A, City of Gainesville Code of Ordinances, relating to late fees for landlord permit renewals; 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 Wells, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:**

**Votes:** Aye: Randy Wells, Jeanna Mastrodicasa, Thomas Hawkins, Jack Donovan, Lauren Poe, Scherwin Henry and Craig Lowe

**DEVELOPMENT REVIEW BOARD PETITIONS****090844. Hidden Lake Design Plat, Phase II (B)**

**Petition DB-09-88 SUB Causseaux, Hewett and Walpole, Inc., agent for Land Estates, LLC. Design plat review for Phase II of Hidden Lake Subdivision. Zoned PD (Planned Development). Located at NW 75th Place and NW 21st Way, Parcel No. 07814-002-001.**

*Chief of Current Planning Lawrence Calderon and Agent for the Petitioner Robert*

*Walpole gave presentations.*

*Mayor Lowe recognized Hidden Lake Homeowners Association President George Cast and Hidden Lake Vice President (name inaudible) who spoke to the matter.*

*MOTION (MODIFICATIONS: Approve the recommendation with the modifications set out by Mr. Walpole that include: 1) Deeding Lot 2 to the Homeowners Association; 2) creating the right of way, but not improving the connection to the north; 3) not fencing the interior wetland; and 4) not constructing the sidewalk.*

**RECOMMENDATION**

*Staff to City Commission - the City Commission approve the DRB's recommendation included in the report, including the following:*

- Approve a modification to allow removal of the cul-de-sac per the reviewing department.*
- Require the placement of sidewalks in Phase II as required by code*
- Approve the wetland mitigation plan, finding that the Public Interest Test has been met; the avoidance and minimization criteria has been satisfied and approve the mitigation plan as proposed.*
- Require a 12-foot wide pedestrian/bicycle connection to the adjacent development to the north, subject to agreement by the owners of Eryn's Gardens.*
- Require compliance with GRU requirements including a 12-foot wide stabilized surface to service existing manholes and lift station managed by GRU.*

**A motion was made by Commissioner Poe, seconded by Commissioner Donovan, that this matter be Approved (Petition) as Modified. The motion carried by the following vote:**

**Votes:** Aye: Jeanna Mastrodicasa, Thomas Hawkins, Jack Donovan, Lauren Poe, Scherwin Henry and Craig Lowe  
Nay: Randy Wells

## PLAN BOARD PETITIONS

### 090538. Butler Plaza Planned Development (PD) Rezoning (B)

**Petition PB-09-84 PDV. Kimley-Horn and Associates, Inc., agent for S. Clark Butler Properties, Ltd. (Butler Plaza PD) Rezone property from Alachua County Automotive Oriented Business (BA), Retail Sales, and Services (BR), Highway Oriented Businesses (BH), Manufactured/Mobile Home Park (RM), Manufacturing and Services Industrial (MS), Residential Multi-Family (R-2), Residential Multi-Family (R-3), Residential Single Family (R-1C), Residential and Professional (RP) to City of Gainesville PD (Planned Development District) to allow commercial, office and residential uses. Located between Southwest Archer Road and Southwest 24th Ave., and between Southwest 40th Blvd. and Southwest 34th St. Related to Petition PB-09-74 LUC.**



Senior Planner Scott Wright, Attorney for the Petitioner Linda Shelley, Agent for the Petitioner Noel Cupkovick, Agent for the Petitioner Jonathan Thigpen, Petitioner Debra Butler, Agent for the Petitioner Richard Bush, Assistant City Attorney Nicolle Shalley, Planning Manager Ralph Hilliard and Public Works Director Teresa Scott gave presentations.

Mayor Lowe recognized Arnall Downs, Cathleen Pagan and Rob Brinkman who spoke to the matter.

NOTE: Commissioner Poe left the meeting room at 6:29 PM.

MOTION: Commissioner Hawkins moved and Commissioner Donovan seconded to approve the petition as revised by the Plan Board and the revised and additional conditions and with the referrals that were mentioned by Commissioner Hawkins; and continue the petition to October 21, 2010.

(VOTE: 6-0, Commissioner Poe - Absent, MOTION CARRIED)

Condition 1 - Twenty year time frame, with language to develop a phasing schedule with input from the applicant, staff and the City Attorney.

Condition 18 - Referred to staff to review Commission request that applicant provide funding for maintenance or amenities for the first 3 years.

Condition 28 - Added language with regards to ornamental plants in stormwater facilities for aesthetic and other beneficial purposes; and LID standards throughout the project.

Condition 30 - Approved staff's language.

Condition 32 - Approved staff's language.

Condition 33 - Approved staff's language.

Condition 34 - Approved staff's language.

Condition 44 - Approved applicant's language.

Condition 45 - Added language that the development shall be consistent with a completed Exhibit K.

Condition 46 - Historic Marker for Stengle Air Field.

Condition 47 - All signs shall be externally lit.

Condition 48 - All roads shall not be inverted crown.

Condition 49 - Only permit Typical Sections "F" and "G" directly adjacent to front or side facades of destination retail buildings on all other streets limited driveway or alleyway access to two curb cuts per block face and to four curb cuts per block.

Condition 50 - Street naming shall be according to Chapter 23, Article II Division I of the Code of Ordinances.

The City Commission also referred the following to staff:

Condition 28 - Referred to staff to discuss firmer language on LID Standards and stormwater pond aesthetics.

Bullet Point 6 of Mr. Bredfeldt's memo which is the Development Standards for Existing Retail.

Bullet Point 7 of Mr. Bredfeldt's memo which is Building Orientation.

Bullet Point 8 of Mr. Bredfeldt's memo which is Parking Location.

Referred to Public Works staff the lane widths in coordination with the applicant to have appropriate lane widths in our cross sections.

Referred to the City Attorney the question of Public Forum on the streets in the

*Development for refinement.*

*Referred to staff the maximum number of destination retail stores, buildings with a drive through, and cellular telecommunications towers.*

*WAIVER OF RULES: Commissioner Wells moved and Commissioner Hawkins seconded to waive the rules to extend the meeting to 11:45 PM.  
(VOTE: 6-0, Commissioner Poe - Absent, MOTION CARRIED).*

**RECOMMENDATION** *City Plan Board to City Commission - The City Commission approve petition PB-09-84 PDV, as revised by the Plan Board. The Plan Board voted approval of the petition with revisions (6-1).*

*Staff to City Commission - The City Commission approve the revised recommendation from City staff.*

**A motion was made by Commissioner Hawkins, seconded by Commissioner Donovan, that this matter be Continued (Petition) for October 21, 2010. The motion carried by the following vote:**

**Votes:** Aye: Randy Wells, Jeanna Mastrodicasa, Thomas Hawkins, Jack Donovan, Scherwin Henry and Craig Lowe  
Absent: Lauren Poe

**100231. Legacy Small-Scale Land Use Amendment (B)**

**Petition PB-09-115 LUC. Causseaux, Hewett, and Walpole, Inc., agent for Legacy Fountains, LLC. Amend the Future Land Use Map from REC (Recreation) to PUD (Planned Use District) to allow a residential, commercial, office, and retail development. Located at 1420, 1424, 1428 and 1432 Southwest 52nd Street. Related to Petition PB-09-116 PDV.**

*Planner Bedez Massey and Agent for the Petitioner Gerry Dedenbach gave presentations.*

**RECOMMENDATION** *City Plan Board to City Commission - The City Commission approve Petition PB-09-115 LUC with staff conditions and the modification to Condition 7.*

*Staff to City Plan Board - Staff recommends approval of Petition PB-09-115 LUC, subject to the approval of proposed conditions in the staff report and Appendix D.*

*Alternate Recommendations -*

*The City Commission approve Petition PB-09-115 LUC as submitted.*

*The City Commission deny Petition PB-09-115 LUC.*

**A motion was made by Commissioner Henry, seconded by Mayor-Commissioner Pro Tem Mastrodicasa, that this matter be Approved (Petition). The motion carried by the following vote:**

**Votes:** Aye: Randy Wells, Jeanna Mastrodicasa, Thomas Hawkins, Jack Donovan, Scherwin Henry and Craig Lowe  
Absent: Lauren Poe

## **PLAN BOARD PETITIONS - (CONTINUED)**

### **100229. Fat Tuscan (B)**

**Petition PB-10-68 PDA. Jay and Michele Reeves. Amend the Planned Development Ordinance No. 070819 (Fat Tuscan) to allow additional office uses and outdoor music; expand the hours to 6:30am -10:30pm Monday thru Saturday, 8:00am-5:00pm on Sundays; and to increase the amount of seating from 30 to 70 seats. Located at 725 Northeast 1st Street.**

*Planning Manager Ralph Hilliard and Petitioners Jay and Michelle Reeves gave presentations.*

*Mayor Lowe recognized Joe Montalto, Rob Brinkman, Ron Hall, Barry Gerten and Melanie Barr who spoke to the matter.*

*WAIVER OF RULES: Commissioner Hawkins moved and Commissioner Donovan seconded to waive the rules to extend the meeting to 11:55 PM.  
(VOTE: 6-0, Commissioner Poe - Absent, MOTION CARRIED)*

*MOTION (MODIFICATIONS): Approve the petition as modified by the Plan Board and by the City Commission: 1) Plan Board Condition 7 - remove the word "private" from the line - After hours private parties shall be prohibited; and 2) no outdoor seating/service after 10:00 PM.*

**RECOMMENDATION**      *Plan Board to the City Commission - approve the petition as modified.  
Staff to the Plan Board- approve the petition with conditions.  
Alternative recommendation - deny the petition.*

**A motion was made by Commissioner Wells, seconded by Mayor-Commissioner Pro Tem Mastrodicasa, that this matter be Approved (Petition) as Modified. The motion carried by the following vote:**

**Votes:** Aye: Randy Wells, Jeanna Mastrodicasa, Thomas Hawkins, Jack Donovan, Scherwin Henry and Craig Lowe  
Absent: Lauren Poe

## **SCHEDULED EVENING AGENDA ITEMS**

## **UNFINISHED BUSINESS**

**COMMISSION COMMENT**

**CITIZEN COMMENT (If time available)**

**ADJOURNMENT - 11:51 PM.**

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Kurt M. Lannon, Clerk of the Commission