

City of Gainesville

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



Meeting Minutes

Thursday, January 5, 2012

1:00 PM

City Hall Auditorium

City Commission

*Mayor Craig Lowe (At Large)
Mayor-Commissioner Pro Tem Thomas Hawkins (At Large)
Commissioner Scherwin Henry (District 1)
Commissioner Todd Chase (District 2)
Commissioner Susan Bottcher (District 3)
Commissioner Randy Wells (District 4)
Commissioner Jeanna Mastrodicasa (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 - 1:04 PM**ROLL CALL**

Present: Craig Lowe, Jeanna Mastrodicasa, Scherwin Henry, Thomas Hawkins, Randy Wells, Todd Chase and Susan Bottcher

INVOCATION

The City Commission observed a moment of silence.

CONSENT AGENDA

MOTION: A motion was made by Commissioner Wells, seconded by Commissioner Chase to adopt the Consent Agenda, as modified.

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

MODIFICATION: File #110589 - Continuation of the Employee Bus Pass Programs - (Remove from the Consent Agenda and place on the Regular Agenda for discussion).

CITY MANAGER, CONSENT AGENDA ITEMS**110583. Federal Law Enforcement Contraband Forfeiture Trust Fund (LECFTF) Funding for the Gainesville - Alachua County Drug Task Force, GPD Special Investigation Division for Nextel Communications for FY2012 (NB)**

RECOMMENDATION *The City Commission approve the appropriation of \$6,800 from the Federal Law Enforcement Contraband Forfeiture Trust Fund (LECFTF) to pay for the operating expenses of the Nextel Communications.*

This Matter was Approved as Recommended on the Consent Agenda.

110588. Bid Award - Annual Contract for Redi-Mix Concrete for FY 2011/2012 (B)

This item is a request for the City Commission to authorize the bid award to Florida Rock Industries for the annual contract for Redi-Mix Concrete for FY 2011/2012.

RECOMMENDATION *The City Commission: 1) approve the bid award to Florida Rock Industries for Annual Redi-Mix Concrete for FY 2011/2012; and 2) authorize the City Manager to execute the contract and all related documents with Florida Rock Industries, subject to approval by the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

110591. 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 declares 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 FY2012.*

This Matter was Approved as Recommended on the Consent Agenda.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

CITY ATTORNEY, CONSENT AGENDA ITEMS

110570. RONALD J. KING VS. CITY OF GAINESVILLE, FLORIDA, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA; EIGHTH JUDICIAL CIRCUIT, CASE NO. 2011-CA-6119 (B)

RECOMMENDATION *The City Commission authorize the City Attorney to represent the City of Gainesville in the case styled Ronald J. King vs. City of Gainesville, Florida, a political subdivision of the State of Florida; Eighth Judicial Circuit, Case No. 2011-CA-6119.*

This Matter was Approved as Recommended on the Consent Agenda.

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

110590. Appointments to City Commission Advisory Board and Committee (NB)

RECOMMENDATION *The City Commission appoint the following:*

Virgil Mathis to the Bicycle/Pedestrian Advisory Board for a term to expire 12/31/14.

Carl Ramey to the Board of Adjustment for a term to expire 11/1/14.

George Martin to the Gainesville Enterprize Zone Development Agency for a term to expire 9/30/15.

Michele LeSure to the Nature Centers Commission for a term to expire 11/1/14.

Beverly Hill to the Student Community Relations Advisory Board for a term to expire 2/26/14.

This Matter was Approved as Recommended on the Consent Agenda.

Passed The Consent Agenda

A motion was made by Commissioner Wells, seconded by Commissioner Chase, 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, Randy Wells, Jeanna Mastrodicasa, Todd Chase, Susan Bottcher and Thomas Hawkins
Absent: Scherwin Henry

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

MOTION: A motion was made by Commissioner Wells, seconded by Mayor-Commissioner Pro Tem Hawkins to adopt the Regular Agenda, as modified. (VOTE: 6-0, Commissioner Henry - Absent, MOTION CARRIED)

MODIFICATIONS:

- 1. File #110606 - State Legislative Update - (New ppt. submitted).*
- 2. File #110585 - Resolution for 5310 Grant Application to Purchase a Paratransit Van - (Revised Resolution added January 4, 2012).*
- 3. File #100586 - Resolution for 5311 Grant Application to Purchase Demand Response trips and to continue to Provide Route 23 Services (Revised Resolution added January 4, 2012).*
- 4. File #110587 - Resolution for 5317 Grant Application to Purchase a Paratransit Van - (Revised Resolution added January 4, 2012).*
- 5. File #110609 - Resolution Accepting the World Mayors Council on Climate Change Invitation to Join the Global Cities Covenant on Climate (Mexico City Pact) -*

(Move to the afternoon portion of the agenda under "Members of the City Commission").

6. *File #110246 - Comprehensive Plan Amendment - Conservation, Open Space & Groundwater Recharge and Future Land Use Elements - (Amended recommendation - remove "as amended" from the recommendation).*

7. *File #100896 - Comprehensive Plan Amendment, NW 13th St.- (ppt. submitted January 4, 2012).*

8. *File #100897- Rezoning - Planned Development, NW 13th St. - (ppt. submitted January 4, 2012) - (same ppt. as 100896).*

9. *File #090538 - Rezoning - Butler Plaza Planned Development - (Additional back-up submitted - Revised cover memo, revised recommendation, revised back-up e, f and g).*

MAYOR CRAIG LOWE

Mayor Lowe announced that the City of Gainesville and the School Board of Alachua County have reached a tentative agreement.

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

CITY MANAGER

110540. Contract and Scope of Services associated with Land Development Code Update (B)

Planning and Development Services Director Erik Bredfeldt and Project Manager Patricia A. Tyjeski of Littlejohn Engineering Associates gave presentations.

RECOMMENDATION

The City Commission: 1) approve a contract for professional services with Little John Engineering for updates to the Land Development Code consistent with the Scope of Services attached as Exhibit "A" and further defined by the proposed form based code area map.

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

Votes: Aye: Craig Lowe, Randy Wells, Jeanna Mastrodicasa, Todd Chase, Susan Bottcher and Thomas Hawkins
Absent: Scherwin Henry

110584. Appointment of City Commissioner to Represent the City at Annual Meetings of Elected Officials regarding Coordination of Land Use and School Facilities Planning (B)

MOTION: Appoint Susan Bottcher to represent the City at the Annual Meetings of Elected Officials regarding Coordination of Land Use and School Facilities Planning.

RECOMMENDATION *The City Commission appoint a member of the City Commission to represent the City at the Annual Meetings of Elected Officials.*

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

Votes: Aye: Craig Lowe, Randy Wells, Jeanna Mastrodicasa, Todd Chase, Susan Bottcher and Thomas Hawkins
Absent: Scherwin Henry

110606. State of Florida Legislative Update (B)

The City Commission will be provided with an update of legislation filed during the Florida Legislature's 2012 Regular Session.

Legislative Coordinator Chris Cooper and Principal Planner Onelia Lazzari gave presentations.

MOTION: Add to the State Legislative Agenda that the City Commission: 1) Oppose HB4025/SB760 - Repeal local business tax and HB361/SB770 - Exemptions from Local Business Tax; and 2) HB603/SB912 Growth Management issues.

RECOMMENDATION *The City Commission: 1) receive the legislative update; and 2) determine if issues presented necessitate action of the City Commission.*

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

Votes: Aye: Craig Lowe, Randy Wells, Jeanna Mastrodicasa, Susan Bottcher and Thomas Hawkins
Nay: Todd Chase
Absent: Scherwin Henry

110589. Continuation of Employee Bus Pass Programs (B)

This item is a request for the City Commission to authorize the City Manager to execute service agreements with local agencies for employee bus pass programs.

RTS Director Jesus Gomez gave a presentation.

RECOMMENDATION

The City Commission: 1) approve the annual contract for continuation of the Employee Bus Pass Program for City employees through January 2013; and 2) authorize the City Manager to execute service agreements with local agencies for continuation of the employee bus pass program, subject to approval by the City Attorney as to form and legality.

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

Votes: Aye: Craig Lowe, Randy Wells, Jeanna Mastrodicasa, Todd Chase, Susan Bottcher and Thomas Hawkins
Absent: Scherwin Henry

GENERAL MANAGER FOR UTILITIES**CITY ATTORNEY****110596. Settlement Agreement: Communications Workers of America, et al. v. City of Gainesville, PERC Case Nos. CA-2009-002, CA-2009-003, CA-2009-004, and CA-2009-005 (B)**

Assistant City Attorney Stephanie Marchman gave a presentation.

RECOMMENDATION

The City Commission (1) authorize the City Attorney to execute the settlement agreement with the Unions; and (2) authorize the City Attorney, City Manager, and General Manager to implement the terms of the settlement agreement.

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

Votes: Aye: Craig Lowe, Randy Wells, Jeanna Mastrodicasa, Todd Chase, Susan Bottcher and Thomas Hawkins
Absent: Scherwin Henry

110597. Letter of Apology: Communications Workers of America, et al. v. City of Gainesville, PERC Case Nos. CA-2009-002, CA-2009-003, CA-2009-004, and CA-2009-005 (B)**RECOMMENDATION**

If the City Commission authorizes the City Attorney to execute a settlement agreement with the Unions to resolve all pending litigation related to Communications Workers of America, et al. v. City of Gainesville, PERC Case Nos. CA-2009-002, CA-2009-003, CA-2009-004, and CA-2009-005 at its meeting on January 5, 2012, permit the City Manager to read the

letter of apology in accordance with the terms of the executed settlement agreement.

Heard

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

110607. Search Firm RFP Authorization for City Attorney Replacement (NB)

Human Resources Director Sandy Bernard gave a presentation.

RECOMMENDATION *The City Commission authorize Human Resources/Organizational Development to draft and publish for bids an RFP for a search firm to fill the soon-to-be vacant City Attorney position.*

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

Votes: Aye: Craig Lowe, Randy Wells, Jeanna Mastrodicasa, Todd Chase, Susan Bottcher and Thomas Hawkins
Absent: Scherwin Henry

110616. City Attorney Contingency Plan (NB)

RECOMMENDATION *The City Commission direct the Human Resources Department to begin to negotiate with the City Attorney in structuring an agreement for him to work on a contingency basis in some form.*

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

Votes: Aye: Craig Lowe, Randy Wells, Jeanna Mastrodicasa, Todd Chase, Susan Bottcher and Thomas Hawkins
Absent: Scherwin Henry

110609. Resolution Accepting the World Mayors Council on Climate Change Invitation to Join the Global Cities Covenant on Climate (Mexico City Pact) (B)

MOTION: Approve the revised recommendation to join the Global Cities Covenant on Climate (Mexico City Pact) and appoint GRU Strategic Planning Engineer Bob Klemans as Secretariat.

Mayor Lowe recognized Jo Beaty who spoke to the matter.

RECOMMENDATION *The City Commission discuss a proposed Resolution and appoint a Global Cities Covenant on Climate Secretariat to track the measurable, reportable, verifiable climate actions being undertaken by the City of Gainesville.*

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

Votes: Aye: Craig Lowe, Randy Wells, Jeanna Mastrodicasa, Susan Bottcher and Thomas Hawkins
Nay: Todd Chase
Absent: Scherwin Henry

COMMISSION COMMENTS (if time available)

Commissioner Todd Chase

- 1. School Board Stormwater Issue.*
- 2. Biomass issue.*
- 3. Citizen comment issues.*
- 4. Email from Jason Straw - Removal from Historic Preservation Board.*

Mayor Lowe recognized Jo Beaty who spoke to the matter.

RECESS - 4:19 PM

RECONVENE - 5:45 PM

NOTE: Commissioner Henry entered the meeting room at 6:04 PM.

PLEDGE OF ALLEGIANCE (5:30pm)

PROCLAMATIONS/SPECIAL RECOGNITIONS

110600. LaDorr E. Ingersoll Day - January 2, 2012 (B)

RECOMMENDATION *Gainesville Regional Utilities LaDorr Ingersoll to accept the proclamation.*

Heard

110601. Mentoring Awareness Month - January 2012 (B)

RECOMMENDATION *Office of Equal Opportunity Director Cecil Howard to accept the proclamation.*

Heard

110602. Gainesville Enrichment Mentoring Program Scholars (B)

RECOMMENDATION *The City Commission recognize The City of Gainesville Office of Equal Opportunity Gainesville Enrichment Mentoring (GEM) Program students Aiyanna Carey, Howard Bishop; Gerala Campbell, Lincoln; Quichana Foster, Howard Bishop; Trey Milne, Westwood; Dedrick Johnson, Lincoln; Maria Bautista, Lincoln and Renisha Boston, Lincoln for signing contracts and are now designated as GEM Mentees.*

Heard

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

- 1. Invitation to Essential Black History class.*
- 2. Resolution for Constitutional Amendment regarding corporations.*

110628. Citizen Comment - Kali Blount (B)

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

Placed on File

Nancy Jones

Constitutional amendment regarding corporations.

Michael Canney

1. Draft Resolution for Constitutional Amendment regarding corporations.
2. Letter from Mark Goldstein regarding citizen protests at the GRU Administration Building.

110629. Michael Canney - Citizen Comment (B)

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

Zot Lynn Surgott

Constitutional amendment regarding corporations.

Gabe Kaimowitz

City Attorney position.

Pat Fitzpatrick

City Attorney issues.

Rob Brinkman

Biomass issue.

Walter Willard

Various issues.

Dian Deevey

Biomass Plant.

John Davies

Biomass plant.

Ernesto Martinez

Biomass Plant.

Jo Beaty

Biomass Plant.

RESPONSE TO CITIZEN COMMENT

110630. Draft Resolution Supporting a Constitutional Amendment (B)

RECOMMENDATION *The City Commission refer to the City Attorney a potential resolution on the issue of Citizens United Supreme Court decision and also a constitutional amendment reversing that.*

A motion was made by Mayor-Commissioner Pro Tem Hawkins, seconded by Commissioner Bottcher, that this matter be Referred to the City Attorney, due back on July 5, 2012. The motion carried by the following vote:

Votes: Aye: Craig Lowe, Randy Wells, Jeanna Mastrodicasa, Scherwin Henry, Susan Bottcher and Thomas Hawkins
Nay: Todd Chase

PUBLIC HEARINGS

RESOLUTIONS- ROLL CALL REQUIRED

110585. Resolution for 5310 Grant Application to Purchase a Paratransit Van to Provide ADA Service to the Disabled Citizens of Gainesville (B)

This item is a request for the City Commission to adopt a Resolution to allow the Regional Transit System (RTS) to apply for a 5310 Grant to purchase a paratransit van to provide ADA service to the disabled citizens of Gainesville.

RECOMMENDATION *The City Commission adopt the Resolution.*

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

Votes: Aye: Craig Lowe, Randy Wells, Jeanna Mastrodicasa, Scherwin Henry, Todd Chase, Susan Bottcher and Thomas Hawkins

110586. Resolution for 5311 Grant Application to Purchase Demand Response Trips and to Continue to Provide the Route 23 Transportation Services to the Citizens of Gainesville (B)

This item is to request for the City Commission to adopt a Resolution to allow the Regional Transit System (RTS) to apply for a 5311 Grant to purchase Demand Response trips and to continue to provide the Route 23 transportation services to the citizens of Gainesville.

RECOMMENDATION *The City Commission: 1) Adopt the Resolution; and 2) allow RTS to continue to provide Route 23 transportation services to the citizens of Gainesville.*

A motion was made by Commissioner Henry, seconded by Mayor-Commissioner Pro Tem Hawkins, that this matter be Adopted (Resolution) and Approved the Recommendation. The motion carried by the following vote:

Votes: Aye: Craig Lowe, Randy Wells, Jeanna Mastrodicasa, Scherwin Henry, Todd Chase, Susan Bottcher and Thomas Hawkins

110587. Resolution for 5317 Grant Application to Purchase a Paratransit Van to Provide ADA Service to the Disabled Citizens of Gainesville (B)

This item is to request the City Commission to adopt a Resolution to allow the Regional Transit System (RTS) to apply for a 5317 Grant to purchase a paratransit van to provide ADA service to the disabled citizens of Gainesville.

RECOMMENDATION *The City Commission adopt the Resolution.*

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

Votes: Aye: Craig Lowe, Randy Wells, Jeanna Mastrodicasa, Scherwin Henry, Todd Chase, Susan Bottcher and Thomas Hawkins

110610. Regulation of Smoking Under the Florida Clean Indoor Air Act (B)

Mayor Lowe recognized Chase Ryan of Tobacco Free Alachua who spoke to the matter.

RECOMMENDATION *The City commission adopt the proposed resolution and add language urging the Florida Legislature to repeal the State's preemption of City and County ordinances relating to the regulation of smoking under the Florida Clean Indoor Air Act to the list of State Legislative Priorities.*

A motion was made by Mayor-Commissioner Pro Tem Hawkins, seconded by Commissioner Bottcher, that this matter be Adopted (Resolution) and Approved the Recommendation. The motion carried by the following vote:

Votes: Aye: Craig Lowe, Randy Wells, Jeanna Mastrodicasa, Scherwin Henry, Todd Chase, Susan Bottcher and Thomas Hawkins

ADOPTION READING-ROLL CALL REQUIRED

110417. REZONING 4 PARCELS OF LAND – 3.76 ACRES - VICINITY OF SW 34TH

STREET ON THE EAST , SW 43RD STREET ON THE WEST AND NORTH OF WINDMEADOWS BOULEVARD. AND ON THE NORTH SIDE OF SW 20TH AVENUE (B)

Ordinance No. 110417, Petition No. PB-11-105PSZ

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning 4 parcels of land located in the vicinity of SW 34th Street on the East, SW 43rd Street on the West and north of Windmeadows Boulevard, and on the North side of SW 20th Avenue; consisting of approximately 3.76 acres in the aggregate; from the Alachua County zoning categories of "Manufactured mobile home park (RM) district" and "Multiple family high density (R-3) district" to the City of Gainesville zoning category of "PS: Public services and operations district"; to allow utilities as defined in Section 30-23 of the Land Development Code; excepting the requirement of preliminary development plans; providing conditions on certain properties; providing directions to the City Manager; adopting a certain finding; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Planning Manager Ralph Hilliard gave a presentation.

RECOMMENDATION *The City Commission: 1) approve petition number PB-11-105PSZ; and 2) adopt the proposed ordinance.*

A motion was made by Mayor-Commissioner Pro Tem Hawkins, seconded by Commissioner Bottcher, that this matter be Approved (Petition) and Adopted on Adoption Reading. The motion carried by the following vote:

Votes: Aye: Craig Lowe, Randy Wells, Jeanna Mastrodicasa, Scherwin Henry, Todd Chase, Susan Bottcher and Thomas Hawkins

100896. COMPREHENSIVE PLAN AMENDMENT - PLANNED USE DISTRICT ON NW 13TH STREET (B)

Ordinance No. 100896; Petition No. PB-11-20 PUD

An ordinance amending the City of Gainesville Comprehensive Plan, Future Land Use Map; by overlaying the City of Gainesville land use category Planned Use District (PUD) over property located at 303 Northwest 13th Street, 1249 Northwest 4th Avenue and 1227 Northwest 4th Avenue with the underlying land use categories of "Commercial (C)", "Mixed-Use Low-Intensity (8-30 units per acre) (MUL)" and "Residential Low-Density (up to 12 units per acre) (RL)"; providing conditions, restrictions and regulations; providing a severability clause; providing a repealing clause; and providing an effective date.

Planner Jason Simmons and Agent for the applicant Gerry Dedenbach gave presentations.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

A motion was made by Mayor-Commissioner Pro Tem Hawkins, seconded by Commissioner Bottcher, that this matter be Adopted (Ordinance) on Adoption Reading. The motion carried by the following vote:

Votes: Aye: Craig Lowe, Randy Wells, Jeanna Mastrodicasa, Scherwin Henry, Todd Chase, Susan Bottcher and Thomas Hawkins

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

100897. REZONING - PLANNED DEVELOPMENT (B)

Ordinance No. 100897, Petition No. PB-11-08 PDV

An Ordinance of the City of Gainesville, Florida; rezoning certain lands within the City, as more specifically described in this ordinance; by amending the Zoning Map Atlas to change the zoning districts from "General business district (BUS)", "Automotive-oriented business district (BA)", "Mixed use low intensity district (MU-1)" and "Residential low density district (RMF-5)" to "Planned Development (PD)" on certain property located at 303 Northwest 13th Street, 1249 and 1227 Northwest 4th Avenue commonly referred to as "Gainesville Mixed-Use on NW 13th Street PD"; adopting a development plan report and development plan maps; providing conditions, restrictions and regulations; providing for enforcement; providing a severability clause; and providing an effective date.

Senior Planner Scott Wright gave a presentation.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

Votes: Aye: Craig Lowe, Randy Wells, Jeanna Mastrodicasa, Scherwin Henry, Todd Chase, Susan Bottcher and Thomas Hawkins

110505. VOLUNTARY ANNEXATION – EASTSIDE PROPERTIES (B)

Ordinance No. 110505

An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area pursuant to Chapter 90-496, Special Act, 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 located generally in an area comprised of Tax Parcel Numbers 10890-000-000, 10889-000-000, 10889-002-000, and 10889-003-000. Tax parcel 10890-000-000 is generally located south of East University Avenue, west of the vicinity of S.E. 43rd Street, north of tax parcel 10890-002-000, and east of the Gainesville City Limits. Tax parcel 10889-000-000 is generally located south of East University Avenue, west of the vicinity of S.E. 43rd Street, north of tax parcels 16127-002-002 and 16127-002-001, and east of tax parcels 10890-000-000 and 10890-002-000. Tax parcels 10889-002-000 and 10889-003-000 are generally located south of East

University Avenue, west of the vicinity of S.E. 43rd Street, north of tax parcels 16127-003-000 and 16125-001-001, and east of tax parcel 10889-000-000, as more particularly described in the ordinance; providing for inclusion of the area in Appendix I of the City Charter; providing for land use and zoning regulations; providing for persons engaged in any occupation, business, trade or profession within the area; providing directions to the City Manager and Clerk of the Commission; providing a severability clause; and providing an immediate effective date.

City Attorney Marion Radson and Senior Strategic Planner Lila Stewart gave presentations.

REVISION: Section 11 - This Ordinance shall become effective immediately upon adoption, however, the annexation of the area shall take effect on March 1, 2012.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

Votes: Aye: Craig Lowe, Randy Wells, Jeanna Mastrodicasa, Scherwin Henry, Todd Chase, Susan Botcher and Thomas Hawkins

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

090538. BUTLER PLAZA PLANNED DEVELOPMENT (PD) REZONING (B)

Ordinance No. 090538, Petition PB-09-84 PDV

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning certain property within the City, commonly referred to as "Butler Plaza" and generally located between Southwest Archer Road and Southwest 24th Avenue, and between Southwest 40th Boulevard and Southwest 34th Street as more specifically described in this Ordinance, from the Alachua County zoning districts of "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 "Planned Development" (PD) zoning district; adopting a development plan report and development plan maps; providing conditions, restrictions and regulations; providing for enforcement and penalties; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Senior Planner Scott Wright and Assistant City Attorney Nicolle Shalley gave presentations.

Mayor Lowe recognized Walter Willard and Deborah Butler who spoke to the matter.

RECOMMENDATION

amended on first reading and as further revised on second reading; 2) approve the Traffic Enforcement Agreement with S. Clark Butler Properties Ltd. and the Traffic Enforcement Agreement with Regency Windmeadows Limited Partnership and authorize the City Manager to execute both Agreements, subject to review, as to form and legality, by the City Attorney; and 3) approve the Agreement to Construct Transit Transfer Station and Park-and-Ride Lot and authorize the City Manager to execute the Agreement, subject to review as to form and legality by the City Attorney.

A motion was made by Commissioner Henry, seconded by Commissioner Bottcher, that this matter be Adopted on Final Reading and Approved the Recommendations. The motion carried by the following vote:

Votes: Aye: Craig Lowe, Randy Wells, Jeanna Mastrodicasa, Scherwin Henry, Todd Chase and Susan Bottcher
Nay: Thomas Hawkins

110246. COMPREHENSIVE PLAN AMENDMENT - CONSERVATION, OPEN SPACE & GROUNDWATER RECHARGE AND FUTURE LAND USE ELEMENTS (B)

Ordinance No. 110246; Petition No. PB-11-75 CPA

An ordinance amending the City of Gainesville Comprehensive Plan; by amending the Conservation, Open Space & Groundwater Recharge Element Policies 1.1.1, 1.1.1.b, 1.1.1.b.2, 1.1.1.b.3, 1.1.1.b.4, 1.1.1.b.11, 1.1.1.c, 1.1.1.f, Objective 2.4, and Policies 2.4.1, 2.4.2, 2.4.11, and 2.4.12; by amending the Future Land Use Element Policies 3.1.1, and 3.1.2; by creating and adding a Policy 3.2.4 to the Future Land Use Element; by deleting the Uplands map and replacing it with a Strategic Ecosystems map in the Environmentally Significant Land and Resources Map Series within the Future Land Use Map Series; providing directions to the city manager; providing a severability clause; providing a repealing clause; and providing an effective date.

RECOMMENDATION *The City Commission: 1) receive letters of "no comment" from the North Central Florida Regional Planning Council, the St. Johns River Water Management District, the Florida Department of Education and the Florida Department of Economic Opportunity; and 2) adopt the proposed ordinance.*

A motion was made by Commissioner Bottcher, seconded by Commissioner Wells, that this matter be Adopted on Final Reading (Ordinance) and Approved the Recommendation. The motion carried by the following vote:

Votes: Aye: Craig Lowe, Randy Wells, Jeanna Mastrodicasa, Scherwin Henry, Susan Bottcher and Thomas Hawkins
Nay: Todd Chase

110249. COMPREHENSIVE PLAN AMENDMENT – POTABLE WATER &

WASTEWATER ELEMENT (B)**Ordinance No.110249; Petition No. PB-11-93 CPA**

An ordinance amending the City of Gainesville Comprehensive Plan Potable Water & Wastewater Element by updating and amending the Objectives and Policies as more specifically set forth in this ordinance; providing directions to the city manager and the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

RECOMMENDATION

The City Commission: 1) receive letters of “no comment” from the North Central Florida Regional Planning Council, the St. Johns River Water Management District, the Florida Department of Education and the Florida Department of Economic Opportunity; and 2) adopt the proposed ordinance as amended.

A motion was made by Commissioner Bottcher, seconded by Commissioner Wells, that this matter be Adopted on Final Reading (Ordinance) and Approved the Recommendation. The motion carried by the following vote:

Votes: Aye: Craig Lowe, Randy Wells, Jeanna Mastrodicasa, Scherwin Henry, Todd Chase, Susan Bottcher and Thomas Hawkins

110290.**COMPREHENSIVE PLAN AMENDMENT – FUTURE LAND USE ELEMENT (B)****Ordinance No. 110290; Petition No. PB-11-103 CPA**

An ordinance amending the Future Land Use Element of the City of Gainesville Comprehensive Plan; by updating and amending the Objective and Policies relating to the development of the Innovative Economy within the non-residential areas of the Gainesville Innovation Zone, as more specifically set forth in this ordinance; providing directions to the city manager and the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

RECOMMENDATION

The City Commission: 1) receive letters of “no comment” from the North Central Florida Regional Planning Council, the St. Johns River Water Management District, the Florida Department of Education and the Florida Department of Economic Opportunity; and 2) adopt the proposed ordinance as amended.

A motion was made by Commissioner Bottcher, seconded by Commissioner Wells, that this matter be Adopted on Adoption Reading (Ordinance) and Approved the Recommendation. The motion carried by the following vote:

Votes: Aye: Craig Lowe, Randy Wells, Jeanna Mastrodicasa, Susan Bottcher and Thomas Hawkins
Absent: Scherwin Henry and Todd Chase

110046.**LAND USE CHANGE – VICINITY OF NORTH SIDE OF 53RD AVENUE, NW**

3400 BLOCK TO NE 3000 BLOCK (B)**Ordinance No.110046; Petition No. PB-11-29 LUC**

An Ordinance amending the City of Gainesville Comprehensive Plan Future Land Use Map; by changing the land use category of certain property, as more specifically described in this ordinance, from undesignated right-of-way and the Alachua County land use category of “Rural/Agriculture” to the City of Gainesville land use category of “Public Facilities”; consisting of approximately 35 acres, and located in the vicinity of the north side of North 53rd Avenue, extending from the Northwest 3400 block to the Northeast 3000 block; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

RECOMMENDATION

The City Commission: 1) receive letters of “no comment” from the North Central Florida Regional Planning Council, the St. Johns River Water Management District, the Florida Department of Education and the Florida Department of Economic Opportunity; and 2) adopt the proposed ordinance as amended.

A motion was made by Commissioner Wells, seconded by Commissioner Bottcher, that this matter be Adopted on Final Reading and Approved the Recommendation, as amended. The motion carried by the following vote:

Votes: Aye: Craig Lowe, Randy Wells, Jeanna Mastrodicasa, Todd Chase, Susan Bottcher and Thomas Hawkins
Absent: Scherwin Henry

110110.**LAND USE CHANGE – 7200-7300 BLOCK OF NW 4TH BLVD (B)****Ordinance No. 110110; Petition No. PB-11-47 LUC**

An Ordinance amending the City of Gainesville Comprehensive Plan Future Land Use Map; by changing the land use category of certain property, as more specifically described in this ordinance, from the Alachua County land use category of “Commercial” to the City of Gainesville land use category “Commercial”; consisting of approximately 27.8 acres, and located in the vicinity of the 7200-7300 block of Northwest 4th Blvd; providing directions to the City Manager; providing a severability clause; providing a repealing clause and providing an effective date.

RECOMMENDATION

The City Commission: 1) receive letters of “no comment” from the North Central Florida Regional Planning Council, the St. Johns River Water Management District, the Florida Department of Education and the Florida Department of Economic Opportunity; and 2) adopt the proposed ordinance as amended.

A motion was made by Commissioner Wells, seconded by Commissioner Bottcher, that this matter be Adopted on Final Reading and Approved the Recommendation, as amended. The motion carried by the following vote:

Votes: Aye: Craig Lowe, Randy Wells, Jeanna Mastrodicasa, Todd Chase, Susan Bottcher and Thomas Hawkins
Absent: Scherwin Henry

110263 LAND USE CHANGE – VICINITY OF 1500 BLOCK OF NE 53RD AVENUE, 7200-7300 BLOCKS OF NW 4TH BOULEVARD, EAST OF NW 75TH STREET (B)

Ordinance No. 110263; Petition No. PB-11-36LUC

An Ordinance amending the City of Gainesville Comprehensive Plan; by amending the Future Land Use Element Map Series, the Transportation Mobility Element Map Series, and the Concurrency Management Element Map Series; by incorporating and adding additional parcels of land that were annexed into the City to Transportation Concurrency Exception Area maps of said Series, as more specifically described in this ordinance; including Parcel No. 07874-001-001, located in the vicinity of the 1500 block of NE 53rd Avenue, north side to Zone A, and including the western portion of Parcel No. 07871-000-000 to Zone B; including Parcel Nos. 06654-003-000 and 06654-003-001, located in the vicinity of the 7200-7300 blocks of NW 4th Boulevard, east of NW 75th Street to Zone D; providing directions to the City Manager; providing a severability clause; providing a repealing clause and providing an effective date.

RECOMMENDATION

The City Commission: 1) receive letters of “no comment” from the North Central Florida Regional Planning Council, the St. Johns River Water Management District, the Florida Department of Education and the Florida Department of Economic Opportunity; and 2) adopt the proposed ordinance as amended.

A motion was made by Commissioner Wells, seconded by Commissioner Bottcher, that this matter be Adopted on Final Reading (Ordinance) and Approved the Recommendation. The motion carried by the following vote:

Votes: Aye: Craig Lowe, Randy Wells, Jeanna Mastrodicasa, Todd Chase, Susan Bottcher and Thomas Hawkins
Absent: Scherwin Henry

PLAN BOARD PETITIONS

110522. Downtown Entertainment District and Places of Religious Assembly (B)

Amend the Land Development Code Section 30-105 Alcoholic Beverage Establishment to eliminate the distance requirements between certain uses and alcoholic beverage establishments in the Central City District (CCD) zoning district.

Planning Manager Ralph Hilliard gave a presentation.

RECOMMENDATION

Staff to the City Commission: 1) approve the petition with the modification to add BT (Tourist-Oriented Business) district to the petition; and 2) authorize the City Attorney to draft an ordinance.

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

Votes: Aye: Craig Lowe, Randy Wells, Jeanna Mastrodicasa, Scherwin Henry, Todd Chase, Susan Bottcher and Thomas Hawkins

DEVELOPMENT REVIEW BOARD PETITIONS**SCHEDULED EVENING AGENDA ITEMS****UNFINISHED BUSINESS****COMMISSION COMMENT****Commissioner Todd Chase**

- 1. Dust Study on the Koppers Superfund Site.*
- 2. District 1 - Economic Development.*

Commissioner Scherwin Henry

- 1. Veterans Complex on 39th Avenue.*
- 2. District 1 - Economic Development.*

Commissioner Susan Bottcher

- 1. Koppers Superfund Website.*
- 2. District 1 Economic Development.*

Commissioner Thomas Hawkins

East Gainesville Business.

CITIZEN COMMENT**Clovis Watson, Jr.**

Running for State Representative District 23.

Armando Grundy

Eastside vs. Westside businesses.

ADJOURNMENT - 8:48 PM

Kurt M. Lannon, Clerk of the Commission