

City of Gainesville

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



Meeting Minutes

Monday, July 14, 2008

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 - 1:00 PM

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ROLL CALL

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

INVOCATION

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The City Commission observed a moment of silence.

CONSENT AGENDA

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

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

MODIFICATION:

1. File #080107 - Request to Declare as Surplus Property located in the 3800 Block of Waldo Rd. - (Remove from the agenda).

CITY MANAGER, CONSENT AGENDA ITEMS

080100.

Public Safety Interoperable Communications (PSIC) Grant Program (NB)

RECOMMENDATION

The City Commission: 1) approve the request to apply for PSIC funding for portable radios for the Gainesville Police Department; and 2) authorize the City Manager to execute any grant related documents following review by the City Attorney as to form and legality.

This Matter was Approved as Recommended on the Consent Agenda.

080103.

Approval and Authorization to Grant a Conservation Easement (B)

This item is requesting approval and authorization to grant a Conservation Easement over City-owned property, Tax Parcel 10859-002-000, onto St. Johns River Water Management District.

RECOMMENDATION

Recommended Motion: The City Commission: 1) approve

and authorize the Mayor to execute and the Clerk of the Commission to attest a Conservation Easement onto the St. Johns River Water Management District over Tax Parcel 10859-002-000, subject to approval by the City Attorney as to form and legality.

This Matter was Approved as Recommended on the Consent Agenda.

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080107.

Request to Declare as Surplus and Dispose of City Owned Property (B)

This item is a request to declare as surplus and dispose of City Owned Property - a portion of Tax Parcel 08198-007-000, located at 2001 Northeast 39th Avenue.

RECOMMENDATION

Recommended Motion: The City Commission: 1) declare an approximately 0.5-acre portion of Tax Parcel 08198-000-000, located at 2001 Northeast 39th Avenue, as surplus; 2) authorize the City Manager to execute a Purchase and Sale Agreement for that portion of Tax Parcel 08198-000-000 to the adjacent property owner; 3) authorize the City Manager to prepare a Special Warranty Deed, retaining a utility and drainage easement over the southern and eastern portion of the surplus property, subject to approval by the City Attorney as to form and legality; and 4) authorize the Mayor to execute, and the Clerk to attest, the Special Warranty Deed to convey that approximately 0.5-acre portion of Tax Parcel 08198-000-000, to the adjacent property owner.

Alternative Recommendation: The City Commission deny the request for surplus and sale of the property to the adjacent property owner and keep the property off the tax rolls.

Withdrawn

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080107b_200807141300.pdf

080108.

Declare Surplus and Dispose of Property in Exchange for Quit-claim Deed (B)

This item is a request to declare surplus a portion of City property in exchange for a Quit-claim Deed.

RECOMMENDATION

Recommended Motion: The City Commission: 1) declare the westerly 9.5 feet of Tax Parcel 14396-000-000 as surplus; 2) authorize the City Manager or designee to prepare a Special Warranty Deed for the westerly 9.5 feet of Tax Parcel 14396-000-000; and 3) authorize the Mayor to sign, and Clerk to attest, the Special Warranty Deed, subject to

approval by the City Attorney as to form and legality, in exchange for a Quit-claim Deed from the owner of Tax Parcel 14403-000-000 for any interest in the vacated right-of-way known as Northwest 7th Place.

This Matter was Approved as Recommended on the Consent Agenda.

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080117.

Edward Byrne Memorial Justice Assistance Grant Program FY 2008 Local Solicitation (NB)

This item involves receiving \$31,281 in grant funds from the U.S. Department of Justice Programs' Bureau of Justice Assistance, Edward Byrne Memorial Justice Assistance Grant Program, for funding of the Gainesville Police Department's Police Beat Television Show for fiscal year 2009.

This Matter was Approved as Recommended on the Consent Agenda.

080123.

Wireless Services for the Gainesville Police Department's Laptops (NB)

This item requests the City Commission to authorize the issuance of a Purchase Order for recurring high speed wireless service.

RECOMMENDATION

The City Commission authorizes the City Manager to execute a Purchase Order to T-Mobile, Inc. Jacksonville, Florida, a specified source, in an amount not to exceed \$110,000.00 for recurring wireless service expenses.

Alternative Recommendation A: The City Commission authorizes less than \$110,000.00 for wireless service, with the understanding that this will drastically limit the police department's ability to communicate with the Records Management System.

Alternative Recommendation B: The City Commission denies funding.

This Matter was Approved as Recommended on the Consent Agenda.

080129.

E-Government Tape Drive Purchase (NB)

This item seeks authorization for staff to purchase a backup tape drive solution using a price discounted off the State of Florida's Information Technology hardware contract.

RECOMMENDATION *The City Commission: 1) approve E-TechServices as a specified source for the purchase and installation of an IBM tape drive solution; and 2) authorize the City Manager or designee to issue a purchase order in the amount of \$138,246 for the purchase of this backup tape drive solution.*

This Matter was Approved as Recommended on the Consent Agenda.

080144.

Edward Byrne Memorial Justice Assistance Grant Program FY 2008 Local Solicitation (NB)

This item requires City Commission authorization to apply for and accept the U.S. Department of Justice Programs' Bureau of Justice Assistance, Edward Byrne Memorial Justice Assistance Grant Program funds in the amount of \$16,000 for the Tutorial Assistance for At-Risk Youth and \$9,000 for funding of the SAFE-T Kiosk for fiscal year 2009.

This Matter was Approved as Recommended on the Consent Agenda.

080145.

Gainesville Paynes Prairie Sheetflow Restoration (B)

This item requests the City Commission provide authority to the City Manager to accept funds awarded by the State of Florida and execute all related documents.

RECOMMENDATION *The City Commission authorize the City Manager to accept the grant award in the amount of \$500,000 and execute all related documents following approval by the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

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080152.

Summer Heat-Wave 2008 (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.

RECOMMENDATION *The City Commission approve City Commission Contingency Funds in the amount of \$9,000 to cover the cost of 300 RTS monthly bus passes and authorize the in-kind donations for this program.*

*Alternative Recommendation:
The City Commission deny the request.*

This Matter was Approved as Recommended on the Consent Agenda.

080124.

Request for City Commission Contingency Funds for the Ninth Annual Stop the Violence Rally (B)

This is a request for City Commission Contingency Funds for the People Against Violence Enterprises (PAVE) in support of the Ninth Annual Stop the Violence Rally.

RECOMMENDATION *The City Commission approve the request for City Commission Contingency Funds in the amount of \$2,558.*

*Alternative Recommendation
The City Commission deny the request.*

This Matter was Approved as Recommended on the Consent Agenda.

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080126.

Request for City Commission Contingency Funds for the Bo Diddley Memorial Service and Community Tribute at the Martin Luther King, Jr. Multipurpose Center (B)

This item involves a request for City Commission Contingency funds for the security staffing and facility rental of the Martin Luther King, Jr. Multipurpose Center for the Bo Diddley Memorial Service and Community Tribute on June 7, 2008.

RECOMMENDATION *The City Commission approve the request for City Commission Contingency Funds in the amount of \$5,844.79.*

*Alternative Recommendation
The City Commission deny the request.*

This Matter was Approved as Recommended on the Consent Agenda.

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GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

080161.

Declare Scrap Metals Surplus and Authorize Contract for the Sale of Scrap Metals (B)

Staff recommends award of a contract to Ocala Recycling for the sale of surplus

scrap metals.

RECOMMENDATION *The City Commission: 1) declare scrap materials that become available as surplus; and 2) authorize the General Manager, or his designee, to negotiate and execute a three-year contract with Ocala Recycling for the period beginning October 1, 2008 and ending September 30, 2011, subject to the approval of the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

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CITY ATTORNEY, CONSENT AGENDA ITEMS

080153.

MICHAEL WOHL AND DIANA OSBORN VS. CITY OF GAINESVILLE AND JAMES L. GARRETT, SR., Eighth Judicial Circuit, Alachua County, Case No.: 01-2008-CA-002915 (B)

RECOMMENDATION *The City Commission authorize the City Attorney to 1) represent the City of Gainesville and City employee acting in the course and scope of his employment, with the consent and waiver of potential conflict by the City Commission and by said City employee, and; 2) the City Commission authorize the City Manager to execute a consent and waiver of potential conflict on behalf of the City.*

This Matter was Approved as Recommended on the Consent Agenda.

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080154.

CEM ENTERPRISES, INC. V. CITY OF GAINESVILLE; ALACHUA COUNTY CASE NO.: 2005-CA-3143 (B)

RECOMMENDATION *The City Commission 1) approve the terms of the settlement agreement; 2) authorize the City Attorney to settle the lawsuit on behalf of the City.*

This Matter was Approved as Recommended on the Consent Agenda.

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CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

080151.

City Commission Approved Workshops (NB)

RECOMMENDATION *The City conduct the Vision Workshop on September 8, 2008 at 1:00 PM and the remaining workshops for the Legislative*

year on October 13, November 10, December 8, 2008 January 12, February 9, March 9, April 13 and May 11, 2009 @ 1:00 PM.

This Matter was Approved as Recommended on the Consent Agenda.

080164.

Resignation of Art in Public Places Trust Member Peggy A. Richardson (B)

RECOMMENDATION *The City Commission accept the resignation of Peggy A. Richardson from the Art in Public Places Trust effective immediately and extends its appreciation for her services.*

This Matter was Approved as Recommended on the Consent Agenda.

080166.

City Commission Minutes (B)

RECOMMENDATION *The City Commission approve the minutes of June 23, 2008, as circulated.*

This Matter was Approved as Recommended on the Consent Agenda.

080166_minutes_20080714.pdf

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE, CONSENT

PERSONNEL & ORGANIZATIONAL STRUCTURE COMM, CONSENT

PUBLIC SAFETY COMMITTEE, CONSENT

080111.

State LECFTF Funding for Joint Aviation Unit Helicopter Fuel (NB)

RECOMMENDATION *The City Commission approve the appropriation of an amount not to exceed \$20,000 from the State Law Enforcement Contraband Forfeiture Trust Fund for the purchase of aviation fuel for the Joint Aviation Unit.*

This Matter was Approved as Recommended on the Consent Agenda.

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE, CONSENT**EQUAL OPPORTUNITY COMMITTEE, CONSENT****070159.****Preference (tie-breaker) Given to City Contractors Who Provide Domestic Partner Benefits (B)**

RECOMMENDATION *The City Commission: 1) take no action on this matter at this time; and 2) remove from the referral list.*

This Matter was Approved as Recommended on the Consent Agenda.

070159_20080714.pdf

070241.**Definition of Family Implications of Domestic Partner Registry (B)**

RECOMMENDATION *The City Commission: 1) Initiate a planning petition to expand the definition of family in the zoning codes to include registered domestic partners; 2) add registered domestic partners to city personnel policies (except where legal requirements would prevent such) in all respect with an exception regarding FMLA leave equivalency; and 3) remove this item from the referral list.*

This Matter was Approved as Recommended on the Consent Agenda.

070241_20080714.pdf

070889.**Coverage of Anti-Discrimination by Governmental Entities (NB)**

RECOMMENDATION *The City Commission: 1) authorize the City Attorney to draft and the Clerk of the Commission to advertise an ordinance adding gender identity to the City's anti-discrimination policies; 2) direct the Charter Officers to enact anti-discrimination to the extent allowed by law; and 3) remove this item from the referral list.*

This Matter was Approved as Recommended on the Consent Agenda.

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS**070826.****Rental Assistance Using Tax Increment Funds in the CRA Districts (B)**

This item involves a request from the City Commission to the Community Development Committee to determine if it is legal to use TIF funding to provide rental assistance similar to Section 8 vouchers to individuals and families.

RECOMMENDATION

*Community Development Committee to the City Commission:
1) Remove this item from the referral list; and 2) Assign a new referral to the CDC to study the issue of affordable housing in a general sense, city wide, including but not limited to an inclusionary housing ordinance in conjunction with the County and other municipalities.*

This Matter was Approved as Recommended on the Consent Agenda.

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Passed The Consent Agenda

A motion was made by Commissioner Lowe, seconded by Mayor-Commissioner Pro Tem Donovan, 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, Thomas Hawkins and Pegeen Hanrahan
Absent: Scherwin Henry

END OF CONSENT AGENDA

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ADOPTION OF THE REGULAR AGENDA

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

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

MODIFICATIONS:

- 1. File #080127 - Proposed Modifications to the Alachua County Boundary Adjustment Act - (Power Point Submitted).*
- 2. File #080128 - Parks, Recreation and Cultural Affairs Capital Improvement Projects and Sensitive Land Acquisition - (2 Power Point Presentations submitted).*
- 3. File #080155 - Presentation and Update on the Retiree Health Insurance Program - (Waive the Rules to hear at 3:00 PM).*
- 4. File #070209 - Vending Booths and Itinerant Food Vendors - (Substitute pages submitted - 2 versions for the City Commission to consider).*

5. File #080133 - Commissioner Jack Donovan - Accessibility: A Study of the Regional Transit System - (Continue to a later date).

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

CITY MANAGER

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080127. Proposed Modifications to the Alachua County Boundary Adjustment Act (B)

The Countywide Visioning and Planning Committee (CVPC) is requesting comments and support for the CVPC Task Force's recommended changes to the Alachua County Boundary Adjustment Act (BAA).

[Play Video](#)

Strategic Planning Manager Karen Billings gave a presentation.

NOTE: Commissioner Henry entered the meeting room @ 1:20 PM.

MOTION: Commissioner Lowe moved and Commissioner Mastrodicasa seconded that the City Commission of Gainesville establish a negotiating position with respect to the Boundary Adjustment Act with the task force of the Countywide Visioning and Planning Committee with respect to the following matters: 1) Agree to remove the most populous municipality provision from the "Act" and instead state that it is the duty of Alachua County Commission to perform this function; 2) that urban services reports be required for annexations of a certain size, relative to the size of the municipality; 3) that the thresholds be negotiated and that submittal to the County be for informational purposes only; 4) that there be a similar report done for those properties that might be in conservation usage that might be annexed; 5) that the County Commission retain it's role in setting urban reserve area, and should there be any other body who does that, instead of the County Commission, it should be one that follows the representative structure of "one person, one vote"; 6) leave the number of years in which services should be provided at 10 years; 7) under the Florida Statute section, authorize adding the language to Section A of that section which is to annex an enclave of 10 acres or less by interlocal agreement, with the County having jurisdiction of the enclave; 8) have the City's representatives bring back for discussion with the other representatives on the committee, the issue of control of zoning and development decisions within the urban reserve area; 9) request that the City retain the current language in Section 22506 to the (2D on the overhead); 10) provide some standards for the term "likely to be urban" which is in the current Boundary Adjustment Act in Section 22506 1B, as codified in the Alachua County Code, so that the urban reserve areas are based on a reasonable expectation for population growth in a 10 year horizon, or if it's for the purposes of "green belt", that there be a conservation plan, associated with that.

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) approve the Commission's position on the recommended changes to the BAA and direct staff to convey that position to the CVPC before July 21, 2008.

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, Thomas Hawkins and Pegeen Hanrahan

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NOTE: File #080128 Parks, Recreation and Cultural Affairs Capital Improvement Projects and Sensitive Lands Acquisition - (Discussion began in the afternoon and was concluded during the evening portion of the agenda under "Unfinished Business".)

080155.**Presentation and Update on the Retiree Health Insurance Program (B)**

This item involves a request for the City Commission to hear a presentation regarding recent discussions concerning the Retiree Health Program and consider the various options.

NOTE: It is anticipated that the rules will be waived to hear this item at 3:00 PM.

[Play Video](#)

Administrative Services Director Becky Rountree and Risk Management Director Steve Varvel gave presentations.

Chair Hanrahan recognized Tom Bolduc, Richard Williams, FOP President Jeff McAdams, CWA President Jerry Coughlin, Walter Willard, Kim Simpson, Jeff Bramm and Bob Mitchell who spoke to the matter.

MOTION: Commissioner Lowe moved and Commissioner Mastrodicasa seconded to: 1) Approve Alternative Recommendation A - Adopt ordinance using Option 4c, \$10 plan indexed at 1/2 of the premium increase (currently 6%), with \$5 age adjustments, retiree pays at least the same as an active in the same tier; and 2) refer to the City Manager to explore inclusion of a hardship provision and a program to enable retirees to work with the City to recover some portion of their costs in a voluntary capacity.

(VOTE: 7-0, MOTION CARRIED)

RECOMMENDATION

The City Commission: 1) hear a presentation from staff regarding the Retiree Health Insurance Program and Trust;

2) give staff direction regarding the various options discussed; and 3) take any additional action deemed appropriate.

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, Thomas Hawkins and Pegeen Hanrahan

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NOTE: File #080130 Taxi Stands was moved to the evening portion of the agenda under "Unfinished Business".

GENERAL MANAGER FOR UTILITIES

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NOTE: File #080162 South Energy Center was moved to the evening portion of the agenda under "Unfinished Business".

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

EQUAL OPPORTUNITY COMMITTEE

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

COMMISSION COMMENTS (if time available)

RECESS - 5:15 PM

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RECONVENE - 5:54 PM

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PLEDGE OF ALLEGIANCE (5:30pm)

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PROCLAMATIONS/SPECIAL RECOGNITIONS

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080148. Americans with Disabilities Act Awareness Month - July 2008 (B)

[Play Video](#)

RECOMMENDATION *City of Gainesville Equal Opportunity Director Jimmie Williams and Specialist Rodney J. Bickel to accept the proclamation.*

Heard

080149. Recreation and Parks Month - July 2008 (B)

[Play Video](#)

RECOMMENDATION *Public Recreation and Parks Board Chair Mark Wellner, Nature Centers Commission Chair Hannah Covert, Friends of Nature Parks Chair Penny Weber and Sports Advisory Board Committee Member Kelly Lofland to accept the proclamation.*

Heard

CITIZEN COMMENT (6:00pm)

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Wesley Krames

Fire Assessment Issue.

Carol Daly

Transgender Ordinance.

Kevin Daly

Transgender Ordinance.

Elizabeth Howard

Downtown Plaza - Mediation Issues.

Clark Butler

Lakeshore Towers Condominiums - Trader Tom's Blighted Property.

Walter Willard

Various Issues.

Pat Fitzpatrick

Homeless beatings.

COMMISSION COMMENT

Commissioner Jack Donovan

1. *Fire Assessment Fees for Churches.*
2. *Transgender Ordinance.*

Commissioner Craig Lowe

Transgender Ordinance.

PUBLIC HEARINGS

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080051. Public Utilities Regulatory Policy Act (PURPA) Requirements (B)

Staff will make a presentation on the requirements of Public Utility Regulatory Policies Act of 1978 (as amended by the Energy Policy Act of 2005), the schedule and public participation procedure for consideration and determination of Standards 11, 12, and 13. PURPA jurisdictional members have until August 8, 2008, to begin consideration of net metering, fuel diversity, and fossil fuel generation efficiency. Considerations and findings will be presented to support

the recommended City Commission determination to implement net metering by October 1, 2008. Staff recommends the City Commission determine that GRU meets the intent of the standards for fuel diversity and fossil fuel generation efficiency.

[Play Video](#)

GRU Managing Utility Analyst Dr. Heidi Lannon gave a presentation.

Chair Hanrahan recognized Walter Willard who spoke to the matter.

RECOMMENDATION *The City Commission a) receive a presentation on the requirements of Public Utility Regulatory Policies Act of 1978 (as amended by the Energy Policy Act of 2005); and, b) find that net metering for renewable energy is in the public's best interest and should be implemented by October 1, 2008; and, c) find that fuel diversity has been and shall be an important consideration in future energy supply planning in accordance with the intent of the PURPA standards; and, d) find that the efficiency with which electricity is generated from fossil and other fuels has been and shall be an important consideration for system operation and management in accordance with the intent of the PURPA standards.*

A motion was made by Commissioner Lowe, seconded by Commissioner Henry, 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, Thomas Hawkins and Pegeen Hanrahan

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ADOPTION READING - ROLL CALL REQUIRED

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070818. PLANNED USE DISTRICT - FAT TUSCAN (B)

Ordinance No. 0-08-04; Petition 115LUC-07 PB
An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by overlaying the "Planned Use District" category over certain property located in the vicinity of 725 Northeast 1st Street, as more specifically described in this ordinance, with the underlying reversionary future land use category of "Office"; providing a severability clause; providing a repealing clause; and providing an effective date.

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Planner Gene Francis and Planning Manager Ralph Hilliard gave presentations.

Chair Hanrahan recognized Petitioner Michelle Reeves, Agent for the Petitioner Joe Montalto and Elizabeth Howard who spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

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ORDINANCES FIRST READING - ROLL CALL REQUIRED

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070819.

PLANNED DEVELOPMENT REZONING - FAT TUSCAN (B)

Ordinance No. 0-08-05; Petition 112PDV-07 PB

An Ordinance of the City of Gainesville, Florida; rezoning certain lands within the City, as more specifically described in this ordinance, and amending the Zoning Map Atlas from "OR: 20 units/acre office residential district" to "PD: Planned Development District"; located in the vicinity of 725 Northeast 1st Street; commonly known as "Fat Tuscan Planned Development"; adopting a development plan report and development plan maps; providing conditions and restrictions; providing for enforcement; providing a severability clause; and providing an effective date.

[Play Video](#)

Planner Gene Francis gave a presentation. Planner Gene Francis and Planning Manager Ralph Hilliard gave presentations.

Chair Hanrahan recognized Petitioner Michelle Reeves, Agent for the Petitioner Joe Montalto and Elizabeth Howard who spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

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ADOPTION READING - ROLL CALL REQUIRED

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071209. LAND USE CHANGE - 5200 SOUTHWEST 41ST BOULEVARD (B)

Ordinance No. 0-08-21, Petition 44LUC-08PB

An ordinance amending the City of Gainesville 2000-2010 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 "Tourist/Entertainment" to the City of Gainesville land use category of "Commercial"; located in the vicinity of 5200 Southwest 41st Boulevard; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

[Play Video](#)

Senior Planner Susan B. Neimann gave a presentation.

RECOMMENDATION *The City Commission: 1) approve Petition 44LUC-08PB; and 2) adopt the proposed ordinance.*

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

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

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ORDINANCES, 1ST READING- ROLL CALL REQUIRED

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071210. REZONING - 5200 SOUTHWEST 41ST BOULEVARD (B)

Ordinance No. 0-08-22, Petition No. 43ZON-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 the Alachua County zoning category of "Highway oriented business services (BH) district" to the City of Gainesville zoning category of "BT: Tourist-oriented business district"; located in the vicinity of 5200 Southwest 41st Boulevard; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

[Play Video](#)

Senior Planner Susan B. Neimann gave a presentation.

RECOMMENDATION *The City Commission: 1) approve Petition 43ZON-08PB; and 2) adopt the proposed ordinance.*

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

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

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080014.

COMPREHENSIVE PLAN AMENDMENT - CREATION OF PUBLIC SCHOOLS FACILITIES ELEMENT (B)

Ordinance No. 0-08-42, Petition 46CPA-08PB

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan; by creating and adding a Public Schools Facilities Element; by creating Goals, Objectives and Policies to implement the new element; providing directions to the city manager; stating intent to adopt the new element as part of the City of Gainesville 2000-2010 Comprehensive Plan; providing a severability clause; providing a repealing clause; and providing an effective date.

[Play Video](#)

Planning and Development Services Director Erik Bredfeldt, Chief of Comprehensive Planning Dean Mimms, and University of Florida - Building Better Communities Representative Gene Boles gave presentations.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

Absent: Thomas Hawkins

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080012.**COMPREHENSIVE PLAN AMENDMENT - CAPITAL IMPROVEMENTS ELEMENT - SCHOOL CONCURRENCY (B)****Ordinance No. 0-08-44, Petition 48CPA-08PB**

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Capital Improvements Element relating to public school facilities; by referencing in Policy 1.2.6 adoption of Level Service Standards for Public School Facilities; by creating and adopting Table 15, consisting of the 5-year District Facilities Work Program for the School Board of Alachua County; providing directions to the city manager; stating intent to adopt the new element as part of the City of Gainesville 2000-2010 Comprehensive Plan; providing a severability clause; providing a repealing clause; and providing an effective date.

[Play Video](#)

Planning and Development Services Director Erik Bredfeldt, Chief of Comprehensive Planning Dean Mimms and University of Florida - Building Better Communities Representative Gene Boles gave presentations.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

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080016.**COMPREHENSIVE PLAN AMENDMENT - INTERGOVERNMENTAL COORDINATION ELEMENT - SCHOOL CONCURRENCY (B)****Ordinance No. 0-08-43, Petition 47CPA-08PB**

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Intergovernmental Coordination Element relating to public school concurrency; by amending Policy 1.1.1 and Policy 1.1.2 to update statutory references; by creating a new policy 1.1.4 to provide for coordination in implementing public school concurrency requirements; by renumbering existing policies; providing directions to the city manager; stating intent to adopt the amended element as part of the City of Gainesville 2000-2010 Comprehensive Plan; providing a

severability clause; providing a repealing clause; and providing an effective date.

[Play Video](#)

Planning and Development Services Director Erik Bredfeldt, Chief of Comprehensive Planning Dean Mimms and University of Florida - Building Better Communities Representative Gene Boles gave presentations.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

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080080.

URBAN SERVICES REPORT - AREA AROUND S.W. 20th AVENUE, EAST OF AND INCLUDING I-75 (B)

Ordinance No. 0-08-40

An Ordinance of the City of Gainesville, Florida, adopting an Urban Services Report which sets forth the plans to provide urban services to an area generally located south of the City limits and north of Butler Plaza and Windmeadows Apartments, west of S.W. 34th Street and the City limits up to and including I-75, and north of the vicinity of S.W. Archer Road and the City limits; the area is proposed for annexation by the City of Gainesville pursuant to Chapter 90-496, as amended, Special Act, Laws of Florida, known as the Alachua County Boundary Adjustment Act; providing directions to the City Manager, the City Attorney and the Clerk of the Commission; providing a repealing clause; providing a severability clause; and providing an immediate effective date.

[Play Video](#)

Strategic Planning Manager Karen Billings gave a presentation.

Chair Hanrahan recognized Frank Bracco and Kelly Dale who spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

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070688**LOBBYIST REGISTRATION (B)****Ordinance No. 0-08-12**

An ordinance of the City of Gainesville, Florida, relating to registration of lobbyists; creating and adding a new Chapter 29, City of Gainesville Lobbyist Registration Act, creating and adding a new section 29-1, Intent and purpose; creating and adding a new section 29-2, Definitions; creating and adding a new section 29-3, Registration of lobbyists required; registration statements; creating and adding a new section 29-4, Exceptions; creating and adding a new section 29-5, Penalties; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

[Play Video](#)

City Auditor Brent Godshalk gave a presentation.

Chair Hanrahan recognized Pat Fitzpatrick who spoke to the matter.

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, Scherwin Henry, Jeanna Mastrodicasa, Thomas Hawkins and Pegeen Hanrahan

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ORDINANCES, 2ND READING- ROLL CALL REQUIRED

[Play Video](#)

070209.**VENDING BOOTHS AND ITINERANT FOOD VENDORS (B)****Ordinance No. 0-07-75; Petition 80TCH-07PB**

An ordinance of the City of Gainesville, Florida, amending Chapter 19 and Chapter 30 of the City of Gainesville Code of Ordinances, relating to itinerant food vendors; amending Section 30-61(c) to add itinerant food vendors as a permitted use in the General Business (BUS) zoning district subject to limitations and in accordance with Chapter 19, Article IV; amending Article IV of Chapter 19 by revising the definitions of vending booths and itinerant food vending conveyances; imposing size limitations and standards and clarifying the permit procedures, requirements and regulations for both vending booths and itinerant food vending conveyances; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an

immediate effective date.

[Play Video](#)

Planning and Development Services Director Erik Bredfeldt gave a presentation.

AMENDMENT: Version 1.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

A motion was made by Mayor-Commissioner Pro Tem Donovan, seconded by Commissioner Henry, that this matter be Adopted on Final Reading, as amended (Ordinance). The motion carried by the following vote:

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

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071162.

STREET VACATION - VEITCH STREET (B)

Ordinance No. 0-08-29, Petition No. 40SVA-08PB

An ordinance of the City of Gainesville, Florida, to vacate, abandon and close that portion of Veitch Street bounded by the north right-of-way line of Southeast 10th Avenue to a point 230.89 feet west of Southeast 4th Street, as more specifically described in this Ordinance; retaining a certain perpetual easement; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

[Play Video](#)

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

A motion was made by Commissioner Henry, 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, Thomas Hawkins and Pegeen Hanrahan

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RESOLUTIONS- ROLL CALL REQUIRED

[Play Video](#)

070788.**"PLATFORM FOR STRENGTHENING FAMILIES AND CHILDREN" (B)**

A resolution of the City Commission of the City of Gainesville, Florida; committing to support the National League of Cities Platform for Strengthening Families and Improving Outcomes for Children, Youth, and Families, providing for a task force to further the goals as described in the Platform, and providing an immediate effective date.

[Play Video](#)

RECOMMENDATION *The City Commission adopt the proposed resolution.*

A motion was made by Mayor-Commissioner Pro Tem Donovan, seconded by Commissioner Lowe, 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, Thomas Hawkins and Pegeen Hanrahan

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080105.**Resolution to Dual-Name SW 7th Avenue to Isaiah "Ike" Norman Avenue (B)**

This item involves a Resolution authorizing the dual-naming of the Porter's Community area of SW 7th Avenue between SW 5th Street and SW 5th Terrace to Isaiah "Ike" Norman Avenue.

Lieutenant Pete Backhaus and Traffic Operation Manager Phil Mann gave presentations.

RECOMMENDATION *The City Commission adopt the Resolution.*

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

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

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PLAN BOARD PETITIONS**DEVELOPMENT REVIEW BOARD PETITIONS****SCHEDULED EVENING AGENDA ITEMS**

[Play Video](#)

080147.**Student Seat Policy (B)**[Play Video](#)

Student Intern David Digiacommo gave a presentation.

Chair Hanrahan recognized Kellie Dale who spoke to the matter.

RECOMMENDATION *The City Commission hear a presentation on a new Student Seat Policy initiated on May 12, 2008 from Karen Johnson's report to the City Commission.*

A motion was made by Mayor-Commissioner Pro Tem Donovan, seconded by Commissioner Mastrodicasa, 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, Thomas Hawkins and Pegeen Hanrahan

080147_SS_Policy_20080714.pdf

080133.**Commissioner Jack Donovan - Accessibility: A Study of the Regional Transit System (B)**

RECOMMENDATION *City Commissioners are requested to listen to this presentation and consider the important implications from this study's findings and recommendations.*

Withdrawn

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080150.**Commissioner Jeanna Mastrodicasa - Community Book Discussion (NB)**[Play Video](#)

MOTION: Support Commissioner Mastrodicasa's initiative and direct staff to organize a City-wide book read/discussion.

RECOMMENDATION *The City Commission hear a report from Commissioner Mastrodicasa on a possible Community Book Discussion on Richard Florida's book "Who's Your City" and take any action deemed appropriate.*

A motion was made by Commissioner Henry, seconded by Commissioner Hawkins, 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, Thomas Hawkins and Pegeen Hanrahan

080157.**Commissioner Scherwin Henry - Vehicle for Hire Fees (NB)**[Play Video](#)

Chair Hanrahan recognized Deneace Joshua and Lieutenant Pete Backhaus who spoke to the matter.

RECOMMENDATION *The City Commission hear a presentation from Commissioner Henry and take appropriate action.*

Discussed

080171.**Mayor Pegeen Hanrahan - Request for City Commission Volunteer to Chair the July 28, 2008 City Commission Meeting (NB)**[Play Video](#)

Commissioner Craig Lowe to assume responsibilities.

AMENDMENT: Waive the rules to designate Commissioner Craig Lowe as temporary Mayor-Commissioner Pro Tem for the July 28, 2008 City Commission Meeting.

RECOMMENDATION *The City Commission request a volunteer to: 1) Attend the July 22, 2008 Agenda Review @ 1:30 PM; 2) chair the July 28, 2008 City Commission Meeting; and 3) sign documents relating to the meeting while the Mayor is out of town.*

A motion was made by Mayor-Commissioner Pro Tem Donovan, 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, Thomas Hawkins and Pegeen Hanrahan

UNFINISHED BUSINESS[Play Video](#)**080130.****Taxi Stands (B)**

As part of the Hospitality District Initiative, staff will provide an informational presentation and seek comment on plans for taxi stands in Downtown, College Park and a special taxi stand for University of Florida (UF) home football game days.

[Play Video](#)

Assistant City Manager Paul Folkers, Lieutenant Pete Backhaus and Traffic Operations Manager Phil Mann gave presentations.

Chair Hanrahan recognized Ashton Charles, unidentified male UF student, Taxi Company Owner Jeffrey Chu, Jimmy Carlson and Kellie Dale who spoke to the matter.

RECOMMENDATION *The City Commission: 1) hear a presentation on the proposed taxi stands; and 2) provide comments and suggestions.*

Discussed

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080162.

South Energy Center to Support the New Shands Hospital Complex (NB)

[Play Video](#)

RECOMMENDATION *The City Commission: 1) increase the General Manager's authorization level from \$40,000,000 to \$48,500,000 to support the design, finance, construction, operation, maintenance and future expansion of the South Energy Center to support the new Shands hospital complex, and 2) authorize the General Manger or his designee to execute the necessary contractual amendment to implement the additional authorization level.*

A motion was made by Commissioner Lowe, seconded by Commissioner Mastrodicasa, 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, Thomas Hawkins and Pegeen Hanrahan

080128.

Parks, Recreation and Cultural Affairs Capital Improvement Projects and Sensitive Lands Acquisition (B)

This item involves approving the Parks, Recreation and Cultural Affairs Capital Improvement Projects and Sensitive Lands Acquisition List for potential funding through a local government infrastructure surtax of 0.5 percent to acquire and improve conservation lands and create, improve and maintain parks and recreational facilities.

[Play Video](#)

Parks, Recreation and Cultural Affairs Director Steve Phillips, Robert Hutchinson, Alachua County Elder Care Executive Director Anthony Clarizio, Assistant City Manager Fred Murry gave presentations.

*WAIVER OF RULES: Commissioner Donovan moved and Commissioner Hawkins seconded to waive the rules to extend the meeting to 11:15 PM.
(VOTE: 7-0, MOTION CARRIED)*

ORIGINAL MAIN MOTION: Commissioner Hawkins moved and Commissioner Poe seconded to forward the priority list to the County Commission with the following modifications: 1) Remove the relative project rankings; 2) remove #8 (Thomas Center) from the priority list; and 3) seek to spend funds on any one or all of these projects or any other projects that meet the intent of the ballot language with respect to the priorities laid out.

DIVIDE THE QUESTION MOTION

*FIRST PART OF THE DIVIDED QUESTION: Commissioner Hawkins moved and Commissioner Poe seconded to forward the priority list to the County Commission with the modification to remove #8 (Thomas Center) from the priority list.
(2-5, Commissioners Hawkins & Poe - Yes; Commissioners Donovan, Henry, Mastrodicasa, Lowe and Mayor Hanrahan - No, MOTION FAILED)*

*SECOND PART OF THE DIVIDED QUESTION: Commissioner Hawkins moved and Commissioner Poe seconded to: 1) Forward the entire priority list to the County Commission, including Thomas Center A without prioritization; and 2) not transmit the sensitive lands list, but continue the process of selecting projects and seek to spend funds on any one or all of these projects or any other projects that meet the intent of the ballot language with respect to the priorities laid out.
(VOTE: 7-0, MOTION CARRIED)*

RECOMMENDATION *The City Commission 1) review the Parks, Recreation and Cultural Affairs Priority List; and 2) approve the priority list as submitted.*

Alternative Recommendation A: The City Commission 1) review the Parks, Recreation and Cultural Affairs Priority List; and 2) modify the proposal as deemed appropriate.

Alternative Recommendation B: The City Commission deny the Parks, Recreation and Cultural Affairs Priority List.

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

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

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COMMISSION COMMENT

WAIVER OF RULES

*Commissioner Poe moved and Commissioner Lowe seconded to waive the rules to extend the meeting to 11:20 PM.
(VOTE: 7-0, MOTION CARRIED)*

CITIZEN COMMENT

[Play Video](#)

Polly McCann

Man in Women's Fitness Center Shower Area.

Kali Blount

School Concurrency Issue.

WAIVER OF RULES

*Commissioner Henry moved and Commissioner Lowe seconded to waive the rules to extend the meeting to 11:30 PM.
(VOTE: 6-1, Mayor Hanrahan - No, MOTION CARRIED)*

ADJOURNMENT: 11:22 PM

[Play Video](#)

Kurt M. Lannon, Clerk of the Commission