

City of Gainesville

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



Meeting Minutes

Thursday, February 17, 2011

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 Warren Nielsen (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 - 1:06 PM

ROLL CALL

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

INVOCATION

The City Commission observed a moment of silence.

CONSENT AGENDA

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

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

CONSENT AGENDA MODIFICATIONS:

- 1. File #100723 - (New Item) - Appointment - Gainesville Housing Authority - (Add to the Consent Agenda).*
- 2. File #100507 - Funding RTS Routes and Associated ADA Service Outside the City Limits - (Withdraw from the agenda and send back to the Audit, Finance and Legislative Committee).*

CITY MANAGER, CONSENT AGENDA ITEMS

090842. Authorize Additional Connect Free Program funding for the GRACE Marketplace One Stop Homeless Assistance Center (B)

This item proposes to request City Commission approval to provide additional Connect Free Program funding in the amount of \$201,500 to cover the revised total cost to install the water/wastewater extension and services for the GRACE Marketplace One Stop Homeless Assistance Center.

RECOMMENDATION

The City Commission: 1) approve the allocation of additional Connect Free Program funds in the amount of \$201,500 to cover the cost to provide water/wastewater connection and services for GRACE Marketplace One Stop Homeless Assistance Center.

This Matter was Approved as Recommended on the Consent Agenda.

100663. Strategic Plan Quarterly Report - 1st Quarter of Fiscal Year 2011 (B)

This item provides a report on the progress of the City Commission's Strategic Goals and Initiatives for the 1st Quarter of Fiscal Year 2011.

RECOMMENDATION *The City Commission receive a quarterly report from the City Manager on the progress of the City Commission Strategic Goals and Initiatives for the 1st Quarter of FY 2011.*

This Matter was Approved as Recommended on the Consent Agenda.

100668. Vehicle Parking in Multi-Family Residential Zoning Districts within the University Context Area (NB)

This item is a request to refer the issue of vehicle parking conditions on private property located in Multi-Family residential zoning districts to the Community Development Committee.

RECOMMENDATION *The City Commission refer the issue of vehicle parking in Multi-Family residential zoning districts within the University Context Area to the Community Development Committee.*

This Matter was Approved as Recommended on the Consent Agenda.

100675. Domestic Violence Grant Application (NB)

This item requests City Commission authorization for the Gainesville Police Department to pursue a grant from the Office on Violence Against Women to fund a domestic violence project.

RECOMMENDATION *The City Commission authorize the City Manager to: 1) apply to the Office of Justice Programs, Office on Violence Against Women for the grant in an amount up to \$400,000; and if awarded 2) execute any other necessary documents, pending review by the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

100676. FY 2011 Internet Crimes Against Children Task Force Program Continuation (NB)

RECOMMENDATION *The City Commission: 1) authorize the City Manager to apply for these funds; and 2) execute any additional documents as may be required, subject to review and approval by the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS**CITY ATTORNEY, CONSENT AGENDA ITEMS**

- 100667.** **Ralph Pelton, as Personal Representative of the Estate of Erin E. Pelton, on behalf of the Estate and on behalf of survivors Ralph Pelton and Elaine C. Pelton, individually vs. Shakia N. Harris, individually, and City of Gainesville, a political subdivision; Eighth Judicial Circuit, Case No. 2011-CA-44 (B)**

RECOMMENDATION *The City Commission authorize the City Attorney to represent the City of Gainesville in the case styled Ralph Pelton, as Personal Representative of the Estate of Erin E. Pelton, on behalf of the Estate and on behalf of survivors Ralph Pelton and Elaine C. Pelton, individually vs. Shakia N. Harris, individually, and City of Gainesville, a political subdivision; Eighth Judicial Circuit, Case No. 2011-CA-44.*

This Matter was Approved as Recommended on the Consent Agenda.

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

- 100680.** **City Commission Minutes (B)**

RECOMMENDATION *The City Commission approve the minutes of January 24, 2011 and February 3, 2011, as circulated.*

This Matter was Approved as Recommended on the Consent Agenda.

- 100723.** **Appointment - Gainesville Housing Authority (NB)**

RECOMMENDATION *The City Commission confirm Mayor Craig Lowe's appointment of Yvonne Hinson-Rawls to the Gainesville Housing Authority to a term to expire August 1, 2015.*

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**

100187. Prohibiting Smoking in the Downtown "Bo Diddley" Plaza (B)

This item involves a referral from the Gainesville City Commission on July 1, 2010 to consider the matter of prohibiting smoking in the Downtown "Bo Diddley" Plaza.

RECOMMENDATION *The City Commission: 1) move forward with voluntary compliance using signage; 2) authorize the City Manager to pursue partnerships with the Health Department and Keep Alachua County Beautiful for an educational campaign; and 3) have appropriate staff monitor the situation and observe what is taking place in other Florida cities so this issue can be revisited in one year.*

This Matter was Approved as Recommended on the Consent Agenda.

100198. Code Enforcement - Graffiti Issues (B)

RECOMMENDATION *The City Commission 1) authorize the City Attorney to draft and the Clerk of the Commission to advertise a Graffiti Abatement Ordinance based on the Miami Beach model, with the exception of giving the property owner ten days to respond instead of seven; and 2) remove this item from the Public Safety Committee's Referral List.*

This Matter was Approved as Recommended on the Consent Agenda.

100224. Bicycle Yield /Stop Ordinance (NB)

RECOMMENDATION *The City Commission remove this item from the Public Safety Committee referral list.*

This Matter was Approved as Recommended on the Consent Agenda.

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE, CONSENT**100185. Charter Officer Evaluations (B)**

RECOMMENDATION *The City Commission approve a modified process for evaluating the performance of Charter Officers utilizing a written performance evaluation form, modeled after that used by Alachua County for its Charter Officers.*

This Matter was Approved as Recommended on the Consent Agenda.

100392. Structure and Supervision of City Commission Support Staff (B)

RECOMMENDATION *The City Commission direct staff to return to the City Commission with recommended Human Resources Policy revisions and any other documents necessary to implement this approach.*

This Matter was Approved as Recommended on the Consent Agenda.

100507. Funding RTS Routes and Associated ADA Service Outside the City Limits (B)

This item is a request to approve the service rate policy for transit service outside Gainesville City limits.

RECOMMENDATION *The City Commission approve the revised service rate policy for transit services outside the Gainesville City limits.*

Withdrawn

100533. Review of GRUCom Revenues (B)

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

This Matter was Approved as Recommended on the Consent Agenda.

EQUAL OPPORTUNITY COMMITTEE, CONSENT**DISABILITY REVIEW COMMITTEE, CONSENT****100651. Application for Disability Retirement for Cynthia L. Sandoval (B)**

Retirement application for Cynthia L. Sandoval, Customer Service Representative Senior GRU-Customer Service for 16.083 years, who has been under the care of a physician for medical reasons.

RECOMMENDATION *The City Commission approve the submitted application for disability retirement for Cynthia L. Sandoval, Customer Service Representative Senior GRU-Customer Service.*

This Matter was Approved as Recommended on the Consent Agenda.

100652. Application for Disability Retirement for Thomas Travis Rahn (B)

Retirement application for Thomas Travis Rahn, Services Operator, GRU - Wastewater Collection for 15.333 years, who has been under the care of a physician for medical reasons.

RECOMMENDATION *The City Commission approve the submitted application for disability retirement for Thomas Travis Rahn, Services Operator, GRU - Wastewater Collection.*

This Matter was Approved as Recommended on the Consent Agenda.

Passed The Consent Agenda

A motion was made by Commissioner Nielsen, seconded by Commissioner Hawkins, 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, Craig Lowe, Scherwin Henry, Thomas Hawkins and Warren Nielsen
Absent: Lauren Poe

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS**END OF CONSENT AGENDA****ADOPTION OF THE REGULAR AGENDA**

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

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

REGULAR AGENDA MODIFICATIONS:

- 1. File #100677 - Settlement Agreement and Consent Order concerning the Land Application of Biosolids at Whistling Pines Ranch. (Modify recommendation by deleting number 5, as this action as been handled administratively).*
- 2. File #100672 - Update on the Status of the Cabot-Koppers Superfund Site - (PPT. Submitted).*

CHARTER OFFICER UPDATES**CLERK OF THE COMMISSION**

CITY MANAGER**GENERAL MANAGER FOR UTILITIES****CITY ATTORNEY****100677. SETTLEMENT AGREEMENT AND CONSENT ORDER CONCERNING THE LAND APPLICATION OF BIOSOLIDS AT WHISTLING PINES RANCH (B)**

Litigation Attorney Elizabeth Waratuke gave a presentation.

NOTE: Commissioner Poe entered the meeting room at 1:14 PM.

RECOMMENDATION *The City Commission 1) hear a presentation from staff; 2) approve the withdrawal of the application for Special Exception; 3) approve the Settlement Agreement and Consent Order; 4) authorize the Mayor to execute and the Clerk of the Commission to attest the Settlement Agreement and Consent Order; and 5) authorize the General Manager to negotiate and execute the Cancellation of the Purchase and Sale Agreement for the Whistling Pines Ranch.*

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, Lauren Poe, Jeanna Mastrodicasa, Craig Lowe, Scherwin Henry, Thomas Hawkins and Warren Nielsen

100766. City Attorney Request for Attorney-Client Session of the City Commission (Shade Meeting) (B)

RECOMMENDATION *The City Commission approve the request for an Attorney-Client Session of the City Commission to discuss Mogas Investments, Inc., Nalbandian Properties, LLC, Ropen Nalbandian, vs. City of Gainesville, a political subdivision of the State of Florida to be scheduled for February 28, 2011, @ 5:00 PM convening in the City Commission Meeting Room, First Floor, City Hall and then relocating to Room 16, then reconvening in the City Commission Meeting Room.*

Approved by Consensus

CITY AUDITOR**EQUAL OPPORTUNITY DIRECTOR**

COMMITTEE REPORTS (PULLED FROM CONSENT)**RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE****PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE****PUBLIC SAFETY COMMITTEE****AUDIT, FINANCE AND LEGISLATIVE COMMITTEE****ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)****100674. Nomination - Library District Board of Trustees (B)**

MOTION: Nominate Ms. Vivian Filer and Ms. Sharlynn Sweeney for consideration of appointment by the Library Governing Board.

RECOMMENDATION *The City Commission nominate the two applicants for consideration of appointment by the Library Governing Board*

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

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

COMMUNITY REDEVELOPMENT AGENCY**100669. Community Redevelopment Agency Projects and Sustainability (B)**

Community Redevelopment Agency (CRA) staff will give a presentation highlighting the sustainable features of their new office building located at 802 NW 5th Avenue and; how the CRA is making strides to become a more sustainable agency in both operations and project delivery.

CRA Design Engineer Diane Bennett gave a presentation.

MOTION: 1) To commend the leadership of the staff of the CRA and in particular their efforts to bring sustainability in all of its facets to our community; and 2) encourage every citizen and every employee to educate themselves of the opportunities that have been presented as a result of the work of the CRA and to contribute in their own way towards further success of this community.

Mayor Lowe recognized Gabriel Hillel who spoke to the matter.

RECOMMENDATION *CRA to the City Commission: Hear presentation from staff highlighting the sustainable features of the new CRA office building located at 802 NW 5th Avenue; and how the CRA is making strides to become a more sustainable agency in both operations and project delivery.*

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

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

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

COMMISSION COMMENTS (if time available)

Commissioner Scherwin Henry

- 1. A. Quinn Jones Historic Exhibit at the Thomas Center.*
- 2. Rename the "Blue" Recreation Center at NE 8th Avenue the Clarence R. Kelly Recreation Center - See following item #100779.*

100779. Renaming of the NE 8th Avenue Recreation Center (NB)

Mayor Lowe recognized Harry Lloyd and Ms. Lawson who spoke to the matter.

RECOMMENDATION *The City Commission: 1) Support renaming the NE 8th Avenue Recreation Center "Blue Center" to the Clarence R. Kelly Recreation Center, as recommended by the Public Recreation Board; and 2) direct staff to work with the family on naming the center and scheduling the ceremony.*

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

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

Commissioner Warren Nielsen

Appreciation of creation of a management team for the development of the Power District.

WAIVER OF RULES TO HEAR CITIZEN COMMENT**Ray Bennett**

1. *Prohibiting Smoking at the Bo Diddley Plaza.*
2. *McPherson Center Lights.*

RECESS - 2:47 PM**RECONVENE - 5:35 PM****PLEDGE OF ALLEGIANCE (5:30pm)****PROCLAMATIONS/SPECIAL RECOGNITIONS****100643 Coni Gesualdi Day - February 17, 2011 (B)**

RECOMMENDATION *Recipient Coni Gesualdi to accept the proclamation.*

Heard

100644. Dr. William Eyerly Day - February 17, 2011 (B)

RECOMMENDATION *Gainesville Association for the Creative Arts Executive Director Dr. William Eyerly to accept the proclamation.*

Heard

100645. Dance Alive National Ballet Day - February 17, 2011 (B)

RECOMMENDATION *Dance Alive National Ballet Executive Director Judy Skinner and Artistic Director Kim Tuttle to accept the proclamation.*

Heard

100694. Spay Day - February 22, 2011 (B)

RECOMMENDATION *No More Homeless Pets Operation PetSnip/Operation Catnip Executive Director Sandi Richmond, Board President Gladys Cofrin, and Board Members Martha Kern and Dr. Dale Kaplan-Stein to accept the proclamation.*

Heard

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

Gabriel Hillel

Various Issues.

John Davies

1. *Economic issues.*
2. *Public Information Request regarding fluoride in the water. See following item #100780.*

100780. Citizen Comment - John Davies - Public Record Request (B)

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

Placed on File

Charles "Al" Cockrell, Jr., St. Francis Board President

St. Francis House 130 Meal Limit.

100743. Citizen Comment - Charles "Al" Cockrell, Jr., Board President, St. Francis House (B)

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

Placed on File

Harold Saive

1. *St. Francis House 130 Meal Limit.*
2. *Chemtrails.*
3. *9/11 Issues.*

Ed Reyes

9/11 Issues.

Sean Moran

Clean Water.

Pat Fitzpatrick

Homeless Issues.

Rob Brinkman

Biomass Plant.

Isaac Hayes

Archer Rd. and 40th Blvd.

PUBLIC HEARINGS

RESOLUTIONS- ROLL CALL REQUIRED

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

100217. OPEN CONTAINER VIOLATIONS (B)

Ordinance No. 100217

An Ordinance of the City of Gainesville, Florida, amending section 4.4 relating to consumption, consumption and sale and possession of alcoholic beverages; providing that the open consumption and/or possession of an open container of any alcoholic beverage on certain designated public places and motor vehicles may be enforced by civil citation; amending section 2-239, adding open consumption and/or possession of an open container of any alcoholic beverage on certain designated public places and motor vehicles to codes that may be enforced by civil citations and designating class of offense and amount of penalty; providing directions to the codifier; providing for severability; providing a repealing clause; and providing an immediate effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

Votes: Aye: Randy Wells, Lauren Poe, Craig Lowe, Thomas Hawkins and Warren Nielsen
Nay: Scherwin Henry
Absent: Jeanna Mastrodicasa

100588. GAINESVILLE TRAFFIC SAFETY ENHANCEMENT ACT AMENDMENT (B)

Ordinance No. 100588

An Ordinance of the City of Gainesville, Florida amending Chapter 26, Article II, Division of the Gainesville Code Ordinances, The Gainesville Traffic Safety Enhancement Act to comply with the “Mark Wandall Traffic Safety Act,” as codified in section 316.0083, Florida Statutes; authorizing the City of Gainesville to use Traffic Infraction Detectors to enforce violations of red light traffic control signals; amending Appendix A, Schedule of Fees, Rates and Charges, providing directions to the codifier; providing for severability; providing a repealing clause; and providing an immediate effective date.

Assistant City Manager Fred Murry gave a presentation.

Mayor Lowe recognized Joe Prager who spoke to the matter.

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, Lauren Poe, Jeanna Mastrodicasa, Craig Lowe, Scherwin Henry, Thomas Hawkins and Warren Nielsen

PLAN BOARD PETITIONS

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

100672. Update on the Status of the Cabot-Koppers Superfund Site (B)

This item involves receiving a presentation from the Local Intergovernmental Team (LIT) on the US Environmental Protection Agency's Record of Decision for the Cabot-Koppers Superfund site.

Assistant City Manager Fred Murry, City of Gainesville Environmental Counsel Bill Pence, GRU Supervising Utility Engineer Rick Hutton, P.E., Alachua County Environmental Protection Director Chris Bird, Stewart Pearson, P.E., and Alachua County Health Department Environmental Health Director Anthony Dennis gave presentations.

MOTION: Commissioner Hawkins moved and Commissioner Poe seconded to approve the staff recommendation and additional direction from the City Commission as follows: STAFF RECOMMENDATION: Direct staff to draft a letter for the

Mayor's signature to urge the USEPA to: 1) Complete off-site soil delineation & remediation as soon as possible; 2) complete Consent Decree and implement the Record of Decision (ROD) as soon as possible; 3) expedite indoor dust evaluation; 4) if indoor dust and/or health surveys indicate site-related problems- EPA should take appropriate action; 5) direct LIT technical team to stay engaged in remedial design, on-going monitoring, indoor dust study, etc.; 6) direct LIT technical team to provide periodic updates to the City and County Commission; 7) provide further direction to staff as appropriate. ADDITIONAL CITY COMMISSION DIRECTION: 1) Resend the previous correspondence to the Gainesville Alachua County Association of Realtors regarding obligations to disclose anything that diminishes the value of Real Estate; 2) Stress ongoing access to documents from EPA to both the LIT and Protect Gainesville Citizens; 3) contract the Property Appraiser regarding property re-assessment; 4) direct the City Manager to look into both the feasibility of possible funding of a blight study in the area surrounding the site for the purposes of forming a CRA; 5) develop a plan to contact the property owners with the intent of encouraging them to do off site soil remediation; 6) ask EPA to continue periodic updates or meetings with the residents; 7) direct the City Attorney to work with the environmental counsel to pursue cost recovery.

(VOTE: 7-0, MOTION CARRIED)

CITIZEN COMMENT: Mayor Lowe recognized the following citizens who spoke to the matter.

1. Anne Lowry
2. Alice Alonzo
3. Kim Popejoy
4. Clara Bea Horton
5. Robert Pearce
6. Ron Hodell
7. Maria Parsons
8. James C. Miller
9. Sandra Watts Kennedy
10. Farinda Osteen
11. Sharon Sheets
12. Joe Prager
13. Kendall Cayson
14. Pete Macchione
15. Walter Willard
16. Pat Cline
17. David Pais
18. Duckpond area resident (inaudible).
19. Heath Moore
20. Jimmy Harnsberger
21. Kaya Idekar

WAIVER OF RULES: Commissioner Poe moved and Commissioner Hawkins seconded to waive the rules to extend the meeting to 11:15 PM.

(VOTE: 7-0, MOTION CARRIED)

NOTE: Commissioner Poe left the meeting room @ 11:13 PM.

RECOMMENDATION

The City Commission: 1) hear a presentation from the Local Intergovernmental Team; 2) discuss the US Environmental Protection Agency's Record of Decision for the Cabot-Koppers Superfund site; and 3) provide staff with direction as appropriate.

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

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

UNFINISHED BUSINESS**COMMISSION COMMENT****CITIZEN COMMENT (If time available)****ADJOURNMENT - 11:15 PM**

Kurt M. Lannon, Clerk of the Commission