

City of Gainesville

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



Meeting Minutes

Thursday, December 4, 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 - 1:05 PM

ROLL CALL

NOTE: Commissioner Craig Lowe was out of town and participated in the meeting during the evening portion of the meeting via Internet and conference phone.

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

INVOCATION

The City Commission observed a moment of silence.

CONSENT AGENDA

Commissioner Poe moved and Mayor-Commissioner Pro Tem Donovan seconded to adopt the Regular Agenda, as modified.

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

MODIFICATIONS:

- 1. File #080589 - Vacation of Dedicated Parks - (Withdraw from the agenda).*
- 2. File #080598 - Gainesville Police Department Automated License Plate Reader - (Corrected "Sole Source Document" submitted).*
- 3. File #080331 - 2009 State Legislative Agenda - (Remove from the Consent Agenda and place on the Regular Agenda for discussion).*
- 4. File #080639 - New Item - Agreement for Capital Projects on City Property - (Add to the Consent Agenda).*
- 5. File #080621 - Self-Designation of the City of Gainesville as a Butterfly City - (Remove from the Consent Agenda and place on the Regular Agenda for discussion).*

CITY MANAGER, CONSENT AGENDA ITEMS

080586.

First Amendment to the Interlocal Agreement between University of Florida Board of Trustees and City of Gainesville (B)

This item is a request to authorize the City Manager to execute the First Amendment to the Interlocal Agreement between University of Florida Board of Trustees and City of Gainesville to use Bio-diesel on campus bus routes.

RECOMMENDATION

Recommended Motion: The City Commission authorize the City Manager to execute the First Amendment to the Interlocal Agreement between University of Florida Board of

Trustees and City of Gainesville to use Bio-Diesel on campus bus routes, subject to approval by the City Attorney as to form and legality.

This Matter was Approved as Recommended on the Consent Agenda.

080589. Vacation of Dedicated Parks (B)

This item is a request to vacate the public rights in the Parks dedicated in the Hilldale Subdivision Plat.

RECOMMENDATION *Recommended Motion: The City Commission: 1) approve the Public Works Department request to vacate public rights in the Parks dedicated in the Hilldale Subdivision plat, per Plat Book "C", page 74, retaining overall utility and sidewalk easements; and 2) authorize the Planning Department to initiate a petition to the Plan Board to vacate public rights in the Parks dedicated in the Hilldale Subdivision plat, per Plat Book "C", page 74, retaining overall utility and sidewalk easements.*

Withdrawn

080598. Gainesville Police Department Automated License Plate Reader (B)

This items requests the City Commission to approve a \$45,000 expenditure from Federal Law Enforcement Contraband Forfeiture Trust Fund to purchase an Automated License Plate Reader.

RECOMMENDATION *The City Commission approve the appropriation of \$45,000 from the Federal Law Enforcement Contraband Forfeiture Trust Fund.*

Alternative Recommendation A: The City Commission deny funding.

This Matter was Approved as Recommended on the Consent Agenda.

080606. Roof Replacement on Thomas Center A & B (B)

This item involves a request to award the bid to replace the roofs on Thomas Center A & B to Perry Roofing Contractors of Gainesville.

RECOMMENDATION *Recommended Motion: The City Commission: 1) authorize the City Manager or his designee to award the bid to Perry Roofing Contractors in an amount not to exceed \$735,900; and 2) authorize the City Manager, upon successful contract*

negotiations, to execute the contract and any related documents upon approval by the City Attorney as to form and legality.

Alternative Recommendation: The City Commission denies this recommendation and ask staff to re-bid the project.

This Matter was Approved as Recommended on the Consent Agenda.

080639. Agreement for Capital Projects on City Property (NB)

RECOMMENDATION *Approve the agreement in concept and authorize the City Manager to draft and approve a final agreement.*

This Matter was Approved as Recommended on the Consent Agenda.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

080628. Construction Manager for the Eastside Operations Center (B)

Staff recommends awarding a contract to Skanska USA Building Inc. for pre-construction and construction management services for construction of the Eastside Operations Center.

RECOMMENDATION *The City Commission: 1) approve the final ranking of companies for the Construction Manager for the Eastside Operations Center; 2) authorize the General Manager, or his designee, to negotiate a contract with Skanska USA Building Inc. for Construction Manager services for the GRU Eastside Operations Center project, subject to approval of the City Attorney as to form and legality; and 3) authorize staff to procure services and equipment, as required, to complete the project as budgeted, subject to the final appropriation of funds.*

This Matter was Approved as Recommended on the Consent Agenda.

CITY ATTORNEY, CONSENT AGENDA ITEMS

080604. WILLIE WASHINGTON VS. THE CITY OF GAINESVILLE; FCHR NO.: 200900291, EEOC CHARGE NO. 15D200900108, (B)

RECOMMENDATION *The City Commission authorize the City Attorney to represent the City in the case styled Willie Washington vs. the City of Gainesville; FCHR No.: 200900291, EEOC Charge No.: 15D200900108.*

This Matter was Approved as Recommended on the Consent Agenda.

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

080632. City Commission Minutes (B)

RECOMMENDATION *The City Commission approve the minutes of November 20, 2008, as circulated.*

This Matter was Approved as Recommended on the Consent Agenda.

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE, CONSENT

080614. Review of Fleet Fuel Expenses and Charges to Departments (B)

RECOMMENDATION *The Audit, Finance and Legislative Committee recommend that the City Commission: 1) Accept the City Auditor's report and the response from the City Manager and 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.

080224. Periodic Review of Service Charges (B)

RECOMMENDATION *The Audit, Finance and Legislative Committee recommend that the City Commission receive a presentation from staff and remove this item from the City Commission Referral List.*

This Matter was Approved as Recommended on the Consent Agenda.

080615. Review of General Fund Forecasted Revenues and Other Sources of Funds for the Fiscal Year Ending September 30, 2009 (B)

RECOMMENDATION *The Audit, Finance and Legislative Committee recommend that the City Commission accept the City Auditor's report.*

This Matter was Approved as Recommended on the Consent Agenda.

EQUAL OPPORTUNITY COMMITTEE, CONSENT

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

080601. Kennedy Homes (NB)

RECOMMENDATION

CRA to the City Commission: 1) Authorize CRA Staff to act as agent for the City in the RFP process and redevelopment efforts for the former Kennedy Homes site; and 2) Affirm the general scope of the RFP as approved by the CRA on May 19, 2008.

This Matter was Approved as Recommended on the Consent Agenda.

Passed The Consent Agenda

A motion was made by Commissioner Poe, 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: Jack Donovan, Lauren Poe, Scherwin Henry, Jeanna Mastrodicasa, Thomas Hawkins and Pegeen Hanrahan
Absent: Craig Lowe

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

Mayor-Commissioner Pro Tem Donovan moved and Commissioner Poe seconded to adopt the Regular Agenda, as modified.

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

MODIFICATIONS:

1. Affirm that the Gainesville City Commission finds that it is in the public interest for Commissioner Lowe to participate by the World Wide Web and telephone for some agenda items of this meeting.

2. File #080626 - Proposed Charter Amendment - (Revised Recommendation) - "The City Commission authorize drafting a resolution opposing the proposed City Charter Amendment subject to approval by the City Attorney as to form and legality."

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION**CITY MANAGER****WAIVER OF RULES**

The rules were waived by consensus to hear File #080416 - Regional Transit System Report on Bus Advertising before File #080607 Delinquency Prevention Presentation.

080416. Regional Transit System Report on Bus Advertising and Bus Shelter/Bench Advertising (B)

This item is in response to a request from the City Commission for the Regional Transit System (RTS) to provide information on Bus Advertising and Bus Shelter/Bench Advertising.

RTS Marketing and Communications Specialist Teresa Harrison gave a presentation.

Chair Hanrahan recognized Tom Cunilio, Gabriel Hillel, Chris Coleman, Andrew Moose and Patrick Mincy who spoke to the matter.

MOTION: Mayor-Commissioner Pro Tem Donovan moved and Commissioner Poe seconded to: 1) Approve the recommendation to not implement a bus shelter/bench advertising program; 2) consider expanding the existing RTS in-house bus advertising program and analyze the revenue stream; 3) maintain connections with the private contractors; and 4) explore with non-profits the benefits of allowing them to advertise in our expanded program.

(VOTE: 5-1, Commissioner Henry - No, Commissioner Lowe - Absent, MOTION CARRIED)

SECOND MOTION: Commissioner Henry moved and Commissioner Mastrodicasa seconded to extend the offer to vendors for letters of interest that include the following criteria: 1) The City's Sign Ordinance; 3) the amount of revenue to the City; 3) the degree in which the vendors address ADA compliance; 4) maintenance of the infrastructure (benches, shelters, etc.); 5) energy enhancements for shelters; and 6) restrictions on inappropriate advertising and outdoor advertising.

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

Chair Hanrahan recognized Charles Rocker and Tom Cunilio who spoke to the matter.

RECOMMENDATION

The City Commission: 1) do not implement a bus shelter/bench advertising program; and 2) consider expanding the existing RTS in-house bus advertising program.

Alternative Recommendation A

The City Commission: 1) do not implement a bus

shelter/bench advertising program; and 2) retain the existing RTS in-house bus advertising program.

Alternative Recommendation B

The City Commission direct the City Manager to initiate a planning petition that would allow off-premise advertising and solicit proposals for a bus shelter//bench advertising program through an RFP process.

Approved, as shown above (Motions)

080607. Delinquency Prevention Presentation (B)

This informational presentation is an action step for the City Commission's Strategic Initiative #3.3 Analyze the Availability and Accessibility of Youth Programs and Identify a Role for Government.

Parks, Recreation and Cultural Affairs Assistant Director Michelle Park and State Attorney's Office Representative Gretchen Howard gave presentations.

Chair Hanrahan recognized Gabriel Hillel, Dona Lee, Reverend "O" and Tom Cunilio who spoke to the matter.

RECOMMENDATION

The City Commission accept this presentation as Action Step 1 for Strategic Initiative #3.3 Analyze the Availability and Accessibility of Youth Programs and Identify a Role for Government.

The City Commission denies this presentation as Action Step 1 for Strategic Initiative #3.3 Analyze the Availability and Accessibility of Youth Programs and Identify a Role for Government.

Heard

080537. Sixth Street Corridor Rail Trail Project - 30% Design Presentation (B)

This item involves a presentation by the Public Works engineering staff on the Sixth Street Corridor Rail Trail, which is currently at the 30% design stage.

Public Works Supervising Engineer Emery Swearingen and Public Works Director Teresa Scott gave presentations.

Chair Hanrahan recognized Walter Willard who spoke to the matter.

RECOMMENDATION

Recommended Motion: The City Commission: 1) hear the staff presentation; and 2) take action deemed appropriate.

Heard

WAIVER OF RULES

The rules were waived by consensus to hear the next two items out of order, File #080626 "Proposed City Charter Amendment" and #080621 "Self-Designation of the City of Gainesville as a Butterfly City".

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

080626. Proposed City Charter Amendment (NB)

EO Director Jimmie Williams gave a presentation.

AMENDMENT: Change the recommendation to authorize the EO Director to draft a resolution.

Chair Hanrahan recognized Tom Cunilio, Dian Deevey, Donna Lee, Jerry Rose and Bob Karp who spoke to the matter.

RECOMMENDATION *The City Commission authorize drafting a resolution opposing the proposed City Charter Amendment subject to approval by the City Attorney as to form and legality.*

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

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

080621. Self-Designation of the City of Gainesville as a Butterfly City (B)

This item is a request for the City Commission to receive a written report in response to a referral to the City Manager to determine the feasibility of self-designating the City of Gainesville as a Butterfly City.

Communications and Marketing Manager Bob Woods gave a presentation.

Chair Hanrahan recognized Gabriel Hillel who spoke to the matter.

AMENDMENT: 1) Include the language "The First" Butterfly City; and 2) consider obtaining a trademark.

RECOMMENDATION *The City Commission accept the report and direct the City Manager to work with the above agencies to coordinate a community wide effort to build consensus for self-designating the City of Gainesville as a Butterfly City in coordination with October 2009 ButterflyFest planned activities and programs.*

*Alternative Recommendation**The City Commission accept the report and take no action.*

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

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

GENERAL MANAGER FOR UTILITIES**080629. Extending the Wholesale Electric Service Contract with the City of Alachua (B)**

On November, 29, 2007, the City of Gainesville (GRU) notified the City of Alachua that its wholesale power contract was terminated as of December 31, 2008. It is mutually beneficial to rescind the termination notice and to extend the agreement with pricing which more closely reflect market conditions.

Chair Hanrahan recognized Dian Deevey and Walter Willard who spoke to the matter.

RECOMMENDATION

The City Commission: 1) authorize the General Manager to rescind the termination of the Wholesale Electric Service Contract with the City of Alachua and 2) authorize the General Manager or his designee to negotiate and execute a contract amendment substantially in the form attached subject to approval by the City Attorney as to form and legality.

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

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

080630. Status Report of Plan to Achieve Maximum Energy Efficiency (B)

The City Commission has asked the staff to implement programs to help achieve maximum energy efficiency and provide quarterly reports regarding progress.

Senior Account Representative Bill Shepherd, Utility Analyst James Verschage, and AGM for Customer Support Services Kathy Viehe gave presentations.

RECOMMENDATION

The City Commission hear a presentation of the first two year results along with status of measurement and verification and evaluation.

Heard

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

COMMISSION COMMENTS (if time available)

RECESS - 5:22 PM

RECONVENE - 5:56 PM

PLEDGE OF ALLEGIANCE (5:30pm)

PROCLAMATIONS/SPECIAL RECOGNITIONS

080627. City of Gainesville's Citizens' Academy Fall 2008 Graduates (NB)

Communications and Marketing Manager Bob Woods gave a presentation.

RECOMMENDATION *The City Commission: 1) recognize accomplishments of Gainesville 101 fall 2008 City of Gainesville Citizens' Academy graduates; and 2) hear brief comments from the class speaker on what they have learned.*

Heard

080568. Christian Heritage Week - November 23-29, 2008 (B)

RECOMMENDATION *Christian Pastors Association Vice President Father Ron Kuykendall to accept the proclamation.*

Heard

CITIZEN COMMENT

Pat Fitzpatrick

Homeless Issues.

Kali Blount

Inclusionary Zoning.

Gabe Hillel

Lobbyist Registration.

Harry Kegelmann

GRU - Feed-In Tariff.

Tom Cunilio

FL Renewable RC & D Council - See following agenda item #080550.

080550. Mayor Pegeen Hanrahan - FL Renewable RC & D Council (B)

RECOMMENDATION *The City Commission hear an update on the FL Renewable RC & D Council.*

Heard

PUBLIC HEARINGS

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

080227. FIVE POINTS SPECIAL AREA PLAN (B)

Ordinance No. 0-08-70; Petition 89TCH-08 PB
An ordinance of the City of Gainesville, Florida, amending Chapter 30, Appendix A, Section 8, Exhibit A(f)(9) of the Land Development Code, relating to the prohibited uses within the Five Points Special Area Plan; by adding social services (MG-83), residences for destitute people, food distribution centers for the needy, membership organizations (MG-86), dormitories, rooming houses and boarding houses (GN-702), rehabilitation centers, and social services homes or halfway houses to the list of prohibited uses; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an

immediate effective date.

City Planner John Wachtel gave a presentation.

Chair Hanrahan recognized Joe Jackson, Rachel Swaziland, Vivian Filer, Jennifer Springfield, Rob Brinkman, Ricky Sullivan, Walter Willard and Pat Fitzpatrick 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 on First Reading (Ordinance). The motion carried by the following vote:

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

080174. AMENDMENT OF PS ZONING ORDINANCE 060015 FOR 837 SOUTHEAST 7TH AVENUE - COTTON CLUB MUSEUM AND CULTURAL CENTER INC. (B)

Ordinance No. 0-08-59; Petition No. 76PSZ-08PB

An ordinance of the City of Gainesville, Florida, amending Ordinance No. 060015, adopted by the City Commission of the City of Gainesville on October 23, 2006, that rezoned certain property located in the vicinity of 837 Southeast 7th Avenue and commonly referred to as the "Cotton Club," to "PS: Public services and operations district;" by adding certain uses to the list of uses permitted by right on the property; by specifying the setbacks for certain uses on the property; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

City Planner John Wachtel gave a presentation.

Chair Hanrahan recognized Vivian Filer who spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

080343. NEW RESIDENTIAL SINGLE-FAMILY RURAL (RSF-R) ZONING DISTRICT (B)

Ordinance No. 0-08-65; Petition No. 97TCH-08 PB

An ordinance of the City of Gainesville, Florida, amending the Land

Development Code of the City of Gainesville, by creating the "RSF-R: 1 unit/acre single-family rural residential district;" creating new definitions; specifying permitted uses; specifying general requirements, dimensional requirements and standards; providing directions to the codifier; providing a severability clause; and providing an immediate effective date.

Senior Planner Susan Niemann gave a presentation.

RECOMMENDATION *The City Commission (1) approve Petition No. 97TCH-08 PB and (2) adopt the proposed ordinance.*

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

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

080608. HISTORIC PROPERTY EXEMPT FROM AD VALOREM TAXATION - 615 SE 2ND PLACE (B)

Ordinance No. 0-08-75; Petition No. 5AVT-07HBP

An ordinance of the City of Gainesville, Florida, finding that property located at 615 SE 2nd Place, Gainesville, Florida, as more specifically described in this Ordinance, qualifies for an ad valorem tax exemption for historic properties; granting an exemption from ad valorem tax for certain improvements beginning January 1, 2009, and continuing for 10 years under certain conditions; authorizing the Mayor and Clerk of the Commission to sign the Historic Preservation Property Tax Exemption Covenant between the property owner and the City; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Historic Preservation Planner Dee Henrichs gave a presentation.

RECOMMENDATION *The City Commission (1) approve Petition No. 5AVT-07HPB and (2) adopt the proposed ordinance.*

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

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

080609. HISTORIC TAX EXEMPT FROM AD VALOREM TAXATION - 318 NE 10TH AVENUE (B)

Ordinance No. 0-08-77; Petition No. 2AVT-07HPB

An ordinance of the City of Gainesville, Florida, finding that property located at

318 NE 10th Avenue, Gainesville, Florida, as more specifically described in this Ordinance, qualifies for an ad valorem tax exemption for historic properties; granting an exemption from ad valorem tax for certain improvements beginning January 1, 2009, and continuing for 10 years under certain conditions; authorizing the Mayor and Clerk of the Commission to sign the Historic Preservation Property Tax Exemption Covenant between the property owner and the City; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

RECOMMENDATION *The City Commission (1) approve Petition No. 2AVT-07HPB and (2) adopt the proposed ordinance.*

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

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

**080610. HISTORIC PROPERTY EXEMPT FROM AD VALOREM TAXATION - 224
NW 2ND AVENUE (B)**

Ordinance No. 0-08-78; Petition No. 3AVT-08HPB

An ordinance of the City of Gainesville, Florida, finding that property located at 224 NW 2nd Avenue, Gainesville, Florida, as more specifically described in this Ordinance, qualifies for an ad valorem tax exemption for historic properties; granting an exemption from ad valorem tax for certain improvements beginning January 1, 2009, and continuing for 10 years under certain conditions; authorizing the Mayor and Clerk of the Commission to sign the Historic Preservation Property Tax Exemption Covenant between the property owner and the City; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Historic Preservation Planner Dee Henrichs gave a presentation.

RECOMMENDATION *The City Commission (1) approve Petition No. 3AVT-08HPB and (2) adopt the proposed ordinance.*

A motion was made by Commissioner Henry, 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: Jack Donovan, Lauren Poe, Scherwin Henry, Jeanna Mastrodicasa, Thomas Hawkins and Pegeen Hanrahan
Absent: Craig Lowe

**080611. HISTORIC PROPERTY EXEMPT FROM AD VALOREM TAXATION - 708
NORTHEAST BOULEVARD (B)**

Ordinance No. 0-08-79; Petition No. 4AVT-07HPB

An ordinance of the City of Gainesville, Florida, finding that property located at 708 Northeast Boulevard, Gainesville, Florida, as more specifically described in this Ordinance, qualifies for an ad valorem tax exemption for historic properties; granting an exemption from ad valorem tax for certain improvements beginning January 1, 2009, and continuing for 10 years under certain conditions; authorizing the Mayor and Clerk of the Commission to sign the Historic Preservation Property Tax Exemption Covenant between the property owner and the City; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Historic Preservation Planner Dee Henrichs gave a presentation.

RECOMMENDATION *The City Commission (1) approve Petition No. 4AVT-07HPB and (2) adopt the proposed ordinance.*

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

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

080612. HISTORIC PROPERTY EXEMPT FROM AD VALOREM TAXATION - 11 SE 2ND AVENUE (B)

Ordinance No. 0-08-80; Petition No. 1AVT-05HPB

An ordinance of the City of Gainesville, Florida, finding that property located at 11 S.E. 2nd Avenue, Gainesville, Florida, as more specifically described in this Ordinance, qualifies for an ad valorem tax exemption for historic properties; granting an exemption from ad valorem tax for certain improvements beginning January 1, 2009, and continuing for 10 years under certain conditions; authorizing the Mayor and Clerk of the Commission to sign the Historic Preservation Property Tax Exemption Covenant between the property owner and the City; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Historic Preservation Planner Dee Henrichs gave a presentation.

RECOMMENDATION *The City Commission (1) approve Petition No. 1AVT-05HPB and (2) adopt the proposed ordinance.*

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

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

080619. HISTORIC TAX EXEMPT FROM AD VALOREM TAXATION - 512 NE 10TH

AVENUE (B)**Ordinance No. 0-08-76; Petition No. 3AVT-07HPB**

An ordinance of the City of Gainesville, Florida, finding that property located at 512 NE 10th Avenue, Gainesville, Florida, as more specifically described in this Ordinance, qualifies for an ad valorem tax exemption for historic properties; granting an exemption from ad valorem tax for certain improvements beginning January 1, 2009, and continuing for 10 years under certain conditions; authorizing the Mayor and Clerk of the Commission to sign the Historic Preservation Property Tax Exemption Covenant between the property owner and the City; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Historic Preservation Planner Dee Henrichs gave a presentation.

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

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

080576.**PROPOSED CHARTER AMENDMENT - PROTECTION OF CITY-OWNED LANDS FOR CONSERVATION, RECREATION AND CULTURAL PURPOSES (B)****Ordinance No. 0-08-87**

An ordinance of the City of Gainesville, Florida; approving an amendment to the Charter Laws of the City of Gainesville; amending Article V of the Charter Laws, entitled "Special Provisions" pertaining to the protection of City-owned lands acquired or used for conservation, recreation, or cultural purposes; providing for submission of the charter amendment to the voters for approval or disapproval at the March 24, 2009 regular municipal election; approving the ballot title and summary to be placed on the ballot; providing that this charter amendment shall become effective immediately; providing directions to the codifier; providing directions to the clerk of the commission; providing a severability clause; providing a repealing clause; providing for liberal construction and interpretation; and providing an immediate effective date.

City Attorney Marion Radson gave a presentation.

Chair Hanrahan recognized Michelle Ott who spoke to the matter.

RECOMMENDATION

The City Commission: 1) approve the charter amendment and ballot title and question; and 2) adopt the proposed ordinance.

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

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

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

080214. PROPORTIONATE FAIR-SHARE (B)

Ordinance No. 0-08-68; Petition No. 88TCH-08 PB

An ordinance of the City of Gainesville, Florida, amending the City of Gainesville Land Development Code relating to Proportionate Fair-Share for transportation concurrency, by amending sections 30-38 and 30-39 to: be consistent with state law by providing additional findings, providing for multi-modal and system-wide transportation improvement projects, limiting developer's responsibility with respect to transportation backlogs; by correcting scrivener's errors; and by revising the transit cost calculation; by amending section 30-40 to correct a scrivener's error; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

080515. ELECTRONIC SIGNATURES AND ELECTRONIC TRANSACTIONS (B)

Ordinance No. 0-08-81

An ordinance of the City of Gainesville, Florida, relating to Electronic Signatures and Documents; creating and adding Sections 2-439 and 2-440 to the Code of Ordinances; authorizing the use of electronic signatures and electronic transactions and records; providing directions to the codifier, providing a severability clause, providing a repealing clause and providing an immediate effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

RESOLUTIONS- ROLL CALL REQUIRED**080538. Resolution and Temporary Construction Easement Request from Florida Department of Transportation (B)**

This item involves the request from Florida Department of Transportation (FDOT) for a Resolution and Temporary Construction Easement, located at the northwest corner of Tax Parcel 15691-000-000 and a portion of the Southeast 13 Road right of way.

RECOMMENDATION

Recommended Motion: The City Commission: 1) adopt the Resolution; and 2) authorize the Mayor to execute, and the Clerk to attest, the Temporary Construction Easement for the purpose of a staging area for equipment and materials, located on approximately one and one-half acre in the northwest corner of Tax Parcel 15691-000-000, extending over the right of way of Southeast 13th Road, subject to approval by the City Attorney as to form and legality.

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

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

080616. Proposed Fiscal Year 2009 Annual Audit Plan (B)

City Auditor Brent Godshalk made comments.

NOTE: Commissioner Craig Lowe joined the meeting at 7:50 PM via conference phone.

RECOMMENDATION

The City Commission adopt the 2009 Annual Audit Plan by 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, Jack Donovan, Lauren Poe, Scherwin Henry, Jeanna Mastrodicasa, Thomas Hawkins and Pegeen Hanrahan

080617. Third and Final Amendment to FY 2008 General Financial and Operating Plan Budget Resolution (B)**RECOMMENDATION**

The City Commission adopt the third and final amendatory

*budget resolution to the FY 2008 General Government
Financial and Operating Plan budget.*

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

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

080410. PROPOSED CITY CHARTER AMENDMENT (B)

A Resolution of the City Commission of the City of Gainesville, Florida, calling a referendum election to be held at the regular City election on Tuesday, March 24, 2009; placing the proposed city charter amendment contained in the initiative petition of "Citizens for Good Public Policy" on the ballot; specifying the ballot title and summary for the referendum; and providing an immediate effective date.

City Attorney Marion Radson gave a presentation.

AMENDMENT: Adopt the resolution with the alternative ballot title and summary submitted in the back-up by the City Attorney.

Chair Hanrahan recognized Kevin Daly, Charles Pino, Pamela Mincey, Terry Fleming, Jim Gilbert, Cain Davis, Linda Basham, Bob Karp, Carol Daly, Michelle Ott, Frank Brock, Robert Krames, Thomas Harrington, Ricky Sullivan, Joe Jackson, Jack Martin, Wesley Krames and Armando Grundy who spoke to the matter.

RECOMMENDATION *The City Commission discuss the ballot title and summary and adopt a resolution.*

A motion was made by Mayor-Commissioner Pro Tem Donovan, seconded by Commissioner Mastrodicasa, that this matter be Adopted (Resolution), 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

PLAN BOARD PETITIONS

080565. Stillpoint Planned Development Amendment (B)

Petition 115PDA-08PB. Causseaux, Hewett & Walpole, Inc., agent for Three Creek, LLC. An amendment to an existing planned development to allow for clinical/therapeutic health services as a primary use. Zoned: PD (Planned Development). Located at 2730 Northwest 39th Avenue.

NOTE: Commissioner Craig Lowe disconnected from the meeting at 9:20 PM.

Senior Planner Scott Wright and Petitioner Gerry Dedenbach gave presentations.

RECOMMENDATION *City Plan Board to City Commission - The City Commission approve Petition 115PDA-08PB, subject to staff conditions and the City Plan Board recommended modification to exclude freestanding emergency medical centers.*

Staff to City Plan Board - Approve Petition 115PDA-08PB with staff conditions.

Alternate Recommendations -

The City Commission deny Petition 115PDA-08PB.

A motion was made by Commissioner Poe, seconded by Commissioner Mastrodicasa, that this matter be Approved (Petition) with Staff Conditions and Plan Board Modifications. The motion carried by the following vote:

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

080351. Gainesville Police Department - Downtown Headquarters Expansion Land Use (B)

Petition 94LUC-08PB. Dynan Group, Inc., agent for City of Gainesville. Change Future Land Use Map designation from Mixed-Use Low-Intensity (8-30 units per acre), Residential Low-Density (up to 12 units per acre) and Office to Public Facilities for the expansion of the Gainesville Police Department (GPD) Headquarters. Zoned: MU-1 (10-30 units/acre mixed use low intensity), RC (12 units/acre residential conservation district), and OF (General office district). Located at the 400 Block of Northwest 8th Avenue. This petition is related to 17PSZ-08PB.

Senior Planner Scott Wright and Lieutenant Art Adkins gave presentations.

RECOMMENDATION *City Plan Board to City Commission - The City Commission approve Petition 94LUC-08PB.*

Staff to City Plan Board - Approve Petition 94LUC-08PB.

Alternate Recommendations -

The City Commission deny Petition 94LUC-08PB.

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

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

080350. Gainesville Police Department - Downtown Headquarters Expansion. (B)

Petition 17PSZ-08PB. Dynan Group, Inc., agent for City of Gainesville. Rezone to PS (Public services and operations district) to establish specific regulations for the expansion of the Gainesville Police Department (GPD) Headquarters. Zoned: MU-1 (10-30 units/acre mixed use low intensity), RC (12 units/acre residential conservation district), and OF (General office district). Located at the 400 Block of Northwest 8th Avenue. Related to petition 94LUC-08PB.

Senior Planner Scott Wright and Lieutenant Art Adkins gave presentations.

AMENDMENT: Omission of the fence.

RECOMMENDATION *City Plan Board to City Commission - The City Commission approve Petition 17PSZ-08PB with the associated zoning standards, subject to staff conditions.*

Staff to City Plan Board - Approve Petition 17PSZ-08PB.

Alternate Recommendations -

The City Commission deny Petition 17PSZ-08PB.

A motion was made by Commissioner Poe, seconded by Commissioner Henry, that this matter be Approved (Petition) with Staff Conditions. The motion carried by the following vote:

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

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

UNFINISHED BUSINESS

080331. 2009 State Legislative Agenda (B)

AMENDMENT: Move Policy Initiative 1 - in Tier Two - "Amend Regulations Governing Use of Student Fees by Community Colleges" to Tier One.

RECOMMENDATION *The City Commission review and approve the proposed 2009 State Legislative Agenda as recommended by the Audit,*

Finance and Legislative Committee.

Alternative Recommendation (A)

The City Commission review and amend the proposed 2009 State Legislative Agenda.

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

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

COMMISSION COMMENT

Commissioner Jeanna Mastrodicasa

Recent motor scooter death.

Commissioner Jack Donovan

- 1. Golf Cart referral to the Public Safety Committee - See following referral #080674.*
- 2. Proclamation Process.*

080674. Golf Carts (NB)

RECOMMENDATION *The City Commission refer the issue of using golf carts or similar vehicles on City streets and County roads in the City, to the Public Safety Committee.*

A motion was made by Mayor-Commissioner Pro Tem Donovan, seconded by Commissioner Poe, that this matter be Referred to the Public Safety Committee, due back on June 4, 2009. The motion carried by the following vote:

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

Commissioner Scherwin Henry

Thanks to GRU General Manager for Utilities for rate reduction.

CITIZEN COMMENT

Armando Grundy

1. Legislative Agenda Initiative Re: Santa Fe Community College Transportation Fees.

2. Discrimination Issues.

Rob Brinkman

1. Solar - Feed-In Tariff presentation.

2. Florida Clean Car Rule - Will submit information to the Clerk.

3. Bet with Tallahassee - Re: Renewable energy.

ADJOURNMENT - 10:31 PM

Kurt M. Lannon, Clerk of the Commission