

City of Gainesville

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



Meeting Minutes

Thursday, October 16, 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 - 1:10 PM

ROLL CALL

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

*Mayor-Commissioner Pro Tem Donovan moved and Commissioner Lowe seconded to adopt the Consent Agenda, as presented.
(VOTE: 7-0, MOTION CARRIED)*

CITY MANAGER, CONSENT AGENDA ITEMS

080327. Lease for Solid Waste Office Space at 201 NW 10th Avenue (B)

This item is a request for the City Commission to authorize the City Manager to execute a Lease for Solid Waste Office Space at 201 NW 10th Avenue

RECOMMENDATION *The City Commission: 1) authorize the City Manager to sign the lease with Mitchell Realty, subject to approval by the City Attorney as to form and legality; and 2) issue a purchase order in the amount of \$60,000 for the first twelve (12) months and \$30,000 for the final six (6) months of the eighteen (18) months lease.*

This Matter was Approved as Recommended on the Consent Agenda.

080360. Bid Award - Installation of a Modular Building and Associated Site Work at the Regional Transit System Compound (B)

This is a request for the City Commission to award the bid to CCI Cabot Construction for the site work and installation of the RTS Administration Modular Building next to the RTS Operations building located at 100 SE 10th Avenue.

RECOMMENDATION *Recommended Motion: The City Commission: 1) award the bid to CCI Cabot Construction for Modular Building Site Work and Installation; 2) authorize the City Manager to execute the contract, subject to approval by the City Attorney*

as to form and legality; and 3) issue a purchase order in an amount not to exceed \$379,500.

This Matter was Approved as Recommended on the Consent Agenda.

080414. Purchase Ethernet network equipment for Traffic Management System communications network from Express Supply, Inc. (B)

This item is a request to purchase Ethernet equipment necessary for communications pertaining to Traffic Operation's fiber network for the Traffic Management System in the amount of \$102,996.80.

RECOMMENDATION *Recommended Motion: The City Commission: 1) approve the purchase of the equipment from Express Supply, Inc.; and 2) authorize the City Manager to issue a purchase order in an amount not to exceed \$102,996.80.*

This Matter was Approved as Recommended on the Consent Agenda.

080417. Contract for Pavement Preservation Surfacing (B)

This item is a request to award a contract for pavement preservation surfacing as a part of the City's Pavement Management Program.

RECOMMENDATION *Recommended Motion: The City Commission: 1) approve the purchase of the product and services required utilizing the St. John's County Contract; and 2) authorize the City Manager to issue a purchase order not to exceed \$520,000.*

This Matter was Approved as Recommended on the Consent Agenda.

080428. 21st Century Community Learning Center Interlocal Agreement with School Board of Alachua County (NB)

This item involves the City of Gainesville receiving \$247,165 in Year 5 grant funds from the School Board for the City's 21st Century Learning Centers. One 21st Century Learning Center is located at the Eastside Recreation Community Center and the other at the Reichert House.

RECOMMENDATION *Recommended Motion: The City Commission authorize the City Manager to: (1) execute an Interlocal Agreement with the School Board for these funds, (2) issue any program related purchase orders, and (3) execute any other program related contracts as necessary to expend the funds in accord with the approved budget, subject to approval by the City Attorney as to form and legality.*

Alternative Recommendation A: The City Commission decline the 21st Century Community Learning Center Interlocal and continue to operate the programs it would have funded. The fiscal impact is that the City would need to provide \$247,165 from an alternative source of funds.

Alternative Recommendation B: The City Commission decline the 21st Century Community Learning Center Interlocal and cancel the programs it would have funded.

This Matter was Approved as Recommended on the Consent Agenda.

070445. Airport Fire Rescue and Police Services (B)

This item recommends an amendment to the City's agreement with the Gainesville Alachua County Regional Airport Authority (GACRAA) for the provision of fire rescue and police services.

RECOMMENDATION *The City Commission approve the amendment to the GACRAA agreement providing the requested indemnification.*

This Matter was Approved as Recommended on the Consent Agenda.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

080449. Federal FACTAct (2003) Identity Theft Red Flag Ruling (B)

Staff is requesting approval of a proposed Identify Theft Detection and Prevention Program.

RECOMMENDATION *The City Commission 1) approve GRU's proposed FACT Act Compliance Plan; 2) authorize the General Manager for Utilities or his designee to make further revisions to the Plan as required by practice, business, and the Federal Trade Commission.*

This Matter was Approved as Recommended on the Consent Agenda.

080450. Sale of Surplus Generators (NB)

Staff recommends approval of the sale of three generators located at the Southwest Alachua Landfill.

RECOMMENDATION *The City Commission: 1) declare the three City-owned generators located at the Southwest Alachua Landfill as surplus; and 2) authorize the General Manager, or his designee, to negotiate and execute a contract for the sale of*

the generators, subject to approval by the City Attorney as to form and legality.

This Matter was Approved as Recommended on the Consent Agenda.

080451. Purchases for Energy Conservation Programs (NB)

Staff requests authorizing the General Manager to purchase goods and/or services necessary for establishing or modifying energy conservation programs which do not to exceed \$100,000.

RECOMMENDATION *The City Commission 1) waive the requirement for City Commission approval for budgeted energy conservation programs which do not exceed \$100,000; 2) authorize the General Manager, or his designee, to negotiate and execute contracts for budgeted energy conservation programs which do not exceed \$100,000 in accordance with established Purchasing policies and procedures, subject to approval of the City Attorney as to form and legality; and 3) approve the issuance of purchase orders for required goods and services to various vendors for these programs, in amounts not exceeding \$100,000.*

This Matter was Approved as Recommended on the Consent Agenda.

080452. Contract for Executive Search Services (B)

Staff recommends award of a contract for executive search services to Mycoff, Fry & Prouse LLC.

RECOMMENDATION *The City Commission: 1) authorize the General Manager, or his designee, to execute a three year contract with Mycoff, Fry & Prouse LLC. for executive search services for Utility positions; and 2) issue purchase orders to Mycoff, Fry & Prouse LLC for these services in an amount not to exceed budgeted amounts for these services for each year of the contract, subject to final appropriation of funds for each year of the contract.*

This Matter was Approved as Recommended on the Consent Agenda.

CITY ATTORNEY, CONSENT AGENDA ITEMS

080436 LOT 10 - MUTUAL RESCISSIONS OF AGREEMENTS BETWEEN THE CITY AND GG DEVELOPMENT ASSOCIATES AND KENNETH AND LINDA MCGURN; APPRAISAL; AND OPTION TO PURCHASE BETWEEN

THE CITY AND THE CRA (B)**RECOMMENDATION**

The City Commission (1) rescind the License Agreement for Use of the Parking Garage between the City and GG Development Associates dated May 15, 2007; (2) rescind the Second Amendment to License Agreement for Use of Parking Garage dated May 15, 2007 between the City and Kenneth and Linda McGurn; (3) rescind the Option Contract for the Purchase and Sale of Land dated June 17, 2005 (as subsequently assigned to GG Development Associates on September 13, 2006), the First Amendment dated May 17, 2007 and Second Amendment dated June 16, 2008; (4) authorize the City Manager to execute any and all documents related to such rescissions, subject to review by the City Attorney as to form and legality; and (5) direct the City Manager, or designee, to obtain an appraisal of Lot 10 and to negotiate a new option to purchase with the CRA.

This Matter was Approved as Recommended on the Consent Agenda.

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS**080454. City Commission Minutes (B)****RECOMMENDATION**

The City Commission approve the minutes of September 29, 2008 (Joint City/County); and October 2, 2008 (Regular Meeting); as circulated.

This Matter was Approved as Recommended on the Consent Agenda.

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**COMMITTEE REPORTS, CONSENT AGENDA ITEMS****PUBLIC SAFETY COMMITTEE, CONSENT****071199. Apartment Complex Maps (B)****RECOMMENDATION**

The City Commission 1) approve GPD staff to handle the issue of wayfinder maps at large apartment complexes at the First Step Design Out Crime meetings; and 2) remove this item from the Public Safety Committee referral list.

This Matter was Approved as Recommended on the Consent Agenda.

**080347. Federal Law Enforcement Contraband Forfeiture Trust Fund (LECFTF)
Funding for the Mounted Unit (B)**

RECOMMENDATION *The City Commission approve the appropriation of \$29,328.00 from the Federal Law Enforcement Contraband Forfeiture Trust Fund for the operation of the Mounted Unit.*

This Matter was Approved as Recommended on the Consent Agenda.

**080348. Federal Law Enforcement Contraband Forfeiture Trust Fund Funding for Joint
Aviation Unit (B)**

RECOMMENDATION *The City Commission approve the appropriation of \$130,616 from the Federal Law Enforcement Contraband Forfeiture Trust Fund for the operation of the Joint Aviation Unit.*

This Matter was Approved as Recommended on the Consent Agenda.

COMMUNITY DEVELOPMENT COMMITTEE, CONSENT

080390. Community Development Committee (CDC) - Removal of Referrals (B)

This item seeks City Commission approval of the Committee's (CDC) recommendation to remove several pending referrals.

RECOMMENDATION *The City Commission: 1) approve the CDC Committee's recommendation regarding removal of several CDC referrals.*

This Matter was Approved as Recommended on the Consent Agenda.

EQUAL OPPORTUNITY COMMITTEE, CONSENT

080439. Add Domestic Partners to City Code (NB)

RECOMMENDATION *City Commission authorize the City Attorney to draft and Clerk of the Commission to advertise an ordinance amending chapters 2, 7 and 13 of the City's Code of Ordinances to include references to Registered Domestic Partners for certain pension benefits, allowing multiple family names on cemetery memorials, and to add registered domestic partners to listed relationships in building code provisions related to rooming houses.*

This Matter was Approved as Recommended on the Consent Agenda.

Passed The Consent Agenda

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

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

*The Regular Agenda was adopted by consensus, as modified.
(VOTE: 7-0, MOTION CARRIED)*

MODIFICATION: File #080427 - Fire Station No. 8 - Project Update (Revised slide #1 in PPT Presentation).

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

CITY MANAGER

080427. Approval of a Design for Fire Station # 8 (B)

This item involves a request for approval of the design of Fire Station #8. The Fire Station is a 3 bay 9,000 square feet building that will provide living quarters for five (5) fire personnel, a classroom and a training area. Staff's goal is to achieve Silver certification for the building using the Leadership in Energy and Environmental Design (LEED) Green Building Rating System.

Fire Chief Bill Northcutt, Bentley Architects and Engineers Project Architect Gary Cranston, General Services Director Milton Reid and Assistant General Manager for Water/Wastewater Systems David Richardson gave presentations.

MOTION: Approve option A.

RECOMMENDATION *The City Commission approve the design of Fire Station #8.*

A motion was made by Commissioner Lowe, 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

070275. Alternative Sites for the One-Stop Homeless Assistance Center (B)

This item is the follow-up to a September 2, 2008, City Commission referral concerning alternative sites for the one-stop homeless assistance center.

Assistant City Manager Fred Murry and Alachua County Commissioner Rodney Long gave presentations.

AMENDMENT MOTION: Approve recommendations 2-5 and authorize the City Manager to: 1) Investigate the Terrapointe and ADC sites further with respect to cost and negotiations and to also include any other sites that might present themselves in the process; 2) obtain appraisals on the properties; 3) explore third property (GAIN Property); and 4) authorize the City Manager to have the ability to put a binder deposit on the site and enter into a contract.

Chair Hanrahan recognized Jennifer Muir, Ron Carpenter, Susan Fairforest, an unidentified female, Pat Fitzpatrick, Kevin Claney and Jimmie Harnsberger who spoke to the matter.

RECOMMENDATION

The City Commission : 1) review the additional information concerning the alternative sites for the proposed one-stop homeless assistance center and shelter services and rank the sites according to preference for acquisition; 2) authorize the City Manager to negotiate an option to acquire the site selected and, if negotiation is successful, initiate the rezoning process of that site; 3) authorize the City Manager to work with the GRACE Marketplace collaborative, the Office on Homelessness and other local providers to continue to identify financial resources for the site selected to secure funding to construct the one-stop homeless assistance center and shelter services; 4) authorize the City Manager to work with non-profit organizations and other local providers to identify the appropriate agency to provide services for an interim one stop center; and 5) authorize the City Manager to work with the North Main Terrace group to confirm offers of contributions for the one stop center.

Alternative Recommendation A: The City Commission: 1) review the additional information concerning the alternative sites and reject all alternative sites; and 2) authorize the City Manager to initiate a new search for a suitable site for the one-stop homeless assistance center.

A motion was made by Mayor-Commissioner Pro Tem Donovan, seconded by Commissioner Lowe, 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

GENERAL MANAGER FOR UTILITIES

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

PUBLIC SAFETY COMMITTEE

080284. Roam Towing - Allowing Booting on Private Property (B)

Public Safety Committee Chair Commissioner Jeanna Mastrodicasa, Corporal Fernando Zaragoza, Police Chief Norm Botsford and Assistant City Attorney Ron Combs gave presentations.

Chair Hanrahan recognized John Fleming, Richard Ashbrook, Kevin Claney, Todd Russo and Pat Fitzpatrick who spoke to the matter.

MOTION (REFERRAL): Refer this item back to the Public Safety Committee to: 1) Work out the parameters regarding cost; 2) work out the process in general, including drafting an ordinance; and 3) bring back to the City Commission.

RECOMMENDATION *The City Commission direct the City Attorney to draft and the Clerk of the Commission to advertise amendments to the Roam Towing Ordinance to allow tow companies to "boot" vehicles on private property charging only one fee.*

A motion was made by Commissioner Henry, seconded by Commissioner Mastrodicasa, that this matter be Referred to the Public Safety Committee, due back on April 16, 2009. The motion carried by the following vote:

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

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION**080458. Mayor Pegeen Hanrahan - Mayor's Advisory Panel (B)**

MOTION: Participate in the Mayor's Advisory Panel program as outlined by the Florida League of Mayors and to be further outlined in consultation with the City Commission by Mayor Pegeen Hanrahan.

RECOMMENDATION *The City Commission hear a brief report from Mayor Hanrahan and consider supporting and initiating this initiative in Gainesville.*

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

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

080457. Mayor-Commissioner Pro Tem Jack Donovan - Noise Zone Standards (NB)

Planning and Development Services Director Erik Bredfeldt and Planning Manager Ralph Hilliard gave a presentation.

NOTE: Mayor Pegeen Hanrahan left the meeting room at approximately 4:20 PM, and Mayor-Commissioner Pro Tem Donovan assumed the gavel.

MOTION: Schedule the Airport Hazard Zoning Part 150 Study and a general discussion of Noise Zone Standards for the 2nd meeting in November (November 20, 2008), allowing the Clerk flexibility to ensure all City Commission members can be present.

Chair Pro Tem Donovan recognized Ron Carpenter who spoke to the matter.

RECOMMENDATION *The City Commission hear and discuss a presentation and recommendations from staff during a November commission meeting or workshop and develop a recommendation for endorsing or changing the regulations.*

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

COMMISSION COMMENTS (if time available)

Commissioner Jeanna Mastrodicasa

Request for Equal Opportunity Report - See following file #080518.

080518. Equal Opportunity Office Report (NB)

RECOMMENDATION *The City Commission request that the Clerk of the Commission schedule a special meeting and that the Equal Opportunity Office bring a back a report to the City Commission in the near future regarding what they've been working on.*

A motion was made by Commissioner Mastrodicasa, seconded by Commissioner Lowe, that this matter be Referred to the Equal Opportunity Director, due back on April 16, 2009. The motion carried by the following vote:

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

Commissioner Jack Donovan

*1. Water Exhibit "Liquid Muse" at the Thomas Center.
2. Charter School - Proposed Outside the City Limit - Requested agenda item - see following referral item #080519 referred by Commissioner Lowe.*

Commissioner Scherwin Henry

Establishing a utility tier for the elderly in Gainesville - See Following referral item #080520.

080520. Utility Tier for the Elderly in Gainesville (NB)

NOTE: Mayor Hanrahan re-entered the meeting room during this item and assumed the gavel.

RECOMMENDATION *The City Commission refer the issue of establishing a utility tier for the elderly in Gainesville to the Regional Utilities Committee.*

A motion was made by Commissioner Henry, seconded by Mayor-Commissioner Pro Tem Donovan, that this matter be Referred to the Regional Utilities Committee, due back on April 16, 2009. The motion carried by the following vote:

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

Commissioner Craig Lowe

Proposed Charter School proposed by Alachua County outside the City limits - See following referral item #080519.

080519. Charter School Proposed by Alachua County Outside the City Limits (NB)

RECOMMENDATION *The City Commission refer the issue of the proposed Charter School just outside the City limits to staff and bring back a report to an upcoming City Commission meeting on the Consent Agenda.*

A motion was made by Commissioner Lowe, seconded by Commissioner Henry, that this matter be Referred to the City Manager, due back on April 16, 2009. The motion carried by the following vote:

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

RECESS - 5:04 PM

RECONVENE - 5:43 PM

PLEDGE OF ALLEGIANCE (5:30pm)

PROCLAMATIONS/SPECIAL RECOGNITIONS

080442. United Nations Day - October 23, 2008 (B)

RECOMMENDATION *Chair of Local UNA-USA Barbara Herbstman to accept the proclamation.*

Heard

080443. City Of ONE (B)

RECOMMENDATION *Regional Outreach Ambassador/Intern Andrea Morley, President, UF ONE Chapter/Intern Lynne Guey, Intern Gabriella Palmi, and Intern Rekha Thayil to accept the proclamation.*

Heard

080444. White Cane Safety Month - October 2008 (B)

RECOMMENDATION *Alachua County Council of the Blind President Spencer Morton and White Cane Safety Walk Co-Chair Maxine Stallings to accept the proclamation.*

Heard

080445. DECA Week - October 12-18, 2008 (B)

RECOMMENDATION *Buchholz DECA President Joseph Stagliano, Vice President of Public Relations Lindsay Smith, Vice President of Competitive Events Caitlin Rose, and Vice President of Community Service Kathryn Ciano to accept the proclamation.*

Heard

080446. National Head Start Awareness Month - October 2008 (B)

RECOMMENDATION *Head Start/Early Intervention - Alachua County Public Schools October Awareness Committee 2008 to accept the proclamation.*

Heard

080447. National Arts and Humanities Month - October 2008 (B)

RECOMMENDATION *Gainesville/Alachua County Cultural Affairs Board Chair Melissa Gehardt and Cultural Affairs Manager Coni Gesualdi to accept the proclamation.*

Heard

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

Richard Selwach

1. *UN Proclamation.*
2. *Homeless Center.*
3. *Gainesville Police Station Expansion.*

NOTE: Commissioner Hawkins announced a Workshop at the Oscar Lewis Center next Wednesday Re: the GPD Expansion.

Kali Blount

1. Exhibit at the Reitz Union - Gandhi, King, Ikeda Exhibit - A legacy of Building Peace See following file #080521.
2. Inclusionary Zoning.

080521. Gandhi, King, Ikeda Exhibit - "A Legacy of Building Peace" (B)

RECOMMENDATION *The City Commission hear a presentation regarding the Gandhi, King, Ikeda Exhibit - "A Legacy of Building Peace" at the Reitz Union October 15 - 19, 2008, and place back-up submitted on file.*

Placed on File

Robert Hutchinson

1. Wild Spaces Public Places Campaign.
2. Proposed Potano Paddling Trail - See following item #080522.

080522. Potano Paddling Trail (B)

RECOMMENDATION *The City Commission authorize the Mayor to write a letter of support for the Proposed Potano Paddling Trail application.*

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

Gabriel Hillel

Butterfly City Designation.

Walter Willard

Various Issues.

Pat Fitzpatrick

Homeless Issues.

Kevin Claney

Low Flying Military Craft over Ironwood Subdivision.

Mark Goldstein

To schedule a Gainesville Airport Authority Meeting regarding low flying military aircraft over Ironwood Golf Course subdivision.

PUBLIC HEARINGS**ORDINANCES, 1ST READING- ROLL CALL REQUIRED****080167. REZONING - GRU EASTSIDE OPERATIONS CENTER (B)****Ordinance No. 0-08-58, Petition No. 55PSZ-08PB**

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property, as more specifically described in this Ordinance, from the zoning category of "I-1: Limited industrial district" to the zoning category of "PS: Public services and operations district" to permit the Gainesville Regional Utilities Operations Center; allowing the uses permitted by right as more specifically described in this Ordinance, with the approval of a preliminary development plan; providing conditions; located in the vicinity of the 4500 Block of North Main Street; providing a severability clause; providing a repealing clause; and providing an immediate effective date as set forth in this ordinance.

Senior Planner Scott Wright gave a presentation.

NOTE: Commissioner Mastrodicasa stated that she had no conflict of interest regarding this item due to her spouse being employed by the engineering firm on this project.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

A motion was made by Commissioner Lowe, seconded by Commissioner Poe, 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

080424. URBAN SERVICES REPORT - LAKES OF KANAPAHA (B)**Ordinance No. 0-08-69**

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 comprised of Tax Parcel Numbers 06916-000-000, 06929-000-000, 06916-001-000, 06933-000-000, 06935-001-000 and 06917-000-000, generally located south of Tax Parcel 06819-010-000, west of SW 47th Street, north of SW Archer Road, and east of Lake Kanapaha and the City limits; the area is proposed for annexation by the

City of Gainesville pursuant to Chapter 90-496, Special Acts, Laws of Florida, as amended, 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.

Strategic Planner Lila Stewart, Concurrency Management Planner Onelia Lazzari, and Planning Manager Ralph Hilliard gave presentations.

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

080102. SOLID WASTE DISPOSAL (B)

Ordinance No. 0-08-67

An ordinance of the City of Gainesville, Florida, amending the City of Gainesville Code of Ordinances, relating to solid waste disposal; amending sec. 27-79(p) by removing outdated recycling goals; amending sec. 27-79.1 to remove outdated reference and clarifying term of franchise; amending sec. 27-80(a)(1) to clarify the frequency of payment of the franchise fee; amending Appendix A relating to fees for solid waste and recyclables by correcting a scrivener's or codifier's error and by providing for proration of franchise fees; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Solid Waste Manager Steve Joplin gave a presentation.

Chair Hanrahan recognized Mark Goldstein who spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

A motion was made by Commissioner Henry, seconded by Commissioner Hawkins, 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

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

080165. STREET VACATION - ADJACENT TO YMCA (B)

Ordinance No. 0-08-57, Petition 107SVA-07PB

An ordinance of the City of Gainesville, Florida, to vacate, abandon and close the

right-of-ways, generally described as Northeast 13th Terrace and that portion of Northeast 22nd Avenue lying one foot west of a line between the Southeast corner of lot 14 and the Northeast corner of lot 29 and that portion of Northeast 21st Avenue lying one foot west of a line between the Southeast corner of lot 35 and the Northeast corner of lot 50, as per the plat of the third addition to Carol Estates, as more specifically described in this Ordinance; reserving a public and private utilities easement; 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: Craig Lowe, Jack Donovan, Lauren Poe, Scherwin Henry, Jeanna Mastrodicasa and Pegeen Hanrahan
Absent: Thomas Hawkins

ADOPTION READING- ROLL CALL REQUIRED

070904. COMPREHENSIVE PLAN AMENDMENT - URBAN MIXED-USE 1 FUTURE LAND USE CATEGORY - BUILDING HEIGHT (B)

Ordinance No. 0-08-07; Petition 105CPA-07 PB

An ordinance of the City of Gainesville, Florida, amending the Future Land Use Element of the City of Gainesville 2000-2010 Comprehensive Plan, amending the Urban Mixed-Use-1 category within Policy 4.1.1 by deleting the current allowance for an additional 2 stories of building height by Special Use Permit and deleting an unnecessary reference to the Land Development Code; providing directions to the city manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Planning Manager Ralph Hilliard gave a presentation.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

A motion was made by Commissioner Lowe, 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

071154. COMPREHENSIVE PLAN AMENDMENT - FUTURE LAND USE ELEMENT - NEW LAND USE CATEGORY, "BUSINESS INDUSTRIAL" (B)

Ordinance No. 0-06-122; Petition 116CPA-07 PB

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

Element of the City of Gainesville 2000-2010 Comprehensive Plan by adding a new land use category, "Business Industrial," to policy 4.1.1, specifying conditions and limitations; providing directions to the city manager; providing a severability clause; providing a repealing clause; and providing an effective date.

RECOMMENDATION *The City Commission adopt the ordinance, as amended by City staff.*

A motion was made by Commissioner Lowe, seconded by Commissioner Mastrodicasa, that this matter be Adopted (Ordinance) on Adoption Reading, 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

070447. LAND USE CHANGE - LANDMAR/PLUM CREEK (B)

Ordinance No. 0-07-119, Petition 28LUC-07PB

An Ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan Future Land Use Plan and Map; changing the land use categories of certain property from the Alachua County land use category of "Rural/Agriculture" and the City of Gainesville land use category of "Agriculture" to the land use categories of "Single-Family (up to 8 units per acre)" and "Conservation", and by overlaying the "Planned Use District" category over certain portions of the property, as more specifically described and shown in this ordinance, consisting of approximately 1754 acres; generally located north of U.S. 441 and Northwest 74th Place lying east and west of SR 121 and CR 231, and south of Northwest 121st Avenue; providing for time limitations; creating and adopting Policy 4.3.4; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Planning Manager Ralph Hilliard gave a presentation.

MOTION: Approve the recommendation to continue.

RECOMMENDATION *The City Commission continue the adoption hearing for the ordinance until such time as the City holds the adoption hearing for the DCA No. 08-2 comprehensive plan amendments.*

A motion was made by Mayor-Commissioner Pro Tem Donovan, seconded by Commissioner Lowe, that this matter be Continued (Ordinance 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

070210. LAND USE CHANGE - HATCHET CREEK (B)

Ordinance No. 0-07-97, Petition 23LUC-07PB

An Ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan

Future Land Use Element and Future Land Use Map; by overlaying the "Planned Use District" category over certain property with the underlying land use categories of "Single-Family (up to 8 units per acre)," "Industrial," and "Recreation," as more specifically described in this ordinance, consisting of approximately 498 acres, generally located in the vicinity of Waldo Road on the East, NE 39th Avenue on the South, NE 15th Street on the West, and NE 53rd Avenue on the North; by creating and adopting Policy 4.3.5 in the Future Land Use Element of the Comprehensive Plan; providing time limitations; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Attorney for the Petitioner Linda Shalley, Airport CEO Alan Penksa, Concurrency Management Planner Onelia Lazzari, Attorney for the Petitioner Ron Carpenter, and Planning Manager Ralph Hilliard gave presentations.

FIRST MOTION (MAIN MOTION): Commissioner Henry moved and Mayor-Commissioner Pro Tem Donovan seconded to honor the petitioner's request to continue the ordinance (DCA No. 08-2) and not approve staff's recommendation tonight.

*SECOND MOTION - (WITHDRAWN): Commissioner Hawkins moved and Commissioner Poe seconded to: 1) Strike paragraph GG (page 11 of the draft ordinance regarding age restrictions) from the proposed Comprehensive Plan Amendment; and 2) direct staff to deal with any financial feasibility fallout in the interim between now and the next transmittal hearing.
(MOTION WITHDRAWN)*

*FIRST AMENDMENT MOTION: Commissioner Lowe moved and Commissioner Mastrodicasa seconded to direct staff to interact with the developer and provide an analysis on the impact of removing paragraph gg (page 11 of the draft ordinance regarding age restrictions) and that this be considered at the time this ordinance is continued.
(VOTE: 6-1, Commissioner Henry - No, MOTION CARRIED)*

*SECOND AMENDMENT MOTION: Commissioner Hawkins moved and Commissioner Poe seconded to request that prior to the adoption hearing that staff draft policies that would be included in the draft Comprehensive Plan Amendment that reflect how the proposed development will meet sub paragraph 30-211- b1 and b7, of the Land Development Code.
(VOTE: 7-0, MOTION CARRIED)*

CITIZEN COMMENT: Chair Hanrahan recognized Mark Goldstein, Bill Picourney, Susanne Scheimann, Walter Willard and Scott Branam who spoke to the matter.

MAIN MOTION, AS AMENDED: Commissioner Henry moved and Mayor-Commissioner Pro Tem Donovan seconded to: 1) Honor the petitioner's request to continue the ordinance (DCA No. 08-2) and not approve staff's recommendation tonight; 2) direct staff to interact with the developer and provide an analysis on the impact of removing paragraph gg (page 11 of the draft ordinance regarding age restrictions) and that this be considered at the time this ordinance is continued; and 3) request that prior to the adoption hearing that staff draft policies

that would be included in the draft Comprehensive Plan Amendment that reflect how the proposed development will meet sub paragraph 30-211, b1 and b7 of the Land Development Code.

(VOTE: 5-2, Commissioners Donovan and Hawkins - No, MOTION CARRIED)

RECOMMENDATION *The City Commission adopt the ordinance, as amended by City staff.*

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

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

RESOLUTIONS- ROLL CALL REQUIRED

PLAN BOARD PETITIONS

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

UNFINISHED BUSINESS

COMMISSION COMMENT

Mayor Pegeen Hanrahan

- 1. Request from African American Accountability Alliance - Fees for use of Downtown (Bo Diddley) Plaza for an event - Moratorium on City Commission Contingency funds.*
- 2. Mom's Kitchen - Letter of Interest - City Manager made comments.*

Chair Hanrahan recognized Real Estate Broker Rodney Long who spoke to the matter.

CITIZEN COMMENT (If time available)

Rodney Long

- 1. CRA - Mom's Kitchen.*
- 2. CRA - 5- Point Redevelopment Project.*
- 3. Bo Diddley (Downtown) Plaza Use - Fees - Freeze on City Commission contingency funds.*

ADJOURNMENT 10:09 PM

Kurt M. Lannon, Clerk of the Commission