

City of Gainesville

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



Meeting Minutes

Thursday, July 21, 2011

1:00 PM

City Hall Auditorium

City Commission

Mayor Craig Lowe (At Large)

Mayor-Commissioner Pro Tem Thomas Hawkins (At Large)

Commissioner Scherwin Henry (District 1)

Commissioner Todd Chase (District 2)

Commissioner Susan Bottcher (District 3)

Commissioner Randy Wells (District 4)

Commissioner Jeanna Mastrodicasa (At Large)

Persons with disabilities who require assistance to participate in this meeting are requested to notify the Office of Equal Opportunity at 334-5051 or call the TDD phone line at 334-2069 at least two business days in advance.

CALL TO ORDER Approximately - 1:03 PM**ROLL CALL**

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

INVOCATION

The City Commission observed a moment of silence.

CONSENT AGENDA

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

CITY MANAGER, CONSENT AGENDA ITEMS**110094. "Region4: Transformation Through Imagination" grant application (NB)**

This item involves a request to accept a "Culture Builds Florida" grant from the State of Florida, Division of Cultural Affairs to support an art exhibition and related community education and engagement project titled "Region4: Transformation Through Imagination."

RECOMMENDATION

The City Commission: 1) approve the request to accept a grant from the State of Florida, Division of Cultural Affairs' "Culture Builds Florida" program, for the "Region4: Transformation Through Imagination" exhibit; and 2) authorize the City Manager or designee to execute the grant agreement and other grant-related documents, subject to approval by the City Attorney as to form and legality.

Alternative Recommendation

The City Commission respectfully decline the grant award from the Culture Builds Florida Program.

This Matter was Approved as Recommended on the Consent Agenda.

110121. Agreement With The Department of Juvenile Justice To Provide Security At The Gainesville Area Regional Booking And Screening Unit (B)

This item requests the City Commission's authorization to enter into an agreement with the Department of Juvenile Justice for operational costs of the

Gainesville Area Regional Booking and Screening Unit (formerly called the Juvenile Assessment Center).

RECOMMENDATION

The City Commission: 1) authorize the City Manager to execute the agreement with the Department of Juvenile Justice, subject to the approval of the City Attorney as to form and legality; and 2) authorize the issuance of a purchase order in an amount not to exceed \$90,000 for this agreement.

This Matter was Approved as Recommended on the Consent Agenda.

110131.

Land Acquisition: Florida Title/City of Gainesville Contract for parcel #08197-020-003 adjacent to Flatwoods Conservation Area (B)

This item involves a request for the City Commission to add parcel #08197-020-003 to the Wild Spaces, Public Places land acquisition list, approve and authorize the City Manager to execute the option assignment, contract, and closing documents in order to proceed with the acquisition of this 87-acre parcel adjacent to the City-owned Flatwoods Conservation Area.

RECOMMENDATION

The City Commission 1) approve the addition of parcel #08197-020-003 to the Priority Land Acquisition listing; 2) approve and authorize the City Manager to execute the Assignment of and Amendment to Option, subject to approval by the City Attorney as to form and legality; 3) approve and authorize the City Manager to exercise the Option by executing the Contract, subject to approval by the City Attorney as to form and legality; and 4) authorize the City Manager to execute all necessary closing documents, subject to approval by the City Attorney as to form and legality.

Alternative Recommendation:

The City Commission not approve the addition of parcel #08197-020-003 to the Priority Land Acquisition listing nor approve the City Manager to execute any documents related to this acquisition.

This Matter was Approved as Recommended on the Consent Agenda.

110133.

Amendment to the FY 2010-2011 CDBG and HOME Annual Action Plan (B)

This is a request for the City Commission to approve the first amendment to the FY 2010-11 CDBG and HOME Annual Action Plan to add a new program, Purchase Assistance New Construction Program (PNC) as part of the City's Southeast Gainesville Renaissance Initiative (SEGRI).

RECOMMENDATION

The City Commission: 1) approve the first amendment to the FY 2010-2011 CDBG and HOME Program Annual Action Plan to implement the PNC SEGRI program.; and 2)

authorize the City Manager or designee to submit the amended FY 2010-2011 Annual Action Plan to the U.S. Department of Housing and Urban Development (HUD); and 3) authorize the City Manager or designee to execute the necessary documents related to amendment of the FY 2010-2011 CDBG and HOME Program Annual Action Plan, subject to approval by the City Attorney as to form and legality.

This Matter was Approved as Recommended on the Consent Agenda.

- 110134. Agreement for the City of Gainesville to reimburse the Alachua County Property Appraiser for services associated with collection of a non-ad valorem assessment (B)**

RECOMMENDATION

The City Commission authorize the Mayor to execute an Interlocal Agreement with the Alachua County Property Appraiser for services associated with collection of a non-ad valorem assessment subject to approval of 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

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

- 110136. City Commission Minutes (B)**

RECOMMENDATION

The City Commission approve the minutes of June 9, 2011 and June 16, 2011, as circulated.

This Matter was Approved as Recommended on the Consent Agenda.

- 110164. Appointments to City Commission Advisory Boards and Committees (NB)**

RECOMMENDATION

The City Commission appoint the following:

William Massey to the Public Recreation and Parks Board for a term to expire 6/1/14.

John Williams to the Pension Review Committee for a term to expire 7/31/16.

James Reeves and Bill Warinner to the Historic Preservation Board for a term to expire 6/1/14.

This Matter was Approved as Recommended on the Consent Agenda.

Passed The Consent Agenda

A motion was made by Mayor-Commissioner Pro Tem Hawkins, seconded by Commissioner Mastrodicasa, including all the preceding items marked as having been adopted on the Consent Agenda. The motion carried by the following vote:

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

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

*Commissioner Henry moved and Commissioner Wells seconded to approve the Regular Agenda, as modified.
(VOTE: 7-0, MOTION CARRIED)*

MODIFICATIONS:

- 1. File #110141 - City Commission Referral List - (City Attorney added a revised list).*
- 2. File #110167 - The University of Florida Institute on United States Foreign Policy - (Waive the rules to hear this item first on the agenda).*

WAIVER OF RULES

110167. The University of Florida Institute on United States Foreign Policy (NB)

RECOMMENDATION

The City Commission to recognize University of Florida Political Science Department Professors Stephen Craig and Laura Sjoberg and 18 Foreign Scholars.

Heard

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

110141. City Commission Referral List (B)

MOTION: Accept the City Commission Referral List with the recommended actions.

RECOMMENDATION *The City Commission review the attached referral list and take appropriate action.*

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

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

CITY MANAGER

080872. City of Gainesville/Alachua County Senior Recreation Center (B)

This item involves a request for the City Commission to hear an update on the status of the City of Gainesville/Alachua County Senior Recreation Center.

Parks, Recreation and Cultural Affairs Director Steve Phillips and Elder Care of Alachua County Executive Director Anthony Clarizio gave presentations.

Mayor-Commissioner Pro Tem Hawkins recognized Kim Popejoy who spoke to the matter.

RECOMMENDATION *The City Commission: 1) hear an update on the status of the City of Gainesville/Alachua County Senior Recreation Center; 2) approve the Senior Center License Agreement between the City of Gainesville and Elder Care of Alachua County, Inc. in substantially the same form as attached; and 3) authorize the City Manager or designee to execute the Senior Center License Agreement and any related documents, subject to approval by the City Attorney as to form and legality.*

Alternative Recommendation:

The City Commission not hear an update on the status of the City of Gainesville/Alachua County Senior Recreation Center.

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

100564. Design and Construction of the Centralized Fleet Garage (B)

This is a request for the City Commission to approve the 30% construction documents in the design of the Fleet Garage and Materials Management facility located on the parcel at 1610 NW 65th Place, Gainesville, FL 32653.

Construction Manager Amy Raimer, Gary Cranston of Bentley Architects and Engineers and Sean Weber of Causseaux, Hewett and Walpole Professional Engineers gave presentations.

RECOMMENDATION

The City Commission: 1) approve the 30% design and instruct the architect to continue progress on the construction drawings, and waive the 60% & 100% reviews by the Commission.

Alternative Recommendation A: The City Commission approve the 30% design with suggestions and instruct the architect to continue progress on the construction drawings and waive the 60% and 100% reviews by the Commission.

Alternative Recommendation B: The City Commission rejects the recommendation and direct staff to obtain a new design plan.

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

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

110169. Non-Ad Valorem Assessment for Solid Waste Management (B)

This item is a request for the City Commission to authorize the City Attorney to draft an ordinance allowing the assessment for solid waste management to continue inside the city limits for an additional year.

Solid Waste Manager Steve Joplin, Public Works Director Teresa Scott and Interim Solid Waste Director for Alachua County Sally Palmi gave presentations.

RECOMMENDATION

The City Commission authorize the City Attorney to draft an ordinance allowing the assessment for solid waste management to continue inside the municipal limits of

Gainesville for an additional year.

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

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

GENERAL MANAGER FOR UTILITIES

CITY ATTORNEY

110103. Communications Workers of America, et al. v. City of Gainesville, First District Court of Appeal, Case No. 1D10-1616 (NB)

City Litigation Attorney Elizabeth Waratuke and Risk Management Director Steve Varvel gave presentations.

Mayor Lowe recognized FOP President Jeff McAdams, Attorney for the City of Gainesville Labor Unions Paul Donnelly, ATU Business Manager Mary Francis Folz Donahue and Former IAFF President Scotty Taylor who spoke to the matter.

RECOMMENDATION *The City Commission authorize the City Attorney to file an appeal to Invoke the Discretionary Jurisdiction of the Florida Supreme Court.*

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

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

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

COMMUNITY DEVELOPMENT COMMITTEE

100686. Pet Sitting in Single Family Neighborhoods (B)

This is a referral from the Community Development Committee that requests amendment of the Land Development Code to allow Pet Sitting as a Specially

Regulated Use by Special Use Permit in Single Family neighborhoods.

Planning and Development Services Director Erik Bredfeldt, Interim Codes Enforcement Manager Chris Cooper and Planning Manager Ralph Hilliard gave presentations.

MOTION: Mayor-Commissioner Pro Tem Hawkins moved and Commissioner Wells seconded to approve the staff recommendation with the modification that staff provide notice by mail to each of the City's neighborhood associations prior to the City Plan Board hearing on the matter.

(VOTE: 4-3; Mayor-Commissioner Pro Tem Hawkins, Commissioner Wells, Commissioner Mastrodicasa and Commissioner Chase - Yes; Commissioner Bottcher, Commissioner Henry and Mayor Lowe - No, MOTION CARRIED)

Mayor Lowe recognized Sandra Randon, Jane Adair, Sheila Payne, Carla Berkholl, Darlene Pifalo, Ashley Moskowitz and Kim Popejoy who spoke to the matter.

RECOMMENDATION

The Community Development Committee to the City Commission - The City Commission: 1) hear a report from staff; 2) consider staff's recommendation with change to item #4 to include a restriction of operating hours from 9:00am to 7:00pm on weekends; and 3) if appropriate, direct staff to initiate a Petition to the Plan Board modifying the Land Development Code to permit Pet Sitting in Residential Single Family Neighborhoods.

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

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

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)**OUTSIDE AGENCIES****MEMBERS OF THE CITY COMMISSION****COMMISSION COMMENTS (if time available)****Commissioner Todd Chase**

Space Shuttle Program.

Commissioner Susan Bottcher

Chamber Luncheon - Commissioner Scherwin Henry's presentation.

Commissioner Jeanna Mastrodicasa

Sierra Club interested putting a second bench at the John Mahon Nature Park in honor of Dr. Kathy Cantwell.

NOTE: Commissioner Henry left the meeting room at 4:45 PM.

RECESS - 4:49 PM**RECONVENE - 6:02 PM**

NOTE: Mayor Lowe was not present for the evening portion of the agenda and Mayor-Commissioner Pro Tem Thomas Hawkins chaired the meeting.

PLEDGE OF ALLEGIANCE (5:30pm)**PROCLAMATIONS/SPECIAL RECOGNITIONS****CITIZEN COMMENT (6:00pm) - Please sign on sign-up sheet****Mac McEachern**

Biomass Plant.

Jeremiah Tattersoll

St. Francis House 30 meal limit.

James Ingle

St. Francis House 30 meal limit.

Carole Dunne

St. Francis House 30 meal limit.

Trisha Ingle

St. Francis House 30 meal limit.

Michael Volk

Historic Gainesville, Inc. - Appeal of development at 1624 S. Main St. (Jack's Bar).

Gabriel Hillel

City's WEB site - Biomass Issue and St. Francis House 30 meal limit.

110206. Gabriel Hillel - Citizen Comment (B)

RECOMMENDATION *The City Commission hear comments from Gabriel Hillel during Citizen Comment and place back-up submitted on file.*

Placed on File

Maria Parsons

Cabot-Koppers Superfund Site - Stephen Foster Neighborhood.

Sandra Watts Kennedy

Cabot-Koppers Superfund Site - Stephen Foster Neighborhood.

Walter Willard

Various Issues.

John Davies

Various Issues.

Pat Fitzpatrick

St. Francis House 30 meal limit.

Clara Bea Horton

Cabot-Koppers Superfund Site - Stephen Foster Neighborhood.

Jo Beatty

Biomass Plant.

Michael Canney

Biomass Plant.

Rob Brinkman

Biomass Plant.

PUBLIC HEARINGS

RESOLUTIONS- ROLL CALL REQUIRED

110120. Resolution for a Joint Participation Agreement (JPA) - Bus Rapid Transit (BRT) Alternatives Analysis (B)

This item is a request to adopt a Resolution authorizing the City Manager to execute a Joint Participation Agreement (JPA) between the City of Gainesville and the Florida Department of Transportation (FDOT) to receive \$125,000 in funds for a Bus Rapid Transit (BRT) Alternatives Analysis.

RECOMMENDATION *The City Commission adopt the Resolution.*

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

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

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

100591. LANDLORD PERMIT PROGRAM FEES (B)

Ordinance No. 100591

An ordinance of the City of Gainesville, Florida, amending section 14.5-1(c) of the City of Gainesville Code of Ordinances to authorize the City Attorney to seek judicial resolution of delinquent fees; amending section 14.5-1(d), City of Gainesville Code of Ordinances, relating to landlord permit fees; providing for Code Enforcement Board-imposed fines to stop accruing under certain conditions; 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 Commissioner Mastrodicasa, that this matter be Adopted on First Reading (Ordinance). The motion carried by the following vote:

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

110048. STREET VACATION – 3333 NORTH MAIN STREET (B)**Ordinance No. 110048, Petition PB-11-61SVA**

An ordinance of the City of Gainesville, Florida, to vacate, abandon and close approximately 100 feet of unimproved right-of-way located in the vicinity of 3333 North Main Street, 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.

Senior Planner Susan Niemann gave a presentation.

NOTE: Commissioner Mastrodicasa disclosed that she was related to an agent for the petitioner, but because there is no conflict, she would be voting on the matter.

RECOMMENDATION *The City Commission: 1) approve Petition No. PB-11-61SVA; and 2) adopt the proposed ordinance.*

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

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

100678. REZONINGS - VICINITY OF WEST OF SW 34TH STREET AND NORTH OF SW ARCHER RD (B)**Ordinance No. 100678, Petition No. PB-10-136ZON-A**

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain properties annexed into the City, as more specifically described as follows: Area 1: from the Alachua County zoning categories of "Agricultural (A) district", "Multiple family, medium density (R-2) district", and "Planned development (PD) district", to the City of Gainesville zoning categories of "CON: Conservation district" and "PS: Public services and operations district" to allow cemeteries as a use permitted by right; without approval of a preliminary development plan; Area 2: from the Alachua County zoning category of "Agricultural (A) district" and "Multiple family, high density (R-3) district", to the City of Gainesville zoning category of "CON: Conservation district"; Area 3: from the Alachua County zoning categories of "Multiple family, medium-high density (R-2a) district" and "Industrial services and manufacturing (MS and MP) districts", to the City of Gainesville zoning categories of "RMF-5: 12 units/acre single-family/multiple-family residential district", "RMF-7: 8-21 units/acre multiple-family residential district", "BI: Business industrial district", and "PS: Public services and operations district" to allow electric, gas, and sanitary services (MG-49); utility lines; water conservation areas, water reservoirs and control structures, drainage wells and water wells; stormwater facilities; any use customarily incidental to any permitted principal use as uses permitted by right; without approval of a preliminary development plan; Area 4: from the Alachua County zoning

categories of "Industrial services and manufacturing (MS and MP) districts", "Highway oriented business services (BH) district", "Residential Professional (RP) district", and "Single family, low density (R-1c) district", to the City of Gainesville zoning categories of "BI: Business industrial district" and "BUS: General business district"; located in the vicinity of Southwest 20th Avenue and Southwest Archer Road, east of Interstate 75 and west of Southwest 34th Street; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Senior Planner Susan Niemann gave a presentation.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

100851. REZONING - UF EASTSIDE CAMPUS (B)

Ordinance No. 100851, Petition No. PB-11-19ZON

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property from "PS: Public services and operations district" and "MH: 12 units/acre mobile home residential district" to "ED: Educational services district"; consisting of approximately 14.3 acres, and located in the vicinity of 2004 Northeast Waldo Road; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Lead Planner Dean Mimms gave a presentation.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

100776. PLANNED USE DEVELOPMENT - HATCHET CREEK TIME EXTENSION (B)

Ordinance No. 100776; Petition No. PB-10-109 CPA

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

Future Land Use Element Policy 4.3.5 for the Hatchet Creek Planned Use District; by deleting policy 4.3.5.f in its entirety; providing directions to the city manager; providing time limitations for PD zoning; providing a severability clause; providing a repealing clause; and providing an effective date.

NOTE: Commissioner Mastrodicasa disclosed for the record that she was related to an agent for the petitioner, but had no conflict and would be voting on the matter.

RECOMMENDATION *The City Commission (1) receive the report of the Department of Community Affairs and (2) adopt the proposed ordinance.*

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

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

100679. LAND USE CHANGE – LAND USE CHANGE - VICINITY OF WEST OF SW 34TH STREET AND NORTH OF SW ARCHER RD (B)

Ordinance No.100679; Petition No.PB-10-135 LUC-A

An Ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan Future Land Use Map; by changing the land use categories of certain properties annexed into the City, as more specifically described as follows: Area 1: from the Alachua County land use categories of “Low Density Residential (1-4 DU/acre)”, “Medium Density Residential (4-8 DU/acre)”, “High Density Residential (14-24 DU/acre)”, and “Institutional” to the City of Gainesville land use categories of “Conservation” and “Public Facilities”; Area 2: from the Alachua County land use category of “Low Density Residential (1-4 DU/acre)” to the City of Gainesville land use category of “Conservation” ; Area 3: from the Alachua County land use categories of “Low Density Residential (1-4 DU/acre)”, “Medium High Density Residential (8-14 DU/acre)”, and “Industrial/Manufacturing”, to the City of Gainesville land use categories of “Residential Low-Density (up to 12 units per acre)”, “Residential Medium-Density (8-30 units per acre)”, “Public Facilities” and “Business Industrial”; Area 4: from the Alachua County land use categories of “Industrial/Manufacturing”, “Office/Residential”, “Commercial” and “Tourist/Entertainment” to the City of Gainesville land use categories of “Business Industrial” and “Commercial”; located generally South of SW 7th Avenue, East of I-75, West of SW 34th Street and North of SW Archer Road, as more specifically shown and described in this ordinance; providing directions to the City Manager and the codifier; providing a severability clause; and providing an effective date.

RECOMMENDATION *The City Commission (1) receive the report of the Department of Community Affairs; and (2) adopt the proposed ordinance as revised.*

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

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

100850. LAND USE CHANGE – 2004 NE WALDO RD (B)

Ordinance No.100850; Petition No.PB-11-18 LUC

An Ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan Future Land Use Map; by changing the land use category of certain properties, as more specifically described in this ordinance, from the land use categories of “Public Facilities” and “Residential Low-Density (up to 12 units per acre)” to “Education”; consisting of approximately 14.3 acres, and located in the vicinity of 2004 Northeast Waldo Road; providing directions to the City Manager and the codifier; providing a severability clause; and providing an effective date.

RECOMMENDATION *The City Commission (1) receive the report of the Department of Community Affairs; and (2) adopt the proposed ordinance, as revised.*

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

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

100327. REZONING – PLANNED DEVELOPMENT FOR LEGACY FOUNTAINS, LLC (B)

Ordinance No. 100327, Petition No. PB-09-116PDV

An Ordinance of the City of Gainesville, Florida; rezoning certain lands within the City, as more specifically described in this ordinance, and amending the Zoning Map Atlas from "PS: Public services and operations district" to "Planned Development District"; located in the vicinity of 1420, 1424, 1428, 1432 Southwest 52nd Street; commonly known as “Legacy Fountains, LLC” Planned Development; adopting a development plan report and development plan maps; providing conditions and restrictions; providing for enforcement; providing a severability clause; and providing an immediate effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

A motion was made by Commissioner Wells, seconded by Commissioner Bottcher, that this matter be Continued (2nd Reading). The motion carried by the following vote:

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

100684. AMEND FUTURE LAND USE ELEMENT POLICIES 4.1.1 AND 4.13 TEXT AND ADD ZONING DISTRICTS TO THE IMPLEMENTING ZONING DISTRICTS TABLE (B)

Ordinance/Legistar No. 100684; Petition No. PB-10-139 CPA

An ordinance amending the Future Land Use Element of the City of Gainesville 2000-2010 Comprehensive Plan; by amending the text of Policy 4.1.1 for the land use categories of Mixed-Use Low-Intensity (MUL), Mixed-Use Medium-Intensity (MUM), Urban Mixed-Use 1 (UMU-1) and Urban Mixed-Use 2 (UMU-2); by amending the text in Policy 4.1.3 to revise criteria for proposed changes to the Future Land Use Map; by adding additional zoning districts to the table titled "Future Land Use Categories and Corresponding/Implementing Zoning Districts"; stating intent to adopt the amendments as part of the City of Gainesville 2000-2010 Comprehensive Plan; providing directions to the city manager; providing a severability clause; providing a repealing clause; and providing an effective date

Principal Planner Onelia Lazzari gave a presentation.

RECOMMENDATION

The City Commission (1) receive the report of the Department of Community Affairs; (2) adopt the ordinance as revised to: a) delete the UMU-3 and CCD-1 zoning districts, and b) delete financial feasibility and add new language to be consistent with Chapter Law 2011-139.

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

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

100690. LAND USE CHANGE - COMPREHENSIVE PLAN TEXT AMENDMENT - INNOVATION ZONE MAP (B)

Ordinance No. 100690; Petition No. PB-10-138LUC&PB-10-140CPA

An Ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan Future Land Use Element; amending the Intergovernmental Coordination Element by repealing the obsolete Innovation Zone Map and adopting the new Innovation Zone Map and adding it to the Future Land Use Map Series; amending Objective 1.7 of the Intergovernmental Coordination Element to reference the Innovation Zone Map in the Future Land Use Map Series; providing directions to the City Manager and the codifier; providing a severability clause; and providing an effective date.

RECOMMENDATION

The City Commission: 1) receive the report of the Department of Community Affairs and; 2) adopt the proposed ordinance as revised.

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

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

100760. LAND USE CHANGE – AIRPORT PROPERTY (B)

Ordinance No. 100760; Petition No. PB-11-12LUC

An Ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan Future Land Use Map; by changing the land use category of certain property, as more specifically described in this ordinance, from the land use category of “Conservation” to “Business Industrial”; consisting of approximately 47.8 acres, located in the vicinity of 3801 Northeast Waldo Road; providing directions to the City Manager and the codifier; providing a severability clause; and providing an effective date.

NOTE: Commissioner Mastrodicasa disclosed that she was related to an agent for the petitioner, but because there is no conflict, she would be voting on the matter.

RECOMMENDATION

The City Commission: 1) receive the report of the Department of Community Affairs and; 2) adopt the proposed ordinance as revised.

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

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

100903. URBAN SERVICES REPORT - EAST SIDE PROPERTIES (B)

Ordinance No. 100903

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 10890-000-000, 10889-000-000, 10889-002-000, 10889-003-000, 16127-003-000, 16127-003-001, 16125-005-000, 16125-000-000, 16126-000-000 and 16125-007-000. Tax parcel 10890-000-000 is generally located south of East University Avenue, west of the vicinity of S.E. 43rd Street, north of tax parcel 10890-002-000, and east of the Gainesville City Limits. Tax parcel 10889-000-000 is generally located south of East University Avenue, west of the vicinity of S.E. 43rd Street, north of tax parcels 16127-002-002 and

16127-002-001, and east of tax parcels 10890-000-000 and 10890-002-000. Tax parcels 10889-002-000 and 10889-003-000 are generally located south of East University Avenue, west of the vicinity of S.E. 43rd Street, north of tax parcels 16127-003-000 and 16125-001-001, and east of tax parcel 10889-000-000. Tax parcel 16127-003-000 is generally located south of East University Avenue, west of South East 43rd Street, north of South East Hawthorne Road, and east of the Gainesville City Limits. Tax parcel 16127-003-001 is generally located south of East University Avenue, west of South East 43rd Street, north of South East Hawthorne Road, and east of the Gainesville City Limits. Tax parcel 16125-005-000 is generally located south of East University Avenue, west of South East 43rd Street, north of South East Hawthorne Road, and east of tax parcel 16127-003-000. Tax parcel 16125-000-000 is generally located south of East University Avenue, west of South East 43rd Street, north of South East Hawthorne Road, and east of tax parcel 16125-007-000. Tax parcel 16126-000-000 is generally located south of South East Hawthorne Road, west of South East 43rd Terrace, north of Paynes Prairie Preserve State Park, and east of South East 39th Terrace. Tax parcel 16125-007-000 is generally located south of tax parcel 16127-003-001, west of S.E. 43rd Street, north of Hawthorne Road, and east of tax parcel 16127-003-001; 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.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

100198. GRAFFITI ABATEMENT PROGRAM (B)

Ordinance No. 100198

An Ordinance of the City of Gainesville, Florida, amending Divisions 1 and 2 of Chapter 13 of the Code of Ordinances relating to graffiti; by repealing the definition of graffiti in Division 1, section 13-1 and repealing the reference to graffiti in Division 1, section 13-2; amending Division 2 by creating and adding the Gainesville Graffiti Abatement Program, consisting of sections 13-6 through 13-13; providing title, purpose and findings; definitions; removal of graffiti; reporting of graffiti; graffiti on city property; graffiti on other government property; graffiti on private owned property; failure of owner to abate graffiti; 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 Commissioner Mastrodicasa, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:

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

PLAN BOARD PETITIONS

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

UNFINISHED BUSINESS

COMMISSION COMMENT

Commissioner Scherwin Henry

- 1. CRA Expansion - Eastside Meeting.*
- 2. John Rimes - Curb Cuts - Eastside of Waldo Rd. (Walgreens).*

Commissioner Jeanna Mastrodicasa

GPD - National Night Out - Tuesday, August 2, 2011.

Commissioner Todd Chase

Special Meetings/Workshops.

CITIZEN COMMENT

Jo Beatty

Biomass Plant Questions.

ADJOURNMENT - 8:18 PM

Kurt M. Lannon, Clerk of the Commission