

City of Gainesville

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



Meeting Minutes

Thursday, June 4, 2009

1:00 PM

City Hall Auditorium

City Commission

*Mayor Pegeen Hanrahan (At Large)
Mayor-Commissioner Pro Tem Scherwin Henry (District 1)
Commissioner Lauren Poe (District 2)
Commissioner Jack Donovan (District 3)
Commissioner Craig Lowe (District 4)
Commissioner Thomas Hawkins (At Large)
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 - 1:03 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

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

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

CONSENT AGENDA MODIFICATIONS:

- 1. File #090065 - McGurn Investment Co. Appeal of Plan Board Decision - (Withdraw - Voluntary dismissal filed by Applicant).*
- 2. File #090066- (CONSENT) Willie Washington vs. City of Gainesville - (Withdraw - Voluntary dismissal filed by Applicant).*
- 3. File #090043 - (CONSENT) Approval of Request for Proposal Rankings for Solid Waste - (Remove from the Consent Agenda and placed on the Regular Agenda for discussion).*

CITY MANAGER, CONSENT AGENDA ITEMS

080880. Purchase of Equipment and Services Related to the Traffic Management System (B)

This item is a request to purchase Traffic Management System equipment and/or services from vendors Advanced Cabling Solutions, Inc., Anixter, Inc., Express Supply, Inc., and D&D, Inc. These vendors have been selected from competitively bid contracts with other agencies which the City of Gainesville will piggyback.

RECOMMENDATION

Recommended Motion: The City Commission: 1) approve the purchase of equipment from Advanced Cabling Solutions, Inc., Anixter, Inc., Express Supply, Inc., and D&D, Inc.; and 2) authorize the City Manager to execute all necessary documents and purchases for the remaining TMS project phases, subject to approval by the City Attorney as to form

and legality.

This Matter was Approved as Recommended on the Consent Agenda.

090018. FY 2009 Internet Crimes Against Children Task Force Program Continuation (NB)

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

This Matter was Approved as Recommended on the Consent Agenda.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

CITY ATTORNEY, CONSENT AGENDA ITEMS

090036. PARKING CITATION APPEAL TIME (B)

RECOMMENDATION *The City Commission authorize the City Attorney to draft and the Clerk of the Commission to advertise the proposed ordinance.*

This Matter was Approved as Recommended on the Consent Agenda.

090065. McGurn Investment Co. Appeal of Plan Board Decision, Petition No. PZ-09-0007. (B)

NOTE: Withdraw - Voluntary dismissal filed by Petitioner.

RECOMMENDATION *The City Commission authorize the City Attorney to represent the City in the appeal styled McGurn Investment Co. Appeal of Plan Board Decision, Petition No. PZ-09-0007.*

Withdrawn

090066. Willie Washington vs. City of Gainesville, FCHR No. 2009-00291, EEOC No.: 15D200900108. (B)

NOTE: Withdraw - Voluntary dismissal filed by Petitioner.

RECOMMENDATION *The City Commission authorize the City Attorney to represent the City in the administrative hearing styled Willie Washington vs. City of Gainesville, FCHR No. 2009-00291, EEOC.: 15D200900108.*

Withdrawn

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

REGIONAL UTILITIES COMMITTEE, CONSENT

070352. Status Report on Maximum Energy Efficiency #070352 (NB)

This item is to request removal of an outstanding referral.

RECOMMENDATION *The Regional Utilities Committee (RUC) recommends that the City Commission remove this item from the referral list.*

This Matter was Approved as Recommended on the Consent Agenda.

070516. Conservation and Energy Use Goals - Mid Year Efficiency Program Update #070516 (NB)

This item is to request removal of an outstanding referral.

RECOMMENDATION *The Regional Utilities Committee (RUC) recommends that the City Commission remove this item from the referral list.*

This Matter was Approved as Recommended on the Consent Agenda.

070528. Nuclear Energy Option and Recommendation #070528 (NB)

This item is to request removal of an outstanding referral.

RECOMMENDATION *The Regional Utilities Committee (RUC) recommends that the City Commission remove this item from the referral list.*

This Matter was Approved as Recommended on the Consent Agenda.

Passed The Consent Agenda

A motion was made by Commissioner Lowe, seconded by Commissioner Donovan, including all the preceding items marked as having been adopted on the Consent Agenda. The motion carried by the following vote:

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

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

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

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

MODIFICATIONS TO THE REGULAR AGENDA:

- 1. File #090081 - Recruitment Plan and Advertisement for the Equal Opportunity Director National Search - (New Item added under City Manager category.)*
- 2. File #090044 - Designation of PACE Alachua Expansion Project as Project Sponsor - (Revised back-up (resolution) submitted).*
- 3. File #080135 - Causes and Responses to Prostitution Referral - (Remove from the Agenda).*

CHARTER OFFICER UPDATES

090069. Anthony Hutchinson Day - May 21, 2009 (B)

RECOMMENDATION GRU Field Services Technician Anthony Hutchinson to accept the proclamation.

Heard

090070. Darryl King Day - May 21, 2009 (B)

RECOMMENDATION GRU Field Services Technician Darryl King to accept the proclamation.

Heard

CLERK OF THE COMMISSION

CITY MANAGER

080393. Alachua County Long Term Concurrency Management System Update (B)

This item provides an update to the City Commission regarding Alachua County's proposed Long Term Concurrency Management System.

City of Gainesville Planning Manager Ralph Hilliard, Alachua County Growth Management Director Steve Lachnicht and RTS Planning Chief Doug Robinson gave presentations.

NOTE: Commissioner Mastrodicasa entered the meeting room at 1:21 PM.

RECOMMENDATION *The City Commission: (1) hear a brief presentation by staff and provide appropriate direction.*

No Action Taken

090081. Recruitment Plan and Advertisement for the Equal Opportunity Director National Search (B)

The City's current Equal Opportunity Director has announced his retirement. In order to select a replacement for this position in a timely manner, a national search should begin immediately. A search plan and advertisement is being proposed for approval.

Human Resources Director Sandy Barnard gave a presentation and several changes were suggested by members of the City Commission.

RECOMMENDATION *City Commission direct staff to implement the search plan and advertisement as provided.*

Approved by Consensus

090043. Approval of Request for Proposal Rankings - RFP #10-26 Solid Waste, Recycling and Yard Trash Collections within the City of Gainesville and Alachua County (B)

This item is a request for the City Commission to approve the rankings for RFP #10-26 Solid Waste, Recycling and Yard Trash Collections within the City of Gainesville and Alachua County.

Solid Waste Manager Steve Joplin gave a presentation.

RECOMMENDATION *Recommended Motion: The City Commission: 1) accept the selection of the five (5) most qualified firms in the order of ranking; 2) authorize the City Manager or designee to initiate contract negotiations with the top ranked firm for annual Solid Waste, Recycling and Yard Trash Collections within the City of Gainesville and Alachua County; 3) authorize the City*

Manager or designee to initiate contract negotiations with the second ranked firm should negotiations with the top firm be unsuccessful; and 3) authorize the City Manager or designee to execute all contract documents and other necessary documents, subject to approval by the City Attorney as to form and legality.

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

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

GENERAL MANAGER FOR UTILITIES

090079. Manufactured Gas Plant (MGP) Remediation - Funding Update (NB)

GRU has been notified by the Florida Department of Environmental Protection (FDEP) that recent state budget changes have affected the availability of funds from the Petroleum Cleanup Preapproval (PCP) Program. GRU had anticipated obtaining FDEP authorization for approximately \$3,000,000 in funding from the program by July 2009. Due to changes in the program, it is now unclear when PCP funding will be made available for the GRU MGP Remediation. A number of other critical projects are dependent on the MGP Remediation being completed on schedule; these include the proposed Cade Museum of Innovation and Technology, the Depot Avenue Reconstruction - Segment Three, the Depot Park Stormwater Ponds, the Depot Park Improvements and a portion of the FDOT's Main Street Improvements project.

GRU Strategic Planning Project Engineer Patricia Hart and CRA Utility Design Engineer Diane Bennett gave presentations.

RECOMMENDATION

The City Commission: 1) hear presentations from GRU Staff on recent developments in the availability of Florida Department of Environmental Protection (FDEP) funding and other possible funding alternatives; 2) authorize the General Manager to make the final decision to either wait for reinstatement of all or part of the FDEP funding or to proceed with the project to be funded fully from utility resources. Further, in the event that the General Manager determines that utilization of utility resources is in the best interest of the City, the City Attorney is hereby authorized to prepare and the Clerk to advertise an ordinance revising the MGP capital cost recovery factor to reflect the new revenue requirements.

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

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

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

COMMUNITY DEVELOPMENT COMMITTEE

080135. Causes and Responses to Prostitution Referral (B)

RECOMMENDATION

The City Commission hear a presentation from the committee and accept the white paper report on causes and responses to Prostitution.

Withdrawn

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

COMMISSION COMMENTS (if time available)

Mayor-Commission Pro Tem Henry

Smokey Bear Park - Requested citizen input for selection of park equipment.

Commissioner Thomas Hawkins

Transportation Concurrency Exception Area (TCEA) Legislation.

Commissioner Jack Donovan

Cabot-Koppers Superfund Site.

Assistant City Manager Fred Murry gave an update.

Commissioner Lauren Poe

Stadium Club Condominium foreclosure concerns.

Commissioner Jeanna Mastrodicasa

National Best Practices Conference for Town/Gown Relations.

City Manager Russ Blackburn

Neighborhood Meeting Re: Cabot-Koppers Superfund - June 11, 2009 @ the Stephen Foster Elementary School from 4:00 PM to 8:00 PM.

Mayor Pegeen Hanrahan

- 1. Internet crimes against children - Invitation to Federal Prosecutor - Frank Williams to speak to the City Commission.*
- 2. Media reports regarding City's budget shortfall.*

CITIZEN COMMENT**Pat Fitzpatrick**

Stadium Club - Homeless Issues.

RECESS - 3:48 PM**RECONVENE - 5:46 PM****PLEDGE OF ALLEGIANCE (5:30pm)****PROCLAMATIONS/SPECIAL RECOGNITIONS****090068. World No Tobacco Day - May 31, 2009 (B)****RECOMMENDATION**

Alachua County Health Department Health Department Representative Latisha Davis to accept the proclamation.

Heard

090067. Code Enforcement Officer Appreciation Week - June 8-12, 2009 (B)

RECOMMENDATION

Code Enforcement Division CED Supervisor Dave Watkins and Code Enforcement Officer Jeff Look to accept the proclamation.

Heard

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

Marcee Lee Winthrop

Release of new book.

Kali Blount

Growth Management Act of 1985.

Pat Fitzpatrick

Homeless Issues - TV 20 Video.

Elizabeth Howard

Tent City evictions .

Gabriel Hillel

Butterfly Gardens and gardening in general.

Harry Kegelmann

GRU's Biomass Plant question.

PUBLIC HEARINGS**ADOPTION READING-ROLL CALL REQUIRED****ORDINANCES, 1ST READING- ROLL CALL REQUIRED**

090025. REVISION TO CHAPTER 8 OF THE GAINESVILLE CODE OF ORDINANCES RELATING TO DISCRIMINATION (B)

ORDINANCE NO. 0-09-19

An ordinance of the City of Gainesville, Florida, amending Chapter 8 of the

Gainesville Code of Ordinances, relating to discrimination; amending section 8-6 by repealing the term "readily achievable"; amending sections 8-48 and 8-49 (Employment), sections 8-68 and 8-69 (Public accommodations), sections 8-88 and 8-94 (Fair housing), relating to the use of shared shower and dressing facilities; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Commissioner Henry read a letter from Mark Minck into the record.

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

081018. ELECTION DATE 2010 (B)

Ordinance No. 0-09-25

An ordinance of the City of Gainesville, Florida, setting March 16, 2010, as the date for the 2010 regular city election; setting the dates for qualifying for the 2010 regular election; 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 Henry, seconded by Commissioner Hawkins, that this matter be Adopted on First Reading (Ordinance). The motion carried by the following vote:

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

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

RESOLUTIONS- ROLL CALL REQUIRED

080938. City Commission Rules/Government Efficiency (B)

A Resolution to adopt amendments to the City Commission Rules of the City of Gainesville, Florida.

RECOMMENDATION *The City Commission: adopt the Resolution amending the City Commission Rules.*

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

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

090042. Resolution for Capital and Operating Assistance Grants - U.S.C. Sections 5316 and 5317 Federal Grant Funds for FY 2008-2009 (B)

This item is a Resolution authorizing the City Manager to execute a request for capital and operating assistance between the City of Gainesville and Florida Department of Transportation (FDOT) to accept U.S.C. Section 5316 and 5317 Federal Grant Funds for FY 2008-2009.

RECOMMENDATION *Recommended Motion: The City Commission 1) adopt the Resolution.*

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

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

090044. Designation of PACE Alachua Expansion Project as Project Sponsor (B)

This item seeks an OTTED Designation of the PACE Alachua Expansion Project as a Project Sponsor for the Enterprise Zone Community Contribution Tax Credit Program.

Small and Minority Business Coordinator Shaad Rehman, PACE Executive Director Kathie Southwick and PACE Capital Campaign Chair Susan Spain gave presentations.

RECOMMENDATION *The City Commission: 1) Approve PACE Alachua Expansion as a Project Sponsor for the Enterprise Zone Community Contribution Tax Credit Program and approve the Resolution confirming that the proposed project is consistent with local plans and regulations.*

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

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

PLAN BOARD PETITIONS

090007. Establish and Describe a Heritage Overlay District and Procedures (B)

Petition PZ-09-17 TCH. City of Gainesville. Amend the City of Gainesville Land Development Code to establish and describe a Heritage Overlay District and procedures.

Neighborhood Planner John Wachtel, Historic Preservation Planner Dee Henrichs and Planning Manager Ralph Hilliard gave presentations.

Chair Hanrahan recognized Bill Warriner, Mark Goldstein, Jimmy Harnsberger, Dave Forrestel and Jo Beatty who spoke to the matter.

MOTION (AMENDMENT): Approve the petition except that: 1) The application process include attaining concurrency of a simple majority of homestead property owners; 2) the evaluating board be a board consisting of Heritage Overlay District residents across all districts; 3) that color and vegetation be removed as regulated elements; and 4) that staff explore the option of utilizing neighborhood improvement grants and other funding options to be made available to neighborhoods that might be implementing this particular program.

RECOMMENDATION

City Plan Board to the City Commission-The City Commission approve Petition PZ-09-17 TCH as proposed, except that vegetation, fences and building color be added to the list of elements that may be regulated. The Plan Board voted 5-1.

Staff to Plan Board-Approve Petition PZ-09-17 TCH.

Alternative Recommendation A-The City Commission approve Petition PZ-09-17 TCH as proposed, with an added provision requiring that applications for HODs include a petition supporting the designation of the district, with the signatures of the owners of at least 70 percent of the lots in the proposed district.

Alternative Recommendation B-The City Commission approve Petition PZ-09-17 TCH as proposed, with an added provision requiring that applications for HODs include a petition supporting the designation of the district, with the signatures of the owners of at least 70 percent of the lots in the proposed district, except that fences be added to the list of elements that may be regulated and that that regulation is limited to the height and style of fences located between the main building and the street.

A motion was made by Commissioner Lowe, seconded by Mayor-Commissioner Pro Tem Henry, that this matter be Approved (Petition), as amended. The motion carried by the following vote:

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

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

UNFINISHED BUSINESS

COMMISSION COMMENT

Commissioner Lauren Poe

Congratulations to the UF Women's Softball League.

Commissioner Scherwin Henry

Tent City Crime Watch.

Commissioner Jeanna Mastrodicasa

- 1. Referral - Updating local convenience store ordinance - See following referral item #090119.*
- 2. Visit to Tent City.*

090119. Local Convenience Store Ordinance Update (NB)

RECOMMENDATION *The City Commission refer the issue of updating the local Convenience Store Ordinance to the Public Safety Committee for further discussion and review.*

A motion was made by Commissioner Mastrodicasa, seconded by Commissioner Lowe, that this matter be Referred to the Public Safety Committee, due back on December 4, 2009. The motion carried by the following vote:

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

City Attorney Marion Radson

Gift Laws and Voting Conflicts Law - Luncheon in the Fall - Monday, October 5, 2009 at the Thomas Center - 2 hours.

Commissioner Jack Donovan

1. *Letter from Arbor House - Re: Bistro on 6th Street - Zoning problem.*
2. *Knife attack - Tent City.*
3. *Homeless People/Refugees.*

Mayor Pegeen Hanrahan

Alachua County League of Cities Meeting - Stimulus Opportunities - Referred to the General Manager and the City Manager to collaborate and bring back a report in July.

CITIZEN COMMENT (If time available)

Elizabeth Howard

Tent City evictions.

Pat Fitzpatrick

Tent City evictions.

ADJOURNMENT - 9:24 PM

Kurt M. Lannon, Clerk of the Commission