

City of Gainesville

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



Meeting Minutes

Thursday, December 3, 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 - 1:06 PM

ROLL CALL

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

INVOCATION

The City Commission observed a moment of silence.

CONSENT AGENDA

*Commissioner Donovan moved and Commissioner Hawkins seconded to adopt the Consent Agenda, as presented.
(VOTE: 4-0, Commissioners Lowe and Mastrodicasa, and Mayor Hanrahan - Absent, MOTION CARRIED)*

CITY MANAGER, CONSENT AGENDA ITEMS

090324. Agreement for Tactical Medic Services Between Alachua County Sheriff's Office and Gainesville Fire Rescue (B)

This item recommends that the City Commission authorize the City Manager to execute the Agreement Between the Alachua County Sheriff's Office and Gainesville Fire Rescue Department (GFR) for use of the GFR Tactical Medical Support Team.

RECOMMENDATION *The City Commission authorize the City Manager to execute the agreement, subject to the approval of the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

090534. Regional Transit System Procurement of Buses (Federal Assets), Paint Services and Parts Inventory from the Central Florida Regional Transit Authority (LYNX) (B)

This is a request that the City Commission approve the procurement of buses, paint services and parts inventory from the Central Florida Regional Transit Authority (LYNX).

RECOMMENDATION *Recommended Motion: The City Commission approve the transfer of federal assets and the acquisition of painting*

services and surplus parts from Central Florida Regional Transit Authority (LYNX) to the City of Gainesville Regional Transit System.

This Matter was Approved as Recommended on the Consent Agenda.

090547. Bid Award - SW 23rd Street/Terrace at 35th Place Roundabout Construction (B)

This is a request for the City Commission to authorize the bid award in the amount of \$443,892 to Semper Fi Services, LLC for the SW 23rd Street/Terrace at 35th Place roundabout construction.

RECOMMENDATION *Recommended Motion: The City Commission: 1) award the bid to Semper Fi Services, LLC for the construction of the SW 23rd Street/Terrace at 35th Place roundabout project; 2) authorize the City Manager to execute the contract, subject to approval as to form and legality by the City Attorney; and 3) issue a purchase order in an amount not to exceed \$443,892.*

This Matter was Approved as Recommended on the Consent Agenda.

090548. Agreement for the Processing and Purchase of Recyclable Materials from the Curbside Collection Recycling Program (B)

This item is a request for the City Commission to approve a contract with SP Recycling Corporation for the processing of recyclables generated by the City's Solid Waste Residential Curbside Collection program.

RECOMMENDATION *Recommended Motion: The City Commission 1) approve the sole source selection of SP Recycling Corporation; and 2) authorize the City Manager to execute the Agreement for the Processing and Purchase of Recyclable Materials from the Curbside Collection Recycling Program with SP Recycling Corporation, subject to approval by the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

090577. Legal Office Expenses from State Law Enforcement Contraband Forfeiture Trust Fund for FY 2010 (NB)

RECOMMENDATION *The City Commission authorize the Gainesville Police Department to appropriate \$20,000 from the State Forfeiture Fund balance account (108-2710) into line item 108 810 H105 5210 3910.*

Alternative Recommendation A:

The City Commission appropriate funds from the General Fund for these expenses. The fiscal impact is \$20,000.

Alternative Recommendation B:

None

This Matter was Approved as Recommended on the Consent Agenda.

090583.

Interlocal Agreement with Alachua County for Supplemental Shelter and Services (B)

This item requests the City Commission to approve an Interlocal Agreement with Alachua County from October 1, 2009 through September 30, 2011 to continue supporting the operations of emergency shelter services for the purposes of ensuring the health and safety of homeless persons and families during periods of cold weather or other emergencies caused by extraordinary circumstances that threaten the physical health and/or welfare of homeless persons.

RECOMMENDATION

The City Commission approve the Interlocal Agreement between the City of Gainesville and Alachua County to continue supporting the operations of emergency shelter and services for homeless persons and families; and 2) authorize the Mayor to execute the agreement on behalf of the City, subject to review and approval by the City Attorney, as to form and legality.

This Matter was Approved as Recommended on the Consent Agenda.

090584.

City of Gainesville Updated Citizen Participation Plan (B)

This item involves a request for the City Commission to approve the submission of an update of the City's Citizen Participation Plan to the U. S. Department of Housing & Urban Development (HUD) for approval. The purpose of the Citizen Participation Plan (Plan) is to encourage citizen input, particularly for the City's low-to-moderate income persons on the various community development programs and services that are funded by HUD and designed to benefit Gainesville's low-to-moderate individuals and neighborhoods.

RECOMMENDATION

The City Commission: 1) approve the City of Gainesville updated Citizen Participation Plan; and 2) authorize the City Manager or his designee to submit the updated Citizen Participation Plan to HUD for approval, subject to review and approval by the City Attorney, as to form and legality.

This Matter was Approved as Recommended on the Consent Agenda.

090585. Amendment to the FY 2008-2009 CDBG and HOME Annual Action Plan (NB)

This is a request for the City Commission to approve a third amendment to the FY 2008-09 CDBG and HOME Annual Action Plan to allow for the reallocation of the CDBG-R funds from the One-Stop Center to the Public Works Department.

RECOMMENDATION *The City Commission: 1) approve the third amendment to the FY 2008-2009 CDBG and HOME Program Annual Action Plan; and 2) authorize the City Manager or designee to prepare and submit the third amendment to the FY 2008-2009 Annual Action Plan to the U.S. Department and Urban Development (HUD) for approval.*

This Matter was Approved as Recommended on the Consent Agenda.

090587. MAP Pay Increases (NB)

RECOMMENDATION *The City Commission approve management's plan to transition implementation the pay for performance system over a two year period.*

This Matter was Approved as Recommended on the Consent Agenda.

090542. Staffing for Adequate Fire and Emergency Response (SAFER) Firefighter Grant Program (NB)

This item requests that the City Commission authorize an application for the 2009 Federal SAFER Grant Program for firefighter staffing funds.

RECOMMENDATION *The City Commission authorize the City Manager to: 1) apply to the US Department of Homeland Security for the SAFER Grant Program; and, if awarded: 2) accept the award; 3) approve the required payment process for expending the grant funds; and 4) allocate the required cash match.*

Alternative Recommendation A: The City not apply for the SAFER Grant Program. The fiscal impact would be that the City meet the full financial burden of any firefighter positions required for Station 8.

This Matter was Approved as Recommended on the Consent Agenda.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

090596. Lease Space (NB)

Staff is requesting approval to extend a Lease Agreement for two years for space at the Ayer's Medical Building.

RECOMMENDATION

The City Commission: 1) approve the Amendment of a Lease Agreement with Shands Teaching Hospital and Clinics, Inc., extending the lease term for two years; and 2) authorize the General Manager to execute the Amendment, subject to approval as to form and legality by the City Attorney.

This Matter was Approved as Recommended on the Consent Agenda.

CITY ATTORNEY, CONSENT AGENDA ITEMS**CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS****090600. City Commission Minutes (B)****RECOMMENDATION**

The City Commission approve the minutes of November 19, 2009, as circulated.

This Matter was Approved as Recommended on the Consent Agenda.

Passed The Consent Agenda

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

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

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**COMMITTEE REPORTS, CONSENT AGENDA ITEMS****EQUAL OPPORTUNITY COMMITTEE, CONSENT****COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS****END OF CONSENT AGENDA****ADOPTION OF THE REGULAR AGENDA**

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

(VOTE: 4-0, Commissioners Lowe, Mastrodicasa and Mayor Hanrahan - Absent, MOTION CARRIED)

MODIFICATIONS:

1. File #090606 - Safety City Award - (NEW ITEM) - (Add to the agenda.)
2. File #090487 - (PETITION) - Rezone Property on NW 13th Street from BUS to BA - (Add to the agenda).
3. File #090536 - Land Development Code Amendments pertaining to Significant Environmental and Natural Resources - (Continue).

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

090595. City Commission Referral List (B)

Administrative Services Director Becky Rountree made comments.

MOTION: Approve staff's recommendation for the pending City Commission referral list; retain Files 080365 and 080925 on the City Attorney's referral list and send to the City Manager to include in the upcoming budget process.

RECOMMENDATION *The City Commission discuss the pending referral list and take appropriate action.*

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

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

CITY MANAGER

090606. Safety City Award (NB)

Police Captain Edwin Book gave a presentation.

RECOMMENDATION *The City Commission receive recognition for the Safety City award.*

Heard

GENERAL MANAGER FOR UTILITIES**CITY ATTORNEY****CITY AUDITOR****EQUAL OPPORTUNITY DIRECTOR****EQUAL OPPORTUNITY COMMITTEE****090589. Addressing the Issue of Socio-economic Status of Families with Children (NB)**

This request is related to item #080729 Equal Opportunity Office, referred to the Equal Opportunity Committee at the January 12, 2009 Special City Commission Meeting.

Equal Opportunity Director Cecil Howard gave a presentation.

MOTION: Schedule two Workshops for Monday, February 8, 2010 @ 1:00 PM Re: Visioning for the Equal Opportunity Department and for Monday, March 8, 2010 @ 1:00 PM Re: "Addressing the Issue of Socio-Economic Status of Families with Children".

RECOMMENDATION

Recommended Motion: The Equal Opportunity Committee request approval from the City Commission to: 1) schedule a workshop to develop the structure for a forum; 2) give clear direction to staff (Equal Opportunity, City Manager, Legal, and GRU) on doing an analysis and providing a format that would identify the problems/need; 3) identify resources currently addressing the problems/need; 4) provide potential solutions and have a means to incorporate information into staff work plan; and 5) identify actions the City can take including facilitating partnerships and finding a community way of addressing the gaps.

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

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

COMMITTEE REPORTS (PULLED FROM CONSENT)**ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)**

OUTSIDE AGENCIES**MEMBERS OF THE CITY COMMISSION****COMMISSION COMMENTS (if time available)**

NOTE: Commissioner Jeanna Mastrodicasa entered the meeting room @ 1:44 PM.

Commissioner Jack Donovan

- 1. Lawsuit against the Maximum Daily Loads update.*
- 2. Water Institute Sponsor.*
- 3. Goals for 2020 - City of Gainesville's 150th Anniversary in 2019 - Staff to come back with a proposal.*

Commissioner Scherwin Henry

- 1. Clean up after traffic accidents.*
- 2. New trash regulations - brown trash bags.*

Assistant City Manager Paul Folkers made comments.

Commissioner Jeanna Mastrodicasa

- 1. Safety City.*
- 2. City Taxi Cab Complaints - price gouging, not available when needed, etc - Referral to the Public Safety Committee.*

090616. Taxi Cab Costs in Gainesville (NB)

RECOMMENDATION *The City Commission refer the issue of taxi cab costs and other taxi cab issues to the Public Safety Committee for discussion.*

A motion was made by Commissioner Mastrodicasa, seconded by Commissioner Donovan, that this matter be Referred to the Public Safety Committee, due back on June 3, 2010. The motion carried by the following vote:

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

RECESS - 2:03 PM**RECONVENE - 6:06 PM**

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

1. *Smoking Issues - See following referral item #090619.*
2. *School Improvement.*

090619. Citizen Comment - Kali Blount - Prohibiting Indoor Smoking in Places of Public Assembly in Gainesville (NB)

RECOMMENDATION *The City Commission refer the issue of prohibiting indoor smoking in public places of assembly in Gainesville to the Public Safety Committee.*

A motion was made by Commissioner Donovan, seconded by Commissioner Mastrodicasa, that this matter be Referred to the Public Safety Committee, due back on June 3, 2010. The motion carried by the following vote:

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

PUBLIC HEARINGS**RESOLUTIONS- ROLL CALL REQUIRED****090512. FOURTH AND FINAL AMENDMENT TO THE FY 2008-2009 GENERAL GOVERNMENT FINANCIAL AND OPERATING PLAN (B)**

RECOMMENDATION *The City Commission adopt the proposed resolution.*

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

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

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

090078. AMENDING ELECTION CODE (B)**Ordinance No. 0-09-71**

An ordinance of the City of Gainesville, Florida, Chapter 9, Elections; amending Section 9-3 of the Code of Ordinances by providing that the regular and runoff elections shall be considered as one election for purposes of poll worker training required by state law; amending Section 9-14 of the Code of Ordinances providing for the composition of the Board of Canvassers; providing directions to the Codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date. (B)

Chair Pro Tem Henry recognized Rob Brinkman who spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed ordinance*

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

090389. CHANGE IN PERMITTED USE - POSSUM CREEK PARK (B)**Ordinance No.0-09-69, Petition No. PZ-09-53**

An ordinance of the City of Gainesville, Florida, amending the "PS: Public services and operations district" for the public park commonly known as Possum Creek Park, to permit by right certain uses, recreational facilities and areas, trails and boardwalks, as more specifically provided in this ordinance, and accessory uses customarily and clearly incidental to the permitted principal uses; including the approval of a preliminary development plan; located in the vicinity of 4009 Northwest 53rd Avenue; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Senior Planner Scott Wright gave a presentation.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

ORDINANCES, 2ND READING- ROLL CALL REQUIRED**090384. REVISIONS TO AIRPORT HAZARD ZONING REGULATIONS (B)****Ordinance No. 0-09-68**

An ordinance of the City of Gainesville, Florida, relating to Airport Hazard Zoning Regulations; amending Appendix F of the Land Development Code of the City of Gainesville by stating a purpose and findings; by amending definitions; by amending and updating requirements for regulating the use of land within the Airport Noise Zone; by adopting a new Airport Noise Zone Map; by correcting references in the existing text and conforming the regulations with the state and federal law; providing directions to the codifier; providing a severability clause; providing an immediate effective date; and providing directions to the Clerk of the Commission.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

PLAN BOARD PETITIONS

090536. Land Development Code Amendments pertaining to Significant Environmental and Natural Resources (B)

Petition PB-09-125 TCH. City of Gainesville. Amend the Land Development Code to implement regulations to protect and preserve significant environmental and natural resources.

RECOMMENDATION *City Plan Board to City Commission - The City Commission approve Petition PB-09-125 TCH with the staff-recommended changes, and find that it is consistent with the Land Development Code and the Comprehensive Plan as well as a direction from the Community Development Committee and the City Commission.*

The Plan Board voted 7-0.

Staff to City Commission - The City Commission approve Petition PB-09-125 TCH as recommended by the City Plan Board.

Staff to City Plan Board - Approve Petition PB-09-125 TCH.

A motion was made by Commissioner Hawkins, seconded by Commissioner Donovan, that this matter be Continued (Petition). The motion carried by the following vote:

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

090487. Rezone property on N.W. 13th Street from BUS to BA (B)

Petition PB-09-120 ZON, Brown & Cullen Inc., agent for William & Jo Beaty. Rezone property from BUS (General business district) to BA (Automotive-oriented business district).

Planner Jason Simmons, Planning Manager Ralph Hilliard and Interim Code Enforcement Manager Chris Cooper gave presentations.

Chair Pro Tem Henry recognized Agent for the Petitioner Stuart Cullen who spoke to the matter.

RECOMMENDATION *City Plan Board to City Commission - The City Commission approve petition PZ-09-120 ZON. Plan Board vote 6-1.*

Staff to City Commission - The City Commission approve petition PZ-09-120 ZON.

Staff to the Plan Board - Approve petition PZ-09-120 ZON.

Alternative Recommendation - Deny petition PZ-09-120 ZON.

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

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

DEVELOPMENT REVIEW BOARD PETITIONS**SCHEDULED EVENING AGENDA ITEMS****090617. Building Permit Fees for the "Extreme Makeover: Home Edition" Project (NB)**

This agenda item involves a request for the City Commission to authorize staff to pay up to \$3,000 for the building permit fees for the "Extreme Makeover: Home Edition" Project from the FY2009 fund balance, in the event that CDBG funds cannot be used.

Assistant City Manager Fred Murry gave a presentation.

RECOMMENDATION *The City Commission authorize staff to pay up to \$3,000 from the FY2009 fund balance for the building permit fees for the "Extreme Makeover: Home Edition" Project, in the event that CDBG funds cannot be used.*

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, Jack Donovan, Lauren Poe and Scherwin Henry
Absent: Craig Lowe and Pegeen Hanrahan

UNFINISHED BUSINESS

COMMISSION COMMENT

Commissioner Lauren Poe

Gator Football Team - SEC Championship game.

Commissioner Jack Donovan

- 1. Map in the City Commission office hallway - Need updated maps, including a full Alachua County map. - See Following referral item #090621.*
- 2. CRA - Options on the Redesign of the Plaza - Will appear on the December 21, 2009 CRA Agenda.*

090621. Updated Maps for the City Commission Area (NB)

RECOMMENDATION *The City Commission refer the issue of updating maps, including providing a full county map for the City Commission area to the City Manager.*

A motion was made by Commissioner Donovan, seconded by Commissioner Mastrodicasa, that this matter be Referred to the City Manager, due back on June 3, 2010. The motion carried by the following vote:

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

Commissioner Scherwin Henry

- 1. 130 limit on feeding the Homeless @ St. Francis House.*

CITIZEN COMMENT (If time available)

There were no citizens who wished to speak during this time.

ADJOURNMENT - 7:54 PM

Kurt M. Lannon, Clerk of the Commission