

City of Gainesville

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



Meeting Minutes

Monday, March 10, 2008

1:00 PM

City Hall Auditorium

City Commission

*Mayor Pegeen Hanrahan (At Large)
Mayor-Commissioner Pro Tem Rick Bryant (At Large)
Commissioner Jeanna Mastrodicasa (At Large)
Commissioner Scherwin Henry (District 1)
Commissioner Ed Braddy (District 2)
Commissioner Jack Donovan (District 3)
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 - 1:04 PM

ROLL CALL

Present: Edward Braddy, Pegeen Hanrahan, Rick Bryant, Jack Donovan and Scherwin Henry
Absent: Craig Lowe and Jeanna Mastrodicasa

INVOCATION

The City Commission observed a moment of silence.

CONSENT AGENDA

Mayor-Commissioner Pro Tem Bryant moved and Commissioner Donovan seconded to adopt the Consent Agenda with the following modification.

(VOTE: 5-0, Commissioners Lowe and Mastrodicasa - Absent, MOTION CARRIED)

MODIFICATION:

1. File #071002 - (New Item) Purchase and Sales Agreement for Hogtown Creek Headwaters Property - (Add to the Consent Agenda with back-up).

Chair Hanrahan recognized Naomi Whitely who spoke to the matter.

CITY MANAGER, CONSENT AGENDA ITEMS

070938. Neighborhood Planning Program Selection (B)

This item involves selection of a neighborhood association to participate in the City's Neighborhood Planning Program (NPP). The NPP involves the City's Neighborhood Planning Coordinator working with selected neighborhood associations to identify the neighborhood's strengths, weaknesses, and goals; and to develop an action plan. The City Commission has set aside \$15,000 per neighborhood for improvement and beautification projects in NPP neighborhoods.

RECOMMENDATION

Staff to City Commission: Select the Greater Northeast Community for inclusion in the Neighborhood Planning Program, and authorize the use of the \$15,000 for this neighborhood.

Alternative recommendation: Do not expand the Neighborhood Planning Program this year.

This Matter was Approved as Recommended on the Consent Agenda.

- 070952. Purchase Priority.NOW Traffic Management Software Module and provide Training, Installation, Integration and Deployment Services from Naztec, Inc. (B)**

This item involves the purchase of Priority.NOW traffic management software module and training, installation, integration and deployment services from Naztec, Inc in the amount of \$ 1,200,000 for the Traffic Management System.

RECOMMENDATION *Recommended Motion: The City Commission: 1) approve the purchase of the equipment, software upgrades and installation services from Naztec, Inc.; and 2) authorize the City Manager to issue a purchase order not to exceed \$1,200,000.*

This Matter was Approved as Recommended on the Consent Agenda.

- 070970. Request to name a Tot Lot (B)**

This item involves a request to name Tot Lot #7 in the 500 block of SW 7 Terrace, Mother Lucille Perkins Tot Lot.

RECOMMENDATION *Recommended Motion: The City Commission approve the request to name the tot lot in the 500 block of SW 7 Terrace, Mother Lucille Perkins Tot Lot.*

Alternative Recommendation: The City Commission deny the request to name the tot lot in the 500 block of SW 7 Terrace, Mother Lucille Perkins Tot Lot.

This Matter was Approved as Recommended on the Consent Agenda.

- 070971. Request to Name a Tot Lot (B)**

This item involves a request to name Tot Lot #9 at 820 NW 4 Avenue, Dolliree Bowens Tot Lot.

RECOMMENDATION *Recommended Motion: The City Commission approve the request to name the tot lot at 820 NW 4 Avenue, Dolliree Bowens Tot Lot.*

Alternative Recommendation: The City Commission deny the request to name the tot lot at 820 NW 4 Avenue, Dolliree Bowens Tot Lot.

This Matter was Approved as Recommended on the Consent Agenda.

- 070972. Request to Name a Tot Lot (B)**

This item involves a request to name Tot Lot #6 located at the intersection of NW 32 Place & NW 20 Lane, Hidden Gem Park.

RECOMMENDATION

Recommended Motion: The City Commission approve the request to name Tot Lot located at the intersection of NW 32 Place & NW 20 Lane, Hidden Gem Park.

Alternative Recommendation: The City Commission deny the request to name the Tot Lot located at the intersection of NW 32 Place & NW 20 Lane, Hidden Gem Park.

This Matter was Approved as Recommended on the Consent Agenda.

070984.

Revised Investment Policy for the City of Gainesville Disability Pension Fund (B)

This item involves a request for the City Commission to approve an amended investment policy and asset allocation for the Fund.

RECOMMENDATION

The City Commission approve the amended Disability Pension Fund Investment Policy and the asset allocation contained therein.

This Matter was Approved as Recommended on the Consent Agenda.

071002.

Purchase and Sales Agreement for Hogtown Creek Headwaters Property (B)

This item involves the City entering into an Option Agreement for purchase and sale with Home Depot for acquisition of the Hogtown Creek Headwaters project.

RECOMMENDATION

The City Commission: 1) approve the Option Agreement for Purchase and Sale of the Hogtown Creek Headwaters Property with Home Depot; 2) accept the charitable contribution in the amount of \$1,200,000, in the form of a credit to the City at closing, from Home Depot; 3) authorize the City Manager to execute the Option Agreement and any and all documents necessary to close on the purchase, including without limitation, closing documents, easement and use agreements necessary for the City, Internal Revenue Service and State of Florida tax credit forms for the charitable contribution and any documents necessary for the dispersal of the FCT grant; all subject to approval by the City Attorney as to form and legality; and 4) authorize the recording of the appropriate closing documents in the public records.

Alternative Recommendation A: The City Commission not move forward with the acquisition of the Hogtown Creek Headwaters Property.

This Matter was Approved as Recommended on the Consent Agenda.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

070987. Reimbursement for Oversizing of Wastewater Facilities at Village Phase VIII (NB)

Reimburse the developer of Village Phase 8 for the oversizing of Wastewater (WW) facilities.

RECOMMENDATION *The City Commission authorize the General Manager or her designee to negotiate and execute an agreement for reimbursement to Santa Fe Healthcare for the oversizing of WW facilities in an amount not to exceed \$88,097.00 subject to approval of the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

070988. Construction Manager at Risk for Construction of the Technology Building (B)

Staff recommends awarding a contract to PPI/Charles Perry Construction, LLC, for pre-construction and construction management services for the Technology Building.

RECOMMENDATION *The City Commission: 1) approve the final ranking of companies for the Construction Manager at Risk with a Guaranteed Maximum Price ; 2) authorize the General Manager, or her designee, to negotiate a contract with PPI/Charles Perry Construction for Construction Management at Risk with Guaranteed Maximum Price Services for the GRU Technology Building subject to approval of the City Attorney as to form and legality; and 3) authorize staff to procure services, equipment and materials, as required, to complete the project as budgeted, subject to the final appropriation of funds.*

This Matter was Approved as Recommended on the Consent Agenda.

070994. Refunding of Variable Rate Subordinated Utilities System Revenue Bonds, 2002 Series A and 2002 Series B (NB)

RECOMMENDATION *The City Commission:*
1. Approve the refunding of the City's Variable Rate Subordinated Utilities System Revenue Bonds, 2002 Series A and 2002 Series B (2002 Series A and B Bonds), including payment of the Utility's costs in connection therewith, through

the issuance of not to exceed \$63,000,000 in aggregate principal amount of the City's tax-exempt Utilities System Commercial Paper Notes, Series C (Series C CP Notes).

2. Authorize the Clerk of the Commission, the General Manager and other Authorized Officers to execute such documents as may be necessary to proceed with the transaction authorized above, subject to approval of the City Attorney as to form and legality, and to take such other actions as may be necessary or advisable to proceed with the issuance of the Series C CP Notes in accordance with this City Commission authorization.

This Matter was Approved as Recommended on the Consent Agenda.

CITY ATTORNEY, CONSENT AGENDA ITEMS

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

070993. Resignation of Public Recreation and Parks Board Member Paula Pringle (B)

RECOMMENDATION *The City Commission accept the resignation of Paula Pringle from the Public Recreation and Parks Board Member effective immediately and extends its appreciation for her services.*

This Matter was Approved as Recommended on the Consent Agenda.

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE, CONSENT

070977. City of Gainesville Fiscal Year 2007 Audited Financial Statements, Auditors' Reports, Auditors' Management Letters and Single Audit Reports, and Management's Written Response (B)

RECOMMENDATION *The Audit, Finance and Legislative Committee recommend that the City Commission accept the subject financial statements, auditors' reports, management letters and single audit reports; and accept management's written response.*

This Matter was Approved as Recommended on the Consent Agenda.

070981. Quarterly Financial Report - Gainesville Regional Utilities (B)

RECOMMENDATION *The Audit, Finance and Legislative Committee review and recommend that the City Commission receive the GRU Quarterly Financial Report as of December 31, 2007.*

This Matter was Approved as Recommended on the Consent Agenda.

EQUAL OPPORTUNITY COMMITTEE, CONSENT**COMMUNITY DEVELOPMENT COMMITTEE, CONSENT****070707. Public School Concurrency (B)**

The Community Development Committee referred the report on public school concurrency back to the City Commission.

RECOMMENDATION *Staff to City Commission: 1) Authorize staff to take school concurrency-related comprehensive plan amendments to the City Plan Board; and 2) remove this item from the referral list.*

Community Development Committee to the City Commission: 1) Refer this item to the City Commission and authorize staff to take school concurrency-related comprehensive plan amendments to the City Plan Board; and 2) 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 Mayor-Commissioner Pro Tem Bryant, 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: Jack Donovan, Scherwin Henry, Edward Braddy, Rick Bryant and Pegeen Hanrahan
Absent: Jeanna Mastrodicasa and Craig Lowe

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS**END OF CONSENT AGENDA**

ADOPTION OF THE REGULAR AGENDA

*Mayor-Commissioner Pro Tem Bryant moved and Commissioner Donovan seconded to adopt the Regular Agenda with the following modifications.
(VOTE: 5-0, Commissioners Lowe and Mastrodicasa - Absent, MOTION CARRIED)*

MODIFICATIONS:

- 1. File #070985 - Presentation on Parks, Recreation and Cultural Affairs Department - (Additional back-up submitted - Power Point).*
- 2. File #070776 - (New Recommendation) Amendment to Land Development Code - Sign Regulations - (Continue to the March 24, 2008 Regular City Commission Meeting).*
- 3. File #070996 - (New Recommendation) One Stop Meeting - (Schedule for April 3, 2008 @ 6:00 PM).*
- 4. New Item from the City Attorney - Ralph Dunne vs. Board of Adjustment - (Banana Planet Stipulation Agreement) (Case No. 01-2005-CA-003978).*

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

CITY MANAGER

070985. Presentation on Parks, Recreation and Cultural Affairs Department (NB)

This is a presentation to the City Commission on the Parks, Recreation and Cultural Affairs Department including: 1) vision and goals, 2) recent accomplishments and 3) FY 2007/2008 reorganization.

Parks, Recreation and Cultural Affairs Director Steve Phillips and Recreation Manager Shannon Keleher gave presentations.

Chair Hanrahan recognized Gainesville Sports Organizing Committee Executive Director Jack Hughes who spoke to the matter.

RECOMMENDATION *The City Commission hear a presentation from staff.*

Alternative Recommendation: The City Commission refer this to the Recreation, Cultural Affairs and Public Works Committee for review.

Heard

GENERAL MANAGER FOR UTILITIES**CITY ATTORNEY****071006. Ralph Dunne vs. Board of Adjustment, City of Gainesville (Banana Planet) (B)
Circuit Court Case No. 01-2005-CA-003978
District Court of Appeal Case No. 1D0817**

Assistant City Litigation Attorney Daniel Nee gave a presentation.

MOTION (AMENDMENT): 1) Agreed to the stipulated settlement; 2) agreed to splitting the court costs; and 3) required that the property be maintained consistent with the City's Codes and that the graffiti (on the wooden fence) be removed.

RECOMMENDATION *The City Commission: 1) Approve the terms of the Stipulation that resolves all issues concerning the nonconforming use of property located at 3 NW 24th Street, Gainesville, Florida; and 2) authorize the City Attorney to settle the claim on behalf of the City.*

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

Votes: Aye: Jack Donovan, Scherwin Henry, Edward Braddy, Rick Bryant and Pegeen Hanrahan
Absent: Jeanna Mastrodicasa and Craig Lowe

CITY AUDITOR**EQUAL OPPORTUNITY DIRECTOR****COMMITTEE REPORTS (PULLED FROM CONSENT)****RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE****PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE****PUBLIC SAFETY COMMITTEE****AUDIT, FINANCE AND LEGISLATIVE COMMITTEE****ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)**

OUTSIDE AGENCIES**MEMBERS OF THE CITY COMMISSION****070996. Mayor Pegeen Hanrahan - One Stop Meeting (NB)**

RECOMMENDATION *The City Commission schedule a special meeting regarding the One Stop Center on Thursday, April 3, 2008 at 6:00 PM.*

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

Votes: Aye: Jack Donovan, Scherwin Henry, Edward Braddy, Rick Bryant and Pegeen Hanrahan
Absent: Jeanna Mastrodicasa and Craig Lowe

COMMISSION COMMENTS (if time available)**Commissioner Scherwin Henry**

1. *Potential Development near Ironwood - Robert Simensky.*
2. *Noise Study from Airport.*
2. *Closed Landfill at the 39th Avenue Compound.*
3. *39th Avenue Public Works Compound issues.*

RECESS - 3:09 PM**RECONVENE - 5:37 PM****PLEDGE OF ALLEGIANCE (5:30pm)****PROCLAMATIONS/SPECIAL RECOGNITIONS****070951. APWA National Accreditation Award to Public Works (NB)**

This item involves presentation of the plaque by the American Public Works Association to the City of Gainesville, Florida, Department of Public Works, in recognition as an Accredited Public Works Agency.

Public Works Director Teresa Scott and President Elect, American Public Works Association Noel Thompson gave presentations.

RECOMMENDATION *Recommended Motion: The City Commission: 1) receive the plaque presented by Mr. Noel Thompson, President Elect,*

American Public Works Association, in recognition of the City of Gainesville Department of Public Works as an Accredited Public Works Agency.

Heard

070989. Ambassador of Special Olympics (NB)

RECOMMENDATION

The City Commission recognize Mary Womble as Ambassador of Special Olympics for Alachua County.

Heard

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

Walter Willard

Various Issues

Theodore McLeod

GPD Issues.

Jerry Williamson

- 1. Public Works Compound.*
- 2. GPD Issues.*

Sara Gaithers

RTS Issues.

Pat Fitzpatrick

- 1. Freedom of speech.*
- 2. Veterans Issues.*

Dian Deevey

Biomass Plant Decision.

David Harlos

Energy Issues.

Harald Kegelmann

Energy Issues.

PUBLIC HEARINGS

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

061163. EQUAL OPPORTUNITY POLICY REVISIONS (B)

Ordinance No. 0-07-98

An ordinance of the City of Gainesville, Florida, relating to Equal Opportunity; adopting the amended Policy Statement; adopting the amended Charter Officers' Duties Related to Equal Opportunity Policy; adopting the amended Discrimination, Harassment and Conduct Policy; adopting the amended Retaliation Policy; adopting the amended Disability Policy; adopting the amended Equal Employment Opportunity Policy; and adopting the amended Equal Opportunity Complaint Policy; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Equal Opportunity director Jimmie Williams gave a presentation.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

Votes: Aye: Jack Donovan, Edward Braddy, Rick Bryant and Pegeen Hanrahan
Absent: Jeanna Mastrodicasa, Craig Lowe and Scherwin Henry

070622. PLANNED DEVELOPMENT - ARCHER SQUARE (B)

Ordinance No. 0-07-114, Petition No. 97PDA-07PB

An Ordinance of the City of Gainesville, Florida; amending the Planned Development that was originally approved by Alachua County, formerly known as "Winn Dixie", located in the vicinity of 3501 Southwest Archer Road; adopting a new Development Plan and superseding the Development Plan approved by Alachua County, as more specifically provided in this ordinance; providing for the construction, use, and operation of a maximum 100,000 square-foot retail establishment to be known as the Archer Square Planned Development; adopting new development plan maps and a new planned development report; adopting new conditions and restrictions; providing for penalties; 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 Bryant, seconded by Commissioner Braddy, that this matter be Adopted on First Reading (Ordinance). The motion carried by the following vote:

Votes: Aye: Jack Donovan, Edward Braddy, Rick Bryant and Pegeen Hanrahan
Absent: Jeanna Mastrodicasa, Craig Lowe and Scherwin Henry

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

070763. PLANNED DEVELOPMENT AMENDMENT - MAGNOLIA PARKE PD (B)

Ordinance No. 0-08-02, Petition No. 128PDV-07PB

An Ordinance of the City of Gainesville, Florida; amending the Planned Development commonly known as "Magnolia Parke PD", located in the vicinity of 4700 block of Northwest 39th Avenue; by amending City of Gainesville Ordinance Nos. 960941 and 991285 and extending the term of the final development order associated with this Magnolia Parke Planned Development; 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 Bryant, seconded by Commissioner Braddy, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:

Votes: Aye: Jack Donovan, Edward Braddy, Rick Bryant and Pegeen Hanrahan
Absent: Jeanna Mastrodicasa, Craig Lowe and Scherwin Henry

070776. AMENDMENT TO LAND DEVELOPMENT CODE - SIGN REGULATIONS (B)

Ordinance No. 0-07-87

An ordinance of the City of Gainesville, Florida, amending the Sign Regulations of the Land Development Code; amending § 30-315 by adding an objective; amending § 30-316 providing conditions when signs are allowed on public property and rights-of-way without a permit; amending prohibited signs and signs that are exempt; allowing signs on hospital grounds under certain conditions; allowing flags or insignia under certain conditions; allowing substitution of non-commercial messages for commercial messages; providing clarification; amending § 30-317 relating to regulations and conditions for temporary signs; amending § 30-318 by revising the conditions and restrictions relating to permanent identification signs and structures for non-residential uses in residential districts and adding regulations for flags and flagpoles; repealing § 30-319 relating to restrictions on political signs; repealing § 30-320 relating to time and temperature devices; amending § 30-322 providing when permits are required; amending § 30-323 by adopting procedures for the processing of permits and appeals; amending § 30-326 by authorizing the removal of unauthorized signs in the right-of-way; adding section 30-327 relating to

severability; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

RECOMMENDATION *The City Commission continue this ordinance to March 24, 2008.*

A motion was made by Mayor-Commissioner Pro Tem Bryant, seconded by Commissioner Donovan, that this matter be Continued (2nd Reading) for March 24, 2008. The motion carried by the following vote:

Votes: Aye: Jack Donovan, Edward Braddy, Rick Bryant and Pegeen Hanrahan
Absent: Jeanna Mastrodicasa, Craig Lowe and Scherwin Henry

RESOLUTIONS- ROLL CALL REQUIRED

070986. Dedication of Loblolly Woods for the Use and Benefit of the General Public (B)

This item involves the approval of a Resolution, dedicating Loblolly Woods, to the public in perpetuity as an outdoor recreation area for the use and benefit of the general public.

RECOMMENDATION *Recommended Motion: The City Commission adopt the resolution dedicating Loblolly Woods to the public in perpetuity as an outdoor recreation area for the use and benefit of the general public, subject to approval by the City Attorney as to form and legality.*

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

Votes: Aye: Jack Donovan, Edward Braddy, Rick Bryant and Pegeen Hanrahan
Absent: Jeanna Mastrodicasa, Craig Lowe and Scherwin Henry

PLAN BOARD PETITIONS

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

UNFINISHED BUSINESS

COMMISSION COMMENT

Commissioner Ed Braddy

Hatchett Creek Issues.

Attorney for Robert Simensky (Hatchett Creek Applicant) Ron Carpenter made comments.

Commissioner Rick Bryant

Auto Town Center on 39th Avenue.

Commissioner Jack Donovan

Iran Visitors - Bicycling around the United States to Promote Peace, Understanding and the Environment - Coming to Gainesville - Will be speaking at the Quaker Meeting House at 7:00 PM, Thursday, March 13, 2008.

CITIZEN COMMENT (If time available)

Walter Willard

Various Issues.

ADJOURNMENT - 6:59 PM

Kurt M. Lannon, Clerk of the Commission