

# **City of Gainesville**

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



## **Meeting Minutes**

**Thursday, January 6, 2011**

**1:00 PM**

**City Hall Auditorium**

## **City Commission**

*Mayor Craig Lowe (At Large)*

*Mayor-Commissioner Pro Tem Jeanna Mastrodicasa (At Large)*

*Commissioner Scherwin Henry (District 1)*

*Commissioner Lauren Poe (District 2)*

*Commissioner Warren Nielsen (District 3)*

*Commissioner Randy Wells (District 4)*

*Commissioner Thomas Hawkins (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: Warren Nielsen, Craig Lowe, Jeanna Mastrodicasa, Lauren Poe, Thomas Hawkins and Randy Wells  
Absent: Scherwin Henry

**INVOCATION****Prophet George Young****CONSENT AGENDA**

*Commissioner Poe moved and Commissioner Mastrodicasa seconded to adopt the Consent Agenda, as modified.*

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

*MODIFICATION: File #100619 - Appointments to City Commission Advisory Boards and Committees - (Gainesville Housing Authority) - (Remove from the agenda).*

*Mayor Lowe recognized Terrence McDavid who made comments.*

**CITY MANAGER, CONSENT AGENDA ITEMS**

**100571. Ratification of Agreement to Amend Professional Fire Fighters of Gainesville Local No. 2157 of the International Association of Fire Fighters Labor Agreement for October 1, 2009 through September 30, 2012 (B)**

**This item proposes the ratification of the amended Agreement between Professional Fire Fighters of Gainesville Local No. 2157 of the International Association of Fire Fighters and the City of Gainesville.**

**RECOMMENDATION**     *The City Commission ratifies the amended Agreement between Professional Fire Fighters of Gainesville Local No. 2157 of the International Association of Fire Fighters and the City of Gainesville for October 1, 2009 through September 30, 2012.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**100574. Settlement of Worker's Compensation Claim - Manuel Melendez Spinks (NB)**

**This item involves the full and final settlement of the indemnity portion of Manuel Melendez Spinks worker's compensation claim. The total settlement amount is \$281,150 and represents a significant cost advantage to the City of Gainesville.**

**RECOMMENDATION**

*The City Commission authorizes Special Counsel to prepare and execute the appropriate documents for a lump-sum settlement of the indemnity portion of Manuel Melendez Spinks Worker's Compensation Claim in the amount of \$281,150.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**100597. Release of Phosphate, Mineral, Metal and Petroleum Rights at Regents Park and Commerce Building (B)**

**This item requests the approval and authorization to release the phosphate, mineral, metal and petroleum rights reserved by the City on the Regents Park Condominium Phase I & Phase II properties and the Commerce Building Property.**

**RECOMMENDATION**

*The City Commission: 1) approve the release of phosphate, mineral, metal and petroleum rights pursuant to Section 270.11, Florida Statutes, for the Regents Park Condominiums Phase I and Phase II and for the Commerce Building; and 2) authorize the Mayor to execute, and the Clerk to attest a Release of same, releasing all City interests including the right of entry, in and to the phosphate, minerals, metals and petroleum, subject to approval by the City Attorney as to form and legality.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**100601. Grant Funding from the Alachua County Housing Authority for the installation of permanent supportive housing beds in the GRACE Marketplace One Stop Homeless Assistance Center (B)**

**This is a request for the City Commission to accept funding from the Alachua County Housing Authority for the installation of eight (8) permanent supportive housing beds in the GRACE Marketplace One Stop Homeless Assistance Center.**

**RECOMMENDATION**

*The City Commission: 1) accept the grant funding from the Alachua County Housing Authority in the amount of \$85,739 to provide eight (8) permanent supportive housing beds in the GRACE Marketplace One Stop Homeless Assistance Center; and 2) authorize the City Manager or his designee to accept the grant funds and execute any other necessary documents, subject to approval by 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**

**100600. GENENE BARTLEY VS. CITY OF GAINESVILLE; EIGHTH JUDICIAL CIRCUIT, CASE NO. 2010-CA-6601 (B)**

**RECOMMENDATION**      *The City Commission authorize the City Attorney to represent the City of Gainesville in the case styled Genene Bartley vs. City of Gainesville; Eighth Judicial Circuit, Case No. 2010-CA-6601.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS**

**100590. Appointments to City Commission Advisory Boards and Committees (NB)**

**RECOMMENDATION**      *The City Commission appoint the following:*

*Andrew Coffey, Student Seat, to the Board of Adjustment for a term to expire 1/6/13.*

*Anita Spring to the City Beautification Board for a term to expire 11/1/13.*

*Leslie Straub to the Nature Centers Commission for a term to expire 11/1/13.*

*Becky Rountree to the Board of Trustees of the Consolidated Police Officers' and Firefighters' Retirement Plan for a term to expire 1/14/12.*

*Ernest Brockington to the Citizens Advisory Committee for Community Development for a term to expire 11/1/13.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**100619. Appointment to Gainesville Housing Authority (NB)**

**RECOMMENDATION**      *The Mayor appoint the following:*

*Mike Powell to the Gainesville Housing Authority for a term to expire 1/6/2015.*

**Withdrawn**

**EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**

**COMMITTEE REPORTS, CONSENT AGENDA ITEMS**

**RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE, CONSENT**

**PERSONNEL & ORGANIZATIONAL STRUCTURE COMM, CONSENT**

**PUBLIC SAFETY COMMITTEE, CONSENT**

**100217. Open Container Citation Fees (B)**

**RECOMMENDATION**      *The City Commission direct the City Attorney to draft and the Clerk of the Commission to advertise the proposed change to the Open Container Ordinance.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**REGIONAL UTILITIES COMMITTEE, CONSENT**

**070718. Residential Solar Panels (NB)**

**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.**

**070255. Home Energy Rating Systems (HERS) (NB)**

**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.**

**080184. Water Conservation Policy Referral (NB)**

**RECOMMENDATION**

*The City Commission refer the issue of GRU's water conservation policy to the Regional Utilities Committee.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**Passed The Consent Agenda**

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

**Votes:** Aye: Randy Wells, Lauren Poe, Jeanna Mastrodicasa, Craig Lowe, Thomas Hawkins and Warren Nielsen

Absent: Scherwin Henry

**AUDIT, FINANCE AND LEGISLATIVE COMMITTEE, CONSENT****EQUAL OPPORTUNITY COMMITTEE, CONSENT****DISABILITY REVIEW COMMITTEE, CONSENT****COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS****END OF CONSENT AGENDA****ADOPTION OF THE REGULAR AGENDA**

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

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

**MODIFICATIONS:**

- 1. File #100612 - 2011 Legislative Agenda - (New back-up submitted).*
- 2. File #100596 - Resolution for the Memorandum of Agreement with FDOT for 13th Street Corridor and University Avenue Corridor - (Modified resolution submitted).*

*Mayor Lowe recognized Terrence McDavid and Pat Fitzpatrick who spoke to the matter.*

**CHARTER OFFICER UPDATES****CLERK OF THE COMMISSION**

**100599. Canvassing Board 2011 Election (NB)**

*MOTION: Appoint Commissioner Scherwin Henry to serve on the 2011 City of Gainesville Canvassing Board and come back to the next regular City Commission Meeting with a recommendation for the citizen member.*

**RECOMMENDATION**      *The City Commission appoint a citizen member to serve on the 2011 City of Gainesville Canvassing Board.*

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

**Votes:** Aye: Randy Wells, Lauren Poe, Jeanna Mastrodicasa, Craig Lowe, Thomas Hawkins and Warren Nielsen  
Absent: Scherwin Henry

**CITY MANAGER****100612. 2011 Federal Legislative Agenda (B)**

*MODIFICATION: Include the Stephen Foster Area Health Study in the Legislative Agenda.*

**RECOMMENDATION**      *The Commission discuss the projects and approve the proposed 2011 Federal Legislative Statement.*

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

**Votes:** Aye: Randy Wells, Lauren Poe, Jeanna Mastrodicasa, Craig Lowe, Thomas Hawkins and Warren Nielsen  
Absent: Scherwin Henry

**GENERAL MANAGER FOR UTILITIES****CITY ATTORNEY****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****100603. Dr. Mark Barrow - Matheson Museum (NB)**

*NOTE: This item was continued to the next regular City Commission Meeting (Jan 20, 2011).*

**RECOMMENDATION**      *The City Commission hear an update on the state of the Matheson Museum.*

**Continued**

**MEMBERS OF THE CITY COMMISSION****COMMISSION COMMENTS (if time available)****Commissioner Lauren Poe**

*Soil testing and clean-up in the Stephen Foster Neighborhood. See following item #100625.*

**100625. Stephen Foster Neighborhood Soil Testing (NB)**

**RECOMMENDATION**      *The City Commission authorize the Mayor to send a letter to Scott Miller of the USEPA and other interested parties including our Legislative Delegation indicating that: 1) It is the position of the City of Gainesville that the Florida State SCTL's be adhered to in the remediation; and 2) that the geographic area of delineation be stated for the residential standards.*



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

**Votes:** Aye: Randy Wells, Lauren Poe, Jeanna Mastrodicasa, Craig Lowe, Thomas Hawkins and Warren Nielsen  
Absent: Scherwin Henry

### **Commissioner Jeanna Mastrodicasa**

- 1. Joint City Commission and UF Student Senate meeting - Requested to put the issue of problems with taxi-cab service in the City of Gainesville on the agenda.*
- 2. Discuss the structure of Joint City Commission/Student Senate meeting with the Student Senate president.*
- 3. Sunday 2:00 PM - Harn Museum - Free Film "Race to Nowhere".*

### **Commissioner Randy Wells**

*Template for City Commission Internships/Fellowships.*

### **Commissioner Thomas Hawkins**

*"The New Low" - filmed in Gainesville, FL in 2008 by Adam Bowers.*

### **Mayor Craig Lowe**

*Dogs attacking other dogs. See following referral item #100624.*

#### **100624. Dog Attacks on Other Dogs (NB)**

*Mayor Lowe recognized Ramon Trujillo who spoke to the matter.*

#### **RECOMMENDATION**

*The City Commission refer the issue of dog attacks on other dogs to the Public Safety Committee to discuss the current law and perhaps consider drafting an ordinance to address the issue.*

**A motion was made by Commissioner Hawkins, seconded by Commissioner Nielsen, that this matter be Referred to the Public Safety Committee, due back on July 6, 2011. The motion carried by the following vote:**

**Votes:** Aye: Randy Wells, Lauren Poe, Jeanna Mastrodicasa, Craig Lowe, Thomas Hawkins and Warren Nielsen  
Absent: Scherwin Henry

### **RECESS - 1:37 PM**

**RECONVENE - 5:39 PM****PLEDGE OF ALLEGIANCE (5:30pm)****PROCLAMATIONS/SPECIAL RECOGNITIONS****100614. Braille Literacy Month - January 2011 (B)****RECOMMENDATION**

*Alachua County Council of the Blind President Spencer Morton, First Vice President Maxine Stalling, Second Vice President Jack Vernon, and Project Members Lenora McGowan, Mary Mehn, and Joan Miles to accept the proclamation.*

**Heard**

**100615. Mentoring Awareness Month - January 2011 (B)****RECOMMENDATION**

*City of Gainesville Office of Equal Opportunity Intern Kecia A. Johnson to accept the proclamation.*

**Heard**

**100617. Gainesville Enrichment Mentoring Program (B)****RECOMMENDATION**

*The City Commission recognize The City of Gainesville Office of Equal Opportunity Gainesville Enrichment Mentoring (GEM) Program Mentoring Coordinator (Intern) Kecia Anrio Johnson, and students Shantreal Buggs, Lincoln; Reshyria Clark, Howard Bishop; Capresha King, Lincoln; Willie Lake, Lincoln; Landon Manchester, Howard Bishop; Timothy Miles, Lincoln; and Davion Smith, Westwood, for signing contracts and are now designated as GEM Mentees.*

**Heard**

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

*Biomass Plant.*

**Gabriel Hillel**

*Butterfly City Project.*

**Harold Saive**

*Report Orange - Geo-engineering - Chemtrails.*

**Katie Walters**

*End 130 meal limit at St. Francis House.*

**Sean Larson**

*End 130 meal limit at St. Francis House.*

**Robbie Czopek**

*End 130 meal limit at St. Francis House.*

**Seth Cude**

*End 130 meal limit at St. Francis House.*

**Victoria Mayna**

*End 130 meal limit at St. Francis House.*

**Walter Willard**

*Various Issues.*

**Pat Fitzpatrick**

*Economic/Homeless Issues.*

**RESPONSE TO CITIZEN COMMENT****PUBLIC HEARINGS****RESOLUTIONS- ROLL CALL REQUIRED****100596.**

**Resolution for the Memorandum of Agreement with FDOT for 13th Street  
Corridor and University Avenue Corridor (B)**

**This item addresses the FDOT Maintenance Agreements for the 13th Street Corridor and University Avenue Corridor.**

**RECOMMENDATION**      *The City Commission adopt the Resolution.*

**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: Randy Wells, Lauren Poe, Jeanna Mastrodicasa, Craig Lowe, Thomas Hawkins and Warren Nielsen  
Absent: Scherwin Henry

## **ORDINANCES, 1ST READING- ROLL CALL REQUIRED**

### **100537.            FUEL ADJUSTMENT (B)**

**AN ORDINANCE AMENDING CHAPTER 27 UTILITIES, GAINESVILLE CODE OF ORDINANCES; AMENDING SECTION 27-21 BY ADDING THE DEFINITION OF EXTRAORDINARY FUEL RELATED EXPENSES; PROVIDING A REPEALING CLAUSE; PROVIDING DIRECTIONS TO THE CODIFIER; PROVIDING A SEVERABILITY CLAUSE; AND, PROVIDING AN EFFECTIVE DATE.**

**RECOMMENDATION**      *The City Commission adopt the proposed ordinance.*

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

**Votes:** Aye: Randy Wells, Lauren Poe, Jeanna Mastrodicasa, Craig Lowe, Thomas Hawkins and Warren Nielsen  
Absent: Scherwin Henry

## **ORDINANCES, 2ND READING- ROLL CALL REQUIRED**

### **PLAN BOARD PETITIONS**

### **DEVELOPMENT REVIEW BOARD PETITIONS**

### **SCHEDULED EVENING AGENDA ITEMS**

### **UNFINISHED BUSINESS**

### **COMMISSION COMMENT**

**City Manager Russ Blackburn**

*Employee Pension Plan.*

**Commissioner Warren Nielsen**

*General comments.*

**CITIZEN COMMENT (If time available)**

**Walter Willard**

*Various Issues.*

**ADJOURNMENT - 6:44 PM**

---

Kurt M. Lannon, Clerk of the Commission