

City of Gainesville

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



Meeting Minutes

Thursday, May 20, 2010

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 Jack Donovan (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 - 2:02 PM

ROLL CALL

Present: Craig Lowe, Jack Donovan, Jeanna Mastrodicasa, Scherwin Henry, Lauren Poe, Thomas Hawkins and Randy Wells

INVOCATION

The City Commission observed a moment of silence.

CONSENT AGENDA

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

(VOTE: 7-0, MOTION CARRIED)

MODIFICATIONS:

1. File #090912 - Ranking of Firms for Construction of the City of Gainesville Fire Station #8 and NW 42nd Avenue Roadway - (Remove from the agenda).

2. File #090906 - Final Written Order - Appeal of Preliminary Development Plan approval for the Highway 441 Super Wal-Mart - (Remove from the Consent Agenda and place on the Regular Agenda for discussion).

CITY MANAGER, CONSENT AGENDA ITEMS

090912. Ranking of Firms for Construction of the City of Gainesville Fire Station 8 and NW 42nd Ave Roadway (B)

This is a request for the City Commission to approve staff's ranking of the firms as listed below for construction of the City of Gainesville Fire Station 8 and NW 42nd Avenue Road and direct the City Manager to negotiate and execute a contract and any subsequent amendments with the first ranked firm. If a contract cannot be executed with the first ranked firm negotiations will continue with the next ranked firm until a contract can be executed.

RECOMMENDATION

The City Commission approve staff's recommended ranking of the Firms and authorize the City Manager to negotiate and execute a contract and any subsequent amendments with the first ranked firm. If a contract cannot be executed with the first ranked firm negotiations will continue with the next ranked firm until a contract can be executed.

Alternative Recommendation: The City Commission not

approve staff's recommended ranking.

Withdrawn

090970. Purchase of Vehicle Detection and Traffic Signal Equipment (B)

This item is a request to purchase vehicle detection and traffic signal equipment from Temple, Inc. for the replacement and repair of vehicle detection systems at traffic signals in the amount not to exceed \$250,000. This equipment is also related to the Traffic Management System.

RECOMMENDATION *The City Commission: 1) approve the purchase of the vehicle detection and traffic signal equipment from Temple, Inc.; and 2) authorize the City Manager to execute all necessary documents and purchases of this equipment 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.

090995. Human Resources: Policy C-3, Changes in Employee Status Affecting Pay and Policy L-8, Military Leave (B)

RECOMMENDATION *Approve Policies C-3, Changes in Employee Status Affecting Pay and L-8, Military Leave.*

This Matter was Approved as Recommended on the Consent Agenda.

091016. State LECFTF Funding for the Summer HeatWave 2010 Program (NB)

RECOMMENDATION *City Commission approve the use of State Law Enforcement Contraband Forfeiture Trust Funds not to exceed \$10,000 to support the Summer HeatWave 2010 Program.*

Alternate Recommendation: Deny funding which will result in the Summer HeatWave 2010 Program being cancelled or scaled back greatly.

This Matter was Approved as Recommended on the Consent Agenda.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

CITY ATTORNEY, CONSENT AGENDA ITEMS

091017. GAINESVILLE JOB CORPS CENTER FINAL SETTLEMENT AGREEMENT AND FINAL CONSENT ORDER (B)

RECOMMENDATION *The City Commission: 1) approve the terms and conditions of the Settlement Agreement and the Consent Order and; 2) authorize the City Attorney to execute the Agreement and Order on behalf of the City of Gainesville.*

This Matter was Approved as Recommended on the Consent Agenda.

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

091019. City Commission Minutes (B)

RECOMMENDATION *The City Commission approve the minutes of April 26, 2010, April 29, 2010, May 4, 2010 and May 6, 2010, as circulated.*

This Matter was Approved as Recommended on the Consent Agenda.

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE, CONSENT

090855. Johnson Stinson - Citizen Comment - Request to Name the Basketball Courts at Westside Park the Sidney Davis Martin, Jr. Memorial Basketball Courts (B)

This item involves a referral by the City Commission to the Recreation, Cultural Affairs and Public Works Committee regarding the naming of the basketball courts at Albert "Ray" Massey Westside Park after the late Sid Martin, Jr.

RECOMMENDATION *The City Commission approve the naming of the basketball courts at Albert "Ray" Massey Westside Park in honor of the late Sid Martin, Jr. as the "Sidney Davis Martin, Jr. Memorial Basketball Courts" and remove this item for the Recreation, Cultural Affairs and Public Works Committee Referral list.*

This Matter was Approved as Recommended on the Consent Agenda.

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

091001. Depot Park Program - Approval of Depot Park Implementation Documents (B)

This item requests approval of four implementation documents related to the construction of Depot Park, which were approved by the Community Redevelopment Agency on April 19, 2010.

RECOMMENDATION

City Manager to the City Commission: Recommend approval of the following documents: 1) the 90% Depot Park Master Plan Graphic dated March 17, 2010; 2) the Depot Park Design and Technical Standards dated February, 2010; 3) the Depot Park Phase 1 30% Design Development plans dated March 26, 2010; and 4) 95% Depot Building Rehabilitation Plans dated April 15, 2010.

This Matter was Approved as Recommended on the Consent Agenda.

Passed The Consent Agenda

A motion was made by Commissioner Hawkins, 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: Randy Wells, Jeanna Mastrodicasa, Thomas Hawkins, Jack Donovan, Lauren Poe, Scherwin Henry and Craig Lowe

END OF CONSENT AGENDA**ADOPTION OF THE REGULAR AGENDA**

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

(VOTE: 6-0, Lauren Poe - Absent, MOTION CARRIED)

MODIFICATION: File #091056 - NEW ITEM - Energy Efficiency Behavior Change Project - (Add to the agenda under General Manager for Utilities).

CHARTER OFFICER UPDATES**CLERK OF THE COMMISSION****CITY MANAGER****GENERAL MANAGER FOR UTILITIES****091056. Energy Efficiency Behavior Change Project (B)**

Gainesville received Energy Efficiency Conservation Block Grant stimulus funding to do numerous projects. One project approved for funding was the behavior modification project using Home Energy Reports.

GRU Account Representative Bill Shepherd gave a presentation.

MOTION (REFERRAL): Thank GRU staff for bringing this program forward and refer the issue of rebates or other incentives for window replacement to the Regional Utilities Committee (RUC). See following item #100008.

Mayor Lowe recognized Rob Brinkman and Armando Grundy who spoke to the matter.

RECOMMENDATION *The City Commission hear a brief presentation from staff on how the Home Energy Reports will be distributed and the performance tracked during the project.*

A motion was made by Commissioner Donovan, seconded by Commissioner Poe, that this matter be Discussed. The motion carried by the following vote:

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

100008. Rebates/Incentives for Window Replacement (NB)

RECOMMENDATION *The City Commission refer the issue of offering rebates or other incentives for window replacement to the Regional Utilities Committee.*

A motion was made by Commissioner Donovan, seconded by Commissioner Poe, that this matter be Referred to the Regional Utilities Committee, due back on November 20, 2010. The motion carried by the following vote:

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

CITY ATTORNEY

NOTE: File #091056 - Final Written Order - Appeal of Preliminary Development Plan approval for the Highway 441 Super Wal-Mart - (Moved to the evening portion of the agenda).

*MOTION: Commissioner Donovan moved and Commissioner Hawkins seconded to move File #0901056 to the evening portion of the agenda.
(VOTE: 7-0, MOTION CARRIED)*

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)**ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)****OUTSIDE AGENCIES****MEMBERS OF THE CITY COMMISSION****091031. Mayor Craig Lowe - Committee Assignments (B)**

MODIFICATION: Economic Development University Community - Change Chair from Poe to Wells and change Member from Wells to Poe - Please see attached assignment sheet.

RECOMMENDATION *The City Commission confirm the Mayor's committee assignments.*

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

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

COMMISSION COMMENTS (if time available)**Commissioner Lauren Poe**

Facilities to plug in electric cars - See following referral item #100000.

100000. Facilities for Electric Car Plug-In (NB)

RECOMMENDATION *The City Commission refer the issue of providing facilities for electric car plug-in to the Regional Utilities Committee.*

A motion was made by Commissioner Poe, seconded by Commissioner Hawkins, that this matter be Referred to the Regional Utilities Committee, due back on November 20, 2010. The motion carried by the following vote:

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

Commissioner Jeanna Mastrodicasa

Tourist Development Council - Update on Projects.

Commissioner Jack Donovan

1. *Transfer of Development Rights - See following referral to the Community Development Committee - File #100001.*
2. *Food Stamp Program - See following referral to the Community Development Committee #100002.*
3. *Trees along Williston Rd - Armando Grundy spoke to the matter.*

100001. Transfer of Development Rights (NB)

RECOMMENDATION *The City Commission refer the issue of the Transfer of Development Rights and identification of receiving areas to the Community Development Committee.*

A motion was made by Commissioner Donovan, seconded by Commissioner Wells, that this matter be Referred to the Community Development Committee. The motion carried by the following vote:

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

100002. Food Stamp Program (NB)

RECOMMENDATION *The City Commission refer the issue of the City assisting in helping needy people sign up for food stamps to the Community Development Committee.*

A motion was made by Commissioner Donovan, seconded by Commissioner Wells, that this matter be Referred to the Community Development Committee, due back on November 20, 2010. The motion carried by the following vote:

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

NOTE: Commissioner Hawkins left the meeting room at 3:03 PM.

Commissioner Scherwin Henry

1. *Pine Ridge Apartments on NW 34th Street - Solutions for the community.*

RECESS - 3:12 PM**RECONVENE - 5:30 PM****PLEDGE OF ALLEGIANCE (5:30pm)**

PROCLAMATIONS/SPECIAL RECOGNITIONS**091020. Memorial Day - May 31, 2010 (B)**

RECOMMENDATION *Gainesville Detachment of the Marine Corp League World War II Veteran Bob Gasche to accept the proclamation.*

Heard

091021. Clair C. Chaffin Day - June 8, 2010 (B)

RECOMMENDATION *Veterans of Alachua County and National Veterans Groups Marine Corpsmen Second Class Clair C. Chaffin, Iwo Trio Member Kathy Dow, and Gainesville Detachment of the Marine Corp League World War II Veteran Bob Gasche to accept the proclamation.*

Heard

091022. Emergency Medical Services Week - May 16-22, 2010 (B)

RECOMMENDATION *Gainesville Fire Rescue Special Operations Chief Don Sessions to accept the proclamation.*

Heard

091023. National Public Works Week - May 16-22, 2010 (B)

RECOMMENDATION *City of Gainesville Public Works Department Director Teresa Scott, P.E. to accept the proclamation.*

Heard

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

Citizen's Police Review Board.

James Schmidt

Citizen's Police Review Board.

Joe Bishop

Citizen's Police Review Board.

Andrea Costello

Citizen's Police Review Board.

Katy DeBriere

Citizen's Police Review Board.

Kali Blount

Citizen's Police Review Board.

Dr. Michael Bowie

Citizen's Police Review Board.

Patrick Crotty

Citizen's Police Review Board.

Tom for Jerry Rivera

Citizen's Police Review Board.

Neil Chonin

Citizen's Police Review Board.

Jose Soto

Citizen's Police Review Board.

Veronica Musa

Citizen's Police Review Board.

Frank Blankenship

Citizen's Police Review Board.

Rod Gonzalez

Citizen's Police Review Board.

Laurie Newsome

Opposition of Citizen's Police Review Board.

John Davies

Citizen's Police Review Board.

Jeremiah Tattersall

Citizen's Police Review Board.

Pat Fitpatrick

130 Meal Limit at St. Francis House.

Jeff McAdams

Opposition of a Citizen's Police Review Board.

Rod Zeller

Opposition of a Citizen's Police Review Board.

Katy Walters

Citizen's Police Review Board.

Richard Melon

Citizen's Police Review Board.

Armando Grundy

Gainesville Police Department.

Joe Sinker

Citizen's Police Review Board.

James Smith

Citizen's Police Review Board.

Sharon Birney

Citizen's Police Review Board.

Gabriel Hillel

- 1. Butterfly City Logo - See Following File #100009.*
- 2. Citizens Police Review Board.*

100009. Citizen Comment - Gabriel Hillel - Butterfly City Logo (B)

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

Placed on File

Response to Citizen Comment**100003. Police Review Board (NB)**

RECOMMENDATION *The City Commission refer the question of a Police Review Board to the Public Safety Committee to investigate.*

A motion was made by Commissioner Donovan, seconded by Commissioner Henry, that this matter be Referred to the Public Safety Committee, due back on November 20, 2010. The motion carried by the following vote:

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

PUBLIC HEARINGS**RESOLUTIONS- ROLL CALL REQUIRED****ORDINANCES, 1ST READING- ROLL CALL REQUIRED****090487. REZONING – 4306 AND 4322 NW 13TH STREET (B)**

Ordinance No. 0-09-76, Petition No. PB-09-120ZON
An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property within the City, as more specifically described in this Ordinance, from “BUS: General business district” to “BA:

Automotive-oriented business district”; located in the vicinity of 4306 and 4322 Northwest 13th Street; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Planner Jason Simmons gave a presentation.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

PLAN BOARD PETITIONS

DEVELOPMENT REVIEW BOARD PETITIONS

UNFINISHED BUSINESS

090906. FINAL WRITTEN ORDER - APPEAL OF PRELIMINARY DEVELOPMENT PLAN APPROVAL FOR THE HIGHWAY 441 SUPER WAL-MART (B)

Final Order of the City of Gainesville, Florida In The Matter of Appeal of Preliminary Development Plan Approval granted by the Development Review Board for the Highway 441 Super Wal-Mart; Legistar No. 090906; Petition No. DB-10-6

Mayor Lowe recognized Armando Grundy and Attorney for the Petitioner Karl Sanders who spoke to the matter.

RECOMMENDATION *The City Commission authorize the Mayor and Clerk of the Commission to execute the Final Order.*

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

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

SCHEDULED EVENING AGENDA ITEMS

091007. Progress Report on Comprehensive Plan Evaluation and Appraisal Report (B)

Planning and Development Services Director Erik Bredfeldt, Chief of Comprehensive Planning Dean Mimms, Concurrency Management Planner Onelia Lazzari, Planner Jason Simmons, and Historic Preservation Planner Darlene Henrichs gave presentations.

RECOMMENDATION

Staff to City Commission - the Commission hear a presentation by Planning staff regarding the progress of the Evaluation and Appraisal Report, and provide feedback and direction on any comprehensive plan issues and the draft EAR Report chapters on the Historic Preservation, Recreation, Cultural Affairs, and Intergovernmental Coordination Elements.

Heard

COMMISSION COMMENT**Commissioner Jeanna Mastrodicasa**

Dream Act Resolution.

CITIZEN COMMENT

There were no citizens who wished to speak.

ADJOURNMENT - 9:30 PM

Kurt M. Lannon, Clerk of the Commission