

# **City of Gainesville**

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



## **Meeting Minutes**

**Thursday, January 19, 2012**

**1:00 PM**

**City Hall Auditorium**

## **City Commission**

*Mayor Craig Lowe (At Large)  
Mayor-Commissioner Pro Tem Thomas Hawkins (At Large)  
Commissioner Scherwin Henry (District 1)  
Commissioner Todd Chase (District 2)  
Commissioner Susan Bottcher (District 3)  
Commissioner Randy Wells (District 4)  
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 - 1:10 PM

## ROLL CALL

Present: Jeanna Mastrodicasa, Scherwin Henry, Thomas Hawkins, Randy Wells, Todd Chase and Susan Bottcher  
Absent: Craig Lowe

## INVOCATION

*The City Commission observed a moment of silence and during the moment of silence, Commissioner Randy Wells read a letter from a UF student into the record.*

## CONSENT AGENDA

*MOTION: A motion was made by Commissioner Henry, seconded by Commissioner Mastrodicasa to adopt the Consent Agenda, as modified.  
(VOTE: 4-0, Commissioner Bottcher, Commissioner Chase and Mayor Lowe - Absent, MOTION CARRIED)*

*MODIFICATION: File #110632 - Request to Waive Probationary Period of New City Plan Board Member Peter Johnson - (Add to the Consent Agenda under City Manager).*

## CITY MANAGER, CONSENT AGENDA ITEMS

### 110385. Rental Rehabilitation Grant and City Loan to KBR Investments (NB)

**This item involves a request for the City Commission to consider the approval of loan financing for the rehabilitation of a rental housing project to provide affordable housing to very low and low-income tenant households.**

**RECOMMENDATION**      *The City Commission: 1) approve the award of a \$39,000 Rental Rehabilitation Due-on-Sale loan; plus soft costs and closing costs associated with the project; 2) approve the \$20,000 loan with a 3% interest rate and 10-year term; and 3) authorize the Housing & Community Development Division to execute all necessary grant and loan closing documents, subject to approval by the City Attorney as to form and legality.*

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

### 110632. Request to Waive Probationary Period of New City Plan Board Member Peter Johnson (B)

**RECOMMENDATION**      *Staff to City Commission - Waive the 60-day probationary period for new Plan Board Member Peter Johnson, based on his qualifications from previous service on the Gainesville Alachua County Regional Airport Authority, in accord with Sec. 30-353(a) 5c. of the Land Development Code.*

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

## **GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS**

### **110627.            Contract for Financial Advisor Services (NB)**

**Staff recommends establishing a contract with Public Financial Management, Inc. for the Utility's financial advisor services.**

**RECOMMENDATION**      *The City Commission: 1) authorize the General Manager, or his designee, to negotiate and execute a five year contract with Public Financial Management, Inc., a specified source, for financial advisory services, subject to the approval of the City Attorney as to form and legality; and 2) approve the issuance of purchase orders to Public Financial Management in amounts not exceeding budgeted amounts for these services for each year of the contract, subject to final appropriation of funds for each year of the contract.*

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

## **CITY ATTORNEY, CONSENT AGENDA ITEMS**

### **110611.            RICHARD AYCOX VS. CITY OF GAINESVILLE, NORTHERN DISTRICT OF FLORIDA CASE NO.: 10-CV-00051-SPM-GRJ (B)**

**RECOMMENDATION**      *The City Commission authorize the City Attorney and/or special counsel to represent the City in the case styled Richard Aycox vs. the City of Gainesville; Northern District of Florida Case No.: 10-cv-00051-SPM-GRJ*

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

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

## **EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**

## **COMMITTEE REPORTS, CONSENT AGENDA ITEMS**

**COMMUNITY DEVELOPMENT COMMITTEE, CONSENT****100668. Vehicle Parking in Multi-Family Residential Zoning Districts within the University Context Area (B)**

**This item was referred by the City Commission to the Community Development Committee to review the issue of vehicle parking conditions on private property located in Multi-Family residential zoning districts.**

**RECOMMENDATION**      *The Community Development Committee to the City Commission: 1) receive the recommended regulation for vehicle parking in Multi-Family residential zoning districts within the University Context Area and 2) direct staff to submit a petition to the Plan Board.*

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

**Passed The Consent Agenda**

**A motion was made by Commissioner Henry, seconded by Commissioner 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, Jeanna Mastrodicasa, Scherwin Henry and Thomas Hawkins  
Absent: Craig Lowe, Todd Chase and Susan Bottcher

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

*MOTION: A motion was made by Commissioner Henry and seconded by Commissioner Mastrodicasa to adopt the Regular Agenda, as modified, including waiving the rules.*

*(VOTE: 4-0, Commissioner Bottcher, Commissioner Chase and Mayor Lowe - Absent, MOTION CARRIED)*

*1. File #110436 - Promise Neighborhood Initiative - (Remove from the agenda and place on the February 16, 2012 agenda).*

*2. File #100897 - Rezoning - Planned Development - (New ppt. submitted from the applicant).*

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

**CITY MANAGER**

**GENERAL MANAGER FOR UTILITIES**

**CITY ATTORNEY**

**CITY AUDITOR**

**EQUAL OPPORTUNITY DIRECTOR**

**COMMITTEE REPORTS (PULLED FROM CONSENT)**

**EQUAL OPPORTUNITY COMMITTEE**

**110436. Promise Neighborhood Initiative (B)**

*NOTE: Withdrawn and rescheduled for February 16, 2012.*

**RECOMMENDATION**      *The City Commission 1) hear a presentation from the UF Family Data Center and 2) take action deemed appropriate.*

**Withdrawn**

**ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)**

**OUTSIDE AGENCIES**

**MEMBERS OF THE CITY COMMISSION**

**COMMISSION COMMENTS (if time available)**

**Commissioner Jeanna Mastrodicasa**

*Businesses downtown interested in lighting downtown - See following referral item #110657.*

**110657. Downtown Business Lighting for Aesthetics and Safety (NB)**

*This item was also placed on the Community Redevelopment Agency's (CRA) referral*

*list.*

**RECOMMENDATION**      *The City Commission refer the issue of downtown business lighting for aesthetics and safety to City staff and the CRA.*

**A motion was made by Commissioner Mastrodicasa, seconded by Commissioner Henry, that this matter be Referred to the City Manager, due back on July 19, 2012. The motion carried by the following vote:**

**Votes:** Aye: Randy Wells, Jeanna Mastrodicasa, Scherwin Henry and Thomas Hawkins  
Absent: Craig Lowe, Todd Chase and Susan Bottcher

### **Commissioner Scherwin Henry**

- 1. Dr. Martin Luther King, Jr., Celebration - Thanks for the City's support.*
- 2. Lighting at Cone Park.*

### **Commissioner Randy Wells**

*Commissioner Wells gave a presentation regarding Dr. Martin Luther King, Jr.'s birthplace in Atlanta and the celebration of his life (slide presentation).*

*NOTE: Commissioner Chase and Commissioner Bottcher entered the meeting room at 1:21 PM.*

### **Commissioner Susan Bottcher**

*Elections Issues - (See following referral item #110659).*

### **110659. City of Gainesville Elections - Expanded Examination of Several Issues (NB)**

**RECOMMENDATION**      *The City Commission refer to the Audit, Finance and Legislative Committee the issue of examining all facets of the City of Gainesville election systems and process including dates, terms, term limits and other issue relating to elections.*

**A motion was made by Commissioner Bottcher, seconded by Commissioner Wells, that this matter be Referred to the Audit, Finance and Legislative Committee, due back on July 19, 2012. The motion carried by the following vote:**

**Votes:** Aye: Randy Wells, Jeanna Mastrodicasa, Scherwin Henry, Todd Chase, Susan Bottcher and Thomas Hawkins  
Absent: Craig Lowe

### **Commissioner Todd Chase**

*Home invasion/beating death of Mr. Paul Quandt.*

### **Mayor-Commissioner Pro Tem Thomas Hawkins**

1. Cotton Club, Pleasant Street Historic Society, A. Quinn Jones, Matheson Museum, fundraising.

2. Cone Park Completion - Ribbon Cutting.

## **RECESS - 2:22 PM**

## **RECONVENE - 5:55 PM**

*NOTE: Commissioner Henry was not present when the evening portion of the meeting convened.*

## **PLEDGE OF ALLEGIANCE (5:30pm)**

## **PROCLAMATIONS/SPECIAL RECOGNITIONS**

### **110617. Children's Alliance Celebration Day - January 28, 2012 (B)**

RECOMMENDATION      *Alachua County Children's Alliance Board Member Gordon Tremain to accept the proclamation.*

**Heard**

### **110618. Children's Week - January 29 - February 4, 2012 (B)**

RECOMMENDATION      *Early Learning Coalition of Alachua County CEO Gordon Tremaine to accept the proclamation.*

**Heard**

## **CITIZEN COMMENT**

### **Gabriel Hillel**

*Political issues.*

### **John Davies**

*Political issues.*

### **Steven Clark**

1. *East Gainesville Food Lion closed.*

2. *Political Campaigning on Dr. Martin Luther King, Jr., Day.*

**Debbie Martinez**

*Biomass Plant - Electric Bills.*

**Pat Fitzpatrick**

*Homeless Issues.*

**Response to Citizen Comment**

**PUBLIC HEARINGS**

**RESOLUTIONS- ROLL CALL REQUIRED**

**ADOPTION READING-ROLL CALL REQUIRED**

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

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

**100897. REZONING - PLANNED DEVELOPMENT (B)**

**Ordinance No. 100897, Petition No. PB-11-08 PDV**

**An Ordinance of the City of Gainesville, Florida; rezoning certain lands within the City, as more specifically described in this ordinance; by amending the Zoning Map Atlas to change the zoning districts from "General business district (BUS)", "Automotive-oriented business district (BA)", "Mixed use low intensity district (MU-1)" and "Residential low density district (RMF-5)" to "Planned Development (PD)" on certain property located at 303 Northwest 13th Street, 1249 and 1227 Northwest 4th Avenue commonly referred to as "Gainesville Mixed-Use on NW 13th Street PD"; adopting a development plan report and development plan maps; providing conditions, restrictions and regulations; providing for enforcement; providing a severability clause; and providing an effective date.**

*Agent for the Petitioner Lawrence Wright and Syad Mohammed I. Haider made comments.*

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

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



Votes: Aye: Randy Wells, Jeanna Mastrodicasa, Todd Chase, Susan Bottcher and Thomas Hawkins  
Absent: Craig Lowe and Scherwin Henry

**110505. VOLUNTARY ANNEXATION – EASTSIDE PROPERTIES (B)**

**Ordinance No. 110505**

An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area pursuant to Chapter 90-496, Special Act, Laws of Florida, as amended by Chapter 91-382 and Chapter 93, 347, Special Acts, Laws of Florida, known as the Alachua County Boundary Adjustment Act; making certain findings; including within the corporate limits of the City of Gainesville, Florida, that certain compact and contiguous area located generally in an area comprised of Tax Parcel Numbers 10890-000-000, 10889-000-000, 10889-002-000, and 10889-003-000. Tax parcel 10890-000-000 is generally located south of East University Avenue, west of the vicinity of S.E. 43rd Street, north of tax parcel 10890-002-000, and east of the Gainesville City Limits. Tax parcel 10889-000-000 is generally located south of East University Avenue, west of the vicinity of S.E. 43rd Street, north of tax parcels 16127-002-002 and 16127-002-001, and east of tax parcels 10890-000-000 and 10890-002-000. Tax parcels 10889-002-000 and 10889-003-000 are generally located south of East University Avenue, west of the vicinity of S.E. 43rd Street, north of tax parcels 16127-003-000 and 16125-001-001, and east of tax parcel 10889-000-000, as more particularly described in the ordinance; providing for inclusion of the area in Appendix I of the City Charter; providing for land use and zoning regulations; providing for persons engaged in any occupation, business, trade or profession within the area; providing directions to the City Manager and Clerk of the Commission; providing a severability clause; and providing an effective date.

*Senior Strategic Planner Lila Stewart gave a presentation.*

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

**A motion was made by Commissioner Wells, seconded by Commissioner Bottcher, that this matter be Adopted on Final Reading, as revised (Ordinance). The motion carried by the following vote:**

Votes: Aye: Randy Wells, Jeanna Mastrodicasa, Todd Chase, Susan Bottcher and Thomas Hawkins  
Absent: Craig Lowe and Scherwin Henry

**110168. COMPREHENSIVE PLAN AMENDMENT – HISTORIC PRESERVATION ELEMENT (B)**

**Ordinance No. 110168; Petition No. PB-11-6 CPA**

An ordinance amending the City of Gainesville Comprehensive Plan Historic Preservation Element by updating and amending Objectives and Policies as more specifically set forth in this Ordinance; providing directions to the city manager and the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

**RECOMMENDATION**

*The City Commission: 1) receive letters of “no comment” from the North Central Florida Regional Planning Council, the St. Johns River Water Management District, the Florida Department of Education and the Florida Department of Economic Opportunity; and 2) adopt the proposed ordinance as amended.*

**A motion was made by Commissioner Wells, seconded by Commissioner Mastrodicasa, that this matter be Adopted on Final Reading and Approved the Recommendation, as amended. The motion carried by the following vote:**

**Votes:** Aye: Randy Wells, Jeanna Mastrodicasa, Susan Bottcher and Thomas Hawkins  
Nay: Todd Chase  
Absent: Craig Lowe and Scherwin Henry

**110170.****COMPREHENSIVE PLAN AMENDMENT – CULTURAL AFFAIRS ELEMENT (B)****Ordinance No. 110170; Petition No. PB-11-5 CPA**

**An ordinance amending the City of Gainesville Comprehensive Plan Cultural Affairs Element by updating and amending the Objectives and Policies as more specifically set forth in this Ordinance; providing directions to the city manager and the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.**

**RECOMMENDATION**

*The City Commission: 1) receive letters of “no comment” from the North Central Florida Regional Planning Council, the St. Johns River Water Management District, the Florida Department of Education and the Florida Department of Economic Opportunity; and 2) adopt the proposed ordinance as amended.*

**A motion was made by Commissioner Bottcher, seconded by Commissioner Mastrodicasa, that this matter be Adopted on Final Reading and Approved the Recommendation, as amended. The motion carried by the following vote:**

**Votes:** Aye: Randy Wells, Jeanna Mastrodicasa, Todd Chase, Susan Bottcher and Thomas Hawkins  
Absent: Craig Lowe and Scherwin Henry

**110171.****COMPREHENSIVE PLAN AMENDMENT – SOLID WASTE ELEMENT (B)****Ordinance No. 110171; Petition No. PB-11-77 CPA**

**An ordinance amending the City of Gainesville Comprehensive Plan Solid Waste Element by updating and amending the Objectives and Policies as more specifically set forth in this ordinance; providing directions to the city manager and the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.**

**RECOMMENDATION**

*The City Commission: 1) receive letters of “no comment” from the North Central Florida Regional Planning Council,*

*the St. Johns River Water Management District, the Florida Department of Education and the Florida Department of Economic Opportunity; and 2) adopt the proposed ordinance as amended.*

**A motion was made by Commissioner Mastrodicasa, seconded by Commissioner Bottcher, that this matter be Adopted on Final Reading and Approved the Recommendation, as amended. The motion carried by the following vote:**

**Votes:** Aye: Randy Wells, Jeanna Mastrodicasa, Todd Chase, Susan Bottcher and Thomas Hawkins  
Absent: Craig Lowe and Scherwin Henry

**110172. COMPREHENSIVE PLAN AMENDMENT – STORMWATER MANAGEMENT ELEMENT (B)**

**Ordinance No. 110172; Petition No. PB-11-76 CPA**

**An ordinance amending the City of Gainesville Comprehensive Plan Stormwater Management Element by updating and amending certain Policies as more specifically set forth in this Ordinance; providing directions to the city manager and the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.**

**RECOMMENDATION**      *The City Commission: 1) receive letters of “no comment” from the North Central Florida Regional Planning Council, the St. Johns River Water Management District, the Florida Department of Education and the Florida Department of Economic Opportunity; and 2) adopt the proposed ordinance as amended.*

**A motion was made by Commissioner Wells, seconded by Commissioner Chase, that this matter be Adopted on Final Reading and Approved the Recommendation, as amended. The motion carried by the following vote:**

**Votes:** Aye: Randy Wells, Jeanna Mastrodicasa, Todd Chase, Susan Bottcher and Thomas Hawkins  
Absent: Craig Lowe and Scherwin Henry

**110173. COMPREHENSIVE PLAN AMENDMENT – PUBLIC SCHOOLS FACILITIES ELEMENT (B)**

**Ordinance No.110173; Petition No. PB-11-31 CPA**

**An ordinance amending the City of Gainesville Comprehensive Plan Public Schools Facilities Element by updating and amending the Objectives and Policies of Goals 2 and 3 as more specifically set forth in this Ordinance; providing directions to the city manager and the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.**

**RECOMMENDATION**      *The City Commission: 1) receive letters of “no comment” from the North Central Florida Regional Planning Council, the St. Johns River Water Management District, the Florida*

*Department of Education and the Florida Department of Economic Opportunity; and 2) adopt the proposed ordinance as amended.*

**A motion was made by Commissioner Bottcher, seconded by Commissioner Mastrodicasa, that this matter be Adopted on Final Reading and Approved the Recommendation, as amended. The motion carried by the following vote:**

**Votes:** Aye: Randy Wells, Jeanna Mastrodicasa, Todd Chase, Susan Bottcher and Thomas Hawkins  
Absent: Craig Lowe and Scherwin Henry

**110174. COMPREHENSIVE PLAN AMENDMENT – INTERGOVERNMENTAL COORDINATION ELEMENT (B)**

**Ordinance No.110174; Petition No. PB-11-62 CPA**

**An ordinance amending the City of Gainesville Comprehensive Plan Intergovernmental Coordination Element by updating and amending the Objectives and Policies as more specifically set forth in this ordinance; providing directions to the city manager and the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.**

**RECOMMENDATION**

*The City Commission: 1) receive letters of “no comment” from the North Central Florida Regional Planning Council, the St. Johns River Water Management District, the Florida Department of Education and the Florida Department of Economic Opportunity; and 2) adopt the proposed ordinance as amended.*

**A motion was made by Commissioner Wells, seconded by Commissioner Bottcher, that this matter be Adopted on Final Reading and Approved the Recommendation, as amended. The motion carried by the following vote:**

**Votes:** Aye: Randy Wells, Jeanna Mastrodicasa, Todd Chase, Susan Bottcher and Thomas Hawkins  
Absent: Craig Lowe and Scherwin Henry

**PLAN BOARD PETITIONS**

**DEVELOPMENT REVIEW BOARD PETITIONS**

**SCHEDULED EVENING AGENDA ITEMS**

**UNFINISHED BUSINESS**

**COMMISSION COMMENT**

*NOTE: Commissioner Henry entered the meeting room at 7:05 PM.*

**Mayor-Commissioner Pro Tem Hawkins**

*Silver Airways will be leasing the vacant Eclipse Aviation space at the Airport.*

### **Commissioner Scherwin Henry**

- 1. NE 24th Terrace ditches - full of trash - contact Webb family - 1015 NE 24th Terrace.*
- 2. Potential Alachua County infrastructure surtax - See following file #110661.*

### **110661. Special City Commission Meeting Re: Alachua County Infrastructure Surtax (NB)**

*Assistant City Manager Paul Folkers made comments.*

**RECOMMENDATION**      *The City Commission direct the Clerk of the Commisison to schedule a special City Commission meeting regarding Alachua County's potential infrastructure surtax to discuss the City's priorities.*

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

**Votes:** Aye: Randy Wells, Jeanna Mastrodicasa, Scherwin Henry, Todd Chase, Susan Bottcher and Thomas Hawkins  
Absent: Craig Lowe

### **Commissioner Randy Wells**

- 1. Equal Opportunity Outreach for Small and Minority Businesses being held at Eastside Recreation Center - Cone Park - East University Avenue, February 7, 2012. Equal Opportunity Director Cecil Howard made comments.*
- 2. Inside the Activists Studio - UF - Usler Hall - January 19, 2012, 7-9 PM.*

### **Commissioner Todd Chase**

*School Board Agreement - Next Steps. City Attorney Marion Radson made comments.*

### **CITIZEN COMMENT**

#### **Syad Mohammed I. Haider**

- 1. Question of ownership of the Islamic Center.*
- 2. Making Gainesville a Model City for the World - See following file #110662.*

**110662. Citizen Comment - Syad Mohammed I. Haider (B)**

**RECOMMENDATION**

*The City Commission hear comments from Mr. Haider and place back-up submitted on file.*

**Placed on File**

**ADJOURNMENT - 7:52 PM**

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Kurt M. Lannon, Clerk of the Commission