

City of Gainesville

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



Meeting Minutes

Thursday, August 5, 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 - 1:05 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 Mastrodicasa seconded to adopt the Consent Agenda, as modified.

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

MODIFICATIONS:

- 1. File #100194 - Design and Construction of the One Stop Homeless Assistance Center - (Remove from the agenda and continue to the August 19, 2010 meeting).*
- 2. File #080465 - Community Development Committee (CDC) Referral - Initiative 2.4 - (Remove from the Consent Agenda and place on the Regular Agenda for discussion).*

CITY MANAGER, CONSENT AGENDA ITEMS

100149. Community Development Block Grant Program Disaster Recovery Grant (\$100,000) (B)

This item involves a request for the City Commission to approve the acceptance of a \$100,000 Community Development Block Grant Program Disaster Recovery Grant from Alachua County for the City's Roof Program.

RECOMMENDATION *The City Commission authorize the City Manager to execute the grant award, subrecipient agreement and 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.

100170. Specified Source Purchase of Automatic Passenger Counting System (B)

This item is a request to authorize Regional Transit System to purchase an

Automatic Passenger Counting System through Urban Transportation Associates, Inc.

RECOMMENDATION *The City Commission: 1) approve the specified source selection of UTA, Inc. to provide the automatic passenger counting system (APC) for the fixed route bus service; and 2) authorize the City Manager to execute the contract and all related documents, subject to approval by the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

100194. Design and Construction of the One Stop Homeless Assistance Center (B)

This is a request for the City Commission to approve staff's recommended ranking of the Design Build firms for the Design and Construction of the One Stop Homeless Assistance Center.

RECOMMENDATION *The City Commission: 1) approve staff's recommended ranking of the Design Build Firms; and 2) authorize the City Manager to negotiate and execute a contract and any related documents, subject to approval from the City Attorney as to form and legality, for the Design and Construction of the One Stop Homeless Assistance Center.*

Continued

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

CITY ATTORNEY, CONSENT AGENDA ITEMS

100190. RASHID MUHAFA I vs. CITY OF GAINESVILLE POLICE DEPARTMENT, UNKOWN OFFICERS AND STATE ATTORNEY'S OFFICE; ALACHUA COUNTY CIRCUIT COURT; CASE NO. 01-10-3862 (B)

RECOMMENDATION *The City Commission authorize the City Attorney and/or special counsel if insurance coverage is available to represent the City and unnamed police officers in the case styled Rashid Muhafa I vs. City of Gainesville Police Department, Unknown Officers and State Attorney's Office; Alachua County Circuit Court; Case No.: 01-10-CA-3862.*

This Matter was Approved as Recommended on the Consent Agenda.

100120. Final Administrative Order In the Matter of Design Plat, Filed by ADC Development and Investment Group, LLC, City of Gainesville, FL, White

Construction Co., Inc., and PM LAND, Inc., Petition No. DB-10-10 SUB (B)

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

This Matter was Approved as Recommended on the Consent Agenda.

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS**100209. City Commission Minutes (B)**

RECOMMENDATION *The City Commission approve the minutes of July 1, 2010, as circulated.*

This Matter was Approved as Recommended on the Consent Agenda.

100216. Appointments to City Commission Advisory Boards and Committees (NB)

RECOMMENDATION *The City Commission appoint the following:*

Jeffry Wade to the Bicycle/Pedestrian Advisory Board for a term to expire 12/31/12; Daniel Perrine to the Bicycle/Pedestrian Advisory Board for at term to expire 8/5/13; William Baruch to the Bicycle/Pedestrian Advisory Board for at term to expire 12/31/12.

Carly Wilson to the Citizens Advisory Committee for Community Development for a term to expire 8/5/13; Armando Grundy to the Citizens Advisory Committee for Community Development for a term to expire 8/5/13; Stephanie Sims to the Citizens Advisory Committee for Community Development for a term to expire 8/5/13; and readvertise for additional applicants.

Alicia Antone to the City Beautification Board for a term to expire 8/5/13; and readvertise for additional applicants.

Gary Dounson to the Development Review Board for a term to expire 8/5/13.

John Murdoch to the Fire Safety Board of Adjustment for a term to expire 8/5/13; and readvertise for additional applicant.

Winfred Phillips to the Gainesville/Alachua County Regional Airport Authority for a term to expire 7/31/13.

Stephanie Sims to the Gainesville/Alachua County Cultural

Affairs Board for a term to expire 8/5/13; Fred Sowder to the Gainesville/Alachua County Cultural Affairs Board for a term to expire 8/5/13; and readvertise for additional applicants.

William Gager, Jr. to the Gainesville Code Enforcement Board for a term to expire 8/5/13.

Sandra Lamme to the Historic Preservation Board for a term to expire 8/5/13; and readvertise for additional applicants.

Michelle Ott to the Gainesville Human Rights Board for a term to expire 2/22/13; Uwe Dietz to the Gainesville Human Rights Board for a term to expire 2/22/13; Shanneel Myles to the Gainesville Human Rights Board for a term to expire 8/5/13; and readvertise for additional applicant.

Mark Zakshevsky to the Nature Centers Commission for a term to expire 8/5/13; and readvertise for additional applicants.

Todd Chase to the Public Recreation and Parks Board for a term to expire 6/1/13; Lew Welge to the Public Recreation and Parks Board for a term to expire 6/1/13; and readvertise for additional applicants.

Armando Grundy to the Regional Transit Systems Advisory Board for a term to expire 8/5/13; La Twania Brown to the Regional Transit Systems Advisory Board for a term to expire 6/1/12; and readvertise for additional applicant.

Mark Zakshevsky to the Student Community Relationship Advisory Board as a Non-Student Member for a term to expire 8/5/13; Nora Kilroy to the Student Community Relationship Advisory Board as a Voting Administrative Member for a term to expire 2/26/13; Shanneel Myles to the Student Community Relationship Advisory Board as a Non-Student Member for a term to expire 8/5/13; Carly Wilson to the Student Community Relationship Advisory Board as a Student for a term to expire 8/5/13.

Meg Niederhofer to the Tree Advisory Board for a term to expire 8/5/13.

Joe Durando to the Tree Board of Appeals for a term to expire 1/1/13.

This Matter was Approved as Recommended on the Consent Agenda.

Passed The Consent Agenda

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

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

COMMUNITY DEVELOPMENT COMMITTEE, CONSENT

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

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

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

MODIFICATIONS:

- 1. File #100181 - City Commission Strategic Planning Workshop Results - (Additional back-up submitted).*
- 2. File #100234 - (New Item - City Attorney) - Dwight E. Adams v. Pam Carpenter, as Supervisor of Elections and Board of County Commissioners of Alachua County, Case No. 2010-CA-3907 - (Add to the Agenda).*
- 3. File #090844 - Hidden Lake Design Plan, Phase II - (Add to the agenda and then continue to the August 19, 2010, City Commission Meeting).*
- 4. File #100189 - Amend Future Land Use Element Policy No. 4.3.4 of the Comprehensive Plan Future Land use Element - (Plum Creek) (New ppt. submitted from the petitioner).*

NOTE: Commissioner Henry entered the meeting room at 1:12 PM.

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

100226. Appointments to City Commission Advisory Boards and Committees (B)

Planning Manager Ralph Hilliard gave a presentation.

*GAINESVILLE/ALACHUA COUNTY REGIONAL AIRPORT AUTHORITY
APPOINTMENTS:*

MOTION: Commissioner Poe moved and Commissioner Hawkins seconded to appoint Brian Scarborough, Susan Crowley and Winfred Phillips to the Gainesville/Alachua County Regional Airport Authority for terms to expire August 5, 2013.

(VOTE: 6-1, Commissioner Donovan - No, MOTION CARRIED)

CITY PLAN BOARD APPOINTMENT:

MOTION: Commissioner Hawkins moved and Commissioner Wells seconded to appoint Danika Oliverio to the City Plan Board for a term to expire 8/5/2013; and waive the 60 day probationary period.

(VOTE: 7-0, MOTION CARRIED)

RECOMMENDATION *The City Commission consider making an appointment to the:
1) Gainesville/Alachua County Regional Airport Authority;
and 2) City Plan Board.*

Approved, as shown above (Motions)

CITY MANAGER**100172. Presentation of 2010 Planning Excellence Award (NB)**

Planning and Development Services Director Erik Bredfeldt and Concurrency Management Planner Onelia Lazzari gave a presentation.

RECOMMENDATION *The City Commission: 1) hear a presentation about the 2010 Planning Excellence Award program; and 2) accept the Planning Excellence Award plaque.*

Heard

100181. City Commission Strategic Planning Workshop Results (B)

This item addresses the outcome of the City Commission's Strategic Planning workshop to update the City of Gainesville Strategic Plan for FY11 & FY12. The Workshop was held on June 7, 2010.

Strategic Planning Manager Karen Billings gave a presentation.

Please see the following strategic initiative referrals - #100267, #100268, #100269, #100270.

Mayor Lowe recognized Walter Willard who spoke to the matter.

RECOMMENDATION *The City Commission: 1) receive the summary report prepared by Ms. Crotty; 2) affirm the proposed goals and initiatives for FY11 & FY12; 3) accept the assignment of two or more initiatives to each member of the City Commission; and 4) refer the four new strategic initiatives to the appropriate Committee.*

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

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

100267. Develop Strategies to Support Local Small Businesses (NB)

RECOMMENDATION *The City Commission refer the issue of developing strategies to support local small businesses to the Economic Development/University Community Committee.*

A motion was made by Commissioner Donovan, seconded by Commissioner Henry, that this matter be Referred to the Economic Development/University Community Com, due back on February 5, 2011. The motion carried by the following vote:

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

100268. Bring Existing Roadway Stock Up to 70% Rating Level As Established by the Army Corp of Engineers (NB)

RECOMMENDATION *The City Commission refer the issue of bringing existing roadway stock up to 70% rating level, as established by the Army Corp of Engineers to the Recreation, Cultural Affairs and Public Works Committee.*

A motion was made by Commissioner Donovan, seconded by Commissioner Henry, that this matter be Referred to the Recreation, Cultural Affairs and Public Works Committee, due back on February 5, 2011. The motion carried by the following vote:

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

100269. Implement Improved Transit as Described in the RTS Premium Service Report (NB)

RECOMMENDATION *The City Commission refer the issue of implementing improved transit as described in the RTS Premium Service Report to the Recreation, Cultural Affairs and Public Works Committee.*

A motion was made by Commissioner Donovan, seconded by Commissioner Henry, that this matter be Referred to the Recreation, Cultural Affairs and Public Works Committee, due back on February 5, 2011. The motion carried by the following vote:

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

100270. Assess Neighborhoods to Determine Need for Infrastructure Improvements for Bicycle and Pedestrian Use (NB)

RECOMMENDATION *The City Commission refer the issue of assessing neighborhoods to determine need for infrastructure improvements for Bicycle and Pedestrian Use to the Recreation, Cultural Affairs and Public Works Committee.*

A motion was made by Commissioner Donovan, seconded by Commissioner Henry, that this matter be Referred to the Recreation, Cultural Affairs and Public Works Committee, due back on February 5, 2011. The motion carried by the following vote:

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

GENERAL MANAGER FOR UTILITIES

CITY ATTORNEY

100234. DWIGHT E. ADAMS V. PAM CARPENTER, AS SUPERVISOR OF ELECTIONS OF ALACHUA COUNTY, FLORIDA, AND BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, CASE NUMBER: 2010-CA-3907, DIV. K

City Attorney Marion Radson gave a presentation.

Mayor Lowe recognized Walter Willard who spoke to the matter.

RECOMMENDATION *The City Commission authorize the City Attorney's Office to represent the City of Gainesville and other authorizing cities in Alachua County in this lawsuit.*

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

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

080465. Community Development Committee (CDC) Referral - Initiative 2.4 (B)

This item seeks City Commission approval of the CDC Committee's recommendation on a pending referral.

Planning and Development Services Director Erik Bredfeldt gave a presentation.

RECOMMENDATION *The City Commission: 1) accept the Phase I Draft Report prepared by Planning Works, LLC; and 2) prioritize any remaining end of fiscal year 2010 funding for Land Development Code Updates.*

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

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

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

100224. Commissioner Thomas Hawkins - Bicycle Stop Ordinance (B)

AMENDMENT: Also refer this item to the Bicycle/Pedestrian Advisory Board in conjunction with the referral to the Public Safety Committee.

RECOMMENDATION *The City Commission refer this matter to the Public Safety Committee.*

A motion was made by Commissioner Hawkins, seconded by Commissioner Poe, that this matter be Approved as Amended and Referred to to the Public Safety Committee, due back on February 5, 2011. 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 Scherwin Henry

5 Points Area Plan - Request for Special Meeting of the Community Development Committee.

Mayor-Commissioner Pro Tem Jeanna Mastrodicasa

Dream Act Resolution.

RECESS - 2:43 PM

NOTE: The City Commission attended a meeting at Stephen Foster Elementary School Regarding the EPA Proposed Plan for Cabot-Koppers during the recess.

RECONVENE- 8:47 PM

NOTE: Commissioner Henry didn't return to the meeting room for the remainder of the meeting.

PLEDGE OF ALLEGIANCE (5:30pm)

PROCLAMATIONS/SPECIAL RECOGNITIONS

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

Mark Goldstein

The Swamp Restaurant - Underage Drinking Ordinance - See following referral item #100271.

Israel Mendez - The Swamp Restaurant

The Swamp Restaurant - Underage Drinking Ordinance - See following referral item #100271.

100271. Underage Drinking Ordinance Issues (B)

RECOMMENDATION *The City Commission refer the issue of the Underage Drinking Ordinance to the Public Safety Committee to review.*

A motion was made by Commissioner Wells, seconded by Commissioner Hawkins, that this matter be Referred to the Public Safety Committee, due back on February 5, 2011. The motion carried by the following vote:

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

Pat Fitzpatrick

Homeless Issues.

PUBLIC HEARINGS**RESOLUTIONS- ROLL CALL REQUIRED****100182. Acceptance of US Department of Transportation FAA - AIP Grant #3-12-0028-031-2010 in the amount of \$2,244,794 (B)**

This item seeks City of Gainesville acceptance of a 2010 US Department of Transportation FAA - AIP Grant to the Gainesville Regional Airport in the amount of \$ 2,244,794 for rehabilitation of the South Airfield Light Vault and miscellaneous electrical improvements, rehabilitation of Taxiway's A and C and preparation of an Airport Wildlife Hazard Plan at the Gainesville Regional Airport.

Planning and Development Services Director Erik Bredfeldt gave a presentation.

RECOMMENDATION *The City Commission: 1) hear a brief presentation from staff regarding this request; and 2) adopt the proposed 2010 FAA - AIP Grant Resolution and authorize the Mayor and City Attorney to execute said Grant Agreement and the City Clerk is hereby authorized and directed to impress the official seal of the City of Gainesville and to attest to said execution*

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

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

ORDINANCES, 1ST READING- ROLL CALL REQUIRED**100042. SOLID WASTE NON-AD VALOREM TAX ASSESSMENT (B)****Ordinance No. 100042**

An ordinance of the City of Gainesville, Florida, providing consent for the entire corporate limits of the City of Gainesville, Florida to be included in the non-ad valorem assessment for the municipal service benefit unit created by Alachua County for certain solid waste management services for the 2010-2011 fiscal year; providing conditions for the consent; providing that the consent is for a one-year period; 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 Commissioner Donovan, seconded by Commissioner Poe, that this matter be Adopted on First Reading (Ordinance). The motion carried by the following vote:

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

100140. LANDLORD PERMIT RENEWAL FEES (B)**Ordinance No. 100140**

An ordinance of the City of Gainesville, Florida, amending Appendix A, City of Gainesville Code of Ordinances, relating to late fees for landlord permit renewals; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Interim Code Enforcement Manager Chris Cooper gave a presentation.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

ORDINANCES, 2ND READING- ROLL CALL REQUIRED**090883. PARKING STANDARDS FOR INTERMEDIATE CARE FACILITIES (B)**

Ordinance No. 0-10-11; Petition PB-09-176-TCH.

An ordinance of the City of Gainesville, Florida, amending Section 30-332(c) of the Land Development Code, related to the parking requirements for hospitals, convalescent and nursing homes and personal care facilities; by creating a separate parking standard for Intermediate Care Facilities (IN-8052); providing directions to the codifier; 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 Commissioner Poe, seconded by Commissioner Donovan, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:

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

090953. ZONING - EAGLESROCK INTERNATIONAL, LLC (B)

Ordinance No. 0-10-13; Petition No. PB-09-178 ZON

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning certain property within the City, located at 4123 Southwest 50th Street, as more specifically described in this Ordinance, from the Alachua County zoning district of "Single family, Low Density" (R-1a), 1-4 dwelling units per acre to the City of Gainesville zoning districts of "Single-family residential" (RSF-4), 8 units per acre, and "Conservation" (CON), providing a severability clause; providing a repealing clause; and providing an effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

100071. VOLUNTARY ANNEXATION NORTH 53RD AVENUE (B)

Ordinance No. 0-10-21

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 comprised of a portion of City-owned Tax Parcel 07871-000-000, generally located south of tax parcel 07876-002-000 and tax parcel 07876-000-000, west of the city limits, tax parcel 07875-000-000 and NE 15th Street, north of the city limits and the northern

boundary of Section 21, Township 09, Range 20, and east of the city limits and tax parcel 07877-000-000; providing for inclusion of the area in Appendix I of the City Charter; providing for land use and zoning regulations; providing directions to the City Manager and Clerk of the Commission; providing a severability clause; and providing an immediate effective date. (B)

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

100072. VOLUNTARY ANNEXATION - NORTH 53RD AVENUE (B)

Ordinance No. 0-10-22

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 comprised of City-owned Tax Parcel 07874-001-001, generally located south of tax parcel 07874-001-000 and tax parcel 07872-008-000, west of tax parcel 07872-008-000 and the vicinity of NE Waldo Road, north of the city limits and NE 53rd Avenue, and east of the city limits and tax parcel 07875-000-000; providing for inclusion of the area in Appendix I of the City Charter; providing for land use and zoning regulations; providing directions to the City Manager and Clerk of the Commission; providing a severability clause; and providing an immediate effective date. (B)

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

090657. PROHIBITING SMOKING AT RTS BUS STOPS AND BUS SHELTERS (B)

Ordinance No. 0-10-05

An ordinance of the City of Gainesville, Florida, relating to outdoor smoking at a City Facility; providing legislative findings, amending Article IV in Chapter 11.5 of the Code of Ordinances; creating new section § 11.5-41.1; prohibiting the smoking of tobacco, or any other weed or plant at all RTS bus stops and bus

shelters, and within a certain distance from said stops and shelters, creating new section § 11.5-42.1 providing for the posting of signs; amending §2-339 of the Code of Ordinances to permit enforcement by civil citation; providing directions to the codifier; providing for severability; providing a repealing clause; and providing an immediate effective date.

RECOMMENDATION *The City Commission: 1) authorize a 30 day amnesty period; 2) adopt the proposed ordinance.*

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

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

ADOPTION READING

090537. LAND USE AMENDMENT - BUTLER PLAZA AREA (B)

Ordinance No. 0-09-75, Petition PB-09-74 LUC

An Ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan Future Land Use Element and Future Land Use Map; by changing the land use categories from the Alachua County Land Use Categories of Medium High Density Residential (8-14 DU/acre), High Density Residential (14-24 DU/acre), Office/Residential, Commercial, Institutional, and Industrial to the City of Gainesville underlying land use categories of Commercial (C), Office (O), Mixed-Use Medium (MU-M) and Residential Medium Density (RM) with the overlay category of Planned Use District (PUD), all as more specifically described in this ordinance on lands commonly referred to as "Butler Plaza" generally located between Southwest Archer Road and Southwest 24th Avenue, and between Southwest 40th Boulevard and Southwest 34th Street; by creating and adopting Policy 4.3.6 in the Future Land Use Element of the Comprehensive Plan to govern the Butler Plaza PUD; providing time limitations; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Senior Planner Scott Wright and Attorney for the Petitioner Linda Shelly gave presentations.

FIRST MOTION: Commissioner Hawkins moved and Commissioner Donovan seconded to continue this ordinance to the August 19, 2010, City Commission Meeting.

(VOTE: 2-4, Commissioners Hawkins and Donovan - Yes; and Commissioners Lowe, Poe, Mastrodicasa and Wells - No; MOTION FAILED)

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

PLAN BOARD PETITIONS

090844. Hidden Lake Design Plat, Phase II (B)

Petition DB-09-88 SUB Causseaux, Hewett and Walpole, Inc., agent for Land Estates, LLC. Design plat review for Phase II of Hidden Lake Subdivision. Zoned PD (Planned Development). Located at NW 75th Place and NW 21st Way, Parcel No. 07814-002-001.

RECOMMENDATION *Staff to City Commission - Continue this item to the August 19, 2010 regular City Commission Agenda.*

A motion was made by Commissioner Poe, seconded by Mayor-Commissioner Pro Tem Mastrodicasa, that this matter be Continued (Petition) for August 19, 2010. The motion carried by the following vote:

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

090538. Butler Plaza Planned Development (PD) Rezoning (B)

Petition PB-09-84 PDV. Kimley-Horn and Associates, Inc., agent for S. Clark Butler Properties, Ltd. (Butler Plaza PD) Rezone property from Alachua County Automotive Oriented Business (BA), Retail Sales, and Services (BR), Highway Oriented Businesses (BH), Manufactured/Mobile Home Park (RM), Manufacturing and Services Industrial (MS), Residential Multi-Family (R-2), Residential Multi-Family (R-3), Residential Single Family (R-1C), Residential and Professional (RP) to City of Gainesville PD (Planned Development District) to allow commercial, office and residential uses. Located between Southwest Archer Road and Southwest 24th Ave., and between Southwest 40th Blvd. and Southwest 34th St. Related to Petition PB-09-74 LUC.

RECOMMENDATION *The City Commission: 1) continue the petition to August 19, 2010 as requested by Petitioner.*

A motion was made by Commissioner Hawkins, seconded by Commissioner Poe, that this matter be Continued (Petition) for August 19, 2010. The motion carried by the following vote:

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

100189. Amend Future Land Use Element Policy No. 4.3.4 of the Comprehensive Plan Future Land Use Element (B)

Petition PB-10-25 CPA. Todd Powell, agent for Plum Creek Land Agency. Amend Policy No. 4.3.4 of the Comprehensive Plan Future Land Use Element, to rename the development, clarify environmental and transportation policies, and extend the period of time for adoption of PD (Planned development) district zoning.

Chief of Comprehensive Planning Dean Mimms gave a presentation.

RECOMMENDATION

*City Plan Board to City Commission - Approve Petition PB-10-25 CPA with the following changes:
First, to Policy 4.3.4.a.6. - Areas within the Floodplain district, as defined in the City's Land Development Code, shall be protected so that at least ninety (90%) percent of the existing floodplain district shall not be altered by development, except that recreation and stormwater management may occur within not more than twenty (20%) of the floodplain district, and the existing floodplain storage volume will be maintained. Second, accept the applicant's proposal in Policy 4.3.4.a.9 to indicate "inclusive of the wetland buffers". The Plan Board voted 5-1.*

Staff to City Commission - The City Commission approve Petition PB-10-25 CPA as recommended by the City Plan Board, and subsequently modified by staff in response to the landowner's request to amend Policy 4.3.4.f.3.a. to extend the period of time in which a PD (planned development) zoning ordinance must be adopted by 24 months, to July 26, 2012.

*Staff to City Plan Board - Approve Petition PB-10-25 CPA with the following revisions:
In 4.3.4.a.6, delete proposed addition of "as defined in the City's Land Development Code" regarding floodplain areas.
In 4.3.4.a.9, change proposed addition of "inclusive of the wetland buffers..." to "exclusive of the wetland buffers..."*

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

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

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

UNFINISHED BUSINESS

COMMISSION COMMENT

Commissioner Jack Donovan

Affordable Housing in the Butler Plaza Planned Development.

Commissioner Randy Wells

Affordable Housing in the Butler Plaza Planned Development.

CITIZEN COMMENT (If time available)

ADJOURNMENT - 10:01 PM

Kurt M. Lannon, Clerk of the Commission