

City of Gainesville

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



Meeting Minutes

Thursday, July 15, 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 - 1:02 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 Wells seconded to adopt the Consent Agenda, as modified.

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

MODIFICATIONS:

1. File #090366 - Provide a Forum for Review - Alachua General Hospital Site Redevelopment Plans - (Revised version submitted, incorrect on agenda).

2. File #090364 - City Facilitation of Regional Agricultural Economy - (Remove from the Consent Agenda and placed on the Regular Agenda for discussion).

CITY MANAGER, CONSENT AGENDA ITEMS

100098. Human Resources: Policy L-8, Military Leave (B)

RECOMMENDATION *The City Commission approve Policy L-8, Military Leave.*

This Matter was Approved as Recommended on the Consent Agenda.

100099. Specified Source Purchase of Transit Visualization System (TVS) (B)

This item is a request for the City Commission to authorize Regional Transit System (RTS) to purchase Transit Visualization System (TVS) through TransLoc, Inc.

RECOMMENDATION *The City Commission: 1) approve the specified source selection of TransLoc, Inc. to provide the advanced vehicle location system, Transit Visualization System (TVS), 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.

100100. Second Extension to the Annual Contract for Provision of Redi-Mix Concrete for FY 2011 (B)

This item is a request to extend the Annual Contracts for the Provision of Redi-Mix Concrete with Florida Rock Industries, Inc. and Cemex, Inc.

RECOMMENDATION *Recommended Motion: The City Commission: 1) authorize the City Manager to execute the Second Extensions to the Annual Contracts with Florida Rock Industries, Inc. and Cemex, Inc. for the Provision of Redi-Mix Concrete, extending the terms of the contracts from October 1, 2010 to September 30, 2011, subject to final appropriation of funds for FY 2011.*

This Matter was Approved as Recommended on the Consent Agenda.

100102. State LECFTF Funding for DEXIS System for University of Florida CA Pound Human Identification Laboratory (B)

This item is a request for City Commission approval of funds from the State Law Enforcement Contraband Forfeiture Trust Fund.

RECOMMENDATION *The City Commission approve the appropriation in the amount of \$14,000 from the State Law Enforcement Contraband Forfeiture Trust Fund to CA Pound Human Identification Laboratory - UF.*

This Matter was Approved as Recommended on the Consent Agenda.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

100134. Reimbursement for Oversizing of Wastewater Facilities at Campus USA Credit Union (NB)

Reimburse Campus USA Credit Union, developer of Campus USA Credit Union, for the oversizing of wastewater facilities in accordance with provisions of the City of Gainesville Code of Ordinances, Chapter 27-179 Oversized Facilities.

RECOMMENDATION *The City Commission authorize the General Manager or his designee to negotiate and execute an agreement for reimbursement to Campus USA Credit Union for the oversizing of wastewater facilities in an amount not to exceed \$55,911.00 subject to approval of the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

100135. Contract for On-site Emergency Generator Equipment and Services - AttenGen (B)

Staff recommends award of a contract with Ring Power Corporation for stand-by and emergency backup generation equipment and services.

RECOMMENDATION

The City Commission: 1) authorize the General Manager, or his designee, to execute a two year contract with Ring Power Corporation for stand-by and emergency backup generation equipment and services, subject to the approval of the City Attorney as to form and legality; and 2) approve the issuance of purchase orders to Ring Power Corporation for equipment and services in amounts not to exceed budgeted amounts for each year of the contract pending final appropriation of funds.

This Matter was Approved as Recommended on the Consent Agenda.

100136. Purchases for Energy Conservation Programs (NB)

Staff requests authorizing the General Manager to purchase goods and/or services necessary for establishing or modifying energy conservation programs which do not exceed \$100,000 through FY13, subject to the final appropriation of funds for each year.

RECOMMENDATION

The City Commission: 1) waive the requirement for City Commission approval for budgeted energy conservation programs which do not exceed \$100,000 through FY13; 2) authorize the General Manager, or his designee, to negotiate and execute contracts for budgeted energy conservation programs which do not exceed \$100,000 in accordance with established Purchasing policies and procedures, subject to approval of the City Attorney as to form and legality; and 3) approve the issuance of purchase orders for required goods and services to various vendors for these programs, in amounts not exceeding \$100,000.

This Matter was Approved as Recommended on the Consent Agenda.

CITY ATTORNEY, CONSENT AGENDA ITEMS

100133. SETTLEMENT OF PERSONAL INJURY CLAIM OF JUAN C. HINES (B)

RECOMMENDATION

The City Commission 1) approve the terms of the settlement

agreement; and 2) authorize the City Attorney to settle the claim of Juan Hines.

This Matter was Approved as Recommended on the Consent Agenda.

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

100130. Resignation of Development Review Board Student Adjunct Christopher M. Ellis (B)

RECOMMENDATION *The City Commission accepts the resignation of Christopher M. Ellis from the Student Adjunct position on the Development Review Board and extends its appreciation for his services to accept the proclamation.*

This Matter was Approved as Recommended on the Consent Agenda.

100131. Resignation of Bicycle and Pedestrian Advisory Board Member Michael Pedron (B)

RECOMMENDATION *The City Commission accepts the resignation of Michael Pedron from the Bicycle and Pedestrian Advisory Board and extends its appreciation for his services to accept the proclamation.*

This Matter was Approved as Recommended on the Consent Agenda.

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

ECONOMIC DEVELOPMENT/UNIVERSITY COMMUNITY COMMITTEE, CONSENT

090366. Provide A Forum for Review: Alachua General Hospital Site Redevelopment Plans (B)

RECOMMENDATION *The Economic Development University Community Committee recommends to the City Commission that this item of Provide A Forum for Review: Alachua General Hospital Site Redevelopment Plans be added to the Economic Development University Community Committee pending referral list.*

This Matter was Approved as Recommended on the Consent Agenda.

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE, CONSENT**100115. Report on the Status of Outstanding Audit Recommendations for June 2010 (B)**

RECOMMENDATION *The City Commission accept the City Auditor's report.*

This Matter was Approved as Recommended on the Consent Agenda.

100116. Payroll Verification Procedures - Pension and DROP Calculations (B)

RECOMMENDATION *The City Commission accept the City Auditor's report.*

This Matter was Approved as Recommended on the Consent Agenda.

100117. Gainesville Regional Utilities - Quarterly Financial Report (B)

RECOMMENDATION *The City Commission receive the GRU Quarterly Financial Report as of March 31, 2010.*

This Matter was Approved as Recommended on the Consent Agenda.

100118. Fiscal year 2010 Operating Funds Quarterly Monitoring Report - Quarter Ending March 31, 2010 (B)

RECOMMENDATION *The City Commission receive the quarterly budget monitoring report for the quarter ended March 31, 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 Wells, 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 and Craig Lowe
Absent: Scherwin Henry

EQUAL OPPORTUNITY COMMITTEE, CONSENT**COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS**

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

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

(VOTE: 6-1, Commissioner Henry - Absent, MOTION CARRIED)

MODIFICATIONS:

- 1. File #100129 - Landlord/Tenant as an EO Issue - (Remove from the agenda).*
- 2. File #100166 - (New Item) - Public Safety Employee Cooperation Act of 2009 - (Add to the agenda).*
- 3. File #100137 - Fire Services Special Assessment - (Revised ppt. and 2 additional ppts. submitted).*
- 4. File #090952 - Eaglesrock International, LLC - (New ppt. submitted).*
- 5. File #090883 - Parking Standards for Intermediate Care Facilities - (2 New ppts. submitted).*
- 6. File #100120 - Design Plat for ADC Development and Investment Group, LLC - (Request for formal quasi-judicial hearing submitted).*

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

CITY MANAGER

091047. Community Grant Program (B)

The Community Grant Program is a new program that would provide small grants to non-profit organizations based in the City performing activities that support City goals.

Assistant City Manager Paul Folkers and Administrative Services Director Becky Rountree gave presentations.

NOTE: Commissioner Henry entered the meeting room at 1:16 PM.

AMENDMENT: Approve the recommendations with suggestions reiterated by the City Manager.

RECOMMENDATION

The City Commission: 1) approve the Community Grant Program; and 2) confirm previous direction for the City Manager to recommend appropriate funding as part of the FY 11/12 budget process.

Alternative Recommendation

The City Commission do not approve the Community Grant Program and provide other guidance to staff as appropriate.

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

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

100062.**Edward Byrne Memorial Justice Assistance Grant Program FY 2010 Formula Program: Local Solicitation (NB)**

The City Commission will hold a public hearing on the proposed use of \$104,608 from the Edward Byrne Memorial Justice Assistance Grant (JAG) funds and will approve the grant application for these funds.

GPD Chief Tony Jones introduced Dr. Pat Grunder who gave a presentation.

AMENDMENT: Request that staff look at ways that the grant dollars could be used for prevention of crime.

RECOMMENDATION

The City Commission: 1) hear a report from staff on the City's proposed use of these funds; 2) authorize the City Manager to accept and execute the grant award and any other necessary documents, subject to approval by the City Attorney as to form and legality; and 3) approve the expenditures as outlined in the approved grant award.

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

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

100166.**Public Safety Employer - Employee Cooperation Act of 2009 (B)**

Legislative and Grants Coordinator Chris Cooper gave a presentation.

MOTION: Direct staff to bring this item back on the July 20, 2010 agenda.

NOTE: This item was actually placed on the July 22, 2010 City Commission agenda.

RECOMMENDATION

The City Commission: 1) Discuss the issues raised and determine if the City Commission would like to take a position on the Public Safety Employer - Employee Cooperation Act of 2009; and 2) If the City Commission decides to take a position, direct staff to submit the City Commission's position to the City's federal delegation, sponsors of the legislation, and Congressional leadership.

Alternative Recommendation

The City Commission not take a position on the Public Safety Employer - Employee Cooperation Act of 2009.

A motion was made by Commissioner Hawkins, seconded by Commissioner Henry, that this matter be Continued for July 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

GENERAL MANAGER FOR UTILITIES**CITY ATTORNEY****CITY AUDITOR****EQUAL OPPORTUNITY DIRECTOR****COMMITTEE REPORTS (PULLED FROM CONSENT)****090364. City Facilitation of Regional Agricultural Economy (B)**

This item seeks City Commission approval of Economic Development University Community Committee (EDUCC) action on a pending referral.

Planning and Development Services Director Eric Bredfeldt gave a presentation.

MOTION (AMENDMENT): Direct staff to come back with a "game plan" or next step in regards to Points 2,3,5,6 and 7; and for Point 8 to remain in committee for more analysis.

RECOMMENDATION

The City Commission: 1) approve the EDUCC recommendation regarding action on this pending referral; and 2) remove this referral from the Committee's present referral list.

A motion was made by Commissioner Donovan, seconded by Commissioner Poe, that this matter be Approved as Amended. 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 COMMITTEE

100129. Landlord/Tenant as an EO Issue (B)

RECOMMENDATION *The City Commission: 1) hear a brief presentation from EO Director Cecil Howard on said matter, and 2) take appropriate action.*

Withdrawn

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

COMMISSION COMMENTS (if time available)

Commissioner Lauren Poe

Sixth Street Rail Trail - 2 Referrals to the Recreation, Cultural Affairs and Public Works Committee. See following referral items #100196 and #100197.

100196. Contamination on the NW 6th Street Rail Trail (NB)

RECOMMENDATION *The City Commission refer the issue of addressing the contamination on the NW 6th Street Rail Trail caused by Florida Pest Control between 16th and 23rd Avenue to the Recreation, Cultural Affairs and Public Works Committee.*

A motion was made by Commissioner Poe, seconded by Commissioner Wells, that this matter be Referred to the Recreation, Cultural Affairs and Public Works Committee, due back on January 15, 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

100197. NW 6th Street Rail Trail Connectivity to Business (NB)

RECOMMENDATION *The City Commission refer the issue of the 6th Street Rail Trail connectivity to business to the Recreation, Cultural Affairs and Public Works Committee.*

A motion was made by Commissioner Poe, seconded by Commissioner Hawkins, that this matter be Referred to the Recreation, Cultural Affairs and Public Works Committee, due back on January 15, 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

Commissioner Thomas Hawkins

- 1. Chamber of Commerce Planning Process Panel.*
- 2. Time extension for Comp Plan Amendments.*

Commissioner Jeanna Mastrodicasa

Discussion with Code Enforcement Officers regarding graffiti - See following Referral Item #100198 to the Public Safety Committee.

100198. Code Enforcement - Graffiti Issues (NB)

RECOMMENDATION *The City Commission refer the issue of graffiti to the Public Safety Committee.*

A motion was made by Mayor-Commissioner Pro Tem Mastrodicasa, seconded by Commissioner Poe, that this matter be Referred to the Public Safety Committee, due back on January 15, 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

Commissioner Jack Donovan

- 1. Dream Act*
- 2. Police Misconduct.*

RECESS - 2:53 PM**RECONVENE - 5:55 PM****PLEDGE OF ALLEGIANCE (5:30pm)**

PROCLAMATIONS/SPECIAL RECOGNITIONS**100086. Florida State Firefighters' Association Firefighter Westin McQueen as Firefighter of the Year (B)**

RECOMMENDATION *The City Commission recognize Gainesville Fire Rescue Firefighter Westin McQueen for his award.*

Heard

100089. National Night Out - August 3, 2010 (B)

RECOMMENDATION *Gainesville Police Department Crime Prevention Officer Sergeant Chuck Reddick to accept the proclamation.*

Heard

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

Barbershop Incident.

John Davies

General Complaints.

Kali Blount

Nursing Bill.

Gabriel Hillel

General Complaints.

Richard Selwach

General Complaints

Paul Thur De Koos

One Stop Homeless Shelter.

Pat Fitzpatrick

Homeless Issues.

Karl Sanders

One-Stop Homeless Shelter.

Rick Croft

One Stop Homeless Shelter

RECESS**RECONVENE****PUBLIC HEARINGS****RESOLUTIONS- ROLL CALL REQUIRED****100137. FIRE SERVICES SPECIAL ASSESSMENT - TIME CERTAIN 6:45 PM OR AS SOON THEREAFTER AS MAY BE HEARD (B)**

A resolution of the City of Gainesville, Florida, relating to the provision of fire services, facilities and programs in the City of Gainesville, Florida; imposing Fire Services Special Assessments against assessed properties located within the City for the fiscal year that begins October 1, 2010; providing for exemptions; approving the assessment roll; providing for the estimated fire services assessed cost; approving the rate of assessment; providing for severability; and providing an immediate effective date.

Assistant City Manager Paul Folkers, Administrative Services Director Becky Rountree, Interim Fire Chief Gene Prince, Consultant Camille Tharpe, City Litigation Attorney Elizabeth Waratuke and Assistant Fire Chief Tim Hayes gave presentations.

Mayor Lowe recognized the following citizens who spoke to the matter:

- 1. Phil Emmer*
- 2. Barbara Emmer*
- 3. Randi Elrad*
- 4. Matt Coleman*
- 5. Sally Goforth*
- 6. Monica Cooper*

7. *John Davies*
8. *Tom McCants*
9. *Laurie Newsom*
10. *Rod Gonzales*
11. *Ryan Clarkson*
12. *Rich Shepherd*
13. *David Lacinak*
14. *Reverend John D. Gillespie*
15. *Richard Ashbrook*
16. *Jim Beatty*
17. *Paul Corey*
18. *Joseph Stacy*
19. *Shirley Beville*
20. *John Butler*
21. *Arthur Stockwell*
22. *Michael Cowart*
23. *Patricia Favreau*
24. *Frankie Owens*
25. *Nidal Baughman*
26. *Arty Hart*
27. *Neil Malphurs*
28. *Florencio Regalado*
29. *Reverend Greg McGruder*
30. *Robert Krames*
31. *Roger Austin*
32. *David Sutton*
33. *Keith Saunders*
34. *Adam Hinton*
35. *Reid Langfort*
36. *Dennis Durant*
37. *David Forstel*
38. *Madeline Manzano*
39. *Alex Patton*
40. *Kevin Schoneck*
41. *Susan Bottcher*
42. *Don Marsh*
43. *Kathy Benton*
44. *Betsy Whitaker*
45. *Chris Goodrich*
46. *Andy Hogshead*
47. *Arsenio Calle*
48. *Armando Grundy*
49. *Michele Gifford*
50. *Thomas Davis*
51. *Holly Erickson*
52. *David Cox*
53. *Dan Galasso*
54. *Brad Paquette*
55. *Dave Farro*
56. *Jimmy Harnsberger*

57. Sean Withers
58. Dale Turlington
59. Tom Burgett
60. Monica Prince
61. Mark Dunmore
62. Nick Gonzales
63. Christa Gonzalez
64. Tracey Higdon
65. Scotty Taylor
66. Jeff Lane
67. Matt Geiger
68. Mike Cotton
69. Rob Brinkman
70. Mary Anderson
71. Richard Williams
72. Ed Clark
73. Jeff McAdams
74. Joseph Stacy

WAIVER OF RULES

Commissioner Wells moved and Commissioner Hawkins seconded to waive the rules to extend the meeting to 12:00 Midnight..

(VOTE: 7-0, MOTION CARRIED)

MOTION: Commissioner Wells moved and Mayor-Commissioner Pro Tem Mastrodicasa seconded to: 1) Establish the final rate for the Fire Services Special Assessment at a 50% level (\$78.00 per FEU for a net revenue of \$4,887,500); 2) adopt the proposed Final Assessment Resolution; 3) authorize the City Attorney to draft and the Clerk of the Commission to advertise the hardship provision; and 4) include any written objections in the record.

(VOTE: 5-2, Commissioner Donovan and Commissioner Hawkins, No, MOTION CARRIED)

RECOMMENDATION

The City Commission: 1) receive any written objections filed; 2) hear testimony from all interested persons; 3) establish the final rate for the Fire Services Special Assessment; and 4) adopt the proposed Final Assessment Resolution.

A motion was made by Commissioner Wells, seconded by Mayor-Commissioner Pro Tem Mastrodicasa, that this matter be Adopted (Resolution) and approved as shown above. The motion carried by the following vote:

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

090966. Updating the Eastside Redevelopment Plan (B)

CRA Project Coordinator Kelly Huard Fisher gave a presentation.

RECOMMENDATION

CRA to the City Commission: 1) adopt a resolution amending the Eastside Redevelopment Plan in its entirety, subject to

*approval as to form and legality by the CRA/City attorney;
and*

CRA Executive Director to the City Commission: 1) request the City Attorney prepare ordinances redefining the legal description of the Eastside Redevelopment Area and defining the base value for tax increment calculations; and 2) advertise and hold public hearings to adopt ordinances related to CRA boundaries and the tax increment base value for the newly expanded Eastside Community Redevelopment Area.

A motion was made by Commissioner Poe, seconded by Commissioner Hawkins, 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, Scherwin Henry and Craig Lowe

100119. Second Amendment to the FY 2009-2010 General Government Financial and Operating Plan (B)

RECOMMENDATION *The Audit Finance and Legislative Committee: (1) Review the proposed amendatory budget resolution; and if acceptable, (2) recommend that the City Commission adopt the proposed resolution.*

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

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

100139. Resolution for a Memorandum of Agreement with Florida Department of Transportation (FDOT) to Maintain Brick Pavers in the Right of Way on West University Avenue at the United Methodist Church Sidewalk between Mile Post 19.429 and mile post 19.448 (B)

This item addresses the maintenance of brick pavers within the FDOT ROW on a portion of West University Avenue.

RECOMMENDATION *The City Commission: 1) approve the resolution to enter into the Memorandum of Agreement with the Florida Department of Transportation; and 2) authorize the Mayor and Clerk of the Commission to execute the Resolution*

A motion was made by Commissioner Henry, seconded by Commissioner Poe, 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, Scherwin Henry and Craig Lowe

090982. RESOLUTION OPPOSING THE PROPOSED AMEMDMENT 4 TO THE FLORIDA CONSTITUTION COMMONLY KNOWN AS THE "FLORIDA HOMETOWN DEMOCRACY" INITIATIVE (B)

A Resolution of the City Commission of the City of Gainesville, Florida opposing Amendment 4 to the Florida Constitution, commonly known as the "Florida Hometown Democracy" initiative, that would require a voter referendum prior to local government adoption of a comprehensive plan or comprehensive plan amendment; providing directions to the Clerk of the Commission; and providing an immediate effective date.

Mayor Lowe recognized Rob Brinkman who spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed Resolution.*

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

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

WAIVER OF RULES

The rules were waived by consensus to hear File #090321 next on the agenda.

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

090321. AMEND THE LAND DEVELOPMENT CODE TO ADD SOLAR GENERATION STATION AS A PERMITTED USE IN THE AGRICULTURE ZONING DISTRICT (B)

Ordinance No. 0-09-66; Petition No. PB-09-77TCH

An ordinance of the City of Gainesville, Florida, amending the Land Development Code of the City of Gainesville, by defining "solar generation station"; by adding "solar generation station" to the list of permitted uses in the Agriculture zoning district (AGR) and the General Industrial zoning district (I-2); by adding "solar generation station" to the list of specially regulated uses and imposing conditions on the use; 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 Henry, seconded by Commissioner Poe, 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, Scherwin Henry and Craig Lowe

CONTINUATION OF MEETING

*Commissioner Poe moved and Commissioner Henry seconded to continue the meeting to Monday, July 19, 2010 @ 6:00 PM.
(VOTE: 7-0, MOTION CARRIED)*

RECESS - 11:53 PM

RECONVENE - July 19, 2010 @ 6:00 PM

NOTE: THE FOLLOWING ITEMS WERE CONTINUED TO MONDAY, JULY 19, 2010 AT 6:00 PM.

ADOPTION READING-ROLL CALL REQUIRED

091002. 5-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS ANNUAL UPDATE (B)

Ordinance No. 0-10-20; Petition No. PB-10-20 CPA

An ordinance of the City of Gainesville, Florida, amending the Capital Improvements Element of the City of Gainesville 2000-2010 Comprehensive Plan by updating Table 14 "5-year Schedule of Capital Improvements" to reflect projects for the planning period of FY 2010/2011-2014/2015; updating Table 15 "School Board of Alachua County 5-year District Facilities Work Program" to reflect projects for the planning period of FY 09/10-13/14; providing directions to the city manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Concurrency Management Planner Onelia Lazzari and Assistant Public Works Director Don Hambidge gave a presentation.

RECOMMENDATION *The City Commission (1) approve Petition No. PB-10- 20 CPA, and (2) adopt the proposed ordinance.*

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

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

090952. LAND USE - EAGLESROCK INTERNATIONAL, LLC (B)**Ordinance No. 0-10-12; Petition No. PB-09-177 LUC**

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan Future Land Use Map; by changing the land use category of certain property located at 4123 Southwest 50th Street and more specifically described in this ordinance from the Alachua County land use category of "Low Density Residential (1-4 DU/acre)" to the City of Gainesville land use categories of "Residential Low-Density (up to 12 units per acre)" and "Conservation"; providing a severability clause; providing a repealing clause; and providing an effective date.

Chief of Comprehensive Planning Dean Mimms gave a presentation.

RECOMMENDATION *The City Commission (1) approve Petition PB-09-177 LUC and (2) adopt the proposed ordinance.*

A motion was made by Commissioner Henry, seconded by Commissioner Poe, that this matter be Approved (Petition) and Adopted on Adoption Reading. The motion carried by the following vote:

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

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

Chief of Comprehensive Planning Dean Mimms gave a presentation.

RECOMMENDATION *The City Commission (1) approve Petition PB-09-178 ZON and (2) adopt the proposed ordinance.*

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

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

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.

City Attorney's Office Legal Extern Niklas Stubbendorff gave a presentation.

Mayor Lowe recognized Armando Grundy who spoke to the matter.

RECOMMENDATION *The City Commission: 1) authorize a 30 day amnesty period; 2) 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: Jeanna Mastrodicasa, Thomas Hawkins, Lauren Poe, Scherwin Henry and Craig Lowe
Absent: Randy Wells and Jack Donovan

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.

Planner Jason Simmons gave a presentation.

RECOMMENDATION *The City Commission (1) approve Petition PB-09-176-TCH and (2) adopt the proposed ordinance.*

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

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

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)

Strategic Planner Lila Stewart gave a presentation.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

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)

Strategic Planner Lila Stewart gave a presentation.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

PLAN BOARD PETITIONS

DEVELOPMENT REVIEW BOARD PETITIONS

100120. Design Plat for ADC Development and Investment Group, LLC (B)

Petition DB-10-10 SUB: Causseaux Hewett and Walpole, Inc., Agent for ADC Development and Investment Group, LLC. Design Plat review for a subdivision. Zoned I-2 (General Industrial). Located in the 800 Block of NW 53rd Avenue, north side.

FORMAL QUASI-JUDICIAL HEARING

INTRODUCTION: Chief of Current Planning Lawrence Calderon gave introductions.

DISCLOSURE OF EX-PARTE COMMUNICATION: Mayor Lowe, Commissioner Hawkins and Mayor-Commissioner Pro Tem Mastrodicasa disclosed ex-parte communications.

Mayor-Commission Pro Tem Mastrodicasa also disclosed that she had no conflict of interest regarding this and would be voting on this petition.

SWEARING IN OF THE WITNESSES: The Clerk of the Commission Kurt Lannon swore in the following witnesses: Ralph Hilliard, Shawn Webber, Lawrence Calderon, Robert Wapole, Gerry Dedenbach, Ron Herget and Karl Sanders.

AGENT PRESENTATION: Causseaux, Hewett and Walpole Engineer Shawn Webber gave a presentation.

STAFF PRESENTATION: Chief of Current Planning Lawrence Calderon gave a presentation.

AFFECTED PARTY PRESENTATION: Agent for Nalbandian Properties Karl Sanders gave a presentation.

REBUTTAL: Chief of Current Planning Lawrence Calderon and Robert Walpole of Causseaux, Hewett and Walpole, Inc. , made rebuttal comments.

PUBLIC HEARING: There were no citizens who wished to speak.

THE PUBLIC HEARING WAS CLOSED:

COMMISSION DELIBERATION:

RECOMMENDATION

Development Review Board to City Commission - The City Commission approve Petition DB-10-10 SUB with staff conditions. The board specifically requests that the costs associated with the provision of utilities, bicycle and pedestrian access and public safety, should be made transparent to the public. Special attention should be paid to GRU's recommendation as to the provision of water and sewer services across private properties.

Staff to City Commission - approve the Development Review Board's recommendation.

Staff to Development Review Board - Approve petition with conditions.

A motion was made by Commissioner Hawkins, seconded by Commissioner Henry, that this matter be Approved (Petition) with Staff Conditions. The motion carried by the following vote:

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

SCHEDULED EVENING AGENDA ITEMS**UNFINISHED BUSINESS****COMMISSION COMMENT****Commissioner Scherwin Henry**

- 1. Criminal Activity In the Duval Neighborhood.*
- 2. One-Stop Homeless Center.*
- 3. Benches/Waste Containers at Bus Stops.*

Mayor Craig Lowe

- 1. Criminal Activity in the Duval Neighborhood at Convenience Store.*
- 2. Vegetation at Lincoln Park.*

CITIZEN COMMENT (If time available)**Armando Grundy**

- 1. Buses turning on SW 34th Street onto SW 35th Terrace.*
- 2. Signage at new roundabout.*

ADJOURN - 8:05 PM, July 19, 2010

Kurt M. Lannon, Clerk of the Commission