

# City of Gainesville

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



## Minutes - Draft

Thursday, March 7, 2013

1:00 PM

City Hall Auditorium

## City Commission

*Mayor Craig Lowe (At Large)  
Mayor-Commissioner Pro-Tem Lauren Poe (At Large)  
Commissioner Thomas Hawkins (At Large)  
Commissioner Yvonne Hinson-Rawls (District 1)  
Commissioner Todd Chase (District 2)  
Commissioner Susan Bottcher (District 3)  
Commissioner Randy Wells (District 4)*

*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**

- Present** 5 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Wells, Commissioner Bottcher, and Commissioner Chase
- Absent** 2 - Commissioner Hawkins, and Commissioner Hinson-Rawls

**AGENDA STATEMENT**

**ROLL CALL**

- Present** 5 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Wells, Commissioner Chase, and Commissioner Bottcher
- Absent** 2 - Commissioner Hawkins, and Commissioner Hinson-Rawls

**INVOCATION**

**Prophet George Young**

**CONSENT AGENDA**

A motion was made by Commissioner Bottcher, seconded by Commissioner Wells, that this Matter be Adopted on the Consent Agenda. The motion carried by the following vote:

- Aye:** 5 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Wells, Commissioner Bottcher, and Commissioner Chase
- Absent:** 2 - Commissioner Hawkins, and Commissioner Hinson-Rawls

**CITY MANAGER, CONSENT AGENDA ITEMS**

**090925. Strategic Initiative 6.1 - Develop Creative Ways to Measure Progress in Code Enforcement (B)**

**This item outlines the responsibilities of the Special Magistrate for Code Enforcement, proposes an implementation process, and directs the City Attorney to draft required ordinance(s) to implement the Special Magistrate for Code Enforcement.**

RECOMMENDATION

*The City Commission: 1) direct the City Attorney to draft an ordinance to implement the Special Magistrate for Code Enforcement; and 2) once the required ordinance is approved, direct staff to issue a RFP for the Special Magistrate for Code Enforcement and begin the process of sun setting the Code Enforcement Board.*

**This Matter was Approved as Recommended**

**120805. Strategic Plan Quarterly Report - 1st Quarter of Fiscal Year 2013 (B)**

**This item provides a report on the progress of the City Commission's Strategic Goals and Initiatives for the 1st Quarter of Fiscal Year 2013.**

RECOMMENDATION      *The City Commission receives a quarterly report from the City Manager on the progress of the City Commission Strategic Goals and Initiatives for the 1st Quarter of FY 2013.*

Approved as Recommended

**120814. Human Resources Policy B-2, Employee Assistance Program (B)**

RECOMMENDATION      *The City Commission approve revisions to Human Resources Policy B-2, Employee Assistance Program.*

Approved as Recommended

**120816. Solving Cold Cases with DNA Analysis (B)**

**GPD requests permission to accept and execute the grant award and any other necessary documents through the new grant ending date of May 31, 2013.**

RECOMMENDATION      *The City Commission authorize the City Manager to accept and execute the grant award and any other necessary documents through the new grant ending date of May 31, 2013, subject to approval by the City Attorney as to form and legality.*

Approved as Recommended

**120801. "TD Greenstreets" Grant Application (NB)**

**This item involves a request to accept a "TD Greenstreets" grant from the Arbor Day Foundation and TD Bank, if awarded, to support an urban forestry project to plant 100 trees, and provide urban forestry support education and information for the Cedar Grove and Duval neighborhoods.**

RECOMMENDATION      *The City Commission: 1) approve the request to accept a grant, if awarded, from the Arbor Day Foundation and TD Bank, and 2) if the grant is awarded, authorize the City Manager or designee to execute the grant agreement and other grant-related documents, subject to approval by the City Attorney as to form and legality.*

Approved as Recommended

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

**CITY ATTORNEY, CONSENT AGENDA ITEMS**

**120863. LORETTA MALLARY VS. THE CITY OF GAINESVILLE, FCHR  
NO.: 201300697 (NB)**

RECOMMENDATION *The City Commission authorize the City Attorney to represent the City in the case styled Loretta Mallary vs. the City of Gainesville; FCHR No.: 201300697*

Approved as Recommended

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

**120880. City Commission Minutes (B)**

RECOMMENDATION *The City Commission approve the minutes of January 17, February 7 and February 21.*

Approved as Recommended

**EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**

**COMMITTEE REPORTS, CONSENT AGENDA ITEMS**

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

**110876. Policy Review of Public Property Not Being Used for Public Purposes (B)**

**This item is a referral from the City Commission for a policy review of public property not being used for public purposes. The focus of the Committee's efforts has been addressed in the Real Property Policies that are recommended for City Commission approval.**

RECOMMENDATION *The City Commission direct the City Attorney to prepare a resolution for City Commission approval of the City of Gainesville Real Property Policies.*

Approved as Recommended

**EQUAL OPPORTUNITY COMMITTEE, CONSENT**

**COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS**

**END OF CONSENT AGENDA****ADOPTION OF THE REGULAR AGENDA****CHARTER OFFICER UPDATES****CLERK OF THE COMMISSION****120909. Canvassing Board (NB)**

*Motion: appoint Gerry Dedenbach to the Canvass Board*

**RECOMMENDATION**      *The City Commission appoint a member to the 2013 Canvassing Board.*

**A motion was made by Commissioner Wells, seconded by Commissioner Chase, that this Matter be Approved, as shown above. The motion carried by the following vote:**

**Aye:** 5 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Wells, Commissioner Bottcher, and Commissioner Chase

**Absent:** 2 - Commissioner Hawkins, and Commissioner Hinson-Rawls

**CITY MANAGER****120862. 2014 Federal Legislative Agenda (B)**

**This is a request for the City Commission to approve the 2014 Federal Legislative Agenda.**

*Chris Cooper made a presentation.*

*Commissioner Wells moved with Commissioner Chase seconding to put Federal Agenda in alphabetical order and approve items except premium transit services. Motion carried 5-0 with Commissioner Hawkins and Commissioner Hinson-Rawls absent.*

*Second Vote/Approve premium transit services only. Motion carried 4-1 with Commissioner Chase voting no and Commissioner Hawkins and Commissioner Hinson-Rawls absent.*

**RECOMMENDATION**      *The City Commission approve the recommended federal agenda.*

**GENERAL MANAGER FOR UTILITIES**

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE

PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE

PUBLIC SAFETY COMMITTEE

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

**120879.** Nominations - Library District Board of Trustees (B)

*Modification: Appoint Allard, Moore and and Monroe*

RECOMMENDATION      *The City Commission nominate three applicants for consideration of appointment by the Library District Governing Board.*

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

**Aye:** 5 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Wells, Commissioner Bottcher, and Commissioner Chase

**Absent:** 2 - Commissioner Hawkins, and Commissioner Hinson-Rawls

**MEMBERS OF THE CITY COMMISSION**

**COMMISSION COMMENTS (if time available)**

*Commissioner Chase: Butler Plaza Process*

*Gerry Dedenbach, Nathan Skop, Eric Godet, Byron Flagg, Donald Sheppard and Eric Bredfeldt spoke to the matter.*

*Mayor Lowe: Innovation Square Issue*

*Motion made by Commission Poe and seconded by Commissioner Wells to Direct staff to initiate a petition to the Plan Board regarding two aspects of the UMU-2 zoning district: 1) Amend figure 2.1 to delete a new street proposed to bisect the Ayers block from 7th Street to 8th Street in the general alignment of SW 1st Avenue; 2) amend the New Streets/Blocks section to allow the "urban walkway" concept and to change the maximum block perimeter in University Heights from 1,800 to 2,000 feet and add language that if streets are constructed by a public agency, or if a plan is in place to construct said streets, that appropriate development approvals can be provided. Additionally, allow staff to bring additional changes as deemed necessary to support the orderly development of the Innovation District.*

*Eric Bredfeldt made a presentation.*

*Motion carried 5-0 with Commissioner Hawkins and Commissioner Hinson-Rawls absent.*

**RECESS-2:18PM****RECONVENE****PLEDGE OF ALLEGIANCE (5:30pm)****PROCLAMATIONS/SPECIAL RECOGNITIONS****120875. 2012 Albert "Ray" Massey Citizen Volunteer Award Recipients Day - March 7, 2013 (B)****RECOMMENDATION**

*City Of Gainesville Heatwave Program and Porters Community Neighborhood Organization Coach and President Gigi Simmons, Gainesville Fast Pitch Booster Club President Sara Emmanuel and City Of Gainesville Environmental Education Programs Volunteer and Program Participant Margaret Cook to accept the proclamation.*

**Heard**

**120876. Florida Tourism Day - March 13, 2013 (B)**

RECOMMENDATION

*Visit Gainesville Executive Director Roland Loog and City of Gainesville Parks, Recreation and Cultural Affairs Department Tourism marketing Technician Sean Plemons to accept the proclamation.*

Heard

**120877. Ellen West, Gilbert Levy and Tioga Town Center and Lennie Kesl Day - March 7, 2013 (B)**

RECOMMENDATION

*Artist Ellen West, Tioga Town Center Gilbert Levy and Artist, Musician, Instructor and Inspiration the Family of the late Lennie Kesl to accept the proclamation.*

Heard

**120878. Daniel Royston and Leah Cobb Day - March 7, 2013 (B)**

RECOMMENDATION

*Star Volunteer Daniel Royston and Leah Cobb, Nature Operations Program Coordinator Stefanie Nagid and Nature Centers Commission Chair Pearse Hayes to accept the proclamation.*

Heard



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

*Nathan Skop-Biomass Contract*

*Mac McEachern-Fuel Adjustment Opinion*

*Jeremiah Tattersall-Wage Theft Ordinance*

*Diana Moreno-Wage Theft Ordinance*

*John Davies-Misc. Issues*

*Bruce M. Williams-NE 9th Avenue traffic*

*Walter Willard-Misc. Issues*

*Pat Fitzpatrick-Homeless Issues*

*Ernesto Martinez-Civic Interactions*

*Debbie Martinez-Biomass Contract*

*Jo Beaty-GREC pipeline*

*Susan Fairforest-Agenda Management*

*Gabe Kaimowitz-Civic ideas and public records*

*Jim Konish-Fuel Adjustment Opinion*

*Commissioner Poe moved with Commissioner Bottcher seconding to send letter to County in support of the wage theft ordinance in concept. Motion carried 4-1 with Commissioner Chase voting no.*

*Commissioner Wells moved with Commissioner Poe seconding to refer traffic calming on NE 9th Avenue between Main Street and NE 2nd Street to Public Works and GPD. Motion carried 4-0 with Commissioner Bottcher, Commissioner Hawkins and Commissioner Hinson-Rawls absent.*

**121029.**

Fuel Adjustment Policy(NB)

**RECOMMENDATION**      *Refer to Regional Utilities Committee*

**A motion was made by Commissioner Chase, seconded by Mayor-Commissioner Pro Tem Poe, that this Matter be Assigned to the Regional Utilities Committee, due back on 9/7/2013. The motion carried by the following vote:**

**Aye:** 5 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Wells, Commissioner Chase, and Commissioner Bottcher

**Absent:** 2 - Commissioner Hawkins, and Commissioner Hinson-Rawls

- 120962.** Bruce Williams Materials  
RECOMMENDATION *Place on File*
- 120963.** Pat Fitzpatrick Materials  
RECOMMENDATION *Place on File*
- 120964.** Jo Beaty Materials  
RECOMMENDATION *Place on file*

## PUBLIC HEARINGS

## RESOLUTIONS- ROLL CALL REQUIRED

## ORDINANCES, 1ST READING - ROLL CALL REQUIRED

**110373** **LAND DEVELOPMENT CODE AMENDMENT - DEVELOPMENT REVIEW PROCESS AND FEES, SPECIAL USE PERMITS AND CITIZEN PARTICIPATION (B)**

Ordinance No. 110373, Petition No. PB-11-74TCH

An ordinance of the City of Gainesville, Florida, amending the Land Development Code and Appendix A, Schedule of Fees, Rates and Charges of the City Code of Ordinances related to the development review process, special use permits and citizen participation; by deleting existing Sections 30-151 through 30-166; by creating new Sections 30-151 through 30-164 relating to the development review process; by amending Sections 30-234 and 30-235 relating to special use permits; by amending Section 30-350 relating to citizen participation; by amending Section 30-356 relating to the Development Review Coordinator and Technical Review Committee; by amending Appendix A. Schedule of Fees, Rates and Charges to reflect the new levels of and fees for the development review process; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

*Scott Wright and Onelia Lazarri made presentations.*

*John Hudson and Mark Venske spoke to the matter.*

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

**Aye:** 5 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Wells, Commissioner Bottcher, and Commissioner Chase

**Absent:** 2 - Commissioner Hawkins, and Commissioner Hinson-Rawls

**120597. AMENDMENTS TO CHAPTER 27 AND APPENDIX A OF THE CITY CODE OF ORDINANCES RELATING TO NATURAL GAS (B)**

ORDINANCE NO. 120597

AN ORDINANCE OF THE CITY OF GAINESVILLE, FLORIDA, RELATING TO NATURAL GAS, AMENDING ARTICLE VI, NATURAL GAS, OF CHAPTER 27, UTILITIES, SECTIONS 27-271, 27-272, 27-273, 27-275, 27-277, 27-283, 27-286 AND AMENDING APPENDIX A, UTILITIES (5) NATURAL GAS, OF THE CITY OF GAINESVILLE CODE OF ORDINANCES; PROVIDING A REPEALING CLAUSE; PROVIDING DIRECTIONS TO THE CODIFIER; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

*Nathan Skop spoke to the matter.*

RECOMMENDATION            *The City Commission adopt the proposed ordinance.*

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

**Aye:** 5 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Wells, Commissioner Bottcher, and Commissioner Chase

**Absent:** 2 - Commissioner Hawkins, and Commissioner Hinson-Rawls

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

**120220.****REZONING - VICINITY OF 3500-3700 BLOCKS OF SW WILLISTON ROAD (B)**

Ordinance No. 120220; Petition No. PB-11-50 ZON

An ordinance amending the Zoning Map Atlas of the City of Gainesville, Florida, by rezoning approximately 24 acres of property located in the vicinity of the 3500-3700 blocks of SW Williston Road, north side, west of SW 41st Boulevard, as more specifically described in this ordinance, from the Alachua County Highway oriented business services (BH) zoning district to the City of Gainesville General office (OF) zoning district; providing directions to the City Manager; 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 Mayor-Commissioner Pro Tem Poe, seconded by Commissioner Wells, that this Matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:**

**Aye:** 5 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Wells, Commissioner Bottcher, and Commissioner Chase

**Absent:** 2 - Commissioner Hawkins, and Commissioner Hinson-Rawls

**120223.****REZONING - VICINITY OF 4600-5000 SW 41ST BLVD. (B)**

Ordinance No. 120223; Petition PB-11-52 ZON

An ordinance amending the Zoning Map Atlas of the City of Gainesville, Florida, by rezoning approximately 285 acres of property located in the vicinity of the 4600-5000 blocks of SW 41st Boulevard, west side, as more specifically described in this ordinance, from the Alachua County zoning districts of Industrial services and manufacturing (MS), Multiple family, high density (R-3), Single family, low density (RE-1), and Agricultural (A) to the City of Gainesville Business industrial (BI) zoning district; providing directions to the City Manager; 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 Mayor-Commissioner Pro Tem Poe, seconded by Commissioner Wells, that this Matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:**

**Aye:** 5 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Wells, Commissioner Bottcher, and Commissioner Chase

**Absent:** 2 - Commissioner Hawkins, and Commissioner Hinson-Rawls

120179.

**TEXT CHANGE - TEMPORARY PARKING - UMU-2 ZONING (B)**

Ordinance No. 120179; Petition No. PB-12-59 TCH

An ordinance of the City of Gainesville, Florida, amending Section 30-65.2 Urban mixed-use district 2 (UMU-2) of the Land Development Code by adding surface parking to the list of permitted uses by special use permit within the University Heights Area and providing regulations for surface parking; providing clarifying amendments related to surface and structured parking; 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 Mayor-Commissioner Pro Tem Poe, seconded by Commissioner Bottcher, that this Matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:**

**Aye:** 5 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Wells, Commissioner Bottcher, and Commissioner Chase

**Absent:** 2 - Commissioner Hawkins, and Commissioner Hinson-Rawls

**PLAN BOARD PETITIONS**

**120839. Small-scale Comprehensive Plan Amendment from Commercial (C) to Mixed-Use Low-Intensity (8-30 units/per acre) (MUL) (B)**

**Petition PB-12-161 LUC. Brown & Cullen Inc., agent for Iris McWilliams. Amend the City of Gainesville Future Land Use Map from Commercial (C) to Mixed-Use Low-Intensity (8-30 units/per acre) (MUL). Located at 2029 NW 13th Street. Related to PB-12-162 ZON.**

*Dean Mimms, Onelia Lazzari and Stuart Cullen made presentations.*

*Maryhelen Wheeler, Dr. Paul Wheeler and Donald Sheppard spoke to the matter.*

RECOMMENDATION

*City Plan Board to City Commission - The City Commission approve Petition PB-12-161 LUC.  
The Plan Board voted 6-0.*

*Staff to City Commission - The City Commission approve Petition PB-12-161 LUC.*

*Staff to City Plan Board - Staff recommends approval of Petition PB-12-161 LUC.*

**A motion was made by Mayor-Commissioner Pro Tem Poe, seconded by Commissioner Bottcher, that this Matter be Approved (Petition). The motion carried by the following vote:**

**Aye:** 5 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Wells, Commissioner Bottcher, and Commissioner Chase

**Absent:** 2 - Commissioner Hawkins, and Commissioner Hinson-Rawls

**120840. Rezoning from Automotive-oriented business district (BA) to Mixed-use low intensity district (MU-1) (B)**

**Petition PB-12-162 ZON. Brown & Cullen Inc., agent for Iris McWilliams. Rezone property from Automotive-oriented business district (BA) to Mixed-use low intensity district (MU-1). Located at 2029 NW 13th Street. Related to PB-12-161 LUC.**

*Ralph Hilliard, Dean Mimms and Stuart Cullen made presentations.*

*Paul Rothstein, Ernesto Martinez and Maryhelen Wheeler spoke to the matter.*

**RECOMMENDATION** *City Plan Board to City Commission - The City Commission approve Petition PB-12-162 ZON. The Plan Board voted 6-0.*

*Staff to City Commission - The City Commission approve Petition PB-12-162 ZON.*

*Staff to City Plan Board - Staff recommends approval of Petition PB-12-162 ZON.*

**A motion was made by Mayor-Commissioner Pro Tem Poe, seconded by Commissioner Bottcher, that this Matter be Approved (Petition). The motion carried by the following vote:**

**Aye:** 5 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Wells, Commissioner Bottcher, and Commissioner Chase

**Absent:** 2 - Commissioner Hawkins, and Commissioner Hinson-Rawls

- 120841.** Small-scale Comprehensive Plan Amendment from Conservation (CON) to Mixed-Use Low-Intensity (8-30 units/per acre) (MUL), and Residential Medium-Density (8-30 units per acre) (RM) (B)

**Petition PB-12-159 LUC.** Brown & Cullen Inc., agent for Hidden Lake SFR LLC. Amend the City of Gainesville Future Land Use Map from Conservation (CON) to Mixed-Use Low-Intensity (8-30 units/per acre) (MUL), and Residential Medium-Density (8-30 units per acre) (RM). Located at 1015 NW 21st Avenue. Related to PB-12-160 ZON.

*Dean Mimms, Stuart Cullen, Ralph Hilliard and Onelia Lazzari made presentations.*

**RECOMMENDATION**

*City Plan Board to City Commission - The City Commission approve Petition PB-12-159 LUC, as recommended by staff. The Plan Board voted 4-2.*

*Staff to City Commission - The City Commission approve Petition PB-12-159 LUC, with the clarification that the sole proposed change in land use category is Residential Medium-Density (8-30 units per acre) for the Conservation area.*

*Staff to City Plan Board - Staff recommends approval of Petition PB-12-159 LUC, with the clarification that the sole proposed land use category is Residential Medium-Density (8-30 units per acre) (RM).*

**A motion was made by Mayor-Commissioner Pro Tem Poe, seconded by Commissioner Bottcher, that this Matter be Continued (Petition). The motion carried by the following vote:**

**Aye:** 5 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Wells, Commissioner Bottcher, and Commissioner Chase

**Absent:** 2 - Commissioner Hawkins, and Commissioner Hinson-Rawls

**120842. Rezoning from Conservation (CON) to Mixed-use low intensity district (MU-1), and RMF-6 (8-15 units/acre multiple-family residential district) (B)**

**Petition PB-12-160 ZON. Brown & Cullen Inc., agent for Hidden Lake SFR LLC. Rezone property from Conservation (CON) to Mixed-use low intensity district (MU-1), and RMF-6 (8-15 units/acre multiple-family residential district). Located at 1015 NW 21st Avenue. Related to PB-12-159 LUC.**

**RECOMMENDATION**

*City Plan Board to City Commission - The City Commission approve Petition PB-12-160 ZON. The Plan Board voted 4-2.*

*Staff to City Commission - The City Commission approve Petition PB-12-160 ZON.*

*Staff to City Plan Board - Staff recommends approval of Petition PB-12-160 ZON.*

**A motion was made by Mayor-Commissioner Pro Tem Poe, seconded by Commissioner Bottcher, that this Matter be Continued (Petition). The motion carried by the following vote:**

**Aye:** 5 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Wells, Commissioner Bottcher, and Commissioner Chase

**Absent:** 2 - Commissioner Hawkins, and Commissioner Hinson-Rawls

**DEVELOPMENT REVIEW BOARD PETITIONS**

**SCHEDULED EVENING AGENDA ITEMS**



**100672. Update on the Status of the Cabot-Koppers Superfund Site (B)**

**This item involves receiving a presentation from the Local Intergovernmental Team (LIT) on the US Environmental Protection Agency's Proposed Consent Decree for the Cabot-Koppers Superfund Site.**

*Fred Murry, Rick Hutton and Bill Pense made presentations.*

*Ms. Alanzo, Ronald Hodell, Susan Fairforest, Nathan Skop, Mark Venske, Ernesto Martinez, Rober Pearce, John Davies, Debbie Martinez, Sandra Watts Kennedy, Paul Rothstein, Barbara Ruth, Pat Kline, Maria Parsons and Jo Beaty spoke to the matter.*

*Commissioner Poe moved with Commissioner Bottcher seconding to waive rules to continue to 11:30PM. Motion carried 5-0.*

*Commissioner Chase moves with Commissioner Wells seconding to waive rules to continue to 11:45PM. Motion carried 5-0.*

*Amendment: Commissioner Bottcher moved with Commissioner Wells seconding to include stronger wording in letter regarding possible permanent relocation for residents and consider future indebted impacts be considered*

*Meeting adjourned at 11:50PM*

**RECOMMENDATION**      *The City Commission: 1) hear a presentation from staff; 2) discuss the US Environmental Protection Agency's Proposed Consent Decree for the Cabot-Koppers Superfund Site; and 3) authorize the Mayor to transmit a letter to the Department of Justice with the City of Gainesville's comment regarding the Proposed Consent Decree.*

**Approved as Amended**

**Aye:** 4 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Wells, and Commissioner Bottcher

**Nay:** 1 - Commissioner Chase

**Absent:** 2 - Commissioner Hawkins, and Commissioner Hinson-Rawls

**UNFINISHED BUSINESS****COMMISSION COMMENT****CITIZEN COMMENT (If time available)**

**ADJOURNMENT (no later than 11:00PM - Mayor to schedule date and time to continue meeting)**

# City of Gainesville

City Hall  
200 East University Avenue  
Gainesville, Florida 32601



## Minutes - Draft

Monday, March 11, 2013

4:00 PM

Joint City/County Commission Special Meeting

Jack Durrance Auditorium

## City Commission

*Mayor Craig Lowe (At Large)*

*Mayor-Commissioner Pro-Tem Lauren Poe (At Large)*

*Commissioner Thomas Hawkins (At Large)*

*Commissioner Yvonne Hinson-Rawls (District 1)*

*Commissioner Todd Chase (District 2)*

*Commissioner Susan Bottcher (District 3)*

*Commissioner Randy Wells (District 4)*

*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.*

**ADOPTION OF THE AGENDA**

A motion was made by Commissioner Wells, seconded by Mayor-Commissioner Pro Tem Poe, that this Matter be Adopted. The motion carried by the following vote:

**Aye:** 6 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Wells, Commissioner Bottcher, Commissioner Chase, and Commissioner Hinson-Rawls

**Absent:** 1 - Commissioner Hawkins

**ROLL CALL****AGENDA STATEMENT****CITY MANAGER****120250. Update on the Purchase of Surplus DOC Property by the City of Gainesville (B)**

The purpose of this item is to provide an update to the City Commission and the Alachua County Board of County Commissioners on the status of the negotiations between the City and the State for purchase of surplus Department of Corrections (DOC) property. The City would like to purchase the DOC facility known as the former Gainesville Correctional Institute (GCI). The GCI property provides an opportunity for the City and County to provide a variety of services at the complex for homeless/needy individuals and families in our community.

*Fred Murry made a presentation.*

*Commissioner Chase arrived 4:14PM.*

*Kali Blount, Donald Sheppard and Dave Reed spoke to the matter.*

**RECOMMENDATION**

*The City Commission and the Alachua County Board of County Commissioners receive an update from staff on the status of the negotiations between the City and the State of certain properties designated for purchase by the City of Gainesville.*

**Discussed**

**ADJOURNMENT-4:14PM**

# City of Gainesville

City Hall  
200 East University Avenue  
Gainesville, Florida 32601



## Minutes - Draft

Thursday, March 21, 2013

1:00 PM

City Hall Auditorium

## City Commission

*Mayor Craig Lowe (At Large)*

*Mayor-Commissioner Pro-Tem Lauren Poe (At Large)*

*Commissioner Thomas Hawkins (At Large)*

*Commissioner Yvonne Hinson-Rawls (District 1)*

*Commissioner Todd Chase (District 2)*

*Commissioner Susan Bottcher (District 3)*

*Commissioner Randy Wells (District 4)*

*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.**

**Present** 5 - Mayor-Commissioner Pro Tem Poe, Commissioner Bottcher, Commissioner Hawkins, Commissioner Chase, and Commissioner Hinson-Rawls

**Absent** 2 - Mayor Lowe, and Commissioner Wells

**AGENDA STATEMENT****ROLL CALL****INVOCATION****CONSENT AGENDA****CITY MANAGER, CONSENT AGENDA ITEMS**

**100523. City of Gainesville Registry of Protected Public Places Phase II-A Property Listing (B)**

**This item is regarding the potential listing of four (4) nature parks to the Registry of Protected Public Places as per Ordinance #080576.**

RECOMMENDATION *The City Commission direct the City Attorney to draft and the Clerk of the Commission to advertise an ordinance placing the recommended Phase II-A properties in the City of Gainesville Registry of Protected Public Places.*

**This Matter was Approved as Recommended**

**120899. American Recovery & Reinvestment Act of 2009 (ARRA), Homelessness Prevention and Rapid Re-housing (HPRP) Grant #S09-MY-12-0025 Closeout Report (B)**

**This informational item is for the City Commission to receive a closeout report for the HPRP Grant #S09-MY-12-0025 in the amount of \$567,404 received from the U.S. Department of Housing and Urban Development (HUD).**

RECOMMENDATION *The City Commission receive the Homelessness Prevention and Rapid Rehousing (HPRP) Grant HPRP Closeout Report.*

**This Matter was Approved as Recommended**

**120905. Settlement of Worker's Compensation Claim - Michael Glidden (NB)**

**This item involves the full and final settlement of Mr. Michael Glidden's workers' compensation claim(s), which will include all future medical and indemnity payments. The total settlement amount is \$35,000 and represents a significant cost advantage to the city.**

RECOMMENDATION      *The City Commission authorizes Special Counsel to prepare and execute the appropriate documents for a lump-sum settlement of the Worker's Compensation claim of Mr. Glidden, in the amount of \$35,000.*

**This Matter was Approved as Recommended**

**GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS****120915. Cashiering System Upgrade (NB)**

**Staff recommends upgrading GRU's cashiering system with Systems Innovators.**

RECOMMENDATION      *The City Commission: 1) authorize the General Manager, or his designee, to negotiate a contract with Systems Innovators, a specified source, to upgrade GRU's existing cashiering system to the current product line, subject to approval of the City Attorney as to form and legality; and 2) issue a purchase order to Systems Innovators in an amount not to exceed \$221,236 for software licenses, upgrade services, hardware and training.*

**This Matter was Approved as Recommended**

**120916. Kanapaha Odor Control Improvements Project (B)**

**Staff recommends awarding a contract to Sawcross, Inc. for construction services for the Kanapaha Water Reclamation Facility Odor Control Improvements Project.**

RECOMMENDATION      *The City Commission: 1) authorize the General Manager, or his designee, to execute a contract with Sawcross, Inc. to perform construction services for the Kanapaha Water Reclamation Facility Odor Control Improvements Project, subject to approval of the City Attorney as to form and legality; and 2) approve the issuance of a purchase order to Sawcross, Inc. for these services in an amount not to exceed \$492,000; and 3) authorize staff to procure services, equipment and materials, as required, to complete the project as budgeted, subject to the final appropriation of funds.*

**This Matter was Approved as Recommended**

**CITY ATTORNEY, CONSENT AGENDA ITEMS**

- 120897. ANTHONY CLARK, JR; A MINOR BY AND THROUGH HIS PARENT AND NATURAL GUARDIAN AQUALIA CURTIS, AND AQUALIA CURTIS INDIVIDUALLY VS. CITY OF GAINESVILLE, A MUNICIPAL CORPORATION, AND GAINESVILLE REGIONAL UTILITIES A/K/A GRU; EIGHTH JUDICIAL CIRCUIT, CASE NO. 2012-CA-1734 (B)**

RECOMMENDATION      *The City Commission authorize the City Attorney to represent the City in the case styled Anthony Clark, Jr; a Minor by and through his Parent and Natural Guardian Aqualia Curtis, and Aqualia Curtis Individually vs. City of Gainesville, a Municipal Corporation, and Gainesville Regional Utilities a/k/a GRU; Eighth Judicial Circuit, Case No. 2012-CA-1734.*

**This Matter was Approved as Recommended**

- 120898. JAMES V. CROSBY VS. CITY OF GAINESVILLE; EIGHTH JUDICIAL CIRCUIT, CASE NO. 2011-CA-4967 (B)**

RECOMMENDATION      *The City Commission authorize the City Attorney to represent the City in the case styled James V. Crosby vs. City of Gainesville; Eighth Judicial Circuit, Case No. 2011-CA-4967.*

**This Matter was Approved as Recommended**

- 120900. KATHRYN KRAMER, INDIVIDUALLY VS. THE CITY OF GAINESVILLE, A FLORIDA MUNICIPAL CORPORATION; EIGHTH JUDICIAL CIRCUIT, CASE NO. 2013-CA-690 (B)**

RECOMMENDATION      *The City Commission authorize the City Attorney to represent the City in the case styled Kathryn Kramer, Individually vs. The City of Gainesville, a Florida Municipal Corporation; Eighth Judicial Circuit, Case No. 2013-CA-690.*

**This Matter was Approved as Recommended**

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

**120895. Appointments to City Commission Advisory Boards and Committees (NB)**

RECOMMENDATION

*The City Commission appoint:*

*Belinda Smith and Dejeon Cain to the Citizens Advisory Committee for Community Development for a term to expire 11/1/16.*

*Jeffrey Knee to the City Beautification Board for a term to expire 11/1/16.*

*Charles Goston and Belinda Smith to the Gainesville Human Rights Board for a term to expire 2/22/16.*

*Jon Reiskind to the Wild Spaces & Public Places Citizen Oversight Committee for a term to expire 12/31/14.*

*Jeffrey Knee to the Development Review Board for a term to expire 11/1/16.*

**Approved as Recommended**

**EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**

**COMMITTEE REPORTS, CONSENT AGENDA ITEMS**

**PUBLIC SAFETY COMMITTEE, CONSENT**

**110683. Alcohol Sales and Consumption Outdoors Downtown (NB)**

**This is a referral to address increasing interest in holding outdoor events in the downtown area that allow the sale and consumption of alcohol on City property.**

RECOMMENDATION

*The City Commission direct the City Attorney to prepare and the Clerk of Commission to advertise an ordinance allowing the use of Lot 10 as an outdoor venue allowing the sale and consumption of alcohol for the Fest Musical event to sell beer only.*

**This Matter was Approved as Recommended**



**120347. Special Event Permits for Bars (B)**

**This is a referral to address the interest of businesses to provide for the temporary outdoor sales and consumption of alcoholic beverages beyond University of Florida Football Home Games.**

**RECOMMENDATION**

*The City Commission 1) direct the City Attorney to prepare and the Clerk of Commission to advertise an ordinance to expand the extension of premises Citywide and allow up to 4 Special Event Permits per year providing extension of premises for alcohol above and beyond UF Football Home Games; and 2) authorize the Plan Board Petition and first reading of the ordinance to occur at the same meeting.*

**This Matter was Approved as Recommended**

**Approval of the Consent Agenda**

**A motion was made by Commissioner Bottcher, seconded by Commissioner Hawkins, to Adopt the Consent Agenda. The motion carried by the following vote:**

**Aye:** 5 - Mayor-Commissioner Pro Tem Poe, Commissioner Bottcher, Commissioner Hawkins, Commissioner Chase, and Commissioner Hinson-Rawls

**Absent:** 2 - Mayor Lowe, and Commissioner Wells

**COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS**

**END OF CONSENT AGENDA**

**ADOPTION OF THE REGULAR AGENDA**

**A motion was made by Commissioner Bottcher, seconded by Commissioner Hawkins, that this Matter be Adopted. The motion carried by the following vote:**

**Aye:** 5 - Mayor-Commissioner Pro Tem Poe, Commissioner Bottcher, Commissioner Hawkins, Commissioner Chase, and Commissioner Hinson-Rawls

**Absent:** 2 - Mayor Lowe, and Commissioner Wells

**CHARTER OFFICER UPDATES**

**CLERK OF THE COMMISSION**

**CITY MANAGER**

**120860. Contract Award with Tindale-Oliver & Associates, Inc. for Streetcar Conceptual Study for the Regional Transit System (RTS) (B)**

**This item is a request to approve rankings for Request for Qualifications (RFQ) #RTSX-130035-DS and execute a contract with Tindale-Oliver & Associates, Inc., to conduct a Streetcar Conceptual Study for the Regional Transit System (RTS).**

*Jesus Gomez made a presentation.*

*Donald Sheppard and Nathan Skop spoke to the matter.*

*Motion: Postpone until April 18th meeting*

**RECOMMENDATION** *The City Commission: 1) approve staff's recommended ranking of the top four (4) firms; and 2) authorize the City Manager or his designee to negotiate and execute a contract with the top ranked firm, or next ranked firm if those negotiations are not successful, for the Streetcar Conceptual Study for the Regional Transit System (RTS), subject to approval by the City Attorney as to form and legality.*

**A motion was made by Commissioner Hinson-Rawls, seconded by Commissioner Bottcher, that this Matter be Postponed. The motion carried by the following vote:**

**Aye:** 4 - Mayor-Commissioner Pro Tem Poe, Commissioner Bottcher, Commissioner Hawkins, and Commissioner Hinson-Rawls

**Nay:** 1 - Commissioner Chase

**Absent:** 2 - Mayor Lowe, and Commissioner Wells

**GENERAL MANAGER FOR UTILITIES**

**CITY ATTORNEY**

**CITY AUDITOR**

**EQUAL OPPORTUNITY DIRECTOR**

**COMMITTEE REPORTS (PULLED FROM CONSENT)**

**OUTSIDE AGENCIES**

**MEMBERS OF THE CITY COMMISSION**

**COMMISSION COMMENTS (if time available)**

*Commissioner Hinson-Rawls-GRU Governing Models*

**RECESS 2:12PM**

**RECONVENE**

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

**PROCLAMATIONS/SPECIAL RECOGNITIONS**

**120920. Jack Hughes Day - March 21, 2013 (B)**

RECOMMENDATION *Gainesville Sports Commission Retired Executive Director Jack Hughes to accept the proclamation.*

Heard

**120921. Children's Week - April 7-13, 2013 (B)**

RECOMMENDATION *Early Learning Coalition of Alachua County Executive Director Dr. Gordon Tremaine and Community Outreach Coordinator Sheryl Eddie to accept the proclamation.*

Postponed

**120922. Earth Hour - March 23, 2013 (B)**

RECOMMENDATION *City of Gainesville Energy Management Specialist Kinzon Hutchinson and Facilities Management Manager Gary Cothren to accept the proclamation.*

Heard

**120923. Doctor's Day - March 30, 2013 (B)**

RECOMMENDATION *Alachua County Medical Alliance President Barbara Kirby to accept the proclamation.*

Heard

**120932.** Howard Douglas Stapp, III Day - March 31, 2013 (B)

RECOMMENDATION      *The Family of Howard Douglas Stapp, III to accept the proclamation.*

Postponed

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

*Gabriel Hillel-City Issues*

*Wilbur Hollaway-City Commissioner e-mail and streetcar*

*Edward Earl Young-Mayor election*

*Nathan Skop-GRU governance*

*Walter Willard-City Issues*

*Mark Venske-Alcohol issues*

**120988.** Mark Venske Materials

RECOMMENDATION      *Place on File*

**120987.** Gabriel Hillel Materials

RECOMMENDATION      *Place on File*

**PUBLIC HEARINGS**

**RESOLUTIONS- ROLL CALL REQUIRED**

**120881.**      **Resolution for the Regional Transit System (RTS) FY2013 Program of Projects (POP) and FY2010-2011 Performance Measures (B)**

**This item is a request to adopt a Resolution authorizing the filing of an application with the Federal Transit Administration (FTA) and Florida Department of Transportation (FDOT).**

*Jesus Gomez made a presentation.*

RECOMMENDATION      *The City Commission adopt the Resolution.*

**A motion was made by Commissioner Bottcher, seconded by Commissioner Hawkins, that this Matter be Adopted (Resolution). The motion carried by the following vote:**

**Aye:** 5 - Mayor-Commissioner Pro Tem Poe, Commissioner Bottcher, Commissioner Hawkins, Commissioner Chase, and Commissioner Hinson-Rawls

**Absent:** 2 - Mayor Lowe, and Commissioner Wells

## ORDINANCES, 1ST READING- ROLL CALL REQUIRED

## ORDINANCES, 2ND READING- ROLL CALL REQUIRED

### 110373      **LAND DEVELOPMENT CODE AMENDMENT - DEVELOPMENT REVIEW PROCESS AND FEES, SPECIAL USE PERMITS AND CITIZEN PARTICIPATION (B)**

Ordinance No. 110373, Petition No. PB-11-74TCH

An ordinance of the City of Gainesville, Florida, amending the Land Development Code and Appendix A, Schedule of Fees, Rates and Charges of the City Code of Ordinances related to the development review process, special use permits and citizen participation; by deleting existing Sections 30-151 through 30-166; by creating new Sections 30-151 through 30-164 relating to the development review process; by amending Sections 30-234 and 30-235 relating to special use permits; by amending Section 30-350 relating to citizen participation; by amending Section 30-356 relating to the Development Review Coordinator and Technical Review Committee; by amending Appendix A. Schedule of Fees, Rates and Charges to reflect the new levels of and fees for the development review process; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

**RECOMMENDATION**      *The City Commission adopt the proposed ordinance as amended on second reading.*

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

**Aye:** 5 - Mayor-Commissioner Pro Tem Poe, Commissioner Bottcher, Commissioner Hawkins, Commissioner Chase, and Commissioner Hinson-Rawls

**Absent:** 2 - Mayor Lowe, and Commissioner Wells

**120597. AMENDMENTS TO CHAPTER 27 AND APPENDIX A OF THE CITY CODE OF ORDINANCES RELATING TO NATURAL GAS (B)**

ORDINANCE NO. 120597  
AN ORDINANCE OF THE CITY OF GAINESVILLE, FLORIDA, RELATING TO NATURAL GAS, AMENDING ARTICLE VI, NATURAL GAS, OF CHAPTER 27, UTILITIES, SECTIONS 27-271, 27-272, 27-273, 27-275, 27-277, 27-283, 27-286 AND AMENDING APPENDIX A, UTILITIES (5) NATURAL GAS, OF THE CITY OF GAINESVILLE CODE OF ORDINANCES; PROVIDING A REPEALING CLAUSE; PROVIDING DIRECTIONS TO THE CODIFIER; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

*Nathan Skop, Walter Willard and Donald Sheppard spoke to the matter.*

RECOMMENDATION            *The City Commission adopt the proposed ordinance.*

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

**Aye:** 4 - Mayor-Commissioner Pro Tem Poe, Commissioner Bottcher, Commissioner Hawkins, and Commissioner Chase

**Nay:** 1 - Commissioner Hinson-Rawls

**Absent:** 2 - Mayor Lowe, and Commissioner Wells

**PLAN BOARD PETITIONS**

**DEVELOPMENT REVIEW BOARD PETITIONS**

**SCHEDULED EVENING AGENDA ITEMS**

**UNFINISHED BUSINESS**

**COMMISSION COMMENT**

*Commissioner Hinson-Rawls-Teen age events in bars*

*Mayor Pro Tem Poe-City Commission texting*

**120991.** Teenage Events in Bars(NB)

RECOMMENDATION      *Refer to Public Safety Committee*

**A motion was made by Commissioner Hinson-Rawls, seconded by Commissioner Hawkins, that this Matter be Referred to the Public Safety Committee, due back on 9/21/2013. The motion carried by the following vote:**

**Aye:** 5 - Mayor-Commissioner Pro Tem Poe, Commissioner Bottcher, Commissioner Hawkins, Commissioner Chase, and Commissioner Hinson-Rawls

**Absent:** 2 - Mayor Lowe, and Commissioner Wells

**CITIZEN COMMENT (If time available)**

*Nathan Skop-City Commission e-mails*

*Donald Sheppard-City Commission e-mails*

*Wilbur Hollaway-City Commission e-mails*

*Walter Willard-City Commission e-mails*

*Mark Venske-City Commission e-mails*

*Mayor Pro-Tem Poe-Congressman Yoho*

*Commissioner Hawkins-Volunteer for Canvass Board 2014 and Congressman Yoho*

*Adjourn 7:23PM*

**ADJOURNMENT (no later than 11:00PM - Mayor to schedule date and time to continue meeting)**