

City of Gainesville

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



Meeting Minutes

Thursday, October 7, 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 - 1:01 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 Henry moved and Commissioner Wells seconded to adopt the Consent Agenda, as modified.

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

MODIFICATION:

File #100397 - (New Item) - Financing for Construction, Refunding of Certain Outstanding Bonds and Restructuring of Certain Interest Rate Swaps - (Place on the Consent Agenda under "General Manager").

NOTE: Commissioner Hawkins entered the meeting room at 1:03 PM.

CITY MANAGER, CONSENT AGENDA ITEMS**100343. The 21st Century Learning Grant Contract Agreement Between the Gainesville Police Department (GPD) and the School Board of Alachua County (NB)**

RECOMMENDATION *The City Commission approve the agreement for \$155,320 between the City of Gainesville, the Gainesville Police Department, the Reichert House Youth Academy and the Alachua County School Board and 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 approve the expenditures as outline in the approved grant award/contract.*

This Matter was Approved as Recommended on the Consent Agenda.

100344. Staffing for Adequate Fire and Emergency Response (SAFER) Firefighter Grant Program (NB)

This item requests that the City Commission authorize an application for the

2010 Federal SAFER Grant Program for firefighter staffing funds.

RECOMMENDATION *The City Commission authorize the City Manager to: 1) apply to the US Department of Homeland Security for the SAFER Grant Program; 2) accept the grant if awarded ; 3) approve the required payment process for expending the grant funds; and 4) allocate the required cash match.*

Alternative Recommendation: The City not apply for the SAFER Grant Program. The fiscal impact would be that the City meet the full financial burden of any firefighter positions required for Station 8.

This Matter was Approved as Recommended on the Consent Agenda.

100379. Federal LECFTF Funding for the Joint Aviation Unit (B)

RECOMMENDATION *The City Commission approve the appropriation of the amount of \$108,348 from the Federal Law Enforcement Contraband Forfeiture Trust Fund for Joint Aviation Unit budget.*

Alternative Recommendation A: The City Commission deny funding.

This Matter was Approved as Recommended on the Consent Agenda.

100381. Agreement with the Department of Juvenile Justice to Provide Security at the Gainesville Area Regional Booking and Screening Unit (B)

This item requests the City Commission's authorization to enter into an agreement with the Department of Juvenile Justice for operational costs of the Gainesville Area Regional Booking and Screening Unit (formerly called the Juvenile Assessment Center).

RECOMMENDATION *The City Commission: 1) authorize the City Manager to execute the agreement with the Department of Juvenile Justice, subject to the approval of the City Attorney as to form and legality; and 2) authorize the issuance of a purchase order in an amount not to exceed \$90,000 for this agreement.*

This Matter was Approved as Recommended on the Consent Agenda.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS**100394. Interlocal Agreement Addendum for Public Safety Trunking Radio Service (B)**

Staff is requesting approval of agreement addendum for Public Safety Trunking Radio Services.

RECOMMENDATION

The City Commission approve the First Amendment To Interlocal Agreement Between Alachua County And The City Of Gainesville For Public Safety Trunking Radio Services and authorize the Mayor and Clerk of the Commission to execute the same on behalf of the City subject to approval of the City Attorn

This Matter was Approved as Recommended on the Consent Agenda.

100397.

Financing for Construction, Refunding of Certain Outstanding Bonds and Restructuring of Certain Interest Rate Swaps (NB)

RECOMMENDATION

The City Commission: 1) Authorize the issuance of up to \$135 million par amount of fixed-rate new money bonds for payment of Costs of Acquisition and Construction (capital projects); 2) Authorize the refunding of Utilities System Revenue Bonds, 2003 Series A, 2005 Series B (Federally Taxable) and 2008 Series A (Federally Taxable) through the issuance of fixed-rate tax-exempt bonds; 3) Approve the selection of Goldman Sachs as Senior Manager for the bonds referenced in 1 and 2 above and authorize the appointment of additional Co-Managers if, upon the advice of Public Financial Management (PFM), our Financial Advisor, doing so would enhance the distribution of the bonds; 4) Authorize the restructuring of certain outstanding fixed payer CMS interest rate swaps with JPMorgan Chase Bank, N.A. and Goldman Sachs Mitsui Marine Derivative Products, L.P., either through the amendment of the existing swaps or through the entry into one or more additional swaps, in order to convert the payments to be received by the Utility under portions of those swaps back to the original 68% of 1-month LIBOR formulation; 5) Authorize staff to negotiate and enter into an ISDA Master Agreement with Jeffries & Company, Inc. in order to provide an additional potential swap counterparty to ensure GRU's ability to receive competitive market-based economics; 6) Authorize the utility to work with its Financial Advisor to select one or more counterparties to provide any additional swaps as described in 4 above; 7) Approve the designation of any such additional swap as a "Qualified Hedging Contract" within the meaning of the City's Amended and Restated Utilities System Revenue Bond Resolution ("Utilities Bond Resolution"), and authorize the securing of such swap under the Utilities Bond Resolution; and 8) Authorize the Clerk of the Commission, the General Manager and other Authorized Officers of the City (as defined in the Utilities Bond Resolution) to execute such documents as

may be necessary to proceed with the transactions authorized in 1-7 above (including such documents as are necessary or appropriate to evidence the amendment of the existing CMS swaps or the entry into additional swaps), subject to approval of the Office of the City Attorney as to form and legality, and to take such other actions as may be necessary or advisable to proceed with these transactions in accordance with this City Commission authorization.

This Matter was Approved as Recommended on the Consent Agenda.

CITY ATTORNEY, CONSENT AGENDA ITEMS

100296. SETTLEMENT OF PERSONAL INJURY CLAIM OF PEGGY BRYANT (B)

RECOMMENDATION *The City Commission 1) approve the terms of the negotiated settlement agreement; and 2) authorize the City Attorney to settle the claim against the City of Gainesville arising from an October 15, 2007 automobile accident.*

This Matter was Approved as Recommended on the Consent Agenda.

100372. MOGAS INVESTMENTS, INC., NALBANDIAN PROPERTIES, LLC, ROPEN NALBANDIAN VS. CITY OF GAINESVILLE, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA; EIGHTH JUDICIAL CIRCUIT, COURT CASE NO. 2010-CA-4963 (B)

RECOMMENDATION *The City Commission authorize the City Attorney to represent the City of Gainesville in the case Mogas Investments, Inc., Nalbandian Properties, LLC, Ropen Nalbandian v. City of Gainesville, a political subdivision of the State of Florida; Eighth Judicial Circuit, Court Case No. 2010-CA-4963*

This Matter was Approved as Recommended on the Consent Agenda.

100382. UPDATE RULES FOR BOARD OF ADJUSTMENT (B)

This item requests approval of new rules of procedure for the Board of Adjustment. The new rules more closely follow the City Commission's quasi-judicial hearing process, update the day and time of the meetings, and update other matters relating to the conduct of business by the Board of Adjustment.

RECOMMENDATION *The City Commission approve the Rules for the Board of Adjustment as amended in its entirety.*

This Matter was Approved as Recommended on the Consent Agenda.

100039. FINAL ADMINISTRATIVE ORDER IN RE: APPEAL OF A CERTIFICATE OF APPROPRIATENESS FOR A METAL ROOF IN THE PLEASANT STREET HISTORIC DISTRICT (B)

RECOMMENDATION *The City Commission authorize the Mayor to execute, and Clerk of the Commission to attest, the final Order.*

This Matter was Approved as Recommended on the Consent Agenda.

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

100378. Appointments to City Commission Advisory Boards and Committees (B)

RECOMMENDATION *The City Commission appoint the following:*

Zachary Andrews to the Regional Transit System Advisory Board for a term to expire 6/1/13; Adrian Hayes Santos to the Regional Transit System Advisory Board for a term to expire 10/7/13.

David Denslow to the Board of Trustees of the Consolidated Police Officers' and Firefighters' Retirement Plan for a term to expire 10/7/12.

Jonathan Visscher to the Pension Review Committee for a term to expire 7/31/15.

This Matter was Approved as Recommended on the Consent Agenda.

100384. City Commission Minutes (B)

RECOMMENDATION *The City Commission approve the minutes of August 30, 2010, September 2, 2010, September 8, 2010, and September 16, 2010, as circulated.*

This Matter was Approved as Recommended on the Consent Agenda.

100399. Butler Plaza Workshop (NB)

RECOMMENDATION *The City Commission schedule the Butler Plaza workshop for November 3, 2010 at 5:30 pm.*

This Matter was Approved as Recommended on the Consent Agenda.

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**COMMITTEE REPORTS, CONSENT AGENDA ITEMS****RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE,
CONSENT****081011. Biodiesel Proposal - Biodiesel Production Facility (NB)**

RECOMMENDATION *The RCAPW Committee to the City Commission: The City Commission not pursue biodiesel manufacturing at this time and remove this item from the referral list.*

This Matter was Approved as Recommended on the Consent Agenda.

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE, CONSENT**100221. Change Elections Ordinance to Provide for Plurality Referral (B)**

RECOMMENDATION *The City Commission authorize removal from the referral list.*

This Matter was Approved as Recommended on the Consent Agenda.

090759. Local Preference Policies in Relation to the City's Procurement Procedures (NB)

RECOMMENDATION *The City Commission authorize removal from the referral list.*

This Matter was Approved as Recommended on the Consent Agenda.

100109. Competitive Bidding Process Referral (B)

RECOMMENDATION *The City Commission authorize removal from the referral list.*

This Matter was Approved as Recommended on the Consent Agenda.

**100363. Fiscal Year 2010 Operating Funds Quarterly Monitoring Report - Quarter
Ending June 30, 2010 (B)**

RECOMMENDATION *The City Commission receive the General Government Quarterly Monitoring Report for the quarter ended June 30, 2010.*

This Matter was Approved as Recommended on the Consent Agenda.

100377. Gainesville Regional Utilities (GRU) Quarterly Financial Report (B)

RECOMMENDATION *The City Commission receive the GRU Quarterly Financial Report as of June 30, 2010.*

This Matter was Approved as Recommended on the Consent Agenda.

Passed The Consent Agenda

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

EQUAL OPPORTUNITY COMMITTEE, CONSENT

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

*Commissioner Henry moved and Commissioner Donovan seconded to adopt the Regular Agenda, as modified.
(VOTE: 7-0, MOTION CARRIED)*

MODIFICATIONS:

- 1. File #100413 - (New Item) Reichert House Ice Cream Shop Project - (Add to the agenda under "Outside Agencies").*
- 2. File #100231 - Land Use Change -Planned Use District SW 52nd - Street - (ppt. submitted by applicant).*
- 3. File #100152 - Permitted Uses in the BT Zoning District - (ppt. submitted by applicant).*
- 4. File #100327 - Legacy Planned Development (PD Rezoning) - (ppt. submitted by applicant).*

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION**100331. National League of Cities Voting Delegate (B)**

MOTION: Designate Mayor Craig Lowe as the voting delegate for the National League of Cities Annual Business Meeting.

RECOMMENDATION *The City Commission select a voting delegate and alternate for the National League of Cities Annual Business Meeting.*

A motion was made by Commissioner Poe, seconded by Commissioner Henry, that this matter be Approved as shown above (See Motion). 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 MANAGER**100403. Alachua County Department of Public Works' Plans for the NW 16th Avenue Resurfacing Project (B)**

This item addresses the direction given by the Commission to have a representative of the Alachua County Department of Public Works to present at the City Commission's meeting on October 7, 2010, the County's plans for the NW 16th Avenue Resurfacing Project.

County Engineer David Cerlanek gave a presentation.

Mayor Lowe recognized Jimmy Harnsberger, Sarah Poll, Cindy Smith and Julia Reiskind who spoke to the matter.

FIRST MOTION: Commissioner Hawkins moved and Commissioner Poe seconded to direct the City Manager to provide information regarding the cost of the City taking over the maintenance of the referenced section of NW 16th Avenue and what the benefits would be for the City.

(VOTE: 7-0, MOTION CARRIED)

SECOND MOTION: Commissioner Wells moved and Commissioner Henry seconded that the City Commission request that the County perform the necessary maintenance on the pedestrian sidewalks along the NW 16th Avenue corridor.

(VOTE: 7-0, MOTION CARRIED)

RECOMMENDATION *The Commission hear a presentation and citizen comments.*

Approved, as shown above (Motions)

GENERAL MANAGER FOR UTILITIES**CITY ATTORNEY****CITY AUDITOR****EQUAL OPPORTUNITY DIRECTOR****COMMITTEE REPORTS (PULLED FROM CONSENT)****AUDIT, FINANCE AND LEGISLATIVE COMMITTEE****ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)****OUTSIDE AGENCIES****100413. Reichert House Ice Cream Shop Project (NB)**

Reichert House Representative Mr. Ken Van Nortwick, Owner of Sweet Dreams Ice Cream Shop Michael Manfredi and Reichert House Recreation Supervisor John Alexander gave presentations.

RECOMMENDATION *The City Commission hear a presentation on the Reichert House Ice Cream Shop Project from Mr. Ken Van Nortwick.*

Heard

MEMBERS OF THE CITY COMMISSION**COMMISSION COMMENTS (if time available)****Commissioner Scherwin Henry**

- 1. Lighting at Cone Park Referral - See following referral #100418.*
- 2. Local and Minority Business Opportunities in City Projects - See following referral #100419.*

100418. Cone Park Lighting (NB)

RECOMMENDATION *The City Commission direct staff to prepare a plan for lighting at the Cone Park track facility to accomodate night*

time use, in a timely manner.

A motion was made by Commissioner Henry, seconded by Commissioner Hawkins, that this matter be Referred to the City Manager, due back on April 7, 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

Mayor-Commissioner Pro Tem Jeanna Mastrodicasa

Public Safety - Hospitality Districts Update.

Commissioner Lauren Poe

Pedi-cabs at Gator Games - Safety Issues.

100419. Local and Minority Business Opportunities in City Projects (NB)

RECOMMENDATION *The City Commission refer the issue of local and minority business opportunities in City projects to the Equal Opportunity Committee; and request that the Equal Opportunity Director research the local and minority business program in the City of Memphis.*

A motion was made by Commissioner Henry, seconded by Commissioner Wells, that this matter be Referred to the Equal Opportunity Committee, due back on April 7, 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

Mayor Craig Lowe

Florida League of Cities - Keys to the Cities Program.

RECESS - 3:04 PM

RECONVENE - 5:40 PM

PLEDGE OF ALLEGIANCE (5:30pm)

PROCLAMATIONS/SPECIAL RECOGNITIONS

100300. Lesbian, Gay, Bisexual and Transgender Pride Days (B)

RECOMMENDATION *Pride Community Center of North Central Florida
Co-President Terry Fleming and Director Linda Bassham to
accept the proclamation.*

Heard

100388. United Nations Day - October 21, 2010 (B)

RECOMMENDATION *United Nations Association of the USA, Florida Division,
President Robert H. Hornberger to accept the proclamation.*

Heard

100389. Fire Prevention Week - October 3-9, 2010 (B)

RECOMMENDATION *Deputy Chief Timothy P. Hayes and Risk Reduction Specialist
Krista Gonzalez to accept the proclamation.*

Heard

100390. White Cane Safety Month - October 2010 (B)

RECOMMENDATION *Alachua County Council of the Blind President Maxine
Stallings and First Vice President Spencer Morton to accept
the proclamation.*

Heard

100402. DECA/Delta Epsilon Chi Week - (B)

RECOMMENDATION *President Alexis Oliver and Vice President Mary Henderson
to accept proclamation.*

Heard

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

John Davies

Taxes.

Pat Fitzpatrick

Homeless Issues.

Frank Joseph Plageman, IV

Quran Burning Issue.

Harold Saive

9/11 Issues.

Judy Rigassa

9/11 Issues.

Ed Reyes

9/11 Issues.

Bob Cuskin

9/11 Issues.

Walter Willard

Various Issues.

David Coffey

Plum Creek Planned Development.

Sarah Poll

- 1. Public Comment times.*
- 2. Smoking on the plaza.*

Rob Brinkman

Amendment IV.

RESPONSE TO CITIZEN COMMENT**100421. Plum Creek Planned Development (NB)****RECOMMENDATION**

The City Commission direct the Clerk of the Commission to advertise the Plum Creek Comprehensive Plan Amendment and the City's Comprehensive Plan Amendment for the

October 21, 2010 City Commission meeting.

A motion was made by Commissioner Poe, 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

PUBLIC HEARINGS

RESOLUTIONS- ROLL CALL REQUIRED

100364. Third Amendment to the FY 2009-2010 General Government Financial and Operating Plan (B)

RECOMMENDATION *The City Commission adopt the proposed resolution.*

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

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

100365. Proposed Fiscal Year 2011 Annual Audit Plan (B)

RECOMMENDATION *The City Commission adopt the resolution, as amended.*

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

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

ADOPTION READING-ROLL CALL REQUIRED

090763. PLANNED DEVELOPMENT – GRACE MARKETPLACE (ONE-STOP HOMELESS CENTER)-(B)

Ordinance No. 0-10-09, Petition No. PB -09-161PDV

An Ordinance of the City of Gainesville, Florida; rezoning certain lands within the City, as more specifically described in this ordinance, and amending the Zoning Map Atlas from "I-2: General industrial district" to "Planned

Development District"; located in the vicinity of 820 N.W. 53rd Avenue; commonly known as "Grace Marketplace" Planned Development; adopting a development plan report and development plan maps; providing conditions and restrictions; providing for enforcement; providing a severability clause; and providing an immediate effective date.

Lead Planner Lawrence Calderon gave a presentation.

Mayor Lowe recognized Attorney for Ropen Nalbandian Karl Sanders, Walter Willard, Rob Brinkman and Mary Anderson who spoke to the matter.

NOTE: Mayor-Commissioner Pro Tem Mastrodicasa stated that she had no conflict of interest regarding this ordinance and would be voting on the matter.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

100143. LAND USE CHANGE - JOHN MAHON PARK (B)

Ordinance No. 100143, Petition PB-10-31LUC

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by changing the land use category of certain property, as more specifically described in this ordinance, from the land use category of "Single-Family (up to 8 units per acre)" to "Conservation"; located in the vicinity of south of Newberry Road and south of property commonly known as the Central Park Medical Plaza; providing a severability clause; providing a repealing clause; and providing an effective date.

Senior Planner Susan Niemann and Recreation Program Coordinator Stephanie Nagid gave presentations.

Mayor Lowe recognized Rob Brinkman who spoke to the matter.

RECOMMENDATION *The City Commission: 1) approve Petition PB-10-31LUC; and 2) adopt the proposed ordinance.*

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

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

100144. REZONING – JOHN MAHON PARK (B)

Ordinance No. 100144, Petition No. PB-10-32ZON

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property within the City, as more specifically described in this Ordinance, from the zoning category of “RSF-1: 3.5 units/acre single-family residential district” to “CON: Conservation district”; located in the vicinity of south of Newberry Road and south of property commonly known as the Central Park Medical Plaza; providing a severability clause; providing a repealing clause; and providing an effective date.

Senior Planner Susan Niemann and Recreation Program Coordinator Stephanie Nagid gave presentations.

RECOMMENDATION *The City Commission: 1) approve Petition No. PB-10-32ZON; and 2) adopt the proposed ordinance.*

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

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

100145. LAND USE CHANGE – LOBLOLLY WOODS (B)**Ordinance No. 100145, Petition PB-10-33LUC**

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by changing the land use category of certain property, as more specifically described in this ordinance, from the land use category of “Single-Family (up to 8 units per acre)” to “Conservation”; located in the vicinity of southeast of the intersection of Northwest 34th Street and Northwest 8th Avenue; providing a severability clause; providing a repealing clause; and providing an effective date.

Senior Planner Susan Niemann and Recreation Program Coordinator Stephanie Nagid gave presentations.

RECOMMENDATION *The City Commission: 1) approve Petition PB-10-33LUC; and 2) adopt the proposed ordinance.*

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

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

100146. REZONING – LOBLOLLY WOODS (B)**Ordinance No. 100146, Petition No. PB-10-34ZON**

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property within the City, as more specifically

described in this Ordinance, from the zoning category of "RSF-1: 3.5 units/acre single-family residential district" to "CON: Conservation district"; located in the vicinity of southeast of the intersection of Northwest 34th Street and Northwest 8th Avenue; providing a severability clause; providing a repealing clause; and providing an effective date.

Senior Planner Susan Niemann and Recreation Program Coordinator Stephanie Nagid gave presentations.

RECOMMENDATION *The City Commission: 1) approve Petition No. PB-10-34ZON; and 2) adopt the proposed ordinance.*

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

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

100147. LAND USE CHANGE - SUGARFOOT PRAIRIE (B)

Ordinance No. 100147, Petition PB-10-27LUC

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by changing the land use category of certain property, as more specifically described in this ordinance, from the land use category of "Residential Medium-Density (8-30 units per acre)" to "Conservation"; located in the vicinity of north of Southwest 20th Avenue and east of Southwest 62nd Boulevard; providing a severability clause; providing a repealing clause; and providing an effective date.

Senior Planner Susan Niemann gave a presentation.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

A motion was made by Commissioner Henry, seconded by Commissioner Wells, that this matter be Approved (Petition) and Continued on Adoption Reading (Ordinance) for October 21, 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

100231. LAND USE CHANGE -PLANNED USE DISTRICT SW 52nd STREET (B)

Ordinance No. 100231, Petition No. PB-09-115 LUC

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by overlaying the "Planned Use District" category over certain property, as more specifically described in this ordinance, with the underlying future land use category of "Recreation"; located in the vicinity of 1420, 1424, 1428 and 1432 Southwest 52nd Street; providing a severability clause; providing a repealing clause; and providing an effective date.

Planner Bedez Massey and Agent for the Petitioner Gerry Dedenbach gave presentations.

AMENDMENT: Delete Condition #18.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

A motion was made by Commissioner Hawkins, seconded by Commissioner Poe, that this matter be Adopted (Ordinance) on Adoption Reading, 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

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

100148. REZONING - SUGARFOOT PRAIRIE (B)

Ordinance No. 100148, Petition PB-10-28ZON

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain properties within the City, as more specifically described in this Ordinance, from the zoning categories of "RMF-6: 8-15 units/acre multiple-family residential district" and "PD: Planned Development District" to "CON: Conservation district"; located in the vicinity of north of Southwest 20th Avenue and east of Southwest 62nd Boulevard; providing a severability clause; providing a repealing clause; and providing an effective date.

Senior Planner Susan Niemann gave a presentation.

RECOMMENDATION *The City Commission: 1) approve Petition No. PB-10-28ZON; and 2) adopt the proposed ordinance.*

A motion was made by Commissioner Poe, seconded by Commissioner Henry, that this matter be Approved (Petition) and Adopted on First 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

091038. VEHICLES FOR HIRE – DRIVER PERMIT REQUIREMENTS (B)

Ordinance No. 091038

An ordinance of the City of Gainesville, Florida, amending Chapter 28, Vehicles for Hire, City of Gainesville Code of Ordinances, relating to driver permit requirements; amending the calculation of time periods of the offenses set forth in Sections 28-8.5(d)(2), (3) and (4); 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 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, Scherwin Henry and Craig Lowe

100306. TOWING AND IMMOBILIZING OF VEHICLES - PERMIT REQUIREMENTS(B)

Ordinance No. 100306

An ordinance of the City of Gainesville amending Article III of Chapter 14.5, Division 1, Towing of Vehicles on Private Property, and Division 2, Immobilizing Vehicles on Private Property, relating to wrecker operator permit requirements and immobilization operator permit requirements; amending the calculation of time periods of offenses set forth in Section 14.5-27(c) and Section 14.5-42(c); 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 Henry, 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, Scherwin Henry and Craig Lowe

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

090969. CREDITED SERVICE FOR TEMPORARY EMPLOYMENT (B)

Ordinance No. 090969

An ordinance of the City of Gainesville, Florida, amending Division 5 of Article VII of Chapter 2 of the City of Gainesville Code of Ordinances relating to the City of Gainesville Employees Pension Plan; creating a subsection (n) of Section 2-523, to allow purchase of credited service attributable to certain temporary employment prior to regular employment; making conforming and administrative amendments; 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 Henry, 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

100152. PERMITTED USES IN THE BT ZONING DISTRICT (B)

Ordinance No. 100152; Petition PB-10-61-TCH.

An ordinance of the City of Gainesville, Florida, amending Section 30-63(c)(1) of the Land Development Code, by adding offices and clinics of doctors of medicine, dentists, doctors of osteopathy and other health practitioners (GN-801 through GN-804) as uses by right in the tourist-oriented business (BT) zoning district; 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 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, Scherwin Henry and Craig Lowe

100309. VEHICLE TOWING AND BOOTING FEES (B)

Ordinance No. 100309

An ordinance of the City of Gainesville, Florida, amending Appendix A, Schedule of Fees, Rates and Charges by increasing fees and charges associated with booting/ immobilizing vehicles; 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.*

A motion was made by Commissioner Poe, seconded by Commissioner Henry, 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

PLAN BOARD PETITIONS

100327. Legacy Planned Development (PD) Rezoning (B)

Petition PB-09-116 PDV. Causseaux, Hewett, and Walpole, Inc., agent for Legacy Fountains, LLC. Rezone property from PS (Public services and operations district) to PD (Planned development district) to allow a residential, commercial, office, and retail development. Located at 1420, 1424, 1428, 1432 Southwest 52nd Street. Related to Petition PB-09-115 LUC.

Planner Bedez Massey and Agent for the Petitioner Gerry Dedenbach gave presentations.

Mayor Lowe recognized Oswald Angulo and Armando Grundy who spoke to the matter.

RECOMMENDATION *City Plan Board to City Commission - The City Commission approve Petition PB-09-116 PDV and the associated PD Layout Plan Map and PD Report subject to the conditions recommended in the staff report and Appendix E.*

Staff to City Plan Board - Staff recommends that Petition PB-09-116 PDV be approved with the associated PD Layout Plan Map and PD Report subject to the conditions recommended in the staff report and Appendix E.

Alternate Recommendations -

The City Commission approve Petition PB-09-116 PDV as submitted.

The City Commission deny Petition PB-09-116 PDV.

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

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

100380.

Adopt the Evaluation and Appraisal Report (EAR) on the City of Gainesville 2000-2010 Comprehensive Plan (B)

Petition PB-10-97 MSC. City Plan Board. Review the Evaluation and Appraisal Report (EAR) on the City of Gainesville 2000-2010 Comprehensive Plan, pursuant to Section 163.3191, Florida Statutes.

Planning and Development Services Director Erik Bredfeldt and Lead Planner Dean Mimms gave presentations.

RECOMMENDATION *Staff to City Commission - The City Commission approves the resolution and Petition PB-10-97 MSC as recommended by Staff, and transmit the EAR to the Florida Department of*

Community Affairs.

City Plan Board to City Commission - Approve Petition PB-10-97 MSC, and recommend that the City Commission adopt the EAR. The Plan Board voted 4:0.

Staff to City Plan Board - Approve Petition PB-10-97 MSC.

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

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

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

UNFINISHED BUSINESS

COMMISSION COMMENT

Commissioner Lauren Poe

1. Vehicles for Hire-Pedicabs - Public Safety Committee Referral - See following referral item #100429.

2. Santa Fe College - Get on the Bus Rally - October 25, 2010, 10:00 AM - 2:00 PM.

100429. Vehicles for Hire and Pedicab Safety (NB)

RECOMMENDATION *The City Commission refer the issue of safety involving vehicles for hire and pedicabs to the Public Safety Committee for review.*

A motion was made by Commissioner Poe, seconded by Commissioner Hawkins, that this matter be Referred to the Public Safety Committee, due back on April 7, 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 Randy Wells

1. Colorado Buffalo's.

2. Livability Conference - October 17-21, Charleston, SC.

Commissioner Jack Donovan

Gainesville shootings/City response.

CITIZEN COMMENT

Armando Grundy

Kyoto Protocol.

ADJOURNMENT - 10:08 PM

Kurt M. Lannon, Clerk of the Commission