

# **City of Gainesville**

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



## **Meeting Minutes**

**Thursday, August 4, 2011**

**1:00 PM**

**City Hall Auditorium**

## **City Commission**

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

*Persons with disabilities who require assistance to participate in this meeting are requested to notify the Office of Equal Opportunity at 334-5051 or call the TDD phone line at 334-2069 at least two business days in advance.*

## CALL TO ORDER - 1:02 PM

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## ROLL CALL

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

## INVOCATION

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## Prophet George Young

[Play Video](#)

## CONSENT AGENDA

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*Commissioner Henry moved and Commissioner Mastrodicasa seconded to adopt the Consent Agenda, as presented.*

*(VOTE: 7-0, MOTION CARRIED)*

## CITY MANAGER, CONSENT AGENDA ITEMS

### **110184.**

#### **Bid Award - Regional Transit System (RTS) Garage Renovations and Construction of Bus Undercarriage Wash Bay (B)**

**This item is a request for the City Commission to authorize the bid award to Anglin Construction Company for garage renovations, construction of a bus undercarriage wash bay, and installation of an emergency generator for the Regional Transit System (RTS).**

#### **RECOMMENDATION**

*The City Commission: 1) award the bid to Anglin Construction Company for the RTS garage renovations and construction of bus undercarriage wash bay, including an emergency generator; 2) authorize the City Manager to execute the contract, subject to approval by the City Attorney as to form and legality; and 3) issue a purchase order in an amount not to exceed \$513,600.*

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

110184\_Bid Tab\_20110804.pdf

**110166.****City of Gainesville Design and Construct a Traffic Signal Communications Conduit using Funds Provided by Town of Tioga (B)**

**This item is a request to allow the City of Gainesville Traffic Operations Division of the Public Works Department to design and construct a fiber optic cable conduit for the new traffic signal at Newberry Road at 131st Street with funds provided by the Town of Tioga development.**

**RECOMMENDATION**      *The City Commission: 1) authorize the City Manager to execute an agreement with Town of Tioga Development, subject to approval by the City Attorney as to form and legality; and 2) approve the acceptance of \$104,291.08 from Town of Tioga to the Traffic Operations Division.*

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

110166B\_Exhibit\_20110804.pdf  
110166A\_Agreement\_20110804.PDF

**110140.****U.S. Department of Justice Bulletproof Vest Partnership (NB)**

**RECOMMENDATION**      *The City commission authorizes the City Manager to: 1) accept the 14,715 in grant funds, and 2) execute any other necessary documents, pending review by the City Attorney as to form and legality.*

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

**GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS****CITY ATTORNEY, CONSENT AGENDA ITEMS****110106.****HOUSE BILL 7207 - PERMIT EXTENSIONS PROVISIONS - EFFECT ON AND IMPLEMENTATION BY THE CITY OF GAINESVILLE (B)**

**RECOMMENDATION**      *The City Commission authorize the City Attorney to draft and the Clerk of the Commission to advertise an Ordinance establishing administrative procedures and fees to carry out the development order and building permit extensions authorized by House Bill 7207.*

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

110106\_Ch. 2011-139 Laws of Florida\_20110804.pdf  
110106A\_draft ordinance\_20111006.pdf  
110106B\_Ch. 2011-139 Laws of Florida\_20111006.pdf  
110106\_ordinance\_20111020.pdf

## CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

## EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

## COMMITTEE REPORTS, CONSENT AGENDA ITEMS

## ADVISORY BOARD AND COMMITTEE, CONSENT

### 110183.

**Request to Waive Probationary Period of New City Plan Board Member Erin Condon (B)**

**RECOMMENDATION**      *Staff to City Commission - Waive the 60-day probationary period for new Plan Board Member Erin Condon, in accord with Sec. 30-353(a) 5c. of the Land Development Code.*

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

110183A\_erin condon application\_20110804.pdf  
110183B\_Sec 30-353 CPB probationary period\_20110804.pdf

## Passed The Consent Agenda

**A motion was made by Commissioner Henry, seconded by Commissioner Mastrodicasa, including all the preceding items marked as having been adopted on the Consent Agenda. The motion carried by the following vote:**

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

## COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

## END OF CONSENT AGENDA

## ADOPTION OF THE REGULAR AGENDA

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## CHARTER OFFICER UPDATES

## CLERK OF THE COMMISSION

## PUBLIC SAFETY COMMITTEE

### 10003. Citizen's Police Review Board (B)

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*Assistant City Manager Paul Folkers, Assistant City Attorney Tom Arden and Gainesville Police Chief Tony Jones gave presentations.*

*Mayor Lowe recognized Kali Blount, Attorney Andrea McKinney, James Schmidt, Mary Anderson and Jeff McAdams who spoke to the matter.*

**RECOMMENDATION**      *The City Commission: 1) approve the Public Safety Committee's recommendation to not accept the Citizen's Police Review Board's proposal to form a Citizen's Review Board; and 2) remove this referral from the PSC Referral List.*

**A motion was made by Commissioner Mastrodicasa, seconded by Mayor-Commissioner Pro Tem Hawkins, that this matter be Approved as Recommended. The motion carried by the following vote:**

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

100003A\_Proposal\_20110622.pdf  
100003B\_CALetter\_20110622.pdf  
100003C\_LtrtoCityComm\_20110622.pdf

## CITY MANAGER

### 110175. Information Update and Discussion of Issues Related to House Bill 7207 (Chapter Law 2011-139) Growth Management Changes (B)

[Play Video](#)

*Principal Planner Onelia Lazzari gave a presentation.*

**RECOMMENDATION**      *Staff to City Commission: Hear a presentation about the changes to state growth management law and the impacts on the City's planning process and provide input to staff on issues related to the City's comprehensive plan.*

#### **Heard**

110175\_FAQ about community plan act\_20110804 .pdf  
110175\_draft ordinance\_20111006.pdf  
110175\_ordinance\_20111020.pdf

## GENERAL MANAGER FOR UTILITIES

**CITY ATTORNEY****CITY AUDITOR****EQUAL OPPORTUNITY DIRECTOR****COMMITTEE REPORTS (PULLED FROM CONSENT)****ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)****OUTSIDE AGENCIES****MEMBERS OF THE CITY COMMISSION****COMMISSION COMMENTS (if time available)**

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**Commissioner Scherwin Henry**

*Development of East Waldo Rd. from University Avenue to 12th Avenue.*

**110225.****Development of East Waldo Road between University and 12th Avenue (NB)****RECOMMENDATION**

*The City Commission refer the issue of facilitating development of East Waldo Road between University Avenue and 12th Avenue to the City Manager and the City Attorney.*

**A motion was made by Commissioner Henry, seconded by Mayor-Commissioner Pro Tem Hawkins, that this matter be Referred to the City Manager, due back on February 4, 2012. The motion carried by the following vote:**

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

**Commissioner Todd Chase**

*Plan Board Membership.*

**Commissioner Susan Bottcher**

1. City Web Site - Board Members.
2. Dog Sitting Issue.

### **Commissioner Thomas Hawkins**

1. Dog Sitting Issue Re: College Park/University Heights Overlay vs. Zoning Districts.
2. Streamlining Government - City Advisory Boards - Referral in Audit, Finance and Legislative Committee.

### **Commissioner Randy Wells**

*Development of East Waldo Rd. from University Avenue to 12th Avenue.*

### **RECESS - 3:29 PM**

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### **RECONVENE - 5:57 PM**

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

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### **PROCLAMATIONS/SPECIAL RECOGNITIONS**

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#### **110203. National Clown Week - August 1 - 7, 2011 (B)**

[Play Video](#)

**RECOMMENDATION**      *The Gainesville Sunshine Clowns to accept the proclamation.*

**Heard**

110203\_ClownWeek\_20110804.pdf

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

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### **Mac McEachern**

*GRU Biomass Contract.*

**Dr. David Block**

*Cell Tower in Westside Park.*

**Nathan Skop, Esq.**

*GRU solar feed-in tariff.*

**Tom Lane**

*GRU solar feed-in tariff.*

**Anne Orlando**

*GRU solar feed-in tariff.*

**Jason Gonos**

*GRU solar feed-in tariff.*

**Alex Khokhlov**

*GRU solar feed-in tariff.*

**Paul Wales**

*GRU solar feed-in tariff.*

**Paula Stahmer**

*Biomass Plant.*

**Harold Saive**

*Biomass Plant.*

**Jo Beaty**

*Biomass Plant.*

**Gabriel Hillel**

*Citizen Comment - Web Issues.*

**Armando Grundy**



1. *Citizen Comment issues.*
2. *RTS*
3. *National Night Out.*

**Pat Fitzpatrick**

*Homeless Issues.*

**Kathy Benton**

*GRU Bills, Biomass Plant.*

**John Davies**

*Various Issues.*

**Trisha Ingle**

*130 Meal Limit.*

**James Ingle**

1. *130 Meal Limit.*
2. *City Retirees/Health Benefits.*

**Walter Willard**

*Various Issues.*

**CITY COMMISSION RESPONSE TO CITIZEN COMMENT****PUBLIC HEARINGS****RESOLUTIONS- ROLL CALL REQUIRED**

[Play Video](#)

**110165.****Resolution for a Joint Participation Agreement for Regional Transit System (RTS) Bus Stop Amenities (B)**

**This item is a request to adopt a Resolution authorizing the City Manager to execute a Joint Participation Agreement between the City of Gainesville and the Florida Department of Transportation (FDOT) to receive Service Development Funds for Regional Transit System (RTS) Bus Stop Amenities.**

[Play Video](#)

**RECOMMENDATION**      *The City Commission adopt the Resolution.*

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

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

110165\_Resolution\_20110804.pdf

110165\_resolution\_20110804.pdf

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

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### **110169.                    NON-AD VALOREM SPECIAL ASSESSMENT (B)**

**Ordinance No. 110169**

**An ordinance of the City of Gainesville, Florida, providing consent for the entire corporate limits of the City of Gainesville, Florida to be included in the non-ad valorem assessment for the municipal service benefit unit created by Alachua County for certain solid waste management services for the 2011-2012 fiscal year; providing conditions for the consent; providing that the consent is for a one-year period; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

[Play Video](#)

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

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

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

110169A\_draft ordinance\_20110804.pdf

110169B\_Exhibit A\_20110804.pdf

110169\_ordiance\_20110818.pdf

### **110017.                    DOWNTOWN SPECIAL EVENT (B)**

**Ordinance No. 110017**

**An Ordinance of the City of Gainesville, Florida, amending Chapter 4 of the City of Gainesville Code of Ordinances relating to alcoholic beverages; by repealing subsections (b) and (c) of Section 4-4 in their entirety, and creating and adding new subsections (b), (c) and (d) to said Section, relating to the sale, consumption and possession of alcoholic beverages; providing for the temporary**

outdoor sale, dispensing and consumption of beer at a special event, in the Central City District on the Fridays immediately preceding regularly scheduled home football games for the University of Florida; setting forth conditions and specifications for issuance of a special event permit; prohibiting the possession of open containers of alcohol in specified areas; clarifying and providing for other special events and areas where alcoholic beverages may be served and consumed; providing penalties; providing for permit fees; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

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*Assistant City Manager Paul Folkers and United Way Executive Director Debbie Mason gave a presentation.*

*AMENDMENT: Assistant City Manager Paul Folkers read the following amendments to the ordinance into the record: 1) Extend the geographic areas as follows, "SE First Avenue between S Main Street and SE 3rd Street and SE 2nd Avenue between S Main Street and SE 3rd Avenue"; and 2) add language to line 136, "except on University of Florida Homecoming day when the event shall not begin before 1:30 pm and end no later than 5:30 pm".*

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

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

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

110017\_PPT\_20110707.pdf

110017\_draft ordinance\_20110804.pdf

110017\_MOD\_draft ordinance\_20110804.pdf

110017-1\_downtown special event\_20110818.pdf

110017\_ordinance\_20110818.pdf

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

[Play Video](#)

### **100591.**

#### **LANDLORD PERMIT PROGRAM FEES (B)**

##### **Ordinance No. 100591**

**An ordinance of the City of Gainesville, Florida, amending section 14.5-1(c) of the City of Gainesville Code of Ordinances to authorize the City Attorney to seek judicial resolution of delinquent fees; amending section 14.5-1(d), City of Gainesville Code of Ordinances, relating to landlord permit fees; providing for Code Enforcement Board-imposed fines to stop accruing under certain conditions; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

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*Interim Code Enforcement Manager Chris Cooper gave a presentation.*

*Mayor Lowe recognized Darlene Pifalo who spoke to the matter.*

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

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

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

100591\_Memo\_20101214.pdf

100591\_1-12-10 Minutes\_20101214.pdf

100591\_CDC Minutes\_20110616.pdf

100591\_CITIZEN\_COMMENT\_20110616.pdf

100591\_draft ordinance\_20110721.pdf

100591\_delinquentfeesordinance\_20110804.pdf

### **110048.**

#### **STREET VACATION – 3333 NORTH MAIN STREET (B)**

##### **Ordinance No. 110048, Petition PB-11-61SVA**

**An ordinance of the City of Gainesville, Florida, to vacate, abandon and close approximately 100 feet of unimproved right-of-way located in the vicinity of 3333 North Main Street, as more specifically described in this Ordinance; reserving a public and private utilities easement; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

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*Commissioner Mastrodicasa disclosed for the record that she was related to an agent for the petitioner, but had no conflict and would be voting on the matter.*

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

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

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

110048\_draft ordinance\_20110721.pdf

110048B\_staff report\_20110721.pdf

110048C\_append A-1\_20110721.pdf

110048D\_append A-2\_20110721.pdf

110048E\_append B\_20110721.pdf

110048F\_cpb minutes\_20110721.pdf

110048G\_staff ppt\_20110721.pdf

110048\_draft ordinance\_20110721.pdf

110048\_vacateordinance\_20110804.pdf

**100678.****REZONINGS - VICINITY OF WEST OF SW 34TH STREET AND NORTH OF SW ARCHER RD (B)****Ordinance No. 100678, Petition No. PB-10-136ZON-A**

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain properties annexed into the City, as more specifically described as follows: Area 1: from the Alachua County zoning categories of "Agricultural (A) district", "Multiple family, medium density (R-2) district", and "Planned development (PD) district", to the City of Gainesville zoning categories of "CON: Conservation district" and "PS: Public services and operations district" to allow cemeteries as a use permitted by right; without approval of a preliminary development plan; Area 2: from the Alachua County zoning category of "Agricultural (A) district" and "Multiple family, high density (R-3) district", to the City of Gainesville zoning category of "CON: Conservation district"; Area 3: from the Alachua County zoning categories of "Multiple family, medium-high density (R-2a) district" and "Industrial services and manufacturing (MS and MP) districts", to the City of Gainesville zoning categories of "RMF-5: 12 units/acre single-family/multiple-family residential district", "RMF-7: 8-21 units/acre multiple-family residential district", "BI: Business industrial district", and "PS: Public services and operations district" to allow electric, gas, and sanitary services (MG-49); utility lines; water conservation areas, water reservoirs and control structures, drainage wells and water wells; stormwater facilities; any use customarily incidental to any permitted principal use as uses permitted by right; without approval of a preliminary development plan; Area 4: from the Alachua County zoning categories of "Industrial services and manufacturing (MS and MP) districts", "Highway oriented business services (BH) district", "Residential Professional (RP) district", and "Single family, low density (R-1c) district", to the City of Gainesville zoning categories of "BI: Business industrial district" and "BUS: General business district"; located in the vicinity of Southwest 20th Avenue and Southwest Archer Road, east of Interstate 75 and west of Southwest 34th Street; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

[Play Video](#)

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

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

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

100678\_staff report\_20110303.pdf  
100678A\_110127\_cpb minutes\_20110303.pdf  
100678\_staff ppt\_20110303.pdf  
100678\_MOD\_QJ\_FORMS\_20110303.pdf  
100678\_draft ordinance\_20110721.pdf  
100678\_ordinance\_20110804.pdf

**100851.** REZONING - UF EASTSIDE CAMPUS (B)

**Ordinance No. 100851, Petition No. PB-11-19ZON**

**An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property from "PS: Public services and operations district" and "MH: 12 units/acre mobile home residential district" to "ED: Educational services district"; consisting of approximately 14.3 acres, and located in the vicinity of 2004 Northeast Waldo Road; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

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

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

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

100851\_staff report\_20110505.pdf  
100851A\_Append A\_20110505.pdf  
100851B\_append B\_20110505.pdf  
100851C\_exhibit C\_Aerial UF Eastside\_20110505.pdf  
100851D\_append D\_20110505.pdf  
100851E\_cpb minutes\_20110505.pdf  
100851F\_staff ppt\_20110505.pdf  
100851\_draft ordinance\_20110721.pdf  
100851B\_staff ppt\_20110721.pdf  
100851\_ordinance\_20110818.pdf

**PLAN BOARD PETITIONS**

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**110076** Add and Update Regulations for the Protection of Natural and Archaeological Resources (B)

**Petition PB-10-143 TCH. City of Gainesville. Amend the Land Development Code to add and update regulations for the protection of natural and archaeological resources. Delete Sections 30-309 & 30-309.1 of the Land Development Code, which pertain to the Significant Ecological Communities District.**

[Play Video](#)

*Principal Planner Onelia Lazzari, Environmental Coordinator John Hendrix and Alachua County Environmental Protection Representative Michael Drummond gave presentations.*

Mayor Lowe recognized Fred Henderson, Carl Salifrio, Danica Gordon, Dink Henderson, Andy Kaplan, Linda Pollini, Rob Brinkman, Armando Grundy, Darlene Pifalo, Mitch Glaeser, Eric Godet, Helen Warren and James Ingle who spoke to the matter.

*WAIVER OF RULES TO EXTEND THE MEETING:* Commissioner Hawkins moved and Commissioner Henry seconded to waive the rules to continue the meeting to 11:20 PM.

*(VOTE: 7-0, MOTION CARRIED)*

*WAIVER OF RULES TO EXTEND THE MEETING:* Commissioner Hawkins moved and Commissioner Henry seconded to waive the rules to continue the meeting to 11:35 PM.

*(VOTE: 7-0, MOTION CARRIED)*

*FIRST MOTION:* Commissioner Henry moved and Commissioner Hawkins seconded to approve the petition with the modification that the threshold be raised from 2 acres to 5 acres except when endangered species are present.

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

*SECOND MOTION:* Commissioner Hawkins moved and Commissioner Mastrodicasa seconded to request that the City Attorney and Planning staff present a mitigation option that is more in line with the ecological value of the property rather than the market value of the property at first reading of the ordinance.

*(VOTE: 5-2, Commissioners Chase and Henry - No, MOTION CARRIED)*

**RECOMMENDATION**

City Plan Board to City Commission - Approve Petition PB-10-143 TCH with staff changes provided on an errata sheet dated 3/24/11; changes recommended in a letter from David Coffey (Comment 6.a. amend page 27 of draft regulations, paragraph f as shown in the letter and Comment 6.b. amend P. 28 of draft regulations, paragraph e, as shown in the letter); changes recommended in a letter from Dink Henderson on P. 36 of draft regulations to add "when stipulated in the management plan" in Section (k)(2)c and in section (k)(3), replace "properly maintained or managed" with "maintained in accordance with the approved management plan"; and encouraged staff to continue to work on the petition with stakeholders as the petition moved forward to the City Commission. The Plan Board voted 5-1.

Staff to City Commission - Approve Petition PB-10-143 TCH as amended by the Plan Board and as further modified by staff subsequent to the Plan Board meeting.

Staff to City Plan Board - Approve Petition PB-10-143 TCH with staff changes presented in the errata sheet dated 3/24/11.

**Approved as shown above (Petition)**

110076A\_exhibit 8\_post cpb chgs\_20110707.pdf  
110076B\_staff report\_20110707.pdf  
110076C\_exhibit 1 timeline\_20110707.pdf  
110076D\_exhibit2\_envtl petition Table1\_20110707.pdf  
110076E\_exhibit 3\_envtl LDC chgs\_20110707.pdf  
110076F\_exhibit 4\_remove envtl LDC\_20110707.pdf  
110076G\_exhibit 5\_strategic ecosystems map\_20110707.pdf  
110076H\_exhibit 6\_sec 30-300\_20110707.pdf  
110076I\_exhibit 7\_sec 30-275\_20110707.pdf  
110076J\_cpb minutes.110324\_20110707.pdf  
110076K\_staff ppt\_20110707.pdf  
110076L\_MOD\_Fowler Ltr to O Lazzari\_20110707.pdf  
110076M\_MOD\_Fowler Ltr to COG\_20110707.pdf  
110076N\_MOD\_Supplemental Staff PPt Slides\_20110707.pdf  
110076A\_exhibit 8\_post cpb chgs\_20110804.pdf  
110076B\_staff report\_20110804.pdf  
110076C\_exhibit 1 timeline\_20110804.pdf  
110076D\_exhibit2\_envtl petition Table1\_20110804.pdf  
110076E\_exhibit 3\_envtl LDC chgs\_20110804.pdf  
110076F\_exhibit 4\_remove envtl LDC\_20110804.pdf  
110076G\_exhibit 5\_strategic ecosystems map\_20110804.pdf  
110076H\_exhibit 6\_sec 30-300\_20110804.pdf  
110076I\_exhibit 7\_sec 30-275\_20110804.pdf  
110076J\_cpb minutes.110324\_20110804.pdf  
110076K\_staff ppt\_combined\_20110804.pdf  
110076L\_Fowler Ltr to O Lazzari\_20110804.pdf  
110076M\_Fowler Ltr to COG\_20110804.pdf  
110076N\_7-6-11 Memo to Comm Hawkins\_20110804.pdf  
110076 O\_responses to GACAR comments\_20110804 .pdf  
110076\_MOD\_EC&D.CoG.LDCSuggestions\_20080804.PDF  
110076-MOD\_Memo&Maps(slides)\_20110804.pdf

## **RECESS - 11:35 PM**

*The meeting was recessed at 11:35 PM and the Mayor continued the rest of the meeting to Tuesday, August 9, 2011 at 6:00 PM.*

## **RECONVENE - TUESDAY, AUGUST 9, 2011 @ 6:09 PM**

*NOTE: Commissioner Wells was not present for the portion of the meeting that was continued to August. 9, 2011 @ 6:00 PM.*

### **110168.**

**Amend the Historic Preservation Element for the updated City of Gainesville Comprehensive Plan (B)**

**Petition PB-11-6 CPA. Update the Historic Preservation Element of the City of Gainesville 2000-2010 Comprehensive Plan for the proposed City of Gainesville 2010-2020 Comprehensive Plan.**

*Historic Preservation Planner Darlene Henrichs and Principal Planner Onelia*



*Lazzari gave a presentation.*

*AMENDMENT: 1) Adding a definition of "significant" as modified by the City Attorney; and 2) adding "as feasible" to 1.4.6, as modified by Public Works.*

*Mayor Lowe recognized Armando Grundy who spoke to the matter.*

**RECOMMENDATION** *City Plan Board to City Commission - Approve Petition PB-11-6 CPA with an amendment to Policy 1.3.9 and find it consistent with the City's Comprehensive Plan. The Plan Board voted 5-0.*

*Staff to City Commission - Approve Petition PB-11-6 CPA with the Plan Board recommended change to Policy 1.3.9.*

*Staff to City Plan Board - Approve Petition PB-11-6 CPA.*

**A motion was made by Mayor-Commissioner Pro Tem Hawkins, seconded by Commissioner Mastrodicasa, that this matter be Approved (Petition), as amended. The motion carried by the following vote:**

**Votes:** Aye: Craig Lowe, Jeanna Mastrodicasa, Scherwin Henry, Susan Bottcher and Thomas Hawkins

Nay: Todd Chase

Absent: Randy Wells

110168A\_staff report\_20110804.pdf

110168B\_append A\_HP GOP's\_20110804.pdf

110168C\_append B\_updated maps\_20110804.pdf

110168D\_HP data & analysis\_20110804.pdf

110168E\_append C\_application\_20110804.pdf

110168F\_cpb minutes\_20110804.pdf

110168G\_staff ppt\_20110804.pdf

## **110170.**

**Amend the Cultural Affairs Element for the updated City of Gainesville Comprehensive Plan (B)**

**Petition PB-11-5 CPA. Update the Cultural Affairs Element of the City of Gainesville 2000-2010 Comprehensive Plan for the proposed City of Gainesville 2010-2020 Comprehensive Plan.**

*Historic Preservation Planner Darlene Henrichs gave a presentation.*

**RECOMMENDATION** *City Plan Board to City Commission - Approve Petition PB-11-5 CPA and find it consistent with the City's Comprehensive Plan. The Plan Board voted 7-0.*

*Staff to City Commission - The City Commission approve Petition PB-11-5 CPA.*

*Staff to City Plan Board - Approve Petition PB-11-5 CPA.*

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

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

Absent: Randy Wells

110170A\_staff report\_20110804.pdf  
 110170B\_cultural affairs GOPs\_20110804.pdf  
 110170C\_cultural affairs D&A report\_20110804.pdf  
 110170D\_application\_20110804.pdf  
 110170E\_cpb minutes\_20110804.pdf  
 110170F\_staff ppt\_20110804.pdf  
 110170\_draft ordinance\_20111006.pdf

### 110171.

**Amend the Solid Waste Element for the updated Comprehensive Plan (B)**

**Petition PB-11-77 CPA. Update the Solid Waste Element of the City of Gainesville 2000-2010 Comprehensive Plan for the proposed 2010-2020 Comprehensive Plan.**

*Planner Jason Simmons gave a presentation.*

**RECOMMENDATION**

*City Plan Board to City Commission - The City Commission approve Petition PB-11-77 TCH. Plan Board vote 4-0.*

*Staff to City Commission - The City Commission approve Petition PB-11-77 CPA.*

*Staff to the Plan Board - Approve Petition PB-11-77 CPA.*

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

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

Absent: Randy Wells

110171A\_staff report\_20110804.pdf  
 110171B\_append A\_solid waste GOPs\_20110804.pdf  
 110171C\_append B\_addendum\_20110804.pdf  
 110171D\_append C\_updated maps\_20110804.pdf  
 110171E\_append D\_interlocal agreement\_20110804.pdf  
 110171F\_append E\_application\_20110804.pdf  
 110171G\_cpb minutes\_20110804.pdf  
 110171H\_staff ppt\_20110804.pdf  
 110171\_draft ordinance\_20111006.pdf

### 110172.

**Amend the Stormwater Management Element for the updated Comprehensive Plan (B)**

**Petition PB-11-76 CPA. Update the Stormwater Management Element of the City of Gainesville 2000-2010 Comprehensive Plan for the proposed 2010-2020 Comprehensive Plan.**

*Planner Jason Simmons gave a presentation.*

**RECOMMENDATION**      *City Plan Board to City Commission - The City Commission approve Petition PB-11-76 TCH with minor staff changes presented at the meeting. Plan Board vote 4-0.*

*Staff to City Commission - The City Commission approve Petition PB-11-76 CPA.*

*Staff to the Plan Board - Approve Petition PB-11-76 CPA with minor staff changes presented at the meeting.*

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

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

110172A\_staff report\_20110804.pdf  
110172B\_append A\_stormwater GOPs\_20110804.pdf  
110172C\_append B\_addendum\_20110804.pdf  
110172D\_append C\_updated maps\_20110804.pdf  
110172E\_append D\_interlocal agreement\_20110804.pdf  
110172F\_append E\_application\_20110804.pdf  
110172G\_cpb minutes\_20110804.pdf  
110172H\_staff ppt\_20110804.pdf  
110172\_draft ordinance\_20111006.pdf

**110173.**

**Amend the Public Schools Facilities Element for the updated City of Gainesville Comprehensive Plan (B)**

**Petition PB-11-31 CPA. Update the Public Schools Facilities Element of the City of Gainesville 2000-2010 Comprehensive Plan for the proposed City of Gainesville 2010-2020 Comprehensive Plan.**

*Lead Planner Dean Mimms gave a presentation.*

**RECOMMENDATION**      *City Plan Board to City Commission - Approve Petition PB-11-31 CPA and find it consistent with the City's Comprehensive Plan. The Plan Board voted 5-0.*

*Staff to City Commission - Approve Petition PB-11-31 CPA.*

*Staff to City Plan Board - Approve Petition PB-11-31 CPA.*

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

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

110173A\_staff report\_20110804.pdf  
110173B\_append A\_exhibit A-1\_20110804.pdf  
110173C\_append B\_exhibit B-1\_20110804.pdf  
110173D\_append C\_application\_20110804.pdf  
110173E\_cpb minutes\_20110804.pdf  
110173F\_staff ppt\_20110804.pdf  
110173\_draft ordinance\_20111006.pdf

### 110174.

**Amend the Intergovernmental Coordination Element for the updated City of Gainesville Comprehensive Plan (B)**

**Petition PB-11-62 CPA. Update the Intergovernmental Coordination Element of the City of Gainesville 2000-2010 Comprehensive Plan for the proposed City of Gainesville 2010-2020 Comprehensive Plan.**

*Lead Planner Dean Mimms gave a presentation.*

**RECOMMENDATION**

*City Plan Board to City Commission - Approve Petition PB-11-62 CPA, changing "urban sprawl" in Policy 1.4.1 f. to "urban sprawl as defined in state statutes", and with a recommendation that staff continue discussions with the School Board and other local governments regarding school concurrency. The Plan Board voted 4:0.*

*Staff to City Commission - Approve Petition PB-11-62 CPA as recommended by the Plan Board.*

*Staff to City Plan Board - Approve Petition PB-11-62 CPA.*

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

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

110174A\_staff report\_20110804.pdf  
110174B\_append A\_amended ICE\_20110804.pdf  
110174C\_append B\_exhibit B-1 - B-3\_20110804.pdf  
110174D\_append C\_application\_20110804.pdf  
110174E\_cpb minutes\_20110804.pdf  
110174F\_staff ppt\_20110804.pdf  
110174\_draft ordinance\_20111006.pdf

### 110077.

**Remove the Significant Ecological Communities Overlay District from eight**

parcels located east of Southeast 24th Street between East University Avenue and Southeast Hawthorne Road (B)

**Petition PB-11-16 ZON. City Plan Board. Remove the Significant Ecological Communities Overlay District from eight parcels totaling approximately 47 acres in size and located generally east of Southeast 24th Street between East University Avenue and Southeast Hawthorne Road. Related to Petition PB-10-143 TCH.**

*Lead Planner Dean Mimms gave a presentation.*

**RECOMMENDATION**

*City Plan Board to City Commission - Approve Petition PB-11-16 ZON with the condition that Petition PB-10-143 TCH be approved by the City Commission. The Plan Board voted 4-0.*

*Staff to City Commission - Approve Petition PB-11-16 ZON.*

*Staff to City Plan Board - Approve Petition PB-11-16 ZON.*

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

**Votes:** Aye: Craig Lowe, Jeanna Mastrodicasa, Scherwin Henry, Susan Bottcher and Thomas Hawkins

Nay: Todd Chase

Absent: Randy Wells

110077A\_staff report\_20110707.pdf

110077B\_append A\_exhibit A-1 - A-3\_20110707.pdf

110077C\_append B\_application\_20110707.pdf

110077D\_cpb minutes 110428\_20110707.pdf

110077E\_staff ppt\_20110707.pdf

110077A\_staff report\_20110804.pdf

110077B\_append A\_exhibit A-1 - A-3\_20110804.pdf

110077C\_append B\_application\_20110804.pdf

110077D\_cpb minutes 110428\_20110804.pdf

110077E\_staff ppt\_20110804.pdf

**110078.**

**Remove the Significant Ecological Communities Overlay District from the approximately 368-acre property adjacent to the City's Ironwood Golf Course (B)**

**Petition PB-11-17 ZON. City Plan Board. Remove the Significant Ecological Communities Overlay District from an approximately 368-acre property generally located south of Northeast 53rd Avenue, east of Northeast 15th Street, north of Northeast 39th Avenue and west of Waldo Road. Related to Petition PB-10-143 TCH.**

*Lead Planner Dean Mimms gave a presentation.*

**RECOMMENDATION**

*City Plan Board to City Commission - Approve Petition PB-11-17 ZON with the condition that Petition PB-10-143*

*TCH be approved by the City Commission. The Plan Board voted 4-0.*

*Staff to City Commission - Approve Petition PB-11-17 ZON.*

*Staff to City Plan Board - Approve Petition PB-11-17 ZON.*

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

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

110078A\_staff report\_20110707.pdf  
110078B\_append A\_exhibits A-1 - A-3\_20110707.pdf  
110078C\_append B\_application\_20110707.pdf  
110078D\_cpb minutes 110428\_20110707.pdf  
110078E\_staff ppt\_20110707.pdf  
110078A\_staff report\_20110804.pdf  
110078B\_append A\_exhibits A-1 - A-3\_20110804.pdf  
110078C\_append B\_application\_20110804.pdf  
110078D\_cpb minutes 110428\_20110804.pdf  
110078E\_staff ppt\_20110804.pdf

## **DEVELOPMENT REVIEW BOARD PETITIONS**

### **SCHEDULED EVENING AGENDA ITEMS**

**110147. Appeal of Development Review Board Decision - Jack's Bar Case - 16 and 24 S. Main Street, Petition DB-11-38 SPA (B)**

**This item is an appeal filed challenging the Development Review Board's decision to grant Preliminary Development Plan approval of Petition DB-11-38 SPA for conversion of an existing office space to a bar (Alcoholic Beverage Establishment) with an associated outdoor café.**

*STAFF PRESENTATIONS: Lead Planner Lawrence Calderon and Assistant City Attorney Nicolle Shalley gave presentations.*

*APPELLANT PRESENTATION: Mayor Lowe recognized HGI President Michael Volk who gave a presentation.*

*PETITIONER PRESENTATION: Mayor Lowe recognized Agent for the Petitioner Sergio Reyes, Architect Andrew Kaplan and Petitioner William Chic who gave presentations.*

*CITIZEN COMMENT: Mayor Lowe recognized Bill Warinner and Matt Wolfe who spoke to the matter.*

*FIRST MOTION: Mayor-Commissioner Pro Tem Hawkins moved and Commissioner Bottcher seconded to establish standing for the appellant Historic Gainesville, Inc. (VOTE: 3-3; Commissioner Hawkins, Bottcher and Mayor Lowe - YES; and Commissioner Henry, Commissioner Chase and Commissioner Mastrodicasa - NO; MOTION FAILED)*

*SECOND MOTION (MAIN MOTION): Commissioner Henry moved and Commissioner Bottcher seconded to uphold the staff recommendation to dismiss the appeal based on lack of standing by the Appellant. VOTE: 4-2; Commissioners Bottcher, Henry, Chase and Mastrodicasa - YES; and Commissioner Hawkins and Mayor Lowe - No; MOTION CARRIED)*

*Commissioner Mastrodicasa disclosed after the vote that she was related to an agent for the property owner, but had no conflict and would be voting on the matter.*

**RECOMMENDATION**

*Recommendation: Staff to City Commission: Dismiss appeal based on lack of standing by Appellant.*

*Alternative Recommendation: City Commission: 1) Find that Appellant has established standing; 2) Hear appeal as to two issues: Noncompliance with the Special Area Plan for the Traditional City and Noncompliance with the Comprehensive Plan, Urban Design Element, Policy 3.5.6., including presentations from staff, William Chick and/or his agents (the applicant) and Historic Gainesville, Inc. (the affected party appellant); and 3) affirm, amend or reverse the decision of the Development Review Board.*

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

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

110147A\_Appeal Application\_20110804.pdf  
110147B\_Letter to Sergio Reyes\_20110804.pdf  
110147C\_SPA Comments SPUTO\_20110804.pdf  
110147D\_5-4-11 Development Plan\_20110804.pdf  
110147E\_5-23-11 Development Plan\_20110804.pdf  
110147F\_Appeal Response - Staff Memo\_20110804.pdf  
110147G\_6-9-11 DRB Minutes\_20110804.pdf  
110147H\_Staff Power Point\_20110804.pdf  
110147 I\_Applicant PPt\_20110804.pdf  
110147\_MOD\_HGI full presentationfinal1\_20110804.pdf  
110147\_MOD\_homassa-vs-citruscaselaw20110804.pdf  
110147\_MOD\_nassau-vs-williscaselaw1\_20110804.pdf  
110147\_MOD\_Appeal Standing Documentation20110804.pdf  
110047\_MOD\_ExpertLetterHGI Appeal\_20110804.pdf  
110147\_finalorder\_20110804.pdf

## UNFINISHED BUSINESS

### COMMISSION COMMENT

#### Commissioner Jeanna Mastrodicasa

*Places of religious assembly locating in the Downtown Hospitality District - See following referral item #110257.*

#### 110257.

##### **Religious Institutions in the Hospitality District (NB)**

*Planning Manager Ralph Hilliard made comments.*

##### **RECOMMENDATION**

*The City Commission initiate a Plan Board petition to change language in the Land Development Code to allow for alcoholic beverage establishments to continue to operate after religious institutions move into the Hospitality District.*

**A motion was made by Commissioner Mastrodicasa, seconded by Commissioner Henry, that this matter be Referred to the Planning Staff, due back on February 4, 2012. The motion carried by the following vote:**

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

#### Mayor-Commissioner Pro Tem Thomas Hawkins

- 1. Merits of the previous petition (Jack's Bar).*
- 2. Private purchase of public land question - See following referral item #110258.*
- 3. Growth Management Issues.*

#### 110258.

##### **Private Purchase of Public Land (NB)**

##### **RECOMMENDATION**

*The City Commission refer the question of private purchase of public land to the Recreation, Cultural Affairs and Public Works Committee.*

**A motion was made by Mayor-Commissioner Pro Tem Hawkins, seconded by Commissioner Chase, that this matter be Referred to the Recreation, Cultural Affairs and Public Works Committee, due back on February 4, 2012. The motion carried by the following vote:**

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



110258A\_Emails\_20111010.pdf  
110258B\_Letter to Nathan Collier\_20111010.pdf  
110258C\_Letter to Mayor\_20111010.pdf

### Commissioner Todd Chase

1. *Previous Issue #110147 - Jack's Bar - Citizen Comment.*

*Planning Manager Ralph Hilliard and City Attorney Marion Radson made comments.*

2. *911 Memorial - 10th Anniversary - email from the FOP.*

### Mayor Craig Lowe

*Protection of Historic Structures - See following referral item # 110259.*

*Mayor Lowe recognized HGI Michael Volk who spoke to the matter.*

### 110259.

#### **Historic Structure Protection (NB)**

*Mayor Lowe recognized HGI Michael Volk who spoke to the matter.*

#### **RECOMMENDATION**

*The City Commission refer the issue of historic structure protection and historic area protection in the downtown area to the Community Development Committee.*

**A motion was made by Commissioner Mastrodicasa, seconded by Mayor-Commissioner Pro Tem Hawkins, that this matter be Referred to the Community Development Committee, due back on February 4, 2012. The motion carried by the following vote:**

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

110259A\_Memo to CDC\_20111025.pdf  
110259B\_August 4 2011 CC Minutes\_20111025.pdf  
110259C\_PPT on Demo By Neglect\_20111025.pdf  
110259D\_NTTP Info\_20111025.pdf  
110259E\_Final Dem by Neglect and Min Maintenance Ordinance\_20111025.pdf  
110259F\_Ordinance Flow Chart\_20111025.pdf  
110259G\_A Model for Other Cities\_20111025.pdf  
110259H\_Tallahassee HPGL\_20111025.pdf

### City Attorney Marion Radson

*Eminent Domain Issues - MCB Oil.*

### Commissioner Scherwin Henry

*Outdoor Drinking Establishments.*

**CITIZEN COMMENT**

**Thomas Sputo**

*HGI Appeal - feels notice was defective.*

**Commissioner Susan Bottcher**

*Response to Citizen Comment.*

**Armando Grundy**

*RTS - Joint City/County Meeting.*

*NOTE: Commissioner Henry left the meeting room at 9:58 PM.*

**ADJOURNMENT - 10:06 PM August 9, 2011**

[Play Video](#)

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Kurt M. Lannon, Clerk of the Commission