

# **City of Gainesville**

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



## **Meeting Minutes**

**Thursday, February 19, 2009**

**1:00 PM**

**City Hall Auditorium**

## **City Commission**

*Mayor Pegeen Hanrahan (At Large)  
Mayor-Commissioner Pro Tem Jack Donovan (District 3)  
Commissioner Thomas Hawkins (At Large)  
Commissioner Jeanna Mastrodicasa (At Large)  
Commissioner Scherwin Henry (District 1)  
Commissioner Lauren Poe (District 2)  
Commissioner Craig Lowe (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 - 1:04 PM

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## ROLL CALL

Present: Pegeen Hanrahan, Craig Lowe, Jack Donovan, Jeanna Mastrodicasa, Scherwin Henry, Lauren Poe and Thomas Hawkins

## INVOCATION

*The City Commission observed a moment of silence.*

## CONSENT AGENDA

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*Commissioner Henry moved and Commissioner Lowe seconded to adopt the Consent Agenda, as submitted.*

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

*Chair Hanrahan recognized Pat Fitzpatrick who made comments.*

*NOTE: Commissioner Donovan entered the meeting room at 1:07 PM.*

## CITY MANAGER, CONSENT AGENDA ITEMS

### 080776.

#### **Legal Office Expenses from State Law Enforcement Contraband Forfeiture Trust Fund for Remainder of FY 2009 (NB)**

##### RECOMMENDATION

*The City Commission authorize the Gainesville Police Department to appropriate \$15,000 from the State Forfeiture Fund account (108-2710) into line item 108 810 H105 5210 3910.*

##### *Alternative Recommendation A:*

*The City Commission appropriate funds from the General Fund for these expenses. The fiscal impact is \$15,000.*

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

### 080783.

#### **Request for Funding - Connect Free Program (B)**

**This item proposes to request City Commission authorization to provide Connect Free Program funding in the amount of \$37,500 to Neighborhood**

**Housing & Development Corporation, Inc. (NHDC) to provide water extension and connection services to its new affordable housing development, Ernie's Chips, located in northeast Gainesville.**

**RECOMMENDATION**      *The City Commission: 1) approve the allocation of \$37,500 in Surcharge Connection Funds to NHDC for the Ernie's Chips development; and 2) authorize the City Manager or his designee to execute a sub recipient agreement and all necessary documents to award the Connect Free funds to NHDC, subject to approval by the City Attorney.*

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

080783\_NHDC Funding Request\_20090219.pdf

**080794.**

**Settlement of Worker's Compensation Claim - Thomas A. Lewis (NB)**

**This item involves the full and final settlement of Thomas A. Lewis' workers' compensation claim(s), which will include all future medical and indemnity payments. The total settlement amount is \$56,000 and represents a significant cost advantage to the City.**

**RECOMMENDATION**      *The City Commission authorize Special Counsel to prepare and execute the appropriate documents for a lump-sum settlement of the Worker's Compensation claim of Mr. Lewis, in the amount of \$56,000.*

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

**080796.**

**Contract for State of Florida Lobbying Services (NB)**

**RECOMMENDATION**      *The City Commission: 1) Approve the contract for State of Florida Lobbying Services provided by Doug Bruce & Associates; and 2) authorize the City Manager or designee to execute the contract as approved 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**

**080801.**

**Reimbursement for Oversizing of Wastewater Facilities at SoHo Apartments Phase 1 (NB)**

**Reimburse Biltmore Corporation of Gainesville, developer of SoHo Apartments**

**Phase 1, for the oversizing of wastewater facilities in accordance with provisions of the City of Gainesville Code of Ordinances, Chapter 27-179 Oversized Facilities.**

**RECOMMENDATION**      *The City Commission authorize the General Manager or his designee to negotiate and execute an agreement for reimbursement to Biltmore Corporation of Gainesville for the oversizing of wastewater facilities in an amount not to exceed \$92,885.00 subject to approval of the City Attorney as to form and legality.*

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

**080802.**

**Amendment to the Contract for Financial Advisor Services (NB)**

**Staff recommends amending the contract to Public Financial Management for the Utility's financial advisor services.**

**RECOMMENDATION**      *The City Commission: 1) authorize the General Manager, or his designee, to negotiate and execute a three year amendment to the contract with Public Financial Management for financial advisor services, subject to the approval of the City Attorney as to form and legality; and 2) approve the issuance of purchase orders to Public Financial Management in amounts not exceeding budgeted amounts for these services for each year of the contract, subject to final appropriation of funds for each year of the contract.*

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

**080803.**

**GenTrader Production Cost Software License (NB)**

**Staff recommends converting the GenTrader Production Cost Software annual license to a perpetual license.**

**RECOMMENDATION**      *The City Commission: 1) authorize the General Manager, or his designee, to convert the annual license to Power Costs Inc. (PCI) for the GenTrader Power Production Cost Software to a perpetual license at a one time cost of \$85,800; and 2) approve the issuance of purchase orders to PCI for each year of the agreement for the perpetual license for software maintenance and service, as required, subject to the annual appropriation of funds for each fiscal year.*

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

**CITY ATTORNEY, CONSENT AGENDA ITEMS****080777.****Azie Young vs. City of Gainesville, a municipal corporation; Eighth Judicial Circuit, Court Case No. 01-2009-CA-75 (B)**

**RECOMMENDATION**      *The City Commission authorize the City Attorney to represent the City of Gainesville in the case Azie Young vs. City of Gainesville, a municipal corporation; Eighth Judicial Circuit, Court Case No. 01-2009 CA-75*

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

080777\_Azie Young\_20090219.pdf

**080781.****CITY OF GAINESVILLE vs. O'STEEN BROTHERS, INC.; ALACHUA COUNTY CIRCUIT COURT (NB)**

**RECOMMENDATION**      *The City Commission authorize the City Attorney to file suit and represent the City in the case styled City of Gainesville vs. O'Steen Brothers, Inc.; Alachua County Circuit Court.*

**This Matter was Approved as Recommended on the Consent Agenda.****CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS****080806.****City Commission Minutes (B)**

**RECOMMENDATION**      *The City Commission approve the minutes of January 29, 2009 and February 5, 2009, as circulated.*

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

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080806a\_feb05min\_20090219.pdf

**EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS****COMMITTEE REPORTS, CONSENT AGENDA ITEMS****RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE,  
CONSENT**

**070806.****Rail Spur Property Liquidation (B)**

**At the City Commission meeting held on January 14, 2008, the City Commission referred disposition of the Deerhaven Rail Spur property to the Recreation, Cultural Affairs and Public Works (RCAPW) Committee for recommendations.**

**RECOMMENDATION**

*The City Commission accept the recommendation to: 1) find and declare the Deerhaven Rail Spur property as surplus; 2) authorize the General Manager or his designee to enter into a one year Option Agreement with Alachua Conservation Trust (ACT) with the option to extend for one year, for the sale of the portion of the rail spur, for fair market value as determined by the City of Gainesville, that extends from the southernmost part beginning in Alachua County to the Godwin property, located in Union County, including the 95 acre parcel on the Santa Fe River, reserving appropriate easements. Provided, however, should ACT decline to purchase any portion of the above described property, authorize the General Manager, or his designee to offer the same to another public agency or public interest entity having land conservation as its principle purpose; and, 3) authorize the General Manager or his designee to enter into Purchase and Sale Agreements, in accordance with GRU's Real Property disposition guidelines, for the sale of the portion of the rail spur beginning at the northernmost point of the Godwin Property, extending to SR 100 in Union County (as shown in blue on the attached map), with the adjacent property owners, or any other interested parties, reserving appropriate easements.*

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

070806\_20080114.pdf

070806\_Memo\_20080814\_Rec and PWC Committee agenda item 7-31-08.pdf

070806\_Property Liquidation\_20090219.pdf

**Passed The Consent Agenda**

**A motion was made by Commissioner Henry, seconded by Commissioner Lowe, 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, Jack Donovan, Lauren Poe, Scherwin Henry, Jeanna Mastrodicasa, Thomas Hawkins and Pegeen Hanrahan

**COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS****END OF CONSENT AGENDA**

## ADOPTION OF THE REGULAR AGENDA

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*Commissioner Lowe moved and Commissioner Henry seconded to adopt the Regular Agenda, as modified.*

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

### *REGULAR AGENDA MODIFICATIONS:*

*1. File #080835 Acceptance of US Department of Transportation FAA - AIP Grant #3-12-0028-28-2009 - (New Item added to the agenda under "City Manager" category).*

*2. File #080813 - GRU Deerhaven Properties - Proposed Land Use Change Application - (PPT added to Legistar (WEB) - Note: The PPT was included in the packets).*

*3. File #080654 - State Housing Initiative Partnership Program (SHIP) - City of Gainesville Affordable Housing Advisory Committee (AHAC) Incentive Review and Recommendation Report Follow Up - (Item added after Agenda Review - already on printed agenda).*

*4. File #080382 - Mom's Kitchen Site Redevelopment - (New Item added under "Outside Agencies" Category).*

*5. File #080828 - Cade Museum Update - (New Item added to the Regular Agenda).*

## CHARTER OFFICER UPDATES

## CLERK OF THE COMMISSION

## CITY MANAGER

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### **080778.**

#### **Sixth Street Corridor Rail Trail Project - 90% Design Presentation (B)**

**This item is a presentation by the Public Works engineering staff on the Sixth Street Corridor Rail Trail, which is currently at the 90% design stage.**

[Play Video](#)

*Public Works Supervising Engineer Emery Swearingen gave a presentation.*

*AMENDMENT: Approve the 90% plan adding the option to have the brick and concrete border treatment from 4th Avenue going North to the end of the trail.*

**RECOMMENDATION**      *The City Commission: 1) hear the staff presentation; and 2) provide input and guidance as appropriate.*

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

**Votes:** Aye: Craig Lowe, Jack Donovan, Lauren Poe, Scherwin Henry, Jeanna Mastrodicasa, Thomas Hawkins and Pegeen Hanrahan

080778\_Project Plan\_20090219.pdf

**080780.**

**Proposed Transfer of San Felasco County Park and Forest Park from Alachua County to the City of Gainesville (B)**

**This item involves a request to accept the transfer of San Felasco County Park from Alachua County to the City of Gainesville in FY 2010, effective October 1, 2009, contingent upon sufficient City funds being available for the operation and maintenance of the park. It also involves a request for conceptual approval for the future transfer of Forest Park from Alachua County to the City of Gainesville in FY 2011 .**

[Play Video](#)

*Parks, Recreation and Cultural Affairs Director Steve Phillips and Alachua County Parks and Open Space Superintendent Rob Avery gave presentations.*

*Chair Hanrahan recognized Jack Hughes who spoke to the matter.*

**RECOMMENDATION**      *Recommended Motion: The City Commission: 1) authorize execution of a quitclaim deed with Alachua County for the transfer of San Felasco County Park effective October 1, 2009 contingent upon: a) City allocation of \$41,873 in recurring operating funds beginning in FY 2010 and b) approval by the City Attorney as to form and legality; 2) approve in concept the transfer of Forest Park in FY 2011 contingent upon: a) City allocation of \$90,755 in recurring operating funds beginning in FY 2011 and b) approval by the City Attorney as to form and legality ( if approved in concept, a separate agenda item will be placed on the Commission agenda next year).*

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

**Votes:** Aye: Craig Lowe, Jack Donovan, Lauren Poe, Jeanna Mastrodicasa, Thomas Hawkins and Pegeen Hanrahan

Absent: Scherwin Henry

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080780b\_QUIT-CLAIM DEED\_20090219.PDF

080780c\_PPT\_20090219.PDF



**080128.****Update on the One-Half Percent Infrastructure Sales Surtax (Wild Spaces & Public Places) Implementation Plan for Capital Improvement Projects and Sensitive Lands Acquisition (B)**

**This item involves an update on the One-Half Percent Infrastructure Sales Surtax (Wild Spaces & Public Places) Implementation Plan for Capital Improvement Projects and Sensitive Lands Acquisition to acquire and improve conservation lands and create, improve and maintain parks and recreational facilities.**

[Play Video](#)

*Parks, Recreation and Cultural Affairs Director Steve Phillips, Assistant City Manager Paul Folkers, Assistant City Manager Fred Murry and Recreation Manager Shannon Keleher gave presentations.*

*AMENDMENT: 1) Approve staff's 4 recommendations; 2) regarding recommendation two, hold off on a final decision until April as the next decision point; and 3) authorize the Clerk of the Commission to advertise for the 2 City members of the Wild Spaces & Public Places Citizen Oversight Committee.*

*Chair Hanrahan recognized Jack Hughes, Randy Dunsing, Gary Scheiffle, Pam Forester and Sam Borgert who spoke to the matter.*

**RECOMMENDATION**

*The City Commission: 1) approve funding for projects currently underway; 2) provide direction on set-aside of \$1,150,000 to cover operating expenses for those projects with estimated annual operating costs of \$50,000 or less; 3) direct the city manager to work with advocacy groups for a) Cone Park track and multi-purpose fields; b) Northeast Pool heating/cooling; and c) Northwest Soccer Complex to determine if these groups would be able to fund ongoing operating costs associated with these projects; and 4) direct staff to return to the City Commission by April 16, 2009 to provide an update on discussions with the advocacy groups and to seek funding approval for additional projects.*

*Alternative Recommendation: The City Commission provide other direction as appropriate.*

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

**Votes:** Aye: Craig Lowe, Jack Donovan, Lauren Poe, Scherwin Henry, Jeanna Mastrodicasa, Thomas Hawkins and Pegeen Hanrahan

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080128b\_CIP List\_20090219.pdf

**050196.****Smokey Bear Park Acquisition (B)**

**This item involves an update on the proposed acquisition of the State's Division of Forestry property known as Smokey Bear Park located at the corner of NE 15th Street and NE 23rd Avenue.**

[Play Video](#)

*Parks, Recreation and Cultural Affairs Director Steve Phillips gave a presentation.*

*AMENDMENT: Contingent on the environmental mitigation being completed.*

**RECOMMENDATION**

*That the City Commission: 1) approve the purchase of Smokey Bear Park from the Division of Forestry for the appraised value of \$469,000 and the associated closing cost; and 2) authorize the City Manager to execute a Purchase Agreement with the Division of Forestry for Smokey Bear Park, subject to review and approval by the City Attorney as to form and legality.*

*Alternative Recommendation: The City Commission decline the opportunity for acquisition of Smokey Bear Park from the State's Division of Forestry.*

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

**Votes:** Aye: Craig Lowe, Jack Donovan, Lauren Poe, Scherwin Henry, Jeanna Mastrodicasa, Thomas Hawkins and Pegeen Hanrahan

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## GENERAL MANAGER FOR UTILITIES

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### **080805.**

#### **Lease In/Lease Out Termination; Financing of Capital Costs (B)**

**This item is in regards to the termination of the Lease In/Lease Out transaction in connection with Deerhaven Units 1 and 2.**

[Play Video](#)

*Gainesville Regional Utilities Chief Financial Officer Jennifer Hunt gave a presentation.*

#### **RECOMMENDATION**

*The City Commission: 1)Authorize (a) the termination of a "Lease In/Lease Out" (LILO) transaction previously entered into by the City in connection with Deerhaven Units 1 and 2 and shared common facilities (the Plant) and (b) the execution and delivery of certain documents in connection therewith, including the Termination Agreement described below; 2)Authorize the issuance of additional taxable Utilities System Commercial Paper Notes, Series D of the City (Series D CP Notes) in an aggregate principal amount to be outstanding at any time not to exceed \$25,000,000 for the purposes of (a) financing the payment required to be made by the City in order to terminate the LILO transaction and associated costs and expenses and (b) subject to the limitations set forth below, financing certain other GRU capital projects; 3) Authorize the Clerk of the Commission, the General Manager and other Authorized Officers to execute such other documents as may be necessary to proceed with the transactions authorized above, and to take such other actions as may be necessary or desirable to proceed with such transactions in accordance with this City Commission authorization; and 4) Authorize the City Attorney to prepare and the Clerk of the Commission to*

*advertise an ordinance repealing Ordinance O-99-16, Item #980766.*

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

**Votes:** Aye: Craig Lowe, Jack Donovan, Lauren Poe, Scherwin Henry, Jeanna Mastrodicasa, Thomas Hawkins and Pegeen Hanrahan

080805\_presentation\_20090219.pdf

080805a\_Termination Agreement\_20090219.pdf

### **080813.**

#### **GRU Deerhaven Properties - Proposed Land Use Change Application (B)**

**This item involves a request for the City Commission to discuss a proposed land use change application for city owned properties surrounding the GRU Deerhaven Generating Station. According to Comprehensive Plan Future Land Use Element Policy 4.4.1, an appropriate city future land use designation must be assigned to all properties that are annexed into the City of Gainesville. The approximately 2,300(+/-) acre subject property was annexed in February 2007. GRU staff proposes a change in the future land use change designation from Alachua County 'Rural/Agriculture' to City of Gainesville 'Public Facilities' (see exhibit A). The item provides an opportunity for GRU staff to receive feedback and direction from the City Commission regarding this issue.**

#### **Play Video**

*Eng, Denman and Associates Representative Clay Sweger and Planning Manager Ralph Hilliard gave presentations.*

*AMENDMENT: Direct GRU to work with City and County Planning and Environmental staffs to get a better idea of what the environmental impact of this change would be.*

*NOTE: Commissioner Jeanna Mastrodicasa declared she had no conflict of interest regarding this item.*

#### **RECOMMENDATION**

*The City Commission; 1) Receive a report regarding the proposed land use change application by GRU staff and representatives, 2) Authorize the General Manager, or designee, to initiate a petition on behalf of the City Commission to change the future land use designation on the approximately 2,300(+/-) acre subject property from Alachua County 'Rural/Agriculture' to City of Gainesville 'Public Facilities' with the addition of the following specific regulations for future site development to be implemented in the Comprehensive Plan: A) Request a Public Facilities future land use designation for the entire 2,300(+/-) acre property as shown in Exhibits A and B; B) Set aside highest quality wetlands, identified as 'Wetlands Type 1, 2, 3 & 4' in the report prepared by Ecosystem Research Corporation*

(ERC) dated May 15, 2008. This area constitutes approximately 30% (708(+/-) acres) of the entire property and will be removed from any future development area (with the exception of existing roadways if deemed necessary for ingress/egress). The ERC delineation map will be included as an exhibit to the land use change ordinance (see Exhibits C and D); C) Future development activities may occur in 'Wetland Type 5' as identified in the ERC report but will be proposed in full compliance with all applicable wetland regulations outlined in the City LDR's; D) The actual delineation and surveying of these wetlands would be provided at the rezoning stage; E) The list of permitted uses will be general in nature as described in the Comprehensive Plan under Public Facilities. As stated in Future Land Use Element Policy 4.1.1, these uses include 'administrative and operational governmental functions such as government offices, utility facilities and storage facilities'. Activities in this area may include solar and eco-development projects; F) Upon the approval of the land use change, GRU will submit a rezoning application to 'Public Services' (PS) within 10 years of the approval. The zoning will include a detailed plan regarding proposed type, location and intensity of on-site development. No development activity shall occur on the subject property until such time as the PS zoning is approved by the City Commission; G) Site specific text will be included in the Comprehensive Plan to govern the future development of the property and will incorporate the provisions listed above. This text would also state that a 100-foot wide natural and/or planted buffer shall exist along the common property line between the proposed development to the east and the subject property.

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

**Votes:** Aye: Craig Lowe, Jack Donovan, Lauren Poe, Scherwin Henry, Jeanna Mastrodicasa, Thomas Hawkins and Pegeen Hanrahan

080813\_exhibita\_20090219.pdf

080813\_Exhibit B\_20090219.pdf

080813\_Exhibit C\_20090219.pdf

080813\_Exhibit D\_20090219.pdf

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**CITY ATTORNEY**

**CITY AUDITOR**

**EQUAL OPPORTUNITY DIRECTOR**

**COMMITTEE REPORTS (PULLED FROM CONSENT)****ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)**

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**080812. Nomination - Library District Board of Trustees (B)**

[Play Video](#)

**RECOMMENDATION**      *The City Commission nominate Ms. Field, Mr. Litsey and Mr. Mulligan for consideration for appointment by the Library District Governing Board.*

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

**Votes:** Aye: Craig Lowe, Jack Donovan, Lauren Poe, Scherwin Henry, Jeanna Mastrodicasa, Thomas Hawkins and Pegeen Hanrahan

080812\_nomination\_20090219.pdf

**080654. State Housing Initiatives Partnership Program (SHIP)-City of Gainesville Affordable Housing Advisory Committee (AHAC) Incentive Review and Recommendation Report Follow Up (B)**

**This item requests the City Commission consider recommendations made by the City SHIP AHAC in their Incentive Review and Recommendation Report that was originally presented to the City Commission on December 18, 2008; and to provide staff direction regarding the recommendations.**

[Play Video](#)

*Housing Manager Jackie Richardson and SHIP AHAC Chair Randy Wells gave presentations.*

*MOTION: Approve further analysis of items 1, 9, 11, and 12, including hosting a workshop to discuss this issue and other issues regarding affordable housing.*

*Chair Hanrahan recognized Kali Blount who spoke to the matter.*

**RECOMMENDATION**      *The City Commission: 1) discuss the SHIP AHAC Incentive Review and Recommendation Report; and 2) direct staff as to which recommendations outlined in the SHIP AHAC Incentive Review and Recommendation Report should be brought back to City Commission to be adopted by resolution in the City's LHAP by March 31, 2009.*

**A motion was made by Commissioner Lowe, seconded by Commissioner Poe, that this matter be Approved as shown above (See Motion). The motion carried by the following vote:**

**Votes:** Aye: Craig Lowe, Jack Donovan, Lauren Poe, Scherwin Henry, Jeanna Mastrodicasa, Thomas Hawkins and Pegeen Hanrahan

080654\_SHIP Report\_20081218.pdf

080654A\_SHIP PowerPoint\_20081218.pdf

080654\_Recommendation Summary\_20090219.pdf

080654\_PPT\_20090219.pdf

080654\_SHIP Report\_20090219.pdf

## **OUTSIDE AGENCIES**

## **MEMBERS OF THE CITY COMMISSION**

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## **COMMISSION COMMENTS (if time available)**

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## **RECESS - 5:09 PM**

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## **RECONVENE - 5:45 PM**

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

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## **PROCLAMATIONS/SPECIAL RECOGNITIONS**

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### **080814. Entrepreneurship Week - February 21-28, 2009 (B)**

[Play Video](#)

#### **RECOMMENDATION**

*Buchholz Academy of Entrepreneurship Chief Information Officer Ryan Sullivan, Gerald Wathen, Jazz Maris, and Vice President of DECA Competitive Events Gabby Rose to accept the proclamation.*

**Heard**

080814\_Proc\_20090219.pdf

**080815.**

**Lashawn Dixon Day - February 19, 2009 (B)**

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**RECOMMENDATION**     *Lashawn Dixon, and Public Recreation and Parks Board  
Chair Mark Wellner to accept the proclamation.*

**Heard**

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**080816.**

**John and Ann Ives Day - February 19, 2009 (B)**

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**RECOMMENDATION**     *John Ives, Ann Ives, and Public Recreation and Parks Board  
Chair Mark Wellner to accept the proclamation.*

**Heard**

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

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**Jim Konish**

*GRU Issues.*

**John Davies**

*Various Issues*

**Jerry Williamson**

*GPD Issues.*

**080863.**

**Citizen Comment - Jerry Williamson (B)**

**RECOMMENDATION**     *The City Commission hear comments from Jerry Williamson  
regarding Theodore McLeod and place back-up submitted on  
file.*

**Placed on File**



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**Pat Fitzpatrick**

*Homeless Issues.*

**Frank Anderson**

*Ironwood Golf Course.*

**Gabriel Hillel**

*Butterfly City.*

**Walter Willard**

*Wal-Mart.*

**PUBLIC HEARINGS**

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

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

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**070268.**

**THE GAINESVILLE TRAFFIC SAFETY ENHANCEMENT ACT (B)**

**Ordinance No. 0-08-71**

**An Ordinance of the City of Gainesville, Florida; amending Chapter 26, Article II of the Gainesville Code of Ordinances by establishing "Divisions" for Article II; titling existing provisions as "Division 1. Generally" and creating a new Division 2 to be titled "The Gainesville Traffic Safety Enhancement Act" by establishing a red light traffic safety program; providing purpose and findings; authorizing the use and implementation of image control technologies/recorded images to enforce red light infractions; providing definitions; providing for adherence to red light traffic control signals; requiring signage; providing procedures for disposition and enforcement of infractions; providing that the registered owner of the motor vehicle involved in the violation is responsible and liable for payment of the fine; providing penalties; providing for collection of penalties and costs; providing for appeals; amending Appendix A, Schedule of Fees, Rates and Charges, providing for a public awareness campaign and grace period; providing for severability; 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 Mastrodicasa, seconded by Commissioner Poe, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:**

**Votes:** Aye: Craig Lowe, Jack Donovan, Lauren Poe, Jeanna Mastrodicasa and Pegeen Hanrahan  
Nay: Thomas Hawkins  
Absent: Scherwin Henry

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070268b\_cam red light\_20080728.pdf  
070268\_RLO\_20090205.pdf  
070268\_RLO backup\_20080205.pdf  
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## RESOLUTIONS- ROLL CALL REQUIRED

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### **080784.**

#### **SMALL CLAIMS CASES (B)**

**A CONTINUING RESOLUTION OF THE CITY OF GAINESVILLE, FLORIDA, AUTHORIZING THE CITY ATTORNEY'S OFFICE TO REPRESENT THE CITY IN ANY FUTURE COUNTY COURT CLAIMS, WHICH INCLUDES SMALL CLAIMS, IN WHICH THE CITY IS NAMED AS A DEFENDANT AND TO AUTHORIZE PROSECUTION OF COUNTY COURT CLAIMS, INCLUDING SMALL CLAIMS; AND PROVIDING AN EFFECTIVE DATE.**

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

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

**Votes:** Aye: Craig Lowe, Jack Donovan, Lauren Poe, Jeanna Mastrodicasa, Thomas Hawkins and Pegeen Hanrahan  
Absent: Scherwin Henry

080784\_Small Claims Resolution\_20090219.pdf  
080784\_resolution\_20090219.pdf

### **080791.**

#### **COLLECTION OF JUDGMENTS (B)**

**A continuing resolution of the City of Gainesville, Florida, authorizing the City Attorney's Office to file lawsuits and take other appropriate action on behalf of the City to collect money judgments; and providing an immediate effective date. B)**

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

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

**Votes:** Aye: Craig Lowe, Jack Donovan, Lauren Poe, Jeanna Mastrodicasa, Thomas Hawkins and Pegeen Hanrahan

Absent: Scherwin Henry

080791\_CollectionofJudgments\_20090219.pdf

080791\_resolution\_20090219.pdf

**080804.**

**GRU Electric Operations and Planning Compliance Policy and Administrative Guideline (B)**

**GRU is required to comply with applicable reliability standards promulgated by the North American Electric Reliability Corporation (NERC), and a supporting commitment from the City Commission is an important consideration by FERC as to the GRU's intent and commitment to comply**

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**RECOMMENDATION**     *The City Commission adopt the proposed resolution stating the City of Gainesville's commitment to the policy of compliance with the applicable reliability standards promulgated by the North American Electric Reliability Corporation (NERC).*

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

**Votes:** Aye: Craig Lowe, Jack Donovan, Lauren Poe, Scherwin Henry, Jeanna Mastrodicasa, Thomas Hawkins and Pegeen Hanrahan

080804\_resolution\_20090219.pdf

080804a\_guideline\_20090219.pdf

080804\_resolution\_20090219.pdf

**080835.**

**Acceptance of US Department of Transportation FAA - AIP Grant # 3-12-0028-28-2009**

**This item seeks the City of Gainesville acceptance of a 2009 US Department of Transportation FAA - AIP Grant to the Gainesville Regional Airport in the amount of \$346,816 for Phase IID renovation and rehabilitation of a portion of the passenger terminal building (construction only) at the Gainesville Regional Airport.**

*Airport CEO Alan Penksa gave a presentation.*

**RECOMMENDATION**

*The City Commission: 1) hear a brief presentation from staff regarding this request; 2) direct City staff to continue to work with the FAA to remove the Gumroot Swamp Park property from the FAA approved Airport Layout Map; and 3) determine whether it is appropriate to adopt the proposed FAA- AIP Grant Resolution and if so, authorize the Mayor and City Attorney to execute said Grant Agreement and the City Clerk to certify said Grant Agreement.*

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

**Votes:** Aye: Craig Lowe, Jack Donovan, Lauren Poe, Scherwin Henry, Jeanna Mastrodicasa, Thomas Hawkins and Pegeen Hanrahan

080835A\_Resolution 09-007\_20090219.pdf

080835B\_Letter\_20090219.pdf

080835C\_Grant App\_20090219.pdf

080835D\_Program\_20090219.pdf

080835E\_Funding Plan\_20090219.pdf

080835F\_Renovations\_20090219.pdf

080835G\_Map\_20090219.pdf

080835i\_Grant Offer\_20090219.pdf

080835\_resolution\_20090219.PDF

080835J\_CA Letter\_20090219.pdf

080835K\_GACRAA Agenda\_20090219.pdf

080835\_resolution\_20090219.pdf

080835a\_agreement\_20090219.pdf

**PLAN BOARD PETITIONS****DEVELOPMENT REVIEW BOARD PETITIONS****SCHEDULED EVENING AGENDA ITEMS**

[Play Video](#)

**080511.****Ironwood Golf Course Update (B)**

**The Recreation, Cultural Affairs and Public Works Committee report to the City Commission on Ironwood Golf Course.**

[Play Video](#)

*Assistant City Manager Paul Folkers and Finance Director Mark Benton gave presentations.*

*Chair Hanrahan recognized Phil Snyder, Ron Bryant, Rick Shock, John McGriff, Donald Talarico, Kayla McCarty, Hun Jeune, Clementina Bassi, Jeff McAdams, Mac*

*McCarty, Jim Davis, Dean Weisjohn, Robert Wiley, Walter Willard, Jerry Coughlin, Don Skoates, Michael Burnett, Mike Bergin, Gary Armstrong, Keith Walker, Kevin Claney and Shawn Conley who spoke to the matter.*

*MOTION: Commissioner Henry moved and Commissioner Lowe seconded to direct staff to: 1) Maintain Ironwood as a City operated golf course and proceed with the capital improvements (greens, lighting and driving range), look at redesigning the clubhouse, and utilize City resources (employees) to assist with the capital improvements; 2) study what the appropriate fee increase should be and set a schedule for implementation; 3) explore the renaming of the golf course and how the golf course can be better marketed; 4) authorize the Mayor, City Manager, and other appropriate staff to have a serious conversation with Mr. Simensky about options for partnership; 5) release an RFP for management or lease of the golf course and the restaurant facilities; and 6) to bring back further information or a transition schedule (enterprise fund to budget item).*

**RECOMMENDATION**      *The City Commission 1) consider directing the City Manager to solicit proposals for the lease or management of the Ironwood Golf Course property, 2) pursue capital improvements by closing down the operations of the golf course to rebuild the greens, and 3) if the City Commission agrees to retain the golf course, determine the level of general fund subsidy the Commission is comfortable carrying.*

**A motion was made by Commissioner Henry, seconded by Commissioner Lowe, that this matter be Approved as shown above (See Motion). The motion carried by the following vote:**

**Votes:** Aye: Craig Lowe, Lauren Poe, Scherwin Henry, Jeanna Mastrodicasa, Thomas Hawkins and Pegeen Hanrahan  
Nay: Jack Donovan

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080511\_IHA\_LET\_20090219.pdf

### **080382.**

#### **Mom's Kitchen Site Redevelopment (B)**

**This item involves accepting a referral from the Community Redevelopment Agency (CRA) to the City Commission to explore the acquisition of the property known as "Mom's Kitchen" and hear a presentation from Staff on the purchase of the property.**

*Assistant City Manager Fred Murry and Finance Director Mark Benton gave presentations.*

*Chair Hanrahan recognized Rodney Long, Frankie Scott, Pastor George Young, Edward Earl Young, Masur Shaheed, Glennette Seabrooks, Azie Young, Pat Fitzpatrick and Elijah Davis who spoke to the matter.*

*FIRST MOTION: Commissioner Hawkins moved and Commissioner Poe seconded to decline purchasing Mom's Kitchen.*

*(VOTE: 3-4, Commissioners Hawkins, Poe and Donovan - Yes; Commissioners Lowe, Henry, Mastrodicasa and Mayor Hanrahan - No, MOTION FAILED)*

*SECOND MOTION: Commissioner Henry moved and Commissioner Lowe seconded to: 1) Approve recommendation A determining that there is a public benefit in purchasing Mom's Kitchen; authorize the City Manager or an authorized designee to finalize the purchase of Mom's Kitchen and execute the purchase contract with the agent/owner and execute any necessary closing documents subject to approval from the City Attorney's Office as to form and legality of said documents; and amend the FY09 City Capital Improvement Plan to add Mom's Kitchen to the plan and delete/delay other Capital improvement Plan project(s) of equal value from the plan; 2) ask the CRA if a payment plan can be arranged to pay the City for the purchase of Mom's Kitchen; 3) refer this item to the CRA to bring back an initial plan capsulizing the City's vision for the 5th Avenue/Pleasant Street Redevelopment Area.*

*(VOTE: 4-3, Commissioners Lowe, Henry, Mastrodicasa and Mayor Hanrahan Yes; and Commissioners Hawkins, Poe and Donovan - No, MOTION CARRIED)*

*NOTE: See following referral item #080862.*

**RECOMMENDATION**

*Recommendation A: The City Commission: 1) accept the referral from the Community Redevelopment Agency (CRA) to the City Commission to explore the acquisition of Mom's Kitchen; 2) hear a presentation from staff on the purchase of the property; 3) if the City Commission determines that there is a public benefit in purchasing Mom's Kitchen, authorize the City Manager or an authorized designee to finalize the purchase of Mom's kitchen and execute the purchase contract with the agent/owner and execute any necessary closing documents subject to approval from the City Attorney's Office as to form and legality of said documents; and 4) amend the FY09 City Capital Improvement Plan to add Mom's Kitchen to the plan and delete/delay other Capital Improvement Plan project(s) of equal value from the plan.*

*Recommendation B: The City Commission: 1) accept the referral from the Community Redevelopment Agency (CRA) to the City Commission to explore the acquisition of Mom's Kitchen; 2) hear a presentation from staff on the purchase of the property; 3) authorize the City Manager or an authorized designee to explore other resources to assist the CRA and the agent/owner in the redevelopment of the property in the FAPS Districts; and 4) request the agent/owner to re-list the property on local MLS for a period of six months.*

*Recommendation C: The City Commission does not accept the referral from the Community Redevelopment Agency (CRA) to explore the acquisition of Mom's Kitchen.*

**A motion was made by Commissioner Henry, seconded by Commissioner Lowe, that this matter be Approved, as shown above (Second Motion). The motion carried by the following vote:**

**Votes:** Aye: Craig Lowe, Scherwin Henry, Jeanna Mastrodicasa and Peegen Hanrahan  
Nay: Jack Donovan, Lauren Poe and Thomas Hawkins

080382\_PPT\_20080915.PDF  
080382\_Appraisal Info\_20081215.pdf  
080382\_PP\_20081215.PDF  
080382\_Exhibit A Maps\_20090219.pdf  
080382\_Exhibit B CRA Docs\_20090219.pdf  
080382\_Exhibit C Comparables\_20090219.pdf  
080382\_Exhibit D MU-1 Zoning\_20090219.pdf  
080382\_Exhibit E Offer\_20090219.pdf  
080382\_Exhibit F Acceptance Ltr\_20090219.pdf  
080382\_PPT Mom's Kitchen\_20090219.pdf  
080382\_Exhibit G Appraisal Summary\_20090219.pdf

### 080862.

#### **Purchase of Mom's Kitchen - Referral to the CRA (NB)**

**RECOMMENDATION**

*The City Commission refer to the CRA: 1) Ask the CRA if a payment plan can be arranged to pay the City for the purchase of Mom's Kitchen; and 2) request the CRA bring back an initial plan capsulizing the City's vision for the 5th Avenue/Pleasant Street Redevelopment Area.*

**A motion was made by Commissioner Henry, seconded by Commissioner Lowe, that this matter be Referred to the Community Redevelopment Agency, due back on August 19, 2009. The motion carried by the following vote:**

**Votes:** Aye: Craig Lowe, Scherwin Henry, Jeanna Mastrodicasa and Peegen Hanrahan  
Nay: Jack Donovan, Lauren Poe and Thomas Hawkins

## **WAIVER OF RULES**

*Commissioner Lowe moved and Commissioner Hawkins seconded to waive the rules to extend the meeting to 11:15 PM.  
(VOTE: 7-0, MOTION CARRIED)*

## **UNFINISHED BUSINESS**

### 080828.

#### **Cade Museum Update (B)**

*AMENDMENT: Send a joint letter from the CRA Chair and the Mayor.*

**RECOMMENDATION**

*CRA to the City Commission: Request Mayor Hanrahan to issue a letter of support on behalf of the City Commission to the Cade Museum Foundation.*

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

**Votes:** Aye: Craig Lowe, Jack Donovan, Lauren Poe, Scherwin Henry, Jeanna Mastrodicasa, Thomas Hawkins and Pegeen Hanrahan

080828\_PP\_20090216.PDF

080828\_Draft Support Ltr\_20090219.pdf

080828\_Aerial View\_20090219.pdf

080828\_PPT Cade Museum\_20090219.pdf

### **080800.**

#### **Commissioner Thomas Hawkins - Form Based Coding (B)**

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*This item was continued without objection to the March 5, 2009 City Commission Meeting.*

**RECOMMENDATION**      *The City Commission hear a brief presentation on Form Based Coding.*

**Continued**

080800\_C\_HAWKINS\_PPT.\_20090305.PDF

### **080834.**

#### **Mayor Pegeen Hanrahan - "Private Fundraising to Support Gainesville's Efforts to Address Climate Change" (B)**

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*AMENDMENT: Approve as recommended with the caveat that the Mayor communicate with the Governor's Office or the CFO to see if we can change the language from "feed-in-tariff" to "renewable energy dividends" in the draft legislation.*

**RECOMMENDATION**      *Hear presentation regarding the proposal to raise private funds to support climate change legislation and promote Gainesville's progress toward this goal. Review, amend if desired, and adopt a donation schedule for this purpose. Alternative recommendation: Allocate \$4,000 from fund balance for Gainesville to join The Climate Communities, and consider additional funding as necessary for travel and other efforts needed to support this initiative.*

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

**Votes:** Aye: Craig Lowe, Jack Donovan, Lauren Poe, Scherwin Henry, Jeanna Mastrodicasa, Thomas Hawkins and Pegeen Hanrahan

080834\_presentation\_20090219.pdf

### **COMMISSION COMMENT**

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**Commissioner Scherwin Henry**

*Low income assistance with utility bills with the new solar feed-in tariff program.*

*Referred to GRU staff for a report back.*

**Commissioner Jack Donovan**

*1. Re-design of the Bo Diddley Downtown Community Plaza - City Manager to bring back a report.*

*2. Personnel Policies under review - report to come to the City Commission in May.*

**Commissioner Jeanna Mastrodicasa**

*GPD - Training for bartenders and servers regarding the new ordinance.*

**Commissioner Scherwin Henry**

*1. Hampton Inn - Supervisor of Elections Pam Carpenter wants clean up around the front entrance.*

*2. North Lincoln Heights Tree Canopy along SE 4th Avenue - safety hazard.*

*These items were referred to the City Manager without objection.*

**991467****Neighborhood Curb and Gutter Program (NB)**

*Local businessman with business delivery vehicle ticketed - See following referral item #080861 to the Public Safety Committee.*

**RECOMMENDATION**      *The City Commission hear a presentation from Public Works and Community Development staffs.*

**080861.****Delivery/Work Vehicles - Ticketing in Neighborhoods (NB)**

**RECOMMENDATION**      *The City Commission refer the issue of delivery/work vehicles being ticketed in residential neighborhoods to the Public Safety Committee.*

**A motion was made by Commissioner Hawkins, seconded by Commissioner Poe, that this matter be Referred to the Public Safety Committee, due back on August 19, 2009. The motion carried by the following vote:**

**Votes:** Aye: Craig Lowe, Jack Donovan, Lauren Poe, Scherwin Henry, Jeanna Mastrodicasa, Thomas Hawkins and Pegeen Hanrahan

**CITIZEN COMMENT (If time available)**

**ADJOURNMENT - 11:15 PM**

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Kurt M. Lannon, Clerk of the Commission