

City of Gainesville

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



Meeting Minutes

Thursday, December 2, 2010

1:00 PM

City Hall Auditorium

City Commission

*Mayor Craig Lowe (At Large)
Mayor-Commissioner Pro Tem Jeanna Mastrodicasa (At Large)
Commissioner Scherwin Henry (District 1)
Commissioner Lauren Poe (District 2)
Commissioner Warren Nielsen (District 3)
Commissioner Randy Wells (District 4)
Commissioner Thomas Hawkins (At Large)*

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

CALL TO ORDER - 1:03 PM

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ROLL CALL

Present: Jeanna Mastrodicasa, Scherwin Henry, Lauren Poe, Thomas Hawkins and Randy Wells

Absent: Warren Nielsen and Craig Lowe

INVOCATION

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Prophet George Young

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CONSENT AGENDA

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Commissioner Poe moved and Commissioner Hawkins seconded to adopt the Consent Agenda.

(VOTE: 5-0, Commissioner Nielsen and Mayor Lowe - Absent, MOTION CARRIED)

CITY MANAGER, CONSENT AGENDA ITEMS

100484.

Maintenance Contract for Gainesville Fire Rescue's Cardiac Monitor Defibrillators (NB)

This item requests that the City Commission authorize the City Manager to enter into a five-year contract with Zoll Medical Corporation to provide equipment maintenance for Gainesville Fire Rescue's cardiac monitor defibrillators.

RECOMMENDATION

The City Commission authorize the City Manager or designee to enter into a contract with Zoll Medical Corporation, subject to approval of the City Attorney as to form and legality.

Alternative Recommendation A: The City not enter into a contract resulting in the exploration of alternative means for maintaining this specialized medical equipment.

This Matter was Approved as Recommended on the Consent Agenda.

100598**Contract Agreement for Gainesville Police Department - Request for Purchase Order to SunGard OSSI's (B)**

This item requests the City Commission to authorize the issuance of a Purchase Order to renew the contract with SunGard OSSI for annual maintenance fees and licenses.

RECOMMENDATION

The City Commission authorize the City Manager to execute a purchase order to SunGard OSSI, a specified source, in an amount not to exceed \$135,674 for payment of this contract.

Alternative Recommendation A: The City Commission authorizes less than \$135,674 for the contract renewal with the understanding that this will drastically limit the Police Department's ability to manage its Records Management Database.

Alternative Recommendation B: The City Commission deny funding.

This Matter was Approved as Recommended on the Consent Agenda.

100498_OSSISoleSource_20101202.pdf

100511.**Memorandum of Understanding Between the Alachua County Sheriff's Office (ACSO) and the Gainesville Police Department for the Problem Oriented Policing Grant (POP) Awarded Through the Edward Byrne Memorial Justice Assistance Grant (B)****RECOMMENDATION**

The City Commission 1) authorize the City Manager to execute the grant award and any other necessary documents, subject to the approval by the City Attorney as to form and legality and 2) approve the overtime expenditures as outlined in the approved grant award and the Memorandum of Understanding between the Alachua County Sheriff's Office and the Gainesville Police Department.

This Matter was Approved as Recommended on the Consent Agenda.

100511_POPGrantMOU_20101202.pdf

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS**100535.****Amendment to Contract for Telecommunications Consulting Services (NB)**

Staff recommends extending the term of the contract for telecommunications consulting services for GRUCom to Hike & Co, Inc.

RECOMMENDATION

The City Commission: 1) authorize the General Manager, or his designee, to negotiate and execute a two-year amendment to extend the term of the contract with Hike & Co, Inc. for telecommunications consulting services on an as needed basis, subject to approval of the City Attorney as to form and legality; and 2) approve the issuance of purchase orders for these services to Hike & Co, Inc. in amounts not exceeding budgeted funds for each fiscal year of the contract, pending final appropriation of funds for each year.

This Matter was Approved as Recommended on the Consent Agenda.

100537.**Adding Definition of Extraordinary Fuel Related Expenses to Chapter 27 of the Gainesville Code of Ordinances (NB)****RECOMMENDATION**

The City Commission direct the City Attorney to draft, and City Clerk to advertise, an ordinance to adopt the recommended change to Chapter 27 of the Gainesville Code of Ordinances.

This Matter was Approved as Recommended on the Consent Agenda.

100537_Ordinance Fuel Adjustment_20110106.pdf

CITY ATTORNEY, CONSENT AGENDA ITEMS**100524****CHRISTOPHER GORDON, INDIVIDUALLY, VS. CITY OF GAINESVILLE, A POLITICAL SUBDIVISION, AND GAINESVILLE REGIONAL TRANSIT SYSTEM, A GOVERNMENTAL ENTITY; EIGHTH JUDICIAL CIRCUIT, CASE NO. 2010-CA-6209 (B)****RECOMMENDATION**

The City Commission authorize the City Attorney to represent the City of Gainesville in the case styled Christopher Gordon, Individually, vs. City of Gainesville, a Political Subdivision, and Gainesville Regional Transit System, a Governmental Entity; Eighth Judicial Circuit, Case No. 2010-CA-6209.

This Matter was Approved as Recommended on the Consent Agenda.

100524_Gordon consent_20101202.pdf

100525.**MOGAS INVESTMENTS, INC., NALBANDIAN PROPERTIES, LLC, ROPEN NALBANDIAN V. CITY OF GAINESVILLE, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA; EIGHTH JUDICIAL CIRCUIT, CASE NO. 2010-CA-6285 (B)**

RECOMMENDATION

The City Commission authorize the City Attorney to represent the City of Gainesville in the case styled Mogas Investments, Inc., Nalbandian Properties, LLC, Ropen Nalbandian v. City of Gainesville, a political subdivision of the State of Florida; Eighth Judicial Circuit, Case No. 2010-CA-6285.

This Matter was Approved as Recommended on the Consent Agenda.

100525_consent Mogas_20101202.pdf

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS**EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS****COMMITTEE REPORTS, CONSENT AGENDA ITEMS****COMMUNITY DEVELOPMENT COMMITTEE, CONSENT****090366.**

Provide a Forum for Review: Alachua General Hospital Site Redevelopment Plans (B)

This issue is a referral from the Community Development Committee and seeks approval from the Commission to initiate a Petition to the Plan Board involving the University Heights Innovation Zoning District.

RECOMMENDATION

The City Commission: 1) authorize staff to initiate a Petition to the Plan Board implementing the University Heights Innovation Zoning District; and 2) remove this item from the Community Development Committee pending referral list.

This Matter was Approved as Recommended on the Consent Agenda.

090366_C-Donovan Hand Out_20090909.pdf
090366_CDC Mtg Memo-EAB_20100818.pdf
090366a_Shands Rep PPT_20100818.pdf
090366b_CDC Mtg_Codes_20100818.pdf
090366_CDC Minutes of 8-18-10_20101021.pdf
090366_University Heights MU_20101028.pdf
090366_Univ Hts Notes_20101028.pdf
090366A_CRA Memo_20101202.pdf
090366B_Zoning District_20101202.pdf

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS**100499.**

Innovation Square (B)

RECOMMENDATION

CRA Board to the City Commission: 1) request CRA staff coordinate with City Planning Department staff to initiate a planning petition to bring the proposed regulations, as a base zoning layer, through the approval process.

This Matter was Approved as Recommended on the Consent Agenda.

100499 - Exhibit 11152010.pdf
100499 - Zoning 11152010.pdf
100499&100502_MOD_20101115.pdf
100499_University Heights MU_20101202.pdf

Passed The Consent Agenda

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

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

END OF CONSENT AGENDA**ADOPTION OF THE REGULAR AGENDA**

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*Commissioner Hawkins moved and Commissioner Poe seconded to adopt the Regular Agenda, as modified.
(VOTE: 5-0, Commissioner Nielsen and Mayor Lowe - Absent, MOTION CARRIED)*

MODIFICATIONS:

- 1. File #100547 - Petition BA-10-6 APP Appeal - (New text file language and additional back-up submitted).*
- 2. Waive the rules to reconvene the evening portion of the City Commission Meeting at 6:15 PM and hear Citizen Comment at that time.*

CHARTER OFFICER UPDATES**CLERK OF THE COMMISSION****CITY MANAGER****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 Randy Wells

Christmas Celebration at the Thomas Center - Saturday December 4, 2010, 6:00 PM to 10:00 PM.

Commissioner Scherwin Henry

- 1. Thanks to City staff for Christmas lights on Waldo Road near the new Wal-Mart.*
- 2. Condolences to family of former Mom's Kitchen owner Mattie Elizabeth Young Moseley.*

Mayor-Commissioner Pro Tem Jeanna Mastrodicasa

Menorah Lighting at Bo Diddley Plaza, December 2, 2010 @ 5:30 PM - Commissioners invited.

RECESS - 1:13 PM

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RECONVENE - 6:18 PM

[Play Video](#)

PLEDGE OF ALLEGIANCE (5:30pm)

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PROCLAMATIONS/SPECIAL RECOGNITIONS

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

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McKenzie

130 Meal Limit @ St. Francis House.

John Davies

Taxes and various issues.

Bill Ryan

Objection to the Commissioner's support of the Dream Act.

Chris Bartley

Objection to Fire Assessment Fee.

Judi Ragasa

What to do in case of Martial Law or other disaster.

Bob Tuskin

World HIV Test Day - Conspiracy.

Harold Saive

Homeless Veterans.

Eduardo Reyes

Chemtrails Conspiracy.

Steve Dennis

Veterans - 130 meal limit at St. Francis House.

Joe Cenker

130 Meal Limit Ordinance.

Mark Goldstein

Biosolids at Whistling Pines Site.

Dwight Adams

Biosolids at Whistling Pines Site - See following file #100575.

100575.

Citizen Comment - Dwight Adams - GRU Biosolids and Whistling Pines Ranch (NB)

RECOMMENDATION *The City Commission hear comments from Dwight Adams and place back-up submitted on file.*

Placed on File

100575&100576_DwightAdams_20101202.pdf

PUBLIC HEARINGS

RESOLUTIONS- ROLL CALL REQUIRED

100448.

Resolution Concerning the City of Gainesville's Local Mitigation Strategy Plan (B)

This item requests that the City Commission adopt Resolution 100448, the 2009 updated Alachua County Local Hazard Mitigation Strategy Plan and authorize the City Manager to execute project-related agreements. The complete plan is available upon request from the office of the Clerk of the Commission.

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RECOMMENDATION *The City Commission: 1) adopt the Resolution; and 2) authorize the City Manager to execute the Hazard Mitigation Grant Program Agreements and any other documents associated with completing these projects, subject to approval by the City Attorney as to form and legality.*

Alternative Recommendation A: The City Commission not adopt the Resolution.

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

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

100448A_Table of Contents_20101202.pdf
100448B_Executive Summary_20101202.pdf
100448C_Resolution_20101202.pdf
100448D_Exhibit_A_Project_List_20101202.pdf
100448_resolution_20101202.pdf

WAIVER OF RULES

The rules were waived by consensus to continue discussion of the GRU biosolids issue and to make a referral to the RUC regarding this matter.

See following referral item #100576.

100576.

GRU Class B Biosolids Disposal (NB)

RECOMMENDATION *The City Commission refer the broad issue of long term waste disposal strategies to the Regional Utilities Committee.*

A motion was made by Commissioner Wells, seconded by Commissioner Hawkins, that this matter be Referred to the Regional Utilities Committee, due back on June 2, 2011. The motion carried by the following vote:

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

100575&100576_DwightAdams_20101202.pdf

RESOLUTIONS - (CONTINUED)

100501.

Resolution for First Extension of a Joint Participation Agreement for Regional Transit System (RTS) Route 22 (B)

This item is a request to adopt a Resolution authorizing the City Manager to extend the current Joint Participation Agreement (JPA) between the City of Gainesville and the Florida Department of Transportation (FDOT) for the continued operations of Route 22.

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RECOMMENDATION *The City Commission: 1) adopt the Resolution; and 2) authorize the City Manager to execute a Joint Participation Agreement between the City of Gainesville and Florida Department of Transportation (FDOT) to extend the current agreement and accept the allocation for Gainesville for the*

provision of transit services (Route 22), subject to approval by the City Attorney as to form and legality.

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

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

100501A_Resolution_20101202.pdf
100501B_Map_20101202.pdf
100501_resolution_20101202.pdf

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

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100142. REZONING - PORTION OF FOREST PARK (B)

Ordinance No. 100142, Petition No. PB-10-30ZON

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property, as more specifically described in this Ordinance, from the zoning category of "RMF-6: 8-15 units/acre multiple-family residential district" to "CON: Conservation district"; located in the vicinity of South of S.W. 20th Avenue between I-75 and Forest Park; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

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Senior Planner Susan Niemann gave a presentation.

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

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

100142_draft ordinance_20101202.pdf
100142_staff report_20101202.pdf
100142A_attachment A-20101202.pdf
100142B-maps_existing_proposed land use_aerial_20101202.pdf
100142C_application_workshop info_20101202.pdf
100142D_100527 cpb minutes_20101202.pdf
100142E_staff ppt_20101202.pdf
100142_ordinance_20101216.pdf

100229. PLANNED DEVELOPMENT - FAT TUSCAN (B)

Ordinance No. 100229; Petition PB-10-68 PDA

An Ordinance of the City of Gainesville, Florida; amending the Planned

Development commonly known as "Fat Tuscan Planned Development" located in the vicinity of 725 Northeast 1st Street; by amending and restating in its entirety City of Gainesville Ordinance No. 070819 to allow additional uses by right, to allow on-site preparation of fried or barbecued foods, to expand the hours of indoor and outdoor operation, to prohibit after hours events and to increase the amount of indoor and outdoor seating; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

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Principal Planner Ralph Hilliard gave a presentation.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

100229_cpb recommended conditions_20100819.pdf
100229_A_table 1_list of permitted office uses_20100819.pdf
100229B_staff letter_20100819.pdf
100229C_table 1__list of permitted uses_20100819.pdf
100229D_exhibit 1_cpb 071115 minutes_20100819.pdf
100229E_exhibit2_staff report_112PDV_07PB_20100819.pdf
100229F_exhibit 3_ord 070819_20100819.pdf
100229G_exhibit 4_notice of violation_20100819.pdf
100229H_exhibit 5_fat tuscan web page_20100819.pdf
100229I_exhibit 6_staff recommended conditions_20100819.pdf
100229J_exhibit 7_petitioner appl and backup mat_20100819.pdf
100229K_citizen letters to cpb_20100819.pdf
100229L_100722 cpb minutes draft.pdf
100229_petitionform_20100819.pdf
100229_draft ordinance_20101202.pdf
100229_ordinance_20101216.pdf

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

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100391. ELECTION DISTRICT AMENDMENT (B)

Ordinance No. 100391

An ordinance of the City of Gainesville, Florida, amending Chapter 9 of the Code of Ordinances relating to elections; adding the newly annexed area that is covered by Election District 36 to City Election District 3; providing directions to the codifier; 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 Poe, seconded by Commissioner Hawkins, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:

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

100391_Map_20101021.pdf
100391_Draft Ordinance_20101118.pdf
100391_Draft Ordinance_20101202.pdf
100391_MOD_REVISED MAP_20101118.pdf
100391_ordinance_20101202.pdf

100455.

HISTORIC TAX EXEMPT FROM AD VALOREM TAXATION – 835 E. UNIVERSITY AVENUE (B)

Ordinance No. 100455; Petition No. 2AVT-08HPB

An ordinance of the City of Gainesville, Florida, finding that property located at 835 E. University Avenue, Gainesville, Florida, as more specifically described in this Ordinance, qualifies for an ad valorem tax exemption for historic properties; granting an exemption from ad valorem tax for certain improvements beginning January 1, 2011, and continuing for 10 years under certain conditions; authorizing the Mayor and Clerk of the Commission to sign the Historic Preservation Property Tax Exemption Covenant between the property owner and the City; 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 Poe, seconded by Commissioner Hawkins, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:

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

100455_Draft Ordinance_20101118.pdf
100455_Exhibit 1_20101118.pdf
100455A_staff ppt_20101118.PDF
100455_ordinance_20101202.pdf
100455exhibit1_20101202.pdf

100456.

HISTORIC TAX EXEMPT FROM AD VALOREM TAXATION – 719 SE SECOND AVENUE (B)

Ordinance No. 100456; Petition No. HP-10-00044

An ordinance of the City of Gainesville, Florida, finding that property located at 719 SE Second Avenue, Gainesville, Florida, as more specifically described in

this Ordinance, qualifies for an ad valorem tax exemption for historic properties; granting an exemption from ad valorem tax for certain improvements beginning January 1, 2011, and continuing for 10 years under certain conditions; authorizing the Mayor and Clerk of the Commission to sign the Historic Preservation Property Tax Exemption Covenant between the property owner and the City; 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 Poe, seconded by Commissioner Wells, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:

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

100456_Draft Ordinance_20101118.pdf

100456_Exhibit 1_20101118.pdf

100456A_staff ppt_20101118.PDF

100456_ordinance_20101202.pdf

100456_exhibit1_20101202.pdf

PLAN BOARD PETITIONS

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

[Play Video](#)

100547. **Petition BA-10-6 APP Appeal (B)**

[Play Video](#)

INTRODUCTIONS: City Attorney Marion Radson explained the appeal process.

APPELLANT PRESENTATION: Todd Pressman gave a presentation.

STAFF PRESENTATION: Principal Planner Ralph Hilliard gave a presentation.

MAIN MOTION: Commissioner Hawkins moved and Commissioner Wells seconded to affirm the Board of Adjustment's decision.

(VOTE: 5-0, MOTION CARRIED) - ROLL CALL VOTE

ADDITIONAL MOTION: Commissioner Henry moved and Commissioner Hawkins seconded to direct staff to look at development and architectural standards for businesses such as these in the MU-1 and MU-2 zoning districts.

(VOTE: 5-0, MOTION CARRIED)

RECOMMENDATION *The City Commission hear the Board of Adjustment Appeal.*

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

Votes: Aye: Randy Wells, Lauren Poe, Jeanna Mastrodicasa, Scherwin Henry and Thomas Hawkins

Absent: Craig Lowe and Warren Nielsen

100547_appeal_20101202.pdf
100547A_Petition Information_20101202.pdf
100547B_Staff PPT_20101202.pdf
100547C_BOA Minutes_20101202.pdf
100547D_Ltr and Final Order_20101202.pdf
100547E_Dept Disclosure_20101202.pdf
100547_MOD_appellant_ppt_20101202.PDF
100547_MOD_IMG_7024_20101202.PDF
100547_MOD_IMG_7032_20101202.PDF
100547_MOD_IMG_7035_20101202.PDF
100547_Order_20101216.pdf
100547_appealorder_20101216.pdf

UNFINISHED BUSINESS

COMMISSION COMMENT

[Play Video](#)

Commissioner Randy Wells

Thanks to staff for reducing the amount of paper produced for the City Commission agenda.

Commissioner Scherwin Henry

- 1. Thanks to Commissioner Wells for comments made after Citizen Comment.*
- 2. Proclamation for Brother George's annual feeding of the homeless.*

CITIZEN COMMENT

There were no citizens who wished to speak during this time.

ADJOURNMENT - 8:51 PM.

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Kurt M. Lannon, Clerk of the Commission