

# **City of Gainesville**

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



## **Meeting Minutes**

**Thursday, March 1, 2012**

**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 - 1:03 PM

## ROLL CALL

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

## INVOCATION

## Prophet George Young

## CONSENT AGENDA

*MOTION: A motion was made by Mayor-Commissioner Pro Tem Hawkins, seconded by Commissioner Mastrodicasa to adopt the Consent Agenda, as modified.  
(VOTE: 6-0, Commissioner Henry - Absent, MOTION CARRIED)*

### *MODIFICATIONS:*

- 1. File #110688 - Nineteenth Amendment to the Contract for Professional Consulting Services for the East Gainesville Sprout Project. (Attachment A added.) - (Request to place on the Regular Agenda for Discussion).*
- 2. File # 110667 -(New Item) - Final Administrative Order in the matter of Design Plat - Petition No. DB-11-145-SUB - (Added to the Consent Agenda with back-up). - (Request to place on the Regular Agenda for Discussion)*
- 3. File #110748 - (New Item) Community Development Committee (CDC) Removal of Pending Referrals - (Added to the Consent Agenda).*
- 4. File #110739 - (New Item) - Catalyst Project - Tenant Selection - (Added to the Consent Agenda).*

*Mayor Lowe recognized Rob Brinkman and Pat Fitzpatrick who made comments.*

## CITY MANAGER, CONSENT AGENDA ITEMS

### **110215. EMS County Grant Award Budget Increase (NB)**

**This item requests approval to increase the budget established for disbursement of grant funding from the Florida Department of Health EMS Grant Program distributed to the City of Gainesville through Alachua County.**

**RECOMMENDATION**      *The City Commission authorize the City Manager to increase the grant budget by \$12,414.40.*

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

**110656.**

**Revision to the FY 2012 CIP for Parks, Recreation and Cultural Affairs Department (PRCA) Capital Improvement Allocation for Nature Park Improvements (NB)**

**This item involves a request to revise the FY2012 Capital Improvement Plan to permit funds to be utilized for all Park Improvements versus Nature Park improvements only.**

**RECOMMENDATION**      *The City Commission direct the Budget Office to increase the scope of the PRCA's 2012 CIP allocation to be used for Park Improvements versus Nature Park Improvements."*

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

**110673.**

**Strategic Plan Quarterly Report - 1st Quarter of Fiscal Year 2012 (B)**

**This item provides a report on the progress of the City Commission's Strategic Goals and Initiatives for the 1st Quarter of Fiscal Year 2012.**

**RECOMMENDATION**      *The City Commission receive a quarterly report from the City Manager on the progress of the City Commission Strategic Goals and Initiatives for the 1st Quarter of Fiscal Year 2012.*

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

110673\_Report\_20120301.pdf

**110689.**

**Change Orders to the Construction Contract for the NE 25th Street SAFETEA-LU Roadway Improvements Project (B)**

**This item involves a request to approve Change Orders for the construction contract, NE 25th Street SAFETEA-LU Roadway Improvements Project, in an effort to utilize the available LAP funding for the project.**

**RECOMMENDATION**      *The City Commission: 1) authorize the City Manager to execute Change Orders for the NE 25th Street SAFETEA-LU project up to the available LAP funding; and 2) modify the purchase order as necessary, not to exceed the remaining balance of \$444,475.06.*

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

110689\_Change Order\_20120301.pdf

**110700.****Plum Creek Time Extension (B)**

**This is a request to extend the timeframe for which a PD (planned development) zoning ordinance must be adopted to implement the Plum Creek PUD land use. The applicant is requesting that the timeframe be extended to July 26, 2016.**

**RECOMMENDATION**

*Staff to the City Commission- The City Commission authorize the City Attorney to draft and the Clerk of the Commission to advertise an ordinance extending the date for obtaining PD rezoning for the Plum Creek PUD to July 26, 2016.*

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

110700A\_Plum Creek letter\_20120301.pdf  
110700B\_Adopted Ord 100189\_20120301.pdf

**110704.****Partial Release of Lien Affecting 226 SW 5th Avenue, Tax Parcel #12986-000-000 (B)**

**This item requests that the City Commission release the above-referenced properties from the lien arising from Code Enforcement Board Cases: CEB 2010-142; CEB 2010-143; and CEB 2010-151.**

**RECOMMENDATION**

*The City Commission release 226 SW 5th Avenue, Tax Parcel 12986-000-000 from Code Enforcement Board liens related to CEB Case #CEB 2010-142; CEB 2010-143; and CEB 2010-151.*

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

110704A\_FL Statute 162.09(3)\_20120301.pdf  
110704B\_Reeb Request\_20120301.pdf  
110704C\_Map\_20120301.pdf

**GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS****CITY ATTORNEY, CONSENT AGENDA ITEMS****110696.****ERIN FRIEDBERG VS. CITY OF GAINESVILLE, FLORIDA; EIGHTH JUDICIAL CIRCUIT,CASE NO. 2012-CA-360 (B)****RECOMMENDATION**

*The City Commission authorize the City Attorney to represent the City of Gainesville in the case styled Erin Friedberg vs. City of Gainesville, Florida; Eighth Judicial Circuit, Case No. 2012-CA-360.*

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

110696\_Erin Friedberg Consent\_20120301.pdf

**110731.**

**LYNN MAURER VS. CITY OF GAINESVILLE AND UNIVERSITY OF FLORIDA BOARD OF TRUSTEES; EIGHTH JUDICIAL CIRCUIT, CASE NO. 2011-CA-6762 (B)**

**RECOMMENDATION**

*The City Commission authorize the City Attorney to represent the City of Gainesville in the case styled Lynn Maurer vs. City of Gainesville and University of Florida Board of Trustees; Eighth Judicial Circuit, Case No. 2011-CA-6762.*

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

110731\_Lynn Maurer Consent\_20120301.pdf

**110733.**

**THERESA LOREE HENSON VS. THE CITY OF GAINESVILLE, FLORIDA, A MUNICIPAL CORPORATION; NORMAN BOTSFORD, IN HIS OFFICIAL CAPACITY AS FORMER CHIEF OF THE GAINESVILLE POLICE DEPARTMENT, AND BRETT ROBISON IN HIS INDIVIDUAL AND OFFICIAL CAPACITY; EIGHTH JUDICIAL CIRCUIT, COURT CASE NO. 12-CA-378 (B)**

**RECOMMENDATION**

*The City Commission authorize the City Attorney and/or Special Counsel if insurance coverage is available to represent the City of Gainesville in the case styled Theresa Loree Henson vs. the City of Gainesville, Florida, a Municipal corporation; Norman Botsford, in his official capacity as former Chief of the Gainesville Police Department, and Brett Robison in his individual and official capacity; Eighth Judicial Circuit, Court Case No. 12-CA-378.*

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

110733\_consent\_20120301.pdf

**110734.**

**SHANNON PAIGE ROLLINS VS. THE CITY OF GAINESVILLE, FLORIDA, A MUNICIPAL CORPORATION; NORMAN BOTSFORD, IN HIS OFFICIAL CAPACITY AS FORMER CHIEF OF THE GAINESVILLE POLICE DEPARTMENT, AND BRETT ROBISON IN HIS INDIVIDUAL AND OFFICIAL CAPACITY (B)**

**RECOMMENDATION**

*The City Commission authorize the City Attorney and/or Special Counsel if insurance coverage is available to represent the City of Gainesville in the case styled Shannon Paige Rollins vs. the City of Gainesville, Florida, a Municipal corporation; Norman Botsford, in his official capacity as former Chief of the Gainesville Police Department, and Brett Robison in his individual and official capacity; Eighth*

*Judicial Circuit, Court Case No. 12-CA-377.*

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

110734\_consent\_20120301.pdf

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

### **110729. Appointments to City Commission Advisory Boards and Committees (NB)**

**RECOMMENDATION**

*The City Commission appoint:*

*Carl Osberg and Richard Fabiani to the Fire Safety Board of Adjustment for a term to expire 11/1/15.*

*Kevin Sawnick to the Gainesville Energy Advisory Committee for a term to expire 9/30/15.*

*Benjamin Himschoot, student, to the Development Review Board for a term to expire 11/1/14.*

*Jason Straw, Timothy Hoskinson and Robert Gill to the Historic Preservation Board for a term to expire June 6/1/13.  
Michael Volk to the Historic Preservation Board for a term to expire 6/1/12.*

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

## **EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**

## **COMMITTEE REPORTS, CONSENT AGENDA ITEMS**

## **COMMUNITY DEVELOPMENT COMMITTEE**

### **110748. Community Development Committee (CDC) - Removal of Pending Referrals (NB)**

**RECOMMENDATION**

*City Commission: 1) remove the identified pending referrals from the Community Development Committee's pending referral list.*

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

## COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

### 110739. Catalyst Project - Tenant Selection (NB)

**RECOMMENDATION**      *Executive Director to the City Commission: 1) Approve ranking; and 2) authorize staff to negotiate a lease and other documents, subject to approval by the City Attorney as to form and legality.*

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

### Passed The Consent Agenda

**A motion was made by Mayor-Commissioner Pro Tem Hawkins, 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, Todd Chase, Susan Bottcher and Thomas Hawkins  
Absent: Scherwin Henry

### END OF CONSENT AGENDA

### ADOPTION OF THE REGULAR AGENDA

*MOTION: A motion was made by Mayor-Commissioner Pro Tem Hawkins, seconded by Commissioner Mastrodicasa to adopt the Regular Agenda, as modified.  
(VOTE: 6-0, Commissioner Henry - Absent, MOTION CARRIED)*

#### *MODIFICATIONS:*

- 1. File #110749 - (New Item) - Proposed Outdoor Seating Associated with Stadium Club Project - (Added to the agenda under City Manager).*
- 2. File #110643 - Community Development Review Committee (CDRC) Development Review Process Recommendations - (ppt. presentation submitted from CDRC Chair Gerry Dedenbach).*

### CHARTER OFFICER UPDATES

### CLERK OF THE COMMISSION

### CITY MANAGER

**110643.****Community Development Review Committee (CDRC) - Development Review Process Recommendations (B)**

*Planning and Development Services Director Erik Bredfeldt and Causseaux, Hewitt and Walpole Planning and GIS Services Director Gerry Dedenbach gave presentations.*

*NOTE: Commissioner Henry entered the meeting room at 1:13 PM.*

*Equal Opportunity Director Cecil Howard made comments.*

*MOTION: A motion was made by Mayor-Commissioner Pro Tem Hawkins, seconded by Commissioner Wells that the City Commission: 1) Endorse the concept of Ombudsman and defer discussion until the March 15, 2012 City Commission Meeting; 2) request an update from staff within 4 months on items 3a and 4a, which is the final inspection for Certificate of Occupancy; 3) request an update from staff on the same 4 month timeline on proposed incremental funding for training for quasi-judicial board members and for legal counsel for quasi-judicial board members at quasi-judicial board meetings; 4) request an update from staff within the same 4 month timeline on modifications to site plan requirements, as mentioned in part 4c of the report; and 5) commend the CDRC for their work and endorse working with staff to implement the recommendations as provided in the report.*

*(NO VOTE - REQUEST TO DIVIDE THE QUESTION)*

*Mayor Lowe recognized CDRC Member John Hudson, Bob Wilson and Rev. Adrian Taylor, who spoke to the matter.*

*REQUEST TO DIVIDE THE PREVIOUS QUESTION:*

*FIRST PART OF THE DIVIDED QUESTION: ITEMS 2-5.*

*A motion was made by Mayor-Commissioner Pro Tem Hawkins, seconded by Commissioner Wells that the City Commission: 2) request an update from staff within 4 months on items 3a and 4a, which is the final inspection for Certificate of Occupancy; 3) request an update from staff on the same 4 month timeline on proposed incremental funding for training for quasi-judicial board members and for legal counsel for quasi-judicial board members at quasi-judicial board meetings; 4) request an update from staff within the same 4 month timeline on modifications to site plan requirements, as mentioned in part 4c of the report; and 5) commend the CDRC for their work and endorse working with staff to implement the recommendations as provided in the report.*

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

*SECOND PART OF THE DIVIDED QUESTION: ITEM 1*

*A motion was made by Mayor-Commissioner Pro Tem Hawkins, seconded by Commissioner Wells that the City Commission: 1) Endorse the Ombudsman concept, but defer the discussion until the March 15, 2012 meeting.*



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

**RECOMMENDATION**      *The City Commission: 1) hear a report from the Committee regarding its Development Review Process Recommendations; and 2) take action as deemed appropriate.*

**Approved as shown above (Divided Question)**

110643A\_CDRC\_20120202.pdf  
110643A\_CDRC\_20120301.pdf  
110643B\_Gov Ombudsman\_20120202.pdf  
110643B\_Gov Ombudsman\_20120301.pdf  
110643C\_Memo\_20120301.pdf  
110643\_MOD\_CDRC\_PPT\_20120301.pdf

**110695.**

**Presentation of the NW 22nd Street CIP Project (B)**

**This item is a request to receive a presentation of the Construction Plans for the NW 22nd Street CIP Project from Public Works staff.**

*Assistant Public Works Director Don Hambidge and Public Works Director Teresa Scott gave presentations.*

*AMENDMENT: 1) Authorize Public Works to complete the competitive bidding process to obtain a contractor for the construction; and 2) direct the General Manager of Utilities to bring back a report on the cost impact of undergrounding; and 3) have staff explore options for a special assessment or other financing alternatives that could contribute to the cost of undergrounding.*

*Mayor Lowe recognized Chuck Woods, Amelia Packard and Donna Lutz who spoke to the matter.*

*Interim CRA Director Kelly Fisher made comments.*

**RECOMMENDATION**      *The City Commission 1) accept the construction plans; and 2) authorize Public Works to complete the competitive bidding process to obtain a contractor for the construction.*

**A motion was made by Mayor-Commissioner Pro Tem Hawkins, seconded by Commissioner Wells, that this matter be Approved as shown above (See Motion). The motion carried by the following vote:**

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

110695\_Power Point\_20120301.pdf

**110666.**

**Charter Officers' Annual Performance Evaluations for the Past Fiscal Year Ending September 30, 2011 (NB)**

*Human Resources Director Sandy Barnard gave a presentation.*

*MOTION: Increase the Charter Officers salaries by 2% for FY 2012.*

*Mayor Lowe recognized Rob Brinkman who spoke to the matter.*

**RECOMMENDATION**      *The City Commission review the performance of each Charter Officer and establish appropriate performance scores and pay adjustments for FY12.*

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

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

### **110728.**

#### **2013 Federal Legislative Agenda (B)**

*Legislative Coordinator Chris Cooper and Interim CRA Director Kelly Fisher gave presentations.*

*MODIFICATION: Add to the Legislative Agenda two modifications as follows: 1) Armory Park - Indicate that the property be completely cleaned and that the City is also seeking support to accomplish the purpose of honoring the reservists who have served at that site and around the country; and 2) advocacy for carbon regulation.*

*Mayor Lowe recognized Rob Brinkman who spoke to the matter.*

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

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

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

110728\_federal agenda\_20120301.pdf

## **GENERAL MANAGER FOR UTILITIES**

## **CITY ATTORNEY**

## **CITY AUDITOR**

## **EQUAL OPPORTUNITY DIRECTOR**

**COMMITTEE REPORTS (PULLED FROM CONSENT)**

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

**PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE**

**PUBLIC SAFETY COMMITTEE**

**AUDIT, FINANCE AND LEGISLATIVE COMMITTEE**

**ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)**

**OUTSIDE AGENCIES**

**MEMBERS OF THE CITY COMMISSION**

**COMMISSION COMMENTS (if time available)**

**RECESS - 4:52 PM**

**RECONVENE - 5:51PM**

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

**PROCLAMATIONS/SPECIAL RECOGNITIONS**

**110737.**            **2011 Albert "Ray" Massey Citizen Volunteer Award Recipients' Day - March 1, 2012 (B)**

**RECOMMENDATION**            *City of Gainesville Athletic Programs Coach Calvin Copper and City of Gainesville Athletics Cheer Booster President Briana Ford to accept the proclamation.*

**Heard**

110737\_RayMasseyDay20120301.pdf

**110738.**            **2011 Arts Awards Reciepients Day - March 1, 2012 (B)**

**RECOMMENDATION**

*Artist, Conservationist, Preservationist, Promoter of local Arts and Culture Tourism and Executive Director Florida's Eden Annie Pais, Artist Conservationist and Springs Advocate Margaret Ross Tolbert and Yopp! Founder and Director Heddy Vernon to accept the proclamation.*

**Heard**

110738\_ArtsAwards\_20120301.pdf

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

*Cabot-Koppers Superfund Site.*

**Alicia Alonso**

*Cabot-Koppers Superfund Site.*

**Susan Fairforest**

*Cabot-Koppers Superfund Site.*

**Ron Hodill**

*Cabot-Koppers Superfund Site.*

**Maria Parsons**

*Cabot-Koppers Superfund Site.*

**John Davies**

*Biomass Plant.*

**Bruce DeLaney**

*University Village Neighborhood Association Petition for Form Based Code Study - See following File #110776.*

**Walter Willard**

*Various Issues.*

**Ana Winn**

*Cabot-Koppers Superfund Site.*

**Pat Fitzpatrick**

*Hungry Children.*

**110777.**

**Pat Fitzpatrick - Citizen Comment (B)**

**RECOMMENDATION**

*The City Commission hear comments from Pat Fitzpatrick and place back-up submitted on file.*

**Placed on File**

110777\_Pat\_Fitzpatrick\_Citizen Comment\_20120301.pdf

**Doris Edwards**

*Mayor's Assistant.*

**Bea Horton**

*Koppers Superfund Site.*

**Debbie Martinez**

*Mayor's Assistant.*

**Juanita Miles Hamilton**

*Mayor's Assistant.*

**Mario Perez**

*Mayor's Assistant.*

**Jo Beaty**

*Mayor's Assistant.*

**Gabriel Hillel**

*Political Issues.*

**RESPONSE TO CITIZEN'S COMMENT**

**110776.****University Village Neighborhood Association (UVNA) Petition (B)****RECOMMENDATION**

*The City Commission: 1) Accept the petition from UVNA brought forward by Bruce DeLaney and give it to Littlejohn Engineering Associates and the City Manager; 2) ask Littlejohn Engineering to include UVNA in the study of appropriate locations for form based code zoning, if practical; 3) if not practical, ask the City Manager to give a recommendation on how to facilitate the request.*

**A motion was made by Mayor-Commissioner Pro Tem Hawkins, seconded by Commissioner Wells, that this matter be Approved as Recommended and Referred to the City Manager, due back on September 1, 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

110776\_B.DeLaney\_UVNA\_Petition\_20120301.pdf

**PUBLIC HEARINGS****RESOLUTIONS- ROLL CALL REQUIRED****110690.****Resolution for a County Incentive Grant (CIGP) Agreement for the Depot Avenue Transportation Corridor Project (B)**

**This item is associated with a Resolution authorizing the Mayor to execute the County Incentive Grant Program (CIGP) Agreement between the City of Gainesville, Alachua County, and the Florida Department of Transportation for the Depot Avenue Transportation Corridor Project.**

**RECOMMENDATION**

*The City Commission: 1) adopt the Resolution; and 2) authorize the Mayor to execute a CIGP Agreement for the Depot Avenue Transportation Corridor Project, subject to approval by the City Attorney as to form and legality.*

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

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

Absent: Craig Lowe

110690A\_Agreement\_20120301.pdf  
110690C\_Partially Executed Agr\_20120301.pdf  
110690B\_Resolution\_20120301.pdf  
110690\_RESOLUTION\_20120301.pdf  
110690\_agreement\_20120301.pdf

**110692.****Resolution for the Regional Transit System (RTS) FY2011 Program of Projects (POP) and FY2009-2010 Performance Measures (B)**

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

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

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

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

110692A\_Public Notice\_20120301.pdf  
110692B\_Resolution\_20120301.pdf  
110692\_RESOLUTION\_20120301.pdf

**ADOPTION READING-ROLL CALL REQUIRED****ORDINANCES, 1ST READING- ROLL CALL REQUIRED****110598.****AMEND THE URBAN MIXED-USE DISTRICT 1 (UMU-1) ZONING DISTRICT (B)**

**Ordinance No. 110598; Petition No. PB-11-139 TCH**

**An ordinance of the City of Gainesville, Florida, amending Section 30-65.1 Urban mixed-use district 1 (UMU-1) of the Land Development Code; by amending the density requirements and the building height requirements; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Planning and Development Services Lead Planner Dean Mimms gave a presentation.*

**RECOMMENDATION**      *The City Commission (1) approve Petition PB-11-139 TCH and (2) adopt the proposed ordinance.*

**A motion was made by Mayor-Commissioner Pro Tem Hawkins, seconded by Commissioner Bottcher, that this matter be Approved (Petition) and 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

110598A\_draft ordinance\_20120301.pdf  
 110598B\_staff report\_20120301.pdf  
 110598C\_FLU element\_20120301.pdf  
 110598D\_application\_20120301.pdf  
 110598E\_111205 cpb minutes\_20120301.pdf  
 110598F\_staff ppt\_20120301.pdf

## ORDINANCES, 2ND READING- ROLL CALL REQUIRED

### 100604.

#### PLANNED DEVELOPMENT - COUNCIL ON AGING (B)

**An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning certain property within the City, commonly referred to as the "Council on Aging PD" and generally located in the vicinity of the 5000 block of Southwest Archer Road, as more specifically described in this Ordinance, from the Alachua County zoning district of "Single family, Low Density" (R-1a and R-1c) to the City of Gainesville zoning districts of "Conservation" (CON) and "Planned Development" (PD); adopting a development plan report and development plan maps; providing conditions and restrictions; providing for enforcement and penalties; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

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

**A motion was made by Commissioner 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

100604\_cpb conditions\_20110120.pdf  
 100604A\_staff report\_20110120.pdf  
 100604B\_append A\_20110120.pdf  
 100604C\_append B\_20110120.pdf  
 100604D\_append C\_20110120.pdf  
 100604E\_append D\_20110120.pdf  
 100604F\_101206 cpb minutes\_20110120.pdf  
 100604G\_staff ppt\_20110120.pdf  
 100604\_MOD\_Applicant CHW\_CCPH\_20110120.PDF  
 100604A\_draft ordinance\_20120216.pdf  
 100604\_MOD\_ppt.Applicant\_CHW\_20120216.pdf  
 100604\_ORDINANCE\_20120301.pdf

### 110613.

#### REZONINGS - VICINITY OF N.E. 23RD AVENUE AND N.E. 39TH AVENUE, AND WALDO ROAD (S.R. 24) (B)

**Ordinance No. 110613, Petition No. PB-11-141ZON**



An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain properties from the zoning category of "I-1: Limited industrial district" to "BI: Business industrial district"; consisting of approximately 61.37 acres, and generally bounded on the North by N.E. 39th Avenue, bounded on the East by Waldo Road (S.R. 24), bounded on the South by N.E. 23rd Avenue, and bounded on the West by N.E. 21st Way and N.E. 15th Terrace; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

*Mayor Lowe recognized Walter Willard who spoke to the matter.*

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

**A motion was made by Commissioner Bottcher, seconded by Commissioner Wells, that this matter be Adopted on 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

110613-A\_draft ordinance\_20120216.pdf  
 110613B\_staff report\_20120216.pdf  
 110613C\_section 30-46\_20120216.pdf  
 110613D\_existing Use map\_20120216.pdf  
 110613E\_staff ppt\_20120216.pdf  
 110613\_ORDINANCE\_20120301.pdf

## **110680.**

### **CORRECTIVE LEGAL DESCRIPTION FOR VOLUNTARY ANNEXATION - EASTSIDE PROPERTIES (B)**

#### **Ordinance No. 110680**

An Ordinance of the City of Gainesville, Florida, correcting scrivener's errors in the legal description of the property annexed by Ordinance No. 110505; providing directions to the codifier; providing directions to the City Manager and Clerk of the Commission; providing a repealing clause; and providing an immediate effective date.

*Mayor Lowe recognized Walter Willard who spoke to the matter.*

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

**A motion was made by Commissioner Wells, 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

110680\_Draft Ordinance\_20120216.pdf  
 110680\_MOD\_Exhibit A\_20120216.pdf  
 110680\_ordinance\_20120301.pdf

## **PLAN BOARD PETITIONS**

## DEVELOPMENT REVIEW BOARD PETITIONS

## SCHEDULED EVENING AGENDA ITEMS

## UNFINISHED BUSINESS

### 110749.

#### **Proposed Outdoor Seating associated with Stadium Club Project (NB)**

*Planning and Development Services Director Erik Bredfeldt and Agent for the Petitioner Gerry Dedenbach gave presentations.*

*AMENDMENT: 1) Approve the recommendation; and 2) ask staff to review the associated Code definitions and terms of outdoor cafe, principal use and accessory use to ensure that the outcome is consistent with the City's policies.*

*Mayor Lowe recognized Jo Beaty and Rob Brinkman who spoke to the matter.*

**RECOMMENDATION**      *City Commission: 1) direct staff to initiate a petition allowing outdoor seating accessory to a principal use within applicable zoning districts and subject to specific criteria.*

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

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

### 110688.

#### **Nineteenth Amendment to the Contract for Professional Consulting Services for the East Gainesville Sprout Project (B)**

**This item is a request for the City Commission to approve the proposed amendment for additional design and permitting for the Depot Park Phase II stormwater pond and pump station in the amount of \$93,001.66.**

**RECOMMENDATION**      *The City Commission: 1) authorize the City Manager to execute the Nineteenth Amendment to the contract for Professional Consulting Services for the East Gainesville Sprout Project, subject to approval by the City Attorney as to form and legality; 2) authorize the City Manager to issue a modified purchase order in an amount not to exceed \$3,564,285.66 which represents the total for professional services included to date.*

**A motion was made by Commissioner Chase, 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, Todd Chase, Susan Bottcher and Thomas Hawkins  
Absent: Jeanna Mastrodicasa and Scherwin Henry

110688\_Amendment\_20120301.PDF  
110688B\_Amendment19\_20120301.pdf

**110667.**

**FINAL ADMINISTRATIVE ORDER IN THE MATTER OF DESIGN PLAT, FILED BY CAUSSEAU HEWETT AND WALPOLE, INC., AGENT FOR CITY OF GAINESVILLE, AND ADC DEVELOPMENT AND INVESTMENT GROUP, LLC, REGARDING A THREE-LOT SUBDIVISION OF PROPERTY LOCATED AT 820 NW 53RD AVENUE, GAINESVILLE, FLORIDA; PETITION NO. DB-11-145 SUB (B)**

**RECOMMENDATION**      *The City Commission authorize the Mayor and Clerk of the Commission to execute the Final Administrative Order.*

**A motion was made by Commissioner Chase, 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

110667A\_DRB recommended conditions DRB minutes\_20120216.pdf  
110667B\_City Attorney Packet to DRB\_20120216.pdf  
110667C\_information submitted by Applicant\_20120216.pdf  
110667D\_Exhibit List Exhibits A-I\_20120216.pdf  
110667E\_Exhibit A\_111208 DRB Packet\_20120216.pdf  
110667F\_Exhibit B\_Affected party members and map\_20120216.pdf  
110667G\_Exhibit C\_members represented by Karl J. Sanders\_20120216.pdf  
110667H\_Exhibit D\_documents related to Petition 42ZON-06 PB\_20120216.pdf  
110667I\_Exhibit E\_documents submitted by Karl J Sanders\_20120216.pdf  
110667J\_Exhibit F\_affidavit of Nalbandian Properties\_20120216.pdf  
110667K\_Exhibit G\_Roles and Rules of DRB\_20120216.pdf  
110667L\_Exhibit H\_Karl J. Sanders Letter\_20120216.pdf  
110667M\_Exhibit I\_Sections of LDC\_20120216.pdf  
110667N\_staff ppt\_20120216.pdf  
110667\_MOD\_atty\_letter\_20120216.pdf  
110667\_MOD\_PPT\_120216\_Design Plat 8\_10.pdf  
110667\_MOD\_QJ FORM\_20120216.pdf  
110667\_MOD\_Mitigation Plan\_20120216.pdf  
110667\_MOD\_DRB Order & DRB 1-12-12 Minutes\_20120216.pdf  
110667\_Exhibit N-1\_Sanders\_20120216.pdf  
110667\_Exhibit N-2\_Sanders\_20120216.pdf  
110667\_Exhibit N-3\_Sanders\_20120216.pdf  
110667\_MOD\_DRAFT\_final administrative order\_20120301.pdf  
110667\_FINALORDER\_20120301.pdf

**100620.**

**REVIEW OF CITY COMMISSION ELECTION DISTRICTS (NB)**

*MOTION: 1) Authorize the City Attorney to enter into a contract for professional services; 2) appropriate funds for professional services in the amount of \$25,000 from the General Fund Undesignated Fund Balance; and 3) authorize the creation and selection of a Citizen Election District Review Committee to submit reports and recommendations to the City commission with the Mayor and Commissioner each making one appointment on or before Friday, April 5, 2012 and submitting the name of the appointee to the Clerk of the Commission.*

**RECOMMENDATION**      *The City Commission: 1) hear a presentation from the City Attorney's Office; 2) authorize the City Attorney to enter into a contract for professional services; and 3) authorize the creation and selection of a Citizen Election District Review Committee to submit reports and recommendations to the City Commission.*

**A motion was made by Mayor-Commissioner Pro Tem Hawkins, seconded by Commissioner Wells, that this matter be Approved as shown above (See Motion). The motion carried by the following vote:**

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

100620\_Revised Motion\_20120301.pdf

## CITY ATTORNEY

## COMMISSION COMMENT

### Mayor Pro Tem Hawkins

- 1. Allowed agricultural uses referral to the CDC - See following File #110779.*
- 2. RTS Drivers - Overtime - See following File #110780.*

### 110779.

#### **Agricultural Uses in Residential Districts (NB)**

**RECOMMENDATION**      *The City Commission refer the question of allowed agricultural uses in residential districts to the Community Development Committee.*

**A motion was made by Mayor-Commissioner Pro Tem Hawkins, seconded by Commissioner Mastrodicasa, that this matter be Referred to the Community Development Committee, due back on September 1, 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

**110780.**            **RTS Driver-Operators Overtime (NB)**

**RECOMMENDATION**        *The City Commission refer the issue of staffing and overtime for RTS Driver-Operators to the Audit, Finance and Legislative Committee.*

**A motion was made by Mayor-Commissioner Pro Tem Hawkins, seconded by Commissioner Wells, that this matter be Referred to the Audit, Finance and Legislative Committee, due back on September 1, 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 Scherwin Henry**

1. *Clarence R Kelly Center safety issue.*
2. *March 8, 2012 State of District 1 meeting. Springhill Fellowship Hall. 6:00 PM.*

**110781.**            **Clarence R. Kelly Center Door Safety Issues (NB)**

**RECOMMENDATION**        *The City Commission direct staff to find dollars to put a door adjacent to the playground at the Clarence R. Kelly Center.*

**A motion was made by Commissioner Henry, seconded by Commissioner Wells, that this matter be Referred to the City Manager. 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**

1. *Update to the City Website, RFP.*
2. *Referral to RUC Re: Green Energy Programs.*

**110783.**            **Green Energy Programs (NB)**

**RECOMMENDATION**        *The City Commission refer the issue of Green Energy Programs to the Regional Utilities Committee.*

**A motion was made by Commissioner Chase, seconded by Commissioner Wells, that this matter be Referred to the Regional Utilities Committee. 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 Randy Wells**

*Green Energy Evaluations.*

**Commissioner Susan Bottcher**

*Commissioner Todd Chase's GRECeconomics Website.*

**Mayor Craig Lowe**

*Transportation Surtax - Develop Joint City/County Project List..*

**CITIZEN COMMENT**

**Jo Beaty**

*Biomass opinions.*

**Mario Perez**

*Commissoiner Chase's GREconomics Website.*

**Rob Brinkman**

*Biomass Plant.*

**RESPONSE TO CITIZEN COMMENT**

**ADJOURNMENT - 10:00 PM**

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Kurt M. Lannon, Clerk of the Commission