

# City of Gainesville

City Hall  
200 East University Avenue  
Gainesville, Florida 32601



## Minutes - Final

Thursday, May 2, 2013

1:00 PM

City Hall Auditorium

## City Commission

*Mayor Craig Lowe (At Large)*  
*Mayor-Commissioner Pro-Tem Lauren Poe (At Large)*  
*Commissioner Thomas Hawkins (At Large)*  
*Commissioner Yvonne Hinson-Rawls (District 1)*  
*Commissioner Todd Chase (District 2)*  
*Commissioner Susan Bottcher (District 3)*  
*Commissioner Randy Wells (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**

**Present** 6 - Mayor Lowe, Commissioner Wells, Commissioner Bottcher, Commissioner Hawkins, Commissioner Chase, and Commissioner Hinson-Rawls

**AGENDA STATEMENT**

**ROLL CALL**

**INVOCATION**

Prophet George Young

**CONSENT AGENDA**

**CITY MANAGER, CONSENT AGENDA ITEMS**

**GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS**

**CITY ATTORNEY, CONSENT AGENDA ITEMS**

[121005.](#) **CORENE MATYAS V. CITY OF GAINESVILLE, A MUNICIPAL CORPORATION, REGIONAL TRANSIT AUTHORITY AND BRUCE WARREN WAGNER; EIGHTH JUDICIAL CIRCUIT, CASE NO. 2013-CA-1375 (B)**

**RECOMMENDATION** *The City Commission authorize the City Attorney to represent the City in the case styled Corene Matyas v. City of Gainesville, a Municipal Corporation, Regional Transit Authority and Bruce Warren Wagner; Eighth Judicial Circuit, Case No. 2013-CA-1375.*

**This Matter was Approved as Recommended**

[121006.](#) **BRYAN E. HUNT V. NORTH FLORIDA REGIONAL MEDICAL CENTER, INC., ALACHUA COUNTY FIRE AND RESCUE, AND GAINESVILLE POLICE DEPARTMENT; EIGHTH JUDICIAL CIRCUIT, CASE NO. 2013-CA-1545 (B)**

**RECOMMENDATION** *The City Commission authorize the City Attorney and/or Special Counsel if insurance coverage is available to represent the City in the case styled Bryan E. Hunt v. North Florida Regional Medical Center, Inc., Alachua County Fire and Rescue, and Gainesville Police Department; Eighth Judicial Circuit, Case No. 2013-CA-1545.*

**This Matter was Approved as Recommended**

[121024.](#)

**ELIZABETH TINLEY COLLINS V. CITY OF GAINESVILLE;  
EIGHTH JUDICIAL CIRCUIT, CASE NO. 2013-CA-1326 (B)**

**RECOMMENDATION**

*The City Commission authorize the City Attorney to represent the City in the case styled Elizabeth Tinley Collins v. City of Gainesville; Eighth Judicial Circuit, Case No. 2013-CA-1326.*

**This Matter was Approved as Recommended**

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

[121056.](#)

2014 Election (B)

**RECOMMENDATION**

*The City Commission schedule the 2014 Election for March 11 and April 8 (if needed).*

**This Matter was Approved as Recommended**

[121057.](#)

Swearing-In Meeting - May 23, 2013 (NB)

**RECOMMENDATION**

*The City Commission schedule a meeting for the Swearing-In and Election of Mayor Pro Tem.*

**This Matter was Approved as Recommended**

**EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**

**COMMITTEE REPORTS, CONSENT AGENDA ITEMS**

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

[110211.](#)

**Fourth of July - City Fireworks (B)**

**This item is an update to a referral from the Recreation, Cultural Affairs and Public Works Committee, regarding City funding for fireworks for the Fourth of July in the City of Gainesville.**

**RECOMMENDATION**

*The City Commission remove this item from the Recreation, Cultural Affairs and Public Works Committee (RCAPW) referral list.*

**This Matter was Approved as Recommended**

[110876](#)

**Policy Review of Public Property Not Being Used for Public Purposes (B)**

**This item is a referral from the City Commission for a policy review of public property not being used for public purposes. The focus of the Committee's efforts has been addressed in the Real Property Policies that are recommended for City Commission approval.**

RECOMMENDATION            *The City Commission remove this item from the Recreation, Cultural Affairs and Public Works Committee (RCAPW) referral list.*

**This Matter was Approved as Recommended**

[120296.](#)

**Bid/Proposal Process for the Operation and/or Maintenance of Ironwood Golf Course (B)**

**This item involves an update to the City Commission on the bid/proposal process for operation and/or maintenance of Ironwood Golf Course and Commission consideration of the possible inclusion of an option for the sale of the golf course.**

RECOMMENDATION            *The City Commission remove this item from the Recreation, Cultural Affairs and Public Works Committee (RCAPW) referral list.*

**This Matter was Approved as Recommended**

## **PERSONNEL & ORGANIZATIONAL STRUCTURE COMM, CONSENT**

### **PUBLIC SAFETY COMMITTEE, CONSENT**

[110933.](#)

**Special Events - Expanded Premises Permitting (NB)**

RECOMMENDATION            *The City Commission remove this item from the Public Safety Committee referral list.*

**This Matter was Approved as Recommended**

[120347.](#)

**Special Event Permits for Bars (B)**

RECOMMENDATION            *The City Commission remove this item from the Public Safety Committee referral list.*

**This Matter was Approved as Recommended**

### **Approval of the Consent Agenda**

**A motion was made by Mayor-Commissioner Pro Tem Poe, seconded by Commissioner Hawkins, to Adopt the Consent Agenda. The motion carried by the following vote:**

**Aye:** 7 - Mayor Lowe, Poe, Commissioner Wells, Commissioner Bottcher, Commissioner Hawkins, Commissioner Chase, and Commissioner Hinson-Rawls

## **AUDIT, FINANCE AND LEGISLATIVE COMMITTEE, CONSENT**

## **EQUAL OPPORTUNITY COMMITTEE, CONSENT**

## **COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS**

## **END OF CONSENT AGENDA**

## **ADOPTION OF THE REGULAR AGENDA**

*Amended: Move NW 8th Avenue to 7:00PM and keep two University Corners items together*

*Nathan Skop, Frank Reagan, Roy Huntsman, Donna Lutz, Kamal Latham, David Coffey, Debbie Martinez, Kathy Benton, Jo Beaty, Ernesto Martinez and Mary Bird spoke to the matter.*

**A motion was made by Commissioner Chase, seconded by Commissioner Hawkins, that this Matter be Adopted. The motion carried by the following vote:**

**Aye:** 7 - Mayor Lowe, Poe, Commissioner Wells, Commissioner Bottcher, Commissioner Hawkins, Commissioner Chase, and Commissioner Hinson-Rawls

## **CHARTER OFFICER UPDATES**

## **CLERK OF THE COMMISSION**

## **CITY MANAGER**

### [120521.](#)

#### **NW 8th Avenue Project (B)**

**This item is to provide a presentation and obtain direction on the NW 8th Avenue Project.**

*This item was moved to and was heard during the evening portion of the agenda.*

*Phil Mann and John Veilleux made presentations.*

*Duane Gildea, Arthur Stockwell, Tim Hayes, Armando Grundy, Mark Goldstein, Bob Karp, Roggie Datson, Juanita Miles-Hamilton, Edward Earl Young, Roy Huntsman, Tom Hawkins, Jeff Jayzack, Bruce Delaney, James Thompson, Arnall Downs, Kathleen Pegan, Nathan Skop, Forest Lisle, Jo Beaty, Annie Orlando, Debbie Martinez, Kevin Daly, Ernesto Martinez, Ewan Thompson, Derek Helmick, Anne Hasly, Adrian Taylor, Sam Harris and Mark Venske spoke to the matter.*

*Comm Hinson-Rawls moved with Comm Bottcher seconding to Approve A1 and C3 with wider sidewalks. Motion carried 7-0.*

*Comm Hinson-Rawls moved with Comm Bottcher seconding to approve B5 with modified trial with Option 1, Option 2 without irrigation and Option 3 just conduit. Motion carried 6-1 with Comm Chase voting no.*

**RECOMMENDATION**

*The City Commission approve the staff recommendation detailed below:*

*Segment A, Alternative A1 stripe a 4-lane undivided section as it is currently configured (\$325,220);*

*Segment B, Alternative B5 modified stripe as 2-lane with wide median and on-street bike lanes (\$823,060 - \$887,720); the median should be striped for a period of time to allow the public and staff to evaluate the impacts of the 2-lane configuration. Staff would bring back to the Commission information to make a final determination with regard to the lane and median configuration.*

*Segment C, Alternative C3 stripe with on-street bike lanes and limited on-street parking (\$1,581,100).*

*Alternative Recommendation A*

*The City Commission approve: Segment A & C as noted in the staff recommendation and Segment B, Alternate B5 with the median constructed to a boulevard section during the initial construction (\$2,729,380).*

*Alternative Recommendation B*

*The City Commission approve: Segment A & C as noted in the staff recommendation and Segment B, Alternate B3 - stripe as 4-lane undivided section as it is currently configured (\$2,782,920).*

**Approved, as shown above - See Motion(s)**

**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**

[120794.](#)

**Charter Officers' Annual Performance Evaluations for the Past Fiscal Year Ending September 30, 2012 (NB)**

*Motion: Commissioner Hinson-Rawls moved with Commissioner Hawkins seconding to raise Charter Officer salaries by 2%.*

*Nathan Skop, Debbie Martinez and Jo Beatty spoke to the matter.*

**RECOMMENDATION**

*The City Commission review the performance of each Charter Officer and establish appropriate pay increases for FY2012.*

**A motion was made by Commissioner Hinson-Rawls, seconded by Commissioner Hawkins, that this Matter be Approved, as shown above - See Motion(s). The motion carried by the following vote:**

**Aye:** 6 - Mayor Lowe, Poe, Commissioner Wells, Commissioner Bottcher, Commissioner Hawkins, and Commissioner Hinson-Rawls

**Nay:** 1 - Commissioner Chase

**COMMISSION COMMENTS (if time available)**

*Comm Hinson-Rawls moved with Comm Hawkins seconding to refer to staff the dual naming of SE 11th Ave for Dr. Cullen Banks. E. Fox and J. Beatty spoke to the matter which passed 7-0.*

*Comm Wells moved with Comm Hawkins seconding to refer high speed internet access through GRUCOM to staff. N Skop and J. Beatty spoke to the matter which passed 7-0.*

*Comm Hawkins moved with Comm Wells seconding to request that the City Manager prepare a budget increment for grant intervention specialists. N. Skop and D. Martinez spoke to the matter which passed 7-0 via consensus.*

[121109.](#)

Lighting Issues

RECOMMENDATION*Refer to the Community Development Committee*

**A motion was made by Commissioner Hawkins, seconded by Commissioner Wells, that this Matter be Referred to the Community Development Committee, due back on 11/2/2013. The motion carried by the following vote:**

**Aye:** 7 - Mayor Lowe, Poe, Commissioner Wells, Commissioner Bottcher, Commissioner Hawkins, Commissioner Chase, and Commissioner Hinson-Rawls

[121111.](#)

Intercity Busses

RECOMMENDATION*Refer to the Community Development Committee*

**A motion was made by Commissioner Hawkins, seconded by Commissioner Wells, that this Matter be Referred to the Community Development Committee, due back on 11/2/2013. The motion carried by the following vote:**

**Aye:** 7 - Mayor Lowe, Poe, Commissioner Wells, Commissioner Bottcher, Commissioner Hawkins, Commissioner Chase, and Commissioner Hinson-Rawls

**RECESS-2:54PM****RECONVENE****PLEDGE OF ALLEGIANCE (5:30pm)****PROCLAMATIONS/SPECIAL RECOGNITIONS**[121054.](#)**Internal Audit Awareness Month - May 2, 2013 (B)**RECOMMENDATION*Institute of Internal Auditors - North Central Florida Chapter President Lily Reinhart to accept the proclamation.***Read**[121055.](#)**Environmental Community Service Days - May 1-4, 2013 (B)**RECOMMENDATION*Cultural Arts Coalition Director NKwanda Jah to accept the proclamation.***Read**[121068.](#)**Law Day - May 1, 2013 (B)**RECOMMENDATION*8th Judicial Circuit Bar President Dawn Vallejos Nichols to accept the proclamation.***Placed on File**



[121075.](#)**National Bike Month - May 2013 (B)**RECOMMENDATION

*Gainesville Bicycle Benefits Stephanie Loscalzo, Co-Owner SwiftCycles Gainesville Tim Hayes, 8th Ave Bike & Coffee House Dustin Rivas, and Commuter Cycling Advocates Brett Lackey, Andre Meeker Monica Petrella and Joseph Floyd to accept the proclamation.*

**Read**

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

*Gabriel Hillel-Public Records Requests*

*John Davies-City Issues*

*Wilbur Holloway-City Issues*

*Nathan Skop-Trolley Study/City Issues*

*Edward Earl Young-Gay issues*

*Debbie Martinez-8th Avenue/City Issues*

*Jo Beatty-Public Process*

*Annie Orlando-Alachua DEC*

**PUBLIC HEARINGS****RESOLUTIONS- ROLL CALL REQUIRED**

**CLERK'S NOTE: The City Commission waive the Rules to hear File #121023 after File #120901.**

[121023.](#)**SHADY FOREST PLAT VACATION (B)**

Resolution No. 121023

A Resolution of the City of Gainesville, Florida; approving the vacation of a portion of the Plat of "Shady Forest" recorded in Book 95, Page 255, of the Public Records of Alachua County, Florida, said portion being located north of SW 17th Place, east of the westerly boundary of SW 38th Terrace and west of the easterly boundary of SW 37th Street; providing directions to the Clerk of the Commission; providing for filing of the original hereof; and providing an immediate effective date.

*Lawrence Calderon made a presentation.*

RECOMMENDATION

*The City Commission adopt the proposed Resolution.*

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

**Aye:** 7 - Mayor Lowe, Poe, Commissioner Wells, Commissioner Bottcher, Commissioner Hawkins, Commissioner Chase, and Commissioner Hinson-Rawls

[121040.](#)

**RESOLUTION ACCEPTING REPORT OF BOARD OF CANVASSERS RUN-OFF ELECTION 2013 (B)**

A resolution of the City Commission of the City of Gainesville, Florida, accepting the report of the Board of Canvassers for the City of Gainesville, Florida, run-off election held April 16, 2013; and providing an immediate effective date.

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

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

**Aye:** 7 - Mayor Lowe, Poe, Commissioner Wells, Commissioner Bottcher, Commissioner Hawkins, Commissioner Chase, and Commissioner Hinson-Rawls

**ADOPTION READING - ROLL CALL REQUIRED**

[120806.](#)

**LAND USE CHANGE - SMALL SCALE - APPROXIMATELY 0.62 ACRES OF PROPERTY GENERALLY LOCATED IN THE VICINITY OF 717 & 721 SW 5TH AVENUE (B)**

Ordinance No. 120806; Petition No. PB-12-165 LUC

An ordinance amending the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of approximately 0.62 acres of property generally located at 717 and 721 SW 5th Avenue, as more specifically described in this ordinance, from Residential High-Density (RH) to Urban Mixed-Use 2 (UMU-2) as to two parcels and from undesignated land use to Urban Mixed-Use 2 (UMU-2) as to a parcel of vacated right-of-way; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

*Jason Simmons and Craig Brashier made presentations.*

**RECOMMENDATION**            *The City Commission: (1) approve Petition PB-12-165 LUC and (2) adopt the proposed ordinance.*

**A motion was made by Commissioner Hawkins, seconded by Commissioner Bottcher, that this Matter be Adopted on Adoption Reading (Ordinance) and Approved the Recommendation. The motion carried by the following vote:**

**Aye:** 7 - Mayor Lowe, Poe, Commissioner Wells, Commissioner Bottcher, Commissioner Hawkins, Commissioner Chase, and Commissioner Hinson-Rawls

[120616.](#)**PLANNED USE DISTRICT AMENDMENT - UNIVERSITY CORNERS  
(B)**

Ordinance No. 120616; Petition PB-12-124 PUD

An ordinance of the City of Gainesville, Florida, amending the Future Land Use Map and the Future Land Use Element of the Comprehensive Plan by overlaying the land use category of "Planned Use District" on certain property with the underlying land use categories of "Mixed-Use Low-Intensity and Mixed-Use Residential" known as "University Corners" generally located between West University Avenue on the South, Northwest 3rd Avenue on the North, Northwest 13th Street (US 441) on the East, and Northwest 14th Street on the West, as more specifically described in this ordinance; providing development conditions; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

*Comm Hawkins moved with Comm Poe seconding to waive the rules to extend meeting to 11:30PM. Motion carried 7-0.*

*Scott Wright, David Coffey, Brett Dil, Randy Fultz and Rick Hall made presentations.*

*Comm Poe moved with Comm Wells seconding to waive the rules to extend meeting to 12:00PM. Motion carried 7-0.*

*Comm Hawkins moved with Comm Wells seconding to waive the rules to extend the meeting to 12:20AM. Motion carried 7-0.*

*Comm Poe moved with Comm Hawkins seconding to waive the the rules to extend meeting to 12:45AM. Motion carried 7-0.*

*Mark Goldstein, Nathan Skop, Armando Grundy, Mark Venske, Jo Beaty, Anne Haisly, Tom Hawkins and Sam Harris spoke to the matter.*

*Comm Hawkins moved with Comm Poe seconding to waive the rules to extend meeting to 1:15AM. Motion carried 7-0.*

*Comm Wells moved with Comm Hawkins seconding to waive the rules to extend the meeting to 1:35AM. Motion carried 7-0.*

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

**A motion was made by Commissioner Chase, seconded by Commissioner Bottcher, that this Matter be Continued. The motion carried by the following vote:**

**Aye:** 6 - Mayor Lowe, Poe, Commissioner Wells, Commissioner Bottcher, Commissioner Chase, and Commissioner Hinson-Rawls

**Nay:** 1 - Commissioner Hawkins

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

[090878.](#)**TEXT CHANGE - LANDSCAPE AND TREE MANAGEMENT (B)**

Ordinance No. 090878, Petition No. PB-10-7-TCH

An ordinance of the City of Gainesville, Florida, amending the Code of Ordinances and the Land Development Code relating to landscape and tree management; by amending Sec. 30-23 Definitions; by amending Article VII. Development Review Process (Division 2. Subdivisions and Street Vacation and Division 4. Planned Development District); by amending Article VIII. Environmental Management (Division 1. Generally, Division 2. Landscape and Tree Management, Stormwater Management and Water/Wastewater Connection Policy, and Division 4. Relief and Enforcement); by amending Appendix A. Special Area Plans (for College Park, Traditional City, Central Corridors and University Heights); by amending Chapter 2. Administration (Division 12. Tree Board of Appeals and Division 13. Tree Advisory Board); providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

*Continued to May 16th, 2013*

**RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

**A motion was made by Mayor-Commissioner Pro Tem Poe, seconded by Commissioner Wells, that this Matter be Continued (1st Reading). The motion carried by the following vote:**

**Aye:** 6 - Mayor Lowe, Poe, Commissioner Wells, Commissioner Bottcher, Commissioner Chase, and Commissioner Hinson-Rawls

**Absent:** 1 - Commissioner Hawkins

[120615.](#)**PLANNED DEVELOPMENT AMENDMENT - UNIVERSITY CORNERS (B)**

Ordinance No. 120615; Petition PB-12-125 PDA

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning to "Planned Development District" (PD) certain property known as "University Corners" generally located between West University Avenue on the South, Northwest 3rd Avenue on the North, Northwest 13th Street (US 441) on the East, and Northwest 14th Street on the West, as more specifically described in this ordinance; adopting PD maps, a PD report, and development conditions; providing for enforcement; providing a severability clause; providing a repealing clause; and providing an effective date.

*Amendment: Set second reading the same date as the PUD #120616 and the scheduling of the two hearing to be determined by applicant*

*Mark Goldstein, Nathan Skop, Mark Venske, Anne Haisly and Stuart Cullen spoke to the matter.*

*Com Poe moved with Comm Hawkins seconding to waive rules and continue meeting until 1:45AM. Motion carried 7-0.*

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

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

**Aye:** 5 - Mayor Lowe, Poe, Commissioner Wells, Commissioner Hawkins, and Commissioner Chase

**Nay:** 2 - Commissioner Bottcher, and Commissioner Hinson-Rawls

[120789.](#)

**TEXT CHANGE - SCOOTER SALES - UMU-2 ZONING (B)**

Ordinance No. 120789; Petition No. PB-12-169 TCH

An ordinance of the City of Gainesville, Florida, amending the Land Development Code related to scooter sales; by adding a new definition to Section 30-23 Definitions and by adding scooter sales to the list of permitted uses by right in Section 30-65.2 Urban mixed-use district 2 (UMU-2); providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

*Ralph Hilliard made a presentation*

**RECOMMENDATION**            *The City Commission (1) approve petition PB-12-169 TCH and (2) adopt the proposed ordinance.*

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

**Aye:** 7 - Mayor Lowe, Poe, Commissioner Wells, Commissioner Bottcher, Commissioner Hawkins, Commissioner Chase, and Commissioner Hinson-Rawls

[120807](#)

**REZONING AND TEXT CHANGE - APPROXIMATELY 0.62 ACRES OF PROPERTY GENERALLY LOCATED IN THE VICINITY OF 717 & 721 SW 5TH AVENUE - TO URBAN MIXED-USE DISTRICT 2 (UMU-2) & ADDING SAID PROPERTY TO THE UNIVERSITY HEIGHTS AREA WITHIN THE UMU-2 ZONING DISTRICT. (B)**

Ordinance No. 120807; Petition No. PB-12-166 ZON

An ordinance amending the Zoning Map Atlas of the City of Gainesville, Florida, by rezoning approximately 0.62 acres of property generally located at 717 and 721 SW 5th Street, as more specifically described in this ordinance, from Residential high density district (RH-1) to Urban mixed-use district 2 (UMU-2) as to two parcels and from unzoned right-of-way to Urban mixed-use 2 (UMU-2) as to one parcel; adding the approximately 0.62 acres of property to the University Heights area as designated within Section

30-65.2 - Urban mixed-use district 2 (UMU-2) of the City of Gainesville Land Development Code by adopting the following amended figures: Figure 1.0 District Boundary Map - University Heights, Figure 2.0 Street Types - University Heights, Figure 2.1 Proposed Local Streets - University Heights, and Figure 3.0 Height Limits - University Heights; providing directions to the City Manager; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

*Jason Simmons and Craig Brashier made presentations.*

**RECOMMENDATION**            *The City Commission: (1) approve Petition PB-12-166 ZON and (2) adopt the proposed ordinance.*

**A motion was made by Mayor-Commissioner Pro Tem Poe, seconded by Commissioner Bottcher, that this Matter be Approved (Petition) and Adopted on First Reading (Ordinance). The motion carried by the following vote:**

**Aye:** 6 - Mayor Lowe, Poe, Commissioner Bottcher, Commissioner Hawkins, Commissioner Chase, and Commissioner Hinson-Rawls

**Absent:** 1 - Commissioner Wells

[120808.](#)

**REZONING AND TEXT CHANGE - AMENDING THE ZONING MAP ATLAS TO REMOVE APPROXIMATELY 0.62 ACRES OF PROPERTY GENERALLY LOCATED AT 717 AND 721 SW 5TH AVENUE FROM THE SPECIAL AREA PLAN FOR UNIVERSITY HEIGHTS AND DELETING AND REPLACING THE FIGURE TITLED "LAND USE AND BUILDING TYPE MATRIX" IN THE SPECIAL AREA PLAN TO REFLECT THE REMOVAL OF THE PROPERTY (B)**

Ordinance No. 120808; Petition No. PB-12-171 TCH

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by removing the Special Area Plan for University Heights overlay zoning district from approximately 0.62 acres of property generally located at 717 and 721 SW 5th Avenue; amending Appendix A., Section 6. - Special Area Plan for University Heights in the Land Development Code by deleting and replacing the figure titled "Land Use and Building Type Matrix" to reflect the removal of the property described above; providing directions to the City Manager; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

*Andrew Persons made a presentation.*

**RECOMMENDATION**            *The City Commission: (1) approve Petition PB-12-171 TCH and (2) adopt the proposed ordinance.*

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

**Aye:** 6 - Mayor Lowe, Poe, Commissioner Wells, Commissioner Bottcher, Commissioner Hawkins, and Commissioner Hinson-Rawls

**Absent:** 1 - Commissioner Chase

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

### 100629.

#### **REAL PROPERTY POLICIES (B)**

Ordinance No. 100629

An ordinance of the City of Gainesville, Florida, amending the City Code of Ordinances, relating to real property; by amending Section 2-435 to change the point in time at which an appraisal must be obtained by the City; by deleting in its entirety existing Section 2-436 concerning sale of land obtained by the City through foreclosure; by creating a new Section 2-436 which provides for acquisition and disposition of real property in accordance with the City's adopted Real Property Policies; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

RECOMMENDATION            *The City Commission adopt the proposed ordinance.*

**A motion was made by Mayor-Commissioner Pro Tem Poe, seconded by Commissioner Hawkins, that this Matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:**

**Aye:** 7 - Mayor Lowe, Poe, Commissioner Wells, Commissioner Bottcher, Commissioner Hawkins, Commissioner Chase, and Commissioner Hinson-Rawls

### 110873.

#### **PORTABLE STORAGE UNITS AND ROLL-OFFS - TEXT CHANGE (B)**

Ordinance No. 110873; Petition No. PB-12-13 TCH

An ordinance of the City of Gainesville, Florida, amending the Land Development Code by adding regulations to allow portable storage units and roll-offs as a temporary use in residential zoning districts; by adding new definitions to Section 30-23 Definitions; by creating Section 30-121 Temporary portable storage units and roll-offs; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

*Commissioner Poe moved with Commissioner Bottcher seconding to remove Section 2(d). Motion carried 4-3 with Commissioners Wells, Hawkins and Chase voting no.*

*Lawrence Calderon made a presentation.*

*Terry Fitzpatrick and Barbara Luchart spoke to the matter.*

RECOMMENDATION            *The City Commission adopt the proposed ordinance.*

**A motion was made by Mayor-Commissioner Pro Tem Poe, seconded by**

**Commissioner Hawkins, that this Matter be Adopted on Final Reading, as amended (Ordinance). The motion carried by the following vote:**

**Aye:** 6 - Mayor Lowe, Poe, Commissioner Wells, Commissioner Bottcher, Commissioner Hawkins, and Commissioner Hinson-Rawls

**Nay:** 1 - Commissioner Chase

## PLAN BOARD PETITIONS

### 120908.

#### **Unpaved Off-Street Parking and Access Regulations for the College Park and University Heights Special Area Plans (B)**

**PB-12-19 TCH. City of Gainesville. Amend the Land Development Code Appendix A, Section 3 Special Area Plan for College Park and Section 6 Special Area Plan for University Heights to regulate existing non-hard-surfaced off-street parking and access to parking areas.**

*Continued to May 16th, 2013*

#### RECOMMENDATION

*City Plan Board to City Commission - The City Commission approve Petition PB-12-19 TCH with the inclusion of pine straw as a permitted parking area coverage material for parking areas with 1-4 spaces; provide a 12-month compliance period from the date of final ordinance adoption; and direct the Code Enforcement Division to hold workshop(s) to explain to impacted property owners how to comply with the new regulations. Plan Board vote 6-0.*

*Staff to City Commission - The City Commission approve Petition PB-12-19 TCH with the inclusion of pine straw as a permitted parking area coverage material for parking areas with 1-4 spaces; provide a 12-month compliance period from the date of final ordinance adoption; and direct the Code Enforcement Division to hold workshop(s) to explain to impacted property owners how to comply with the new regulations.*

*Staff to the Plan Board - Approve Petition PB-12-19 TCH; with a 12-month compliance period from the date of final ordinance adoption and direct the Code Enforcement Division to hold workshop(s) to explain to impacted property owners how to comply with the new regulations.*

**A motion was made by Mayor-Commissioner Pro Tem Poe, seconded by Commissioner Wells, that this Matter be Continued (Petition). The motion carried by the following vote:**

**Aye:** 6 - Mayor Lowe, Poe, Commissioner Wells, Commissioner Bottcher, Commissioner Chase, and Commissioner Hinson-Rawls

**Absent:** 1 - Commissioner Hawkins

### 121031

#### **Gainesville Correctional Institute Rezoning (B)**



**Petition-13-15 ZON. City of Gainesville, agent for State of Florida.  
Amend the PS (Public services and operations districts) zoning to allow  
additional public service type uses for property located at 2845 NE 39th  
Avenue.**

*Comm Poe moved with Comm Wells seconded to waive the rules to continue the meeting to 1:50AM. Motion carried 6-0 with Comm Hawkins absent.*

*Nathan Skop, Mark Venske, Donald Betrick and Derek Helmick spoke to the matter.*

**RECOMMENDATION** *City Plan Board to the City Commission- Approve the petition with staff conditions and without a preliminary development order.*

*Staff to the City Plan Board - Approve the petition with conditions and without a preliminary development order.*

**A motion was made by Commissioner Wells, seconded by Commissioner Hinson-Rawls, that this Matter be Approved (Petition). The motion carried by the following vote:**

**Aye:** 6 - Mayor Lowe, Poe, Commissioner Wells, Commissioner Bottcher, Commissioner Chase, and Commissioner Hinson-Rawls

**Absent:** 1 - Commissioner Hawkins

## **DEVELOPMENT REVIEW BOARD PETITIONS**

### **120901.**

Vacation of a portion of the Shady Forest Plat (B)

**Petition CC-13-04 SUB:** Causseaux, Hewett and Walpole, Inc., agent for Garrison SW 17th Avenue LLC. Reversion of subdivided land, Shady Forest, to acreage. Zoned: Urban mixed-use district 2 (UMU-2). Located north of SW 20th Avenue between SW 37th Street and SW 38th Terrace.

*Lawrence Calderon and Jerry Dedenbach presentations.*

**RECOMMENDATION** *Development Review Board to City Commission: - the City Commission approve Petition CC-13-04 SUB and adopt the resolution approving the vacation of a portion of the Shady Forest Plat*

*Planning Staff to Development Review Board - approve Petition CC-13-04 SUB*

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

**Aye:** 7 - Mayor Lowe, Poe, Commissioner Wells, Commissioner Bottcher, Commissioner Hawkins, Commissioner Chase, and Commissioner Hinson-Rawls

## **SCHEDULED EVENING AGENDA ITEMS**

**UNFINISHED BUSINESS**

**COMMISSION COMMENT**

**CITIZEN COMMENT (If time available)**

**ADJOURNMENT-1:48AM**

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**Kurt Lannon, Clerk of the Commission**