

City of Gainesville

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



Meeting Minutes

Thursday, July 19, 2012

1:00 PM

MEETING CONTINUED TO JULY 24, 2012

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 - 1:00 PM.**ROLL CALL**

Present: Craig Lowe, Lauren Poe, Thomas Hawkins, Randy Wells, Todd Chase, Susan Bottcher and Yvonne Hinson-Rawls

INVOCATION**CONSENT AGENDA**

MOTION: A motion was made by Mayor-Commissioner Pro Tem Poe, seconded by Commissioner Bottcher to adopt the Consent Agenda, as modified.

(VOTE: 5-0, Commissioner Wells and Commissioner Chase - Absent, MOTION CARRIED)

MODIFICATION: File #120145 - Reschedule City Commission Strategic Planning Retreat - (Remove from the Consent Agenda and place on the Regular Agenda for discussion).

CITY MANAGER, CONSENT AGENDA ITEMS**100283. Open-Close-Clean Services at City of Gainesville Parks (B)**

This item is a request for the City Commission to authorize contract amendments with SuperGlo Cleaning Services for the opening, closing, and cleaning of City of Gainesville parks. The contract will increase from \$58,872 to \$65,972 for FY 11-12 (fourth amendment) due to a need for increased services, and from \$65,972 to \$76,992 for FY12-13 (fifth Amendment) for a full year inclusive of all services needed.

RECOMMENDATION

The City Commission: 1) approve the fourth contract amendment with SuperGlo for park opening, closing, and cleaning at Fred Cone and Hogtown Creek Headwaters parks; 2) authorize the City Manager or his designee to execute the amendment; and 3) authorize the City Manager or his designee to exercise the option to execute the fifth amendment (a second one-year extension of the agreement with SuperGlo) and all related contractual documents, subject to approval by the City Attorney as to form and legality, and subject to adoption of the final FY13-14 budget.

This Matter was Approved as Recommended on the Consent Agenda.

110903. Assistance to Firefighters Grant FY2011 Application Modification of Fiscal Note (NB)

This item requests that the City Commission authorize the City Manager to allocate reimbursement funds received from Sprint Nextel toward the match for this grant if awarded.

RECOMMENDATION *The City Commission authorize the City Manager to: 1) designate the reimbursement funds toward the grant match; and 2) approve the required payments process to apply the reimbursement funds toward the match if the grant is awarded.*

This Matter was Approved as Recommended on the Consent Agenda.

120099. Conversion of SW 2nd Street to a two way street between SW 1st Avenue and 2nd Avenue (NB)

This item is a request to convert SW 2nd Street from a one-way street to a two-way street between SW 1st Avenue and 2nd Avenue.

RECOMMENDATION *The City Commission: 1) approve the conversion of SW 2nd Street between 1st Avenue and 2nd Avenue to a two-way street; and 2) authorize the City Manager to implement the changes.*

This Matter was Approved as Recommended on the Consent Agenda.

120101. Security Support for the FY 2012 Republican National Convention (B)

This is a request for City Commission approval for the Gainesville Police Department to participate in a Mutual Aid Agreement with the City of Tampa for operational assistance in providing security for the 2012 Republican National Convention during the week of August 26, 2012 in Tampa Florida.

RECOMMENDATION *The City Commission: 1) authorize the Gainesville Police Department to participate in the mutual aid agreement for operational assistance in providing security for the 2012 Republican National Convention during the week of August 25, 2012 in Tampa, Florida; and 2) authorize the City Manager to execute the mutual aid agreement and any other necessary documents, subject to approval by the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

120103. Invitation to Participate in the Florida Department of Highway Safety and Motor Vehicles Application Process for E-Crash Hardware (NB)

This is a request for City Commission approval to submit an application to the Florida Department of Highway Safety and Motor Vehicles for participation in the E-Crash application process.

RECOMMENDATION *The City Commission authorize the City Manager to submit the application to the Florida Department of Highway Safety and Motor Vehicles for consideration and, if approved, execute any other necessary documents, subject to approval by the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

120104. Federal Law Enforcement Contraband Forfeiture Trust Fund (LECFTF) Funding for Mounted Unit Operation Budget for FY2013 (B)

This is a request for approval to fund the Gainesville Police Department's Mounted Unit for Fiscal Year 2013.

RECOMMENDATION *The City Commission approve the appropriation of \$25,000 from the Federal Law Enforcement Contraband Forfeiture Trust Fund for the operation of the Mounted Unit for Fiscal Year 2013.*

This Matter was Approved as Recommended on the Consent Agenda.

120105. 2009 Urban Area Security Initiative Program (UASI) (B)

This is a request for City Commission approval to accept a Fusion Center server for use during disaster response.

RECOMMENDATION *The City Commission authorize the City Manager to: 1) accept the server and related connectivity costs in the amount of \$11,829.10 from the 2009 Urban Area Security Initiative Program through the City of Jacksonville's Emergency Preparedness Division and 2) execute any other necessary documents, pending review by the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

120106. Staffing Study for Gainesville Police Department (NB)

This is a request for City Commission approval to modify an existing purchase order.

RECOMMENDATION *The City Commission authorize the City Manager to approve*

the modification of the existing purchase order and to execute any other necessary documents, subject to approval by the City Attorney as to form and legality.

This Matter was Approved as Recommended on the Consent Agenda.

120112. Bid Award - Regional Transit System (RTS) Paratransit Related Services for ADA Paratransit Passengers (B)

This item is a request to approve rankings for Request for Proposal (RFQ) #RTSX-130000-DS and execute a contract with Transitional Living of North Central Florida doing business as Center for Independent Living of North Central Florida (CIL-NCF) for Paratransit Related Services for the Regional Transit System (RTS) including ADA (Americans with Disabilities) Eligibility/Certification of persons with disabilities, Travel Training of said individuals, Mystery Rider services, and Sensitivity Training for Regional Transit System (RTS) staff in the amount of \$80,000.

RECOMMENDATION

The City Commission: 1) approve staff's recommended ranking of the two (2) firms; and 2) authorize the City Manager to negotiate and execute a five-year contract for the Regional Transit System (RTS) with the top ranked firm or next ranked firm if those negotiations are not successful, for Paratransit Related Services for Regional Transit System (RTS) including ADA (Americans with Disabilities) Eligibility/Certification of persons with disabilities, Travel Training said individuals, Mystery Rider services, and Sensitivity Training for Regional Transit System (RTS) staff, subject to approval by the City Attorney as to form and legality.

This Matter was Approved as Recommended on the Consent Agenda.

120114. RTS Fall 2012 Transit Service Changes (B)

This is a request for the City Commission to approve the proposed RTS Fall 2012 Service Changes.

RECOMMENDATION

The City Commission approve the proposed Fall 2012 service changes effective August 19, 2012.

This Matter was Approved as Recommended on the Consent Agenda.

120130. American Recovery & Reinvestment Act of 2009 (ARRA), Community Development Block Grant Recovery Grant (CDBG-R) #B-09-MY-12-0007 Closeout Report (B)

This informational item is for the City Commission to receive a closeout report for the CDBG-R Grant #B-09-MY-12-0007 in the amount of \$371,003 received from the U.S. Department of Housing and Urban Development (HUD).

RECOMMENDATION *The City Commission receive the CDBG-R Closeout Report.*

This Matter was Approved as Recommended on the Consent Agenda.

120131. U.S. Department of Justice Bulletproof Vest Partnership (NB)

This is a request for City Commission approval to accept grant funds from the U.S. Department of Justice, Bureau of Justice Assistance through the Bulletproof Vest Partnership Program.

RECOMMENDATION *The City Commission authorize the City Manager to: 1) accept the \$9,123.30 in grant funds; and 2) execute any other necessary documents, subject to approval by the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

120138. 2012 Strike Out Hunger Food Drive (B)

The purpose of this agenda item is to request the City of Gainesville to co-sponsor and authorize staff participation in the 2012 Strike Out Hunger Food Drive for Gainesville/Alachua County.

RECOMMENDATION *The City Commission approve the request to co-sponsor the Strike Out Hunger event for 2012 and authorize the City Manager to designate staff to assist with the event coordination.*

This Matter was Approved as Recommended on the Consent Agenda.

120140. Solving Cold Cases with DNA Analysis (B)

This is a request for City Commission approval for the City Manager to execute a grant award.

RECOMMENDATION *The City Commission authorize the City Manager to accept and execute grant award and any other necessary documents, subject to approval by the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS**120153. Automated Transformer Loss Test System (B)**

Staff recommends the purchase of an automated transformer loss test system from Automation Systems & Diagnostics, Inc. for Substation and Relay's Transformer Apparatus Shop.

RECOMMENDATION *The City Commission authorize the General Manager, or his designee, to approve the issuance of a purchase order to Automation Systems & Diagnostics, Inc. (ASD) for an automated transformer loss test system in the amount of \$203,400.*

This Matter was Approved as Recommended on the Consent Agenda.

120154. Website Content Management System Conversion (NB)

Staff recommends awarding a contract to Ingen Systems Inc. to convert GRU's website (www.gru.com <<http://www.gru.com>>), including all content, application interfaces and interactive elements, to the DotNetNuke Enterprise Edition Content Management System (CMS).

RECOMMENDATION *The City Commission: 1) authorize the General Manager, or his designee, to negotiate and execute a contract with Ingen Systems Inc. for services related to converting GRU's website to the DotNetNuke Enterprise Edition CMS, subject to the approval of the City Attorney as to form and legality; and 2) approve the issuance of a purchase order to Ingen Systems Inc. for these services in total amount not to exceed \$100,000, subject to the final appropriation of fiscal year funds.*

This Matter was Approved as Recommended on the Consent Agenda.

120163. Laboratory Information Management System (B)

Staff recommends the purchase of a Laboratory Information Management System from Promium LLC.

RECOMMENDATION *The City Commission: 1) authorize the General Manager, or his designee, to negotiate and execute a Software License, Consulting Agreement, and Software Support Contract with Promium LLC, for Laboratory Information Management System (LIMS) software including software licenses, installation and support, subject to the approval of the City Attorney as to form and legality; and 2) approve the issuance*

of a purchase order to Promium LLC for the purchase, implementation, and five years maintenance of LIMS software in an amount not to exceed \$200,000.

This Matter was Approved as Recommended on the Consent Agenda.

CITY ATTORNEY, CONSENT AGENDA ITEMS

110888. PERMIT EXTENSIONS RELATING TO THE GOVERNOR'S DECLARATION OF A STATE OF EMERGENCY - SECTION 252.363, FLORIDA STATUTES - EFFECT ON AND IMPLEMENTATION BY THE CITY OF GAINESVILLE (B)

RECOMMENDATION *The City Commission authorize the City Attorney to draft and the Clerk of the Commission to advertise an ordinance establishing administrative procedures to carry out the development order and building permit extensions authorized by Section 252.363, Florida Statutes.*

This Matter was Approved as Recommended on the Consent Agenda.

120051. FIRE PREVENTION CODE AMENDMENT (B)

RECOMMENDATION *The City Commission authorize the City Attorney to draft, and the Clerk to advertise, an ordinance amending Sections 10-10, 10-11, 10-12, 10-13, 10-51, and 10-52 of the City of Gainesville Code of Ordinances to provide for local enhancements to the State of Florida's newly adopted Fire Prevention code*

This Matter was Approved as Recommended on the Consent Agenda.

120129. HOUSE BILL 503 - PERMIT EXTENSIONS PROVISIONS - EFFECT ON AND IMPLEMENTATION BY THE CITY OF GAINESVILLE (B)

RECOMMENDATION *The City Commission authorize the City Attorney to draft and the Clerk of the Commission to advertise an ordinance establishing administrative procedures to carry out the development order and building permit extensions authorized by House Bill 503.*

This Matter was Approved as Recommended on the Consent Agenda.

120144. CITY OF GAINESVILLE v. CHARLES BURGESS; EIGHTH JUDICIAL CIRCUIT, CASE NO. 2011-CA-5811 (NB)

RECOMMENDATION

The City Commission authorize the grant of a non-exclusive easement for purposes of ingress and egress to Charles Burgess and authorize the Mayor to execute the necessary documents.

This Matter was Approved as Recommended on the Consent Agenda.

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS**120128. City Commission Minutes (B)****RECOMMENDATION**

The City Commission approve the minutes of June 7, 2012, June 18, 2012, and June 21, 2012, as circulated.

This Matter was Approved as Recommended on the Consent Agenda.

120165. Appointments to City Commission Advisory Boards and Committees (NB)**RECOMMENDATION**

The City Commission appoint:

Kinnon Thomas to the Gainesville/Alachua County Regional Airport Authority for a term to expire 7/31/15.

William Breeze to the Regional Transit System Advisory Board for a term to expire 6/1/15.

Nora Kilroy to the Student Community Relations Advisory Board for a term to expire 2/26/14.

This Matter was Approved as Recommended on the Consent Agenda.

Passed The Consent Agenda

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

Votes: Aye: Lauren Poe, Randy Wells, Susan Bottcher, Thomas Hawkins and Craig Lowe
Absent: Todd Chase and Yvonne Hinson-Rawls

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**COMMITTEE REPORTS, CONSENT AGENDA ITEMS****COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS**

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

MOTION: A motion was made by Mayor-Commissioner Pro Tem Poe, seconded by Commissioner Bottcher to adopt the Regular Agenda, as modified.

(VOTE: 5-0, Commissioner Wells and Commissioner Chase - Absent, MOTION CARRIED)

CHARTER OFFICER UPDATES**CLERK OF THE COMMISSION****120162. Election Town Hall Meeting (NB)**

NOTE: Commissioner Wells entered the meeting room at 1:09 PM.

RECOMMENDATION *The City Commission schedule an election town hall meeting on September 10 at 6:00 PM at the Senior Center, Gainesville Regional Utilities Multi-Purpose, or the Thelma Boltin Center.*

No Action Taken

CITY MANAGER

NOTE: Discussion started on File #120145 and was then continued to the evening portion of the agenda.

MOTION: A motion was made by Mayor-Commissioner Pro Tem Poe, seconded by Commissioner Hawkins to continue this item to the evening portion of the agenda.

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

GENERAL MANAGER FOR UTILITIES**120171. Sweetwater Branch/Paynes Prairie Sheetflow Restoration Project (B)**

A presentation will be made of 100% Construction Drawings for the Public Use Facilities at the Paynes Prairie Sheetflow Restoration Project in accordance with Vertical Capital Projects procedure.

GRU Utility Design Engineer Alice Rankeillor gave a presentation.

RECOMMENDATION *The City Commission: 1) Hear a presentation from staff; 2)
Approve 100% Construction Drawings.*

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

Votes: Aye: Lauren Poe, Randy Wells, Susan Bottcher, Yvonne Hinson-Rawls, Thomas Hawkins and
Craig Lowe
Absent: Todd Chase

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 - 1:38 PM

RECONVENE - 5:47 PM

NOTE: Commissioner Chase entered the meeting room at 5:50 PM.

PLEDGE OF ALLEGIANCE (5:30pm)**PROCLAMATIONS/SPECIAL RECOGNITIONS****120142. Parks and Recreation Month - July 2012 (B)**

RECOMMENDATION *Public Recreation and Parks Chair Rita Puentes, Gainesville/Alachua County Cultural Affairs Board Chair Carol Velasques Jackson and Nature Centers Commission Chair Charlie Pedersen to accept the proclamation.*

Heard

120143. Farm-to-Restaurant Month - August 2012 (B)

RECOMMENDATION *Blue Ovens Kitchens President Val Leitner to accept the proclamation.*

Heard

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

GRU Biomass plant and other political issues.

Meg Neiderhofer

Policy and Procedures to Manage Risk in the Urban Forest - See following referral item # 120207.

120207. Policy and Procedures to Manage Risk in the Urban Forest (B)

RECOMMENDATION *The City Commission refer the issue of developing policies and procedures for managing risk in the urban forest to the Audit, Finance and Legislative Committee.*

A motion was made by Commissioner Hawkins, seconded by Commissioner Wells, that this matter be Referred to the Audit, Finance and Legislative Committee, due back on January 19, 2013. The motion carried by the following vote:

Votes: Aye: Randy Wells, Susan Botcher, Todd Chase, Yvonne Hinson-Rawls, Thomas Hawkins and
Craig Lowe
Absent: Lauren Poe

Paula Stamer

GRU Biomass Plant.

Debbie Martinez

Biomass contract.

Mac McEachern

- 1. Fuel adjustment fund.*
- 2. Biomass plant.*

John Davies

Political issues.

Annie Orlando

GRU Bond refinancing.

Darlene Pifalo

- 1. Fuel adjustment fund.*
- 2. GRU Bond Refinancing.*
- 3. Commissioner Sunshine Issues.*

Mario Perez

Fuel adjustment fund.

Eduardo Reyes

- 1. Biomass Plant.*
- 2. Coppers Superfund Site.*
- 3. 911 Issues.*

120208. Eduardo Reyes - Citizen Comment (B)

RECOMMENDATION

The City Commission hear comments from Eduardo Reyes and place back-up submitted on file.

Placed on File**Jo Beaty**

1. *GRU Bond Refinancing.*
2. *Biomass Plant.*

Gabriel Hillel

1. *Public Records.*
2. *Employee Raises.*

DeJean Cain

Fuel Adjustment Fund - refund to customers.

Ernesto Martinez

GRU Bond Refinancing.

Pat Fitzpatrick

Social and political issues.

PUBLIC HEARINGS**RESOLUTIONS- ROLL CALL REQUIRED****ADOPTION READING-ROLL CALL REQUIRED****120002. LAND USE CHANGE - VICINITY OF 500 BLOCK OF SE 7TH AVENUE AND 500 BLOCK OF SE 5TH AVENUE (B)****Ordinance No. 120002; Petition No. PB-12-34 LUC**

An ordinance amending the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of property located in the vicinity of the 500 block of SE 7th Avenue and the 500 block of SE 5th Avenue, as more specifically described in this ordinance, from Public Facilities (PF) to Mixed-Use High-Intensity (MUH); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Planning and Development Services Director Erik Bredfeldt and Principal Planner Onelia Lazzari gave presentations.

RECOMMENDATION *The City Commission: (1) approve Petition PB-12-34 LUC and (2) adopt the proposed ordinance.*

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

Votes: Aye: Lauren Poe, Randy Wells, Susan Bottcher, Todd Chase, Yvonne Hinson-Rawls, Thomas Hawkins and Craig Lowe

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

120003. REZONING - VICINITY OF 500 BLOCK OF SE 7TH AND 500 BLOCK OF SE 5TH AVENUE (B)

Ordinance No. 120003; Pet. No. PB-12-35 ZON

An ordinance amending the Zoning Map Atlas of the City of Gainesville, Florida, by rezoning property located in the vicinity of the 500 block of SE 7th Avenue and the 500 block of SE 5th Avenue, as more specifically described in this ordinance, from Public services and operations district (PS) to Central city district (CCD); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Principal Planner Onelia Lazzari, CRA staff member Lindsay Rizzo and Interim CRA Director Kelly Fisher gave presentations.

Mayor Lowe recognized Mark Venske who spoke to the matter.

RECOMMENDATION *The City Commission: (1) approve Petition PB-12-35 ZON and (2) adopt the proposed ordinance.*

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

Votes: Aye: Lauren Poe, Randy Wells, Susan Bottcher, Todd Chase, Yvonne Hinson-Rawls, Thomas Hawkins and Craig Lowe

120038. TEXT AMENDMENT - ALCOHOLIC BEVERAGE PERMITS (NB)

Ordinance No. 120038; Petition No. PB-12-60 TCH

An ordinance of the City of Gainesville, Florida, amending the Land Development Code; by amending Section 30-67 General provisions for business and mixed use districts to prohibit the issuance of special event permits and temporary game day permits to establishments that are subject to an underage prohibition order relating to underage drinking incidents; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

RECOMMENDATION *The City Commission strike the ordinance.*

A motion was made by Commissioner Hawkins, seconded by Commissioner Poe, that this matter be Striken From the Agenda (Ordinance). The motion carried by the following vote:

Votes: Aye: Lauren Poe, Randy Wells, Susan Bottcher, Todd Chase, Yvonne Hinson-Rawls, Thomas Hawkins and Craig Lowe

110209. ROAM TOWING - SUCCESSOR BUSINESSES (B)

Ordinance No. 110209

An ordinance of the City of Gainesville, Florida, amending the City of Gainesville, Sec. 14.5-27, relating to wrecker operator's permit; by amending the requirements to obtain or renew a wrecker operator's permit; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

GPD Lieutenant Steve Weaver, Assistant City Attorney Lee Libby and Court Liaison Specialist Melyssa Henagan gave presentations.

REQUEST TO DIVIDE THE QUESTION:

FIRST PART OF THE DIVIDED QUESTION (AMENDMENT): Adopt the ordinance on first reading subject to amendment of the reference to Driver's License Class E to reflect current practice.

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

Mayor Lowe recognized Mark Venske, Stan Foron of Ultimate Towing, Mike Webber of Superior Towing, Kevin Daly, and Walter Willard who spoke to the matter.

SECOND PART OF THE DIVIDED QUESTION: A motion was made by Commissioner Hawkins, seconded by Commissioner Wells to refer the overall issue of roam towing with special attention to the appeals process to the Public Safety Committee.

(VOTE: 7-0, MOTION CARRIED)

See following referral item #120206.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

Votes: Aye: Lauren Poe, Randy Wells, Susan Bottcher, Yvonne Hinson-Rawls, Thomas Hawkins and Craig Lowe
Nay: Todd Chase

120206. Roam Towing and the Appeals Process (NB)

RECOMMENDATION *The City Commission refer the overall issue of roam towing with special attention to the appeals process to the Public Safety Committee.*

A motion was made by Commissioner Hawkins, seconded by Commissioner Wells, that this matter be Referred to the Public Safety Committee, due back on January 19, 2013. The motion carried by the following vote:

Votes: Aye: Lauren Poe, Randy Wells, Susan Bottcher, Todd Chase, Yvonne Hinson-Rawls, Thomas Hawkins and Craig Lowe

120041. 2012 NON AD VALOREM TAX ASSESSMENT (B)

An ordinance of the City of Gainesville, Florida, providing consent for the entire corporate limits of the City of Gainesville, Florida to be included in the non ad-valorem assessment for the municipal service benefit unit created by Alachua County for certain solid waste management services for the three fiscal years commencing with fiscal year 2012-2013 and extending through fiscal year 2014-2015; providing conditions for the consent; providing that the consent is for the three-year period; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Mayor Lowe recognized Walter Willard and Mark Venske who spoke to the matter.

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 First Reading (Ordinance). The motion carried by the following vote:

Votes: Aye: Lauren Poe, Randy Wells, Susan Bottcher, Todd Chase, Yvonne Hinson-Rawls, Thomas Hawkins and Craig Lowe

110076. LAND DEVELOPMENT CODE - PROTECTION OF NATURAL AND ARCHAEOLOGICAL RESOURCES (B)

Ordinance No. 110076, Petition No. PB-10-143 TCH

An ordinance of the City of Gainesville, Florida, amending the Land Development Code and amending Appendix A. Fees, Rates, and Charges of the Code of Ordinances, related to regulation of natural resources, archaeological resources and surface waters and wetlands; by amending Section 30-23 (c) definitions; by repealing Section 30-250 (c) Environmental review; by amending Section 30-275 Applicability and effect of overlay districts; by adding a new Section 30-300 Regulated surface waters and wetlands; by amending Section 30-301 Regulated surface waters and wetlands; by amending Section 30-307 Nature park district; by repealing Section 30-309 Significant ecological communities district and repealing Section 30-309.1 Rezoning to significant ecological communities district; by adding a new DIVISION 4. REGULATED NATURAL AND ARCHAEOLOGICAL

RESOURCES and adding new Sections 30-310 generally, 30-310.1 Resources assessment, 30-310.2 Regulation of natural and archaeological resources, 30-310.3 Conservation management areas and management plans, 30-310.4 Avoidance, minimization, mitigation, and monitoring, and 30-310.5 Alternative compliance; by re-numbering existing DIVISION 4. RELIEF AND ENFORCEMENT to DIVISION 5. and amending and renumbering the sections within DIVISION 5; by amending Appendix A. of the City Code of Ordinances related to Fees, Rates and Charges for Environmental Review; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Lead Planner Onelia Lazzari, Environmental Coordinator John Hendrix, Attorney for the Petitioner Byron Flagg and Environmental Consultant Carl Salifrio gave presentations.

Mayor Lowe recognized Meg Neiderhofer, Armando Grundy and Mark Venske who spoke to the matter.

ADDITIONAL RECOMMENDATION: Initiate a Plan Board petition to address the issue of predetermination of protections.

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 First Reading (Ordinance) and Approved the Recommendation. The motion carried by the following vote:

Votes: Aye: Lauren Poe, Randy Wells, Susan Bottcher, Yvonne Hinson-Rawls, Thomas Hawkins and Craig Lowe
Nay: Todd Chase

WAIVER OF RULES

*MOTION: A motion was made by Mayor-Commissioner Pro Tem Poe, seconded by Commissioner Hawkins to waive the rules to extend the meeting to 11:15 PM.
(VOTE: 7-0, MOTION CARRIED)*

110077. **REZONING - SIGNIFICANT ECOLOGICAL COMMUNITIES OVERLAY DISTRICT (B)**

Ordinance No. 110077; Petition No. PB 11-16 ZON
An ordinance of the City of Gainesville amending the Zoning Map Atlas by removing the Significant Ecological Communities Overlay District from certain property located generally east of Southeast 24th Street, south of East University Avenue and north of Southeast Hawthorne Road; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Lead Planner Onelia Lazzari gave a presentation.

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 First Reading (Ordinance). The motion carried by the following vote:

Votes: Aye: Lauren Poe, Randy Wells, Susan Bottcher, Yvonne Hinson-Rawls, Thomas Hawkins and Craig Lowe
Nay: Todd Chase

110078. REZONING - SIGNIFICANT ECOLOGICAL COMMUNITIES OVERLAY DISTRICT (B)

Ordinance No. 110078; Petition No. PB-11-17 ZON

An ordinance of the City of Gainesville amending the Zoning Map Atlas by removing the Significant Ecological Communities Overlay District from certain property commonly known as Hatchet Creek PUD generally located south of Northeast 53rd Avenue, east of Northeast 15th Street, north of Northeast 39th Avenue and west of Waldo Road, as more specifically described in this ordinance; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Lead Planner Onelia Lazzari gave a presentation.

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 First Reading (Ordinance). The motion carried by the following vote:

Votes: Aye: Lauren Poe, Randy Wells, Susan Bottcher, Yvonne Hinson-Rawls, Thomas Hawkins and Craig Lowe
Nay: Todd Chase

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

110698. LAND DEVELOPMENT CODE - ENVIRONMENTAL MANAGEMENT, ENVIRONMENTAL OVERLAYS, SUBDIVISION II FLOOD CONTROL DISTRICT (B)

Ordinance No. 110698, Petition No. PB-11-155 TCH

An ordinance of the City of Gainesville, Florida, amending the Land Development Code related to the Flood Control District; by amending Section 30-23 to add definitions; by amending Article VIII. - Environmental Management, Division 3. - Environmental Overlays, Subdivision II. - Flood Control District consisting of Sections 30-280 through 30-299, by repealing certain sections, amending certain sections, and renumbering certain sections; 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 Commissioner Poe, seconded by Commissioner Hawkins, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:

Votes: Aye: Lauren Poe, Randy Wells, Susan Bottcher, Todd Chase, Yvonne Hinson-Rawls, Thomas Hawkins and Craig Lowe

110941. LAND DEVELOPMENT CODE - ADDING ZONING DISTRICTS TO THE CORRESPONDENCE OF ZONING DISTRICTS WITH FUTURE LAND USE CATEGORIES (B)

Ordinance No. 110941; Petition No. PB-12-17 TCH

An ordinance of the City of Gainesville, Florida, amending the text of the Land Development Code; by adding additional zoning districts to the Correspondence of Zoning Districts with Future Land Use Categories table in Section 30-46; 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 Commissioner Poe, seconded by Commissioner Bottcher, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:

Votes: Aye: Lauren Poe, Randy Wells, Susan Bottcher, Todd Chase, Yvonne Hinson-Rawls, Thomas Hawkins and Craig Lowe

110863. LAND DEVELOPMENT CODE - COLLEGE PARK SPECIAL AREA PLAN (B)

Ordinance No. 110863; Petition No. PB-12-25 TCH

An ordinance of the City of Gainesville, Florida, amending Appendix A. Special Area Plans, Section 3. Special Area Plan for College Park, Exhibit B. College Park Special Area Plan; by amending the permitted uses within the Type I - Shopfront/Office/Apartment designation; 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 Commissioner Poe, seconded by Commissioner Bottcher, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:

Votes: Aye: Lauren Poe, Randy Wells, Susan Bottcher, Todd Chase, Yvonne Hinson-Rawls, Thomas Hawkins and Craig Lowe

110865. LAND DEVELOPMENT CODE - MIXED-USE ZONING DISTRICTS (MU-1 AND MU-2)(B)

Ordinance No. 110865; Petition No. PB-12-17 TCH

An ordinance of the City of Gainesville, Florida, amending the text of the Land Development Code; by adding an exemption to the minimum density requirements in Section 30-64 Mixed use low intensity district (MU-1); by adding an exemption to the minimum density requirements in Section 30-65 Mixed use medium intensity district (MU-2); 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 Commissioner Poe, seconded by Commissioner Wells, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:

Votes: Aye: Lauren Poe, Randy Wells, Susan Bottcher, Todd Chase, Yvonne Hinson-Rawls, Thomas Hawkins and Craig Lowe

110672. REGULATION OF NOISE (B)

Ordinance No. 110672

An ordinance of the City of Gainesville, Florida, amending Chapter 15 of the Code of Ordinances of the City of Gainesville relating to the regulation of noise; amending Sec. 15-3, Prohibited acts, to provide identical noise restrictions for commercial and noncommercial amplified sounds; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Mayor Lowe recognized Mark Venske who spoke to the matter.

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: Lauren Poe, Randy Wells, Susan Bottcher, Todd Chase, Yvonne Hinson-Rawls, Thomas Hawkins and Craig Lowe

WAIVER OF RULES

MOTION: A motion was made by Mayor-Commissioner Pro Tem Poe, seconded by Commissioner Hawkins to waive the rules to extend the meeting to 11:20 PM.

(VOTE: 7-0, MOTION CARRIED)

120042. URBAN SERVICES REPORT - NW ANNEXATION REFERENDUM (B)

Ordinance No. 120042

An Ordinance of the City of Gainesville, Florida, adopting an Urban Services Report which sets forth the plans to provide urban services to areas generally described as follows: Area 1 is generally located west of NW 55th Street, east of Interstate 75, North of Newberry Road and that portion of the North Florida Regional Doctor's Park & Hospital vicinity already within the City Limits and south of NW 23rd Avenue (above road rights-of-way inclusive); Area 2 is generally located west of NW 43rd Street (& that portion west of NW 43rd Street lying between NW 23rd & 29th Avenues east of NW 49th Terrace, including Buck Ridge Unit 2, already in the city limits), east of NW 63rd Street, north of NW 23rd Avenue and south of NW 39th Avenue, excluding tax parcels No. 06111-001-000 and 06111-003-001 located at the southwest corner of NW 39th Avenue and NW 43rd Street (already within the city limits), but including tax parcel No. 06064-000-000 located at the northwest corner of NW 39th Avenue and NW 43rd Street; and Area 3 is generally located west of NW 43rd Street, east of NW 51st Street (shown on the plat of Huntington Phase 6 as recorded in Plat book "S", Page 48 of the public records of Alachua County, Florida), north of the current city limits at tax parcel No. 06061-003-003 and Bellamy Forge Condominiums and south of the current city limits at the south line of the northeast quarter of Section 22, Township 9 South, Range 19 East and the county drainage easement & right of way lying immediately north of Rustlewood as recorded in Plat Book "K", page 52. These areas are proposed for annexation by the City of Gainesville pursuant to Chapter 90-496, as amended, Special Acts, Laws of Florida, known as the Alachua County Boundary Adjustment Act; providing directions to the City Manager, the City Attorney and the Clerk of the Commission; providing a repealing clause; providing a severability clause; and providing an immediate effective date.

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: Lauren Poe, Randy Wells, Susan Bottcher, Todd Chase, Yvonne Hinson-Rawls, Thomas Hawkins and Craig Lowe

PLAN BOARD PETITIONS

120139. Special Event Parking UF Context Area (B)

Petition PB-11-92TCH. City Plan Board. Amend the Land Development Code to add criteria for game day parking as a Special Event Permit on properties in the UF context area.

RECOMMENDATION

Community Development Committee to City Commission - Approve the petition conditions as modified.

City Plan Board to the City Commission - Approve the petition as modified.

Staff to the City Commission- Approve the Community Development Committee's recommendation.

A motion was made by Commissioner Poe, seconded by Commissioner Wells, that this matter be Continued (Petition) for August 2, 2012. The motion carried by the following vote:

Votes: Aye: Lauren Poe, Randy Wells, Susan Bottcher, Todd Chase, Yvonne Hinson-Rawls, Thomas Hawkins and Craig Lowe

RECESS - 11:18 PM (Meeting Continued to Tuesday, July 24, 2012 after the Budget Meeting.

NOTE: Mayor Lowe recognized Mark Venske who made comments.

RECONVENE: July 24, 2012 @ 5:43 PM

UNFINISHED BUSINESS

CITY MANAGER

120145. Reschedule City Commission Strategic Planning Retreat (NB)

This is a request to reschedule the City Commission Strategic Planning Retreat to be held on August 29, 2012 at Boulware Springs.

MOTION: Reschedule the City Commission Strategic Planning Retreat to August 21, 2012 at 10:00 AM at Boulware Springs.

ADDITIONAL MOTION: A motion was made by Commissioner Hawkins, seconded by Commissioner Wells to schedule the Election Town Hall Meeting for September 24, 2012 at 6:00 PM at the Senior Recreation Center (VOTE: 7-0, MOTION CARRIED).

RECOMMENDATION

The City Commission reschedule the Strategic Planning Retreat to be held on August 29, 2012 at 8:00 AM at Boulware Springs.

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

Votes: Aye: Lauren Poe, Randy Wells, Susan Bottcher, Todd Chase, Yvonne Hinson-Rawls, Thomas Hawkins and Craig Lowe

RECESS - 5:50 PM

RECONVENE - 6:05 PM

PLAN BOARD PETITION

120146. Prohibition Temporary Outdoor Alcoholic Beverage Sales (B)

Petition PB-12-60TCH. City of Gainesville. Amend the Land Development Code to prohibit the issuance of special event permits and temporary game day permits involving alcoholic beverage sales for establishments (in violation of) under the underage prohibition order in Chapter 4, Article III, City Code of Ordinances.

Planning Manager Ralph Hilliard, Police Captain Edward Posey, Assistant City Attorney Lee Libby, and Deputy Fire Chief Tim Hayes gave presentations.

Mayor Lowe recognized 101 Cantina Representative Ryan Prodesky and Attorney Carey Meldon who spoke to the matter.

RECOMMENDATION *City Plan Board to the City Commission- Deny the petition and consider a 21year old age restriction for special event permits for establishment under a prohibition order.*

Staff to City Commission- Approve the petition.

Staff to City Plan Board- Approve the petition.

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

Votes: Aye: Lauren Poe, Randy Wells, Susan Bottcher, Yvonne Hinson-Rawls, Thomas Hawkins and Craig Lowe
Nay: Todd Chase

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

COMMISSION COMMENT

CITIZEN COMMENT (If time available)

ADJOURNMENT - 7:33 PM

Kurt M. Lannon, Clerk of the Commission