

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Meeting Minutes

Thursday, February 5, 2009

1:00 PM

City Hall Auditorium

City Commission

*Mayor Pegeen Hanrahan (At Large)
Mayor-Commissioner Pro Tem Jack Donovan (District 3)
Commissioner Thomas Hawkins (At Large)
Commissioner Jeanna Mastrodicasa (At Large)
Commissioner Scherwin Henry (District 1)
Commissioner Lauren Poe (District 2)
Commissioner Craig Lowe (District 4)*

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

CALL TO ORDER - 1:06 PM**ROLL CALL**

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

INVOCATION

The City Commission observed a moment of silence.

CONSENT AGENDA

Commissioner Lowe moved and Commissioner Mastrodicasa seconded to adopt the Consent Agenda, as modified.

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

CONSENT AGENDA MODIFICATION: File #080748 - Annexation of Tax Parcel Number 07176-020-000 - (Remove from the Consent Agenda and place on the Regular Agenda for discussion and new back-up (letter) and map (ppt.) submitted; and waive the rules to hear at 4:00 PM).

CITY MANAGER, CONSENT AGENDA ITEMS

080707. **Sixteenth 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 an updated professional services fee schedule for 2009 for consulting services for the East Gainesville Sprout Project.

RECOMMENDATION

Recommended Motion: The City Commission authorize the City Manager to execute the Sixteenth 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.

This Matter was Approved as Recommended on the Consent Agenda.

080749. **Annexation of City-owned Tax Parcel Number 07176-020-001 (B)**

This is the submission of petition for voluntary annexation for the above referenced parcel number, which is located in the vicinity of SW Williston Road, SW 13th Street (SR 441) and SW 56th Avenue.

RECOMMENDATION

The City Commission: 1) authorize the Mayor, as agent for the City, to sign the petition for voluntary annexation; 2) receive the petition for annexation and make findings that it contains the signature of the property owner or authorized agent; 3) direct the City Manager to analyze the area; and 4) authorize the City Attorney to prepare and the Clerk of the Commission to advertise ordinances relating to the annexation of the area.

This Matter was Approved as Recommended on the Consent Agenda.

080750.**Federal LECFTF Funding to Purchase 40 Tasers and Equipment for the Gainesville Police Department (B)**

This item requests that the City Commission appropriate and expend an amount not to exceed \$47,000 from the Federal Law Enforcement Contraband Forfeiture Fund for the purchase of 40 Taser International X 26E Advanced Tasers and associated holsters, cartridges, replacement batteries and digital audio/video cameras for the Gainesville Police Department.

RECOMMENDATION

The City Commission authorize the appropriation of an amount not to exceed \$47,000 from the Federal Law Enforcement Contraband Forfeiture Trust Fund for the purchase of 40 tasers and associated equipment from DGG Taser Inc.

Alternative Recommendation A: The City Commission authorize partial funding not to exceed \$20,000.00

Alternative Recommendation B: The City Commission deny funding.

This Matter was Approved as Recommended on the Consent Agenda.

080754.**Authorization to Purchase New Parking Citation System Software and Hardware (B)**

This item authorizes the City Manager to execute a contract for purchase of new software and handheld ticketing machines for operation of the City's parking citation program.

RECOMMENDATION

The City Commission: 1) authorize the City Manager to execute the contract with T2 subject to legal approval by the City Attorney, and 2) increase the parking citation revenue budget for FY09 by \$164,975

This Matter was Approved as Recommended on the Consent Agenda.

080755.**Living Wage Ordinance Number 020663 (B)**

This item proposes that the Living Wage Ordinance remain in effect.

RECOMMENDATION

The City Commission authorize the City Attorney to draft, and the Clerk of the Commission to advertise, an ordinance readopting Article IX, Chapter 2 of the City of Gainesville Code of Ordinances, "Living Wage Requirements", thereby allowing the Living Wage requirements to remain in effect.

Alternate Recommendation A:

The City Commission authorize the City Attorney to draft, and the Clerk of the Commission to advertise, an ordinance readopting Article IX, Chapter 2 of the City of Gainesville Code of Ordinances, "Living Wage Requirements", thereby allowing the Living Wage requirements to remain in effect, setting a new five year repeal date.

Alternate Recommendation B:

The City Commission take no action allowing Ordinance 020663 to repeal.

This Matter was Approved as Recommended on the Consent Agenda.

080761.**Quarterly Strategic Planning Report - FY 2009 * 1st Quarter (B)**

This item provides a report on the progress of the City Commission's Strategic Goals and Initiatives for 1st quarter of FY 2009.

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 FY 2009.

This Matter was Approved as Recommended on the Consent Agenda.

080762.**City Code of Ordinances - Authorization of Chapter 2 Revisions (B)**

This item seeks authorization by the City Commission to the City Attorney's Office to draft modifications to Chapter 2, Article IV, Divisions 1 and 2 of the City Code of Ordinances relative to the reorganization associated with the Planning and Development Services Department.

RECOMMENDATION

The City Commission: 1) authorize the City Attorney's Office to draft an Ordinance making modifications to the Chapter 2, Article IV, Divisions 1 and 2 of the City Code of Ordinances regarding the functions of the Planning and Development

Services Department.

This Matter was Approved as Recommended on the Consent Agenda.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

080769. Amendments to Contracts for Janitorial Services (NB)

Staff is recommending extending the contracts with Warjon, Inc. d/b/a Coverall and C&S Building Maintenance for janitorial services for various GRU facilities.

RECOMMENDATION *The City Commission: 1) authorize the General Manager, or his designee, to negotiate and execute three year amendments to the contracts with Coverall and C&S Building Maintenance for janitorial services, subject to approval of the City Attorney as to form and legality; and 2) approve the issuance of purchase orders to Coverall and C&S Building Maintenance in amounts not exceeding \$123,000 and \$77,000 for FY 2009, respectively, and for subsequent years of the contracts, pending final appropriation of funds for each year.*

This Matter was Approved as Recommended on the Consent Agenda.

CITY ATTORNEY, CONSENT AGENDA ITEMS

080764. Communications Workers of America, ALF-CIO, CLC vs. City of Gainesville, Case No. CA-2009-002; Florida Police Benevolent Association, Inc. vs. City of Gainesville, Case No. CA-2009-003; International Association of Firefighters, Local 2157, Gainesville Professional Firefighters, Inc., v. City of Gainesville, case No.: CA-2009-004; Gator Lodge 67, Inc., Fraternal Order of Police v. City of Gainesville, Case No. CA-2009-005 (B)

RECOMMENDATION *The City Commission authorize Special Counsel to represent the City in the cases styled Communications Workers of America, ALF-CIO, CLC vs. City of Gainesville, Case No. CA-2009-002; Florida Police Benevolent Association, Inc. vs. City of Gainesville, Case No. CA-2009-003; International Association of Firefighters, Local 2157, Gainesville Professional Firefighters, Inc., v. City of Gainesville, case No.: CA-2009-004; Gator Lodge 67, Inc., Fraternal Order of Police v. City of Gainesville, Case No. CA-2009-005.*

This Matter was Approved as Recommended on the Consent Agenda.

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

080768.**City Commission Minutes (B)****RECOMMENDATION**

The City Commission approve the minutes of January 12, 2009 & January 26, 2009 (Special Meetings); and January 15, 2009 (Regular Meeting); as circulated.

This Matter was Approved as Recommended on the Consent Agenda.

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**COMMITTEE REPORTS, CONSENT AGENDA ITEMS****RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE, CONSENT****070362.****Policy for Dual Naming City Roads and Memorializing Individuals (NB)**

The Recreation, Cultural Affairs and Public Works Committee formalized a framework to establish a policy by which the City Commission would consider requests for dual naming a city road or memorializing individuals. This committee is respectfully requesting that the recommended framework be adopted as city policy in these matters.

RECOMMENDATION

The City Commission: 1) adopt a policy to provide posthumous recognition of those who died in the line of duty to either the City or the Nation. The intent is to set forth a policy for establishing the honorary designation (or dual naming) of Gainesville city roads; 2) authorize the City Manager to implement an administrative procedure to carry out this policy in practice.

This Matter was Approved as Recommended on the Consent Agenda.

REGIONAL UTILITIES COMMITTEE, CONSENT**080520.****Utility Tier for the Elderly in Gainesville RUC Referral Item #080520 (NB)**

This was a referral to the Regional Utilities Committee.

RECOMMENDATION

The City Commission remove the Regional Utilities item #080520 from the referral list.

This Matter was Approved as Recommended on the Consent Agenda.

070487. Florida's Electric Reserve Margins RUC Referral Item #070487 (NB)

This was a referral to the Regional Utilities Committee.

RECOMMENDATION *The City Commission remove item #070487 from the Regional Utilities Committee referral list.*

This Matter was Approved as Recommended on the Consent Agenda.

080132. Cooking Grease Collection and Recycling RUC Referral Item #080132 (B)

This was a referral to the Regional Utilities Committee.

RECOMMENDATION *The City Commission: 1) approve the report from staff regarding this referral; and 2) remove this item from the referral list.*

This Matter was Approved as Recommended on the Consent Agenda.

Passed The Consent Agenda

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

Absent: Scherwin Henry

EQUAL OPPORTUNITY COMMITTEE, CONSENT**COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS****END OF CONSENT AGENDA**

ADOPTION OF THE REGULAR AGENDA

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

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

REGULAR AGENDA MODIFICATIONS:

1. *File #080756 - 2008 City of Gainesville Benefits Survey Results - (Revised ppt. submitted).*
2. *File #080789 - Settlement of EEOC Charge (New item under "City Attorney").*
3. *File #080788 - Commissioner Craig Lowe - Revision to Chapter 8 of the Gainesville Code of Ordinances - (New item under "Members of the City Commission").*
4. *File 080772 - Public Hearing - Public Utilities Regulatory Policy Act (PURPA) Requirements - (Revised ppt. submitted).*
5. *File #070268 - Ordinance - The Gainesville Traffic Safety Enhancement Act - (Revised ppt. submitted).*

CHARTER OFFICER UPDATES

080770.

European Photovoltaic Industry Association (EPIA) Delegation Visit to Gainesville (NB)

Gainesville Regional Utilities' Solar Feed in Tariff has attracted significant attention both nationally and in Europe. In December of 2008, Mayor Pegeen Hanrahan invited the members of the EPIA visit Gainesville. A delegation from the EPIA has timed their visit to coincide with a solar conference in Tallahassee and the final reading of the ordinance adopting the Solar Feed in Tariff in Gainesville.

GRU Assistant General Manager for Strategic Planning Ed Regan and EPIA Delegation Representative Dr. Murry Cameron gave presentations.

Chair Hanrahan recognized Jerry Karnas, David Smith, Wayne Irwin, Bob Reedy, Mike Oliver, Harry Kegelmann, Don Davis, Felix Nevada and Kali Blount who spoke to the matter.

RECOMMENDATION

The City Commission welcome the European Photovoltaic Industry Association delegation and receive presentations from the delegation members introducing themselves and discussing opportunities for future collaboration.

Discussed

RECESS - 1:58 PM

RECONVENE - 2:05 PM

080771.

Sweetwater Branch/Paynes Prairie Sheetflow Restoration Project (B)

In order to proceed with the Paynes Prairie Sheetflow Restoration project, there are several agreements that must be approved between the City and various other parties. This item includes a request for the City Commission to approve Memorandums of Understanding (MOU) between (1) GRU and the General Government Stormwater Management Utility (SMU) establishing an agreed upon approach to interdepartmental sharing of the City's project costs; and (2) between the City of Gainesville and the Florida Department of Environmental Protection (FDEP) that establishes responsibilities for implementation of the project. Approval is also requested to proceed with the purchase and subsequent donation of property known as the "Edwards Tract" in exchange for easements needed to facilitate the project.

GRU Supervising Design Engineer Rick Hutton gave a presentation.

RECOMMENDATION

The City Commission: 1) Approve and authorize the General Manager and City Manager to execute an MOU allowing both GRU and SMU to fully participate in the Sweetwater Branch/Paynes Prairie Sheetflow Restoration project implementation, operation, and maintenance; and 2) Authorize the General Manager, or his designee, to negotiate and execute an MOU with FDEP that will allow for the implementation of the Sweetwater Branch/Paynes Prairie Sheetflow Restoration project; and 3) Adopt the Resolution (attached) requesting that the Trustees of the Internal Improvement Trust Fund (Trustees) grant the City of Gainesville an easement for the construction, operation, and maintenance of the Paynes Prairie Sheetflow Restoration Project; and 4) Authorize the General Manager, or his designee, to negotiate and execute a Participation Agreement with SJRWMD to jointly purchase approximately 185 acres of the "Edwards Tract" and exchange the property with Trustees for easements over the Sweetwater Branch/Paynes Prairie Sheetflow Restoration project site; and 5) Once the "Edwards Tract" is acquired, authorize the General Manager to declare the property surplus and to donate approximately 185 acres to the Trustees in exchange for all appropriate easements over the Sweetwater Branch/Paynes Prairie Sheetflow Restoration project site, as outlined in the MOU between the City and DEP; and 6) Authorize the General Manager or his designee to enter into negotiations with Alachua County to purchase or obtain easements necessary to facilitate

ingress/egress and development of future public access improvements within the Alachua County Forever Bishop Henderson property; and 7) Authorize the General Manager or his designee to sign all documents necessary to affect the land acquisitions, land donations and land exchanges including but not limited to purchase and sale agreements and applications, all subject to approval by the City Attorney as to form and legality.

Heard

CLERK OF THE COMMISSION

CITY MANAGER

080756. 2008 City of Gainesville Benefits Survey Results (B)

This item involves a request for the City Commission to hear a presentation regarding the survey results for a Benefits Survey that was conducted in 2008.

Human Resources Director Sandy Barnard, Lockton Co. Representatives Melissa To and Laura Autullo; and Risk Management Director Steve Varvel gave presentations.

Chair Hanrahan recognized Jeff McAdams and Pat Fitzpatrick who spoke to the matter.

RECOMMENDATION *The City Commission hear a presentation by the Lockton Company on the results of the survey.*

Heard

WAIVER OF RULES - Citizen request to discuss File #070362 - Policy for Dual Naming City Roads from the Consent Agenda.

Chair Hanrahan recognized John Dukes who spoke to the matter.

NOTE: Commissioner Lowe asked the City Manager to bring back a report regarding where Mr. Dukes' application is in the process.

GENERAL MANAGER FOR UTILITIES

CITY ATTORNEY

080789. SETTLEMENT OF EEOC CHARGE (B)

Litigation Attorney Elizabeth Waratuke gave a presentation.

RECOMMENDATION

The City Commission 1) approve the terms of the settlement; and 2) authorize the City Manager and the City Attorney's Office to settle the case styled Paris Owens vs. the City of Gainesville; EEOC Charge No.: 846-2008-08649.

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

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

WAIVER OF RULES TO HEAR AT 4:00 PM**080748.****Annexation of Tax Parcel Number 07176-020-000 (B)**

This is the submission of petition for voluntary annexation for the above referenced parcel number, which is located in the vicinity of SW Williston Road, SW 13th Street (SR 441) and SW 56th Avenue.

Strategic Planning Manager Karen Billings, Planning Manager Ralph Hilliard and Agent for the Petitioner David Coffey gave presentations.

Chair Hanrahan recognized Ian Cress, Russell McCarty, Dian Deevey, Willa Drummond, Walter Willard and Pierre Ahrens who spoke to the matter.

RECOMMENDATION

The City Commission: 1) receive the petition for annexation and make findings that it contains the signature of the property owner or authorized agents; 2) direct the City Manager to analyze the area; and 3) authorize the City Attorney to prepare and the Clerk of the Commission to advertise ordinances relating to the annexation of the area, if appropriate.

Alternative Recommendation:

The City Commission deny acceptance of the petition.

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

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

CITY AUDITOR**EQUAL OPPORTUNITY DIRECTOR**

COMMITTEE REPORTS (PULLED FROM CONSENT)**COMMUNITY DEVELOPMENT COMMITTEE****080357. Community Development Committee - City Commission Vision Statement (B)**

This item provides a Community Development Committee recommended City Commission Vision Statement and alternative for consideration by the City Commission.

MOTION: 1) Approve Option A; 2) use the Vision Statement as a prelude to the City's Comprehensive Plan; and 3) use the Statement of Goals as advisory to the City Commission to keep in mind when doing comprehensive planning.

RECOMMENDATION *The City Commission: 1) consider the Committee's recommended and alternative Vision Statement; 2) direct staff to explore the manner in which the Vision Statement can be incorporated into the City's Comprehensive Plan; and, 3) remove this item from the CDC referral list.*

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

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

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)**OUTSIDE AGENCIES****MEMBERS OF THE CITY COMMISSION****080788. Commissioner Lowe - Revision to Chapter 8 of the Gainesville Code of Ordinances (NB)**

RECOMMENDATION *The City Commission: 1) Refer the issue of the revision to Chapter 8 of the Gainesville Code of Ordinances to the Equal Opportunity Committee; and 2) request that the Chamber of Commerce be invited to participate in the Equal Opportunity committee meetings.*

A motion was made by Commissioner Lowe, seconded by Commissioner Poe, that this matter be Referred to the Equal Opportunity Committee, due back on August 5, 2009. The motion carried by the following vote:

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

COMMISSION COMMENTS (if time available)

RECESS - 5:19 PM

RECONVENE - 6:00 PM

PLEDGE OF ALLEGIANCE (5:30pm)

PROCLAMATIONS/SPECIAL RECOGNITIONS

CITIZEN COMMENT

Jim Konish

GRU Issues - Public Records Request - See following File #080808.

080808. Citizen Comment - Jim Konish (B)

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

Placed on File

Harold Saive

September 11, 2001 Issues - See following file #080809.

080809. Citizen Comment - Harold Saive (B)

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

Placed on File

Eduardo Reyes

September 11, 2001 Issues.

Bob Tuskin

September 11, 2001 Issues.

Theodore McLeod

GPD Issues.

Jerry Williamson

GPD Issues.

Elizabeth Howard

GPD - Prostitution Issues - Public Records Request - See following File #080810.

080810.**Citizen Comment - Elizabeth Howard - GPD Records Request (B)**

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

Placed on File

Gabriel Hillel

Butterfly City - Request for Agenda Item - See following File #080811.

080811.**Citizen Comment - Gabe Hillel - Request to Schedule an Agenda Item (B)**

RECOMMENDATION *The City Commission: 1) Hear comments from Gabe Hillel; 2) request that staff schedule an agenda item; and 3) place back-up submitted on file.*

Placed on File

John Davies

Alcohol Taxes.

Robert Pearce

Glaring Lights in Roadways.

080817.**Citizen Comment - Robert Pearce - Street Lights Causing Road Glare (NB)****RECOMMENDATION**

The City Commission: 1) Refer the issue of street lights causing road glare to the Community Development Committee; and 2) request that staff contact Robert Pearce when this item is scheduled.

A motion was made by Commissioner Hawkins, seconded by Mayor-Commissioner Pro Tem Donovan, that this matter be Referred to the Community Development Committee. The motion carried by the following vote:

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

Jeff McAdams*GPD Issues.***Rob Brinkman***Solar Feed-In Tariff.***Walter Willard***Various Issues***Pat Fitzpatrick***UF/Gator Issues.***PUBLIC HEARINGS****080772.****Public Utilities Regulatory Policy Act (PURPA) Requirements (B)**

On December 18, 2008, staff presented the federally required schedule and public participation procedure for consideration of four standards of the Public Utility Regulatory Policies Act of 1978 as amended by The Energy Independence Security Act (EISA) of 2007. At that time, the City Commission adopted the schedule for PURPA proceedings as recommended. The current presentation is consistent with said schedule and will review the topics to be considered prior to the General Manager making a final recommendation, which staff will present in March 2009.

Managing Utility Analyst Diane Wilson gave a presentation.

RECOMMENDATION

The City Commission receive a presentation on the amended Standards related to (1) Integrated Resource Planning; (2) Rate Design to Promote Energy Efficiency Investments; (3)

Smart Grid Investments; and (4) Smart Grid Information as part of the process of determining whether or not to adoption these standards. Staff's recommendation to the City Commission will follow in March 2009.

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

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

080765. INDUSTRIAL DEVELOPMENT REVENUE BOND SERIES 2009 - HEAT PIPE TECHNOLOGY (B)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA AUTHORIZING THE ISSUANCE OF THE CITY OF GAINESVILLE, FLORIDA INDUSTRIAL DEVELOPMENT REVENUE BOND, SERIES 2009 (HEAT PIPE TECHNOLOGY, INC. PROJECT) IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$1,225,000 (THE "2009 BOND") FOR THE PURPOSE OF PROVIDING FUNDS TO MAKE A LOAN TO HEAT-PIPE TECHNOLOGY, INC. (THE "BORROWER") TO PROVIDE FUNDS TO FINANCE THE COST OF REFINANCING OBLIGATIONS OF THE BORROWER RELATED TO THE CITY OF GAINESVILLE, FLORIDA INDUSTRIAL DEVELOPMENT BONDS (HEAT-PIPE TECHNOLOGY, INC. PROJECT), SERIES 1998; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION OF A LOAN AGREEMENT, A BOND PURCHASE AGREEMENT, AN ASSIGNMENT OF LOAN AGREEMENT, MORTGAGE, PROMISSORY NOTE AND OTHER COLLATERAL, THE 2009 BOND AND THE TAX REGULATORY AGREEMENT AND APPROVING THE FORM OF A MORTGAGE, ASSIGNMENT OF RENTS AND SECURITY AGREEMENT; AWARDING THE SALE OF THE 2009 BOND BY A NEGOTIATED SALE; AUTHORIZING CERTAIN OFFICIALS OF THE CITY OF GAINESVILLE, FLORIDA TO TAKE CERTAIN ACTION IN CONNECTION WITH THE ISSUANCE OF THE 2009 BOND; MAKING CERTAIN OTHER COVENANTS AND AGREEMENTS IN CONNECTION WITH THE ISSUANCE OF THE BOND; AND PROVIDING AN EFFECTIVE DATE.

Mike Weimer of Holland and Knight and CEO of Heat Pipe Technology Tom Brooks gave presentations.

RECOMMENDATION *The City Commission adopt the proposed Resolution.*

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

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

ADOPTION READING-ROLL CALL REQUIRED**ORDINANCES, 1ST READING- ROLL CALL REQUIRED****070268.****THE GAINESVILLE TRAFFIC SAFETY ENHANCEMENT ACT (B)****Ordinance No. 0-08-71**

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

Senior Assistant City Attorney Ron Combs, Police Captain Edward Posey and Police Chief Norm Botsford gave presentations.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

A motion was made by Mayor-Commissioner Pro Tem Donovan, seconded by Commissioner Mastrodicasa, that this matter be Adopted on First Reading (Ordinance). The motion carried by the following vote:

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

Nay: Thomas Hawkins

Absent: Scherwin Henry

ORDINANCES, 2ND READING- ROLL CALL REQUIRED**080566.****SOLAR FEED-IN TARIFF (B)****Ordinance No. 0-08-88**

**AN ORDINANCE AMENDING CHAPTER 27, SECTION 27-21,
DEFINITIONS, GAINESVILLE CODE OF ORDINANCES, PROVIDING
DEFINITIONS; AMENDING APPENDIX A, SECTION UTILITIES (1)
ELECTRICITY OF THE GAINESVILLE CODE OF ORDINANCES BY
ADDING PROVISIONS FOR THE PURCHASE OF SOLAR GENERATED**

ENERGY THROUGH A STANDARD OFFER CONTRACT FOR ALL CLASSES; LIMITING NET METERING DISTRIBUTED RESOURCE(S) RATES FOR GENERAL SERVICE AND LARGE POWER CLASSES; PROVIDING A REPEALING CLAUSE; PROVIDING DIRECTIONS TO THE CODIFIER; PROVIDING A SEVERABILITY CLAUSE; AND, PROVIDING AN EFFECTIVE DATE

RECOMMENDATION *The City Commission adopt the proposed ordinance, to become effective March 1, 2009, as revised.*

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

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

080605.

VOLUNTARY ANNEXATION - LAKES OF KANAPAHA (B)

Ordinance No. 0-08-84

An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area pursuant to Chapter 90-496, Special Acts, Laws of Florida, as amended by Chapter 91-382 and Chapter 93-347, Special Acts, Laws of Florida, known as the Alachua County Boundary Adjustment Act; making certain findings; including within the corporate limits of the City of Gainesville, Florida, that certain compact and contiguous area comprised of Tax Parcel Numbers 06916-000-000, 06929-000-000, 06916-001-000, 06933-000-000, 06935-001-000 and 06917-000-000, generally located south of Tax Parcel 06819-010-000, west of SW 47th Street, north of SW Archer Road, and east of Lake Kanapaha and the City limits, as more specifically described in this Ordinance; providing for inclusion of the area in Appendix I of the City Charter; providing for land use and zoning regulations; providing directions to the City Manager and Clerk of the Commission; providing a severability clause; and providing an immediate effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

080438.

REZONING - PRESTIGE LINCOLN MERCURY, INC.(B)

Ordinance No. 0-08-85, Petition No. 105ZON-08PB

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property within the City, as more specifically

described in this Ordinance, from "BUS: General business district" to "BA: Automotive-oriented business district"; located in the vicinity of 2120 and 2140 Northeast 2nd Street; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

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

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

071192. REZONING - 4600 SW 41ST BOULEVARD (B)

Ordinance No. 0-08-24, Petition No. 28ZON-08PB

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property, as more specifically described in this Ordinance, from the Alachua County zoning category of "Industrial services and manufacturing (MS) district" to the City of Gainesville zoning category of "I-1: Limited industrial district"; located in the vicinity of 4600 Southwest 41st Boulevard, commonly known as "Bear Archery" and consisting of approximately 25.85 acres; 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 Lowe, seconded by Commissioner Mastrodicasa, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:

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

071193. REZONING - 5724 SW 46TH PLACE (B)

Ordinance No. 0-08-28, Petition No. 29ZON-08PB

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property, as more specifically described in this Ordinance, from the Alachua County zoning category of "Planned Development (PD) district" to the City of Gainesville zoning category of "CON: Conservation District"; located in the vicinity of 5724 Southwest 46th Place, commonly known as "Broken Arrow Bluff Park" and consisting of approximately 11.00 acres; 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 Lowe, seconded by Commissioner Poe, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:

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

071195. REZONING - 5901 NE WALDO ROAD (B)

Ordinance No. 0-08-19, Petition No. 32ZON-08PB

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property, as more specifically described in this Ordinance, from the Alachua County zoning category of "Industrial services and manufacturing (MP) district" to the City of Gainesville zoning category of "I-1: Limited industrial district"; located in the vicinity of 5901 Northeast Waldo Road and consisting of approximately 51.5 acres; 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 Lowe, seconded by Commissioner Mastrodicasa, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:

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

070941. UNDERAGE PROHIBITION IN ALCOHOLIC BEVERAGE ESTABLISHMENTS (B)

Ordinance No. 0-07-121

An ordinance of the City of Gainesville, Florida, creating a new Article III of Chapter 4 of the Gainesville Code of Ordinances entitled "Underage Prohibition in Alcoholic Beverage Establishments" which restricts patronage of persons under 21 years of age in alcoholic beverage establishments under certain conditions; providing definitions; providing criteria for issuance of an Underage Prohibition Order; providing for an administrative hearing; providing exceptions; providing penalties; amending section 2-339 of the Code of Ordinances relating to the civil citation table of applicable codes and ordinances; providing for injunctive relief; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Police Chief Norm Botsford, Police Captain Lonnie Scott and Assistant City Attorney Stephanie Marchman gave presentations.

Chair Hanrahan recognized Jim Gray, Robert Zeller, Walter Willard, Unidentified Male Speaker, Libby Kesselring, Jordan Johnson, Ellie Baumgartner, Frank Bracco, Patrick Schallor and Phil Heflin who spoke to the matter.

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

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

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

RESOLUTIONS- ROLL CALL REQUIRED

080626. Resolution Opposing the City Charter Amendment (B)

EO Director Jimmie Williams gave a presentation.

RECOMMENDATION *The City Commission adopt the proposed resolution.*

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

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

080771. Sweetwater Branch/Paynes Prairie Sheetflow Restoration Project (B)

In order to proceed with the Paynes Prairie Sheetflow Restoration project, there are several agreements that must be approved between the City and various other parties. This item includes a request for the City Commission to approve Memorandums of Understanding (MOU) between (1) GRU and the General Government Stormwater Management Utility (SMU) establishing an agreed upon approach to interdepartmental sharing of the City's project costs; and (2) between the City of Gainesville and the Florida Department of Environmental Protection (FDEP) that establishes responsibilities for implementation of the project. Approval is also requested to proceed with the purchase and subsequent donation of property known as the "Edwards Tract" in exchange for easements needed to facilitate the project.

RECOMMENDATION *The City Commission: 1) Approve and authorize the General Manager and City Manager to execute an MOU allowing both GRU and SMU to fully participate in the Sweetwater Branch/Paynes Prairie Sheetflow Restoration project*

implementation, operation, and maintenance; and 2) Authorize the General Manager, or his designee, to negotiate and execute an MOU with FDEP that will allow for the implementation of the Sweetwater Branch/Paynes Prairie Sheetflow Restoration project; and 3) Adopt the Resolution (attached) requesting that the Trustees of the Internal Improvement Trust Fund (Trustees) grant the City of Gainesville an easement for the construction, operation, and maintenance of the Paynes Prairie Sheetflow Restoration Project; and 4) Authorize the General Manager, or his designee, to negotiate and execute a Participation Agreement with SJRWMD to jointly purchase approximately 185 acres of the "Edwards Tract" and exchange the property with Trustees for easements over the Sweetwater Branch/Paynes Prairie Sheetflow Restoration project site; and 5) Once the "Edwards Tract" is acquired, authorize the General Manager to declare the property surplus and to donate approximately 185 acres to the Trustees in exchange for all appropriate easements over the Sweetwater Branch/Paynes Prairie Sheetflow Restoration project site, as outlined in the MOU between the City and DEP; and 6) Authorize the General Manager or his designee to enter into negotiations with Alachua County to purchase or obtain easements necessary to facilitate ingress/egress and development of future public access improvements within the Alachua County Forever Bishop Henderson property; and 7) Authorize the General Manager or his designee to sign all documents necessary to affect the land acquisitions, land donations and land exchanges including but not limited to purchase and sale agreements and applications, all subject to approval by the City Attorney as to form and legality.

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

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

080773.

Florida League of Cities "Building Citizenship in the Community: Back to Basics" Initiative (B)

RECOMMENDATION *The City Commission: 1) adopt the proposed resolution, and 2) transmit a certified copy to the Florida League of Cities.*

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

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

PLAN BOARD PETITIONS

080753.

One College Park Planned Development (B)

Petition 133PDV-08PB. C. David Coffey, P.A. agent for College Park Group, LLC. Rezone property, located in the 1700 block of NW 1st Ave and NW 2nd Ave, to allow construction of a mixed use development including a hotel and parking garage.

Senior Planner Scott Wright, Agent for the Petitioner David Coffey, Project Architect John Fullerton and Project Planner Linda Portal gave presentations.

Chair Hanrahan recognized John Kline who spoke to the matter.

RECOMMENDATION *City Plan Board to City Commission - The City Commission approve Petition 133PDV-08PB, subject to recommended conditions, with the associated PD report, layout map, and elevations.*

Staff to City Plan Board - Approve Petition 133PDV-08PB with City Plan Board recommended conditions, with the associated PD report, layout map, and elevations.

Alternate Recommendations - The City Commission deny Petition 133PDV-08PB.

A motion was made by Commissioner Poe, seconded by Commissioner Mastrodicasa, that this matter be Approved (Petition) with Conditions. The motion carried by the following vote:

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

080757.

Baldwin House (B)

Petition 123ZON-08PB. City Plan Board. Amend the City of Gainesville Land Development Code by overlaying the historic preservation/conservation district on an individual building on property zoned CCD located at 11 SE 2nd Ave.

Historic Preservation Planner Dee Henrichs gave a presentation.

RECOMMENDATION *Recommended Motion: The City Commission 1) Hear a presentation by Staff 2) Approve the nomination.*

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

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

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

UNFINISHED BUSINESS

COMMISSION COMMENT

Commissioner Thomas Hawkins

Community Development Committee - Solar Issues.

Commissioner Lauren Poe

Commissioner Henry - Best Wishes.

Jack Donovan

Childcare for City Employees - See following Referral #080807.

080807. Commissioner Jack Donovan - Referral Re: Child Care for City Employees (NB)

RECOMMENDATION *The City Commission request that staff explore the level of need for child care in the various public bodies downtown and refer this issue to the Audit, Finance and Legislative Committee.*

A motion was made by Mayor-Commissioner Pro Tem Donovan, seconded by Commissioner Mastrodicasa, that this matter be Referred to the Audit, Finance and Legislative Committee, due back on August 5, 2009. The motion carried by the following vote:

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

CITIZEN COMMENT

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

ADJOURNMENT - 10:21 PM

Kurt M. Lannon, Clerk of the Commission