

# **City of Gainesville**

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



## **Meeting Minutes**

**Thursday, April 5, 2012**

**1:00 PM**

**City Hall Auditorium**

## **City Commission**

*Mayor Craig Lowe (At Large)  
Mayor-Commissioner Pro Tem Thomas Hawkins (At Large)  
Commissioner Scherwin Henry (District 1)  
Commissioner Todd Chase (District 2)  
Commissioner Susan Bottcher (District 3)  
Commissioner Randy Wells (District 4)  
Commissioner Jeanna Mastrodicasa (At Large)*

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

**CALL TO ORDER - 1:05 PM****ROLL CALL**

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

**INVOCATION****Prophet George Young****CONSENT AGENDA**

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

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

*Mayor Lowe recognized Pat Fitzpatrick who spoke to the matter.*

**CITY MANAGER, CONSENT AGENDA ITEMS****110035. Human Resources Policy L-8, Military Leave (B)**

RECOMMENDATION      *The City Commission: approve revision to Human Resources Policy L-8, Military Leave.*

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

**110530. Amended Memorandum of Understanding Between the Alachua County Sheriff's Office (ACSO) and the Gainesville Police Department for the Problem Oriented Policing Grant (POP) Awarded Through the Edward Byrne Memorial Justice Assistance Grant (B)**

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

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

**110784. Transition Study for Alachua County Fire Station 19 (NB)**

**This item requests that the City Commission provide direction to the City Manager to identify the potential impacts of transitioning the provision of fire and rescue services in the SW Gainesville area currently covered by Alachua County Fire Station 19 to the City of Gainesville.**

**RECOMMENDATION**      *The City Commission direct the City Manager to initiate discussions with Alachua County regarding the impact of transitioning fire rescue services in the SW Gainesville area currently covered by Alachua County Fire Station 19 to the City of Gainesville and provide a report to the City Commission.*

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

**110816. Economic Development Administration FY12 Public Works and Economic Adjustment Assistance (NB)**

**This is a request for the City Commission to authorize staff to submit a grant application to the Economic Development Agency (EDA), U.S. Department of Commerce, for the funding of stormwater infrastructure upgrades in the Innovation District.**

**RECOMMENDATION**      *The City Commission authorize the City Manager or designee to execute the grant applications, grant awards and any other documents needed to complete this project subject to the approval by the City Attorney as to form and legality.*

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

**110817. Request to Release Reverter Rights (B)**

**This item is a request to release the Reverter Right provisions contained in deeds to Santa Fe Community College Endowment Corporation, Inc.**

**RECOMMENDATION**      *The City Commission: 1) approve the release of the reverter on Tax Parcels 14497-000-000 and 14474-001-000; 2) approve extending, until December 30, 2027, the requirement for completion of educational and/or ancillary facilities on Tax Parcels 14490-000-000, 14492-000-000, and 14493-000-000; 3) retain a restrictive covenant limiting the use of all of the properties to educational and/or ancillary uses; and 4) authorize the Mayor to execute, and the Clerk to attest such deeds or other documents as are necessary to effectuate the foregoing, subject to approval as to form and legality by the City Attorney.*

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

**110825. Referral to Community Development Committee regarding the process of Improving existing Non-Conformities (NB)**

**RECOMMENDATION**      *The City Commission refer this item to the Community Development Committee for discussion.*

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

**070790. Land Conservation and Acquisition Program (B)**

**This item involves a request for the City Commission to approve an update to the priority list of the Land Conservation and Acquisition Program.**

**RECOMMENDATION**      *The City Commission: 1) approve the updated priority list for the Land Conservation and Acquisition Program; and 2) authorize the City Manager or designee to negotiate with landowners for acquisition.*

*Alternative Recommendation: The City Commission not approve the Land Conservation and Acquisition Program priority list and direct staff to reevaluate undeveloped lands within or near the City of Gainesville that could provide habitat for wildlife and plants, protect creeks and wetlands and that could provide passive recreational opportunities for the public.*

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

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

**CITY ATTORNEY, CONSENT AGENDA ITEMS**

**110847. CITY OF GAINESVILLE v. STEPHEN A. SCOTT, P.A., EIGHTH JUDICIAL CIRCUIT, CASE NO. 2011-CA-1883 (NB)**

**RECOMMENDATION**      *The City Commission authorize the City Attorney, assisted by Special Counsel, to represent the City of Gainesville in the case styled City of Gainesville v. Stephen A. Scott, P.A.; Eighth Judicial Circuit, Case No. 2011-CA-1883.*

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

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

**110841. City Commission July 5th Meeting (NB)**

**RECOMMENDATION**      *The City Commission waive the City Commission Rules and cancel the July 5, 2012, City Commission meeting.*

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

**EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS****COMMITTEE REPORTS, CONSENT AGENDA ITEMS****COMMUNITY DEVELOPMENT COMMITTEE, CONSENT****110019. Outdoor "Doggie Dining" (B)**

**RECOMMENDATION**      *The City Commission direct staff to initiate a Petition to the Plan Board to allow opportunities for public food service establishments that provide outdoor dining to allow patrons' dogs within certain designated outdoor portions of the establishment when application is made and a permit is approved subject to the requirements of State Statute.*

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

**Passed The Consent Agenda**

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

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

Absent: Scherwin Henry

**AUDIT, FINANCE AND LEGISLATIVE COMMITTEE, CONSENT****COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS****END OF CONSENT AGENDA****ADOPTION OF THE REGULAR AGENDA**

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

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

*MODIFICATIONS:*

- 1. File #110842 - Alachua County Health Department - (ppt submitted on 4/4/2012).*
- 2. File #110283 - Itinerant Food Vendors - (Revised recommendation to withdraw from the agenda).*

## **CHARTER OFFICER UPDATES**

## **CLERK OF THE COMMISSION**

## **CITY MANAGER**

### **110752. Stephen Foster Neighborhood Blight Study (B)**

**This item requests that the City Commission authorize staff to develop a Request for Qualifications to conduct a Blight Study of the Stephen Foster Neighborhood, or a portion thereof.**

*Neighborhood Planning Coordinator John Wachtel and Assistant City Manager Fred Murry gave presentations.*

*NOTE: Commissioner Henry entered the meeting room at 2:04 PM.*

*AMENDMENT: Include in the geographic area under consideration, the triangle that's generally bounded by NW 6th Street on the NE, NW 13th Street on the west, and NW 39th Avenue on the south.*

*Mayor Lowe recognized Robert Pearce and Kim Popejoy who spoke to the matter.*

**RECOMMENDATION**

*The City Commission: 1) hear a presentation from staff; 2) authorize staff to develop a Request for Qualifications to conduct a Blight Study of the entire Stephen Foster Neighborhood, or a portion thereof; and 3) direct the City Manager to include a discussion to fund a blight study for the Stephen Foster Neighborhood in the FY12/13 and/or FY13/14 Budget Presentation.*

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

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

**110787. Authorization to Transmit Evaluation and Appraisal Notification Letter to the State Land Planning Agency (B)**

*Principal Planner Onelia Lazzari gave a presentation.*

**RECOMMENDATION**

*City Plan Board to City Commission: Consensus was to move the notification letter forward to the City Commission.*

*Staff to City Commission: Authorize staff to transmit the Evaluation and Appraisal notification letter to the State Land Planning Agency.*

*Staff to the Plan Board: Provide comments on the notification letter and provide a consensus decision on moving the notification letter forward to the City Commission.*

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

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

**110815. Main Street Streetscaping Project Update (B)**

**This item is a request to update the City Commission on the progress of the Main Street Streetscaping project and request input on some design elements**

*Assistant Public Works Director Don Hambidge, Consultants Jay Brown, Don Sostrom and Steve Quinna of Brown and Cullen, Public Works Project Manager Rahim Harji, and GRU Senior Analyst David Lea gave presentations.*

*Mayor Lowe recognized Kali Blount who made comments.*

*FIRST MOTION: A motion was made by Commissioner Wells, seconded by Mayor-Commissioner Pro Tem Hawkins to refer the issue of glare and dark sky performance of public and private lighting in Gainesville to the Community Development Committee*

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

*SECOND MOTION: A motion was made by Commissioner Wells, seconded by Mayor-Commissioner Pro Tem Hawkins to refer to staff the issue of County funding of public lighting by the City. See following referral item #110899.*

*(VOTE: 6-0, MOTION CARRIED)*

**RECOMMENDATION**      *The City Commission hear presentation from staff and provide input as desired.*

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

**110901.                      Glare and Dark Sky Performance of Public and Private Lighting (NB)**

**RECOMMENDATION**      *The City Commission refer the issue of glare and dark sky performance of public and private lighting in Gainesville to the Community Development Committee.*

**A motion was made by Commissioner Wells, seconded by Mayor-Commissioner Pro Tem Hawkins, that this matter be Referred to the Community Development Committee, due back on October 5, 2012. The motion carried by the following vote:**

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

**110899.                      County Funding for Public Lighting by the City (NB)**

**RECOMMENDATION**      *The City Commission refer the issue of County funding for public lighting by the City to staff for a report back.*

**A motion was made by Commissioner Wells, seconded by Mayor-Commissioner Pro Tem Hawkins, that this matter be Referred to the City Manager, due back on October 5, 2012. The motion carried by the following vote:**

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

**GENERAL MANAGER FOR UTILITIES**

**CITY ATTORNEY**

**CITY AUDITOR**

**EQUAL OPPORTUNITY DIRECTOR**

**COMMITTEE REPORTS (PULLED FROM CONSENT)**

**ECONOMIC DEVELOPMENT/UNIVERSITY COMMUNITY COMMITTEE**



**080466. Status Update on the City Commission Strategic Initiative to continue to position the City to take advantage of innovation economy and identify plan for innovation zone near University (B)**

*Planning and Development Services Director Erik Bredfeldt and University of Florida Development Corporation Jim Izzo gave presentations.*

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

*AMENDMENT: Approve the recommendation and direct staff to initiate a petition to the Plan Board to amend the UMU-2 Zoning Districts to allow surface parking by special uses as further described in the back-up and request that staff work with the property owners in Innovation Square area to implement a Business Improvement District (BID), as necessary.*

**RECOMMENDATION** *The City Commission hear presentations from staff and from the University of Florida and the University of Florida Development Corporation (UFDC) to report on changing the UMU-2 ordinance regarding temporary structured parking and on the Business Improvement District (BID) concept .*

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

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

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

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

**110853. Election District Committee (NB)**

*The City Commission selected the following for the Election District Committee:*

- 1. Commissioner Bottcher - Stephanie Sims*
- 2. Commissioner Mastrodicasa - Brendon Rivard*
- 3. Mayor-Commissioner Pro Tem Hawkins - Caleb Stewart*
- 4. Mayor Lowe - Dr. Dan Smith*
- 5. Commissioner Henry - Juanita Miles Hamilton*
- 6. Commissioner Wells -*
- 7. Commissioner Chase -*

*NOTE: Commissioner Wells and Commissioner Chase had not made their selections*

*at the time of the meeting.*

**RECOMMENDATION**      *The Mayor and City Commission make one appointment each.*

**Discussed**

## **OUTSIDE AGENCIES**

## **MEMBERS OF THE CITY COMMISSION**

### **110868.            Mayor-Commissioner Pro Tem Thomas Hawkins - Regional Water Coalition Membership Discussion (B)**

*GRU Water/Wastewater Engineering Director Ron Herget and Utility Design Engineer Tony Cunningham gave presentations.*

*MOTION: (REFERRAL): Refer to the General Manager of Utilities for GRU staff to come up with a formal recommendation on whether it would be worthwhile for the City of Gainesville to join Florida leaders Organized for Water FLOW!"*

*Mayor Lowe recognized Mary Anderson who spoke to the matter.*

**RECOMMENDATION**      *The City Commission discuss the Regional Water Coalition and take appropriate action.*

**A motion was made by Mayor-Commissioner Pro Tem Hawkins, seconded by Commissioner Wells, that this matter be Referred to the General Manager for Utilities, due back on October 5, 2012. The motion carried by the following vote:**

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

## **COMMISSION COMMENTS (if time available)**

**RECESS - 4:50 PM**

**RECONVENE - 5:43 PM**

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

## **PROCLAMATIONS/SPECIAL RECOGNITIONS**

### **110827.            National Volunteer Month - April 2012 (B)**

**RECOMMENDATION**      *Cultural Affairs Division Dr. Ellen West, Recreation Division Mr. Jade Sutherland and Nature Operations Division Ms. Emma Brady to accept the proclamation.*

**Heard**

**110829.      National Public Safety Telecommunications Week - April 8 - 14, 2012 (B)**

**RECOMMENDATION**      *Alachua County Combined Communications Center to accept the proclamation.*

**Heard**

**110830.      Jazz Appreciation Month - April 2012 (B)**

**RECOMMENDATION**      *Gainesville Friends of Jazz, Inc. President Scott Koons to accept the proclamation.*

**Heard**

**110831.      Child Abuse Prevention Month - April 2012 (B)**

**RECOMMENDATION**      *Alachua County Child Abuse Prevention Task Force Member Jenn Petion to accept the proclamation.*

**Heard**

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

**Mac McEachern**

*Mayor's Aide.*

**David Ames**

*Sister Cities with Jacmel Haiti.*

**Dan Rountree**

*Koppers Superfund Site Art Exhibit at the Thomas Center.*

**Pat Fitzpatrick**

*Social Issues.*

**Tim Strausser**

*Tires Plus Store at 3302 NW 13th Street - Multiple Complaints.*

**Mark Morgan**

*Tires Plus Store at 3302 NW 13th Street - Multiple Complaints.*

**Syed Mohammed Haider**

*Islamic Center Ownership.*

**110909. Syed Mohammed Haider - Citizen Comment (B)****RECOMMENDATION**

*The City Commission hear comments from Syed Mohammed Haider and place back-up submitted on file.*

**Placed on File**

**Debbie Martinez**

- 1. Biomass Plant.*
- 2. Mayor's Aide.*

**Jo Beaty**

*GRU Interest Rate Swap - March 15, 2012.*

**Juanita Miles Hamilton**

*Mayor's Aide.*

**Mario Perez**

- 1. GRU Interest Rate Swap - March 15, 2012.*
- 2. Biomass Plant.*

**Barbara Ruth**

*Thanks to the Commissioners for their hard work.*

**Walter Willard**

*Various Issues.*

**Gabriel Hillel**

*Temporary Employees.*

**110908. Gabriel Hillel - Citizen Comment (B)**

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

**Placed on File**

**Rob Brinkman**

1. *Appreciation for the City Commission.*
2. *Global Warming denial.*

**Kali Blount**

1. *Closing of the Eastside Food Lion.*
2. *Incident on the plaza.*
3. *Smoking in public places.*

**RESPONSE TO CITIZEN COMMENT****PUBLIC HEARINGS****RESOLUTIONS- ROLL CALL REQUIRED****ADOPTION READING-ROLL CALL REQUIRED****ORDINANCES, 1ST READING- ROLL CALL REQUIRED****110283. ITINERANT FOOD VENDORS (B)**

**An ordinance of the City of Gainesville, Florida, amending the City of Gainesville Code of Ordinances, related to vending booths and itinerant vendors by amending Chapter 19, Article IV, section 19-93(b) to extend the permissible hours of operation for itinerant food vendors; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

**RECOMMENDATION**      *The City Commission withdraw this item from the agenda.*

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

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

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

## **PLAN BOARD PETITIONS**

## **DEVELOPMENT REVIEW BOARD PETITIONS**

## **SCHEDULED EVENING AGENDA ITEMS**

### **110842. Alachua County Health Department (NB)**

**RECOMMENDATION**      *The City Commission hear a presentation on Children's Oral Health issues.*

**Withdrawn**

## **UNFINISHED BUSINESS**

## **COMMISSION COMMENT**

### **Commissioner Randy Wells**

- 1. Haiti Gala on Friday, April 6, 2012.*
- 2. Chamber Night Out - Airport - April 19, 2012 - 5:30 PM*
- 3. One-Stop Homeless Center*

### **Commissioner Todd Chase**

*One Stop Homeless Center.*

### **Commissioner Susan Bottcher**

*Mosquito Control.*

### **Commissioner Thomas Hawkins**

*One-Stop Homeless Center.*

*Assistant City Manager Fred Murry made comments.*

**CITIZEN COMMENT**

**Debbie Martinez**

*Citizen Comment Issues.*

**Walter Willard**

*Various Issues.*

**ADJOURNMENT - 7:49 PM**

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Kurt M. Lannon, Clerk of the Commission