

City of Gainesville

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



Meeting Minutes

Thursday, May 21, 2009

1:00 PM

City Hall Auditorium

City Commission

*Mayor Pegeen Hanrahan (At Large)
Mayor-Commissioner Pro Tem Scherwin Henry (District 1)
Commissioner Lauren Poe (District 2)
Commissioner Jack Donovan (District 3)
Commissioner Craig Lowe (District 4)
Commissioner Thomas Hawkins (At Large)
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 - 1:02 PM**ROLL CALL**

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

INVOCATION**CONSENT AGENDA**

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

(VOTE: 6-0, Mayor Hanrahan - Absent, MOTION CARRIED)

MODIFICATION: File #081047 - Bid Award - Depot Avenue Segment 3 Roadway Project - (Remove from the agenda and move to the June 4, 2009 agenda).

CITY MANAGER, CONSENT AGENDA ITEMS**030121 Proposed Cell Tower at Westside Park (NB)**

This item involves a request to refer the issue of placement of a Cell Tower at Westside Park to the Recreation, Cultural Affairs and Public Works Committee for review.

RECOMMENDATION

Recommended Motion: The City Commission refer the issue and discussion of placement of a cell tower at Westside Park to the Recreation, Cultural Affairs and Public Works Committee for review.

Alternative Recommendation: The City Commission not authorize the referral of the proposed placement of a cell tower at Westside Park to the Recreation, Cultural Affairs and Public Works Committee for review.

This Matter was Approved as Recommended on the Consent Agenda.

080931. Consumption of Alcohol at the Thomas Center and Thelma Boltin Center (NB)

This item involves a request to amend the Code of Ordinances to permit consumption of alcohol in the Thomas Center and Thelma Boltin Center at non-profit events where admission is charged.

RECOMMENDATION

The City Commission direct the City Attorney to draft and the Clerk of the Commission to advertise an amendment to the Code of Ordinances Chapter 4, Sec. 4-4 (2) to permit serving of alcohol at non-profit events at the Thomas Center and Thelma Bolton Center where admission is charged.

Alternative Recommendation

The City Commission do not direct the City Attorney to draft and the Clerk of the Commission to advertise an amendment the Gainesville Code of Ordinances Chapter 4, Sec. 4-4 (2) to permit serving of alcohol at non-profit events at the Thomas Center and Thelma Bolton Center where admission is charged.

This Matter was Approved as Recommended on the Consent Agenda.

081022.

Bid Award - Remove and reinstall a new roof on the Gainesville Police Department (GPD) Operations Building (B)

This is a request for the City Commission to award the bid to A Plus Homes Inc. DBA Armstrong Homes for the removal and installation of the new roof on the GPD Operations Building located at 721 NW 6th Street, Gainesville, FL 32601

RECOMMENDATION

The City Commission: 1) award the bid to A Plus Homes Inc. DBA Armstrong Homes in the amount of \$351,203 and allow a 10% contingency of \$35,120; 2) authorize the City Manager to execute the contract, subject to approval by the City Attorney as to form and legality; and 3) issue a purchase order in an amount not to exceed \$386,323.

This Matter was Approved as Recommended on the Consent Agenda.

081046.

Strategic Plan Quarterly Report - FY 2009 2nd Quarter, City Commission Strategic Plan Update (B)

This item provides two strategic planning reports: the first report details the progress of the City Commission's Strategic Goals and Initiatives for the 2nd quarter of FY 2009, and the second report provides summary notes from the February 9, 2009 Strategic Planning Workshop and presentations to Commission Sub-Committees on the status of the strategic initiatives.

RECOMMENDATION

The City Commission (1) receives a quarterly report from the City Manager on the progress of the City Commission Strategic Goals and Initiatives for the 2nd quarter of FY 2009; (2) accept the City Commission Strategic Plan Update report; and (3) direct the City Manager to update the City of Gainesville Strategic Plan for FY 2010 which would include the addition of two new initiatives and initiative changes as

recommended by the Sponsoring Commissioner.

This Matter was Approved as Recommended on the Consent Agenda.

081047. Bid Award - Depot Avenue Segment 3 Roadway Project (B)

This item is a request for the City Commission to authorize the bid award to Pospiech Contracting, Inc. for the Depot Avenue Segment 3 Roadway Project for reconstruction of Depot Avenue between South Main Street and SE 7th Street in the amount of \$1,408,700.

This item was continued to the June 4, 2009 City Commission Meeting.

RECOMMENDATION

Recommended Motion: The City Commission: 1) authorize the bid award to Pospiech Contracting, Inc. for the reconstruction of Depot Avenue between South Main Street and SE 7th Street , including a new roundabout at SE 4th Street, curb and gutter, medians, drainage system, and other amenities; and 2) authorize the City Manager to execute the contract and any necessary documents and issue a purchase order in an amount not to exceed \$1,408,700, subject to approval as to form and legality by the City Attorney.

Continued

081049. Grant of a Temporary Construction Easement to Alachua County (B)

This item is a request for approval and authorization to grant a Temporary Construction Easement on North Main Street to Alachua County.

RECOMMENDATION

Recommended Motion: The City Commission: 1) approve the County's temporary use of the approximately 9 feet of property, westerly and adjacent North Main Street, between Northwest 10th Avenue and Northwest 14th Avenue for the Project; and 2) authorize the Mayor to execute and Clerk of the Commission to attest the Temporary Construction Easement, subject to approval by the City Attorney as to form and legality.

This Matter was Approved as Recommended on the Consent Agenda.

090004. US Fire Administration Grant for Firefighter Operations and Safety (NB)

RECOMMENDATION

The City Commission authorize the City Manager to: 1) apply for the Federal FIRE Grant of up to \$69,750 and if awarded; 2) execute the grant award contract, pending approval by the City Attorney as to form and legality; and 3) if awarded, approve payments for expending the grant funds.

Alternative Recommendation: The City Commission not authorize the application.

This Matter was Approved as Recommended on the Consent Agenda.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

090017. Reimbursement for Reclaimed Water Facilities at Oakmont Phase 1 Planned Development (NB)

This is a request to reimburse the developer of Oakmont Phase 1 Planned Development for reclaimed water facility construction in accordance with the GRU Water Reuse Program adopted by the City Commission on September 24, 2001.

RECOMMENDATION

The City Commission authorize the General Manager or his designee to negotiate and execute an agreement for reimbursement to Oakmont at Gainesville, LLP for construction of reclaimed water facilities in an amount not to exceed \$825,403.00 subject to approval of the City Attorney as to form and legality.

This Matter was Approved as Recommended on the Consent Agenda.

CITY ATTORNEY, CONSENT AGENDA ITEMS

081033. Laura Roberts f/k/a Laura Demetree and Nathan Roberts vs. City of Gainesville and United Services Automobile Association; Eighth Judicial Circuit, Court Case No. 01-2009-CA-2046 (B)

RECOMMENDATION

The City Commission authorize the City Attorney to represent the City of Gainesville in the case Laura Roberts f/k/a Laura Demetree and Nathan Roberts vs. City of Gainesville and United Services Automobile Association; Eighth Judicial Circuit, Court Case No. 01-2009-CA-2046.

This Matter was Approved as Recommended on the Consent Agenda.

081051. Christian Prison Ministries Request for Relief under Section 70.51 in re: Ordinance No. 080227, prohibited Uses in Five Points Special Area Plan (B)

RECOMMENDATION

The City Commission authorize the City Attorney to represent the City in the matter styled Christian Prison Ministries Request for Relief under the Florida Land Use and Environmental Act in re: Ordinance No. 080227, Prohibited Uses in Five Points Special Area Plan.

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS**090001. City Commission Minutes (B)****RECOMMENDATION**

The City Commission approve the minutes of April 30, 2009 (Joint City/County); May 4, 2009 (District Meeting); May 7, 2009 (Swearing-In Ceremony) and May 7, 2009 (Regular Meeting); as circulated.

This Matter was Approved as Recommended on the Consent Agenda.

090026. Regional Transit System Transit Development Plan (B)**RECOMMENDATION**

The City Commission appoint Thomas Hawkins to the Regional Transit System Transit Development Plan.

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

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**

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

(VOTE: 6-0, Mayor Hanrahan - Absent, MOTION CARRIED)

MODIFICATIONS:

1. File #081018 - Election Date 2010 - (Additional back-up submitted from the Supervisor of Elections).
2. File #080128 - Update on the Wild Spaces Public Places One-Half Cent Sales Tax Initiatives Implementation Plan for Capital Improvement Projects and Sensitive Lands Acquisition - (Continue to the evening portion of the agenda - Time Certain 7:00 PM).
3. File #080511 - Ironwood Golf Course Update - (New ppt. submitted).
4. File #090010 - American Recovery and Reinvestment Act - Energy Efficiency and Conservation Block Grant - (New back-up and ppt. submitted).
5. File #080495 - (New Item) Cabot Koppers Superfund Site - Land Use and Soil Clean-up Standards - (Add to the agenda under "City Manager" category).
6. File #090064 - (New Item) Initiate National Search for an Equal Opportunity Director - (Add to the agenda under "City Manager" category).

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

081018. Election Date 2010 (B)

Supervisor of Elections Pam Carpenter gave a presentation.

MOTION: 1) Set the general election date for March 16, 2010 with a run-off, if necessary, for April 13, 2010; and 2) authorize the City Attorney to draft an ordinance amending the Code of Ordinances setting the run-off date 4 weeks later (after the general election).

NOTE: Commissioner Lowe made a referral to the Audit, Finance & Legislative Committee. See following Referral Item #090078.

RECOMMENDATION *The City Commission schedule the 2010 election for March 2, 2010, with a run-off scheduled, if needed, for March 23, 2010 (with no early voting for run-off) or March 30, 2010 (with early voting for run-off).*

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

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

090078. City Election Date Issues (NB)

RECOMMENDATION *The City Commission refer the issue of selecting City election dates on an annual basis to the Audit, Finance and Legislative Committee and include discussion/updates regarding instant run-off voting.*

A motion was made by Commissioner Lowe, seconded by Commissioner Mastrodicasa, that this matter be Referred to the Audit, Finance and Legislative Committee, due back on November 21, 2009. The motion carried by the following vote:

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

CITY MANAGER**080701. Summer HeatWave 2008 Final Report Update (NB)**

Community Relations Coordinator Tony Jones gave a presentation.

RECOMMENDATION *The City Commission receive the HeatWave update.*

Heard

080128. Update on the Wild Spaces Public Places One-Half Cent Sales Tax Initiative's Implementation Plan for Capital Improvement Projects and Sensitive Lands Acquisition (B)

This item involves an update on the Wild Spaces Public Places One-Half Cent Sales Tax Initiative's implementation. It includes information on discussions with citizen advocacy groups and requests approval of additional projects and creation of set-aside funding to cover operating costs.

Recreation and Parks Director Steve Phillips and Recreation Manager Shannon Keleher gave presentations.

Chair Pro Tem Henry recognized Mike Davidson, John Paul Collins, Spencer Collins, Denise Collins, Sylvia Olmstead, John Brown, Paren Forester, Ben Porter, Linda Weissman, Donna Miller, Pamela Brockway, Betsy Condin, Alice Ann Sander, Greg Mellerson, Pat Fitzpatrick and Maria Parsons who spoke to the matter.

This item was continued to the evening portion of the agenda for a Time Certain of 7:00 PM

RECOMMENDATION *The City Commission: 1) approve funding to proceed with capital projects 1-9, 11, 12 and 13 on the priority list based on revised allocations and updated revenue projections; 2)*

determine the funding status of the NE Pool project (#22), and if approved for funding, direct the City Manager to draft an agreement with pool advocates; 3) approve set-aside of \$1,150,000 to address reoccurring operating expenses for new surtax funded capital projects for a 5-year period; and 4) direct staff to return to the City Commission by August 20, 2009 to provide an update on: a) discussions with the Cone Park Track/Multi-Purpose Fields advocacy group; b) an evaluation of the costs to replace the fencing at Lincoln Park; and c) to seek funding approval for any additional projects based on estimated remaining funds and updated projected revenues.

Alternative Recommendation: The City Commission provide other direction as appropriate.

Continued

080511. Ironwood Golf Course Update (B)

The City Commission receive an update on Ironwood Golf Course in response to directions provided by the Commission on February 19, 2009.

Assistant City Manager Paul Folkers, National Golf Foundation Consultant Edward Singer, Finance Director Mark Benton and Ironwood Golf Course Manager Bill Iwinski gave presentations.

Chair Pro Tem Henry recognized Peter Johnson who spoke to the matter,

RECOMMENDATION

The City Commission: 1) receive an update on Ironwood Golf Course; 2) endorse the proposed plan for transitioning Ironwood Golf Course from an enterprise fund; 3) approve proposed prioritization and timing of capital improvements; 4) approve proposed fee increase, and 5) provide other feedback and direction as appropriate.

Alternate Recommendation

The City Commission: 1) receive an update on Ironwood Golf Course; 2) not endorse the proposed plan for transitioning Ironwood Golf Course from an enterprise fund; 3) not approve proposed prioritization and timing of capital improvements; 4) not approve proposed fee increase, and/or 5) provide other feedback and direction as appropriate.

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

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

090009. Request for City Commission Contingency Funds for the Tenth Annual Stop the Violence Rally (B)

This is a request for City Commission Contingency Funds for the People Against Violence Enterprises (PAVE) in support of the Tenth Annual Stop the Violence Rally.

People Against Violence Enterprises (PAVE) Reverend Karl Anderson gave a presentation.

MOTION: 1) Approve \$1,605 from the City Commission Contingency Fund for GPD security services for the Tenth Annual Stop the Violence Rally; and 2) re-instate the moratorium on requests for co-sponsorships (expenditures) from the City Commission Contingency Fund through the end of FY 2009.

RECOMMENDATION *The City Commission consider the request for City Commission Contingency funds in the amount of \$2,558 to cover the cost of GPD Security and banner fees.*

*Alternative Recommendation:
The City Commission deny the request.*

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

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

090010. 2009 American Recovery and Reinvestment Act - Energy Efficiency and Conservation Block Grant (B)

Assistant City Manager Paul Folkers, Senior Account Representative Bill Shepherd and Utility Analyst Diane Wilson gave presentations.

AMENDMENT: Also, continue to investigate the transfer of tax liability and reimbursement of the city.

RECOMMENDATION *The City Commission: 1) approve the EECBG eligible projects as submitted and ranked by staff; 2) direct staff to submit the EECBG application and authorize the City Manager/General Manager to execute all grant related documents pending approval by the City Attorney as to form and legality.*

*Alternative Recommendation A
The City Commission: 1) review the EECBG eligible projects; 2) determine which projects are approved to submit*

to DOE and include additional projects for consideration that are not listed; 3) prioritize the revised list; and 4) direct staff to submit the EECBG application and authorize the City Manager/General Manager to execute all grant related documents pending approval by the City Attorney as to form and legality.

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

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

090019. City of Gainesville Letter of Support for Projects Submitted by the University of Florida for Federal Transportation Funding (NB)

University of Florida Vice President of Administrative Affairs Ed Poppell gave a presentation.

RECOMMENDATION

The City Commission: 1) approve City of Gainesville support for the University of Florida's transportation projects; and 2) authorize the Mayor to draft a letter of support.

Alternative Recommendation: The City Commission deny the request to support the University of Florida's transportation projects.

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

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

080621. Presentation of Butterfly Education Project Proposed Criteria for Cities Seeking Certification as a Butterfly City (B)

This item is in response to a City Commission request to receive regular updates at appropriate times on "First Butterfly City" activities.

Communications and Marketing Manager Bob Woods gave a presentation.

Chair Pro Tem Henry recognized Peter Johnson and Gabe Hillel who spoke to the matter.

RECOMMENDATION

The City Commission receive, review, and adopt a list of ten criteria developed by the Butterfly Education Project to aid cities in achieving certification by the Project as a "Butterfly

City."

Alternative Recommendation

The City Commission receive the recommended "Butterfly City" criteria from the Butterfly Education Project and take no action.

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

080495. Cabot - Koppers Superfund Site - Land Use and Soil Clean-up Standards (B)

This is a request for the City Commission to hear a brief update from the Alachua County Health Department (ACHD) Environmental Health Director Anthony Dennis on Cabot - Koppers Superfund Site off-site soil sample results.

Assistant City Manager Fred Murry, Alachua County Environmental Health Director Anthony Dennis and Alachua County Environmental Protection Engineer Dr. John Mousa gave presentations.

MOTION: Direct staff to provide a report regarding the options available in terms of enforcing compliance at the Cabot Koppers Superfund Site.

Chair Pro Tem Henry recognized Sam Harvey who spoke to the matter.

RECOMMENDATION

City Commission hear an update from the Alachua County Health Department (ACHD) Environmental Health Director Anthony Dennis on Cabot - Koppers Superfund Site off-site soil sample results.

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

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

GENERAL MANAGER FOR UTILITIES

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR**COMMITTEE REPORTS (PULLED FROM CONSENT)****ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)****OUTSIDE AGENCIES****MEMBERS OF THE CITY COMMISSION****COMMISSION COMMENTS (if time available)****PROCLAMATIONS/SPECIAL RECOGNITIONS****090011. Aphasia Awareness Month - June 2009 (B)**

RECOMMENDATION *Betty J. Daniels to accept the proclamation.*

Heard

090012. Memorial Day - May 25, 2009 (B)

RECOMMENDATION *Gainesville Detachment of the Marine Corp League World War II Veteran Bob Gasche, and WASP Program Promoter - Representative and Pilot Susan King to accept the proclamation.*

Heard

090013. Women Airforce Service Pilots Recognition Day - May 25, 2009 (B)

RECOMMENDATION *Gainesville Detachment of the Marine Corp League World War II Veteran Bob Gasche, and WASP Program Promoter - Representative and Pilot Susan King to accept the proclamation.*

Heard

090014. Fern Gators Day - May 21, 2009 (B)

RECOMMENDATION *Kevin Jorden and Coach Justin Burgess to accept the*

proclamation.

Heard

090015. Tacachale Bombers Day - May 21, 2009 (B)

RECOMMENDATION

Steven Mack and Coach Thaddis Merricks to accept the proclamation.

Heard

RECESS - 6:17 PM

RECONVENE - 6:45 PM

PLEDGE OF ALLEGIANCE

CITIZEN COMMENT

Sam Harvey

Tiger Woods/Tim Tebow - Invite to Ironwood.

Harry Kegelmann

Gainesville Regional Airport - Solar - GRU Staff Analysis.

Frankie Scott

Seminary Lane - Financial Assistance.

Pat Fitzpatrick

Feeding the Hungry/Homeless - See following file # 090104.

090104. Citizen Comment - Pat Fitzpatrick - Homeless Issues (B)

RECOMMENDATION

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

Placed on File

Walter Willard

Various Issues.

Barbara Ruth

Cabot-Koppers Superfund Site.

Jerry Coughlin

Termination letter to a CWA Employee who was deployed in Iraq.

Doris Edwards

Traffic Lights on 15th Street - Synchronization Problems - Referred to Public Works.

UNFINISHED BUSINESS

090064. Initiate National Search for an Equal Opportunity Director (NB)

Human Resources Manager Ms Cheryl McBride gave a presentation.

RECOMMENDATION *City Commission direct staff to initiate a nationwide search for a new Equal Opportunity Director.*

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

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

TIME CERTAIN - 7:00 PM

080128. Update on the Wild Spaces Public Places One-Half Cent Sales Tax Initiative's Implementation Plan for Capital Improvement Projects and Sensitive Lands Acquisition (B)

This item involves an update on the Wild Spaces Public Places One-Half Cent Sales Tax Initiative's implementation. It includes information on discussions with citizen advocacy groups and requests approval of additional projects and creation of set-aside funding to cover operating costs.

EVENING DISCUSSION - 7:00 PM

Recreation and Parks Director Steve Phillips gave a presentation.

NOTE: Staff presented a new recommendation to the Commission at the evening presentation of this item.

EVENING PRESENTATION: Cone Park Advocates Doris Edwards, Jack Hughes and Dr. Thomas Hawkins gave presentations.

MOTION (NEW RECOMMENDATION): 1) Approve funding for NE Pool Heating/Cooling and direct the City Manager to draft and execute an agreement with pool advocates addressing pool use and operating expenses; 2) take no further action at this time; and 3) refer the issue of the City Commission's funding priority list to the Recreation Cultural Affairs and Public Works Committee, schedule a workshop to discuss and invite all of the City Commission for their input.

Chair Pro Tem Henry recognized Larry Holsley, Orlando Matthews (Kojo), Shaketha Ogelsby, Ricky Cantana and Mark McGriff who spoke to the matter.

RECOMMENDATION *The City Commission: 1) Approve funding for NE Pool Heating/Cooling and direct the City Manager to draft and execute an agreement with pool advocates addressing pool use and operating expenses; and 2) take no further action at this time.*

A motion was made by Commissioner Lowe, seconded by Commissioner Poe, that this matter be Approved as shown above and Referred to the Recreation, Cultural Affairs and Public Works Committee, due back on November 21, 2009. The motion carried by the following vote:

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

UNFINISHED BUSINESS - (CONTINUED)

090008. Preliminary Design Approval of the Administration Building Addition at the Public Works Center (B)

This is a request for the City Commission to approve the preliminary site plan, floor plan, and elevations in the design of the Administration Building Addition at the Public Works Center located at 405 NW 39th Ave, Gainesville, FL 32609

Donahue Architecture Project Architect Scott Krell, General Services Director Milton Reid, and Operations Division Manager Jerry Hansen gave presentations.

NOTE: Commissioner Mastrodicasa declared that she had no conflict of interest regarding this project and would be voting on the matter.

Chair Pro Tem Henry recognized Maria Parsons and Barbara Ruth who spoke to the matter.

RECOMMENDATION *The City Commission: 1) confirm that this project falls under*

Administrative Procedure No. 22A for Vertical Capital Improvement Projects, 2) approve the preliminary design and approve the architect to start construction drawings for review by the City Commission at 30%.

Alternate Recommendation A: The City Commission rejects the recommendation and directs staff to obtain new design plan.

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

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

PUBLIC HEARINGS

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

080860. UTILITY SERVICE CHARGES (B)

Ordinance No. 0-09-11

AN ORDINANCE AMENDING APPENDIX A, SECTION UTILITIES (7) OF THE GAINESVILLE CODE OF ORDINANCES BY AMENDING CERTAIN SERVICE CHARGES AND DECREASING LATE FEE FOR COMBINED STATEMENT; PROVIDING A REPEALING CLAUSE; PROVIDING DIRECTIONS TO THE CODIFIER; PROVIDING A SEVERABILITY CLAUSE; AND, PROVIDING AN EFFECTIVE DATE IN ACCORDANCE WITH THE SCHEDULE PROVIDED HEREIN.

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

080988. UTILITY SERVICE CHARGES (B)

Ordinance No. 0-09-12

AN ORDINANCE AMENDING APPENDIX A, SECTION UTILITIES (3)

WATER, OF THE GAINESVILLE CODE OF ORDINANCES BY INCREASING THE REFUNDABLE DEPOSITS, THE INSTALLATION AND REMOVAL FEE, AND THE MONTHLY BASE CHARGE FOR TEMPORARY SERVICE ON WATER METERS AND FIRE HYDRANTS; PROVIDING FOR TIME LIMITS; PROVIDING LANGUAGE FOR DAMAGE AND TAMPERING CHARGES; PROVIDING A REPEALING CLAUSE; PROVIDING DIRECTIONS TO THE CODIFIER; PROVIDING A SEVERABILITY CLAUSE; AND, PROVIDING AN EFFECTIVE DATE IN ACCORDANCE WITH THE SCHEDULE PROVIDED HEREIN.

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: Jeanna Mastrodicasa, Thomas Hawkins, Craig Lowe, Jack Donovan, Lauren Poe and Scherwin Henry

Absent: Pegeen Hanrahan

080545. LAND DEVELOPMENT CODE (B)

Ordinance No. 0-08-82; Petition No. 120TCH-08 PB

An ordinance of the City of Gainesville, Florida, correcting minor scrivener's errors throughout the Land Development Code, by amending subsection 30-41(a)(4) relating to MU-1 and MU-2 zoning districts; by amending Table 2 of section 30-52 relating to principal structures within the residential low density districts; by amending subsection 30-98(m)(9) relating to wireless communication facilities; by amending subsection 30-112(a)(2) relating to historic preservation/conservation; by amending subsection 30-160(d)(33) relating to preliminary development plans; by amending subsection 30-318(b)(4)b relating to I-75 corridor signs; amending subsection 30-353(d) relating to the City Plan Board; by amending Appendix A, Section 6, relating to the Special Area Plan for University Heights; by amending Appendix A, Section 7 relating to the Special Area Plan for S.W. 13th Street, 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 Lowe, seconded by Commissioner Poe, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:

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

Absent: Pegeen Hanrahan

RESOLUTIONS- ROLL CALL REQUIRED

080994. Resolution to Enter into a Maintenance Agreement with the State of Florida Department of Transportation (B)

This item is a Resolution for approval and authorization to enter into a Maintenance Agreement with the State of Florida Department of Transportation (FDOT), allowing the City of Gainesville to provide maintenance of the painted gloss black pedestrian railing.

RECOMMENDATION

Recommended Motion: The City Commission: 1) Adopt the Resolution; and 2) authorize the City Manager to execute the Maintenance Agreement with the State of Florida Department of Transportation, subject to approval by the City Attorney as to form and legality.

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

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

UNFINISHED BUSINESS

PLAN BOARD PETITIONS

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

COMMISSION COMMENT

CITIZEN COMMENT (If time available)

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

ADJOURNMENT - 9:43 PM

Kurt M. Lannon, Clerk of the Commission