

# **City of Gainesville**

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



## **Meeting Minutes**

**Thursday, April 16, 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 - 1:04 PM****ROLL CALL**

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

**INVOCATION**

*The City Commission observed a moment of silence.*

**CONSENT AGENDA**

*Mayor-Commissioner Pro Tem Donovan moved and Member Lowe seconded to adopt the Consent Agenda, as modified.*

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

*MODIFICATION: File # 080931 - Consumption of Alcohol at the Thomas Center - (Withdraw from the agenda for further review).*

**CITY MANAGER, CONSENT AGENDA ITEMS****080872. Agreement between the City of Gainesville and Alachua County to construct the Alachua County/City of Gainesville Senior Recreation Center (B)**

**This item involves discussion of the Agreement between the City of Gainesville and Alachua County to cooperate in the construction of the Alachua County/City of Gainesville Senior Recreation Center to provide increased programs and services to benefit the impact on the quality of life for seniors in the local community.**

**RECOMMENDATION**      *The City Commission: 1) approve the Agreement; and 2) authorize the Mayor to execute the Agreement and all related documents on behalf of the City of Gainesville, pending approval of the City Attorney as to form and legality.*

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

**080931. Consumption of Alcohol at the Thomas Center (NB)**

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

**RECOMMENDATION**      *The City Commission direct the City Attorney to prepare 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 where admission is charged.*

*Alternative Recommendation*

*The City Commission not instruct the City Attorney to amend the Gainesville Code of Ordinances Chapter 4, Sec. 4-4 (2) to permit serving of alcohol at non-profit events at the Thomas Center where admission is charged.*

**Withdrawn**

**080963. Rental Construction Program- \$200,000 Due on Sale Loan to Gardenia Gardens, Inc. (B)**

**This item involves a request for the City Commission to approve a \$200,000 due on sale loan to Gardenia Gardens, Inc. to rehabilitate an affordable housing rental project, Gardenia Gardens Apartments to provide decent, safe and affordable rental housing for income eligible tenant households.**

**RECOMMENDATION**

*The City Commission: 1) approve a \$200,000 due on sale loan to Gardenia Gardens, Inc.; 2) authorize the City Manager or his designee to execute and submit a \$200,000 loan commitment to Gardenia Gardens, Inc., subject to the approval by the City Attorney; 3) authorize the City Manager or his designee to execute the appropriate State HOME Application forms related to the Gardenia Gardens, Inc. rental project, subject to the approval by the City Attorney; and 4) authorize the City Manager or designee to utilize the standard Rental Construction Program documents, State HOME program documents and other applicable documents necessary to consummate the funding award to Gardenia Gardens, Inc., subject to approval by the City Attorney.*

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

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

**080979. Communication Consulting and Graphic Design Services Agreement (NB)**

**RECOMMENDATION**

*The City Commission: 1) authorize the General Manager, or his designee, to negotiate a strategic alliance agreement with PRO INK Corporation for as-needed communication consulting and graphic design services for a three-year term subject to the approval of the City Attorney as to form and legality; and 2) approve the issuance of purchase orders to PRO INK Corporation in amounts not to exceed \$250,000 per year subject to the final appropriation of funds for these*

*services in each fiscal year of the agreement.*

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

**080985. City Commission Information Request - GRU Voting Question - Florida Municipal Power Agency (FMPA) Participation in the Progress Energy Florida Proposed Levy Nuclear Project (B)**

**Staff is providing information pertaining to comments received at the April 2, 2009 City Commission meeting.**

**RECOMMENDATION** *The City Commission be made aware of GRU voting rights as a non-purchasing member of FMPA relative to the Levy nuclear project.*

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

**CITY ATTORNEY, CONSENT AGENDA ITEMS**

**080949. Anide Pierre-Louis vs. City of Gainesville; Alachua County Circuit Court; Case No.: 01-08-CA-5408 B)**

**RECOMMENDATION** *The City Commission authorize the City Attorney to represent the City and any City employee acting in the course and scope of City employment in the case styled Anide Pierre-Louis vs. Eldred Lewis, Jane Doe (unknown City of Gainesville bus driver), and The City of Gainesville; Circuit Court of the Eighth Judicial Circuit, in and for Alachua County, Florida; Case No.: 01-08-CA-5408.*

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

**080986. Grog House, Inc., d/b/a Grog House; C.S. Foods, Inc., d/b/a The Copper Monkey; Gator Ugly, Inc., d/b/a Gator City; and Rob Zeller vs. City of Gainesville; Alachua County Circuit Court; Case No.: 01-09-CA-1691 (B)**

**RECOMMENDATION** *The City Commission authorize the City Attorney to represent the City in the case styled Grog House, Inc., d/b/a Grog House; C.S. Foods, Inc., d/b/a The Copper Monkey; Gator Ugly, Inc., d/b/a Gator City; and Rob Zeller vs. City of Gainesville; Alachua County Circuit Court; Case No.: 01-09-CA-1691.*

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

**CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS****080950. Joint City/County Special Meeting (B)****RECOMMENDATION**

*The City Commission schedule a Joint City/County Special Meeting for Thursday, April 30, 2009 @ 3:00 PM in the Jack Durrance Auditorium to discuss the following topics: 1) Extension of the Transition Agreement; and 2) potential interlocal agreement regarding environmental safeguards for annexations containing large, undeveloped tracts of land, particularly those containing county-designated Strategic Ecosystems and significant/listed wildlife habitat.*

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

**080977. City Commission Minutes (B)****RECOMMENDATION**

*The City Commission approve the minutes of April 2, 2009, 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****071024. Public Art Project (B)**

**The Recreation, Cultural Affairs and Public Works Committee requests the City Commission to approve the recommendation by the Art in Public Places Trust and Parks, Recreation and Cultural Affairs staff to pursue location of Peter Davidson's "Indigenous" sculpture at the Gainesville Regional Airport terminal entrance.**

**RECOMMENDATION**

*The City Commission approve the recommendation by the Art in Public Places Trust and Parks, Recreation and Cultural Affairs staff to pursue location of Peter Davidson's "Indigenous" sculpture at the Gainesville Regional Airport terminal entrance.*

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

**080878. Dual-Naming of City Roads - Discussion of Outstanding Request (NB)**

**The Recreation, Cultural Affairs and Public Works Committee recommends the City Commission to accept the one outstanding request relating to Dual-Naming of City Roads.**

**RECOMMENDATION**      *The City Commission accept the one outstanding request that was submitted prior to the current policy for dual-naming of city roads.*

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

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

**080933. City of Gainesville Fiscal Year 2008 Comprehensive Annual Financial Report, Audited Financial Statements, Auditors' Reports, Auditors' Management Letters and Single Audit Reports, and Management's Written Response (B)**

**RECOMMENDATION**      *The City Commission accept the subject financial report, financial statements, auditors' reports, management letters and single audit reports; and accept management's written response.*

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

**080934. Selection of External Auditors for Gainesville Regional Utilities (NB)**

**RECOMMENDATION**      *The City Commission: 1) Approve the ranking of the proposals received for external auditing services, GRU segment; 2) authorize the City Auditor to negotiate and execute a professional services contract with the top-ranked firm for the GRU segment for a period of five years beginning with the fiscal year 2009 audit, with an option to renew for an additional three years, subject to approval of the City Attorney as to form and legality; and 3) refer to the Audit, Finance and Legislative Committee the City's current purchasing practice regarding the relative weighting of price and qualitative factors in evaluating proposals for contractual services.*

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

**080935. Quarterly Financial Report - Gainesville Regional Utilities (B)**

**RECOMMENDATION**      *The City Commission receive the GRU Quarterly Financial Report as of December 31, 2008.*

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

**080936.      Fiscal Year 2009 Operating Funds Quarterly Monitoring Report - General Government - Quarter Ending December 31, 2008 (B)**

**RECOMMENDATION**      *The City Commission receive the quarterly budget monitoring report for the quarter ended December 31, 2008.*

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

**REGIONAL UTILITIES COMMITTEE, CONSENT**

**071064.      Regional Utilities Committee Referral Item #071064 - Project Share (NB)**

**RECOMMENDATION**      *The City Commission approve removing 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 Mayor-Commissioner Pro Tem Donovan, seconded by Commissioner Lowe, 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

**COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS**

**END OF CONSENT AGENDA**

**ADOPTION OF THE REGULAR AGENDA**

*Commissioner Lowe moved and Commissioner Donovan seconded to adopt the Regular Agenda, as modified.  
(VOTE: 6-0, Commissioner Henry - Absent, MOTION CARRIED)*

**MODIFICATIONS:**

*1. File #080871 - Review of City Commission Election Districts - (Revised fiscal note) - Funds for professional services in the amount of \$10,000.00 are available in*

*the FY 2009 General Fund Budget.*

- 2. File #070181 - Forest Stewardship Incentive Plan Referral Item #070181 - (Revised explanation and revised recommendation along with new back-up).*
- 3. File #080972 - Earth Day Proclamation - (Withdraw from the agenda - Mayor to read at the event).*
- 4. File #080851 - Main Street Activity Center Land Use Amendment - (Additional back-up submitted).*
- 5. File #080850 - Main Street Activity Center Zoning Change - (Additional back-up submitted).*
- 6. City Manager Russ Blackburn to Address the City Commission Re: GPD @ 6:00 PM.*

## **CHARTER OFFICER UPDATES**

## **CLERK OF THE COMMISSION**

## **CITY MANAGER**

### **080959. Certificate of Achievement for Excellence in Financial Reporting (B)**

**The City was awarded GFOA's Certificate of Achievement for Excellence in Financial Reporting for its 2007 Comprehensive Annual Financial Report (CAFR). The 2008 CAFR is hereby presented to the Commission and will be also submitted to GFOA for the award.**

*Administrative Services Director Becky Rountree gave a presentation.*

#### **RECOMMENDATION**

*The City Commission: 1) accept the Certificate of Achievement for Excellence in Financial Reporting for fiscal year 2007; 2) receive the Comprehensive Annual Financial Report for the fiscal year ended September 30, 2008; and 3) endorse submittal of the FY2008 report to the GFOA.*

*NOTE: Document is available for viewing in the Clerk's Office and on the City's internet.*

#### **Heard**

### **070275. Site Selection for the One Stop Homeless Assistance Center (B)**

**This item is a follow-up to the October 16, 2008 City Commission referral**



**concerning alternative sites for the One Stop Homeless Assistance Center.**

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

*Assistant City Manager Fred Murry and Land Rights Coordinator Sam Bridges, gave presentations.*

*Chair Hanrahan recognized Alachua County Poverty Reduction Representative John Skelly, Vetspace Representative Cheryl Wedgwood, Anita Kruger, Mark Goldstein, Attorney Ron Carpenter, ADC Representative Amber Roberts Crawford, Alachua County Office on Homelessness Director Jayne Moraski, Alachua County Commissioner Rodney Long, Stephen Foster Neighborhood Protection Group Representative Maria Parsons, Pat Fitzpatrick, Board of Directors for the Hungry and Homeless Radha Selvester, and Main Street Business Association Representative Mark Hurm who spoke to the matter.*

**RECOMMENDATION**

*The City Commission: 1) approve the ADC Development Group, LLC. site for the One Stop Homeless Assistance Center; 2) authorize the City Manager or his designee to negotiate the purchase of the ADC Development Group, LLC. property and execute all necessary documents to effect the acquisition of the property, subject to approval from the City Attorney as to form and legality; and 3) authorize the City Manager to work with the GRACE Marketplace collaborative, the Office on Homelessness and other local providers to continue to identify financial resources for the development and operation of the One Stop Homeless Assistance Center.*

**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, Scherwin Henry, Jeanna Mastrodicasa, Thomas Hawkins and Pegeen Hanrahan

**WAIVER OF RULES - TIME CERTAIN 3:00 PM**

*Commissioner Henry moved and Commissioner Poe seconded to waive the rules to hear apologies from two GPD Officers at a time certain of 3:00 PM.*

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

**080964.****Bus Rapid Transit (BRT) Feasibility Study Update Presentation (B)**

**This item is a presentation of the BRT Feasibility Study update by RTS staff and the Center for Urban Development (CUTR).**

*RTS Director Jesus Gomez and Consultant with the Center for Urban Transportation Research Bill Morris gave presentations.*

*Chair Hanrahan recognized Commissioner Rodney Long and Armando Grundy who spoke to the matter.*

**RECOMMENDATION**      *The City Commission: 1) hear the RTS staff and CUTR presentation.*

**Heard**

### **CITIZEN COMMENT - Mark Goldstein**

*Mark Goldstein made comments regarding the upcoming item #080871 Review of City Commission Election Districts.*

### **TIME CERTAIN - 3:00 PM**

#### **081009.            GPD Incident - Apologies from 2 GPD Officers (B)**

**RECOMMENDATION**      *The City Commission hear comments from GPD Officers Billy Long and Joshua Hinson and place letter submitted on file.*

**Heard**

### **GENERAL MANAGER FOR UTILITIES**

### **CITY ATTORNEY**

#### **080871.            REVIEW OF CITY COMMISSION ELECTION DISTRICTS (NB)**

*Assistant City Attorney Stephanie Marchman and Supervisor of Elections Pam Carpenter gave presentations.*

*MOTION (AMENDMENT): Commissioner Henry moved and Commissioner Lowe seconded to: 1) Authorize the creation and selection of a Citizen Election District Review Committee consisting of 7 members to be selected by each Commissioner and the Mayor, that each committee member live within the City limits, and that the Commissioners submit their choice to the Clerk by April 30, 2009.*

*(VOTE: 7-0, MOTION CARRIED)*

*SECOND AMENDMENT: Commissioner Henry moved and Commissioner Lowe seconded to authorize the City Attorney to enter into a contract for Professional Services for up to \$10,000 (Dr. Kenneth Wald and Dr. Joshua Comenetz).*

*(VOTE: 7-0, MOTION CARRIED)*

**RECOMMENDATION**      *The City Commission: 1) hear a presentation from the City Attorney's Office; 2) authorize the City Attorney to enter into a contract for professional services; and 3) authorize the creation and selection of a Citizen Election District Review Committee to submit reports and recommendations to the City*

*Commission.*

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

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

**CITY AUDITOR****EQUAL OPPORTUNITY DIRECTOR****COMMITTEE REPORTS (PULLED FROM CONSENT)****COMMUNITY DEVELOPMENT COMMITTEE****070604. Strategic Ecosystems (B)**

**This item is a referral from the Community Development Committee recommending an alternative approach for protecting significant ecological communities and features with reference to annexation of strategic ecosystems.**

*Planning and Development Services Director Erik Bredfeldt, Habitat Naturalist Stefanie Nagid, Alachua County Environmental Protection Agency Representative Steve Hofstetter, Environmental Coordinator Mark Garland and Planning Manager Ralph Hilliard gave presentations.*

*Chair Hanrahan recognized David Russ who spoke to the matter.*

**RECOMMENDATION** *Community Development Committee to the City Commission: direct staff to: 1) generate a petition to the Plan Board adding the alternative approach to the City of Gainesville's Land Development Code and; 2) remove this referral item from the Community Development Committee referral list.*

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

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

**REGIONAL UTILITIES COMMITTEE****070181. Forest Stewardship Incentive Plan Referral Item #070181(B)**

Protection of forest ecosystems is a critical concern related to the development of a biomass fueled power plant to serve the Gainesville Community. The Regional Utilities Committee (RUC), working with staff, an advisory group of professionals involved in the forest industry, consultants, and concerned citizens have developed a plan to help assure protection of forest ecosystems. The key elements of this plan are minimum standards that assure that industry best management practices are followed for any fuel acquired for the proposed power plant, and a financial incentive plan to reward growers that invest in superior forest management practices as certified by selected independent certification programs.

*GRU Assistant General Manager for Utilities Ed Regan gave a presentation.*

*MODIFICATION: 1) Page 2 of 2 - second paragraph, line 9, add the word "necessarily". Line 9 to read "based on this standard shall not necessarily extend to an entire parcel or other unit of property"; and 2) a modified recommendation from staff.*

*Chair Hanrahan recognized Pat Fitzpatrick who spoke to the matter.*

**RECOMMENDATION**      *Receive a presentation from staff and: 1) Adopt the Forest Stewardship Plan as described in the attached document entitled: Stewardship Incentive Plan for Biomass Fuel Procurement and the accompanying Errata Sheet; and 2) remove item 070181 from the RUC referral list."*

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

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

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

## **OUTSIDE AGENCIES**

## **MEMBERS OF THE CITY COMMISSION**

### **080961. Charter Officers' Annual Performance Evaluations and Salary Review (B)**

**This is a review of the Charter Officers' annual performance evaluations and salaries for the past fiscal year ending September 30, 2008.**

*Human Resources Director Sandy Barnard gave a presentation.*

*MOTION: Approve a 2% salary increase for City Attorney Marion Radson, City Manager Russ Blackburn, General Manager for Utilities Bob Hunzinger, City Auditor Brent Godshalk; and a 2.5% salary increase for Clerk of the Commission*

*Kurt Lannon, retroactive to their anniversary dates.*

**RECOMMENDATION**     *The City Commission evaluate the performance of each Charter Officer and establish appropriate pay increases.*

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

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

**RECESS - 5:19 PM**

**RECONVENE - 5:54 PM**

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

### **PROCLAMATIONS/SPECIAL RECOGNITIONS**

**080972.           Earth Day - April 22, 2009 (B)**

**RECOMMENDATION**     *North Florida Regional Medical Center CEO Ward Boston III, Parks, Recreation and Cultural Affairs City Arborist Meg Niederhofer, and Nature Operations Division Program Coordinator Sally Wazny to accept the proclamation.*

**Withdrawn**

**080973.           Library Appreciation Month - April 2009 (B)**

**RECOMMENDATION**     *City of Gainesville and Library District Mayor and Library Governing Board Chair Pegeen Hanrahan, City Commissioner and Library Governing Board Member Craig Lowe, and Alachua County Library District Library Director Sol M. Hirsch to accept the proclamation.*

**Heard**

**080974.           The 30th Annual Fifth Avenue Arts Festival Days - April 18-20, 2009 (B)**

**RECOMMENDATION**     *Cultural Arts Coalition Executive Director NKwanda Jah and Board President Anthony Greene to accept the proclamation.*

Heard

**080975. National Healthcare Decisions Day - April 16, 2009 (B)**

RECOMMENDATION *Haven Hospice Public Relations Coordinator Jenni Williams to accept the proclamation.*

Heard

**080976. National Public Safety Telecommunications Week - April 12-18, 2009 (B)**

RECOMMENDATION *Combined Communications Center Technical Services Division Manager Linda Jones, Technical Services Bureau Chief Patricia Ford-Thomas, Communications Commander Sylvia Armstrong, and Communications Commander Ryan Lee to accept the proclamation.*

Heard

## **CITY MANAGER PRESENTATION**

**081006. Gainesville Police Department (GPD) Update from the City Manager (NB)**

*City Manager Russ Blackburn gave presentation.*

RECOMMENDATION *The City Commission hear a presentation from the City Manager regarding recent incidents involving GPD officers.*

Heard

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

**D. J. Ferguson**

*GPD Issues.*

**Kali Blount**

*Seminary Lane.*

**Ricky Sullivan**

*Women's Restroom Issues.*

**Jerry Williamson**

*GPD Issues.*

**Clifford (Germaine) Ferguson**

*GPD Issues.*

**Marci Lee Winthrop**

*RTS Issues.*

**John Davies**

1. *Ladies Restroom Issue.*
2. *GPD Issues.*
3. *Homeless Issues.*

**Elizabeth Howard**

*GPD Public Information - See following Citizen Comment item # 080884.*

**080884. 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 - See following File #080621.*

**080621. Citizen Comment - Gabriel Hillel - Butterfly City (B)**

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

**Placed on File**

**Dan Harmeling**

*GPD Issues.*

**Jeff McAdams - FOP President**

*GPD Issues.*

**Pat Fitzpatrick**

*Homeless Meals.*

**Alexa Henderson**

*Solar Energy and Sustainability - See Following File #081010.*

**081010. Citizen Comment - Alexa Henderson - Renewable Energy (B)**

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

**Placed on File**

**Armando Grundy**

*GPD Issues.*

**PUBLIC HEARINGS****TRANSMITTAL HEARING - ROLL CALL REQUIRED****071190. LAND USE CHANGE - 7100 SOUTHWEST 41st PLACE (B)****Ordinance No. 0-08-25, Petition 26LUC-08PB**

**An Ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan; by changing the land use category of certain properties, as more specifically described in this ordinance, from the Alachua County land use category of "Recreation" to the City of Gainesville land use category of "Public Facilities" consisting of approximately 134 acres; located in the vicinity of 7100 Southwest 41st Place, commonly known as "Kanapaha Water Reclamation Facility"; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Senior Planner Susan Bridges Niemann gave a presentation.*

**RECOMMENDATION**      *The City Commission: 1) approve Petition 26LUC-08PB; and 2) adopt the proposed ordinance.*



**A motion was made by Commissioner Lowe, seconded by Commissioner Poe, that this matter be Approved (Petition) and Adopted (Ordinance) on Transmittal Hearing. The motion carried by the following vote:**

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

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

### **080753. PLANNED DEVELOPMENT - ONE COLLEGE PARK (B)**

**Ordinance No. 0-09-03, Petition No. 133PDV-08PB**

**An Ordinance of the City of Gainesville, Florida; rezoning certain lands within the City, as more specifically described in this ordinance, and amending the Zoning Map Atlas from "UMU-1: Up to 75 units/acre urban mixed-use district" and "RMU: Up to 75 units/acre residential mixed use district" to "Planned Development District"; located in the vicinity of the 1700 block between NW 1st Avenue and NW 2nd Avenue; commonly known as "One College Park"; to allow construction of a mixed use development including apartment units, hotel, commercial uses, and parking garage; adopting a development plan report and development plan maps; providing conditions and restrictions; providing for enforcement and penalties; providing a severability clause; and providing an immediate effective date.**

**Recommendation: The City Commission: 1) hear a presentation from the petitioner regarding a revision to Condition 11 in Section 4 of the ordinance; and 2) adopt the proposed ordinance either as revised or as proposed.**

*Planning Manager Ralph Hilliard and Agent for the Petitioner David Coffey gave presentations.*

*MOTION: REVISION: Lines 32 through 36 are amended as follows:*

*11. Building heights for principal structures shall not exceed six stories or 80 feet at the top horizontal plate. The highest horizontal level surface of the parking garage shall not be higher than 80 feet and shall be enclosed by a vertical wall not less than four feet in height. Except for structures containing elevators and stairs serving the parking and liner structures which shall not extend higher than 108 feet for the elevators and 90 feet for the stairs. Architectural elements of the parking structure shall not extend higher than 85 feet. (Handout from City Attorney attached).*

*It was also included in the motion to request the developer produce prior to second reading some assurance regarding the fence around Hurley Hall.*

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

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

**080841. LIFE SAFETY VIOLATIONS IN PLACES OF PUBLIC ASSEMBLY (B)****Ordinance No. 0-09-08**

**An ordinance of the City of Gainesville, Florida, amending Chapter 10 of the Code of Ordinances relating to Fire Prevention and Protection; changing the title of the fire department and the fire prevention bureau; adopting the Florida Fire Prevention Code and the Life Safety Code adopted by the State Fire Marshall; updating numerical references to the Florida Fire Prevention Code in Article II; creating and adding a new Article V, relating to assembly occupancy safety; providing for identification and training and responsibilities of crowd managers; requiring approved counting devices to ensure safe occupant loads; requiring an emergency evacuation alert network; providing for security of fire rescue connections; providing penalties; authorizing the name change of fire department to fire rescue department in the Code of Ordinances; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Deputy Fire Chief Tim Hayes gave a presentation.*

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

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

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

**080939. CLERK OF COMMISSION - CUSTODIAL RESPONSIBILITIES (B)****Ordinance No. 0-09-14**

**An Ordinance of the City of Gainesville, Florida amending Section 2-164 by changing the custodial responsibilities of the clerk of the commission and the fee charged for copying public records; 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 First Reading (Ordinance). The motion carried by the following vote:**

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

**ORDINANCES, 2ND READING- ROLL CALL REQUIRED****061124. URBAN MIXED-USE 1 BUILDING HEIGHTS (B)**

**Ordinance No. 0-09-01; Petition No. 34TCH-07 PB**

An ordinance of the City of Gainesville, Florida, relating to density and building height in the Urban Mixed-Use 1 zoning district (UMU-1: up to 75 units/acre); amending subsection 30-65.1(d)(4) of the Land Development Code by deleting redundant references to density and building height; amending subsection 30-65.1(d)(5) by imposing a maximum overall building height with a minimum of two stories and a maximum of six stories and by deleting the option of seeking additional stories by special use permit; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

*Chair Hanrahan recognized Tom Rider who spoke to the matter.*

*Planning Manager Ralph Hilliard gave a presentation.*

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

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

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

**061125.****COLLEGE PARK SPECIAL AREA PLAN BUILDING HEIGHT REGULATIONS (B)****Ordinance No. 0-09-09; Petition No. 35TCH-07 PB**

An ordinance of the City of Gainesville, Florida, relating to building height in the College Park Special Area Plan; amending Appendix A, Section 3, Exhibit B, College Park Special Area Plan, of the Land Development Code, by revising the overall maximum building heights and minimum and maximum number of stories for Type I and Type II new construction; by deleting the option for additional stories by Planned Development rezoning for Type I new construction; 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: Craig Lowe, Jack Donovan, Lauren Poe, Scherwin Henry, Jeanna Mastrodicasa, Thomas Hawkins and Pegeen Hanrahan

**080565.****PLANNED DEVELOPMENT AMENDMENT - ALACHUA HEALTH SERVICES STILLPOINT (B)****Ordinance No. 0-08-89, Petition No. 115PDA-08PB**

**An Ordinance of the City of Gainesville, Florida; amending Ordinance No. 3830**

amending the Planned Development, commonly known as "Alachua Health Services Stillpoint", generally located in the vicinity of 2730 N.W. 39th Avenue; amending the list of principal permitted uses; adopting a new Development Plan, as more specifically described in this ordinance; adopting new development plan maps and a planned development report; adopting additional conditions and restrictions; repealing the Development Plan approved by Ordinance No. 3830; providing for penalties; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

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

**A motion was made by Commissioner Poe, seconded by Commissioner 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, Scherwin Henry, Jeanna Mastrodicasa and Pegeen Hanrahan  
Nay: Thomas Hawkins

## RESOLUTIONS- ROLL CALL REQUIRED

### 080937.                    **First Amendment to the FY 2008-2009 General Government Financial and Operating Plan (B)**

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

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

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

### 080948.                    **Resolution to Dual-Name NE 20th Street to Gloria Jean Merriex Way (B)**

**This item is a Resolution authorizing the dual-naming of NE 20th Street between NE 8th Avenue and NE 10th Avenue of the Duval Community to Gloria Jean Merriex Way.**

**RECOMMENDATION**      *Recommended Motion: The City Commission adopt the Resolution.*

**A motion was made by Commissioner Henry, seconded by Commissioner Poe, that this matter be Adopted (Resolution). The motion carried by the following vote:**

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

## PLAN BOARD PETITIONS

**080850. Main Street Activity Center Zoning Change (B)**

**Petition 126ZON-08PB. Eng, Denman & Associates, Inc., agent for FJD Realvestment, LLC. Rezone property from MU-2 (12-30 units/acre mixed use medium intensity district) to BA (Automotive-oriented business district). Located at 2501 North Main Street. Related to Petition 125LUC-08 PB.**

*Senior Planner Susan Bridges Niemann, Agent for the Petitioner Clay Sweger and Agent for the Petitioner Tom Daniel gave presentations.*

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

*MOTION: Commissioner Hawkins moved and Commissioner Lowe seconded to approve staff's recommendation to deny the petition.*

*(VOTE: 3-4, Commissioners Hawkins, Lowe and Poe - Yes; and Commissioners Donovan, Henry, Mastrodicasa and Mayor Hanrahan - No; MOTION FAILED)*

*SECOND MOTION (MAIN MOTION): Commissioner Donovan moved and Commissioner Henry seconded to approve the petition.*

*(VOTE: 4-3 Commissioners Donovan, Henry Mastrodicasa and Mayor Hanrahan - Yes; and Commissioners Hawkins, Lowe and Poe - No; MOTION CARRIED)*

*Chair Hanrahan recognized Tory, Cyrus Shiralipour, Hamid Tajalli, Mohammed Rajaei and Sean Noeparvar who spoke to the matter.*

**RECOMMENDATION** *City Plan Board to City Commission - The City Commission deny Petition 126ZON-08PB. The Plan Board voted 6-0.*

*Staff to City Commission - The City Commission deny Petition 126ZON -08PB.*

*Staff to City Plan Board - Deny Petition 126ZON -08PB.*

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

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

**080851. Main Street Activity Center Land Use Amendment (B)**

**Petition 125LUC-08PB. Eng, Denman & Associates, Inc., agent for FJD Realvestment, LLC. Amend the City of Gainesville Future Land Use Map from MUM (Mixed-Use Medium-Intensity, 12-30 units per acre) to COM (Commercial). Located at 2501 North Main Street. Related to Petition 126ZON-08PB.**

Senior Planner Susan Bridges Niemann, Agent for the Petitioner Clay Sweger and Agent for the Petitioner Tom Daniel gave a presentation.

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

**RECOMMENDATION** City Plan Board to City Commission - The City Commission deny Petition 126LUC-08PB. The Plan Board voted 6-0.

Staff to City Commission - The City Commission deny Petition 126LUC-08PB.

Staff to City Plan Board - Deny Petition 126LUC -08PB.

**A motion was made by Mayor-Commissioner Pro Tem Donovan, seconded by Commissioner Henry, that this matter be Approved (Petition). The motion carried by the following vote:**

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

## DEVELOPMENT REVIEW BOARD PETITIONS

## SCHEDULED EVENING AGENDA ITEMS

## UNFINISHED BUSINESS

## COMMISSION COMMENT

### Commissioner Lauren Poe

*Biodiesel Referral - See following referral #081011.*

### 081011. Biodiesel Proposal - Biodiesel Production Facility (NB)

**RECOMMENDATION** The City Commission refer the issue of the City establishing their own Biodiesel Production Facility to the Recreation, Cultural Affairs and Public Works Committee.

**A motion was made by Commissioner Poe, seconded by Commissioner Mastrodicasa, that this matter be Referred to the Recreation, Cultural Affairs and Public Works Committee. The motion carried by the following vote:**

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

### Commissioner Scherwin Henry

1. *New Houses being built in the Porter's Neighborhood - renaming the houses.*

*Assistant City Manager Fred Murry made comments.*

2. *Ironwood Golf Course - Consider a marketing strategy possible re-naming of Ironwood.*

*Assistant City Manager Paul Folkers made comments.*

3. *No Shelter at Bus Stop on SE 7th Avenue along with other bus stops in East Gainesville - Referred to the City Manager.*

### **Commissioner Jack Donovan**

1. *One Stop Center Interim Services and feeding the homeless - regarding the limit of feeding 130 people at St. Francis House, City trying to find ways to expand services.*

2. *Seminary Lane - Asked staff to give a report on what the City can do to assist the residents with re-location.*

*Assistant City Manager Fred Murry made comments.*

*Chair Hanrahan recognized Kali Blount who spoke to the matter.*

### **Commissioner Thomas Hawkins**

1. *Referral to Public Safety Committee - Cross Walk Safety/Signalization - See following referral item #081012.*

2. *SW 23rd Avenue - lighting between Archer Rd and Williston Rd - refer to staff.*

### **081012. Cross Walk Safety - Signalization (NB)**

*Chair Hanrahan recognized Kali Blount and Armando Grundy spoke to the matter.*

**RECOMMENDATION**      *The City commission refer the issue of Cross Walk Safety including right of way issues and storm drain issues to the Public Safety Committee.*

**A motion was made by Commissioner Hawkins, seconded by Commissioner Poe, that this matter be Referred to the Public Safety Committee, due back on October 16, 2009. The motion carried by the following vote:**

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

### **Mayor Pegeen Hanrahan**

*Climate Change Fund Raising.*

**CITIZEN COMMENT**

**Kali Blount**

*Seminary Lane.*

**Armando Grundy**

*GPD Issues.*

**ADJOURNMENT - 9:48 PM**

---

Kurt M. Lannon, Clerk of the Commission