

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Minutes - Draft

Thursday, December 6, 2012

1:00 PM

Modified Agenda

City Hall Auditorium

City Commission

Mayor Craig Lowe (At Large)
Mayor-Commissioner Pro-Tem Lauren Poe (At Large)
Commissioner Thomas Hawkins (At Large)
Commissioner Yvonne Hinson-Rawls (District 1)
Commissioner Todd Chase (District 2)
Commissioner Susan Bottcher (District 3)
Commissioner Randy Wells (District 4)

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

CALL TO ORDER-1:02PM**AGENDA STATEMENT****ROLL CALL**

Present 7 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Hawkins, Commissioner Wells, Commissioner Chase, Commissioner Bottcher, and Commissioner Hinson-Rawls

INVOCATION

Prophet George Young

CONSENT AGENDA**CITY MANAGER, CONSENT AGENDA ITEMS***CONSENT AGENDA MODIFICATIONS:*

- 1. File #120597 - Updates to Natural Gas portions of the Code of Ordinances, Chapter 27 and appendix A - (Removing Reference to Presentation).*
- 2. File #120572 - Bid Award - State of Florida Lobbying Services - (Moved to the Regular Agenda under City Manager).*
- 3. File #120296 - Bid Proposal Process for the Operation and/or Maintenance of Ironwood Golf Course - Removed from the agenda.*

120534. Bid Award - Resurfacing of 16 City-Owned Tennis Courts (B)

This is a request for the City Commission to authorize the bid award in the amount of \$54,400 to McLean Tennis Inc. for the resurfacing of 16 City-owned tennis courts.

RECOMMENDATION

Recommended Motion: The City Commission: 1) award the bid to McLean Tennis Inc. for the resurfacing of 16 City-owned tennis courts; 2) authorize the City Manager to execute the contract, subject to approval as to form and legality by the City Attorney; and 3) issue a purchase order in an amount not to exceed \$54,400.

This Matter was Approved as Recommended

120549. Drainage Usage Certificates (B)

This item is a request for approval and authorization to execute Usage Certificates.

RECOMMENDATION

The City Commission: 1) approve and authorize the Mayor to execute, and the Clerk to attest the Usage Certificates, subject to approval by the City Attorney as to form and legality; and 2) authorize the City Manager or his designee to record the Usage Certificates in the Public Records of Alachua County, Florida

This Matter was Approved as Recommended

120552. Application for Disability Retirement for Robert T. Nielsen (B)

Retirement application for Robert T. Nielsen, Field Service Technician at GRU for 13.333 years, who has been under the care of a physician for medical reasons.

RECOMMENDATION

The City Commission approve the submitted application for disability retirement for Robert T. Nielsen, Field Service Technician at GRU.

This Matter was Approved as Recommended

120569. Second Amendment to Interlocal Agreement Between the City of Gainesville, the Alachua County Sheriff, and Alachua County for a Combined Communications Center (B)

This item requests the City Commission's authorization to enter into a Second Amended Interlocal Agreement with the Alachua County Sheriff and Alachua County for a Combined Communications Center.

RECOMMENDATION

The City Commission authorize the Mayor to execute a Second Amendment to the Interlocal Agreement between the City of Gainesville, the Alachua County Sheriff, and Alachua County for a Combined Communications Center.

This Matter was Approved as Recommended

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS**120585. Management Employment Policies of Gainesville Regional Utilities (NB)****RECOMMENDATION**

The City Commission authorize the City Attorney to prepare, and the Clerk of the Commission to advertise, an ordinance designating the job titles of subordinates who are directors of departments.

This Matter was Approved as Recommended

- 120597.** Updates to Natural Gas portions of the City of Gainesville Code of Ordinances, Chapter 27 and Appendix A (NB)

RECOMMENDATION

The City Commission authorize the City Attorney to Draft and the Clerk of the City Commission to advertise revisions to Chapter 27 and Appendix A of the City of Gainesville Code of Ordinances.

This Matter was Approved as Recommended

CITY ATTORNEY, CONSENT AGENDA ITEMS

- 120565.** STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION VS. THE ESTATE OF ELIZABETH HILL, DECEASED, ET AL.; EIGHTH JUDICIAL CIRCUIT, CASE NO. 2012-CA-4446 (B)

RECOMMENDATION

The City Commission authorize the City Attorney to represent the City of Gainesville in the case styled State of Florida Department of Transportation vs. the Estate of Elizabeth Hill, Deceased, et al., Eighth Judicial Circuit, Case No. 2012-CA-4446.

This Matter was Approved as Recommended

- 120594.** OFFER OF JUDGMENT IN THE CASE STYLED CHERON HAMPTON-BATES, PERSONALLY AND AS NATURAL GUARDIAN OF BRYCE BATES, A MINOR v. THE CITY OF GAINESVILLE, FLORIDA, A MUNICIPAL CORPORATION, AND CPL. TIMOTHY DURST, IN HIS INDIVIDUAL CAPACITY, COURT CASE NO. 1:12-cv-00174-MP-GRJ (NB)

RECOMMENDATION

The City Commission authorize the City Attorney's Office to extend an Offer of Judgment to Plaintiffs to settle this case in the amount of fifty thousand dollars (\$50,000), exclusive of costs and attorney's fees with the costs and attorney's fees to be paid by the City in an amount to be determined by the Court.

This Matter was Approved as Recommended

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

- 120596.** City Commission Minutes (B)

RECOMMENDATION

The City Commission approve the minutes of October 30, 2012, November 1, 2012, and November 15, 2012, as circulated.

Approved as Recommended

Approval of the Consent Agenda

A motion was made by Mayor-Commissioner Pro Tem Poe, seconded by Commissioner Bottcher, to Adopt the Consent Agenda. The motion carried by the following vote:

Aye: 7 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Hawkins, Commissioner Wells, Commissioner Chase, Commissioner Bottcher, and Commissioner Hinson-Rawls

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

**RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE,
CONSENT**

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

A motion was made by Mayor-Commissioner Pro Tem Poe, seconded by Commissioner Bottcher, that this Matter be Adopted. The motion carried by the following vote:

Aye: 7 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Wells, Commissioner Bottcher, Commissioner Hawkins, Commissioner Chase, and Commissioner Hinson-Rawls

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

CITY MANAGER

120250. Update on the Purchase of Surplus Lands Designated for the City of Gainesville (B)

The purpose of this item is to provide an update to the City Commission on the status of the negotiations between the City and the State of certain properties designated for purchase by the City of Gainesville. The City would like to purchase the Department of Corrections (DOC) facility at little or no cost since this is a special use facility and no other state or local agency expressed an interest in the property.

Fred Murry and Marion Radson made presentations.

MOTION: Approve the recommendation including the following: 1) Authorize the City manager or his designee to request local Legislative Delegation support and assistance in obtaining the GCI property; 2) authorize City Attorney to request extension of the trial date to July 1, 2013; 3) include seeking support from Governor and State Council on Homelessness; 4) authorize staff to act as agent for the property for purposes to initiate a zoning petition; and 5) authorize drafting of letter of support signed by all willing elected officials.

RECOMMENDATION *The City Commission: 1) hear an update from staff on the status of the negotiations between the City and the State of certain properties designated for purchase by the City of Gainesville; and 2) authorize the City Manager or his designee to request local Legislative Delegation support and assistance in obtaining the GCI property.*

A motion was made by Commissioner Wells, seconded by Commissioner Hinson-Rawls, that this Matter be Approved, as shown above. The motion carried by the following vote:

Aye: 7 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Wells, Commissioner Bottcher, Commissioner Hawkins, Commissioner Chase, and Commissioner Hinson-Rawls

120380. Innovation Square Program Update (B)

The purpose of this item is to provide an update to the City Commission on the Innovation Square Program; request authorization to move forward with final construction documents for SW 9th Street, SW 3rd Avenue, and the SW 9th Street park projects as publicly maintained infrastructure; and request authorization for the City Manager to accept the deeds for right-of-way dedication.

Diane Gilreath, Jay Brown, Brad Pollitt, Robert Walpole and Kelly Fisher gave presentations.

Citizens Bruce DeLaney and Walter Willard spoke to the item.

AMENDMENT: Request additional information on bicycle issues.

RECOMMENDATION *The City Commission: 1) receive information from staff; and 2) authorize staff to move forward with final construction documents for SW 9th Street, SW 3rd Avenue, and the SW 9th Street park projects as publicly maintained infrastructure.*

A motion was made by Commissioner Hawkins, seconded by Commissioner Bottcher, that this Matter be Approved as Amended. The motion carried by the following vote:

Aye: 7 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Wells, Commissioner Bottcher, Commissioner Hawkins, Commissioner Chase, and Commissioner Hinson-Rawls

120572. Bid Award - State of Florida Lobbying Services (B)

This item is a request to approve rankings for Request for Proposals (RFP) #CMGR-130015-FB and to direct staff to negotiate and execute a contract with the top ranked firm William J. Peebles, PA for State of Florida lobbying services.

Richard Pinsky provided citizen comment.

RECOMMENDATION *The City Commission: 1) approve staff's recommended ranking of the firms; and 2) authorize the City Manager and General Manager to negotiate and execute an initial contract with two optional one-year extensions with the top ranked firm or the next ranked firm if those negotiations are not successful, for State of Florida lobbying services, subject to approval by the City Attorney as to form and legality.*

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

Aye: 7 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Wells, Commissioner Bottcher, Commissioner Hawkins, Commissioner Chase, and Commissioner Hinson-Rawls

GENERAL MANAGER FOR UTILITIES**120575. 2012 Solar Feed-in-Tariff Available Capacity (B)**

Donald Sheppard, Barry Jacobson, Walter Willard and Don Ryan provided citizen comment.

Amendment: Utilize up to 1.53Mw

RECOMMENDATION *The City Commission 1.) receive a brief presentation from staff; and 2.) determine if excess capacity from 2012 shall be included in the 2013 offering.*

A motion was made by Commissioner Hinson-Rawls, seconded by Mayor-Commissioner Pro Tem Poe, that this Matter be Approved as Amended. The motion carried by the following vote:

Aye: 5 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Bottcher, Commissioner Hawkins, and Commissioner Hinson-Rawls

Nay: 2 - Commissioner Wells, and Commissioner Chase

120686. Low Income Solar Feed In Tariff (NB)

A motion was made by Commissioner Hinson-Rawls, seconded by Mayor-Commissioner Pro Tem Poe, that this Matter be Referred to the Regional Utilities Committee, due back on 6/6/2013. The motion carried by the following vote:

Aye: 7 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Wells, Commissioner Bottcher, Commissioner Hawkins, Commissioner Chase, and Commissioner Hinson-Rawls

120687. Solar Feed In Tariff Customer Survey(NB)

A motion was made by Commissioner Chase, seconded by Commissioner Hawkins, that this Matter be Referred to the Regional Utilities Committee, due back on 6/6/2013. The motion carried by the following vote:

Aye: 7 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Wells, Commissioner Bottcher, Commissioner Hawkins, Commissioner Chase, and Commissioner Hinson-Rawls

CITY ATTORNEY

120369.

ELECTION TOWN HALL MEETING -- PROPOSED CHARTER AMENDMENTS TO TRANSITION TO 4-YEAR CITY COMMISSION TERMS AND CITY ELECTIONS TO BE HELD IN THE FALL OF ODD NUMBERED YEARS (B)

NOTE: This item was continued to the evening portion of the agenda.

RECOMMENDATION

The City Commission provide direction on 1) which transition plan to include in the proposed charter amendment ordinance, 2) whether the election dates should continue to be set by ordinance, rather than in the charter; and 3) whether to provide one or two dates for commencement of terms in the proposed charter amendment ordinance.

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE

PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE

PUBLIC SAFETY COMMITTEE

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

COMMISSION COMMENTS (if time available)

RECESS

RECONVENE-5:50PM**PLEDGE OF ALLEGIANCE (5:30pm)**

Bob Gasche, Gator Detachment of the Marine Corp League World War II Veteran

PROCLAMATIONS/SPECIAL RECOGNITIONS

120571. City of Gainesville recognition as a Florida Green Building Council (FGBC) Certified Green Local Government at the "Silver" Level (B)

The Florida Green Building Council, Inc. (FGBC) is a non-profit corporation whose primary mission is to develop and maintain Green designation standards for Florida and to promote cost-effective, sustainable environmental improvements. The Council will recognize the City of Gainesville as a FGBC Certified Green Local Government at the "Silver" level.

RECOMMENDATION

City Commission: (1) hear a brief presentation on the Florida Green Building Council and the Green Local Government Certification process; and, (2) accept the Florida Green Building Council Green Local Government Certification at the "Silver" level.

Heard

120533. Pearl Harbor Remembrance Day - December 7, 2012 (B)

RECOMMENDATION

Gator Detachment of the Marine Corp League Bob Gasche to accept the proclamation.

Heard

120598. Martin Luther King, Jr. Hall of Fame Day - January 13, 2013 (B)

RECOMMENDATION

Martin Luther King, Jr. Commission of Florida, Inc. President Honorable Rodney J. Long to accept the proclamation.

Heard

120599. King Celebration 2013 - January 13-21, 2013 (B)

RECOMMENDATION

Martin Luther King, Jr. Commission of Florida, Inc. President Honorable Rodney J. Long to accept the proclamation.

Heard

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

Donald Sheppard-Thank-you

Juanita Miles-Hamilton-Election Committee

John Davies-Political Parties

Rob Brinkman-Green Building Council/Hatchett Creek

Debbie Martinez-GRU

Annie Orlando-FIT

Gabe Hillel-Public Records Request Request

Jim Konish-City Attorney Memo on GRU

Pat Fitzpatrick-Homeless Issues

PUBLIC HEARINGS**RESOLUTIONS- ROLL CALL REQUIRED****120520. Resolution and Perpetual Easement Request from Florida Department of Transportation (B)**

This item involves a request from Florida Department of Transportation (FDOT) for a Resolution and Perpetual Easement, located at the southeast corner of Tax Parcel 15505-002-001.

RECOMMENDATION

The City Commission: 1) adopt the Resolution approving a Perpetual Easement, subject to approval by the City Attorney as to form and legality; and 2) authorize the Mayor to execute and the Clerk to attest the Perpetual Easement, subject to approval by the City Attorney as form and legality.

A motion was made by Mayor-Commissioner Pro Tem Poe, seconded by Commissioner Hawkins, that this Matter be Adopted (Resolution) and Approved the Recommendation. The motion carried by the following vote:

Aye: 7 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Wells, Commissioner Bottcher, Commissioner Hawkins, Commissioner Chase, and Commissioner Hinson-Rawls

120547. Resolution for 5310 Grant Application (B)

This item requests the City Commission pass a Resolution allowing the Regional Transit System (RTS) to apply for a 5310 Grant to purchase a paratransit van to provide ADA service to the disabled citizens of Gainesville.

RECOMMENDATION *The City Commission adopt the Resolution.*

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

Aye: 7 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Wells, Commissioner Bottcher, Commissioner Hawkins, Commissioner Chase, and Commissioner Hinson-Rawls

120548. Resolution for 5311 Grant Application (B)

This item requests the City Commission adopt a Resolution allowing the Regional Transit System (RTS) to apply for a 5311 Grant to purchase Demand Response trips and to continue to provide Route 23 transportation services to the citizens of Gainesville.

RECOMMENDATION *The City Commission: 1) adopt the Resolution; and 2) allow the Regional Transit System (RTS) to continue to provide Route 23 transportation services to the citizens of Gainesville.*

A motion was made by Commissioner Bottcher, seconded by Commissioner Hinson-Rawls, that this Matter be Adopted (Resolution) and Approved the Recommendation. The motion carried by the following vote:

Aye: 7 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Wells, Commissioner Bottcher, Commissioner Hawkins, Commissioner Chase, and Commissioner Hinson-Rawls

120584. FINAL AMENDMENT TO THE FY 2011-2012 GENERAL GOVERNMENT FINANCIAL AND OPERATING PLAN (B)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA; RELATING TO ITS GENERAL GOVERNMENT BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2011 AND ENDING SEPTEMBER 30, 2012; AMENDING RESOLUTION NO. 110268 AS AMENDED BY RESOLUTION NO. 110856 AND 120364, BY MAKING CERTAIN ADJUSTMENTS TO THE GENERAL OPERATING AND FINANCIAL PLAN BUDGET; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE

RECOMMENDATION *The City Commission adopt the proposed resolution.*

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

Aye: 7 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Wells, Commissioner Bottcher, Commissioner Hawkins, Commissioner Chase, and Commissioner Hinson-Rawls

ADOPTION READING-ROLL CALL REQUIRED

120303

LAND USE CHANGE - SMALL SCALE - APPROXIMATELY 2.8 ACRES OF TAX PARCEL NO. 06724-000-000 (B)

Ordinance No. 120303; Petition No. PB-12-85 LUC

An ordinance amending the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of approximately 2.8 acres of property generally located north of SW 17th Avenue, west of SW 38th Terrace, east of SW 40th Terrace, and south of SW 16th Avenue, as more specifically described in this ordinance, from Conservation (CON) to Urban Mixed-Use 2 (UMU-2); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Senior Planner Andrew Persons made a presentation.

RECOMMENDATION *The City Commission: (1) approve Petition PB-12-85 LUC and (2) adopt the proposed ordinance.*

A motion was made by Mayor-Commissioner Pro Tem Poe, seconded by Commissioner Bottcher, that this Matter be Adopted on Adoption Reading (Ordinance) and Approved the Recommendation. The motion carried by the following vote:

Aye: 7 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Wells, Commissioner Bottcher, Commissioner Hawkins, Commissioner Chase, and Commissioner Hinson-Rawls

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

120304.

REZONING - TAX PARCEL 06724-000-000 (B)

Ordinance No. 120304; Petition No. PB-12-86 ZON

An ordinance amending the Zoning Map Atlas of the City of Gainesville, Florida, by rezoning approximately 44 acres of property generally located north of SW 18th Place, west of SW 38th Terrace, east of SW 40th Terrace, and south of SW 9th Place, as more specifically described in this ordinance, from the Alachua County zoning categories of Agriculture (A) and Multiple family, high density (R-3) to the City of Gainesville zoning categories of Conservation (CON) and Urban mixed-use district 2 (UMU-2); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Senior Planner Andrew Persons made a presentation.

RECOMMENDATION

The City Commission: (1) approve Petition PB-12-86 ZON and (2) adopt the proposed ordinance.

A motion was made by Commissioner Bottcher, seconded by Commissioner Hinson-Rawls, that this Matter be Adopted on First Reading and Approved the Recommendations. The motion carried by the following vote:

Aye: 7 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Wells, Commissioner Bottcher, Commissioner Hawkins, Commissioner Chase, and Commissioner Hinson-Rawls

120023. OUTDOOR LIGHTING - TEXT CHANGE (B)

Ordinance No. 120023; Petition No. PB-12-40 TCH

An ordinance of the City of Gainesville, Florida, amending the Land Development Code relating to outdoor lighting; by adding new definitions to Section 30-23 Definitions; by deleting a subsection of Section 30-93 Gasoline and alternative fuel service stations (GN-554), and food stores (MG-54) with accessory gasoline and alternative fuel pumps; by amending Section 30-114 Off-site parking facilities for uses in MU-1 or MU-2 districts; by deleting a subsection of Section 30-160 Submittal requirements; by amending a subsection of Section 30-307 Nature park district; by deleting a subsection of Section 30-330 Design requirements for vehicle parking; by adding a new Section 30-344 Outdoor lighting; by deleting subsections of Section 30-345 General performance standards; by deleting Section 30-345.1 Nonconforming luminaires; by deleting a subsection of Appendix A. - Special Area Plans, Section 4. - Special Area Plan For Traditional City; by amending a subsection of Appendix A. - Special Area Plans, Section 8. - Special Area Plan Southeast Gainesville Renaissance Initiative Area; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Planning and Development Director Eric Bredfeldt and Chief of Current Planning Lawrence Calderon made presentations.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

Aye: 7 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Wells, Commissioner Bottcher, Commissioner Hawkins, Commissioner Chase, and Commissioner Hinson-Rawls

120326. PLANNED DEVELOPMENT AMENDMENT - ONE COLLEGE PARK (B)

Ordinance No. 120326; Petition No. PB-12-83 PDA

An ordinance of the City of Gainesville, Florida, amending the Planned Development commonly known as "One College Park" located in the vicinity of the 1700 block between NW 1st Avenue and NW 2nd Avenue; by amending City of Gainesville Ordinance No. 080753 that rezoned the property to Planned Development and adopted the Development Plan; amending the Planned Development to add "dormitory" as defined in this Ordinance to the list of uses permitted by right under certain conditions; defining "dormitory"; adopting a revised development plan report and revised development plan maps; acknowledging extension granted pursuant to Ordinance No. 120129; providing a severability clause; and providing an immediate effective date.

Senior Planner Scott Wright made a presentation.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

Aye: 7 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Wells, Commissioner Bottcher, Commissioner Hawkins, Commissioner Chase, and Commissioner Hinson-Rawls

120438. AMENDMENT TO RATE SCHEDULE FOR SOLAR FEED-IN-TARIFF PROGRAM (B)

Ordinance No. 120438

An ordinance of the City of Gainesville, Florida, amending Appendix A, Utilities, (1) Electricity, i. Distributed Resources Rates, 1. General Provision, (C) Solar Energy Purchase Agreement/Solar Feed In-Tariff (SEPA), (vii), of the Code of Ordinances of the City of Gainesville, by amending rates for the Solar Feed-in-Tariff program; 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 Mayor-Commissioner Pro Tem Poe, seconded by Commissioner Bottcher, that this Matter be Adopted on First Reading (Ordinance). The motion carried by the following vote:

Aye: 7 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Wells, Commissioner Bottcher, Commissioner Hawkins, Commissioner Chase, and Commissioner Hinson-Rawls

ORDINANCES, 2ND READING- ROLL CALL REQUIRED**110952. TRAFFIC AND MOTOR VEHICLE OVERTIME METERED PARKING (B)**

Ordinance No. 110952

An ordinance of the City of Gainesville, Florida, amending Chapter 26 of the Code of Ordinances of the City of Gainesville relating to traffic and motor vehicles; amending Sec. 26-76 by providing a further exception for the parking of governmental vehicles; 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 Mayor-Commissioner Pro Tem Poe, seconded by Commissioner Bottcher, that this Matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:

Aye: 5 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Bottcher, Commissioner Chase, and Commissioner Hinson-Rawls

Nay: 2 - Commissioner Wells, and Commissioner Hawkins

120307. ANNEXATION ORDINANCE - NORTHWEST - AREA 2 (B)

Ordinance No. 120307

An ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area pursuant to Chapter 90-496, as amended, Special Act, Laws of Florida, known as the Alachua County Boundary Adjustment Act; making certain findings; annexing to include within the corporate limits of the City of Gainesville, Florida, certain compact and contiguous area generally located: west of NW 43rd Street (& that portion west of NW 43rd Street lying between NW 23rd & 29th Avenues east of NW 49th Terrace, including Buck Ridge Unit 2, already in the city limits), east of NW 63rd Street, north of NW 23rd Avenue and south of NW 39th Avenue, excluding tax parcels No. 06111-001-000 and 06111-003-001 located at the southwest corner of NW 39th Avenue and NW 43rd Street (already within the city limits), but including tax parcel No. 06064-000-000 located at the northwest corner of NW 39th Avenue and NW 43rd Street ("Area 2"); providing for inclusion of the area in Appendix I of the City Charter; providing for a referendum election; providing directions to the City Manager and Clerk of the Commission; providing ballot language; providing for land use plan, zoning and subdivision regulations, and enforcement of same; providing for persons engaged in any occupation, business, trade or profession; providing a severability clause; and providing effective dates.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

A motion was made by Commissioner Bottcher, seconded by Mayor-Commissioner Pro Tem Poe, that this Matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:

Aye: 7 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Wells, Commissioner Bottcher, Commissioner Hawkins, Commissioner Chase, and Commissioner Hinson-Rawls

120308. ANNEXATION - NORTHWEST - AREA 3 (B)

Ordinance No. 120308

An ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area pursuant to Chapter 90-496, as amended, Special Act, Laws of Florida, known as the Alachua County Boundary Adjustment Act; making certain findings; annexing to include within the corporate limits of the City of Gainesville, Florida, certain compact and contiguous area generally located: west of NW 43rd Street, east of NW 51st Street (shown on the plat of Huntington Phase 6 as recorded in Plat book "S", Page 48 of the public records of Alachua County, Florida), north of the current city limits at tax parcel No. 06061-003-003 and Bellamy Forge Condominiums and south of the current city limits at the south line of the northeast quarter of Section 22, Township 9 South, Range 19 East and the county drainage easement & right of way lying immediately north of Rustlewood as recorded in Plat Book "K", page 52 ("Area 3"); providing for inclusion of the area in Appendix I of the City Charter; providing for a referendum election; providing directions to the City Manager and Clerk of the Commission; providing ballot language; providing for land use plan, zoning and subdivision regulations, and enforcement of same; providing for persons engaged in any occupation, business, trade or profession; providing a severability clause; and providing effective dates.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

A motion was made by Commissioner Bottcher, seconded by Commissioner Hinson-Rawls, that this Matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:

Aye: 7 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Wells, Commissioner Bottcher, Commissioner Hawkins, Commissioner Chase, and Commissioner Hinson-Rawls

120502. HISTORIC PROPERTY TAX EXEMPTION - 1041 NE 6TH STREET (B)

Ordinance No. 120502; Petition No. HP-11-00038/HP-11-00039

An ordinance of the City of Gainesville, Florida, finding that property located at 1041 NE 6th Street, Gainesville, Florida, as more specifically described in this ordinance, qualifies for an ad valorem tax exemption for historic properties; granting an exemption from ad valorem tax for certain improvements beginning January 1, 2013, and continuing for 10 years under certain conditions; authorizing the Mayor and Clerk of the Commission to sign the Historic Preservation Property Tax Exemption Covenant between the property owner and the City; providing a severability clause; providing a repealing clause; and providing an effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

A motion was made by Mayor-Commissioner Pro Tem Poe, seconded by Commissioner Bottcher, that this Matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:

Aye: 7 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Wells, Commissioner Bottcher, Commissioner Hawkins, Commissioner Chase, and Commissioner Hinson-Rawls

PLAN BOARD PETITIONS**120523. Update the Comprehensive Plan Capital Improvements Element (B)**

Petition PB-12-114 CPA. Amend the City of Gainesville Comprehensive Plan Capital Improvements Elements for the Evaluation and Appraisal Process.

Lead Planner Dean Mimms made a presentation.

RECOMMENDATION *City Plan Board to City Commission - The City Commission approve Petition PB-12-114 CPA. The Plan Board voted 6-0.*

Staff to City Commission - The City Commission approve Petition PB-12-114 CPA.

Staff to City Plan Board - Staff recommends approval of Petition PB-12-114 CPA.

A motion was made by Mayor-Commissioner Pro Tem Poe, seconded by Commissioner Bottcher, that this Matter be Approved (Petition), as recommended. The motion carried by the following vote:

Aye: 7 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Wells, Commissioner Bottcher, Commissioner Hawkins, Commissioner Chase, and Commissioner Hinson-Rawls

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

TIME CERTAIN - 7:30PM (WAIVE THE RULES TO HEAR THIS ITEM)

120311. ELECTION DISTRICTS - REDISTRICTING BASED ON 2010 CENSUS DATA (B)

Ordinance No. 120311

An ordinance of the City of Gainesville, Florida, amending Section 9-1.1 Election districts of the Code of Ordinances by redistricting the City of Gainesville into four ratably or equally proportioned election districts as required by law; making findings; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Dr. Kenneth Wald made a presentation.

Juanita Miles-Hamilton, Evelyn Fox and Armando Grundy spoke to the item.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

Aye: 7 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Wells, Commissioner Bottcher, Commissioner Hawkins, Commissioner Chase, and Commissioner Hinson-Rawls

UNFINISHED BUSINESS

120369.

ELECTION TOWN HALL MEETING -- PROPOSED CHARTER AMENDMENTS TO TRANSITION TO 4-YEAR CITY COMMISSION TERMS AND CITY ELECTIONS TO BE HELD IN THE FALL OF ODD NUMBERED YEARS (B)

Commissioner Poe moved with Commissioner Bottcher seconding to select transition Plan A.

Motion carried 6-1 with Commissioner Chase voting no

Commissioner Poe moved with Commissioner Hinson-Rawls seconding to 1) elections will continue to be set by ordinance 2) set by ordinance that City Election will be held on the first Tuesday after the first Monday in October 3) if a run-off is necessary, the run-off will be held on the first Tuesday after the first Monday in November and 4) that the City Commission term will commence on the first Regular City Commission meeting in January.

Motion carried 7-0

Rob Brinkmand and Donald Sheppard spoke to the matter.

RECOMMENDATION

The City Commission provide direction on 1) which transition plan to include in the proposed charter amendment ordinance, 2) whether the election dates should continue to be set by ordinance, rather than in the charter; and 3) whether to provide one or two dates for commencement of terms in the proposed charter amendment ordinance.

COMMISSION COMMENT

Commissioner Hawkins-Medical Care Clinic and Bus Stops - Referral to Recreation, Cultural Affairs and Public Works Committee.

Commissioner Poe-Student participation in Public Art projects-Referral to Recreation, Cultural Affairs and Public Works Committee.

Commissioner Hinson-Rawls-1. Towing Rates 2. Funding Code Repairs 3. Correctional Institute and new lobbyist

Commissioner Hinson-Rawls moved with Commissioner Hawkins seconding not to increase roam towing fees. Motion failed 2-5 with Commissioners Wells and Hawkins voting aye. Citizen Rob Brinkman spoke to the matter.

Commissioner Chase-1. Towing Rate 2. GRU governing model on-line

Commissioner Chase moved with Commissioner Hinson-Rawls seconding to increase roam towing fees to \$84.00 and include future increases as part of new ordinance. Motion failed 2-5 with Commissioners Chase and Hinson-Rawls voting aye.

120643. Transit Access to Indigent Care Clinics (NB)

RECOMMENDATION *The City Commission refer the issue of transit access to indigent care clinics to the Recreation, Cultural Affairs and Public Works Committee.*

A motion was made by Commissioner Hawkins, seconded by Commissioner Wells, that this Matter be Referred to the Recreation, Cultural Affairs and Public Works Committee, due back on 6/6/2013. The motion carried by the following vote:

Aye: 7 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Hawkins, Commissioner Wells, Commissioner Chase, Commissioner Bottcher, and Commissioner Hinson-Rawls

120663. Student Participation in Public Art

Citizen Don Sheppard spoke to the matter.

RECOMMENDATION *The City Commission refer the issue of student participation in public art to the Recreation, Cultural Affairs and Public Works Committee*

A motion was made by Mayor-Commissioner Pro Tem Poe, seconded by Commissioner Bottcher, that this Matter be Referred to the Recreation, Cultural Affairs and Public Works Committee, due back on 6/6/2013. The motion carried by the following vote:

Aye: 7 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Hawkins, Commissioner Wells, Commissioner Chase, Commissioner Bottcher, and Commissioner Hinson-Rawls

CITIZEN COMMENT (If time available)

Rob Brinkman-Utility Issues

Adjournment-9:35PM

ADJOURNMENT (no later than 11:00PM - Mayor to schedule date and time to continue meeting)

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Minutes - Draft

Thursday, December 20, 2012

1:00 PM

Modified Agenda

City Hall Auditorium

City Commission

Mayor Craig Lowe (At Large)
Mayor-Commissioner Pro-Tem Lauren Poe (At Large)
Commissioner Thomas Hawkins (At Large)
Commissioner Yvonne Hinson-Rawls (District 1)
Commissioner Todd Chase (District 2)
Commissioner Susan Bottcher (District 3)
Commissioner Randy Wells (District 4)

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

CALL TO ORDER

Present 7 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Wells, Commissioner Bottcher, Commissioner Hawkins, Commissioner Chase, and Commissioner Hinson-Rawls

AGENDA STATEMENT

ROLL CALL

INVOCATION

CONSENT AGENDA

1. #120626-Cade Museum and Depot Park-added
2. #120637-ATU Agreement-back up added

CITY MANAGER, CONSENT AGENDA ITEMS

120601. Increase Maximum Funding Award for Homeowner Rehabilitation Program Funded by the Community Development Block Grant (CDBG) Program and HOME Investment Partnership Program (HOME) Funds (NB)

This item requests for the City Commission to consider approval to increase the existing Homeowner Rehabilitation Program maximum funding awards with the use of the U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) Program and HOME Investment Partnership Program (HOME) Funds.

RECOMMENDATION

The City Commission: 1) approve the increase of the Community Development Block Grant (CDBG) Program and HOME Investment Partnership Program (HOME) Homeowner Rehabilitation Program to be equivalent to the State Housing Initiatives Partnership (SHIP) Program funding as currently established in the City's Local Housing Assistance Plan as follows: 1) Roof Program \$15,000; 2) Minor Rehabilitation Program \$30,000; and 3) Major Rehabilitation Program \$50,000.

Approved as Recommended

120602. FY 2012 U.S. Department of Housing and Urban Development (HUD) Continuum of Care Homeless Assistance Program Grant (CoC) Application (NB)

The City of Gainesville will participate in the development of an application for HUD Continuum of Care Homeless Assistance Program funding by serving as the sponsor grantee for two local projects. This item supports City Commission Strategic Goals & Initiatives for Human Capital to continue implementation of the 10 year plan to end homelessness.

RECOMMENDATION

The City Commission: 1) authorize the City Manager or his designee to apply for Continuum of Care Program grant funding to sponsor two agencies Meridian Behavioral Healthcare, Inc. and VETSPACE, Inc. in collaboration with the North Central Florida Continuum of Care under the U.S. Department of Housing & Urban Development (HUD) Continuum of Care Homeless Assistance Program; 2) authorize the City Manger or his designee to act on behalf of the City of Gainesville in all matters pertaining to said grants; and 3) authorize the City Manager or his designee to execute subrecipient agreements with Meridian Behavioral Healthcare, Inc. and VETSPACE, Inc. for funding through the Continuum of Care Homeless Assistance Program, subject to approval by the City Attorney as to form and legality.

Approved as Recommended

120619. Surplus Property Sale (NB)

This item is requesting City Commission approval for disposal of all items at the Surplus Lot to be declared surplus and disposed of through contract methods.

RECOMMENDATION

The City Commission declare all materials, equipment and vehicles stored at the Surplus Lot as surplus property and authorize the sale of such property for the time period covering FY2013.

Approved as Recommended

120610. Budget Calendar (NB)

This is a request for the City Commission to approve dates for discussion of the FY2014 budget and related items.

RECOMMENDATION

The City Commission: 1) approve the dates requested by staff; 2) waive the City Commission Rules to hear the Resolution to approve the Preliminary Fire Assessment Rate before 6:00pm on July 16, 2013; and 3) waive the City Commission Rules to hear the Resolutions to adopt the tentative budgets and set the tentative millage rate before 6:00pm on July 25, 2013.

Approved as Recommended

120637. Ratification of Agreement between the Amalgamated Transit Union Local No. 1597 Bargaining Unit and the City of Gainesville for October 1, 2012 through September 30, 2015 (B)

This item proposes the ratification of the Agreement between the Amalgamated Transit Union Bargaining Unit and the City of Gainesville.

RECOMMENDATION

The City Commission ratify the Agreement between the Amalgamated Transit Union Bargaining Unit and the City of Gainesville, extending the Agreement through September 30, 2015.

Approved as Recommended

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS**CITY ATTORNEY, CONSENT AGENDA ITEMS****120607. RITA PUENTES VS. THE CITY OF GAINESVILLE, EEOC NO.: 510-2013-00348 (NB)****RECOMMENDATION**

The City Commission authorize the City Attorney to represent the City in the case styled Rita Puentes vs. the City of Gainesville; EEOC No.: 510-2013-00348

Approved as Recommended

120618. LISA MELTON, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF JARED MELTON, DECEASED VS. CITY OF GAINESVILLE D/B/A GAINESVILLE REGIONAL UTILITIES, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA (B)

RECOMMENDATION *The City Commission authorize the City Attorney, and/or Special Counsel if insurance coverage is available, to represent the City of Gainesville in the case styled Lisa Melton, as Personal Representative of the Estate of Jared Melton, Deceased vs. City of Gainesville d/b/a Gainesville Regional Utilities, a political subdivision of the State of Florida, Eighth Judicial Circuit, Case No. 2012-CA-4494.*

Approved as Recommended

120626. Memorandum of Understanding for Cade Museum and Depot Park (NB)

RECOMMENDATION *The City Commission receive the recommendation of the Community Redevelopment Agency Board that the City Attorney be authorized to prepare an amendment to the Memorandum of Understanding for Cade Museum and Depot Park.*

Approved as Recommended

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

120634. Appointment to the Gainesville Housing Authority (NB)

RECOMMENDATION *The City Commission confirm the Mayor's appointment for the following:*

Jean Ritch to the Gainesville Housing Authority for a term to expire 8/1/16.

Approved as Recommended

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE, CONSENT

PERSONNEL & ORGANIZATIONAL STRUCTURE COMM, CONSENT

PUBLIC SAFETY COMMITTEE, CONSENT**AUDIT, FINANCE AND LEGISLATIVE COMMITTEE, CONSENT****120581. Review of General Fund Forecasted Revenues and Other Sources of Funds for the Fiscal Year Ending September 30, 2013 (B)**

RECOMMENDATION *The City Commission accept the City Auditor's report.*

Approved as Recommended

110658. Advisory Board Attendance Appeals (B)

RECOMMENDATION *The City Commission:*
1) *Direct the City Attorney to draft and the Clerk of the Commission to advertise an amendment to City Ordinances, based on staff recommendations; and*
2) *Remove this item from the Audit, Finance and Legislative Committee referral list.*

Approved as Recommended

120573. Report on the Status of Outstanding Audit Recommendations for November 2012 (B)

RECOMMENDATION *The City Commission accept the City Auditor's report.*

This Matter was Approved as Recommended

Approval of the Consent Agenda

A motion was made by Mayor-Commissioner Pro Tem Poe, seconded by Commissioner Bottcher, to Adopt the Consent Agenda. The motion carried by the following vote:

Aye: 7 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Wells, Commissioner Bottcher, Commissioner Hawkins, Commissioner Chase, and Commissioner Hinson-Rawls

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

ADOPTION OF THE REGULAR AGENDA

#120206-Roam Towing-Powerpoint added

A motion was made by Mayor-Commissioner Pro Tem Poe, seconded by Commissioner Bottcher, that this Matter be Adopted. The motion carried by the following vote:

Aye: 7 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Wells, Commissioner Bottcher, Commissioner Hawkins, Commissioner Chase, and Commissioner Hinson-Rawls

CHARTER OFFICER UPDATES**CLERK OF THE COMMISSION****CITY MANAGER****110631. Downtown Conference Center Multi-Step Invitation to Negotiate Potential Funding Partners Research (B)**

This is a request for the City Commission to hear a presentation regarding potential community funding partners to participate in financing a downtown conference center.

Motion: The City Commission 1. Terminate ITN 2. City/CRA staff work with all stakeholders for a Hotel Convention Center in Gainesville, and 3. work with Alachua County to utilize Alachua County Bed Tax for the Hotel Convention Center.

Lynn Janoski, CRA Finance Manager and Kelly Fisher made presentations.

Citizens Mark Vinske and Sherwin Henry spoke to the matter.

RECOMMENDATION

The City Commission: 1) hear a presentation from staff on potential local funding partners; 2) discuss requested assistance and whether it is feasible for the City to make any assistance available; and 3) provide direction to staff on whether to conclude the ITN or, if assistance is made available, to initiate phase two of the ITN.

Approved, as shown above - See Motion(s)

Aye: 7 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Wells, Commissioner Bottcher, Commissioner Hawkins, Commissioner Chase, and Commissioner Hinson-Rawls

GENERAL MANAGER FOR UTILITIES

120641. Request for Authorization to Submit a Claim to Arbitration with GREC (NB)

GRU Attorney Shayla McNeil read two corrections into the record: Paragraph 2 in the explanation was changed to January 2012 from January 2011 and in the recommendation the word opinion was changed to the word approval.

Attorney John Ansbro and Attorney Carl Lyon made presentations on behalf of GRU.

Amendment: word opinion changed to word approval in recommendation and January 2011 changed to January 2012 in explanation

Mark Goldstein, Jim Konish, Debbie Martinez, Paula Stahmer, David Dee, Annie Orlando and Donald Sheppard spoke to the item.

RECOMMENDATION *The City Commission (a) authorize the General Manager for Utilities, or his designee, to submit the claim to arbitration, and (b) authorize the General Manager or his designee, during the pendency of the arbitration, to negotiate with GREC a potential commercial resolution of the claim on terms mutually agreeable to the parties, subject to final approval of the City Commission and subject to City Attorney's opinion as to form and legality.*

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

Aye: 7 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Wells, Commissioner Bottcher, Commissioner Hawkins, Commissioner Chase, and Commissioner Hinson-Rawls

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE

PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE

PUBLIC SAFETY COMMITTEE

120206. Roam Towing and the Appeals Process (B)

Melyssa Henagan and Lee Libby made presentations.

Amendment: eliminate spotter language and remove time restriction in ordinance

Mike Webber and Donald Sheppard spoke to the matter.

RECOMMENDATION *The City Commission 1) hear a presentation on proposed amendments to Chapter 14.5 of the Code of Ordinances; 2) authorize the City Attorney to draft and the Clerk of the Commission to advertise the proposed amendments to Chapter 14.5, of the Code of Ordinances; and 3) request the City Manager design a resource for open accessibility pertaining to towing contracts and payments.*

A motion was made by Commissioner Hinson-Rawls, seconded by Mayor-Commissioner Pro Tem Poe, that this Matter be Approved as Amended. The motion carried by the following vote:

Aye: 7 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Wells, Commissioner Bottcher, Commissioner Hawkins, Commissioner Chase, and Commissioner Hinson-Rawls

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

COMMISSION COMMENTS (if time available)

Commissioner Chase discussd police in schools with Chief Jones commenting.

Commissioner Poe moved with Commissioner Wells seconding that that the City Manager coordinate with service providers and provide costs in dollars to 1., what is needed to fully fund a Police Task force on violence prevention and conflict resolution in youth 2., what are resources needed by mental health care providers in the community to fully fund needs 3., what would the School Board need to fully implement a violence prevention and violence in popular culture program in the schools and 4. direct the Police Chief to create an internal department to address violence prevention/conflict resolution. Motion carried 7-0.

Commissioner Hinson-Rauls moved with Commissioner Poe seconding to provide enhancements for Pine Ridge to include youth activities, code enforcement, SEPTED and rental issues and the City Manager to come back with an agenda item at a future meeting. Motion carried 7-0.

Commissioner Wells-Waldo Community Center meeting

Mayor Lowe-Gun violence

RECESS**RECONVENE****PLEDGE OF ALLEGIANCE (5:30pm)****PROCLAMATIONS/SPECIAL RECOGNITIONS****CITIZEN COMMENT (6:00pm) - Please sign on sign-up sheet**

*John Davies-Biomass
Mac McEachern-City Elections
Wilbur Hollaway-Biomass Lawsuit and South Main
Larry Collier-Eight Floors for College Park Buildings
Gabriel Hillel-Public Records Request*

PUBLIC HEARINGS

RESOLUTIONS- ROLL CALL REQUIRED**120574. Proposed Fiscal Year 2013 Annual Audit Plan (B)**

RECOMMENDATION *The City Commission approve the resolution.*

A motion was made by Commissioner Wells, seconded by Mayor-Commissioner Pro Tem Poe, that this Matter be Adopted. The motion carried by the following vote:

Aye: 7 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Wells, Commissioner Bottcher, Commissioner Hawkins, Commissioner Chase, and Commissioner Hinson-Rawls

120392. Water Conservation and Water Shortage Resolution (B)

RECOMMENDATION *The City Commission adopt the proposed Resolution.*

A motion was made by Commissioner Bottcher, seconded by Mayor-Commissioner Pro Tem Poe, that this Matter be Adopted. The motion carried by the following vote:

Aye: 7 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Wells, Commissioner Bottcher, Commissioner Hawkins, Commissioner Chase, and Commissioner Hinson-Rawls

ORDINANCES, 1ST READING- ROLL CALL REQUIRED**120175. TEXT CHANGE - UPDATE DENSITY REFERENCES IN UMU-1 & UMU-2 ZONING DISTRICTS (B)****Ordinance No. 120175; Petition No. PB-12-62 TCH**

An ordinance of the City of Gainesville, Florida, amending the Land Development Code Section 30-41 Establishment of zoning districts and categories; by correcting the density references for Urban mixed-use district 1 (UMU-1) and Urban mixed-use district 2 (UMU-2); providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Principal Planner Onelia Lazzari made a presentation.

RECOMMENDATION *The City Commission (1) approve Petition PB-12-62 TCH and (2) adopt the proposed ordinance.*

A motion was made by Mayor-Commissioner Pro Tem Poe, seconded by Commissioner Bottcher, that this Matter be Approved (Petition) and Adopted on First Reading (Ordinance). The motion carried by the following vote:

Aye: 7 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Wells, Commissioner Bottcher, Commissioner Hawkins, Commissioner Chase, and Commissioner Hinson-Rawls

120314. TEXT CHANGE - RELATING TO NATURAL AND ARCHEOLOGICAL RESOURCES AND REGULATED SURFACE WATERS AND WETLANDS (B)

Ordinance No. 120314; Petition No. PB-12-88 TCH

An ordinance of the City of Gainesville, Florida, relating to regulated natural and archeological resources and regulated surface waters and wetlands; amending Section 30-182(c) Pre-application conference for concept review; amending Section 30-183(e) Design plat specifications; amending Section 30-190(c) and (i) Cluster subdivisions; amending Section 30-216 Requirements and evaluation of PD; amending Section 30-254(i) commercial tree removal permits; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Lead Planner Dean Mimms made a presentation.

RECOMMENDATION

The City Commission (1) approve Petition PB-12-88 TCH and (2) adopt the proposed ordinance.

A motion was made by Mayor-Commissioner Pro Tem Poe, seconded by Commissioner Bottcher, that this Matter be Adopted on First Reading and Approved the Recommendations. The motion carried by the following vote:

Aye: 7 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Wells, Commissioner Bottcher, Commissioner Hawkins, Commissioner Chase, and Commissioner Hinson-Rawls

120210. REZONING - FOREST PARK - IN THE VICINITY OF 2000 SW 43RD STREET (B)

Ordinance No. 120210; Petition No. PB-12-38 ZON

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning approximately 24.7 acres of property located in the vicinity of 2000 SW 43rd Street, as more specifically described in this ordinance, from Alachua County Conservation district (C-1) to City of Gainesville Conservation district (CON) and Public service and operations district (PS); establishing uses permitted by right and minimum setbacks; excepting the requirement of a preliminary development plan for the portion of the property zoned Public services and operations district (PS); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Planner Jason Simmons made a presentation.

Amendment: waive requirement for a preliminary development plan for all existing uses at the site.

RECOMMENDATION

The City Commission (1) approve Petition PB-12-38 ZON and (2) adopt the proposed ordinance.

A motion was made by Mayor-Commissioner Pro Tem Poe, seconded by Commissioner Bottcher, that this Matter be Approved (Petition) and Adopted on First Reading (Ordinance), as modified. The motion carried by the following vote:

Aye: 7 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Wells, Commissioner Bottcher, Commissioner Hawkins, Commissioner Chase, and Commissioner Hinson-Rawls

**120585. MANAGEMENT EMPLOYMENT POLICIES OF GAINESVILLE
REGIONAL UTILITIES (B)**

Ordinance No. 120585

An ordinance of the City of Gainesville, Florida, amending Chapter 2 of the Code of Ordinances of the City of Gainesville by amending Section 2-196 to designate additional Directors of Departments who the General Manager for Utilities may appoint and remove at will; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date and limited prospective application.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

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

Aye: 7 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Wells, Commissioner Bottcher, Commissioner Hawkins, Commissioner Chase, and Commissioner Hinson-Rawls

120369. CHARTER LAW AMENDMENTS TO TRANSITION TO 4-YEAR CITY COMMISSION TERMS OF OFFICE AND TO HOLD ELECTIONS IN ODD-NUMBERED YEARS (B)

Ordinance No. 120369

An ordinance of the City of Gainesville, Florida; proposing an amendment to the Charter Laws of the City of Gainesville; amending Article II of the Charter Laws, entitled City Commission, by requiring regular municipal elections to be held every other year in odd-numbered years rather than every year, by changing the terms of office of the Mayor and City Commissioners from 3-year terms to 4-year terms, by providing transitional terms of office at specified lengths to achieve the changes; by specifying the commencement date of terms of office; providing for submission of the charter amendment to the voters for approval or disapproval at the March 19, 2013 regular municipal election; approving the question to be placed on the ballot; providing that this charter amendment shall become effective if approved by the voters; providing directions to the codifier; providing directions to the clerk of the commission; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Robert Pearce, Rob Brinkman, Jo Beaty and Donald Sheppard spoke to the matter.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

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

Aye: 6 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Wells, Commissioner Bottcher, Commissioner Chase, and Commissioner Hinson-Rawls

Nay: 1 - Commissioner Hawkins

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

120304. REZONING - TAX PARCEL 06724-000-000 (B)

Ordinance No. 120304; Petition No. PB-12-86 ZON

An ordinance amending the Zoning Map Atlas of the City of Gainesville, Florida, by rezoning approximately 44 acres of property generally located north of SW 18th Place, west of SW 38th Terrace, east of SW 40th Terrace, and south of SW 9th Place, as more specifically described in this ordinance, from the Alachua County zoning categories of Agriculture (A) and Multiple family, high density (R-3) to the City of Gainesville zoning categories of Conservation (CON) and Urban mixed-use district 2 (UMU-2); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

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

Aye: 6 - Mayor-Commissioner Pro Tem Poe, Commissioner Wells, Commissioner Bottcher, Commissioner Hawkins, Commissioner Chase, and Commissioner Hinson-Rawls

Absent: 1 - Mayor Lowe

120023. OUTDOOR LIGHTING - TEXT CHANGE (B)

Ordinance No. 120023; Petition No. PB-12-40 TCH

An ordinance of the City of Gainesville, Florida, amending the Land Development Code relating to outdoor lighting; by adding new definitions to Section 30-23 Definitions; by deleting a subsection of Section 30-93 Gasoline and alternative fuel service stations (GN-554), and food stores (MG-54) with accessory gasoline and alternative fuel pumps; by amending Section 30-114 Off-site parking facilities for uses in MU-1 or MU-2 districts; by deleting a subsection of Section 30-160 Submittal requirements; by amending a subsection of Section 30-307 Nature park district; by deleting a subsection of Section 30-330 Design requirements for vehicle parking; by adding a new Section 30-344 Outdoor lighting; by deleting subsections of Section 30-345 General performance standards; by deleting Section 30-345.1 Nonconforming luminaires; by deleting a subsection of Appendix A. - Special Area Plans, Section 4. - Special Area Plan For Traditional City; by amending a subsection of Appendix A. - Special Area Plans, Section 8. - Special Area Plan Southeast Gainesville Renaissance Initiative Area; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Planning Manager Ralph Hilliard made a presentation.

Citizens Pat Fitzpatrick and Rob Brinkman spoke to the matter.

Note: Pine Ridge lighting referred to City Manager

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

A motion was made by Mayor-Commissioner Pro Tem Poe, seconded by Commissioner Hawkins, that this Matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:

Aye: 6 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Wells, Commissioner Bottcher, Commissioner Hawkins, and Commissioner Chase

Nay: 1 - Commissioner Hinson-Rawls

120730. Lighting at Ironwood Golf Course(NB)

A motion was made by Commissioner Wells, seconded by Commissioner Hawkins, that this Matter be Assigned. The motion carried by the following vote:

Aye: 7 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Wells, Commissioner Bottcher, Commissioner Hawkins, Commissioner Chase, and Commissioner Hinson-Rawls

**120326. PLANNED DEVELOPMENT AMENDMENT - ONE COLLEGE PARK
(B)**

Ordinance No. 120326; Petition No. PB-12-83 PDA

An ordinance of the City of Gainesville, Florida, amending the Planned Development commonly known as "One College Park" located in the vicinity of the 1700 block between NW 1st Avenue and NW 2nd Avenue; by amending City of Gainesville Ordinance No. 080753 that rezoned the property to Planned Development and adopted the Development Plan; amending the Planned Development to add "dormitory" as defined in this Ordinance to the list of uses permitted by right under certain conditions; defining "dormitory"; adopting a revised development plan report and revised development plan maps; acknowledging extension granted pursuant to Ordinance No. 120129; providing a severability clause; and providing an immediate effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

A motion was made by Mayor-Commissioner Pro Tem Poe, seconded by Commissioner Bottcher, that this Matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:

Aye: 6 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Wells, Commissioner Bottcher, Commissioner Hawkins, and Commissioner Hinson-Rawls

Absent: 1 - Commissioner Chase

**120311. ELECTION DISTRICTS - REDISTRICTING BASED ON 2010
CENSUS DATA (B)**

Ordinance No. 120311

An ordinance of the City of Gainesville, Florida, amending Section 9-1.1 Election districts of the Code of Ordinances by redistricting the City of Gainesville into four ratably or equally proportioned election districts as required by law; making findings; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Donald Sheppard, Armando Grundy and Ernesto Martinez spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

Aye: 7 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Wells, Commissioner Bottcher, Commissioner Hawkins, Commissioner Chase, and Commissioner Hinson-Rawls

120438. AMENDMENT TO RATE SCHEDULE FOR SOLAR FEED-IN-TARIFF PROGRAM (B)

Ordinance No. 120438

An ordinance of the City of Gainesville, Florida, amending Appendix A, Utilities, (1) Electricity, i. Distributed Resources Rates, 1. General Provision, (C) Solar Energy Purchase Agreement/Solar Feed In-Tariff (SEPA), (vii), of the Code of Ordinances of the City of Gainesville, by amending rates for the Solar Feed-in-Tariff program; 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.

Donald Sheppard, Rob Brinkman and Ernesto Martinez spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

A motion was made by Mayor-Commissioner Pro Tem Poe, seconded by Commissioner Bottcher, that this Matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:

Aye: 7 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Wells, Commissioner Bottcher, Commissioner Hawkins, Commissioner Chase, and Commissioner Hinson-Rawls

PLAN BOARD PETITIONS

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

**120631. GAINESVILLE CITIZENS CARE, INC. VS. CITY OF GAINESVILLE
d/b/a GAINESVILLE REGIONAL UTILITIES AND GAINESVILLE
RENEWABLE ENERGY CENTER, LLC; EIGHTH JUDICIAL
CIRCUIT, CASE NO. 2012-CA-1346 (B)**

City Attorney Liz Waratuke, Attorney David Dee and Attorney Marcy Lahart made presentations.

Donald Sheppard, Debbie Martinez, Don Glendening, Armando Grundy, Ernesto Martinez and Rob Brinkman spoke to the matter.

Commissioner Poe moved with Commissioner Hawkins seconding to hold the biomass work-shop on January 9th at 4:00PM. Motion carried 7-0.

RECOMMENDATION *Approve the terms of the proposed Settlement Agreement reached between representatives of the City and Gainesville Citizens Care, Inc. in Case Number 2012-CA-1346, and authorize the Clerk of the Commission to schedule a public workshop in accord with the terms of the Settlement Agreement.*

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

Aye: 4 - Mayor-Commissioner Pro Tem Poe, Commissioner Wells, Commissioner Hawkins, and Commissioner Chase

Nay: 3 - Mayor Lowe, Commissioner Bottcher, and Commissioner Hinson-Rawls

UNFINISHED BUSINESS

COMMISSION COMMENT

Commissioners Poe and Hinson-Rauls left the meeting at 9:46PM.

Commissioner Wells-Tour of Correctional Institute-Fred Murry spoke to the matter

CITIZEN COMMENT (If time available)

Rob Brinkman-Airplane story

ADJOURNMENT (no later than 11:00PM - Mayor to schedule date and time to continue meeting)

9:52PM