

City of Gainesville

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



Meeting Minutes

Thursday, October 1, 2009

1:00 PM

City Hall Auditorium

City Commission

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

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

CALL TO ORDER - Approximately 1:03 PM

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ROLL CALL

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

INVOCATION

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CONSENT AGENDA

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

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

MODIFICATIONS:

- 1. File #090410 - Increase in Refuse Rates - (Revised text file after the agenda was released).*
- 2. File #090457 Grog House vs. City of Gainesville - (Revised Recommendation: "The City Commission receive a report that an appeal has been filed in this case"; and additional back-up submitted.)*
- 3. File #090460 - (New Item) East Gainesville Development Partners LLC, A Florida Limited Liability Company vs. City of Gainesville, Case No. 01-2009-CA-4848 - (Add to the Consent Agenda).*
- 4. File #090449 - National League of Cities Voting Delegate - (Remove from the Consent Agenda and place on the Regular Agenda for discussion).*
- 5. File #090395 - Federal LECFTF Funding for the Joint Aviation Unit - (Remove from the Consent Agenda and place on the Regular Agenda for discussion).*

CITY MANAGER, CONSENT AGENDA ITEMS

090396. Federal LECFTF Funding for Police Explorer Post 917 For Computer Technology Upgrades (NB)

RECOMMENDATION

The City Commission approve the appropriation of the amount of \$5,000 from the Federal Law Enforcement

Contraband Forfeiture Trust Fund for the computer technology upgrade for the Gainesville Police Explorer Program.

Alternative Recommendation A: The City Commission deny funding.

This Matter was Approved as Recommended on the Consent Agenda.

090397. Federal LECFTF Funding for Black on Black Crime Task Force for the Reichert House Youth Program (NB)

RECOMMENDATION *The City Commission approve the appropriation of the amount of \$20,000 from the Federal Law Enforcement Contraband Forfeiture Trust Fund for the technology upgrade for the Reichert House Program.*

Alternative Recommendation A: The City Commission deny funding.

This Matter was Approved as Recommended on the Consent Agenda.

090400. Federal Law Enforcement Contraband Forfeiture Trust Fund (LECFTF) Funding for Mounted Unit Operating Budget for FY2010 (B)

RECOMMENDATION *The City Commission approve the appropriation of \$59,311.00 from the Federal Law Enforcement Contraband Forfeiture Trust Fund for the operation of the Mounted Unit.*

This Matter was Approved as Recommended on the Consent Agenda.

090400_Mted Unit Budg2010_20091001.pdf

090402. Agreement with the Department of Juvenile Justice to Provide Security at the Gainesville Area Regional Booking and Screening Unit (B)

This item requests the City Commission's authorization to enter into an agreement with the Department of Juvenile Justice for operational costs of the Gainesville Area Regional Booking and Screening Unit (formerly called the Juvenile Assessment Center).

RECOMMENDATION *The City Commission authorize the City Manager to execute the agreement with the Department of Juvenile Justice, subject to the approval of the City Attorney as to form and legality, and authorize the issuance of a purchase order in an*

amount not to exceed \$90,000 for this agreement.

This Matter was Approved as Recommended on the Consent Agenda.

090402_JACAgreemt_20091001.pdf
090402a_SoleSourceJAC_20091001.pdf

090406.

Bid Award - Annual Contract for Provision of Asphalt (B)

This item is a request for the City Commission to authorize bid awards to John C. Hipp Construction Equipment Company and V.E. Whitehurst & Sons, Inc., for delivery and placement of asphalt.

RECOMMENDATION *Recommended Motion: The City Commission: 1) award of bid to John C. Hipp Construction Equipment Company and V.E. Whitehurst & Sons, Inc. for Annual Asphalt Concrete Surfacing; and 2) authorize the City Manager to execute any and all related documents for delivery and placement of asphalt, subject to approval of the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

090406_BidTab_20091001.pdf

090407.

Bid Award - Annual Contract for Provision of Plant Mix Asphalt Concrete (B)

This item is a request for the City Commission to authorize bid awards to V.E. Whitehurst & Sons, Inc., John C. Hipp Construction Equipment Company, and APAC Southeast, Inc., for pickup of asphalt.

RECOMMENDATION *Recommended Motion: The City Commission: 1) award bid to John C. Hipp Construction Equipment Company, APAC Southeast, Inc. and V.E. Whitehurst for Annual Plant Mix Asphalt Concrete; and 2) authorize the City Manager to execute any and all related documents for pickup of asphalt, subject to approval of the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

090407_BidTab_20091001.pdf

090408.

Bid Award - Duval Stormwater Park Drainage Improvements and Nature Path (B)

This item is a request for the City Commission to authorize the bid award in the amount of \$543,700 to Commercial Industrial Corporation for the Duval Stormwater Park Drainage Improvements and Nature Path for construction of a drainage system, stormwater treatment pond, and nature path located between

NE 5th Avenue and NE 8th Avenue and NE 21st Street and NE 24th Street in the Duval Neighborhood.

RECOMMENDATION

Recommended Motion: The City Commission: 1) award the bid to Commercial Industrial Corporation for the construction of Duval Stormwater Park Drainage Improvements and Nature Path for construction of a drainage system, stormwater treatment pond, and nature path; 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 \$543,700.

This Matter was Approved as Recommended on the Consent Agenda.

090408_BidTab_20091001.pdf

090410.

Increase in Refuse Rates (B)

This item is a request for the City Commission to authorize an increase in the monthly Rates for Solid Waste Collection and some associated charges posted in Appendix A Schedule of Fees, Rates and Charges.

RECOMMENDATION

Recommended Motion: The City Commission: 1) authorize the City Attorney to draft and the Clerk of the Commission to advertise an ordinance amending Appendix A of the City Code by increasing certain residential solid waste collection rates for FY2010-FY2011 with an effective date of December 1, 2009; and 2) approve a rate increase by 5% every 2 years in accordance with the normal schedule for Appendix A beginning in FY 2012.

This Matter was Approved as Recommended on the Consent Agenda.

090410_AppendixA_ord_20091001.pdf

090410_Draft Ordinance_20091105.pdf

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

090453.

Amendment to the Contract for Aerial Units (NB)

Staff recommends extending the term of the contract with Altec Industries, Inc. for aerial units.

RECOMMENDATION

The City Commission: 1) authorize the General Manager, or his designee, to negotiate and execute a one-year amendment to the agreement for aerial units with Altec Industries, Inc., subject to the approval of the City Attorney as to form and legality; and 2) approve the issuance of purchase orders to Altec Industries, Inc. in amounts not exceeding budgeted funds for FY 2010, subject to the final appropriation of funds

for FY 2010.

This Matter was Approved as Recommended on the Consent Agenda.

CITY ATTORNEY, CONSENT AGENDA ITEMS

090457. Grog House vs. City of Gainesville; Alachua County Circuit Court; Case No.: 01-05-CA-2181. (NB)

[Play Video](#)

RECOMMENDATION *The City Commission receive a report that an appeal has been filed in this case.*

This Matter was Approved as Recommended on the Consent Agenda.

090457_MOD_Grog House memo_20091001.pdf

090429. Jarod Rappaport vs. the Gainesville Police Department; FCHR No.: 200902268 and EEOC Charge No.: 15D200900829. (B)

RECOMMENDATION *The City Commission authorize the City Attorney to represent the City in the case styled Jarod Rappaport vs. the Gainesville Police Department; FCHR No.: 200902268 and EEOC Charge No.: 15D200900829.*

This Matter was Approved as Recommended on the Consent Agenda.

090429_RappaportFCHRclaim_20091001.pdf

090460. East Gainesville Development Partners LLC, A Florida Limited Liability Company vs. City of Gainesville, Case No. 01-2009-CA-4848 (B)

RECOMMENDATION *The City Commission authorize the City Attorney and/or outside counsel as appropriate to represent the City in the matter styled East Gainesville Development Partners LLC, A Florida Limited Liability Company vs. City of Gainesville, Case No. 01-2009-CA-4848.*

This Matter was Approved as Recommended on the Consent Agenda.

090460_EastGainesvilleDevelopment_20091001.pdf

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

090450. **Equal Opportunity Director Interviews (NB)**

RECOMMENDATION *The City Commission schedule a special meeting for October 5, 2009, at 8:00 A.M.*

This Matter was Approved as Recommended on the Consent Agenda.

090412. **City Commission Minutes (B)**

RECOMMENDATION *The City Commission approve the minutes of August 31, 2009; September 3, 2009; September 14, 2009; and September 17, 2009; as circulated.*

This Matter was Approved as Recommended on the Consent Agenda.

090412_8-31-09_minutes_20091001.pdf
090412a_9-03-09_minutes_20081001.pdf
090412b_9-14-09_minutes_20091001pdf.pdf
090412c_9-17-09_minutes_20091001.pdf

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**COMMITTEE REPORTS, CONSENT AGENDA ITEMS****ECONOMIC DEVELOPMENT UNIVERSITY/COMMUNITY COMMITTEE****090420.** **Economic Development University Community Committee EDUCC - Referrals (B)**

This item seeks City Commission approval of Economic Development University Community Committee (EDUCC) action on proposed and pending referrals.

RECOMMENDATION *The City Commission: Approve the EDUCC's recommendation regarding action on proposed and pending referrals.*

Alternative: The City Commission deny the EDUCC's recommendation regarding action of proposed and pending referrals.

This Matter was Approved as Recommended on the Consent Agenda.

090420_EDUCC Referrals_20091001.pdf

Passed The Consent Agenda

A motion was made by Commissioner Lowe, seconded by Commissioner Poe, including all the preceding items marked as having been adopted on the Consent Agenda. The motion carried by the following vote:

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

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

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

MODIFICATIONS:

- 1. File #090466 - Mayor Peegen Hanrahan - Halloween Festivities - (Add to the agenda).*
- 2. File #090394 - Resolution for a Joint Participation Agreement - State Block Grant Funds for RTS Operating Assistance for FY 2009-2010 - (Revised text after agenda was released).*
- 3. File #090294 - (Ordinance) Environmental Review Fees - (Additional back-up submitted).*
- 4. File #090350 - (Ordinance) - Amendments to Solar Feed-In Tariff Ordinance - (Replacement back-up submitted).*

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

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090449.

National League of Cities Business Meeting (B)

[Play Video](#)

MOTION: 1) Designate Commissioner Craig Lowe as the voting delegate for the

National League of Cities meeting in November; and 2) if another Commissioner comes forward, appoint an alternate.

NOTE: Commissioner Henry entered the meeting room during this item.

RECOMMENDATION *The City Commission designate Commissioner Craig Lowe as the voting delegate.*

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

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

090449_20091001.pdf

CITY MANAGER

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090441.

Alachua County/City of Gainesville Senior Recreation Center (B)

This is a request for the City Commission to approve staff's recommended ranking of the Design Build firms for the Design and Construction of the Alachua County/City of Gainesville Senior Recreation Center at Northside Park.

[Play Video](#)

Finance Manager Mark Benton and Assistant City Attorney Charles Hauck gave presentations.

RECOMMENDATION *The City Commission: 1) approve staff's recommended ranking of the Design Build Firms; and 2) authorize the City Manager to negotiate and execute a contract and any related documents, subject to approval from the City Attorney as to form and legality, for the Design and Construction of the Alachua County/City of Gainesville Senior Recreation Center at Northside Park.*

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

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

090441_Ranking_20091001.pdf

090441_Additional Purchasing Docs_20091001.pdf

090395.

Federal LECFTF Funding for the Joint Aviation Unit (B)

[Play Video](#)

Police Chief Tony Jones and Lt. Keith Kameg gave presentations.

Chair Hanrahan recognized Tana Silva and Mary Anderson who spoke to the matter.

RECOMMENDATION *The City Commission approve the appropriation of the amount of \$116,065.00 from the Federal Law Enforcement Contraband Forfeiture Trust Fund for Joint Aviation Unit budget.*

Alternative Recommendation A: The City Commission deny funding.

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

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

090395_JAC2010Budg_20091001.pdf

GENERAL MANAGER FOR UTILITIES

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090454.

Third Year Status Report of Plan to Achieve Maximum Energy Efficiency (B)

The City Commission has asked the staff to implement programs to help achieve maximum energy efficiency and provide quarterly reports regarding progress.

[Play Video](#)

GRU Senior Account Representative Bill Shepherd and Jamie Vershage with Strategic Planning gave presentations.

RECOMMENDATION *The City Commission hear a presentation from staff of the three year results along with status of measurement, verification, evaluation and modifications to the programs.*

Heard

090454_3rdYearReport_20091001.pdf

CITY ATTORNEY

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The City Commission briefly discussed File #090457 Grog House vs. City of Gainesville from the Consent Agenda.

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR**COMMITTEE REPORTS (PULLED FROM CONSENT)****ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)****OUTSIDE AGENCIES****MEMBERS OF THE CITY COMMISSION**

[Play Video](#)

090466. Mayor Pegeen Hanrahan - Halloween Festivities - (NB)

RECOMMENDATION *The City Commission discuss Halloween Festivities and take action deemed appropriate.*

Discussed

COMMISSION COMMENTS (if time available)

[Play Video](#)

Mayor-Commissioner Pro Tem Scherwin Henry

1. Eastside Annexation Meetings:

Saturday, October 3, 2009 @ 11:00 AM - Eastside High School - Hollinger Hall.

Monday, October 5, 2009 @ 5:30 PM - African American Accountability Alliance Meeting at the Health Department.

Tuesday, October 6, 2009 @ 6:30 PM - Eastside High School - Hollinger Hall.

2. Cotton Club and Cade Museum referral to the Recreation, Cultural Affairs & Public Works Committee. See following referral item #090478.

090478. Cotton Club and Cade Museum Request for Presentations (NB)

RECOMMENDATION *The City Commission request that representatives from the Cotton Club and the Cade Museum make presentations to the Recreation, Cultural Affairs and Public Works Committee.*

A motion was made by Mayor-Commissioner Pro Tem Henry, seconded by Commissioner Poe, that this matter be Referred to the Recreation, Cultural Affairs and Public Works Committee, due back on April 1, 2010. The motion carried by the following vote:

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

Commissioner Jack Donovan

Broward County Petition to President Obama calling for an ending of the ban on gays and lesbians in the military. See following referral item #090479.

090479.

Ending the Ban of Gays and Lesbians in the US Military - Broward County Action (NB)

RECOMMENDATION

The City Commission refer to EO staff to: 1) Find out what steps Broward County took regarding this issue; 2) find out what legislation the President and his advisors are working on; 3) bring back a report to the City Commission with options to pursue; and 4) request that Legislative staff work on this also.

A motion was made by Commissioner Donovan, seconded by Commissioner Poe, that this matter be Referred to the Equal Opportunity Director, due back on April 1, 2010. The motion carried by the following vote:

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

RECESS - 3:00 PM

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RECONVENE - 5:35 PM

[Play Video](#)

PLEDGE OF ALLEGIANCE (5:30pm)

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PROCLAMATIONS/SPECIAL RECOGNITIONS

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090442.**Fire Prevention Week - October 4-10, 2009 (B)**[Play Video](#)**RECOMMENDATION**

Gainesville Fire Rescue Risk Reduction Bureau Deputy Chief Tim Hayes and Risk Reduction Specialist Krista Gonzalez to accept the proclamation.

Heard

090442_Fire_20091001.DOC.pdf

090443.**Displaced Homemaker Program Appreciation Day - October 29, 2009 (B)**[Play Video](#)**RECOMMENDATION**

Displaced Homemaker Program Coordinator Nancy Griffin to accept the proclamation.

Heard

090443_Displaced_20091001.DOC.pdf

090444.**Shands AGH Recognition Day - October 9, 2009 (B)**[Play Video](#)**RECOMMENDATION**

Shands HealthCare CEO Tim Goldfarb to accept the proclamation.

Heard

090444_ShandsProc_20091001.pdf

090445.**Meet the Blind Day - October 10, 2009 (B)**[Play Video](#)**RECOMMENDATION**

Gainesville Chapter, National Federation of the Blind of Florida Chapter President Judith Hamilton and Chapter Vice President Carol Massey to accept the proclamation.

Heard

090445_Blind_20091001.DOC.pdf

090446.**White Cane Safety Awareness Month - October 2009 (B)**[Play Video](#)

RECOMMENDATION

Alachua County Council of the Blind President Maxine Stallings and Vice President Spencer Morton to accept the proclamation.

Heard

090446_WhiteCaneProc_20091001.pdf

CITIZEN COMMENT

[Play Video](#)

Patricia Kahn

Radiant Hands Charity - Invitation to the Commissioners.

Judy Raymond

Employment Issues.

Armando Grundy-Gomez

- 1. GPD Issues.*
- 2. SW 23rd Terrace - Streetlights.*
- 3. RTS after 7:00 PM Downtown.*
- 4. Fire Services Consolidation.*

Walter Willard

Various Issues.

PUBLIC HEARINGS**RESOLUTIONS- ROLL CALL REQUIRED**

[Play Video](#)

090393.**Resolution to Support Proposed FDEP Rulemaking (B)**

This item is a Resolution authorizing staff to communicate the City Commission's support for proposed rulemaking by the Florida Department of Environmental Protection (FDEP) to establish a more refined surface water classification system which is an integral part of the Total Maximum Daily Load Program.

[Play Video](#)

Assistant Public Works Director Don Hambidge gave a presentation.

RECOMMENDATION *Recommended Motion: The City Commission: 1) adopt the Resolution; and 2) authorize the Mayor to execute and the Clerk to attest same, subject to the approval of the City Attorney as to form and legality.*

A motion was made by Commissioner Hawkins, seconded by Commissioner Poe, that this matter be Continued for October 15, 2009. The motion carried by the following vote:

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

090393_Resolution_20091001.pdf

090393a_Memo_20091015.pdf

090393b_Memo_20091015.pdf

090393_MODFDEP Rule_20091015.pdf

090394.

Resolution for a Joint Participation Agreement - State Block Grant Funds for RTS Operating Assistance for FY 2009-2010 (B)

This item is a request to adopt a Resolution authorizing the City Manager to execute a Joint Participation Agreement between the City of Gainesville and Florida Department of Transportation (FDOT) to accept the allocation for Gainesville of \$1,372,606 from the State Block Grant Funds for FY 2009-2010.

[Play Video](#)

Chair Hanrahan recognized Walter Willard who spoke to the matter.

RECOMMENDATION *Recommended Motion: The City Commission: 1) adopt the Resolution.*

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

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

090394_Resolution_20091001.pdf

090394_Agreement_20091001.pdf

090394_resolution_20091001.pdf

090380.

Resolution of the Gainesville City Commission Supporting an Alachua County Charter Amendment Preserving the Principles of Municipal Home Rule (B)

At the request of the Alachua County League of Cities, this agenda item provides a resolution for Commission consideration supporting an Alachua County Charter Amendment preserving the principals of municipal home rule.

[Play Video](#)

MOTION: Adopt Resolution "A".

RECOMMENDATION *The City Commission consider the original resolution approved by the Alachua County League of Cities, and an alternate version prepared by the City Attorney that is more specific to the potential change in the Alachua County Charter, and approve the preferred resolution.*

A motion was made by Commissioner Hawkins, seconded by Commissioner Poe, that this matter be Adopted (Resolution) and approved as shown above. The motion carried by the following vote:

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

090380_Resolution_20090917.PDF
090380_Sample_20090917.pdf
090380A_Resolution-Final_20091001.PDF
090380B_Resolution-Original_20091001.PDF
090380C_FAQ_20091001.PDF
090380_resolution_20091001.pdf

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

[Play Video](#)

090294.

ENVIRONMENTAL REVIEW FEES (B)

Ordinance No. 0-09-65; Petition No. PZ-09-76 TCH

An ordinance of the City of Gainesville, Florida, relating to environmental review fees; amending section 30-250 of the Land Development Code of the City of Gainesville by creating an environmental review process and requirements; and amending Appendix A, Schedule of Fees, Rates and Charges, of the Code of Ordinances of the City of Gainesville to add fees for environmental review; providing directions to the codifier; providing a severability clause; and providing an immediate effective date.

[Play Video](#)

Environmental Coordinator Mark Garland gave a presentation.

RECOMMENDATION *The City Commission (1) approve Petition No. PZ-09-76 TCH and (2) adopt the proposed ordinance.*

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

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

090294_staff report_20091001.pdf
090294A_cpb text amend appl_20091001.pdf
090294B_cpb minutes_20091001.pdf
090294_Draft Ordinance_20091001.pdf
090294_MOD-Comparison Table_20091001.PDF

090296.**PROHIBITING SMOKING AT THE ROSA PARKS RTS DOWNTOWN STATION (B)****Ordinance No. 0-09-58**

An ordinance of the City of Gainesville, Florida, relating to outdoor smoking at a City Facility; providing legislative findings, creating Article IV in Chapter 11.5 of the Code of Ordinances; creating new sections §11.5-40 through 11.5-43; prohibiting of smoking at the Rosa Parks RTS Downtown Station, except for designated smoking areas; and providing for penalties; amending § 2-339 of the Code of Ordinances to permit enforcement by civil citation, providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

[Play Video](#)

City Attorney's Office Extern Jennifer Cohen and RTS Director Jesus Gomez gave presentations.

Chair Hanrahan recognized Walter Willard and Michael Bowie who spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

090296_Prohibition of Smoking_20090820.pdf
090296_draft ordinance_20091001.pdf

090297.**RIGHT-OF-WAY OBSTRUCTIONS AND STREET CLOSURES (B)****Ordinance No. 0-09-13**

An ordinance of the City of Gainesville, Florida, relating to right-of-way obstructions and street closures; stating legislative findings, amending Article III of Chapter 23 of the Code of Ordinances; providing for permits and requirements for obstructions and street closures; providing additional regulations for cranes, hoists and other mechanical apparatus; providing exemptions; renumbering § 23-36 relating to obstructing streets; renumbering § 23-38 relating to trees and waste; providing penalties; renumbering, transferring and amending § 19-95 relating to vendors' stands; renumbering and transferring § 23-42 to a new Article in Chapter 26 relating to parades and assemblies on

streets; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

[Play Video](#)

City Attorney's Office Extern Ikuko Ikeda gave a presentation.

Chair Hanrahan recognized Jack Hughes who spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

090297_Obstructions of Rights-of-way_20090820.pdf

090297_draft ordinance_20091001.pdf

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

[Play Video](#)

090350.

AMENDMENTS TO SOLAR FEED-IN TARIFF ORDINANCE (B)

ORDINANCE NO. 0-09-57

AN ORDINANCE AMENDING CHAPTER 27, APPENDIX A, SECTION UTILITIES (1) ELECTRICITY OF THE GAINESVILLE CODE OF ORDINANCES, PROVIDING FOR THE PURCHASE OF SOLAR GENERATED ENERGY THROUGH A SOLAR ENERGY PURCHASE AGREEMENT FOR ALL CLASSES BY ADDING CLARIFYING LANGUAGE TO FEED-IN-TARIFF PROVISIONS; AMENDING NET METERING DISTRIBUTED RESOURCE(S) RATES FOR GENERAL SERVICE AND LARGE POWER CLASSES TO EXTEND NET METERING APPLICABILITY TO GENERAL SERVICE CUSTOMERS; ADDING A MONTHLY CUSTOMER SERVICE CHARGE FOR FEED-IN-TARIFF; PROVIDING A REPEALING CLAUSE; PROVIDING DIRECTIONS TO THE CODIFIER; PROVIDING A SEVERABILITY CLAUSE; AND, PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[Play Video](#)

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

Absent: Jack Donovan

090350_draft ordinance_20090917.pdf
090350_ordinance_20091001.pdf

090326.**OPEN AND OUTDOOR BURNING (B)****Ordinance No. 0-09-53**

An ordinance of the City of Gainesville relating to open and outdoor burning and pyrotechnic display; creating and adding a new Article VI titled Open and Outdoor Burning to Chapter 10 of the City of Gainesville Code of Ordinances, providing for purpose; providing for applicability and exceptions; providing for definitions; providing general prohibitions; providing for permits; providing for voiding permits; providing review process for voided permits; providing requirements to burn for fire suppression training; providing for permit fees; providing for liability; providing for inspections; providing for enforcement and civil penalties; providing a repealing clause and providing an immediate effective date.

[Play Video](#)

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

090326_Draft Ordinance_20090917.pdf
090326_Amended Draft Ordinance_20091001.pdf
090326_ordinance_20091001.pdf

PLAN BOARD PETITIONS

[Play Video](#)

090385.**Nonconforming Use SW 20th Avenue (B)**

Petition PB-09-105 MISC. Ricardo Cavallino, agent for MRA Corporation. A request to change to another non-conforming use in accordance with section 408.12 of the Alachua County Unified Land Development Code for recently annexed property located at 4370 Southwest 20th Avenue. Proposed Use: eating place. Tax parcel no. 06745-002-003.

[Play Video](#)

Planning Manager Ralph Hilliard and Ricardo Cavillino gave presentations.

RECOMMENDATION *City Plan Board recommends the City Commission approve the petition.
Staff to the City Plan Board, approve the petition.*

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

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

090385_staff report_20091001.pdf
090385A_title 40 chapter 408_20091001.pdf
090385B_RCA request ltr_20091001.pdf
090385C_petitioner appl_20091001.pdf
090385D_cpb minutes draft_20091001.pdf
090385E_petitioner ppt_20091001.PDF

090389.

Possum Creek Park PS Zoning (B)

Petition PZ-09-53. City of Gainesville Parks, Recreation, and Cultural Affairs, agent for City of Gainesville. Amend the PS (Public services and operations) district to establish permitted uses and development standards. Development plan review for construction of a skate park facility, off-leash dog area, and walking trail with associated parking and stormwater facilities. Located at 4009 Northwest 53rd Ave.

[Play Video](#)

DISCLOSURE OF EX-PARTE COMMUNICATION:

*Commissioner Thomas Hawkins - Jayne Dunnigan.
Mayor Peegen Hanrahan - Marion Harris and Jack Hughes.
Commissioner Craig Lowe - Jayne Dunnigan.
Commissioner Jeanna Mastrodicasa - Jayne Dunnigan.
Commissioner Lauren Poe - Jayne Dunnigan.*

STAFF PRESENTATION: Senior Planner Scott Wright, Parks, Recreation and Cultural Affairs Director Steve Phillips and GPD District One Captain Bart Knowles gave presentations.

CITIZEN COMMENT: Chair Hanrahan recognized the following citizens who spoke to the matter:

- 1. Jack Hughes*
- 2. Josh Newman*
- 3. Andy Anderson*
- 4. Eric Knutson*
- 5. Denise Denny*
- 6. Armando Grundy*
- 7. Susan Tipton*
- 8. Marion Harris*
- 9. Collin Reed*
- 10. Deborah Lafferty*
- 11. Jeff Capehart*
- 12. Jayne Dunnigan*

13. Warren Michael
14. Mark Bunsky
15. Al Braun
16. Sean Bolis
17. Warren Meek
18. Kevin Davenport

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition PZ-09-53.

Staff to City Commission - Approve Petition PZ-09-53.

Alternate Recommendations - The City Commission deny Petition PZ-09-53.

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

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

090389_staff report_20091001.pdf
090389B_neighborhood wkshp_20091001.pdf
090389C_prelim dev plans_20091001.pdf
090389D_residents homeowners pet_20091001.pdf
090389E_cpb minutes_20091001.pdf
090389F_staff ppt_20091001.PDF
090389A_TRC comments_20091001.pdf
090389_petition_20091001.pdf

090384.**Appendix F Airport Hazard Zoning Regulations (B)**

Petition PB-09-82 TCH. City of Gainesville. Amend Chapter 30, Appendix F Airport Hazard Zoning regulations to update the code requirements for regulating the use of land and amending the airport Noise Zone map.

Play Video

STAFF PRESENTATION: Planning Manager Ralph Hilliard and Consultant Ted Baldwin gave presentations.

PETITIONER PRESENTATION: Attorneys for the Petitioner Ron Carpenter and Dan Reimer gave presentations.

NOTE: Mr. Baldwin and Mr. Reimer presented to the City Commission via telephone.

CITIZEN COMMENT: Chair Hanrahan recognized Janet Woods, Carl Wilkin, Kevin Claney, Airport CEO Alan Penksa, Ed Jennings, Jr., and Armando Grundy who spoke to the matter.

*WAIVER OF RULES: Commissioner Hawkins moved and Commissioner Lowe seconded to waive the rules to extend the meeting to 11:20 PM.
(VOTE: 7-0, MOTION CARRIED)*

*MOTION: Commissioner Hawkins moved and Commissioner Poe seconded to approve the petition as recommended by staff.
(VOTE: 7-0, MOTION CARRIED)*

*WAIVER OF RULES: Commissioner Lowe moved and Commissioner Donovan seconded to waive the rules to extend the meeting to 11:25 PM.
(VOTE: 6-1, Commissioner Poe - No, MOTION CARRIED)*

RECOMMENDATION *City Plan Board to City Commission, approve the petition as recommended by staff.
Staff to the City Plan Board, approve the petition.*

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

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

090384A_hmmh memo_20091001.pdf

090384B_appendix F_20091001.pdf

090384C_maps_20091001.pdf

090384D_text amendment appl_20091001.pdf

090384E_cpb minutes draft_20091001.pdf

090384F_staff ppt_20091001.PDF

090384_staff report_20091001.pdf

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

UNFINISHED BUSINESS

COMMISSION COMMENT

CITIZEN COMMENT (If time available)

ADJOURNMENT - 11:21 PM

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Kurt M. Lannon, Clerk of the Commission