

City of Gainesville

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



Meeting Minutes

Monday, January 28, 2008

1:00 PM

City Hall Auditorium

City Commission

*Mayor Pegeen Hanrahan (At Large)
Mayor-Commissioner Pro Tem Rick Bryant (At Large)
Commissioner Jeanna Mastrodicasa (At Large)
Commissioner Scherwin Henry (District 1)
Commissioner Ed Braddy (District 2)
Commissioner Jack Donovan (District 3)
Commissioner Craig Lowe (District 4)*

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

CALL TO ORDER - 1:06 PM

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ROLL CALL

Present: Edward Braddy, Pegeen Hanrahan, Rick Bryant, Craig Lowe, Jack Donovan, Jeanna Mastrodicasa and Scherwin Henry

INVOCATION

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The City Commission Observed a moment of silence.

CONSENT AGENDA

Commissioner Lowe moved and Commissioner Mastrodicasa seconded to adopt the Consent Agenda with the following modifications.

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

MODIFICATIONS:

- 1. File #070445 - Airport Firefighting Services Reimbursements - (Revised fiscal note and revised back-up).*
- 2. File #070829 - 2009 Federal Legislative Agenda - (New Item - add to the Consent Agenda).*

Chair Hanrahan recognized Tom Bussing and Barbara Ruth who spoke to the matter.

CITY MANAGER, CONSENT AGENDA ITEMS

070445.

Airport Firefighting Services Reimbursement (B)

This item provides an update on staff recommendations for proposed changes to the Agreement for services between the City and the Gainesville Alachua County Regional Airport Authority (GACRAA).

RECOMMENDATION

The City Commission authorize the City Manager to develop and execute a revised agreement subject to approval by the City Attorney as to form and legality.

Alternative Recommendation A: The City Commission not authorize the City Manager to develop and execute a revised agreement and instead provide further guidance to the City Manager.

This Matter was Approved as Recommended on the Consent Agenda.

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070814.

Traffic Engineering Services Agreement between the City of Gainesville and Alachua County for FY 2008 (B)

This item involves an agreement between the City of Gainesville (City) and Alachua County (County) for traffic engineering services in the amount of \$146,393.88 in revenue to the City during FY08.

RECOMMENDATION

Recommended Motion: The City Commission: 1) authorize the City Manager to execute the Traffic Engineering Services Agreement between the City of Gainesville and Alachua County for the period of October 1, 2007 to September 30, 2008.

Alternative Recommendation: The City Commission deny the authorization for the City Manager to execute the Agreement with the County, resulting in thirty-nine (39) traffic signals and forty (40) safety beacons not being maintained throughout Alachua County and the loss of at least \$146,393.88 in revenue for FY08.

This Matter was Approved as Recommended on the Consent Agenda.

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070815.

Continuation of Employee Bus Pass Programs (B)

This item involves a request for the City Commission to authorize the City Manager to execute interlocal agreements with the University of Florida (UF), Alachua County, Alachua/Bradford Regional Workforce Board, North Florida/South Georgia Veterans Administration Health System (VA), and Shands Teaching Hospital and Clinics, Inc. (Shands), for continuation of these employee bus pass programs.

RECOMMENDATION

Recommended Motion: The City Commission: 1) approve the annual contract for continuation of the Employee Bus Pass Program for City employees through January 2009; and 2) authorize the City Manager to execute interlocal agreements with the University of Florida, Alachua County, Alachua/Bradford Regional Workforce Board, North Florida/South Georgia Veterans Administration Health System, and Shands Teaching Hospital and Clinics, Inc., for continuation of these employee bus pass programs.

Alternative Recommendation A: The City Commission can deny continuation of the annual contracts and the resulting fiscal impact is the loss of \$130,045.50 in Regional Transit System revenue generated by the employee bus pass program.

This Matter was Approved as Recommended on the Consent Agenda.

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070821.

Florida Division of Cultural Affairs Local Arts Agency Grant (NB)

The Department of Parks, Recreation and Cultural Affairs requests City Commission approval to apply to the Florida Division of Cultural Affairs for a three-year Local Arts Agency grant.

RECOMMENDATION

The City Commission: 1) approve the submission of an application to the Local Arts Agency grant program; 2) authorize the City Manager to accept the grant if awarded; and 3) authorize the City Manager or designee to execute any grant related documents pending approval by the City Attorney as to form and legality.

Alternative Recommendation: The City Commission deny the submission of an application.

This Matter was Approved as Recommended on the Consent Agenda.

070824.

Award for Outstanding Achievement in Popular Annual Financial Reporting and Additional Award Announcements (NB)

The City was awarded Government Finance Officers Association of the United States and Canada (GFOA) Award for Outstanding Achievement in Popular Annual Financial Reporting for its 2006 Citizen's Report. The 2007 Citizen's Report is hereby presented to the Commission and will also be submitted to GFOA for the award. In addition, the Communications and Marketing Office will be sharing information on recent awards the Office has received from the Florida Government Communicators Association.

RECOMMENDATION

The City Commission: 1) accept the Award for Outstanding Achievement in Popular Annual Financial Reporting for Fiscal Year 2006; 2) receive the Citizen's Report for the fiscal year ended September 30, 2007; and 3) endorse submittal of the FY 2007 report to the GFOA.

NOTE: Document is available for viewing in the Clerk's Office.

This Matter was Approved as Recommended on the Consent Agenda.

070829.**2009 Federal Legislative Agenda (B)****RECOMMENDATION**

The Commission accept the recommendation of the Audit, Finance and Legislative Committee and approve the proposed 2009 Federal Legislative Statement.

This Matter was Approved as Recommended on the Consent Agenda.

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GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS**CITY ATTORNEY, CONSENT AGENDA ITEMS****070833.****AMENDING THE CODE OF ORDINANCES TO ELIMINATE REDUNDANT PROVISIONS RELATING TO TERMS OF CHARTER OFFICERS (NB)****RECOMMENDATION**

The City Commission authorize the City Attorney to draft and the Clerk of the Commission to advertise the proposed ordinance repealing section 2-142 of the Code of Ordinances.

This Matter was Approved as Recommended on the Consent Agenda.

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070866.**KAREN JOHNSON'S RESIGNATION AS GENERAL MANAGER FOR UTILITIES (NB)****RECOMMENDATION**

(1) Accept Karen Johnson's resignation as General Manager effective March 2, 2008, understanding that she will be employed as Advisor to the General Manager for the period March 3, 2008 through June 30, 2008; (2) amend Personnel Policy 8 to provide for PTO accrual of 10.47 hours per pay period, with a carryover cap of 372 hours and PCLB accrual of 80 hours per pay period for the position of Advisor to the General Manager for the period of time March 3, 2008 through June 30, 2008.

This Matter was Approved as Recommended on the Consent Agenda.

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

070832.**City Commission Meetings (NB)****RECOMMENDATION**

*The City Commission: 1) Cancel meetings scheduled for May 26, 2008 and December 22, 2008; and 2) schedule joint meetings with the Alachua County Board of County Commission as follows:
March 18 @ 5:00 PM - Solid Waste/Annexation Transition Agreement
May 1 @ 5:00 PM - Koppers
September 29 @ 3:00 PM
December 1 @ 3:00 PM*

This Matter was Approved as Recommended on the Consent Agenda.

070852.**Rules of the City Commission (NB)****RECOMMENDATION**

The City Commission authorize the Clerk of the Commission and City Attorney to draft amendments to the Rules of the City Commission to change Regular meeting dates from Mondays to Thursdays, in concept, either on the 1st and 3rd or 2nd and 4th Thursdays of each month and authorize the Charter Officers to recommend a starting date.

This Matter was Approved as Recommended on the Consent Agenda.

070860.**Resignation of Citizens' Advisory Committee for Community Development Member Mary Freeman (B)****RECOMMENDATION**

The City Commission accept the resignation of Mary Freeman from the Citizens' Advisory Committee for Community Development effective immediately and extends its appreciation for her services.

This Matter was Approved as Recommended on the Consent Agenda.

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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****070785.****Federal LECFTF Funding for Special Investigations Division (NB)****RECOMMENDATION**

The City Commission approve the appropriation of the amount of \$25,000 from the Federal Law Enforcement Contraband Forfeiture Trust Fund for the Special Investigations Division Confidential Funds Enhancement.

Alternative Recommendation A: The City Commission authorize partial funding.

Alternative Recommendation B: The City Commission deny funding.

This Matter was Approved as Recommended on the Consent Agenda.

070786.**Gainesville Police Department Reichert House Construction (B)**

This item requests the City Commission to approve \$5,000 expenditure from State Law Enforcement Contraband Forfeiture Trust Fund to construct a 2,400 square feet building.

RECOMMENDATION

The Public Safety Committee approve the appropriation of \$5,000 from State Law Enforcement Contraband Forfeiture fund.

Alternative Recommendation A: The City Commission authorize partial funding.

Alternative Recommendation B: The City Commission deny funding.

This Matter was Approved as Recommended on the Consent Agenda.

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070787.**Federal Law Enforcement Contraband Forfeiture Trust Fund Funding for Thermal Imager for GPD Helicopter (B)****RECOMMENDATION**

The City Commission approve the appropriation of \$201,250 from the Federal Law Enforcement Contraband Forfeiture

Trust Fund for the purchase of a FLIR Systems Ultra 8000 Thermal Imager with Laser Pointer and Meeker Isolation Collar and installation costs and designate FLIR Systems, Inc., as the specified source for the Thermal Imager with Laser Pointer and designate Meeker Aviation as the specified source for the Isolation Collar.

This Matter was Approved as Recommended on the Consent Agenda.

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AUDIT, FINANCE AND LEGISLATIVE COMMITTEE, CONSENT

EQUAL OPPORTUNITY COMMITTEE, CONSENT

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

Passed The Consent Agenda

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

Votes: Aye: Jack Donovan, Jeanna Mastrodicasa, Scherwin Henry, Craig Lowe, Rick Bryant and Pegeen Hanrahan
Absent: Edward Braddy

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

[Play Video](#)

*Commissioner Lowe moved and Commissioner Mastrodicasa seconded to adopt the Regular Agenda with the following modifications.
(VOTE: 6-0, Commissioner Braddy - Absent, MOTION CARRIED)*

MODIFICATIONS:

- 1. File #070823 - Special Recognition of City of Gainesville's Citizen's Academy - (Move from City Manager category to Proclamations/Special Recognitions category at 5:30 PM).*
- 2. File #070855 - Status Update - Biosolids Land Application Site Purchase - (Withdraw from the agenda).*
- 3. File #070862 - 2008 Series A Bonds and 2008 Series B Bond Resolution - (Additional back-up submitted).*

4. File #070819 - Fat Tuscan Planned Development - (Additional back-up submitted).

5. File #051225 - Anti-Discrimination-Gender Identity - (Waive the Rules to hear this item at 8:30 PM).

6. File #070619 - Land Development Code Amendment - Religious Land use and Institutionalized Persons Act - (Waive the rules to hear this item immediately after File #051225, if all other items on the agenda are completed). NEW
RECOMMENDATION - (Continue until February 4, 2008 at 8:30 PM).

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

CITY MANAGER

GENERAL MANAGER FOR UTILITIES

[Play Video](#)

070855.

Status Update - Biosolids Land Application Site Purchase (B)

GRU has been pursuing the purchase of the Whistling Pines Ranch as approved by the City Commission on 7/23/07. Prior to purchase, a Special Exception is being sought from Alachua County to allow the continued land application of biosolids at the Whistling Pines Ranch. Staff will provide an update on the Special Exception process, issues that have been identified through the process, and findings related to the issues raised. We continue to believe that land application of biosolids is a sustainable and cost-effective method for reusing biosolids and want to ensure that the City Commission continues to share that opinion.

RECOMMENDATION

The City Commission: 1) Receive a presentation on the status of the purchase of the biosolids land application site. No further action is required for staff to continue pursuit of a required Special Exception from Alachua County and purchase of the Whistling Pines Ranch.

Withdrawn

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070808.

Evaluation of Biomass-Fueled Generation Facility Proposals (B)

Staff is providing its evaluation of the proposals received in response to GRU's

Request for Proposals (RFP 2007-135) for a Biomass-Fueled Generation Facility for City Commission review and recommends that three respondents be invited to submit binding proposals.

[Play Video](#)

General Manager for Utilities Karen Johnson gave introductions.

GRU Assistant General Manager for Utilities Ed Regan, Purchasing Manager Joann Dorval, Strategic Planning Engineer Roger Westphal, GRU Attorney Skip Manasco, Fuels Analyst Patrice Kafle, Managing Utility Analyst Dr. Heidi Lannon, Strategic Planning Design Engineer Rob Klemans, Utility Forester Joe Wolf, Power Engineering Manager Randy Casserleigh, Financial Analyst Kevin Crawford and System Planning Director Rick Bachmeier gave presentations.

Chair Hanrahan recognized Rob Brinkman, Tom Cunilio, Joshua Dickinson, Lee Bidgood, Abia Theo, Adrienne Burgess, Dwight Adams, Walter Willard, Tom Bussing, Miles Andrews and Janet Woods who spoke to the matter.

AMENDMENT: Approve staff's recommendation asking for additional information and options with respect to: 1) Ownership vs. take and pay; 2) the percentage of biomass; 3) forest stewardship issues; 4) locally sourced materials; and 5) eliminating any recyclable material.

RECOMMENDATION

The City Commission authorize the General Manager or her designee to invite the three top-ranked respondents to RFP 2007-135 to each submit a binding proposal for a biomass-fueled generation facility, replacing any invitee that fails to affirmatively accept the invitation by inviting the next ranked respondent, in the following order of precedence: 1) Sterling Planet; 2) Covanta Energy; 3) Nacodoches Power, LLC; 4) Green Power Systems; 5) Taylor Biomass Energy, LLC; 6) Envortus, Inc.; 7) NRG Energy Inc.; 8) Timberland Harvesters, LLC; and 9) Railex Merchant Energy Group.

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

Votes: Aye: Jack Donovan, Jeanna Mastrodicasa, Scherwin Henry, Craig Lowe, Edward Braddy, Rick Bryant and Pegeen Hanrahan

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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

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

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MEMBERS OF THE CITY COMMISSION

COMMISSION COMMENTS (if time available)

RECESS - 5:22 PM

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RECONVENE - 5:56 PM

[Play Video](#)

PLEDGE OF ALLEGIANCE (5:30pm)

[Play Video](#)

PROCLAMATIONS/SPECIAL RECOGNITIONS

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070861.**School Crossing Guard Appreciation Day - February 1, 2008 (B)**[Play Video](#)**RECOMMENDATION**

Gainesville Police Department Captain Lonnie Scott and Police Service Technician Supervisor Ernestine Turner to accept the proclamation.

Heard

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070823.**Special Recognition - City of Gainesville's Citizens' Academy 2007 Graduates. (NB)**

The City Commission recognize City of Gainesville's Citizens' Academy 2007 Graduates.

[Play Video](#)

Marketing and Communications Manager Bob Woods, Sr. Marketing and Communication Specialist Kate Parmelee; and Citizen's Academy graduates Mary C. Rhodes and Sheldon Packer gave presentations.

RECOMMENDATION

The City Commission: 1) recognize accomplishments of Gainesville 101, 2007 City of Gainesville Citizens' Academy graduates; and 2) hear brief comments from the class speaker on what they have learned.

Heard**CITIZEN COMMENT**[Play Video](#)**Dwight Adams**

Biosolids for Fuel

Pat Fitzpatrick

Homeless Veterans Issues - See following File #070887.

070887.**Citizen Comment - Pat Fitzpatrick (B)****RECOMMENDATION**

The City Commission hear comments from Pat Fitzpatrick

and place back-up submitted on file.

Placed on File

070887_CITIZEN COMMENT_20080128.pdf

Elizabeth Howard

Homeless in the Plaza - Farmer's Market Issue

Assistant City Manager Fred Murry made comments.

Theodore McLeod

GPD Issues

Jerry Williamson

GPD Issues

Tom Levy

Fat Tuscan Restaurant

Terry Martin Back

Veteran Assistance Programs.

991431

**3:00 PM (B) - The Pension Review Committee hear a presentation by
Mr. Daniel J. Holmes, Summit Strategies Group**

Personal Medical Issue

Kevin Claney

Airport Noise Study - See following File #070888.

070888.

Citizen Comment - Kevin Claney (B)

RECOMMENDATION

*The City Commission hear comments from Kevin Claney and
place back-up submitted on file.*

Placed on File

070888_CITIZENCOMMENT_20080128.pdf

Walter Willard

Various Issues

Waiver of Rules

Commissioner Braddy moved and Commissioner Lowe seconded to waive the rules to hear File #070757 Lynch Park, before the Public Hearings.

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

070757.**Lynch Park (B)**

[Play Video](#)

CRA Project Coordinator Kelly Huard gave a presentation.

RECOMMENDATION

CRA to the City Commission: 1) Approve conceptual plan for Lynch Park; 2) Request the Parks, Recreation & Cultural Affairs Advisory Board and the Parks, Cultural Affairs & Public Works Committee provide input and comment to CRA staff; and 3) Request the Parks, Recreation & Cultural Affairs Advisory Board and the Parks, Cultural Affairs & Public Works Committee examine the potential for additional locations in Porters which could accommodate a fruit/vegetable garden

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

Votes: Aye: Jack Donovan, Jeanna Mastrodicasa, Craig Lowe, Rick Bryant and Pegeen Hanrahan

Nay: Edward Braddy

Absent: Scherwin Henry

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PUBLIC HEARINGS**ADOPTION READING-ROLL CALL REQUIRED****070620.****LAND USE CHANGE – MALLORY SQUARE (B)**

Ordinance No. 0-07-112, Petition No. 73LUC-06PB

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by changing the land use category of certain property, as more specifically described in this ordinance, from “Residential Medium-Density (8-30 units per acre)” to “Mixed-Use Low-Intensity (8-30 units per acre)”;
located in the vicinity of 3600 block, east side of Southwest 34th Street;
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 Lowe, seconded by Commissioner Donovan, that this matter be Adopted (Ordinance) on Adoption Reading. The motion carried by the following vote:

Votes: Aye: Jack Donovan, Jeanna Mastrodicasa, Craig Lowe, Edward Braddy, Rick Bryant and Pegeen Hanrahan

Absent: Scherwin Henry

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ORDINANCES, 1ST READING- ROLL CALL REQUIRED

070621.

PLANNED DEVELOPMENT – MALLORY SQUARE (B)

Ordinance No. 0-07-113, Petition No. 74PDV-07PB

An Ordinance of the City of Gainesville, Florida; rezoning certain lands in the City, as more specifically described in this Ordinance, from “RMF-8: 8-30 units/acre multiple-family residential district” to “Planned Development” commonly known as “Mallory Square Planned Development” located in the vicinity of the 3600 block, east side of Southwest 34th Street; adopting a development plan report and development plan maps; providing conditions and restrictions; providing for enforcement and penalties; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

Votes: Aye: Jack Donovan, Jeanna Mastrodicasa, Craig Lowe, Edward Braddy, Rick Bryant and Pegeen Hanrahan

Absent: Scherwin Henry

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070208.

FOREST RIDGE/HENDERSON HEIGHTS NEIGHBORHOOD - RESIDENTIAL PARKING OVERLAY DISTRICT (B)

Ordinance No. 0-07-103; Petition No. 78NPD-07PB

An ordinance of the City of Gainesville amending the Zoning Map Atlas by rezoning and imposing the Residential Parking Overlay District on certain properties zoned RSF-1 (Single-Family Residential, up to 3.5 dwelling units per acre) or RSF-2 (Single-Family Residential, up to 4.6 dwelling units per acre), consisting of 283 parcels on approximately 140 acres commonly known as the Forest Ridge/Henderson Heights Neighborhood, and located north of Northwest 16th Avenue, south of Northwest 23rd Avenue, east of Northwest 23rd Street, and west of Alfred A. Ring Park, as more specifically described in this ordinance; making findings; providing directions to the City Manager; providing directions to the codifier; providing a severability clause; providing a repealing clause; and, providing an effective date in accordance with the schedule provided herein.

[Play Video](#)

City Neighborhood Planning Coordinator John Wachtel gave a presentation.

Chair Hanrahan recognized Melody Marshall and Carol Daly 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 Bryant, that this matter be Adopted on First Reading (Ordinance). The motion carried by the following vote:

Votes: Aye: Jack Donovan, Jeanna Mastrodicasa, Craig Lowe, Rick Bryant and Pegeen Hanrahan
Absent: Scherwin Henry and Edward Braddy

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050761.

ENERGY EFFICIENCY STANDARDS AND REQUIREMENTS (B)

Ordinance 0-07-74

An ordinance of the City of Gainesville amending Chapter 13, Article II. Housing Code of the City of Gainesville, relating to energy efficiency requirements; amending Section 13-16 to provide findings of fact and declaration of necessity; amending Section 13-19 to provide definition(s); adding Section 13-99 energy efficiency requirements; providing for enforcement; providing directions to the codifier; providing a severability clause; providing a repealing clause; and, providing an effective date in accordance with the schedule provided herein.

[Play Video](#)

GRU Managing Utility Analyst Dr. Heidi Lannon gave a presentation.

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

Chair Hanrahan recognized Evan Stone, Carol Daly, Frankie Scott, Walter Willard, Bob Mitchell, Brian Leslie, Terry Martin Back, Michelle Ott, Armando Grundy, Ben Techler, Loan Ngo, Walter Willard, Mark Mink, Linda Harris and Rob Brinkman who spoke to the matter.

MOTION: Commissioner Lowe moved and Commissioner Mastrodicasa seconded to withdraw the initial motion and refer the entire matter back to the Community Development Committee.

(VOTE: 7-0, MOTION CARRIED)

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

A motion was made by Commissioner Lowe, seconded by Commissioner Mastrodicasa, that this matter be Referred to the Community Development Committee. The motion carried by the following vote:

Votes: Aye: Jack Donovan, Jeanna Mastrodicasa, Scherwin Henry, Craig Lowe, Edward Braddy, Rick Bryant and Pegeen Hanrahan

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070627.

PARKING GARAGE VIOLATIONS (B)

Ordinance No. 0-07-121

An ordinance of the City of Gainesville, Florida, amending section 26-2 by providing a definition for owner/vehicle owner; amending section 26-75 of the Gainesville Code of Ordinances by creating a new subsection (d) making it a violation to damage an entrance or exit control device of a municipal parking garage; creating a new subsection (e) making it a violation to enter or exit a municipal parking garage without paying appropriate fees; creating a new subsection (f) providing affirmative defenses for damaging an entrance or exit control device or entering or exiting without paying appropriate fees; creating a new subsection (g) regarding proof of affirmative defenses; amending Appendix A, Schedule of Fees, Rates and Charges, establishing penalties; providing directions to the codifier; providing a severability clause; 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 Commissioner Lowe, seconded by Commissioner Mastrodicasa, that this matter be Adopted on First Reading (Ordinance). The motion carried by the following vote:

Votes: Aye: Jeanna Mastrodicasa, Craig Lowe, Edward Braddy, Rick Bryant and Pegeen Hanrahan
Absent: Jack Donovan and Scherwin Henry

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070721.

VOLUNTARY ANNEXATION - PRAIRIE VIEW TRUST (B)

Ordinance No. 0-07-116

An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area pursuant to Chapter 90-496, Special Act, Laws of Florida, as amended by Chapter 91-382 and Chapter 93-347, Special Acts, Laws of Florida, known as the Alachua County Boundary Adjustment Act; making certain findings; including within the corporate limits of the City of Gainesville, Florida, that certain compact and contiguous area comprised of a portion of Tax Parcel 07240-000-000, as more specifically described in this ordinance, generally located south of the vicinity of Archer Road and Interstate 75, west of Interstate 75 and the City limits, north of Williston Road, and east of SW 62nd Avenue and the vicinity of SW 63rd Boulevard; providing for inclusion of the area in Appendix I of the City Charter; providing for land use and zoning regulations; providing directions to the City Manager and Clerk of the Commission; providing a severability clause; and providing an immediate effective date.

[Play Video](#)

Strategic Planning Manager Karen Billings gave a presentation.

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 First Reading (Ordinance). The motion carried by the following vote:

Votes: Aye: Jeanna Mastrodicasa, Scherwin Henry, Craig Lowe, Edward Braddy and Pegeen Hanrahan

Absent: Jack Donovan and Rick Bryant

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ORDINANCES, 2ND READING- ROLL CALL REQUIRED

070510.

TRESPASS TOWING (B)

Ordinance No. 0-07-108

An ordinance of the City of Gainesville, Florida, amending Chapter 14.5, Article III, Section 14.5-29(4)(d), Gainesville Code of Ordinances, relating to photographs of vehicle violations and viewing photographs; creating a new Section 14.5-29.1 establishing and requiring the posting of a Customer Bill of

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

[Play Video](#)

Police Lieutenant Pete Backhaus gave a presentation.

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: Jack Donovan, Jeanna Mastrodicasa, Scherwin Henry, Craig Lowe, Edward Braddy, Rick Bryant and Pegeen Hanrahan

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070542.

PLANNED DEVELOPMENT AMENDMENT - A CHILD'S PLACE (B)

Ordinance No. 0-07-91, Petition No. 95PDA-07PB

An Ordinance of the City of Gainesville, Florida; amending Ordinance No. 2604, that adopted the Planned Development commonly known as "A Child's Place" located in the vicinity of 4127 Northwest 34th Street; providing for the reduction of the lot size of the existing planned development; adopting revised development plan maps and a revised planned development report; amending and adopting additional conditions and restrictions; providing for penalties; providing a severability clause; providing a repealing clause; and providing an effective date.

[Play Video](#)

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

Votes: Aye: Jack Donovan, Jeanna Mastrodicasa, Scherwin Henry, Craig Lowe, Edward Braddy, Rick Bryant and Pegeen Hanrahan

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070626.

PARKING ENFORCEMENT PROGRAM BY PUBLIC WORKS DEPARTMENT EMPLOYEES (B)

Ordinance No. 0-07-107

An ordinance of the City of Gainesville, Florida, amending Section 26-2 of the Gainesville Code of Ordinances to provide a definition for parking enforcement specialist; amending Section 26-46 to delete the term traffic enforcement technician and to provide parking enforcement authority to parking enforcement specialists; amending Section 26-53 by deleting the term traffic enforcement technician, providing parking enforcement authority to parking enforcement specialists; providing for notice by department initiating impoundment and prohibiting tampering or removing immobilization devices without authority of department initiating immobilization; deleting obsolete references in sections 26-46 and 26-53; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

[Play Video](#)

RECOMMENDATION

The City Commission adopt the proposed ordinance, as amended.

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

Votes: Aye: Jack Donovan, Jeanna Mastrodicasa, Scherwin Henry, Craig Lowe, Edward Braddy, Rick Bryant and Pegeen Hanrahan

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070769.**URBAN MIXED-USE ZONING DISTRICTS (B)****Ordinance No. 0-06-120; Petition 141TCH-06 PB**

An ordinance of the City of Gainesville, Florida, amending the City of Gainesville Land Development Code, relating to the establishment of zoning districts and categories and to the correspondence of zoning districts with future land use categories; amending section 30-41, to add the Urban Mixed-Use 1 and Urban Mixed-Use 2 districts; amending section 30-46 to provide corresponding zoning districts and future land use categories that conform to the City of Gainesville 2000-2010 Comprehensive Plan; providing directions to the codifier; providing a severability clause; 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 Commissioner Lowe, seconded by Commissioner Donovan, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:

Votes: Aye: Jack Donovan, Scherwin Henry, Craig Lowe, Edward Braddy, Rick Bryant and Pegeen Hanrahan

Absent: Jeanna Mastrodicasa

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RESOLUTIONS- ROLL CALL REQUIRED

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070816.

Resolution for a Joint Participation Agreement - Service Development Grant for Intelligent Transportation System applications in Transit (B)

This item involves adoption of 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 a service development grant for applications in Transit.

[Play Video](#)

RECOMMENDATION *The City Commission adopt the Resolution.*

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

Votes: Aye: Jack Donovan, Scherwin Henry, Craig Lowe, Edward Braddy, Rick Bryant and Pegeen Hanrahan

Absent: Jeanna Mastrodicasa

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070862.

2008 Series A Bonds and 2008 Series B Bonds (B)

This item is related to financing for costs of acquisition and construction.

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GRU Chief Financial Officer Jennifer Hunt and Utility Attorney Skip Manasco gave presentations.

RECOMMENDATION *The City Commission: 1) Adopt the attached resolution (Authorizing Resolution), which:*

(a) incorporates by reference and adopts, and authorizes the execution and delivery of:

(i) a Nineteenth Supplemental Utilities System Revenue Bond Resolution (Nineteenth Supplemental Resolution) which

authorizes the issuance, sale, execution and delivery of not to exceed \$105,000,000 in aggregate principal amount of the City's taxable Utilities System Revenue Bonds, 2008 Series A (Federally Taxable) (2008 Series A Bonds) in order to provide monies needed for payment of Costs of Acquisition and Construction (capital projects) that cannot be financed on a tax-exempt basis, and delegates the authority to determine certain matters in connection therewith; and

(ii) a Twentieth Supplemental Utilities System Revenue Bond Resolution (Twentieth Supplemental Resolution) which authorizes the issuance, sale, execution and delivery of \$90,000,000 in aggregate principal amount of the City's tax-exempt Variable Rate Utilities System Revenue Bonds, 2008 Series B (2008 Series B Bonds) in order to provide monies needed for payment of Costs of Acquisition and Construction that can be financed on a tax-exempt basis;

(b) in the case of the 2008 Series A Bonds:

(i) approves the form, and authorizes the execution and delivery, of a contract of purchase between the City and an underwriting group for which Goldman, Sachs & Co. serves as senior book-running manager, and delegates the authority to determine certain matters in connection therewith;

(ii) approves the form, and authorizes the execution and delivery, of a continuing disclosure certificate;

(iii) delegates the authority to procure municipal bond insurance for all or a portion of the 2008 Series A Bonds; and

(iv) approves the form and use of the preliminary official statement and the official statement relating to the 2008 Series A Bonds and authorizes the execution and delivery of said official statement;

(c) in the case of the 2008 Series B Bonds:

(i) approves the form, and authorizes the execution and delivery, of a contract of purchase between the City and Goldman, Sachs & Co., as sole underwriter;

(ii) in the event that the 2008 Series B Bonds are converted to the auction mode, the term mode or the fixed mode, approves the form, and authorizes the execution and delivery, of a continuing disclosure certificate;

(iii) approves the form, and authorizes the execution and delivery, of a remarketing agreement between the City and

Goldman, Sachs, pursuant to which Goldman, Sachs will serve as the initial remarketing agent for the 2008 Series B Bonds;

(iv) approves the form, and authorizes the execution and delivery, of a tender agency agreement between the City and U.S. Bank Trust National Association (who currently serves as Trustee for our Utilities System Revenue Bonds), pursuant to which U.S. Bank Trust will serve as the initial tender agent for the 2008 Series B Bonds;

(v) approves the form, and authorizes the execution and delivery, of a standby bond purchase agreement between the City and The Bank of New York, pursuant to which The Bank of New York initially will provide liquidity support for any 2008 Series B Bonds that are tendered for purchase and not remarketed;

(vi) approves the form and use of the official statement relating to the 2008 Series B Bonds;

(vii) delegates the authority to extend the term of any facility providing liquidity support for the 2008 Series B Bonds or to procure another facility in substitution therefore; and

(viii) delegates the authority to remove the remarketing agent and/or the tender agent for the 2008 Series B Bonds and to appoint successor(s) therefore;

(d) in the case of the 2008 Series A and B Bonds:

(i) authorizes the authentication and delivery of the 2008 Series A and B Bonds;

(ii) authorizes the registration or qualification of the 2008 Series A and B Bonds under the blue sky laws of various states; and

(iii) authorizes certain City officials to take other actions in connection with the issuance, sale and delivery of the 2008 Series A and B Bonds.

1. Authorize the amendment of the interest rate swap transaction between the City and Bear Stearns Financial Products Inc. (BSFP) entered into on October 23, 2006 to (a) postpone the effective date of the swap to the expected date of issuance of the 2008 Series A and B Bonds and (b) allow for the amortization schedule to be changed if the financing team decides that it is beneficial to the Utility to do so, in order to lower the total debt service expected to be paid on the 2008

Series B Bonds.

2. Authorize the amendment of the interest rate swap transaction between the City and JPMorgan Chase Bank, N.A. (JPMorgan) entered into on October 23, 2006 to (a) postpone the effective date of the swap to the expected date of issuance of the 2008 Series A and B Bonds and (b) allow for the amortization schedule to be changed if the financing team decides that it is beneficial to the Utility to do so, in order to lower the total debt service expected to be paid on the 2008 Series B Bonds.

3. Authorize the Clerk of the Commission, the General Manager and other Authorized Officers to execute such documents as may be necessary to proceed with the transactions authorized above and on [January 14???, 2008], and to take such other actions as may be necessary or advisable to proceed with the issuance of the 2008 Series A and B Bonds in accordance with this City Commission authorization.

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

Votes: Aye: Jack Donovan, Jeanna Mastrodicasa, Scherwin Henry, Craig Lowe, Edward Braddy, Rick Bryant and Pegeen Hanrahan

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PLAN BOARD PETITIONS

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070818.

Fat Tuscan Land Use (B)

Petition 115LUC- 07 PB, Joe Montalto, agent for Jay and Michelle Reeves. Amend the 2000-2010 Gainesville Future Land Use Map from O (office - up to 20du/ac) to PUD (planned use district) to allow a small neighborhood café as an accessory use within an Office Land Use district. Located at 725 Northeast 1st Street. Related to Petition 112PDV-07PB - Legistar 070819.

[Play Video](#)

City Planner Gene Francis, Agent for the Petitioner Joe Montalto, Petitioner Jay Reeves and Planning Services Director Erik Bredfeldt gave presentations.

Chair Hanrahan recognized Tom Levy, Austin Gregg and Michelle Reeves who spoke to the matter.

AMENDMENT: Include in the hours of operation that the outdoor portion of the restaurant will not open until 9:00 AM.

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition 115LUC-07PB as revised by the Plan Board. Plan Board vote 7-0.

Staff to City Commission - the City Commission approve Plan Board's recommendation.

Staff to the Plan Board - Approve Petition 115LUC-07PB with conditions.

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

Votes: Aye: Jack Donovan, Jeanna Mastrodicasa, Scherwin Henry, Craig Lowe, Edward Braddy, Rick Bryant and Pegeen Hanrahan

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070819.

Fat Tuscan Planned Development (B)

Petition 112PDV- 07 PB, Joe Montalto, agent for Jay and Michelle Reeves. Rezone property from OR (office residential district - up to 20du/ac) to PD (planned development) district to allow a small neighborhood café as an accessory use within a professional office building. Located at 725 Northeast 1st Street. Related to Petition 115LUC-07PB - Legistar 070818.

Play Video

City Planner Gene Francis, Agent for the Petitioner Joe Montalto, Petitioner Jay Reeves and Planning Services Director Erik Bredfeldt gave presentations.

Chair Hanrahan recognized Tom Levy, Austin Gregg and Michelle Reeves who spoke to the matter.

AMENDMENT: Include in the hours of operation that the outdoor portion of the restaurant will not open until 9:00 AM.

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition 112PDV-07PB as revised by the Plan Board. Plan Board vote 7-0.

Staff to City Commission - The City Commission approve Plan Board's recommendation.

Staff to the Plan Board - Approve Petition 112PDV-07PB with

conditions.

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

Votes: Aye: Jack Donovan, Jeanna Mastrodicasa, Scherwin Henry, Craig Lowe, Edward Braddy, Rick Bryant and Pegeen Hanrahan

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070820.

Street Vacation on Behalf of the Gainesville Police Department (B)

Petition 122SVA-07 PB, City of Gainesville/Public Works Department. Vacate, abandon and close Northwest 5th Street from CSX Railroad Right of Way to a point 10 feet south of the northwest corner of Lot 26 of Brush's Addition to Gainesville as per plat recorded in Plat Book "A," page 88 of the Public Records of Alachua County, and Northwest 7th Place from Northwest 5th Street to Northwest 4th Street.

[Play Video](#)

City Planner Jason Simmons gave a presentation.

RECOMMENDATION

City Plan board to city Commission- the City commission approve petition 122SVA-07PB. Plan Board vote 7-0.

Staff to the City Commission - the City Commission approve Plan Board's recommendation.

Staff to the Plan Board- Approve Petition 122SVA-07PB.

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

Votes: Aye: Jack Donovan, Jeanna Mastrodicasa, Craig Lowe, Edward Braddy, Rick Bryant and Pegeen Hanrahan
Absent: Scherwin Henry

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070776.

Sign Code Content Neutral Amendment (B)

Petition 104TCH-07PB, amend the Land Development Code section 30-315 through 30-327 of the Sign Code to make it consistent with recent court rulings and to revise the code to make it content neutral.

[Play Video](#)

RECOMMENDATION

Plan Board to the City Commission - approve the petition with the flag size limit to be determined by Staff.

Staff to the Plan Board- approve the petition.

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

Votes: Aye: Jack Donovan, Jeanna Mastrodicasa, Craig Lowe, Rick Bryant and Pegeen Hanrahan
Nay: Scherwin Henry and Edward Braddy

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DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

WAIVER OF RULES

Commissioner Braddy moved and Commissioner Lowe seconded to waive the rules to continue this item to February 4, 2008 at 8:30 PM.

(VOTE: 7-0, MOTION CARRIED)

070619.

LAND DEVELOPMENT CODE AMENDMENT - RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT (B)

Ordinance No. 0-07-118, Petition 103TCH-07PB

An ordinance of the City of Gainesville, Florida, amending Chapter 30, the Land Development Code, in accordance with the Religious Land Use and Institutionalized Persons Act, 42 U.S.C. § 2000cc, and making other revisions for clarity and consistency; amending Section 30-51 to allow public schools as a use by special use permit in single-family residential districts rather than a use by right and removing public libraries as a use by special use permit in single-family residential districts; amending Section 30-52 to remove conditions on places of religious assembly and allow private schools as a use by right in RMF-5 and RC districts, and allow places of religious assembly and private schools as use by right in MH districts; amending Section 30-53 to remove conditions on places of religious assembly and allow private schools as a use by right in multiple family medium residential districts; amending Sections 30-54, 30-62, 30-63, 30-72, 30-75, 30-76, and 30-78 to allow places of religious assembly as a use by right in residential mixed use, automotive-oriented business, tourist-oriented business, agricultural, public services and operations, airport facility, and corporate park districts; amending Section 30-55 to remove conditions on places of religious assembly and allow private schools as a use by right in residential high density districts; amending Section 30-59 to allow public schools, other than institutions of higher learning, as use by special use permit in

general office districts; amending Sections 30-61, 30-64, and 30-65 to remove references to places of religious assembly as a condition related to membership organizations; amending Section 30-68 to allow places of religious assembly as a use by right, and remove reference to places of religious assembly as a condition related to membership organizations in warehousing and wholesaling district; amending Sections 30-69 and 30-70 to remove membership sports and recreation clubs as a use by right in limited and general industrial districts; amending Section 30-77 to allow private schools and places of religious assembly as a use by right, and to modify the dimensional requirements in educational services district; amending Section 30-91 to modify dimensional requirements specific to places of religious assembly and requirements for places of religious assembly accessory uses, including day care centers, schools, food distribution centers for the needy, and residences for destitute people; amending Section 30-103 to modify dimensional requirements for private schools; inserting clarifying language in Section 30-110; amending Sections 30-251, 30-306, and 30-307 to remove references to places of religious assembly; amending Section 30-253 to remove landscape buffer requirements specific to places of religious assembly, and apply buffer requirements to all assembly uses; amending Section 30-332 to modify parking spaces required for places of religious assembly; providing directions to the codifier; providing a severability clause; providing a repealing clause; providing a retroactive schedule; and providing an immediate effective date.

NOTE: The rules were waived in order to continue this item to the February 4, 2008 Special City Commission Meeting at 8:30 PM.

RECOMMENDATION

The City Commission continue this ordinance until February 4, 2008 at 8:30 PM.

CLERK'S NOTE: It is anticipated that the City Commission will waive its Rules to hear this item immediately after Ordinance 051225 (Anti-Discrimination) if all other items are completed.

Continued

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051225.

ANTI-DISCRIMINATION - GENDER IDENTITY (B)

Ordinance No. 0-07-88

An ordinance of the City of Gainesville, Florida, amending Chapter 8 of the Gainesville Code of Ordinances, relating to discrimination; defining gender identity and readily achievable; adding gender identity as a class protected against discrimination in Article I, In General, Article II, Human Rights Board, Article III, Equal Employment Opportunity, Article IV, Equal Access to Places of Public Accommodation; Article V, Fair Housing, and Article VI, Equal Credit Opportunity; amending sections 8-49 (Employment), 8-69 (Public accommodations), 8-94 (Fair housing) to provide exceptions regarding discrimination on the basis of gender identity, relating to access to, and use of, certain facilities such as shower rooms and dressing rooms, in covered facilities; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

[Play Video](#)

Equal Opportunity Director Jimmie Williams gave a presentation.

*WAIVER OF RULES: Commissioner Bryant moved and Commissioner Henry seconded to waive the rules to extend the meeting until 12:00 Midnight.
(VOTE: 7-0, MOTION CARRIED)*

*FIRST MOTION: Commissioner Braddy moved and Commissioner Bryant seconded to deny the ordinance.
(VOTE: 3-4, Commissioners Braddy, Bryant and Henry - Yes; and Commissioners Donovan, Lowe, Mastrodicasa and Mayor Hanrahan - No; MOTION FAILED)*

RECESS: 10:03 PM

RECONVENE: Approximately 10:13 PM

CITIZEN COMMENT TO THE MOTION:

*Chair Hanrahan recognized the following citizens who spoke to the matter:
Frankie Scott, Caroline Adams, Joyce Dunmore, Cornelius Dunmore, Jamel T. Smith, Jordan Pratt, Christine Miller, Nora Spencer, Maura Ryan, Pastor George Brantley, Jeffrey Highsmith, Brian Leslie, Cheryl Carter, Mark Mink, Barbara Fuller, Oscar Candelaria, Reginald N. Lewis, Kevin Camps, Brian Banks, Akin Ross, Fidelia James, Sandy Williams Johnny M. Mitchell, John Alexander, Nehemiah Ransom, Ulyses Moore, Ishamel Rentz, Terry Fleming, John-David Carling, Carol Daly, Rob Brinkman, Abigail Randall, Linda Basham, Evan Pitts, Jay Burse, Michelle Phillips, Rev. Alex Farmer, Jack Martin, Wesley Karmes, Brenda Krames, Justin Dicus, Bernice Constantin, Karen Arola, Shannon Arola, Mildred Russell, Rose Weiner, Zot Lynn Szurgot, Michelle Ott, Bob Karp, Helen Warren, Florence Turcotte, Linda James, Derek Tirado, Patrick Maness, Heather Dicus, Joe Cirulli, Dan Galasso, Lena Akindipe, Armando Grundy, Matt Gordon, Jose Reyes, Cain Davis, Donnie Tuttle, Alice Primack, Joshua Horton, Susan Baird, Charles Pino, Ernesto Herrera, Colinesha Akridge, Roberto Evans, Keith Perry, Mike Patz, Jean Clark, Laurie Rick, Andy Velopulos, Richard Thompson, Phil Rickman, Adam Harris, Dee Kirchman, Byron Lewis, Caroline Cotton, Jim McKenzie, Joan McBride, Darrell Card, Michael Fortner, Alex Gonzolas, Julianna Woody, Bridget Fleming, John Fleming, Eric Harrell, Evelyn Towns, Sally Harrison, Aleisha Nattiel, Sharon Constantin, Rob Dilbone, Thomas Fortson, Dayna Harden, Irene Lewis, Pat Fitzpatrick, Ruth Smith,*

Amber Burse and Conrad Irving.

*WAIVER OF RULES: Commissioner Bryant moved and Commissioner Lowe seconded to waive the rules to extend the meeting until 12:30 AM.
(VOTE: 7-0, MOTION CARRIED)*

*AMENDMENT: Commissioner Braddy moved and Commissioner Bryant seconded to add the following language to the ordinance: "That no provision of this ordinance and no finding against any individual or private entity shall be enforced until all government agencies covered under section 8-24 are in full compliance with this ordinance and have made all necessary changes to their public accommodations."
(VOTE: 3-4, Commissioners Braddy, Bryant and Henry - Yes; and Commissioners Donovan, Lowe, Mastrodicasa and Mayor Hanrahan - No, MOTION FAILED)*

*WAIVER OF RULES: Commissioner Bryant moved and Commissioner Braddy seconded to waive the rules to extend the meeting until 12:45 AM.
(VOTE: 7-0, MOTION CARRIED)*

*WAIVER OF RULES: Commissioner Braddy moved and Commissioner Lowe seconded to waive the rules to extend the meeting until 1:00 AM.
(VOTE: 6-1, Commissioner Bryant - No, MOTION CARRIED)*

AMENDMENT: Commissioner Braddy moved to strike the language "gender identity" and replace with the language "inner sense of being". (MOTION DIED - NO SECOND).

Assistant City Attorney Charles Hauck made comments.

*MOVE THE PREVIOUS QUESTION MOTION: Commissioner Lowe moved and Commissioner Mastrodicasa seconded to move the previous question.
(VOTE: 5-2, Commissioners Braddy and Bryant - No, MOTION CARRIED).*

*AMENDMENT: (REFERRAL): Commissioner Lowe moved and Commissioner Mastrodicasa seconded to adopt the ordinance, add gender identity to the City's anti-discrimination policy, and refer coverage of anti-discrimination by governmental entities to the Equal Opportunity Committee.
(VOTE: 4-3, Commissioners Braddy, Bryant and Henry - No, MOTION CARRIED)*

See following referral item #070889.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

CLERK'S NOTE: It is anticipated that the City Commission will waive its Rules to hear this item at 8:30 PM.

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: Jack Donovan, Jeanna Mastrodicasa, Craig Lowe and Pegeen Hanrahan
Nay: Scherwin Henry, Edward Braddy and Rick Bryant

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070889.**Coverage of Gender Identity Anti-Discrimination by Governmental Entities
(NB)****RECOMMENDATION**

The City Commission refer the issue of coverage of gender identity anti-discrimination by governmental entities to the Equal Opportunity Committee.

A motion was made by Commissioner Lowe, seconded by Commissioner Mastrodicasa, that this matter be Referred to the Equal Opportunity Committee, due back on July 28, 2008. The motion carried by the following vote:

Votes: Aye: Jack Donovan, Jeanna Mastrodicasa, Craig Lowe and Pegeen Hanrahan
Nay: Scherwin Henry, Edward Braddy and Rick Bryant

UNFINISHED BUSINESS**COMMISSION COMMENT****CITIZEN COMMENT (If time available)****ADJOURNMENT - 1:00 AM**

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Kurt M. Lannon, Clerk of the Commission