

# **City of Gainesville**

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



## **Meeting Minutes**

**Thursday, June 2, 2011**

**1:00 PM**

**City Hall Auditorium**

## **City Commission**

*Mayor Craig Lowe (At Large)  
Mayor-Commissioner Pro Tem Thomas Hawkins (At Large)  
Commissioner Scherwin Henry (District 1)  
Commissioner Todd Chase (District 2)  
Commissioner Susan Bottcher (District 3)  
Commissioner Randy Wells (District 4)  
Commissioner Jeanna Mastrodicasa (At Large)*

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

## CALL TO ORDER - 1:00 PM

## ROLL CALL

Present: Craig Lowe, Scherwin Henry, Todd Chase and Susan Bottcher  
Absent: Jeanna Mastrodicasa, Thomas Hawkins and Randy Wells

## INVOCATION

### Prophet George Young

## CONSENT AGENDA

*Commissioner Henry moved and Commissioner Bottcher seconded to adopt the Consent Agenda, as modified.  
(VOTE: 4-0, Commissioners Hawkins, Mastrodicasa and Wells - Absent, MOTION CARRIED)*

### *MODIFICATIONS:*

- 1. File #110022 - Appointments to City Commission Advisory Boards and Committees - (Revised Recommendation).*
- 2. File #110043 - (NEW ITEM) Amicus Brief in Florida Keys Community College v. City of Key West, Case No. 3D11-417 - (Add to the Consent Agenda).*

## CITY MANAGER, CONSENT AGENDA ITEMS

### 100956.

#### **Target 2011 Public Safety Grant Program Application (NB)**

**This item requests City Commission authorization to apply for and accept two Target 2011 Public Safety Grants for GPD's Lock It or Lose It! Program and GPD Kids Camps.**

#### RECOMMENDATION

*The City Commission authorize the City Manager to: execute the grant application, grant award, and any other necessary documents, pending review by the City Attorney as to form and legality.*

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

### 110004.

#### **Approval of Amendment # 2 for The Fleet Garage and Materials Management Facility professional services contract to Bentley Architects + Engineers (BAE)**

(B)

**This item involves a request for approval of Amendment # 2 to the professional services contract to Bentley Architects + Engineers in the amount of \$34,225.20. The additional services involve the work as described on the attached four proposals from Universal Engineering, Water & Air Research, Inc., Myers-Griffis & Associates, Inc, and Buford Davis. The proposals are for work that increases the scope of the original contract.**

**RECOMMENDATION**

*The City Commission: 1) approve Amendment # 2 in the amount of \$34,225.20, which extends the contract price to \$344,195.20; and 2) authorize the City Manager to execute the attached Amendment which has already received the attorney's approval as to form and legality.*

*Alternative Recommendation A:*

*The City Commission deny approval of the Amendment, which would delay progress and affect the timeline and agreement to relocate the Fleet Management Garage and the Materials Management Facilities.*

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

110004\_Amendment Docs\_20110602.pdf

**110005.**

**Bid Award - Historic Gainesville Depot Building Rehabilitation (B)**

**This item involves a request for the City Commission to authorize the bid award to West Construction, Inc. for the Historic Gainesville Depot Building Rehabilitation project in the amount of \$1,650,000.**

**RECOMMENDATION**

*The City Commission: 1) award the bid for the Historic Gainesville Depot Building Rehabilitation to West Construction, Inc., as the lowest responsive, responsible bidder; and 2) authorize the City Manager to execute the construction contract and any related documents, subject to approval by the City Attorney as to form and legality.*

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

110005\_Bid Tab\_20110602.pdf

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

**110014.**

**Murphree WPT Well 16 Permanent Equipment Installation (B)**

**Staff recommends awarding a contract to Sawcross Construction Inc. for construction services for the MWTP Well 16 Permanent Equipment Project.**

**RECOMMENDATION**

*The City Commission 1) authorize the General Manager, or his designee, to execute a contract with Sawcross, Inc. to perform construction services for the MWTP Well 16 Permanent Equipment Project, subject to approval of the City Attorney as to form and legality, and 2) approve the issuance of a purchase order to Sawcross Construction, Inc. in an amount not to exceed \$1,209,000; and 3) authorize staff to procure services, equipment and materials, as required, to complete the project as budgeted.*

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

Agenda Item 110014 backup.pdf

**CITY ATTORNEY, CONSENT AGENDA ITEMS****110043.****AMICUS BRIEF IN FLORIDA KEYS COMMUNITY COLLEGE v. CITY OF KEY WEST, CASE NO. 3D11-417 (NB)****RECOMMENDATION**

*The City Commission authorize the City Attorney to join with the Florida League of Cities, Inc. and the Florida Stormwater Association in filing an amicus brief on behalf of the City of Key West in the case of Florida Keys Community College v. City of Key West, Case No. 3D11-417.*

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

**CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS****110000.****City Commission Minutes (B)****RECOMMENDATION**

*The City Commission approve the minutes of May 5, 2011, May 9, 2011 and May 19, 2011, as circulated.*

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

110000\_may 5, 2011\_minutes\_20110602.pdf  
110000A\_May 9, 2009\_Butler\_min\_20110602.pdf  
110000b\_may 19, 2011\_minutes\_20110602.pdf

**110022.****Appointments to City Commission Advisory Boards and Committees (NB)****RECOMMENDATION**

*The City Commission appoint the following:*

*Eric Falstad, Earther Wright, Daniel Sostrom, Joseph Savastana, Charles Dutton and Robert Wright to the Citizens*

*Advisory Committee for Community Development for a term to expire 11/01/14.*

*Ryan Stith to the Gainesville/Alachua County Cultural Affairs Board for a term to expire 9/30/14.*

*Amy Carpus to the Nature Centers Commission for a term to expire 11/1/13.*

*Francis Putz to the Tree Board of Appeals for a term to expire 1/1/14.*

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

## **Passed The Consent Agenda**

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

Votes: Aye: Todd Chase, Craig Lowe, Scherwin Henry and Susan Bottcher  
Absent: Randy Wells, Jeanna Mastrodicasa and Thomas Hawkins

## **EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**

## **COMMITTEE REPORTS, CONSENT AGENDA ITEMS**

## **COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS**

## **END OF CONSENT AGENDA**

## **ADOPTION OF THE REGULAR AGENDA**

*Commissioner Henry moved and Commissioner Bottcher seconded to adopt the Regular Agenda, as modified.*

*(VOTE: 4-0, Commissioners Hawkins, Mastrodicasa and Wells - Absent, MOTION CARRIED)*

### *MODIFICATIONS:*

- 1. File #100865 - Rezoning Ordinance- 1703 North Main Street - (ppt. presentation submitted).*
- 2. File #100327 - Rezoning Ordinance - Planned Development for Legacy Fountains, LLC - (Revised recommendation to continue second reading of the ordinance to July 21, 2011 and re-advertise at the expense of the Petitioner).*

**CHARTER OFFICER UPDATES****CLERK OF THE COMMISSION****CITY MANAGER****GENERAL MANAGER FOR UTILITIES****CITY ATTORNEY****CITY AUDITOR****EQUAL OPPORTUNITY DIRECTOR****COMMITTEE REPORTS (PULLED FROM CONSENT)****ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)****OUTSIDE AGENCIES****MEMBERS OF THE CITY COMMISSION****COMMISSION COMMENTS (if time available)****Commissioner Todd Chase**

*Request for Joint Meeting with the School Board to resolve the stormwater issue.*

**110054.****Request for Joint Meeting with the School Board (NB)****RECOMMENDATION**

*The City Commission authorize the Mayor to write a letter to the School Board of Alachua County to request a joint meeting between the City of Gainesville and the School Board to discuss the stormwater dispute.*

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

**Votes:** Aye: Todd Chase, Craig Lowe, Scherwin Henry and Susan Bottcher

Absent: Randy Wells, Jeanna Mastrodicasa and Thomas Hawkins

**RECESS - 1:15 PM**

**RECONVENE - 5:46 PM**

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

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

**PROCLAMATIONS/SPECIAL RECOGNITIONS**

**110008.**            **Alachua Habitat for Humanity Year - June 2011 (B)**

**RECOMMENDATION**        *Alachua Habitat for Humanity Executive Director Scott Winzeler to accept the proclamation.*

**Heard**

110008\_HabitatHumanity\_20110602.pdf

**110009.**            **Flag Day 2011 - June 14, 2011 (B)**

**RECOMMENDATION**        *Gainesville Detachment of the Marine Corp League World War II Veteran Bob Gasche to accept the proclamation.*

**Heard**

110009\_FlagDay\_20110602.pdf

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

**Sheila Payne**

*130 Meal Limit at the St. Francis House.*

**Paul Ortiz**

*130 Meal Limit at the St. Francis House.*

**Jean Clark**

*130 Meal Limit at the St. Francis House.*

**Priscilla Caplan**

*130 Meal Limit at the St. Francis House.*

**Jessica Whitmore**

*130 Meal Limit at the St. Francis House.*

**Peter Sin**

*130 Meal Limit at the St. Francis House.*

**Mark Jaskowski**

*130 Meal Limit at the St. Francis House.*

**James Ingle**

*130 Meal Limit at the St. Francis House.*

**Robbie Czopek**

*130 Meal Limit at the St. Francis House.*

**Trisha Ingle**

*130 Meal Limit at the St. Francis House.*

**Sean Larson**

*130 Meal Limit at the St. Francis House.*

**Lauren Byers**

*130 Meal Limit at the St. Francis House.*

**Sean Pederson**

*130 Meal Limit at the St. Francis House.*

**Mark Deford**

*130 Meal Limit at the St. Francis House.*

**Chris Schmidt**



*130 Meal Limit at the St. Francis House.*

**Katie Walters**

*130 Meal Limit at the St. Francis House.*

**Joe Cenker**

*130 Meal Limit at the St. Francis House.*

**110059.**

**Joe Cenker - Citizen Comment - 130 Meal Limit Issue (B)**

**RECOMMENDATION**

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

**Placed on File**

**Cindy Herrera**

*130 Meal Limit at the St. Francis House.*

**John Davies**

*Biomass Plant.*

**Julia Reiskind**

- 1. Community Gardens - Green Acres Park.*
- 2. Security for Cell Tower.*

**Dave Herren**

*GRU Feed-In Tariff.*

**Alex Kuokulov**

*GRU Feed-In Tariff.*

**Sandra Watts Kennedy**

*Stephen Foster Neighborhood Association - Cabot-Koppers Superfund Site.*

**110058.**

**Sandra Watts Kennedy - Citizen Comment - Koppers Superfund Site Clean-Up - (B)**

**RECOMMENDATION**     *The City Commission hear comments from Sandra Watts Kennedy and place back-up submitted on file.*

110058\_CITIZEN COMMENT\_20110602.pdf

**Maria Parsons**

*Cabot-Koppers Superfund Site.*

**Mac McEachern**

*Biomass Plant.*

**Michael Canney**

*Biomass Plant.*

**110057.**

**Michael Canney - Citizen Comment - Biomass Plant Concerns (B)**

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

**Placed on File**

110057\_CITIZEN COMMENT\_20110602.PDF

**Jo Beaty**

*Biomass Plant.*

**Harold Saive**

*Various Issues.*

**Walter Willard**

*Various Issues.*

**Nathan Skop**

*Biomass Plant.*

**Judi Rigasa**

*130 Meal Limit at the St. Francis House.*

**Ed Reyes**

*130 Meal Limit at the St. Francis House.*

**Logan Chap**

*130 Meal Limit at the St. Francis House.*

**Candi Herrera**

*130 Meal Limit at the St. Francis House.*

**Philippe Traveri**

*130 Meal Limit at the St. Francis House.*

**Asia Rigasa**

*130 Meal Limit at the St. Francis House.*

**RESPONSE TO CITIZEN COMMENT****Commissioner Susan Bottcher**

- 1. Cabot Koppers (Letter to the Editor).*
- 2. 130 Meal Limit at the St. Francis House.*

**Commissioner Scherwin Henry**

- 1. Cell Tower Facility.*
- 2. 130 Meal Limit.*
- 3. Cabot-Koppers Superfund site - Ongoing monitoring.*

**Commissioner Todd Chase**

*General Comments.*

**Mayor Craig Lowe**

- 1. Biomass Plant - Electrical Use.*
- 2. Cabot-Koppers Superfund site - Ongoing monitoring.*

**PUBLIC HEARINGS****RESOLUTIONS- ROLL CALL REQUIRED**

## ORDINANCES, 1ST READING- ROLL CALL REQUIRED

### 100865.

#### REZONING – 1703 NORTH MAIN STREET (B)

##### **Ordinance No. 100865, Petition No. PB-11-27 ZON**

**An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property within the City, as more specifically described in this Ordinance, from the zoning category of “BA: Automotive-oriented business district” to “BUS: General business district”; located in the vicinity of 1703 North Main Street; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Planner Jason Simmons and Principal Planner Onelia Lazzari gave presentations.*

*Agent for the Petitioner Gerry Dedenbach gave a presentation.*

*Mayor Lowe recognized Donald Wolfe and an unidentified business owner who spoke to the matter.*

**RECOMMENDATION**      *The City Commission: 1) approve Petition No. PB-11-27 ZON; and 2) adopt the proposed ordinance.*

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

**Votes:** Aye: Todd Chase, Craig Lowe, Scherwin Henry and Susan Bottcher  
Absent: Randy Wells, Jeanna Mastrodicasa and Thomas Hawkins

100865\_staff report\_20110602.pdf  
100865A\_appendix A\_20110602.pdf  
100865B\_appendix B\_20110602.pdf  
100865C\_appendix C\_20110602.pdf  
100865D\_appendix D\_20110602.pdf  
100865E\_staff ppt\_20110602.pdf  
100865\_draft ordinance\_20110602.pdf  
100865\_MOD\_applicant\_ppt\_20110602.PDF  
100865\_ordinance\_20110616.pdf

### 100928.

#### CITY ELECTION DATE 2012 (B)

##### **Ordinance No. 100928**

**An ordinance of the City of Gainesville, Florida, setting the election date for the 2012 regular city election and setting the run-off election date, if necessary; setting the dates for qualifying for the 2012 regular election; providing a severability clause; providing a preemption clause; and providing an immediate effective date.**

*Mayor Lowe recognized John Davies who spoke to the matter.*

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

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

**Votes:** Aye: Todd Chase, Craig Lowe, Scherwin Henry and Susan Bottcher  
Absent: Randy Wells, Jeanna Mastrodicasa and Thomas Hawkins

100928\_draft elections ordinance\_20110602.pdf  
100928\_ordinance\_20110616.pdf

## **ORDINANCES, 2ND READING- ROLL CALL REQUIRED**

### **100327.**

**REZONING - PLANNED DEVELOPMENT FOR LEGACY FOUNTAINS, LLC (B)**

**Ordinance No. 100327, Petition No. PB-09-116PDV**

**An Ordinance of the City of Gainesville, Florida; rezoning certain lands within the City, as more specifically described in this ordinance, and amending the Zoning Map Atlas from "PS: Public services and operations district" to "Planned Development District"; located in the vicinity of 1420, 1424, 1428, 1432 Southwest 52nd Street; commonly known as "Legacy Fountains, LLC" Planned Development; adopting a development plan report and development plan maps; providing conditions and restrictions; providing for enforcement; providing a severability clause; and providing an immediate effective date.**

**RECOMMENDATION**      *The City Commission continue the proposed ordinance to July 21, 2011 and readvertise at the expense of the Petitioner.*

**A motion was made by Commissioner Henry, seconded by Commissioner Chase, that this matter be Continued (2nd Reading). The motion carried by the following vote:**

**Votes:** Aye: Todd Chase, Craig Lowe, Scherwin Henry and Susan Bottcher  
Absent: Randy Wells, Jeanna Mastrodicasa and Thomas Hawkins

100327\_pb recommended conditions\_20101007.pdf  
100327A\_staff report\_20101007.pdf  
100327B\_appendix A\_20101007.pdf  
100327C\_appendix B\_20101007.pdf  
100327D\_appendix C\_20101007.pdf  
100327E\_appendix D\_20101007.pdf  
100327F\_appendix E\_20101007.pdf  
100327G\_100826 cpb minutes draft\_20101007.pdf  
100327H\_staff ppt\_20101007.PDF  
100327\_MOD\_PB-09-116 PDV\_Applicant CHW\_CC 101007.PDF  
100327\_staff ppt\_20110505.pdf  
100327\_draft ordinance\_20110505.pdf  
100327\_MOD\_APPLICANT\_PPT\_20110505.pdf  
100327\_draft ordinance\_20110519.pdf  
100327\_MOD\_memo\_20110602\_.pdf  
100327\_MOD\_2ND\_memo\_20110602.pdf  
100327\_draft ordinance\_20110721.pdf

**100789.****PLANNED DEVELOPMENT AMENDMENT - FOXFIELD/CROWN POINT  
(B)****Ordinance No. 100789, Petition No. PB-11-2-PDA**

**An Ordinance of the City of Gainesville, Florida; amending Ordinance No. 2743 that rezoned the property to Planned Development, formerly known as "Foxfield, A Planned Development, and commonly known as Crown Point Planned Development"; generally located in the vicinity of N.W. 39th Drive and N.W. 16th Boulevard; by revising the list of permitted uses and adding certain conditions; providing for effectiveness of other ordinances; 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 Henry, seconded by Commissioner Bottcher, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:**

**Votes:** Aye: Todd Chase, Craig Lowe, Scherwin Henry and Susan Bottcher  
Absent: Randy Wells, Jeanna Mastrodicasa and Thomas Hawkins

100789\_staff report\_20110407.pdf  
100789A\_appendA\_20110407.pdf  
100789B\_append B\_20110407.pdf  
100789C\_CPB minutes\_20110407.pdf  
100789D\_staff ppt\_20110407.pdf  
100789\_draft ordinance\_20110519.pdf  
100789\_signed\_ordinance\_20110602.pdf

**100815.****CEMETERY REGULATIONS (B)****Ordinance No. 100815**

**An ordinance of the City of Gainesville, Florida, amending Section 7-15 of the City of Gainesville Code of Ordinances, relating to cemeteries; providing that the perpetual care certificate be signed by the city manager or designee; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

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

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

**Votes:** Aye: Todd Chase, Craig Lowe, Scherwin Henry and Susan Bottcher

Absent: Randy Wells, Jeanna Mastrodicasa and Thomas Hawkins

100815\_Revision to Chapter 7\_20110519.pdf

100815\_cemeteryordinance\_20110602.pdf

## **PLAN BOARD PETITIONS**

## **DEVELOPMENT REVIEW BOARD PETITIONS**

## **SCHEDULED EVENING AGENDA ITEMS**

## **UNFINISHED BUSINESS**

## **COMMISSION COMMENT**

### **Commissioner Scherwin Henry**

*Communication with citizens.*

## **CITIZEN COMMENT**

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

## **ADJOURNMENT - 8:14 PM**

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Kurt M. Lannon, Clerk of the Commission