

City of Gainesville

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



Meeting Minutes

Thursday, December 17, 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 - 1:06 PM

ROLL CALL

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

INVOCATION

The City Commission observed a moment of silence.

CONSENT AGENDA

*Commissioner Donovan moved and Commissioner Lowe seconded to adopt the Consent Agenda with the following modifications.
(VOTE: 6-0, Mayor Hanrahan - Absent, MOTION CARRIED)*

MODIFICATIONS:

- 1. File #090627 - Appointments to City Commission Advisory Boards and Committees - (Add to the agenda under "Clerk of the Commission Consent").*
- 2. File #090628 - Student Seat appointments to the City Commission Advisory Boards and Committees for a term to expire January, 2012 - (Add to the agenda under "Clerk of the Commission Consent").*
- 3. File #090615 - Depot Park Construction Documents - Approval of Work Order #5 - (Add to the agenda under "City Manager Consent").*

CITY MANAGER, CONSENT AGENDA ITEMS

090608. Settlement of Worker's Compensation Claim - Charles Jempson (NB)

This item involves the full and final settlement of Charles Jempson's worker's compensation claim(s), which will include all future medical, indemnity and Medicare Set-Aside payments. The total settlement amount is \$280,586.26 and represents a significant cost advantage to the City.

RECOMMENDATION *The City Commission authorize Special Counsel to prepare and execute the appropriate documents for a lump-sum settlement of the Worker's Compensation Claim of Charles Jempson in the amount of \$280,586.26.*

This Matter was Approved as Recommended on the Consent Agenda.

090611. Evaluation and Appraisal Report (EAR) Major Issues (B)

The purpose of this item is to provide the proposed Major Issues for the Evaluation and Appraisal Report (EAR) on the 2000-2010 City of Gainesville Comprehensive Plan EAR to the City Commission, and to request a Letter of Understanding from the Florida Department of Community Affairs.

RECOMMENDATION *The City Commission endorse the Major Issues and direct staff to submit the Major Issues document to the Florida Department of Community Affairs (DCA) with a request for a Letter of Understanding expressing DCA's agreement with the Major Issues.*

This Matter was Approved as Recommended on the Consent Agenda.

090613. Northeast Pool Blankets, Reels and Reel Covers Purchase Authorization (B)

This item involves a request for the City Commission to authorize the purchase of pool blankets, reels and reel covers for Northeast Pool from Commercial Energy Specialist, Inc. (CES) in conjunction with the installation of the geo-thermal heating project currently underway.

RECOMMENDATION *The City Commission: 1) approve the purchase of the pool blankets, reels and reel covers from Commercial Energy Specialists; and 2) the issuance of a purchase order in an amount not to exceed \$60,275 for the purchase of pool blankets for Northeast Pool.*

Alternative Recommendation A: The City Commission deny this request for purchase of pool blankets, reels and reel covers from Commercial Energy Specialists for the Northeast Pool heating project.

This Matter was Approved as Recommended on the Consent Agenda.

090615. Depot Park Construction Documents - Approval of Work Order #5 (B)

This item is submitted by the CRA, which is acting as the City's agent to develop Depot Park. City Commission approval is needed to initiate a work order to complete park construction documents and specifications under the existing contract with park designer Carol R. Johnson Associates.

RECOMMENDATION *City Manager to the City Commission: 1) approve Work Order #5 to complete construction documents and specifications for Depot Park not to exceed \$211,465.00 inclusive of professional fees and reimbursable expenses; and 2) authorize the City Manager to sign all necessary documents, subject to approval, as to form and legality by the City Attorney.*

This Matter was Approved as Recommended on the Consent Agenda.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

090620. Reimbursement for Oversizing of Wastewater Facilities at Christ Community Church (NB)

Reimburse Christ Community Church of Gainesville, Inc., developer of Christ Community Church, for the oversizing of wastewater facilities in accordance with provisions of the City of Gainesville Code of Ordinances, Chapter 27-179 Oversized Facilities.

RECOMMENDATION *The City Commission to authorize the General Manager or his designee to negotiate and execute an agreement for reimbursement to Christ Community Church for the oversizing of wastewater facilities in an amount not to exceed \$52,989.58, subject to approval of the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

CITY ATTORNEY, CONSENT AGENDA ITEMS

090609. Laura Roberts f/k/a Laura Demetree and Nathan Roberts vs. City of Gainesville and United Services Automobile Association; Eighth Judicial Circuit, Court Case No. 01-2009-CA-2046 (NB)

RECOMMENDATION *The City Commission 1) approve the terms of the mediated settlement; and 2) authorize the City Attorney to settle the claim of Laura Roberts f/k/a Laura Demetree and Nathan Roberts vs. City of Gainesville and United Services Automobile Association, Eighth Judicial Circuit Case No. 2009-CA-2046, on behalf of the City.*

This Matter was Approved as Recommended on the Consent Agenda.

090612. Michael Wohl vs. City of Gainesville, U.S. District Court for the Northern District of Florida, Gainesville Division, Case No. 1:08cv149 (NB)

RECOMMENDATION *The City Commission 1) approve the terms of the settlement; and 2) authorize the City Manager and the City Attorney's Office to settle the case styled Michael Wohl vs. City of Gainesville.*

This Matter was Approved as Recommended on the Consent Agenda.

090607. CLISTA BROWN vs. CITY OF GAINESVILLE; ALACHUA COUNTY CIRCUIT COURT; CASE NO.: 01-09-CA-5621 (B)

RECOMMENDATION *The City Commission authorize the City Attorney and/or Special Counsel if insurance coverage is available, to represent the City of Gainesville in the case styled Clista Brown vs. City of Gainesville; Alachua County Circuit Court; Case No.: 01-09-CA-5621.*

This Matter was Approved as Recommended on the Consent Agenda.

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

090614. City Commission Minutes (B)

RECOMMENDATION *The City Commission approve the minutes of November 30, 2009; December 3, 2009; and re-approve the minutes of October 29, 2009, as circulated.*

This Matter was Approved as Recommended on the Consent Agenda.

090627. Appointments to City Commission Advisory Boards and Committees (B)

RECOMMENDATION *The City Commission appoint the following:
Michael R. Pedron to the Bicycle/Pedestrian Advisory Board for a vacancy to expire 12/31/2010;
James Albright to the Citizens Advisory Committee for Community Development for a term to expire 11/01/2012; and
Lois Y. Harrison reappointed to the Citizens Advisory Committee for Community Development for a term to expire 11/01/2012;
J. Robet Buckler, Thomas Oakland, and Adrian Hayes-Santos to the City Beautification Board for terms to expire 11/01/2012;
Crystal Goodison to the City Plan Board for a term to expire 11/01/2011;
John A. Murdoch reappointed to the Fire Safety Board of Adjustment for a term to expire 11/01/2011;
Gerardo M. Rivera to the Gainesville Human Rights Board for a vacancy to expire 02/22/2011;
Sheila K. Dickison to the Gainesville/Alachua County Cultural Affairs Board for a term to expire 09/30/2012;
Michael I. Volk to the Historic Preservation Board for a term to expire 06/01/2012;
William M. Alday reappointed to the Public Recreation Board*

*for a term to expire 06/01/2012;
William G. Massey to the Public Recreation Board for a term
to expire 11/01/2011;
Sade a. Sesay (Student Member) to the Student Community
Relations Advisory Board for a term to expire 02/26/2013;
and William D. Mercer (Non-Student Member) to the Student
Community Relations Advisory Board for a term to expire
02/26/2013.*

This Matter was Approved as Recommended on the Consent Agenda.

090628. Student Seat Appointments to City Commission Advisory Boards and Committees for a term to expire January 2012 (B)

RECOMMENDATION

*The City Commission appoint the following:
Justin Runac to Bicycle-Pedestrian Advisory Board;
Benjamin C. Christian to Board of Adjustment
LaToya S. Carter to the Development Review Board;
Michael M. Garrett to the Gainesville Energy Advisory
Committee;
Thomas Z. Smith to the Historic Preservation Board;
Ian C. Perez to the Pension Review Committee;
Jason W. Miesbauer to Tree Advisory Board/Tree Board of
Appeals; and
John W. Newman to Water Management Committee.*

This Matter was Approved as Recommended on the Consent Agenda.

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE, CONSENT

090601. City Election Issues - (Related to Ordinance #090078) (NB)

RECOMMENDATION

*The City Commission approve the dates for future City
Elections, as follows: 1) 2010 - Already scheduled; 2011 -
Tentative March 14, 2011 election and April 11, 2011 run-off
(would coincide with several municipalities); 2012 - schedule
with Presidential Primary.*

This Matter was Approved as Recommended on the Consent Agenda.

090602. Review of General Fund Forecasted Revenues and Other Sources of Funds for

the Fiscal Year Ending September 30, 2010 (B)

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

This Matter was Approved as Recommended on the Consent Agenda.

090603. Review of Local Business Tax Revenues (B)

RECOMMENDATION *The City Commission: 1) Accept the City Auditor's report and the response from the City Manager; and 2) instruct the City Auditor to conduct a follow-up review on recommendations made and report the results to the Audit, Finance and Legislative Committee.*

This Matter was Approved as Recommended on the Consent Agenda.

090604. Review of Landlord Permit Revenues - Driveway Parking Plans (B)

RECOMMENDATION *The City Commission: 1) Accept the City Auditor's report and response from the City Manager; and 2) instruct the City Auditor to conduct a follow-up review on recommendations made and report the results to the Audit, Finance and Legislative Committee.*

This Matter was Approved as Recommended on the Consent Agenda.

090603. Review of Local Business Tax Revenues (B)

RECOMMENDATION *The City Commission: 1) Accept the City Auditor's report and the response from the City Manager; and 2) instruct the City Auditor to conduct a follow-up review on recommendations made and report the results to the Audit, Finance and Legislative Committee.*

This Matter was Approved as Recommended on the Consent Agenda.

090604. Review of Landlord Permit Revenues - Driveway Parking Plans (B)

RECOMMENDATION *The City Commission: 1) Accept the City Auditor's report and response from the City Manager; and 2) instruct the City Auditor to conduct a follow-up review on recommendations made and report the results to the Audit, Finance and Legislative Committee.*

This Matter was Approved as Recommended on the Consent Agenda.

Passed The Consent Agenda

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

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

EQUAL OPPORTUNITY COMMITTEE, CONSENT

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

Commissioner Donovan moved and Commissioner Mastrodicasa seconded to adopt the Regular Agenda, as modified.

(VOTE: 6-0, Mayor Hanrahan - Absent, MOTION CARRIED)

Chair Pro Tem Henry recognized Pat Fitzpatrick who spoke to the matter.

MODIFICATIONS:

- 1. File #090618 - The Community Initiative on Race and Race Relations - (Waive the rules to hear this item first on the afternoon portion of the agenda and back-up submitted).*
- 2. File #090572 - City Response to a Request for Interest (RFI) to submit potential projects that could be funded through an increase in the Tourism Development Tax - (Back-up forthcoming).*
- 3. File #090629 - (New Item) - Comments on Federal Trade Commission Light Bulb Labeling - (Add to the Regular Agenda under "General Manager for Utilities").*
- 4. File #090642 - (New Resolution) - Resolution Initiating Conflict Procedures - (Add to the agenda).*
- 5. File #090340 - (Ordinance) - Rezoning - 1500 NW 45th Avenue - (Continue first reading and authorize re-advertisement).*

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

STUDENT SEAT APPOINTMENTS - Chair Pro Tem Henry recognized UF student Jerry Bruno who made comments regarding Student Seats on Advisory Boards.

WAIVER OF RULES

The Rules were waived by adoption of the Regular Agenda to hear File #090618 "The Community Initiative on Race and Race Relations" first on the afternoon portion of the agenda.

EQUAL OPPORTUNITY DIRECTOR

090618. The Community Initiative on Race and Race Relations (B)

Equal Opportunity Director Cecil Howard gave a presentation.

Chair Pro Tem Henry recognized Susan Fairforest and Pat Fitzpatrick who spoke to the matter.

RECOMMENDATION *The City Commission: 1) hear a presentation from EO Director Cecil Howard; and 2) adopt the proposed program.*

A motion was made by Commissioner Donovan, seconded by Commissioner Lowe, 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 and Scherwin Henry
Absent: Pegeen Hanrahan

WAIVER OF RULES

Commissioner Hawkins moved and Commissioner Poe seconded to waive the rules to hear Commission Comment at this time.

(VOTE: 6-0, Mayor Hanrahan - Absent, MOTION CARRIED)

Chair Pro Tem Henry recognized Pat Fitzpatrick who made comments.

COMMISSION COMMENTS

Commissioner Lauren Poe

GRU - Purchase of poles from Cabot-Koppers. GRU General Manager Bob Hunzinger made comments.

090646. Cabot-Koppers - GRU Contract (NB)

Chair Pro Tem Henry recognized Cindy Harrington, Ronald Hodell, Maria Parsons and Susan Fairforest who spoke to the matter.

RECOMMENDATION *The City Commission direct GRU to proceed with terminating the contract with Cabot-Koppers for the purchase of utility poles.*

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

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

090647. Expanded Research on Superfund Sites in Other Communities (NB)

RECOMMENDATION *The City Commission direct staff to expand it's research on Superfund Sites in other communities.*

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

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

090648. Contaminants from the Cabot-Koppers Superfund Site - Referral to the Community Development Committee (NB)

RECOMMENDATION *The City Commission refer the issue of dust borne and stormwater borne contaminants from the Koppers Superfund site to the Community Development Committee.*

A motion was made by Commissioner Lowe, seconded by Commissioner Poe, that this matter be Referred to the Community Development Committee, due back on June 17, 2010. The motion carried by the following vote:

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

CITY MANAGER

090572. City Response to a Request for Interest (RFI) to Submit Potential Projects that could be Funded Through an Increase in the Tourism Development Tax (B)

This agenda item provides an opportunity for the City Commission to consider and approve submission of potential projects in response to an RFI that could be funded through an increase in the Tourism Development Tax.

Assistant City Manager Paul Folkers, Parks, Recreation and Cultural Affairs Director Steve Phillips and CRA Manager Anthony Lyons gave presentations.

RECOMMENDATION *The City Commission hear a presentation from staff and direct the City Manager to submit three proposals in response to the RFI including: 1) an expansion of the MLK Center; 2) a Downtown Conference Center; and 3) infrastructure and amenities that are open to the public and will accelerate construction of the Cade Museum.*

A motion was made by Commissioner Hawkins, seconded by Commissioner Lowe, 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 and Scherwin Henry
Absent: Pegeen Hanrahan

090581. Special Assessment for Fire Services (B)

At the request of the City Commission, staff will provide a presentation regarding a potential Special Assessment for Fire Services for FY 11 and seek Commission guidance.

Assistant City Manager Paul Folkers, Administrative Services Director Becky Rountree and Fire Chief Bill Northcutt gave presentations.

AMENDMENT: 4) authorize the City Manager to execute a contract not to exceed \$65,000 for consultant services.

Chair Pro Tem Henry recognized Jeff Lane and Jeff McAdams who spoke to the matter.

RECOMMENDATION *The City Commission: 1) hear a presentation from staff, 2) direct the City Manager to proceed with all necessary preparations to allow for Commission consideration and potential implementation of a Special Assessment for Fire Services in FY 11 and 3) appropriate \$85,000 from the general fund balance to cover project costs.*

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

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

GENERAL MANAGER FOR UTILITIES

090629. Comments on Federal Trade Commission Light Bulb Labeling (NB)

The FTC has proposed new labeling requirements for "lamps," commonly known as light bulbs, in response to a congressional mandate. This Notice of Proposed Rulemaking was released on October 27 and staff was recently made aware of it by the County. It was recommended by EPAC that both the City and County provide comments supporting this new labeling that will help consumers better understand the energy efficiency value of certain bulbs and be able to make comparisons. Consumers can submit comments to the FTC by December 28, 2009.

GRU Assistant General Manager for Customer and Administrative Services Kathy Viehe gave a presentation.

RECOMMENDATION *The City Commission direct GRU staff to submit comments on behalf of the City and GRU supporting the proposed rule.*

A motion was made by Commissioner Poe, seconded by Commissioner Hawkins, 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 and Scherwin Henry
Absent: Pegeen Hanrahan

CITY ATTORNEY**CITY AUDITOR****COMMITTEE REPORTS (PULLED FROM CONSENT)****ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)****OUTSIDE AGENCIES****MEMBERS OF THE CITY COMMISSION****COMMISSION COMMENTS**

Dr. Richard W. Bowles - UF Band Professor writer of the song "Tree City Fanfare" - See following referral item #090652.

Commissioner Lauren Poe**090652. Adopting "Tree City Fanfare" as the Official Song for the City of Gainesville**

(NB)

RECOMMENDATION

The City Commission authorize the City Attorney to: 1) Draft a resolution adopting "Tree City Fanfare" written by Dr. Richard W. Bowles as the City of Gainesville's official song; and 2) contact Dr. Bowles estate to attempt to obtain the rights to the song.

A motion was made by Commissioner Poe, seconded by Commissioner Donovan, that this matter be Referred to the City Attorney, due back on June 17, 2010. The motion carried by the following vote:

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

Commissioner Jack Donovan

- 1. Smoking at Bus Shelters. See following referral item #090657.*
- 2. Requested a workshop be scheduled regarding Codes Enforcement, Development Review and Building Permits process information.*

090657. Banning Smoking at Bus Shelters (NB)

RECOMMENDATION

The City Commission refer the issue of banning smoking City-wide at RTS Bus Shelters to the RTS Advisory Board to bring back recommendations.

A motion was made by Commissioner Donovan, seconded by Commissioner Mastrodicasa, that this matter be Referred to the Regional Transit System Advisory Board, due back on June 17, 2010. The motion carried by the following vote:

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

Commissioner Craig Lowe

GRU General Manager Bob Hunzinger

Public Service Commission Update.

RECESS - 4:56 PM

RECONVENE - 6:03 PM

PLEDGE OF ALLEGIANCE (5:30pm)

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

Public Service Commission Meeting.

Pat Fitzpatrick

Homeless Issues.

John Davies

Cabot-Koppers - GRU Poles.

PROCLAMATIONS/SPECIAL RECOGNITIONS**PUBLIC HEARINGS****RESOLUTIONS- ROLL CALL REQUIRED****090642. RESOLUTION INITIATING CONFLICT RESOLUTION PROCEDURES (B)**

A Resolution of the City Commission of the City of Gainesville, Florida, initiating conflict resolution procedures per Section 164.101, Florida Statutes, the Florida Governmental Conflict Resolution Act, pertaining to a conflict between the City of Gainesville and the Alachua County School Board, Florida; and providing an immediate effective date.

City Attorney Marion Radson gave an introduction and Litigation Attorney Elizabeth Waratuke gave a presentation.

Chair Pro Tem Henry recognized Jim Konish and Mark Goldstein who spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed resolution.*

A motion was made by Commissioner Poe, seconded by Commissioner Hawkins, 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 and Scherwin Henry
Absent: Pegeen Hanrahan

ADOPTION AND SECOND READING - ROLL CALL REQUIRED

**090184. COMPREHENSIVE PLAN AMENDMENT - TRANSPORTATION
CONCURRENCY EXCEPTION AREA (B)**

Ordinance No. 0-09-34, Petition PZ-09-67CPA

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, relating to concurrency and the transportation concurrency exception area (TCEA); amending the Concurrency Management Element by revising the standards and requirements for existing TCEA zones, by creating new TCEA zones with related standards and requirements, by deleting the prohibition on TCEA zones west of I-75, by clarifying the status of annexed property, by creating trip credits for certain redevelopment projects, by creating requirements for certain developments on vacant acreage, by providing for implementation of the Bus Rapid Transit Study and express bus service, by clarifying the requirements for drive-through facilities, by requiring large developments to address regional impacts and by deleting legal descriptions of the existing TCEA zones; amending the Future Land Use Element by specifying TCEA zone requirements for annexed property and by requiring large developments to address regional impacts; amending the Transportation Mobility Element by deleting certain requirements for transportation mitigation outside of the TCEA and by providing for implementation of the Bus Rapid Transit Study and express bus service; amending the Capital Improvements Element by specifying the Concurrency Management level of service standards for the new TCEA zones and by adding new transit and transportation projects to the 5-year schedule of capital improvements; providing directions to the city manager; stating intent to adopt the amended elements as part of the City of Gainesville 2000-2010 Comprehensive Plan; providing a severability clause; providing a repealing clause; and providing an effective date.

Chief of Comprehensive Planning Dean Mimms and Concurrency Management Planner Onelia Lazzari gave presentations.

RECOMMENDATION

The City Commission (1) receive the Objections, Recommendations and Comments Report from the State Department of Community Affairs; (2) review the amendments to the ordinance, as proposed response to the DCA objection; and (3) adopt the ordinance, as amended.

A motion was made by Commissioner Hawkins, seconded by Commissioner Mastrodicasa, that this matter be Adopted on Adoption Reading (Ordinance) and Approved the Recommendation, as amended. The motion carried by the following vote:

Votes: Aye: Jeanna Mastrodicasa, Thomas Hawkins, Craig Lowe, Jack Donovan and Scherwin Henry

Absent: Pegeen Hanrahan and Lauren Poe

**090185. COMPREHENSIVE PLAN AMENDMENT - TRANSPORTATION
CONCURRENCY EXECEPTION AREA MAPS (B)**

Ordinance No. 0-09-35, Petition PZ-09-68LUC

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, relating to the transportation concurrency exception area (TCEA); amending the Future Land Use Element map series, the Transportation Mobility Element map series and the Concurrency Management Element map series by deleting the existing TCEA maps and adopting new maps that depict the updated TCEA and its zones; providing directions to the city manager; stating intent to adopt the amended map series within the elements as part of the City of Gainesville 2000-2010 Comprehensive Plan; providing a severability clause; providing a repealing clause; and providing an effective date.

Concurrency Management Planner Onelia Lazzari gave a presentation.

RECOMMENDATION *The City Commission (1) receive the report of the Department of Community Affairs that offers no objections, recommendations or comments to this ordinance; and (2) adopt the proposed ordinance.*

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

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

090089**LAND USE CHANGE - TOWNHOMES OF WESTWOOD, LLC (B)****Ordinance No. 0-09-43, Petition PZ-09-129LUC**

An Ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan; by changing the land use category of certain properties, as more specifically described in this ordinance, from the Alachua County land use category of "Medium High Density Residential (8-14 DU/acre)" to City of Gainesville "Residential Medium Density (8-30 units per acre)" and "Conservation," generally located southwest of the intersection of Southwest 20th Avenue and Southwest 43rd Street; providing a severability clause; providing a repealing clause; and providing an effective date.

Chief of Comprehensive Planning Dean Mimms gave a presentation.

NOTE: Commissioner Mastrodicasa declared that she had no conflict of interest and would be voting on this item.

RECOMMENDATION *The City Commission (1) receive the report of the Department of Community Affairs that offers no objections, recommendations or comments to this ordinance; and (2) adopt the proposed ordinance.*

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

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

071190. LAND USE CHANGE - 7100 SW 41st PLACE (B)

Ordinance No. 0-08-25, Petition No. 26LUC-08PB

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

Chief of Comprehensive Planning Dean Mimms gave a presentation.

RECOMMENDATION *The City Commission (1) receive the report of the Department of Community Affairs that offers no objections to this ordinance; and (2) adopt the proposed ordinance.*

A motion was made by Commissioner Donovan, seconded by Commissioner Poe, that this matter be Adopted on Adoption Reading (Ordinance) and Approved the Recommendation. The motion carried by the following vote:

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

090199 LAND USE CHANGE - 1500 NORTHWEST 45TH AVENUE (B)

Ordinance No. 0-09-40, Petition PZ-09-59LUC

An Ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan; by changing the land use categories of certain properties owned by the City, as more specifically described in this ordinance, from the City of Gainesville land use categories of "Commercial," "Single-Family (up to 8 units per acre)," "Residential Low-Density (up to 12 units per acre)" and "Residential Medium-Density (8-30 units per acre)"; to the City of Gainesville land use category of "Conservation"; consisting of approximately 61.60 acres, located in the vicinity of 1500 Northwest 45th Avenue; providing a severability clause; providing a repealing clause; and providing an effective date.

Planner Jason Simmons gave a presentation.

RECOMMENDATION *The City Commission (1) receive the report of the Department of Community Affairs that offers no objections to this ordinance; and (2) adopt the proposed ordinance.*

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

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

070210. LAND USE CHANGE - HATCHET CREEK (B)

Ordinance No. 0-07-97, Petition 23LUC-07PB

An Ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan Future Land Use Element and Future Land Use Map; by overlaying the "Planned Use District" category over certain property with the underlying land use categories of "Single-Family (up to 8 units per acre)," "Industrial," and "Recreation," as more specifically described in this ordinance, consisting of approximately 498 acres, generally located in the vicinity of Waldo Road on the East, NE 39th Avenue on the South, NE 15th Street on the West, and NE 53rd Avenue on the North; by creating and adopting Policy 4.3.5 in the Future Land Use Element of the Comprehensive Plan; providing time limitations; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Chief of Comprehensive Planning Dean Mimms and Environmental Coordinator Mark Garland gave presentations.

Attorney for the Petitioner Linda Shelley made comments.

Chair Pro Tem Henry recognized Airport CEO Alan Penksa, Rob Brinkman, Mark Goldstein and Janet Woods who spoke to the matter.

Commissioner Jeanna Mastrodicasa declared that she had no conflict of interest regarding this item.

RECOMMENDATION

The City Commission (1) receive the Objections, Recommendations and Comments Report from the State Department of Community Affairs; (2) review the amendments as proposed by City staff and the applicant; (3) amend the ordinance, as appropriate; and (4) adopt the ordinance, as amended.

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

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

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

071194. REZONING - 7100 SW 41ST PLACE (B)**Ordinance No. 0-08-26, Petition No. 30ZON-08PB**

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property, as more specifically described in this Ordinance, from the Alachua County zoning category of "Conservation (C-1) district" to the City of Gainesville zoning category of "PS: Public services and operations district"; to allow a public utility - wastewater treatment plant and ancillary facilities as a use permitted by right without approval of a preliminary development plan; located in the vicinity of 7100 Southwest 41st Place, commonly known as "Kanapaha Water Reclamation Facility"; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Chief of Comprehensive Planning Dean Mimms gave a presentation.

RECOMMENDATION *The City Commission: 1) approve Petition No. 30ZON-08PB; and 2) adopt the proposed ordinance.*

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

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

090340. REZONING - 1500 NORTHWEST 45TH AVENUE (B)**Ordinance No. 0-09-59, Petition No. PZ-09-60ZON**

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property, as more specifically described in this Ordinance, from the City of Gainesville zoning categories of "BUS: General business district"; "RMF-5: 12 units/acre single-family/multiple-family residential district"; and "RMF-6: 8-15 units/acre multiple-family residential district" to "CON: Conservation district"; consisting of approximately 61.6 acres; located in the vicinity of 1500 Northwest 45th Avenue; providing a severability clause; providing a repealing clause; and providing an effective date.

Chair Pro Tem Henry recognized Robert Brinkman who spoke to the matter.

RECOMMENDATION *The City Commission: 1) approve Petition No. PZ-09-60ZON; and 2) adopt the proposed ordinance.*

A motion was made by Commissioner Poe, seconded by Commissioner Mastrodicasa, that this matter be Continued (1st Reading). The motion carried by the following vote:

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

090529. FALSE FIRE ALARM ORDINANCE AMENDMENTS (B)

Ordinance No. 0-09-72

An Ordinance of the City of Gainesville, Florida, relating to the City of Gainesville False Fire Alarm Ordinance; amending section 10-31, Definitions, by adding a new definition for "Deterrent system;" adding an additional exception to the definition of "False fire alarm;" providing directions to the codifier; providing a severability clause; and providing an immediate effective date.

Deputy Fire Chief Tim Hayes gave a presentation.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

A motion was made by Commissioner Lowe, seconded by Commissioner Poe, 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 and Scherwin Henry
Absent: Pegeen Hanrahan

ORDINANCES, 2ND READING - ROLL CALL REQUIRED

090389. CHANGE IN PERMITTED USE - POSSUM CREEK PARK (B)

Ordinance No.0-09-69, Petition No. PZ-09-53

An ordinance of the City of Gainesville, Florida, amending the "PS: Public services and operations district" for the public park commonly known as Possum Creek Park, to permit by right certain uses, recreational facilities and areas, trails and boardwalks, as more specifically provided in this ordinance, and accessory uses customarily and clearly incidental to the permitted principal uses; including the approval of a preliminary development plan; located in the vicinity of 4009 Northwest 53rd Avenue; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

090078. ELECTION CODE (B)**Ordinance No. 0-09-71**

An ordinance of the City of Gainesville, Florida, Chapter 9, Elections; amending Section 9-3 of the Code of Ordinances by providing that the regular and runoff elections shall be considered as one election for purposes of poll worker training required by state law; amending Section 9-14 of the Code of Ordinances providing for the composition of the Board of Canvassers; providing directions to the Codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

PLAN BOARD PETITIONS**DEVELOPMENT REVIEW BOARD PETITIONS****SCHEDULED EVENING AGENDA ITEMS****UNFINISHED BUSINESS****COMMISSION COMMENT****Commissioner Craig Lowe**

City Election Issues. File #090601 City Election Issues - Refer back to the Audit, Finance and Legislative Committee.

090601. City Election Issues - (Related to Ordinance #090078) (NB)

RECOMMENDATION *The City Commission approve the dates for future City Elections, as follows: 1) 2010 - Already scheduled; 2011 - Tentative March 14, 2011 election and April 11, 2011 run-off (would coincide with several municipalities); 2012 - schedule with Presidential Primary.*

A motion was made by Commissioner Lowe, seconded by Commissioner Poe, that this matter be Referred to the Audit, Finance and Legislative Committee, due back on June 17, 2010. The motion carried by the following vote:

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

Absent: Pegeen Hanrahan

CITIZEN COMMENT

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

ADJOURNMENT - 8:35 PM

Kurt M. Lannon, Clerk of the Commission