

# **City of Gainesville**

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



## **Meeting Minutes**

**Thursday, July 16, 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 - 1:03 PM

## ROLL CALL

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

## INVOCATION

*The City Commission observed a moment of silence.*

## CONSENT AGENDA

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

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

### *MODIFICATIONS:*

*1. File #090172 - Authorize an American Recovery and Reinvestment Act (ARRA) Grant application for Transportation Investment Generating Economic Recovery (TIGER) Funding - (Remove from the Consent Agenda and place on the Regular Agenda for discussion).*

*2. File #090189 - Climate Showcase Communities Grant Program - (Remove from the Consent Agenda and place on the Regular Agenda for discussion).*

## CITY MANAGER, CONSENT AGENDA ITEMS

### **090085. Contracts for Development of a Pollutant Load Reduction Tool (B)**

**This item is a request for the City Commission to approve two (2) contracts needed for the Municipal Separate Storm Sewer System (MS4) Pollutant Load Reduction Tool Initiative, one with the University of Florida (UF) and the second with the Florida Stormwater Association Educational Foundation (FSAEF).**

#### **RECOMMENDATION**

*The City Commission: 1) authorize the City Manager to execute the contracts and any necessary documents with the University of Florida and Florida Stormwater Association Educational Foundation, each for \$185,331 for development of the Pollutant Load Reduction Tool, subject to approval as to form and legality by the City Attorney; and 2) issue a purchase order in an amount not to exceed \$185,331 for the UF contract.*

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

**090126. Interlocal Agreement between the University of Florida and Regional Transit System (RTS) (B)**

**This item is a request for the City Commission to authorize RTS to provide additional transit services as part of the Interlocal Agreement with the University of Florida (UF) and City of Gainesville Regional Transit System (RTS) to provide unlimited access to UF students.**

**RECOMMENDATION** *The City Commission: 1) authorize RTS to provide the additional transit services; 2) approve the additional RTS positions; (3) approve increases in the budget to operate new and enhanced service effective August 17, 2009; and 4) authorize the City Manager to execute 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.**

**090173. Settlement of Worker's Compensation Claim - Darryl E. Lindsey (NB)**

**This item involves the full and final settlement of Darryl E. Lindsey's worker's compensation claim(s), which will include all future medical and indemnity payments. The total settlement amount is \$125,000 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 Darryl E. Lindsey in the amount of \$125,000.*

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

**090175. Certified Housing Counseling Program Grant Application (NB)**

**This item involves a request for the City Commission to approve the submission of a \$150,000 grant application to the U. S. Department of Housing & Urban Development for Housing Counseling by the Department of Neighborhood Improvement.**

**RECOMMENDATION** *The City Commission: 1) approve the submission of a \$150,000 grant application to the U.S. Department of Housing and Urban Development to support the City's Certified Housing Counseling Program; 2) authorize the City Manager or his designee to execute the grant application on behalf of the City of Gainesville; and 3) authorize the City Manager or his designee to execute all necessary documents*

*including agreements, assurances and certifications pertinent to said grant, subject to approval by the City Attorney as to form and legality.*

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

**090176. Neighborhood Stabilization Program 2 Grant Application (NB)**

**This item involves a request for the City Commission to approve the submission of a \$5,000,000 grant application to the U. S. Department of Housing & Urban Development for the NSP 2 Program by the Department of Neighborhood Improvement.**

**RECOMMENDATION** *The City Commission: 1) approve the submission of the NSP 2 grant application to the U. S. Department of HUD; 2) authorize the City Manager or his designee to execute and submit a \$5,000,000 grant application along with the appropriate HUD application forms related to the NSP 2 Program on or before July 17, 2009; 3) and authorize the City Manager or his designee to execute all necessary documents including agreements, assurances and certifications pertinent to said grant, subject to approval by the City Attorney as to form and legality.*

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

**090177. Request for Approval to purchase one (1) Allianz 3000 Street Sweeper from Florida Municipal Equipment, Inc. (FME) located in Lakeland, Florida. (B)**

**RECOMMENDATION** *The City Commission approve the purchase of a street sweeper from Florida Municipal Equipment, Inc. for the net price of \$140,433 and authorize the City Manager or his designee to execute the contract pending approval as to form and legality from the City Attorney's office.*

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

**090181. U.S. Department of Justice Bulletproof Vest Partnership (NB)**

**RECOMMENDATION** *The City Commission authorize the City Manager to: 1) accept the \$30,000 in grant funds and 2) execute 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.**

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

**CITY ATTORNEY, CONSENT AGENDA ITEMS**

- 090178. Jay Scott Killgore, as Personal Representative of the Estate of Cindy Killgore, on behalf of the Estate of Cindy Killgore, et. al vs. City of Gainesville and the Gainesville-Alachua County Regional Airport Authority; Alachua County Circuit Court; Case No.: 01-09-CA-3076. B)**

**RECOMMENDATION** *The City Commission authorize the City Attorney to represent the City of Gainesville in the case styled Jay Scott Killgore, as Personal Representative of the Estate of Cindy Killgore, on behalf of the Estate of Cindy Killgore, et. al vs. City of Gainesville and the Gainesville Alachua County Regional Airport Authority; Alachua County Circuit Court; Case No.: 01-09-CA-3076*

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

**CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS****EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS****COMMITTEE REPORTS, CONSENT AGENDA ITEMS****AUDIT, FINANCE AND LEGISLATIVE COMMITTEE, CONSENT**

- 090143. Compensation and Performance Management Policies (B)**

**This item sets forth policies to manage compensation and performance management for non-represented employees.**

**RECOMMENDATION** *The City Commission 1) approve the Compensation Philosophy and Policy (C-1), Performance Based Merit Awards (C-2), Changes in Employee Status Affecting Compensation (C-3), Performance Management Policy (C-5), and 2) sunset Personnel Policy 3 Occupational Index and Personnel Change, Personnel Policy 4 Pay Plan Regulations, and Personnel Policy 7 Salary Review.*

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

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

## **EQUAL OPPORTUNITY COMMITTEE, CONSENT**

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

## **END OF CONSENT AGENDA**

## **ADOPTION OF THE REGULAR AGENDA**

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

### *MODIFICATIONS:*

*1. File #090197 - Proclamation - National Night Out - August 4, 2009 (New Item - Add to the agenda).*

*2. File #090219 - Proclamation - Andrew R. Mickle Sr., Appreciation Day - July 31, 2009 (New Item - Add to the agenda).*

*Chair Hanrahan recognized Pat Fitzpatrick who made comments.*

## **CHARTER OFFICER UPDATES**

## **CLERK OF THE COMMISSION**

## **CITY MANAGER**

### **090172. Authorize an American Recovery and Reinvestment Act (ARRA) Grant Application for Transportation Investment Generating Economic Recovery (TIGER) funding (NB)**

**This item is a request for the City Commission to authorize the submittal of a grant application for Transportation Investment Generating Economic Recovery (TIGER) funding for the Southwest 62nd Boulevard Connector.**

*Assistant Public Works Director Don Hambidge gave a presentation.*

*AMENDMENT: 1) Approve the recommendation; 2) staff provide an update on the*

University Avenue Project; and 3) schedule next City Commission Workshop to discuss the University Avenue Project with presentations from Planning and RTS staff.

*NOTE: Mayor-Commissioner Pro Tem Henry entered the meeting room at 1:17 PM.*

**RECOMMENDATION**      *The City Commission: 1) authorize the submittal of the Southwest 62nd Boulevard Connector grant application; and 2) should a grant offer be awarded, authorize the City Manager to execute all associated documents, subject to approval as to form and legality by the City Attorney.*

**A motion was made by Commissioner Hawkins, seconded by Commissioner Donovan, 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, Scherwin Henry and Pegeen Hanrahan

## GENERAL MANAGER FOR UTILITIES

### 090188.                    **Financing for Construction (NB)**

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

*GRU Chief Financial Officer Jennifer Hunt gave a presentation.*

**RECOMMENDATION**      *The City Commission: 1) Authorize the financing of up to \$180 million of new money for payment of Costs of Acquisition and Construction (capital projects) through the issuance of fixed-rate bonds; 2) Authorize the conversion of approximately \$14 million of the taxable Utilities System Commercial Paper Notes, Series D to a fixed rate through the issuance of fixed-rate bonds; 3) Approve the selection of JP Morgan as Senior Manager for the bonds referenced in 1 and 2 above and authorize the appointment of additional Co-Managers if, upon the advice of Public Financial Management (PFM), our Financial Advisor, doing so would enhance the distribution of the bonds; and 4) Authorize the Clerk of the Commission, the General Manager and other Authorized Officers to execute such documents as may be necessary or desirable to proceed with the transactions authorized in 1 and 2 above, subject to approval of the Office of the City Attorney as to form and legality, and to take such other actions as may be necessary or desirable to proceed with these transactions in accordance with this City Commission authorization.*

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

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

**090189. Climate Showcase Communities Grant Program (NB)**

**The City of Gainesville/Gainesville Regional Utilities (GRU) requests approval to submit an application to the U.S. Environmental Protection Agency's (EPA) Climate Showcase Communities Grant Program.**

RECOMMENDATION      *The City Commission: 1) approve staff's request to submit an application to the Climate Showcase Communities grant program; and 2) authorize the General Manager to execute the grant application, award document, and related documents pending approval by the City Attorney as to form and legality.*

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

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

**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 Jeanna Mastrodicasa**

*Tourist Development Council Project - Bed Tax.*

**Commissioner Jack Donovan**

1. *Community Health Care Issues - Assessment - Staff to report back.*
2. *Request that staff have a plan to be involved with the AGH adaptive reuse.*

**Commissioner Scherwin Henry**

1. *Hawthorne Road Improvements - Is there stimulus money available?*
2. *Wal-Mart decision by the Development Review Board.*

**Commissioner Craig Lowe**

*Tourist Development Council Project - Bed Tax.*

**Commissioner Thomas Hawkins**

*Comprehensive Plan - Land Development Code.*

**Mayor Pegeen Hanrahan**

*Advisory Board Term Limits.*

**Commissioner Craig Lowe**

*Request for Resolution changing City Commission Rules for Advisory Board Term Limits.*

**090247. Term Limits for Advisory Boards (NB)**

**RECOMMENDATION**      *The City Commission direct staff to draft a resolution to change the City Commission Rules to allow for partial terms not to count toward term limits for Advisory Boards.*

**A motion was made by Commissioner Lowe, seconded by Mayor-Commissioner Pro Tem Henry, that this matter be Referred to the Clerk of the Commission, due back on January 16, 2010. The motion carried by the following vote:**

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

**RECESS - 2:50 PM**

**RECONVENE - 5:47 PM**

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

**PROCLAMATIONS/SPECIAL RECOGNITIONS****090197. National Night Out - August 4, 2009 (B)**

RECOMMENDATION      *Gainesville Police Department Corporal Audrey Mazzuca to accept the proclamation.*

**Heard**

**090219. Andrew R. Mickle Sr. Appreciation Day - July 31, 2009 (B)**

RECOMMENDATION      *Andrew R. Mickle Sr. to accept the proclamation.*

**Heard**

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

*Poem.*

**Saeed Khan**

*Anti-Muslim sign in front of the Dove Outreach Center.*

**Tom Cunilio**

*Renewable Energy.*

**Harold Saive**

*Veterans for peace.*

**George Elmore**

- 1. Budget Issues.*
- 2. DRB Decision regarding Wal-Mart.*

**Jeff McAdams**

*July 2, 2009 - Attack of a Police Officer.*

*Interim Police Chief Tony Jones made comments.*

**Pat Fitzpatrick**

*Homeless Issues.*

**Gabriel Hillel**

*Butterfly City.*

**PUBLIC HEARINGS****RESOLUTIONS - ROLL CALL REQUIRED****090123. Resolution for a Joint Participation Agreement - Service Development Funds for Regional Transit Service (RTS) Route 22 (B)**

**This item is a request for a Resolution authorizing the City Manager to execute a Joint Participation Agreement between the City of Gainesville and the Florida Department of Transportation (FDOT) to receive Service Development Funds for the operations of new Route 22.**

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

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

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

**090127 Resolution and Temporary Construction Easement from Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (B)**

**This item is a request from Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (BTIITF) for a Resolution approving the granting of a Temporary Construction Easement, located adjacent to the intersection of Southwest 23rd Street and Southwest 35th Place.**

**RECOMMENDATION**      *Recommended Motion: The City Commission: 1) adopt the Resolution; and 2) authorize the Mayor to execute, and the Clerk to attest, the Temporary Construction Easement with the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida for the purpose of rerouting local traffic during construction, located adjacent to the intersection of Southwest 23rd Street and Southwest 35th Place on a portion of Tax Parcel 7281-000-000, subject to approval by the City Attorney as to form and legality.*

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

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

## **ADOPTION READING - ROLL CALL REQUIRED**

### **080851 LAND USE CHANGE - N MAIN STREET (OLD FLORIDA BUFFET) (B)**

**Ordinance No. 0-09-20, Petition PZ-08-125LUC**

**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 "Mixed-Use Medium Intensity (12-30 units per acre)" to "Commercial"; located in the vicinity of 2501 North Main Street; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*NOTE: Commissioner Jeanna Mastrodicasa declared she had no conflict of interest related to this item.*

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

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

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

## **ORDINANCES, 1ST READING- ROLL CALL REQUIRED**

### **080850. REZONING - N MAIN STREET (OLD FLORIDA BUFFET) (B)**

**Ordinance No. 0-09-21, Petition No. PZ-08-126ZON**

**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 "MU-2: 12-30 units/acre mixed use medium intensity" to "BA: Automotive-oriented business district"; located in the vicinity of 2501 North Main Street; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

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

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

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

**090113. PERMITTED USE CHANGE ON DEERHAVEN GENERATING STATION (B)**

**Ordinance No. 0-09-29, Petition No. PZ-09-45**

**An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by specifying the permitted uses on certain City property known as the "Deerhaven Generating Station" with the existing zoning category of "PS: Public Services and Operations District", as more specifically described in this Ordinance, located in the vicinity of 10001 N.W. 13th Street; providing development standards; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Chief of Comprehensive Planning Dean Mimms, Assistant City Manager Fred Murry and Sergio Reyes of Eng, Denman and Associates gave presentations.*

**RECOMMENDATION**      *The City Commission: 1) approve Petition No. PZ-09-45; and 2) adopt the proposed ordinance.*

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

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

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

**080984. EVERGREEN CEMETERY (B)**

**Ordinance No. 0-09-23**

**An ordinance of the City of Gainesville, Florida, amending the City of Gainesville Code of Ordinances, relating to the fees of Evergreen Cemetery, by amending Section 7-8, "Annual care--Required for lots owned prior to October 21, 1957" and Section 7-9, "Annual care-- Charges for services" by placing the fee structures in Appendix A; amending Appendix A to include all cemetery fees; 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 Mayor-Commissioner Pro Tem Henry, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:**

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

**PLAN BOARD PETITIONS****DEVELOPMENT REVIEW BOARD PETITIONS****SCHEDULED EVENING AGENDA ITEMS****UNFINISHED BUSINESS****COMMISSION COMMENT****Commissioner Thomas Hawkins**

*Request from Thomas Fay - Gate for Evergreen Cemetery Referral to the Recreation, Cultural Affairs and Public Works Committee - See following referral item #090248.*

**090248. Evergreen Cemetery - Request for Funding for an Entry Gate (NB)**

*Parks, Recreation and Cultural Affairs Director Steve Phillips made comments.*

**RECOMMENDATION**      *The City Commission refer the request for funding for an entry gate for Evergreen Cemetery to the Recreation, Cultural Affairs and Public Works Committee for further review.*

**A motion was made by Commissioner Hawkins, seconded by Commissioner Poe, that this matter be Referred to the Recreation, Cultural Affairs and Public Works Committee, due back on January 16, 2010. The motion carried by the following vote:**

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

**Commissioner Jack Donovan**

*Manual street sweeping - Filed under 090177 Consent Item.*

*Assistant City Manager Fred Murry made comments.*

**CITIZEN COMMENT****Armando Grundy**

- 1. LED Lighting.*
- 2. Presentation Re: RTS.*

**Mayor Pegeen Hanrahan**

- 1. Funding for Depot Cleanup from DEP.*
- 2. Trip to Germany Re: Solar feed-in tariff.*

**ADJOURNMENT 7:40 PM**

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Kurt M. Lannon, Clerk of the Commission