

City of Gainesville

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



Meeting Minutes

Monday, April 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 - 1:05 PM**ROLL CALL**

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

INVOCATION**CONSENT AGENDA**

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

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

CITY MANAGER, CONSENT AGENDA ITEMS**031290. Second Extension of Evergreen Cemetery Grounds Maintenance Agreement (B)**

This item involves a request for the second extension to the contract with Oasis Landscape Services, Inc. for the grounds maintenance of Evergreen Cemetery.

RECOMMENDATION

Recommended Motion: The City Commission: 1) approve the second extension to the contract with Oasis Landscape Services, Inc. for grounds maintenance at Evergreen Cemetery; 2) amend the current contract by extending it an additional four months; and 3) authorize the City Manager or his designee to execute the contract, subject to the approval of the City Attorney as to form and legality.

Alternative Recommendation A: The City Commission deny the request.

This Matter was Approved as Recommended on the Consent Agenda.

071092. Assistance to Firefighters Grant FY2009 Application for Incident Training Simulator (NB)

This item requests that the Commission authorize the City Manager to execute a grant award for the FY2009 Assistance to Firefighters Grant for an Incident Training Simulator.

RECOMMENDATION

The City Commission authorize the City Manager, if awarded the grant, to: 1) execute the grant award contract and other necessary documents, pending approval by the City Attorney

as to form and legality; and 2) approve the required payments process for expending the grant funds and matching funds.

Alternate Recommendation A: The City Commission not authorize the City Manager to execute the grant award contract or provide the required match funding.

This Matter was Approved as Recommended on the Consent Agenda.

071093. Acceptance of Florida EMS County Grant Award (NB)

This item requests approval to accept \$58,870 in reimbursement grant funding from the Florida Department of Health EMS Grant Program to be distributed to the City of Gainesville through Alachua County.

RECOMMENDATION *The City Commission authorize the City Manager to expend the funds for the items requested.*

Alternate Recommendation A: The City Commission not authorize the City Manager to expend funds for the items.

This Matter was Approved as Recommended on the Consent Agenda.

071095. Amendment to Sublease Agreement (B)

This item involves approval and authorization for the City Manager to execute Amendment Number One to the Sublease of the Gainesville Downtown Connector, to include the 6th Street Rail Trail.

RECOMMENDATION *Recommended Motion: The City Commission: 1) authorize the City Manager to execute Amendment Number One to the Sublease of the Gainesville Downtown Connector, to include the 6th Street Trail, subject to approval by the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

071096. Vacate Unimproved Right of Way Adjacent to the YMCA (B)

This item involves a request for the City Commission to approve a petition to the Planning Department to vacate the unimproved right of ways surrounded by the YMCA property at the request of the Public Works Department.

RECOMMENDATION *The City Commission: 1) Approve the request of Public Works to vacate the unimproved portions of Northeast 22nd Avenue, Northeast 21st Avenue and their connector, Northeast 13th Terrace, retaining an overall utility easement; and 2)*

authorize the Planning Department to circulate a petition to the Plan Board to vacate the unimproved portions of Northeast 22nd Avenue, Northeast 21st Avenue and their connector, being Northeast 13th Terrace, waiving the right to retain an overall 50' utility easement in exchange for a 20' utility easement, granted by The North Central Florida Young Men's Christian Association, Inc.

This Matter was Approved as Recommended on the Consent Agenda.

071145. Settlement of Worker's Compensation Claim - Billy Thomas (NB)

This item involves the full and final settlement of Billy Thomas' worker's compensation claim, which will include all future medical and indemnity payments. The total settlement amount is \$39,650 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 Mr. Thomas, in the amount of \$39,650.*

This Matter was Approved as Recommended on the Consent Agenda.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

071157. Engineering Services for Oakmont Reclaimed Water Pump Station Project (B)

Staff recommends approval of the final ranking of the engineering firms and authorization to negotiate a contract in accordance with the Consultants Competitive Negotiations Act (CCNA) for engineer design services for the Oakmont Reclaimed Water Pump Station Project.

RECOMMENDATION *The City Commission: 1) approve the ranking of engineering firms in the given order of preference for the engineering design of the Oakmont Reclaimed Water Pump Station Project; 2) authorize the General Manager, or his designee, to initiate contract negotiations with the top ranked firm in accordance with the CCNA; and 3) authorize the General Manager, or his designee, upon successful negotiations, to execute a contract with the top ranked firm, subject to approval of the City Attorney as to form and legality, in an amount not to exceed budgeted amounts for the project.*

This Matter was Approved as Recommended on the Consent Agenda.

CITY ATTORNEY, CONSENT AGENDA ITEMS

071150. Eugene Gamble, Jr. vs. City of Gainesville, a Florida municipality and Christopher L. Perry; Alachua County Circuit Court; Case No.: 01-08-CA-1200 (B)

RECOMMENDATION *In the case styled Eugene Gamble, Jr. vs. City of Gainesville, a Florida municipality and Christopher L. Perry; Alachua County Circuit Court Case No.: 01-08-CA-1200, the City Commission 1) authorize the City Attorney to represent the City of Gainesville and City employee(s) acting in the course and scope of their employment, with the consent and waiver of potential conflict by the City Commission and by said City employee(s), and; 2) the City Commission authorize the City Manager to execute a consent and waiver of potential conflict on behalf of the City.*

This Matter was Approved as Recommended on the Consent Agenda.

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

071158. City Commission Minutes (B)

RECOMMENDATION *The City Commission approve the minutes of April 2, 2008; April 3, 2008; April 7, 2008; and April 14, 2008; as circulated.*

This Matter was Approved as Recommended on the Consent Agenda.

071156. Special Meetings (B)

RECOMMENDATION *The City Commission cancel and schedule meetings as follows:*

Cancel - May 19, 5:00 PM
Cancel - June 16, 6:00 PM
Schedule - May 28, 6:00 PM - Fire Assessment
- 2nd Reading of Ordinance and Initial Assessment Resolution
Schedule - June 26, 6:00 PM - Fire Assessment Resolution
Schedule - June 30, 6:00 PM - Fire Assessment Resolution

This Matter was Approved as Recommended on the Consent Agenda.

071164. Resignation of Citizens' Advisory Committee for Community Development Member Lauren Poe (B)

RECOMMENDATION

The City Commission accept the resignation of Lauren Poe from the Citizens' Advisory Committee for Community Development effective May 21, 2008 and extends its appreciation for his services.

This Matter was Approved as Recommended on the Consent Agenda.

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**COMMITTEE REPORTS, CONSENT AGENDA ITEMS****EQUAL OPPORTUNITY COMMITTEE, CONSENT****070716. GRU Utility Rates (B)****RECOMMENDATION**

The City Commission: 1) accept the recommendation from the Equal Opportunity Committee to leave GRU's rate design as it currently is; and 2) remove this item from the referral list.

This Matter was Approved as Recommended on the Consent Agenda.

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS**070921. Depot Avenue Rail Trail Improvements (B)**

This item involves the addition of signage to the Depot Avenue Rail Trail.

RECOMMENDATION

CRA to the City Commission: Adopt the CRA rail trail signage for implementation on the City's rail trail system.

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: 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

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

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

MODIFICATIONS:

1. *File #071118 - Land Surplus for Alachua County Historic Trust Matheson Museum, Inc. - (Revised language in text file and back-up submitted).*
2. *File #071159 - Evaluation of Biomass-Fueled Generation Facility Proposals - (Revised recommendation and new power point submitted).*
3. *File #070213 - Planned Development Amendment - Sam's Club - (Back-up submitted and a proposed substitution from attorney of affected party).*
4. *File #070722 - Voluntary Annexation - Butler Plaza and Vicinity Area - (Revised legal description submitted and revised recommendation to: "Adopt the ordinance on second reading as amended") and waive the rules to hear prior to first reading of the ordinances.*

CLERK OF THE COMMISSION

071155. City Commission Election 2009 (NB)

RECOMMENDATION *The City Commission schedule March 24th as the election date and April 14 for the run-off (if needed).*

A motion was made by Commissioner Henry, seconded by Commissioner Lowe, that this matter be Approved as Recommended. 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

CHARTER OFFICER UPDATES

071016. Depot Park Update and Development Action Plan (B)

This item involves the Depot Park Update and Development Action Plan.

CRA Manager Anthony Lyons, Cade Museum Consultant Don Adams, CRA Project Coordinator Matt Dube and GRU Project Engineer Patty Hart gave presentations.

RECOMMENDATION *The CRA to the City Commission: 1) Designate the CRA as*

the lead agency for the construction of the park and recreation elements on the site and for the depot building rehabilitation and authorize the CRA to assume leadership of the Depot Park Team, to be comprised of CRA, GRU, Public Works and Parks, Recreation and Cultural Affairs staff; 2) Approve "City's Best Interest" as an option for procuring remediation services and authorize staff to modify the project documents accordingly; 3) Address the approximately \$4 million capital funding gap for park and recreation improvements; 4) Establish late-2009 as the target completion date for remediation and start date for constructing the remaining park and recreation improvements; 5) Direct the City Manager to fund landscape improvements from Stormwater Management Utility funds in and around the stormwater ponds instead of using park development funds; 6) Direct the City Manager to secure adequate funding to start the Phase 2 reconstruction of Depot Avenue between South Main Street and SE 2nd Street by late-2009 and to determine funding needs to address arsenic remediation on the park site; 7) Address the approximately \$500,000 funding gap for restoring the Depot Building and authorize staff to pursue beginning the rehabilitation while the building is in storage in 2008; and 8) Accelerate funding of park projects by making funds equal to the remaining UDAG grant proceeds (total of \$809,879) available in fiscal year 2009 instead of 2013.

A motion was made by Mayor-Commissioner Pro Tem Bryant, seconded by Commissioner Mastrodicasa, that this matter be Approved as Recommended. 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

CITY MANAGER

071118. Land Surplus for Alachua County Historic Trust Matheson Museum, Inc. (B)

This item involves the surplus and sale of City land to the Alachua County Historic Trust Matheson Museum, Inc. to address conforming lot issues with the SE 6th Street McGalliard Cottages.

Parks, Recreation and Cultural Affairs Director Steve Phillips and Dr. Mark Barrow gave presentations.

Dr. Barrow introduced new Matheson Museum Director Jessica Akin.

AMENDMENT: Include an appraisal of the signs mentioned in the presentation (Porcelain blue sign that was on the Fernadina to Cedar Key Railroad that says Gainesville and 2 sets of large metal letters that were on the 6th Street Depot that

spell out Gainesville); and 2) ask the City Manager to work that into the agreement.

RECOMMENDATION

Recommended Motion: The City Commission: 1) declare approximately 0.10-acre portion of Tax Parcel 12689-000-000, as surplus and sell the land at the fair market value of \$19,950; 2) authorize the City Manager to execute Purchase and Sale Agreements, subject to approval as to form and legality by the City Attorney, for the portion of Tax Parcel 12689-000-000 to the adjacent property owner, Alachua County Historic Trust Matheson Museum, Inc.; 3) authorize the City Manager to prepare Special Warranty Deeds, subject to approval by the City Attorney as to form and legality; and 4) authorize the Mayor to execute, and the Clerk to attest, the Special Warranty Deed to convey the 0.10-acre portion of Tax Parcel 12689-000-000, to the Alachua County Historic Trust Matheson Museum, Inc.

Alternative Motion: The City Commission deny the sale of the portion of property adjacent to the two McGalliard cottages.

A motion was made by Mayor-Commissioner Pro Tem Bryant, seconded by Commissioner Lowe, that this matter be Approved as Amended. 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

071146.

Proposal to Change the Formula Used to Calculate the City's Contribution to Retiree's Health Insurance Premiums (B)

This Item involves a request for the City Commission to hear a presentation regarding changes to the Retiree Health Insurance Program

Risk Management Director Steve Varvel, Assistant to the General Manager Karen Johnson, Finance Director Mark Benton, Assistant City Attorney Charles Hauck, and Administrative Services Director Becky Rountree gave presentations.

Chair Hanrahan recognized International Association of Firefighters President Jeff Lane, CWA President Jerry Coughlin, Lieutenant Will Halvosa; Retirees Bob Mitchell, Richard Williams, Jeff Bramm, Kim Simpson, Glenda Currie and Dianna Vogel; and Walter Willard who spoke to the matter.

NOTE: Commissioner Braddy entered the meeting room at 4:04 PM.

MOTION (CONTINUATION MOTION): Commissioner Lowe moved and Commissioner Mastrodicasa seconded to continue this item to the June 9, 2008 City Commission Meeting and include request for information as follows: 1) Options for annual inflation adjustments; 2) examples of impacts on individuals in different classifications; 3) context in regards to benefits analysis; 4) continue discussions with the interested stakeholders; 5) establish timeframe and schedule and

who would be involved in the discussions or who could be invited to participate (City Manager send out a memo); 6) the context of Amendment One and a more explicit comparison to the Florida Retirement System (FRS); and 7) consider underlying principles (assumptions).

(VOTE: 7-0, MOTION CARRIED)

RECOMMENDATION

The City Commission: 1) hear a presentation from staff regarding the proposed Retiree Health Insurance Program and Trust 2) approve the proposed Retiree Health Insurance Program and Trust with new formula 3) authorize the City Attorney to draft and the City Clerk to advertise the Ordinance necessary to terminate the existing Retiree Health Insurance Program and Trust, and create a new Retiree Health Insurance Program and Trust using the assets, or a portion thereof, of the existing Trust to fully fund the New Program and Trust.

A motion was made by Commissioner Lowe, seconded by Commissioner Mastrodicasa, that this matter be Continued for June 9, 2008. The motion carried by the following vote:

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

071120. Citizen Survey Results (B)

The City of Gainesville has received the results of our citizen survey, conducted by the National Research Center (NRC). The results of the 2008 Citizen Survey were compiled into three reports, which are hereby presented to the City Commission.

Strategic Planner Lila M. Stewart gave a presentation.

RECOMMENDATION

The City Commission receive a presentation from staff and the final reports prepared by the National Research Center (NRC).

Heard

CITY ATTORNEY

CITY AUDITOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

OUTSIDE AGENCIES

COMMUNITY REDEVELOPMENT AGENCY

MEMBERS OF THE CITY COMMISSION

COMMISSION COMMENTS (if time available)

RECESS - 5:00 PM

RECONVENE - 5:49 PM

PLEDGE OF ALLEGIANCE (5:30pm)

PROCLAMATIONS/SPECIAL RECOGNITIONS

071116. National Historic Preservation Month (B)

RECOMMENDATION *City of Gainesville Planning and Development Planner D. Henrichs to accept the proclamation.*

Heard

071165. Remembering the Legacy of the Negro League Month - May 2008 (B)

RECOMMENDATION *Cox Communication Vice Presidents Kenneth Sneed and Rick Mulligan and Vice President/General Manager Mike Giampeitro to accept the proclamation.*

Heard

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

Kali Blount

Affordable Housing.

Walter Willard

Various Issues.

Pat Fitzpatrick

Homeless issues and addiction. 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

Jerry Williamson

GPD Issues.

Kent Sokmensuer

Historic District Issues - See following File #071179.

071179. Citizen Comment - Kent Sokmensuer (B)

RECOMMENDATION *The City Commission hear comments from Kent Sokmensuer regarding Historic District issues and place back-up submitted on file.*

Placed on File

Tom Cunilio

Homeless Issues.

Gabe Kaimowitz

Butterfly Project - See following File #071149.

071149. Possible Designation of Gainesville as "Butterfly City" (B)

RECOMMENDATION *The City Commission ask the City Manager to research this issue and place back-up submitted on file.*

Placed on File

PUBLIC HEARINGS**WAIVER OF RULES**

The rules were waived by adoption of the agenda to hear File #070722 first under Public Hearings.

ORDINANCES, 2ND READING- ROLL CALL REQUIRED**070722. VOLUNTARY ANNEXATION - BUTLER PLAZA AND VICINITY AREA (B)****Ordinance No. 0-07-117**

An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area, commonly known as the Butler Plaza and Vicinity Area, and Butler Plaza Southwest 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, as more specifically described in this ordinance, generally located south of the vicinity of SW 20th Avenue, west of SW 34th Street and the City limits, north of SW Archer Road and the City limits, and east of the vicinity of Interstate 75; providing for inclusion of the area in Appendix I of the City Charter; providing for land use and zoning regulations; providing for persons engaged in any occupation, business, trade or profession within the area; providing for the application of a fire services special assessment to the area; providing directions to the City Manager and Clerk of the Commission; providing a severability clause; and providing effective dates.

Strategic Planning Manager Karen Billings and Attorney Ron Carpenter gave presentations.

RECOMMENDATION *The City Commission adopt the proposed ordinance on second reading, as amended.*

A motion was made by Commissioner Lowe, seconded by Mayor-Commissioner Pro Tem Bryant, that this matter be Adopted on Final Reading, as amended (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

070820. STREET VACATION - POLICE DEPARTMENT AREA (B)**Ordinance No. 0-08-06, Petition 122SVA-07PB**

An ordinance of the City of Gainesville, Florida, to vacate, abandon and close a certain portion of the right-of-way of N.W. 7th Place between N.W. 4th Street and N.W. 5th Street, and a portion of N.W. 5th Street located south of the CSX Railroad right-of-way to a point 10 feet south of the northeast corner of Lot 26 of Brush's Addition to Gainesville, as more specifically described in this Ordinance; reserving a public utilities easement; 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 Final 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

070906. PLANNED DEVELOPMENT AMENDMENT - OAKBROOK WALK (B)

Ordinance No. 0-08-10, Petition No. 132PDA-07PB

An ordinance of the City of Gainesville, Florida; amending Ordinance Nos. 3248, 3378 and 000618 that rezoned certain property to planned development district, commonly known as "Oakbrook Walk PD"; generally located in the vicinity of the 1000-1200 block of SW 14th Avenue, north side and 1331 S.W. 13th Street; by allowing the contraction of the development plan and adopting a revised development plan, as more specifically described in this ordinance; adopting revised development plan maps and a revised development plan report; preserving certain conditions and restrictions; providing for 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 Donovan, seconded by Commissioner Lowe, that this matter be Adopted on Final 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

070907. REZONING - OAKBROOK WALK (B)

Ordinance No. 0-08-11, Petition No. 88ZON-07PB

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 "Planned Development" to "UMU-1: Urban mixed use district 1"; located in the vicinity of 1331 SW 13th Street; retaining the Special Area Plan for Southwest 13th Street Overlay District classification; 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 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, Edward Braddy, Rick Bryant and Peegen Hanrahan
Absent: Scherwin Henry

WAIVER OF RULES

The rules were waived by consensus to hear the following items before the Sam's Club Ordinance and the GRU Biomass presentation.

1. File #071151 - EO Advertising Campaign;
2. File #071122 - Re-appointment of Bob Freeman to the East Gainesville SPROUT Project Task force; and
3. File #071079 - Annual Performance, Salary and Benefits Review for the Equal Opportunity Director.

EQUAL OPPORTUNITY DIRECTOR

071151. EO Advertising Campaign (B)

Equal Opportunity Director Jimmie Williams and Public Information Officer Bob Woods gave presentations.

RECOMMENDATION *the City Commission: 1) hear a presentation from staff on the EO Advertising Campaign.*

Discussed

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

071122. Re-appointment of Bob Freeman to the East Gainesville SPROUT Project Task Force (NB)

This item involves re-appointing member Bob Freeman to the East Gainesville SPROUT Project Task Force whose terms expired April 11, 2008.

RECOMMENDATION *The City Commission re-appoint member Bob Freeman to the East Gainesville SPROUT Project Task Force for an additional three year term ending April 28, 2011.*

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

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

SCHEDULED EVENING AGENDA ITEMS

071079. Annual Performance, Salary, and Benefits Review for the Equal Opportunity Director (B)

MOTION: Approve a 2.61% salary increase for the Equal Opportunity Director retroactive to his anniversary date.

Chair Hanrahan recognized Walter Willard who spoke to the matter.

RECOMMENDATION *The City Commission review the salary and benefits of the Equal Opportunity Director and make any changes deemed appropriate.*

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

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

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

070213. PLANNED DEVELOPMENT AMENDMENT - SAM'S CLUB (B)

Ordinance No. 0-07-96, Petition No. 4PDA-07PB

An Ordinance of the City of Gainesville, Florida; amending Ordinance No. 3558 as amended by Ordinance No. 971051, that adopted the Planned Development commonly known as "Sam's Club", located in the vicinity of 2801 Northwest 13th Street; providing for certain additions to the existing Sam's Club and permitting a gasoline fueling station under certain conditions; 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 immediate effective date.

STAFF PRESENTATION: Planning Manager Ralph Hilliard gave a presentation.

PETITIONER PRESENTATION: Agents for the Petitioner Ron Carpenter, Peter Such and Bernard Kinney gave presentations.

AFFECTED PARTY PRESENTATION: Attorney Mac McCullers, Noise Consultant Rob Lilkendey, and Amy Richard gave presentations.

MOTION (AMENDMENT): Commissioner Donovan moved and Commissioner Bryant seconded to approve Condition 6, as written by the staff with the amendments that: 1) The noise consultant would be selected by the City although paid for by the developer; and 2) that compliance would not just include 15-3 [c], but the City's entire Noise Ordinance, as it may be amended from time to time.

NOTE: Attorney Ron Carpenter requested deleting the language "operational modifications, including, but not limited to, limiting the hours of loading dock operations".

Mayor Hanrahan suggested that the question be divided.

CITIZEN COMMENT TO THE MOTION: Chair Hanrahan recognized Ron Nichols, Walter Willard, Rob Brinkman and Joe Richard who spoke to the matter.

DIVIDE THE PREVIOUS QUESTION MOTION: The previous question was divided without objection.

*FIRST PART OF THE DIVIDED QUESTION: Commissioner Donovan moved and Commissioner Bryant seconded to approve Condition 6, as written by staff, with Commissioner Donovan's amendments.
(4-3, Commissioners Braddy, Bryant and Henry - No; MOTION CARRIED)*

*SECOND PART OF THE DIVIDED QUESTION (AMENDMENT): Commissioner Donovan moved and Commissioner Bryant seconded to approve Condition 6, as written by the staff with the amendments that: 1) The noise consultant would be selected by the City although paid for by the developer; and 2) that compliance would not just include 15-3 [c], but the City's entire Noise Ordinance.
(VOTE: 6-1, Commissioner Bryant - No, MOTION CARRIED)*

RECOMMENDATION *The City Commission: 1) approve petition 4PDA-07PB; and 2) adopt the proposed ordinance.*

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

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

RESOLUTIONS- ROLL CALL REQUIRED

PLAN BOARD PETITIONS

DEVELOPMENT REVIEW BOARD PETITIONS

UNFINISHED BUSINESS

GENERAL MANAGER FOR UTILITIES

071159. Evaluation of Biomass-Fueled Generation Facility Proposals (B)

Staff submits its evaluation of the binding proposals received from the three top-ranked respondents pursuant to GRU's Request for Proposals for a Biomass-Fueled Generation Facility for City Commission review.

GRU Assistant General Manager for Strategic Planning Ed Regan gave a presentation.

*WAIVER OF RULES: Commissioner Henry moved and Commissioner Lowe seconded to waive the rules to extend the meeting to 11:10 PM.
(VOTE: 7-0, MOTION CARRIED)*

NOTE: This item was continued to the May 12, 2008 regular City Commission Meeting.

RECOMMENDATION

The City Commission: 1) Approve the ranking of proposals received in response to the Request for Proposals for a Biomass-Fueled Generation Facility; 2) authorize the General Manager, or his designee, to negotiate and execute a contract with Nacogdoches Power, LLC for a long term purchase power agreement for a 100 MW net capacity, 100% biomass fueled facility to be constructed at the Deerhaven site, subject to approval of the City Attorney as to form and legality; and 3) if the General Manager is unable to negotiate an acceptable contract with the highest ranked proposer, the General Manager/Designee may then negotiate with the next highest ranked proposer in order; and 4) authorize staff to procure various services, equipment and materials in conjunction with the project within approved budget limitations, as required.

Continued

COMMISSION COMMENT

CITIZEN COMMENT (If time available)

ADJOURNMENT - 11:10 PM

Kurt M. Lannon, Clerk of the Commission