

City of Gainesville

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



Meeting Minutes

Monday, March 24, 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 - 1:04 PM

ROLL CALL

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

INVOCATION

CONSENT AGENDA

Mayor-Commissioner ProTem Bryant moved and Commissioner Lowe seconded to adopt the Consent Agenda with the following modifications.

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

MODIFICATIONS:

1. File #071035 - Heart of Florida - (Remove from the Consent Agenda and replace with File #071046 - Request for City Commission Contingency Funds from Florida's Eden).

2. File #071048 - Proposed Amendment to the Appellate Rules - (New Item submitted by the City Attorney with back-up).

Chair Hanrahan recognized Gainesville Sports Organizing Authority Executive Director Jack Hughes who spoke to the matter; and President of the Artists Alliance of North Florida Annie Pais who passed out flyers regarding the Heart of Florida Paint Out event.

Assistant City Manager Fred Murry made comments.

NOTE: Commissioner Donovan entered the meeting room at 1:09 and Commissioner Henry entered the meeting room at 1:11 PM.

CITY MANAGER, CONSENT AGENDA ITEMS

070982. Contract Agreement for Gainesville Police Department - Request for Purchase Order to Sungard OSSI (B)

This item requests the City Commission to authorize the issuance of a Purchase Order to renew GPD's contract with Sungard OSSI for the annual maintenance fees and licenses.

RECOMMENDATION

The City Commission authorize the City Manager to execute a Purchase Order to Sungard OSSI, a specified source, in an amount not to exceed \$138,285.00 for the payment of this contract.

Alternative Recommendation A: The City Commission authorize less than \$138,285.00 for the contract renewal with the understanding that this will drastically limit the police department's ability to manage its Records Management Database.

Alternative Recommendation B: The City Commission denies funding.

This Matter was Approved as Recommended on the Consent Agenda.

071000. Amendment to Personnel Policy 12 - Military Leave (B)

This item is to amend Personnel Policy 12 - Military Leave.

RECOMMENDATION *The City Commission ratify the amendment to City of Gainesville Policy 12 - Military Leave, a copy of which is on file with the Clerk of the Commission. After March 24, 2008, the Policy will be on file in the Human Resources Department.*

This Matter was Approved as Recommended on the Consent Agenda.

071001. Communities for a Lifetime Mini-Grant (B)

This item authorizes the acceptance of a Communities for a Lifetime Mini-Grant from the Florida Department of Elder Affairs and authorizes the City Manager to execute a grant agreement and related documents from the Florida Department of Elder Affairs.

RECOMMENDATION *The City Commission: 1) authorize acceptance of a Communities for a Lifetime Mini-Grant from the Florida Department of Elder Affairs; and 2) authorize the City Manager to execute a grant agreement and related documents from the Florida Department of Elder Affairs.*

Alternative Recommendation A: The City Commission decline the Communities for a Lifetime Mini-Grant from the Florida Department of Elder Affairs.

This Matter was Approved as Recommended on the Consent Agenda.

071003. Interlocal Agreement between the City of Gainesville and the School Board of Alachua County (B)

This item involves the approval of an Agreement between the City of Gainesville and the School Board of Alachua County for the coordination and joint use of

the recreational facilities at the A. Quinn Jones School.

RECOMMENDATION *Recommended Motion: The City Commission authorize the City Manager to execute the agreement, subject to approval by the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

071027. Traffic Management System Operating Cost (B)

Authorization for the Mayor to formally request the Chairman of the County Commission and the Secretary of Florida Department of Transportation, District 2, to increase their financial participation in the maintenance of the Traffic Management System's operating costs.

RECOMMENDATION *Recommended Motion: The Commission authorizes the Mayor to formally request the Chairman of the County Commission and the Secretary of Florida Department of Transportation, District 2, to increase their financial participation in the maintenance of the Traffic Management System's operating costs.*

This Matter was Approved as Recommended on the Consent Agenda.

071046. Request for City Commission Contingency Funds from Florida's Eden (B)

This is a request for City Commission Contingency Funds from Florida's Eden to be used to cover rental fees for the Heart of Florida PAINT OUT event held at the Thomas Center.

RECOMMENDATION *The City Commission approve the request for Contingency Funds in the amount of \$2,800.*

This Matter was Approved as Recommended on the Consent Agenda.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

071028. Professional Environmental Services (B)

Staff recommends approval of the final ranking of the environmental consulting firms and authorization to negotiate a contract in accordance with the Consultants' Competitive Negotiations Act (CCNA) for professional environmental service.

RECOMMENDATION *The City Commission: 1) approve the final ranking of environmental consulting firms in the given order of preference for professional environmental services; 2)*

authorize the General Manager, or his designee, to initiate contract negotiations with the top ranked firm in accordance with the Consultants' Competitive Negotiations Act (CCNA); and 3) authorize the General Manager, or his designee, upon successful negotiations, to execute a five year contract with the highest ranked firm, subject to approval of the City Attorney as to form and legality, in an amount not to exceed budgeted amounts and final appropriation of funds for each year of the contract.

This Matter was Approved as Recommended on the Consent Agenda.

CITY ATTORNEY, CONSENT AGENDA ITEMS

071022. JOSEPH W. LITTLE; LUCILLE A. LITTLE; WALTER ANDREW NOLAN; AMY G. NOLAN; KEITH D. WHITE; AND MELANIE WHITE vs. 300 CLUB, INC., CITY OF GAINESVILLE, GAINESVILLE DEVELOPMENT REVIEW BOARD; CASE NO. 01-08-CA-955 (B)

RECOMMENDATION *The City Commission authorize the City Attorney to represent the City in the case styled Joseph W. Little; Lucille A. Little; Walter Andrew Nolan; Amy G. Nolan; Keith D. White; and Melanie White vs. 300 Club, Inc., City of Gainesville; City of Gainesville Development Review Board; Case No.: 01-08-CA-955.*

This Matter was Approved as Recommended on the Consent Agenda.

071025. STEPHAN CARROLL BARNETT vs. CITY OF GAINESVILLE, A FLORIDA MUNICIPAL CORPORATION; CASE NO.: 01-08-CA-508 (B)

RECOMMENDATION *The City Commission authorize the City Attorney and/or Special Counsel if insurance coverage is available to represent the City in the case styled Stephan Carroll Barnett vs. City of Gainesville, a Florida Municipal Corporation; Case No.: 01-08-CA-508.*

This Matter was Approved as Recommended on the Consent Agenda.

071048. PROPOSED AMENDMENT TO THE APPELLATE RULES (B)

RECOMMENDATION *The City Commission authorize the City Attorney to file a Notice of Joinder in the Opposition Brief to the Proposed Amendment.*

This Matter was Approved as Recommended on the Consent Agenda.

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS**071018. City Commission Minutes (B)**

RECOMMENDATION *The City Commission approve the minutes of February 25, 2008 and March 10, 2008, as circulated.*

This Matter was Approved as Recommended on the Consent Agenda.

071030. Special Meetings (NB)

RECOMMENDATION *The City Commission schedule special meetings as follows:*

May 19, 5:00 PM - Commissioner Rick Bryant and Commissioner Ed Braddy last meeting.

July 10, 1:00 - 5:00 PM - 2008-2009 Gainesville Regional Utilities Budget

July 15, 9:00 - 5:00 PM - 2008-2009 General Government Budget, and CDBG/HOME, Advisory Boards and Enterprise Funds

July 17, 9:00 - 5:00 PM - 2008-2009 General Government Budget, and CDBG/HOME, Advisory Boards and Enterprise Funds

July 21, 9:00 - 3:00 PM - 2008-2009 General Government Budget, and CDBG/HOME, Advisory Boards and Enterprise Funds

July 21, 5:00 - 9:00 PM - 2008-2009 Gainesville Regional Utilities Budget

July 25, - 9:00 - 5:00 PM - 2008-2009 General Government Budget, and CDBG/HOME, Advisory Boards and Enterprise Funds

This Matter was Approved as Recommended on the Consent Agenda.

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**COMMITTEE REPORTS, CONSENT AGENDA ITEMS**

CONSENT**070827. Senior Recreation Center (B)**

The City Commission is asked to accept the ranking of sites for a proposed senior recreation center.

RECOMMENDATION *The City Commission accept the priority rankings of a site for a proposed senior recreation center at Northside Park, the Northeast Complex, or Cone Park and authorize the City Manager or designee to continue to work with the Community Coalition for Older Adults to appropriately site a senior recreation center at one of these parks.*

Alternative Recommendation A: The City Commission disapprove the recommended priority rankings and support for the siting of a senior recreation center at a City park.

This Matter was Approved as Recommended on the Consent Agenda.

COMMUNITY DEVELOPMENT COMMITTEE, CONSENT**070871. Land Development Code Amendment - Religious Land Use and Institutionalized Persons Act (B)**

RECOMMENDATION *The City Commission adopt the proposed ordinance as amended by: 1) correcting the scrivener's errors; 2) amending Section 30-91 (a) by revising the minimum lot area requirements for places of religious assembly in single family districts as recommended by the Community Development Committee; 3) maintaining the current Land Development Code requirements, as codified in Section 30-91 (c) and (d), for food distribution centers for the needy and residences for destitute people as accessory uses to places of religious assembly pending further study and recommendation by the Community Development Committee; and 4) instructing the City Manager not to issue or deny any permits related to the Section 30-91 (c) and (d) accessory uses until the Community Development Committee further studies these uses and returns a recommendation to the City Commission.*

Alternative Proposal
Commissioner Donovan supported the aforementioned recommendation of the Community Development Committee, except he no longer supported the minimum lot area previously approved by the Committee and encouraged the adoption of a minimum lot area requirement based on a

formula. If such a formula could not be developed and agreed upon by March 24, 2008, Commissioner Donovan supported keeping the current minimum lot area requirements for places of religious assembly in single family districts and the Community Development Committee further studying this issue. The Community Development Committee recommended that Commissioner Donovan's proposal be considered by the City Commission as an alternative to the aforementioned recommendation.

This Matter was Approved as Recommended on the Consent Agenda.

ECONOMIC DEVELOPMENT/UNIVERSITY COMMUNITY COMMITTEE, CONSENT

070997. Council for Economic Outreach (CEO) Space and Land Task Force Study (B)

This item involves referring recent recommendations from the Council for Economic Outreach (CEO) Space and Land Task Force Study reviewed by the EDUCC to Planning and Development Services staff.

RECOMMENDATION

Recommended Motion: The City Commission: 1) endorse staff analysis of the CEO recommended Public Sector commitments indicated in the Space and Land Task Force Study including a fast track development permit approval process for projects in targeted industries and specific activity centers and the feasibility of allowing specific sites to be "pre-approved" within the Innovation Zone; and 2) direct staff to create a specific time line associated with the redevelopment of the GRU maintenance facility property.

This Matter was Approved as Recommended on the Consent Agenda.

Passed The Consent Agenda

A motion was made by Mayor-Commissioner Pro Tem Bryant, 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: Jack Donovan, Jeanna Mastrodicasa, Scherwin Henry, Craig Lowe, Rick Bryant and Pegeen Hanrahan
Absent: Edward Braddy

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

Mayor-Commissioner Pro Tem Bryant moved and Commissioner Henry seconded to adopt the Regular Agenda, as presented.

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

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

CITY MANAGER

070998. Preserve America Community Designation (B)

This item involves nominating the City of Gainesville as a Preserve America Community.

Historic Preservation Planner Dee Henrichs, Preserve America Community Volunteers Jenny Wolfe and Dianna Kelly; and Planning and Development Services Director Erik Bredfeldt gave presentations.

RECOMMENDATION *The City Commission: 1) Hear a presentation by staff; and 2) direct staff to submit an application for Preserve America Community status.*

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

070999. Request for City Commission Contingency Funds from Black on Black Crime Task Force (B)

This is a request for City Commission Contingency Funds from Black on Black Crime Task Force to be used to cover operating expenses for the Summer 2008 youth programs and activities.

Community Relations Coordinator Tony Jones gave a presentation.

RECOMMENDATION *The City Commission consider the request for funds and take action as appropriate.*

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, Rick Bryant and Pegeen Hanrahan
Absent: Edward Braddy

GENERAL MANAGER FOR UTILITIES

071029. Evaluation of Biomass-Fueled Generation Facility Proposals (B)

Staff is seeking approval for the factor weights to be applied in order to evaluate the binding proposals from the three finalists due April 11, 2008 in response to GRU's Request for Proposals for a Biomass-Fueled Generation Facility.

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

Chair Hanrahan recognized Dave Bruderly, Walter Willard, David Harlos, Tom Bussing, and Rob Brinkman who spoke to the matter.

AMENDMENT: 1) Issue addendum to provide each respondent the option of submitting more than one proposal for evaluation: a) with or without the use of MSW and/or; b) as either PPA or EPC; 2) Revise the Environmental Emissions Factor to reflect: a) Total emission per MWh delivered to Gainesville; b) include fuel transportation emissions; 3) use the Factor "Variable Production Costs" to be scored on heat rate with a factor weight of 5.0; 4) Remove tax revenues from "Local Economic Development" and reduce the factor weight from 5.0 to 3.0; 5) reduce (g) Project Commitment to Sustainable Forest Resource Management to 7:0; and 6) reduce (e) Fuel Requirements and Sources to 3.0.

NOTE: Commissioner Braddy entered the meeting room at 1:40 PM.

RECOMMENDATION *The City Commission receive a presentation from staff discussing the proposed factor weights to be applied to the various factors applicable to evaluating the responses to GRU's Request for Proposals for a Biomass-Fueled Generation Facility, and authorize the General Manager or his designee to apply these weights to the evaluation of the proposals.*

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

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

CITY ATTORNEY

071026. Land Use Petition: Hatchet Creek Planned Use District; Legislative No. 070210;

Petition No. 23 LUC-07PB (B)

Hatchett Creek Petitioner Rob Simensky, Airport Chief Executive Officer Alan Penksa, and Airport Authority Chair Peter Johnson gave presentations.

AMENDMENT: Approve the recommendation and schedule a Special City Commission meeting for Wednesday, April 16, 2008 at 6:00 PM.

Chair Hanrahan recognized Kevin Claney, Walter Willard, Rob Brinkman and Alachua County Commissioner Rodney Long who spoke to the matter.

RECOMMENDATION *The City Commission: 1) Receive the request of the Petitioner to amend the Conditions approved by the City Commission in October, 2007; 2) If the city commission is desirous of hearing the proposed amendments, direct the city manager and clerk of the commission to advertise and schedule a Petition Hearing as soon as practicable.*

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

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

CITY AUDITOR**EQUAL OPPORTUNITY DIRECTOR****COMMITTEE REPORTS (PULLED FROM CONSENT)****RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE****PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE****PUBLIC SAFETY COMMITTEE****070268. Cameras at Red Lights (B)**

This item recommends proceeding with a draft ordinance and RFP to install cameras at red lights to cite drivers who run red lights.

City Attorney Ron Combs and Police Chief Norm Botsford gave presentations.

MOTION (REFERRAL): Postpone this item and refer the "Red Light Running Camera's" study to staff to review and comment on prior to bringing it back after the legislative session.

RECOMMENDATION

The City Commission 1) hear an presentation from staff; 2) authorize the City Attorney's Office to complete the draft and advertise the ordinance; and 3) authorize staff to proceed with the RFP process.

Alternative A: The Commission decide not to proceed with installing cameras at red light.

A motion was made by Commissioner Lowe, seconded by Commissioner Henry, that this matter be Referred to the City Manager, due back on September 24, 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

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE**ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)****OUTSIDE AGENCIES****MEMBERS OF THE CITY COMMISSION****071031. Commissioner Scherwin Henry - Airport Expansion (B)**

Chair Hanrahan recognized Ironwood Homeowner's Association Representatives Juan Harrington and Kevin Claney; Airport Chief Executive Officer Alan Penksa and Walter Willard who spoke to the matter.

RECOMMENDATION

The City Commission hear a presentation and take appropriate action.

Discussed

COMMISSION COMMENTS (if time available)**RECESS - 5:20 PM****RECONVENE - 5:59 PM****PLEDGE OF ALLEGIANCE (5:30pm)****PROCLAMATIONS/SPECIAL RECOGNITIONS**

071032. Children's Day - March 27, 2008 (B)

RECOMMENDATION *Early Learning Coalition of Alachua County Community Outreach Executive Director Gordon Tremaine to accept the proclamation.*

Heard

071033. Jazz Appreciation Month - April 2008 (B)

RECOMMENDATION *Gainesville Friends of Jazz President Scott Koons to accept the proclamation.*

Heard

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

Harald Kegelman

Fuel prices and food costs.

Theodore McLeod

GPD Issues.

Jerry Williamson

GPD Issues.

Gabe Kaimowitz

Butterfly Rainforest - Children Learning.

Pat Fitzpatrick

Homeless Issues.

Mark von Soestbergen

CFL Distribution at local Publix - Invitation for Commissioners to participate.

PUBLIC HEARINGS

ORDINANCES, 1ST READING- ROLL CALL REQUIRED**070706. PLANNED DEVELOPMENT AMENDMENT – GAINESVILLE AUTO TOWN CENTER (B)****Ordinance No. 0-07-120, Petition No. 69PDV-07PB**

An Ordinance of the City of Gainesville, Florida; rezoning certain lands in the City, as more specifically described in this Ordinance, from “BUS: general business district” to “Planned Development”, commonly known as “Gainesville Auto Town Center”, located in the vicinity of the 3900 block of N. Main Street, west side; adopting a development plan report and development plan maps; providing conditions and restrictions; providing for enforcement and penalties; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Chief of Current Planning Lawrence Calderon, Public Works Environmental Coordinator Mark Garland and Attorney for the Petitioner Mac McCuller gave presentations.

Chair Hanrahan recognized Rob Brinkman who spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

070872. SHIP AFFORDABLE HOUSING ADVISORY COMMITTEE (B)**Ordinance No. 0-08-09**

An ordinance of the City of Gainesville, Florida, amending Chapter 14 relating to the State Housing Initiatives Partnership (SHIP) Program; by adding definitions in section 14-1; by deleting existing section 14-6 in its entirety and replacing with new section 14-6 creating and establishing an Affordable Housing Advisory Committee; by deleting existing section 14-7 and replacing with a new section 14-7 providing for the adoption of local housing initiative strategies; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

070890. ELECTRONIC AND ANIMATED SIGNS (B)

Ordinance No. 0-07-80; Petition No. 139TCH-06 PB

An ordinance of the City of Gainesville, Florida, amending the Land Development Code relating to signs; amending section 30-23 by revising the definition of animated sign, deleting the definition of changing message device and adding a definition of electronic sign; amending section 30-316 to prohibit electronic signs; providing directions to the codifier; providing for a mandatory review; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

RECOMMENDATION *The City Commission (1) approve Petition No. 139TCH-06 PB, as amended, and (2) adopt the proposed ordinance.*

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

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

070916. TRAFFIC STUDY REVIEW FEES (B)

Ordinance No. 0-08-08

An ordinance of the City of Gainesville, Florida, amending Appendix A, Schedule of Fees, Rates and Charges, for Land Development Code Petitions, Applications and Development Fees, by adding traffic study review fees; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Public Works Transportation Planner Deborah Leistner gave a presentation.

RECOMMENDATION *The City Commission adopt the proposed ordinance, as revised.*

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

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

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

061163. EQUAL OPPORTUNITY POLICY REVISIONS (B)**Ordinance No. 0-07-98**

An ordinance of the City of Gainesville, Florida, relating to Equal Opportunity; adopting the amended Policy Statement; adopting the amended Charter Officers' Duties Related to Equal Opportunity Policy; adopting the amended Discrimination, Harassment and Conduct Policy; adopting the amended Retaliation Policy; adopting the amended Disability Policy; adopting the amended Equal Employment Opportunity Policy; and adopting the amended Equal Opportunity Complaint Policy; 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: Jeanna Mastrodicasa, Scherwin Henry, Craig Lowe, Rick Bryant and Pegeen Hanrahan
Absent: Jack Donovan and Edward Braddy

070622. PLANNED DEVELOPMENT - ARCHER SQUARE (B)**Ordinance No. 0-07-114, Petition No. 97PDA-07PB**

An Ordinance of the City of Gainesville, Florida; amending the Planned Development that was originally approved by Alachua County, formerly known as "Winn Dixie", located in the vicinity of 3501 Southwest Archer Road; adopting a new Development Plan and superseding the Development Plan approved by Alachua County, as more specifically provided in this ordinance; providing for the construction, use, and operation of a maximum 100,000 square-foot retail establishment to be known as the Archer Square Planned Development; adopting new development plan maps and a new planned development report; adopting new 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 Lowe, seconded by Commissioner Henry, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:

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

070776. AMENDMENT TO LAND DEVELOPMENT CODE - SIGN REGULATIONS (B)**Ordinance No. 0-07-87**

An ordinance of the City of Gainesville, Florida, amending the Sign Regulations

of the Land Development Code; amending § 30-315 by adding an objective; amending § 30-316 providing conditions when signs are allowed on public property and rights-of-way without a permit; amending prohibited signs and signs that are exempt; allowing signs on hospital grounds under certain conditions; allowing flags or insignia under certain conditions; allowing substitution of non-commercial messages for commercial messages; providing clarification; amending § 30-317 relating to regulations and conditions for temporary signs; amending § 30-318 by revising the conditions and restrictions relating to permanent identification signs and structures for non-residential uses in residential districts and adding regulations for flags and flagpoles; repealing § 30-319 relating to restrictions on political signs; repealing § 30-320 relating to time and temperature devices; amending § 30-322 providing when permits are required; amending § 30-323 by adopting procedures for the processing of permits and appeals; amending § 30-326 by authorizing the removal of unauthorized signs in the right-of-way; adding section 30-327 relating to severability; 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 Mastrodicasa, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:

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

070619.

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

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

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

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

Assistant City Attorney Stephanie Marchman and Planning Manager Ralph Hilliard gave presentations.

Chair Hanrahan recognized Joe Jackson, Rob Brinkman, Bob Freeman, Larry Schnell, Linda Portal, Mary Mitchell, Jimmy Harnsberger, Pat Fitzpatrick, Mark Goldstein, John Hensdorfer, Beverly Hill, Donna Lawson, Michael Parsons, Reverend Glenn Dixon, Rabbi Berel Goldman and Susan Fairforest who spoke to the matter.

RECOMMENDATION

The City Commission adopt the proposed ordinance as amended by recommendation of the Community Development Committee by: (1) correcting the scrivener's errors (see yellow highlighted text in the introductory sections of the proposed ordinance adopted on first reading and Exhibit A); (2) amending Section 30-91(a) by revising the minimum lot area requirements for places of religious assembly in single family districts as recommended by the Community Development Committee (see yellow highlighted text in Exhibit A, pg. 53, lines 7-9); (3) maintaining the current Land Development Code requirements, as codified in Section 30-91(c) and (d), for food distribution centers for the needy and residences for destitute people as accessory uses to places of religious assembly pending further study and recommendation by the Community Development Committee (see yellow highlighted text in Exhibit A, pg. 53-55); and (4) instructing the City Manager not to issue or deny any permits related to the Section 30-91(c) and (d) accessory uses until

the Community Development Committee further studies these uses and returns a recommendation to the City Commission.

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

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

RESOLUTIONS- ROLL CALL REQUIRED

PLAN BOARD PETITIONS

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

UNFINISHED BUSINESS

COMMISSION COMMENT

Commissioner Jeanna Mastrodicasa

- 1. Meeting Wednesday, March 26, 2008 at the Savannah Grande - Partners for Prevention of Substance Abuse.*
- 2. Meeting Tuesday, April 8, 2008, at the Reitz Union with Student Government Representatives - Discussion of Hospitality Districts.*

Commissioner Scherwin Henry

Requested City Manager assistance with Reverend Karl Anderson's request regarding Church plan approval - City Manager to provide a report.

Commissioner Jack Donovan

- 1. PIPSA - Partner's for Prevention of Drug Abuse.*
- 2. Project Share Program - See following referral item #071064.*

071064. Project Share Program (NB)

RECOMMENDATION

The City Commission direct staff to come up with some ideas for increasing citizen involvement in the Project Share

Program.

A motion was made by Commissioner Donovan, seconded by Commissioner Braddy, that this matter be Referred to the Regional Utilities Committee, due back on September 24, 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

CITIZEN COMMENT

George Elmore

- 1. Cameras on Red Lights Study.*
- 2. Funding priorities.*

Commissioner Ed Braddy

- 1. Cameras on red lights issue.*
- 2. Funding priorities.*

ADJOURNMENT - 9:35 PM

Kurt M. Lannon, Clerk of the Commission