

City of Gainesville

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



Meeting Minutes

Thursday, December 18, 2008

1:00 PM

City Hall Auditorium

City Commission

*Mayor Pegeen Hanrahan (At Large)
Mayor-Commissioner Pro Tem Jack Donovan (District 3)
Commissioner Thomas Hawkins (At Large)
Commissioner Jeanna Mastrodicasa (At Large)
Commissioner Scherwin Henry (District 1)
Commissioner Lauren Poe (District 2)
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 - 1:03 PM**ROLL CALL**

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

INVOCATION**CONSENT AGENDA**

Mayor-Commissioner Pro Tem Donovan moved and Commissioner Henry seconded to adopt the Consent Agenda, as modified.

(VOTE: 7-0, MOTION CARRIED)

MODIFICATION: FILE #080690 - Advisory board/Committee Appointments to the Pension Review Committee - (New item added to the Consent Agenda under "Clerk of the Commission".)

CITY MANAGER, CONSENT AGENDA ITEMS**080587. Bid Award - SE 12th Street Roadway Improvements (B)**

This item is a request for the City Commission to authorize the bid award to Commerical Industrial Corporation for the SE 12th Street Roadway Improvements for reconstruction of SE 12th Street, minor widening of SE 2nd Avenue, pond construction, and Rosewood Branch Creek restoration in the amount of \$501,708.28.

RECOMMENDATION

Recommended Motion: The City Commission: 1) authorize the bid award to Commercial Industrial Corporation for the SE 12th Street Roadway Improvements for reconstruction of SE 12th Street, minor widening SE 2nd Avenue, pond construction, and Rosewood Branch Creek restoration; and 2) authorize the City Manager to execute the contract and issue a purchase order in an amount not to exceed \$501,708.28, subject to approval by the City Attorney as to form and legality.

This Matter was Approved as Recommended on the Consent Agenda.

080622. Smithsonian Community Grant Award (NB)

This item involves a request that the City accept a Smithsonian Community Grant award to assist in the development and implementation of China Fest.

RECOMMENDATION

Recommended Motion: The City Commission accept the Smithsonian Community Grant award for development and implementation of China Fest.

Alternative Recommendation: The City Commission decline the Smithsonian Community Grant award for development and implementation of China Fest.

This Matter was Approved as Recommended on the Consent Agenda.

080631.

Selection of Clinical Psychology Associates of North Central Florida, Inc. as the Provider for the City of Gainesville's General Employees Assistance Program and Substance Abuse Professional for the City's Various Drug-Free Workplace Programs (B)

This item involves the selection of Clinical Psychology Associates of North Central Florida to provide Employee Assistance Program and Substance Abuse Professional Services for the City of Gainesville.

RECOMMENDATION

The City Commission: 1) approve the selection of Clinical Psychology Associates of North Florida, Inc. for the provision of the EAP programs for City of Gainesville employees; and 2) authorize the City Manager or his designee to negotiate with and enter into an agreement for three years beginning January 1, 2009, with the possibility of two (2) additional one-year extensions, subject to the approval of the City Attorney as to form and legality.

This Matter was Approved as Recommended on the Consent Agenda.

080633.

Request for Proposal Award - ADA Complimentary Paratransit Service (B)

This item is a request for the City Commission to authorize the Request for Proposal award to MV Transportation Inc. as Primary Contractor to provide ADA Complimentary Paratransit Service in accordance with Federal Transportation Administration (FTA) regulations.

RECOMMENDATION

The City Commission: 1) authorize the Request for Proposal award to primary contractor MV Transportation, Inc.; and 2) authorize the City Manager to execute the contract, subject to approval by the City Attorney as to form and legality.

This Matter was Approved as Recommended on the Consent Agenda.

080635.

Continuation of Employee Bus Pass Programs (B)

This item involves a request for the City Commission to authorize the City Manager to execute service agreements with local agencies for employee bus pass programs.

RECOMMENDATION *The City Commission: 1) approve the annual contract for continuation of the Employee Bus Pass Program for City employees through January 2010; and 2) authorize the City Manager to execute service agreements with local agencies for continuation of the employee bus pass program, subject to approval by the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

080637. Domestic Violence Grant Application (NB)

This item requests City Commission authorization for the Gainesville Police Department to pursue a grant from the Office on Violence Against Women to fund a domestic violence project.

RECOMMENDATION *The City Commission authorize the City Manager to: 1) apply to the Office of Justice Programs, Office on Violence Against Women for the grant in an amount up to \$400,000; and if awarded 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.

080651. Project Safe Neighborhoods FY 2009 Grant Application (NB)

This item requests City Commission authorization for the Gainesville Police Department to pursue the Project Safe Neighborhood Grant from the U.S. Department of Justice to fund the Tactical Impact Unit.

RECOMMENDATION *The City Commission authorize the City Manager to: 1) apply to the U.S. Department of Justice, Office of Justice Programs' Bureau of Justice Assistance, for a grant in an amount up to \$34,000; and if awarded, 2) accept and execute the grant award and any other necessary documents, pending review by the City Attorney as to form and legality, and 3) approve the expenditures as outlined in the approved grant award.*

This Matter was Approved as Recommended on the Consent Agenda.

080660. Settlement of Worker's Compensation Claim - Sharon Sawyer (NB)

This item involves the full and final settlement of Sharon Sawyer's workers'

compensation claim(s), which will include all future medical and indemnity payments. The total settlement amount is \$30,000 and represents a significant cost advantage to the City of Gainesville.

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 Sharon Sawyer, in the amount of \$30,000.*

This Matter was Approved as Recommended on the Consent Agenda.

080661. Approval of the List of Qualified Law Firms to Represent the City of Gainesville in Litigated Worker's Compensation Claims (NB)

This item involves establishing a list of qualified firms to represent the City of Gainesville in litigated worker's compensation claims.

RECOMMENDATION *The City Commission: 1) approve the firms listed above for use in the defense of the City's Workers' Compensation cases as outlined in the Request for Qualifications; and 2) authorize the City Manager to execute the documents necessary to effectuate the recommendation subject to approval 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

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

080656. City Commission Minutes (B)

RECOMMENDATION *The City Commission approve the minutes of December 1, 2008 (Joint City/County Meeting) and December 4, 2008, as circulated.*

This Matter was Approved as Recommended on the Consent Agenda.

080673. Student Seat Appointments to Advisory Board/Committees for terms to expire January 1, 2010 (B)

RECOMMENDATION *The City Commission appoint Members to the following Student Seats on City Commission Advisory Boards and*

Committees for terms to expire January 1, 2010.

Board of Adjustment – Crystal J. Jones

*Citizens Advisory Committee for Community Development –
Alysia A. Powell*

Development Review Board – Christopher M. Ellis

*Gainesville Human Relations Advisory Board – David S.
DiGiacomo*

Historic Preservation Board – Charlotte Winters

Nature Centers Commission – Joshua S. Carlton

Pension Review Committee – David S. DiGiacomo

Public Recreation and Parks Board – Natalie L. Logan

Water Management Committee – Kyle W. Robisch

This Matter was Approved as Recommended on the Consent Agenda.

**080690. Advisory Board/Committee Appointment to the Pension Review Committee
(NB)**

RECOMMENDATION

*The City Commission appoint Jonathan E. Visscher to the
Pension Review Committee for a vacancy to expire July 2010.*

Commissioner Donovan: Visscher

Commissioner Hawkins: Visscher

Commissioner Henry: Visscher

Commissioner Lowe: Visscher

Commissioner Mastrodicasa: Visscher

Commissioner: Poe Visscher

Mayor Hanrahan: Visscher

This Matter was Approved as Recommended on the Consent Agenda.

Passed The Consent Agenda

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

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

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

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

(VOTE: 7-0, MOTION CARRIED)

MODIFICATIONS:

- 1. File #080655 - Proposed Modifications to the Alachua County Boundary Adjustment Act - (Remove from the evening "Resolution" category and place on the afternoon agenda under the "City Manager" with revised text file and additional back-up (ppt. slide)), and waive the rules to hear this item after File #080623 - Updated Joint Plan for Orderly annexation of Gainesville's Urban Reserve Area.*
- 2. File #080692 - Florida Clean Car Rule - (New item to be placed on the agenda under "Members of the City Commission".)*
- 3. File #080695 Project List Potential Federal Economic Stimulus - (New Item to be added to the agenda under "City Manager").*
- 4. File #080105 - Resolution to Dual Name SW 7th Avenue to Isaiah "Ike" Norman Avenue - (Add to the agenda under "Resolutions") and waive the rules to hear this item first on the afternoon portion of the agenda.*
- 5. File #080671 - Public Utilities Regulatory Policy Act (PURPA) Requirements - (New Power Point submitted).*

WAIVER OF RULES

The rules were waived by adoption of the agenda as modified to hear File #080105 first on the agenda.

080105. Resolution to Dual-Name SW 7th Avenue to Isaiah "Ike" Norman Avenue (B)

This item involves a Resolution authorizing the dual-naming of the Porter's Community area of SW 7th Avenue between SW 5th Street and SW 5th Terrace to Isaiah "Ike" Norman Avenue.

Chair Hanrahan recognized Fran Rush (Ike Norman's daughter) who spoke to the matter.

RECOMMENDATION *The City Commission adopt the Resolution.*

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

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

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

080677. Special Meeting - Land Use Changes (NB)

MOTION: Schedule for a Special City Commission Meeting for January 26, 2009.

RECOMMENDATION *The City Commission schedule land use changes to a special meeting on January 22 or January 26, 2009 (there are Commission conflicts with both dates).*

Alternative Recommendation A.: Schedule for January 29, 2009 (Commissioner Lowe and City Attorney, Marion Radson can not attend).

Alternative Recommendation B: Schedule as planned for January 15, 2009 and continue to a suitable date and time at the meeting.

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

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

CITY MANAGER

080679. The 2008 3CMA Savvy Award for Communication Technology, the 3CMA Silver Circle Award for Printed Communications, and the 3CMA Award of Excellence in TV & Video Production Received by the Communications Office. (NB)

The Communications Office was recognized with the three awards at the 20th Annual International City/County Communications and Marketing Association (3CMA) Awards Banquet. An Award of Excellence in the Public Service Announcement category, a Silver Circle Award in the Printed Publications Category and the highest award, the Savvy Award, in the Communication Technology category was awarded to the City of Gainesville Communications Office. The awards are hereby presented to the City Commission for acknowledgement.

Marketing and Communications Manager Bob Woods gave a presentation.

RECOMMENDATION *The City Commission acknowledges and recognizes the 2008 3CMA Award of Excellence, Silver Circle Award, and Savvy Award received by the City of Gainesville Communications Office.*

Heard

080623. Updated Joint Plan for Orderly Annexation of Gainesville's Urban Reserve Area (B)

Hear an updated joint City/County plan for orderly annexations in Gainesville's Urban Reserve Area as required in Section XIII of the Interlocal Agreement for the Transition of Services upon Annexation between the City of Gainesville and Alachua County.

Administrative Services Director Becky Rountree gave a presentation.

AMENDMENT: Encourage the Community Development Committee (CDC) to hold a special meeting as soon as possible to discuss this issue.

Chair Hanrahan recognized Rob Brinkman who spoke to the matter.

RECOMMENDATION *The City Commission: 1) adopt the proposed Plan to conduct one annexation referendum per year over the next six years, balanced geographically across Gainesville's Urban Reserve Area; and 2) extend the Interlocal Agreement for the Transition of Services upon Annexation (also known as the Annexation Transition Agreement) to 2014.*

Alternative Recommendation A:

The City Commission: 1) recommend changes to the proposed Plan to conduct one annexation referendum per year over the next six years, balanced geographically across Gainesville's Urban Reserve Area; and 2) extend the Interlocal Agreement for the Transition of Services upon Annexation (also known as the Annexation Transition Agreement) to 2014.

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

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

080655. Proposed modifications to the Alachua County Boundary Adjustment Act (B)

The Countywide Visioning and Planning Committee (CVPC) is requesting support for the CVPC recommended changes to the Alachua County Boundary Adjustment Act (BAA).

Strategic Planning Manager Karen Billings and Alachua County Assistant County Manager Rick Drummond gave presentations.

AMENDMENT: Remove the additional 60 day time line.

RECOMMENDATION *The City Commission: 1) hear a report from staff on the suggested changes to the BAA, and 2) discuss any other possible changes to the BAA, 3) direct staff to convey the City Commission's position on the recommended changes to the BAA to the CVPC, and 4) schedule a public hearing for January 15th, 2009.*

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

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

080647. Presentation on EAR Public Participation Plan (B)

The purpose of this item is to explain the proposed Public Participation Plan for the Evaluation and Appraisal Report (EAR) on the 2000-2010 City of Gainesville Comprehensive Plan.

Planning and Development Services Director Erik Bredfeldt and Chief of Comprehensive Planning Dean Mimms gave presentations.

RECOMMENDATION *The City Commission hear a presentation on the Public Participation Plan for the Evaluation and Appraisal Report (EAR) on the 2000-2010 City of Gainesville Comprehensive Plan, and provide guidance to staff.*

No Action Taken

080646. Tree Advisory Board's Proposal for Changes to the Land Development Code (B)

This item requests the City Commission to refer the Tree Advisory Board's drafted changes in the Land Development Code to the Plan Board.

Tree Advisory Board member Dr. Francis Putz gave a presentation.

Chair Hanrahan recognized Wayne Irwin, Rob Brinkman, Martie Todd and Alan Penksa who spoke to the matter.

RECOMMENDATION *The City Commission refer the Tree Advisory Board's proposed changes to the Plan Board, requesting the Plan Board to direct Planning staff to prepare the petition for review.*

*Alternative Recommendation
The City Commission deny the referral.*

A motion was made by Commissioner Lowe, seconded by Commissioner Mastrodicasa, that this matter be Referred to the City Plan Board, due back on June 18, 2009. The motion carried by the following vote:

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

WAIVER OF RULES

The rules were waived by consensus to hear the General Manager for Utilities items next.

GENERAL MANAGER FOR UTILITIES

080671. Public Utilities Regulatory Policy Act (PURPA) Requirements (B)

Staff will make a presentation on the schedule and public participation procedure for consideration and determination of Standards 16, 17, 16 and 17 of the Public Utility Regulatory Policies Act of 1978 as amended by The Energy Independence Security Act (EISA) of 2007. PURPA jurisdictional members have until December 19, 2008, to begin consideration of Integrated Resource Planning, Rate Design to Promote Energy Efficiency Investments, Smart Grid Investments and Smart Grid Information.

Note that the numbering of the standards is redundant. Standard numbers 16 and 17 were each used twice when the legislation was written and we must now refer to these items as designated in the legislation.

GRU Utility Analyst Diane Wilson gave a presentation.

RECOMMENDATION *The City Commission receive a presentation regarding the schedule for consideration and determination of Standards 16, 17, 16 and 17 of the Public Utility Regulatory Policies Act of 1978 as amended by The Energy Independence Security Act (EISA) of 2007 and the public participation procedure for PURPA standards and adopt staff's recommended schedule.*

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

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

080672. Amendment to Gainesville Code of Ordinances to Implement Solar

Feed-In-Tariff (NB)

This item is regarding the Solar Feed-In-Tariff.

GRU Assistant General Manager for Strategic Planning Ed Regan, GRU Commercial Analyst Rachel Meek and Senior Account Representative Bill Shepherd gave presentations.

Chair Hanrahan recognized Wayne Irwin, Arthur Stockwell, Harry Kegelman, Rob Brinkman, Barry Jacobson and Scott Davis who spoke to the matter.

MOTION: Direct the City Attorney to draft an ordinance with the suggested program revisions to: 1) Move to a \$.32/KWH Feed In Tariff with \$.26/KWH for green field systems; 2) include a "stop loss" threshold of 4 MW at which point the program assumptions will be revisited with the City Commission (in addition to annual reviews at budget time); 3) include small ground mounted systems <25 KW as eligible for \$.32/KWH Feed In Tariff; and 4) include "consumer protection criteria" in the ordinance.

NOTE: Back-up was submitted at the meeting which is attached to the item.

RECOMMENDATION *The City Commission 1) Receive a presentation from staff discussing the reasons that different FIT models yielded varied results; 2) provide guidance to staff on setting FIT prices.*

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

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

CITY ATTORNEY**CITY AUDITOR****EQUAL OPPORTUNITY DIRECTOR****COMMITTEE REPORTS (PULLED FROM CONSENT)****ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)****WAIVER OF RULES**

The rules were waived by consensus to hear items 080654 and 080676 before the recess.

080654. State Housing Initiatives Partnership Program (SHIP) Affordable Housing Advisory Committee Incentive Review and Recommendation Report (B)

Housing and Community Development Manager Jackie Richardson, and Affordable Housing Advisory Committee Chair Randy Wells gave presentations.

Chair Hanrahan recognized Affordable Housing Advisory Committee Member Kali Blount who spoke to the matter.

NOTE: The City Commission agreed by consensus to schedule a meeting in February to discuss the recommendations of the Affordable Housing Advisory Committee.

RECOMMENDATION *The City Commission: 1) hear a presentation on the SHIP AHAC Incentive Review and Recommendation Report from the SHIP AHAC Chairperson; and 2) accept the SHIP AHAC's report and take action as appropriate to adopt proposed recommendations by March 31, 2009.*

Heard

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

080676. Commissioner Thomas Hawkins - Gainesville Wilderness Institute (B)

Executive Director of Gainesville Wilderness Institute John Davidson gave a presentation.

RECOMMENDATION *The City Commission hear a presentation from John Davidson, Executive Director, Gainesville Wilderness Institute.*

Heard

COMMISSION COMMENTS (if time available)

RECESS - 5:26 PM

RECONVENE - 6:02 PM

PLEDGE OF ALLEGIANCE (5:30pm)

PROCLAMATIONS/SPECIAL RECOGNITIONS**080580. Martin Luther King, Jr. Hall of Fame Day - January 18, 2009 (B)**

RECOMMENDATION County Commissioner Rodney Long to accept the proclamation.

Heard

080581. King Celebration 2009 - January 12-22, 2009 (B)

RECOMMENDATION County Commissioner Rodney Long to accept the proclamation.

Heard

CITIZEN COMMENT**Gabe Hillel**

Butterfly City Event.

Pat Fitzpatrick

General Comments - Homeless Issues.

PUBLIC HEARINGS**ADOPTION READING-ROLL CALL REQUIRED****080014. INTERLOCAL AGREEMENT AND COMPREHENSIVE PLAN
AMENDMENT - CREATION OF PUBLIC SCHOOLS FACILITIES
ELEMENT (B)**

(1) Interlocal Agreement for Public School Facility Planning between the School Board of Alachua County, Alachua County, and all cities and towns within Alachua County; and

(2) Ordinance No. 0-08-42, Petition 46CPA-08PB

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan; by creating and adding a Public Schools Facilities Element; by creating Goals, Objectives and Policies to implement the new element; providing directions to the city manager; stating intent to adopt the new element as part of

the City of Gainesville 2000-2010 Comprehensive Plan; providing a severability clause; providing a repealing clause; and providing an effective date.

Chief of Comprehensive Planning Dean Mimms gave a presentation.

RECOMMENDATION *The City Commission (1) approve the Interlocal Agreement and authorize the Mayor to execute and the Clerk of the Commission to attest same on behalf of the City; (2) receive the Objections, Recommendations and Comments Report of the Florida Department of Community Affairs; and (3) adopt the proposed ordinance, as amended.*

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

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

080016.

COMPREHENSIVE PLAN AMENDMENT - INTERGOVERNMENTAL COORDINATION ELEMENT - SCHOOL CONCURRENCY (B)

Ordinance No. 0-08-43, Petition 47CPA-08PB

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Intergovernmental Coordination Element relating to public school concurrency; by amending Policy 1.1.1 and Policy 1.1.2 to update statutory references; by creating a new policy 1.1.4 to provide for coordination in implementing public school concurrency requirements; by renumbering existing policies; providing directions to the city manager; stating intent to adopt the amended element as part of the City of Gainesville 2000-2010 Comprehensive Plan; providing a severability clause; providing a repealing clause; and providing an effective date.

RECOMMENDATION *The City Commission (1) receive the Objections, Recommendations and Comments Report of the Florida Department of Community Affairs and (2) adopt the proposed ordinance.*

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

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

080012.

COMPREHENSIVE PLAN AMENDMENT - CAPITAL IMPROVEMENTS ELEMENT - SCHOOL CONCURRENCY (B)

Ordinance No. 0-08-44, Petition 48CPA-08PB

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Capital Improvements Element relating to public school facilities; by referencing in Policy 1.2.6 adoption of Level Service Standards for Public School Facilities; by creating and adopting Table 15, consisting of the 5-year District Facilities Work Program for the School Board of Alachua County; providing directions to the city manager; stating intent to adopt the new element as part of the City of Gainesville 2000-2010 Comprehensive Plan; providing a severability clause; providing a repealing clause; and providing an effective date.

RECOMMENDATION *The City Commission (1) receive the Objections, Recommendations and Comments Report of the Florida Department of Community Affairs and (2) adopt the proposed ordinance as amended.*

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

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

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

080198. MOBILE HOME (MH) DISTRICT SETBACKS (B)

Ordinance No. 0-08-74; Petition No. 90TCH-08 PB
An ordinance of the City of Gainesville, Florida, amending the Land Development Code of the City of Gainesville relating to Residential low density districts (RMF-5, RC and MH); by amending Table 2 of section 30-52 to decrease setbacks for principal and accessory structures in the MH: 12 units/acre mobile home residential zoning district; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Senior Planner Susan B. Niemann gave a presentation.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

080544. REZONING - 300 BLOCK OF NE 39TH AVENUE (B)

Ordinance No. 0-08-83, Petition No. 119ZON-08PB

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 "BUS: General business district" to "BA: Automotive-oriented business district"; located in the vicinity of the 300 block of Northeast 39th Avenue, as more specifically described in this ordinance; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Senior Planner Susan B. Niemann gave a presentation.

Chair Hanrahan recognized agent for the Petitioner Clay Sweger of Eng, Denman & Associates who spoke to the matter.

NOTE: Commissioner Mastrodicasa declared that she had no conflict of interest concerning this item.

RECOMMENDATION *The City Commission: 1) approve Petition 119ZON-08PB; and 2) adopt the proposed ordinance.*

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

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

ORDINANCES, 2ND READING- ROLL CALL REQUIRED**080227. FIVE POINTS SPECIAL AREA PLAN (B)****Ordinance No. 0-08-70; Petition 89TCH-08 PB**

An ordinance of the City of Gainesville, Florida, amending Chapter 30, Appendix A, Section 8, Exhibit A(f)(9) of the Land Development Code, relating to the prohibited uses within the Five Points Special Area Plan; by adding social services (MG-83), residences for destitute people, food distribution centers for the needy, membership organizations (MG-86), dormitories, rooming houses and boarding houses (GN-702), rehabilitation centers, and social services homes or halfway houses to the list of prohibited uses; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Planning Manager Ralph Hilliard gave a presentation.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

080174. AMENDMENT OF PS ZONING ORDINANCE 060015 FOR 837 SOUTHEAST 7TH AVENUE - COTTON CLUB MUSEUM AND CULTURAL CENTER INC. (B)

Ordinance No. 0-08-59; Petition No. 76PSZ-08PB

An ordinance of the City of Gainesville, Florida, amending Ordinance No. 060015, adopted by the City Commission of the City of Gainesville on October 23, 2006, that rezoned certain property located in the vicinity of 837 Southeast 7th Avenue and commonly referred to as the "Cotton Club," to "PS: Public services and operations district;" by adding certain uses to the list of uses permitted by right on the property; by specifying the setbacks for certain uses on the property; 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 Donovan, seconded by Commissioner Lowe, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:

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

080343. NEW RESIDENTIAL SINGLE-FAMILY RURAL (RSF-R) ZONING DISTRICT (B)

Ordinance No. 0-08-65; Petition No. 97TCH-08 PB

An ordinance of the City of Gainesville, Florida, amending the Land Development Code of the City of Gainesville, by creating the "RSF-R: 1 unit/acre single-family rural residential district;" creating new definitions; specifying permitted uses; specifying general requirements, dimensional requirements and standards; providing directions to the codifier; providing a severability 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 Donovan, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:

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

080608. HISTORIC PROPERTY EXEMPT FROM AD VALOREM TAXATION - 615 SE 2ND PLACE (B)

Ordinance No. 0-08-75; Petition No. 5AVT-07HBP

An ordinance of the City of Gainesville, Florida, finding that property located at 615 SE 2nd Place, Gainesville, Florida, as more specifically described in this Ordinance, qualifies for an ad valorem tax exemption for historic properties; granting an exemption from ad valorem tax for certain improvements beginning January 1, 2009, and continuing for 10 years under certain conditions; authorizing the Mayor and Clerk of the Commission to sign the Historic Preservation Property Tax Exemption Covenant between the property owner and the City; 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 Donovan, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:

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

080609. HISTORIC TAX EXEMPT FROM AD VALOREM TAXATION - 318 NE 10TH AVENUE (B)

Ordinance No. 0-08-77; Petition No. 2AVT-07HPB

An ordinance of the City of Gainesville, Florida, finding that property located at 318 NE 10th Avenue, Gainesville, Florida, as more specifically described in this Ordinance, qualifies for an ad valorem tax exemption for historic properties; granting an exemption from ad valorem tax for certain improvements beginning January 1, 2009, and continuing for 10 years under certain conditions; authorizing the Mayor and Clerk of the Commission to sign the Historic Preservation Property Tax Exemption Covenant between the property owner and the City; 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: Craig Lowe, Jack Donovan, Lauren Poe, Jeanna Mastrodicasa, Thomas Hawkins and Pegeen Hanrahan
Absent: Scherwin Henry

080610. HISTORIC PROPERTY EXEMPT FROM AD VALOREM TAXATION - 224 NW 2ND AVENUE (B)

Ordinance No. 0-08-78; Petition No. 3AVT-08HPB

An ordinance of the City of Gainesville, Florida, finding that property located at 224 NW 2nd Avenue, Gainesville, Florida, as more specifically described in this Ordinance, qualifies for an ad valorem tax exemption for historic properties; granting an exemption from ad valorem tax for certain improvements beginning January 1, 2009, and continuing for 10 years under certain conditions; authorizing the Mayor and Clerk of the Commission to sign the Historic Preservation Property Tax Exemption Covenant between the property owner and the City; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

**080611. HISTORIC PROPERTY EXEMPT FROM AD VALOREM TAXATION - 708
NORTHEAST BOULEVARD (B)**

Ordinance No. 0-08-79; Petition No. 4AVT-07HPB

An ordinance of the City of Gainesville, Florida, finding that property located at 708 Northeast Boulevard, Gainesville, Florida, as more specifically described in this Ordinance, qualifies for an ad valorem tax exemption for historic properties; granting an exemption from ad valorem tax for certain improvements beginning January 1, 2009, and continuing for 10 years under certain conditions; authorizing the Mayor and Clerk of the Commission to sign the Historic Preservation Property Tax Exemption Covenant between the property owner and the City; 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: Craig Lowe, Jack Donovan, Lauren Poe, Jeanna Mastrodicasa, Thomas Hawkins and Pegeen Hanrahan
Absent: Scherwin Henry

**080612. HISTORIC PROPERTY EXEMPT FROM AD VALOREM TAXATION - 11
SE 2ND AVENUE (B)**

Ordinance No. 0-08-80; Petition No. 1AVT-05HPB

An ordinance of the City of Gainesville, Florida, finding that property located at 11 S.E. 2nd Avenue, Gainesville, Florida, as more specifically described in this Ordinance, qualifies for an ad valorem tax exemption for historic properties; granting an exemption from ad valorem tax for certain improvements beginning January 1, 2009, and continuing for 10 years under certain conditions; authorizing the Mayor and Clerk of the Commission to sign the Historic Preservation Property Tax Exemption Covenant between the property owner and the City; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

080619. HISTORIC TAX EXEMPT FROM AD VALOREM TAXATION - 512 NE 10TH AVENUE (B)

Ordinance No. 0-08-76; Petition No. 3AVT-07HPB

An ordinance of the City of Gainesville, Florida, finding that property located at 512 NE 10th Avenue, Gainesville, Florida, as more specifically described in this Ordinance, qualifies for an ad valorem tax exemption for historic properties; granting an exemption from ad valorem tax for certain improvements beginning January 1, 2009, and continuing for 10 years under certain conditions; authorizing the Mayor and Clerk of the Commission to sign the Historic Preservation Property Tax Exemption Covenant between the property owner and the City; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

080576. PROPOSED CHARTER AMENDMENT - PROTECTION OF CITY-OWNED LANDS FOR CONSERVATION, RECREATION AND CULTURAL PURPOSES (B)

Ordinance No. 0-08-87

An ordinance of the City of Gainesville, Florida; approving an amendment to the

Charter Laws of the City of Gainesville; amending Article V of the Charter Laws, entitled "Special Provisions" pertaining to the protection of City-owned lands acquired or used for conservation, recreation, or cultural purposes; providing for submission of the charter amendment to the voters for approval or disapproval at the March 24, 2009 regular municipal election; approving the ballot title and summary to be placed on the ballot; providing that this charter amendment shall become effective immediately; providing directions to the codifier; providing directions to the clerk of the commission; providing a severability clause; providing a repealing clause; providing for liberal construction and interpretation; and providing an immediate effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

RESOLUTIONS- ROLL CALL REQUIRED

PLAN BOARD PETITIONS

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

UNFINISHED BUSINESS

080695. Project List for Potential Federal Stimulus Package (B)

Assistant City Manager Paul Folkers and Public Works Director Teresa Scott gave presentations.

NOTE: Commissioner Henry entered the meeting room during this item.

AMENDMENT: Add an Early Childhood Intervention Program to the project list.

Chair Hanrahan recognized Kali Blount who spoke to the matter.

*ADDITIONAL MOTION: (REFERRAL) Commissioner Lowe moved and Commissioner Henry seconded to refer to the Regional Utilities Committee (RUC) the issue of extending broad band Internet to older neighborhoods in the City.
(VOTE: 7-0, MOTION CARRIED) See following Referral Item #080696.*

RECOMMENDATION

The City Commission, 1) receive a presentation from staff outlining the list of projects being submitted for consideration; 2) review the list and make recommendations regarding the items included; and 3) direct staff to transmit the list of projects to the City's federal legislative delegation along with a cover letter.

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

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

080696. Broad Band Internet in Older Neighborhoods (NB)**RECOMMENDATION**

The City Commission refer to the issue of extending broad band Internet to older neighborhoods in the City to the Regional Utilities Committee (RUC).

A motion was made by Commissioner Lowe, seconded by Commissioner Henry, that this matter be Referred to the Regional Utilities Committee, due back on June 18, 2009. The motion carried by the following vote:

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

080692. Florida Clean Car Rule (B)

Rob Brinkman representing the Suwannee-St. Johns Sierra Club gave a presentation.

MOTION: The Florida Clean Car Rule be added a part of the City of Gainesville's State of Florida Legislative Agenda.

RECOMMENDATION

The City Commission consider Mr. Rob Brinkman's request.

A motion was made by Commissioner Lowe, seconded by Commissioner Hawkins, that this matter be Approved as shown above (See Motion). The motion carried by the following vote:

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

080681. Student Seat Appointments to Advisory Board/Committees for terms to expire January 1, 2010 (B)

FIRST MOTION: Commissioner Mastrodicasa moved and Commissioner Poe seconded to appoint Jonathan G. Boucher to the student seat of the Gainesville/Alachua County Cultural Affairs Board for a term to expire January 1, 2010.

(VOTE: 7-0, MOTION CARRIED)

SECOND MOTION: Commissioner Lowe moved and Commissioner Henry seconded to appoint Mario O. Garcia to the student seat of the Gainesville Energy Advisory Committee for a term to expire January 1, 2010.

(VOTE: 7-0, MOTION CARRIED)

THIRD MOTION: Commissioner Lowe moved and Commissioner Mastrodicasa seconded to appoint Latasha N. Lawson to the student seat of the Student Community Relations Advisory Board for a term to expire January 1, 2010.

(VOTE: 7-0, MOTION CARRIED)

RECOMMENDATION

The City Commission appoint Student Seat Members to the following City Commission Advisory Boards and Committees for terms to expire January 1, 2010.

*Gainesville/Alachua County Cultural Affairs Board –
Boucher, Jonathan G. Comm. Donovan, Poe and Mayor
Hanrahan*

*Lawson, Latasha N. Comm. Hawkins and Lowe
Livanec, Kate J. Comm. Mastrodicasa*

Gainesville Energy Advisory Committee –

Garcia, Mario O. Comm. Donovan and Lowe

Logan, Natalie L. Comm. Poe

Robisch, Kyle W. Comm. Mastrodicasa

Sooy, Bryant E. Comm. Hawkins and Mayor

Hanrahan

Student Community Relations Advisory Board –

Dumbroff, Julie N. Mayor Hanrahan

Lawson, Latasha N. Comm. Donovan, Mastrodicasa and

Poe

Williams, Cayla L. Comm. Hawkins and Lowe

Approved, as shown above - See Motion(s)

COMMISSION COMMENT

Commissioner Lauren Poe

*1. Towing issues and parking on vacated property that is privately owned.
(University Corners) - referral to the Public Works Committee. See following
referral item #080699.*

2. Happy Holidays.

080699.

Towing Issue at University Corners Vacated Site (NB)

RECOMMENDATION *The City Commission refer the towing issue at the University Corners vacated site to the Recreation, Cultural Affairs and Public Works Committee.*

A motion was made by Commissioner Poe, seconded by Commissioner Lowe, that this matter be Referred to the Recreation, Cultural Affairs and Public Works Committee, due back on June 18, 2009. The motion carried by the following vote:

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

Commissioner Craig Lowe

Referral to the City Manager regarding vacated property issue - See following referral item #080700.

080700. Vacated Streets Towing and Parking Issue - University Corners Site (NB)

RECOMMENDATION *The City Commission refer to the City Manager the issue of vacated streets at the former University Corners site and to negotiate something that is favorable for the City.*

A motion was made by Commissioner Lowe, seconded by Commissioner Poe, that this matter be Referred to the City Manager, due back on June 18, 2009. The motion carried by the following vote:

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

Commissioner Scherwin Henry

Referral to City Manager regarding traffic calming at the new development at SE 17th Terrace - See following referral item #080703.

080703. Traffic Calming at SE 17th Terrace (NB)

RECOMMENDATION *The City Commission refer to the City Manager the issue of traffic calming at the new development at SE 17th Terrace.*

A motion was made by Commissioner Henry, seconded by Commissioner Poe, that this matter be Referred to the City Manager, due back on June 18, 2009. The motion carried by the following vote:

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

Commissioner Thomas Hawkins

Street vacations - dedicated right of way.

CITIZEN COMMENT (If time available)

Rob Brinkman

- 1. Veterans for Peace Winter Solstice Concert.*
- 2. GRU home insulation rebate increase.*
- 3. Proposal to increase the minimum housing standard to R-19 attic insulation.*

Kali Blount

Essential economic mix of housing - Inclusionary Zoning.

ADJOURNMENT - 7:33 PM

Kurt M. Lannon, Clerk of the Commission