

080632

City of Gainesville

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



Meeting Minutes

Thursday, November 20, 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

NOTE: Mayor-Commissioner Pro Tem Donovan called the meeting to order.

ROLL CALL

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

INVOCATION

The City Commission observed a moment of silence.

CONSENT AGENDA

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

(VOTE: 4-0, Commissioners Hawkins, Henry and Mayor Hanrahan - Absent, MOTION CARRIED)

MODIFICATION: File #080597 - Advisory Board/Committee Appointments to the City Plan Board - (Planning Manager Ralph Hilliard asked the City Commission to waive the probationary period for the newly appointed Plan Board members). The City Commission adopted the Consent Agenda with this modification.

CITY MANAGER, CONSENT AGENDA ITEMS

080542. Gainesville Police Department Gainesville Police Beat Show (B)

This item requests the City Commission to approve \$17,500 expenditure from State Law Enforcement Contraband Forfeiture Trust Fund for funding for the Gainesville Police Beat Show

RECOMMENDATION *The City Commission approve the appropriation of \$17,500 from the State Law Enforcement Contraband Forfeiture Trust Fund for the Police Beat Show.*

Alternative Recommendation A: The City Commission authorize partial funding.

Alternative Recommendation B: The City Commission deny funding.

This Matter was Approved as Recommended on the Consent Agenda.

080543. 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 \$144,000.00 for the payment of this contract.*

Alternative Recommendation A: The City Commission authorize less than \$144,000.00 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 deny funding.

This Matter was Approved as Recommended on the Consent Agenda.

080547. Selection of Symetra Life Insurance Company as the Carrier for the City's Group Health Plan Specific Stop-Loss Insurance (B)

This item involves the selection as Symetra Life Ins. Co. to provide the City's Group Health Plan with Specific Stop-Loss Insurance for claims in excess of \$160,000.

RECOMMENDATION *The City Commission: 1) authorize the renewal of Symetra Life Insurance Company as the carrier for specific stop-loss insurance for plan year 2008; 2) authorize issuance of a purchase order in an amount sufficient to cover applicable charges for specific stop-loss to Symetra Life Insurance Company; 3) authorize Gallagher Benefits Services as the agent; and 4) authorize the City Manager or his designee to negotiate and execute the necessary documents required to complete the transaction, subject to approval from 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

080563. State Road 329 (Main Street) Reconstruction (NB)

Staff recommends executing two Utility Work by Highway Contractor Agreements with Florida Department of Transportation for State Road 329 (Main Street) reconstruction.

RECOMMENDATION *The City Commission 1) authorize the General Manager, or his designee, to execute two Utility Work by Highway Contractor agreements with Florida Department of Transportation to include the water and wastewater utility relocation work in the road reconstruction project, subject to approval of the City Attorney as to form and legality, and 2) approve payment to Florida Department of Transportation in an amount not to exceed \$2,065,000 for utility reconstruction, and 3) authorize staff to procure services, equipment and materials in accordance with established purchasing policies, as required, to complete the project as budgeted.*

This Matter was Approved as Recommended on the Consent Agenda.

080564. Contract for Temporary Personnel Services (B)

Staff recommends award of a contract with Career Center, Inc. d/b/a Temp Force for temporary personnel services.

RECOMMENDATION *The City Commission: 1) authorize the General Manager, or his designee, to negotiate and execute a five year contract with Career Center, Inc. d/b/a Temp Force for temporary personnel services for City departments, subject to approval of the City Attorney as to form and legality; and 2) approve the issuance of purchase orders for these services in amounts not exceeding budgeted amounts for each fiscal year, pending final appropriation of funds for each fiscal year.*

This Matter was Approved as Recommended on the Consent Agenda.

080567. Change Order for Technology Consulting Services (NB)

Staff recommends approval of a change order to the amendment to the contract with Deloitte Consulting LLP (Deloitte) for support services for the Customer Care System.

RECOMMENDATION *The City Commission authorize the General Manager, or his designee, to execute a change order to the amendment for support services for the Customer Care System in an amount not to exceed \$301,000 (new not to exceed amount \$1,262,584), subject to the approval of the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

CITY ATTORNEY, CONSENT AGENDA ITEMS

- 080530. GEORGE H. TEDFORD vs. CITY OF GAINESVILLE; CIRCUIT COURT OF FLORIDA'S EIGHTH JUDICIAL CIRCUIT, IN AND FOR ALACHUA COUNTY, FLORIDA; CASE NO. 01-08-CA-5171 (B)**

RECOMMENDATION *The City Commission authorize the City Attorney to represent the City in the case styled George H. Tedford vs. City of Gainesville; Circuit Court of Florida's Eighth Judicial Circuit, in and for Alachua County, Florida; Case No. 01-08-CA-5171.*

This Matter was Approved as Recommended on the Consent Agenda.

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

- 080577. City Commission Minutes (B)**

RECOMMENDATION *The City Commission approve the minutes of November 6, 2008 (Regular Meeting); and November 10, 2008 (Workshop); as circulated.*

This Matter was Approved as Recommended on the Consent Agenda.

- 080572. City Commission Meetings/Workshops (B)**

RECOMMENDATION *The City Commission schedule meetings as shown above.*

This Matter was Approved as Recommended on the Consent Agenda.

- 080582. Advisory Board/Committee Appointments to the Art in Public Places Trust (NB)**

RECOMMENDATION *The City Commission appoint Ellen M. West for vacancy to expire September 30, 2010, and re-appoint Laura NeSmith for term to expire September 30, 2011 on the Art in Public Places Trust.*

*Commissioner Donovan: NeSmith and West
Commissioner Hawkins: NeSmith and West
Commissioner Henry: NeSmith and West
Commissioner Lowe: NeSmith and West
Commissioner Mastrodicasa: NeSmith and West
Commissioner Poe: NeSmith and West*

Mayor Hanrahan: NeSmith and West

This Matter was Approved as Recommended on the Consent Agenda.

080583. Advisory Board/Committee Appointments to the Board of Adjustment (NB)

RECOMMENDATION *The City Commission re-appoint Laura E. Dukes and James D. Harnsberger to the Board of Adjustment for terms to expire November 1, 2011.*

*Commissioner Donovan: Dukes and Harnsberger
Commissioner Hawkins: Dukes and Harnsberger
Commissioner Henry: Dukes and Harnsberger
Commissioner Lowe: Dukes and Harnsberger
Commissioner Mastrodicasa: Dukes and Harnsberger
Commissioner Poe: Dukes and Harnsberger
Mayor Hanrahan: Dukes and Harnsberger*

This Matter was Approved as Recommended on the Consent Agenda.

080584. Advisory Board/Committee Appointments to the Bicycle/Pedestrian Advisory Board (NB)

RECOMMENDATION *The City Commission appoint Andrew P. Gill for term to expire December 31, 2011 and Jeff Wade for a vacancy to expire December 31, 2009 on the Bicycle/Pedestrian Advisory Board.*

*Commissioner Donovan: Gill and Wade
Commissioner Hawkins: Gailey and Wade
Commissioner Henry: Gailey and Wade
Commissioner Lowe: Gill and Wade
Commissioner Mastrodicasa: Gailey and Gill
Commissioner Poe: Gill and Wade
Mayor Hanrahan: Gill and Wade*

This Matter was Approved as Recommended on the Consent Agenda.

080585. Advisory Board/Committee Appointments to the Citizens' Advisory Committee for Community Development (NB)

RECOMMENDATION *The City Commission appoint David D. Dry and Sheryl A. Wetzel and re-appoint Frank C. Bracco to the Citizens' Advisory Committee for Community Development for terms to expire November 1, 2011.*

Commissioner Donovan: Bracco, Dry, and Wetzel

*Commissioner Hawkins: Bracco, Dry, and Wetzel
Commissioner Henry: Bracco, Dry, and Wetzel
Commissioner Lowe: Bracco, Dry, and Wetzel
Commissioner Mastrodicasa: Bracco, Dry, and Wetzel
Commissioner Poe: Bracco, Dry, and Wetzel
Mayor Hanrahan: Bracco, Dry, and Wetzel*

This Matter was Approved as Recommended on the Consent Agenda.

080590. Advisory Board/Committee Appointment to the Development Review Board (NB)

RECOMMENDATION *The City Commission re-appoint Taylor T. Brown to the Development Review Board for term to expire November 1, 2011.*

*Commissioner Donovan: Brown
Commissioner Hawkins: Brown
Commissioner Henry: Brown
Commissioner Lowe: Brown
Commissioner Mastrodicasa: Brown
Commissioner: Poe Brown
Mayor Hanrahan: Brown*

This Matter was Approved as Recommended on the Consent Agenda.

080591. Advisory Board/Committee Appointments to the Gainesville/Alachua County Cultural Affairs Board (NB)

RECOMMENDATION *The City Commission appoint Sheallah A. Palmer, and Parker G. Van Hart for terms to expire September 30, 2010 on the Gainesville/Alachua County Cultural Affairs Board.*

*Commissioner Donovan: Palmer and Van Hart
Commissioner Hawkins: Palmer and Van Hart
Commissioner Henry: Palmer and Van Hart
Commissioner Lowe: Palmer and Van Hart
Commissioner Mastrodicasa: Palmer and Van Hart
Commissioner Poe: Palmer and Van Hart
Mayor Hanrahan: Palmer and Van Hart*

This Matter was Approved as Recommended on the Consent Agenda.

080593. Advisory Board/Committee Appointments to the Gainesville Energy Advisory Committee (NB)

RECOMMENDATION *The City Commission appoint William T. Hammond for a term*

to expire September 30, 2010, appoint Cynthia C. Kan for vacancy to expire September 30, 2009, appoint Lance W. Legel for a vacancy to expire September 30, 2009 on the Gainesville Energy Advisory Committee.

*Commissioner Donovan: Hammond, Kan and Legel
Commissioner Hawkins: Hammond, Kan and Legel
Commissioner Henry: Hammond, Kan and Legel
Commissioner Lowe: Hammond, Kan and Legel
Commissioner Mastrodicasa: Hammond, Kan and Legel
Commissioner Poe: Hammond, Kan and Legel
Mayor Hanrahan: Hammond, Kan and Legel*

This Matter was Approved as Recommended on the Consent Agenda.

080594. Advisory Board/Committee Appointment to the Historic Preservation Board (NB)

RECOMMENDATION *The City Commission re-appoint William E. Warinner and appoint Jennifer M. Wolfe to the Historic Preservation Board for terms to expire June 1, 2011.*

*Commissioner Donovan: Warinner and Wolfe
Commissioner Hawkins: Volk and Warinner
Commissioner Henry: Warinner and Wolfe
Commissioner Lowe: Warinner and Wolfe
Commissioner Mastrodicasa: Warinner and Wolfe
Commissioner: Poe Warinner and Wolfe
Mayor Hanrahan: Volk and Warinner*

This Matter was Approved as Recommended on the Consent Agenda.

080595. Advisory Board/Committee Appointment to the Pension Review Committee (NB)

RECOMMENDATION *The City Commission re-appoint Karl C. Ashley to the Pension Review Committee for a term to expire June 2013.*

*Commissioner Donovan: Ashley
Commissioner Hawkins: Ashley
Commissioner Henry: Ashley
Commissioner Lowe: Ashley
Commissioner Mastrodicasa: Ashley
Commissioner: Poe Ashley
Mayor Hanrahan: Ashley*

This Matter was Approved as Recommended on the Consent Agenda.

080596. Advisory Board/Committee Appointments to the Student Community Relations Advisory Board (NB)

RECOMMENDATION *The City Commission appoint Kristin Mamula-Student Member and Thomas D. Rider-Non-Student Member to the Student Community Relations Advisory Board to expire February 26, 2010.*

*Commissioner Donovan: Mamula and Rider
Commissioner Hawkins: Mamula and Rider
Commissioner Henry: Mamula and Rider
Commissioner Lowe: Mamula and Rider
Commissioner Mastrodicasa: Mamula and Rider
Commissioner Poe: Mamula and Rider
Mayor Hanrahan: Mamula and Rider*

This Matter was Approved as Recommended on the Consent Agenda.

080597. Advisory Board/Committee Appointments to the City Plan Board (B)

RECOMMENDATION *The City Commission appoint Adrian S. Taylor and re-appoint Jack M. Walls for terms to expire November 1, 2011, and appoint Christopher E. Dawson to a vacancy to expire November 1, 2009 to the City Plan Board.*

*Commissioner Donovan: Richter, Taylor and Walls
Commissioner Hawkins: Dawson, Taylor and Walls
Commissioner Henry: Gilbert, Taylor and Walls
Commissioner Lowe: Dawson, Taylor and Walls
Commissioner Mastrodicasa: Dawson, Gilbert and Taylor
Commissioner Poe: Dawson, Hintze and Taylor
Mayor Hanrahan: Hintze, Taylor and Walls*

This Matter was Approved as Recommended on the Consent Agenda.

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE, CONSENT

PUBLIC SAFETY COMMITTEE, CONSENT

070941. Hospitality Districts (B)

RECOMMENDATION *The City Commission authorize the City Attorney to draft and the Clerk of the Commission to advertise amendments to the Public Assemblies Serving Alcohol-Life Safety Ordinance incorporating the changes proposed for Article V, Section 10.*

This Matter was Approved as Recommended on the Consent Agenda.

080456. Bike Taxi Referral to the Public Safety Committee (B)

RECOMMENDATION *The City Commission authorize the City Attorney to draft and the Clerk of the Commission to advertise amendments to the Vehicle for Hire ordinance incorporating the changes proposed to regulate bike taxis and to pattern the amendment after the Orlando ordinance regulating them.*

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

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE, CONSENT

EQUAL OPPORTUNITY COMMITTEE, CONSENT

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

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

*(VOTE: 4-0, Commissioners Hawkins, Henry and Mayor Hanrahan - Absent;
MOTION CARRIED)*

MODIFICATIONS:

1. File #080549 - City of Gainesville Airport Noise Standards - (Revised Power Point submitted (replacement).

2. File #070790 - Land Conservation and Acquisition Program - (Revised language

submitted. Figures in "Fiscal Impact" corrected).

3. File #080538 - Resolution and Temporary Construction Easement Request from the Florida Department of Transportation - (Withdraw from the agenda).

4. File #080539 - Resolution for the FY 2009 Program of Projects - (Revised resolution submitted).

5. File #080551 - Resolution - Report of the Board of Canvassers for the City of Gainesville, Florida - ("Certificate of Results" submitted).

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

CITY MANAGER

080540. Florida Public Transportation Association Outstanding Public Transportation System Achievement Award and Award of Excellence for the Transit Athlete Program Received by Regional Transit System (B)

This item involves a request for the City Commission to accept the Florida Public Transportation Association (FPTA) Outstanding Public Transportation System Achievement Award and Award of Excellence for the Transit Athlete Program for the Regional Transit System (RTS).

City Public Works Director Teresa Scott gave a presentation.

RECOMMENDATION *The City Commission accept the Florida Public Transportation Association Outstanding Public Transportation System Achievement Award and Award of Excellence for the Transit Athlete Program.*

Heard

080549. City of Gainesville Airport Noise Zone Standards (B)

Review and information regarding appropriate noise levels in the vicinity of the Gainesville Regional Airport.

Planning and Development Services Director Erik Bredfeldt, Planning Manager Ralph Hilliard, Airport Noise Consultant Ted Baldwin, Senior Aviation Consultant Jeff Breeden of Reynolds, Smith and Hills, Consultant Rick Albert, Ironwood Golf Course Manager Bill Iwinski, and Gainesville Regional Airport CEO Bill Penksa gave presentations.

NOTE: Commissioner Henry entered the meeting room at 1:14 PM.

Chair Pro Tem Donovan recognized Pat Fitzpatrick, Attorney for East Gainesville Development Partners and Hatchet Creek Ron Carpenter who spoke to the matter.

RECOMMENDATION *The City Commission: (1) hear a presentation from the City's Airport Noise consultant and Gainesville Regional Airport's consultant regarding Airport noise issues broadly and within the context of the recently completed Phase I - Part 150 study; (2) hear a presentation from staff on the City's Airport Hazard Zoning Regulations and the process moving to adopt any revisions to the City's Airport Hazard Zoning Regulations.*

Heard

GENERAL MANAGER FOR UTILITIES

080566. Amendment to the Gainesville Code of Ordinances to Implement a Solar Feed-In-Tariff (B)

This item is regarding the implementation of a solar feed-in-tariff.

General Manager for Utilities Bob Hunzinger gave introductions.

GRU Utility Analyst John Crider and GRU AGM for Strategic Planning Ed Regan gave presentations.

Chair Pro Tem Donovan recognized Wayne Irwin, Tom Lane, Jerry Karnas, Dan Davis, Barry Jacobson, Harry Kegelmann, Joe Nicholson, Janet Woods, Arthur Stockwell, Rob Brinkman, Scott Jantz, Ron Phillips, Dave Bruderly, Mike Antheil and Ed Brown who spoke to the matter.

AMENDMENT: Approve the recommendation and direct the General Manager for Utilities to take into account the input received at this meeting from citizens when formulating the ordinance.

RECOMMENDATION *The City Commission direct the City Attorney to draft and the Clerk to advertise the ordinance to adopt the recommended payments under the Feed-In-Tariff.*

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

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

CITY ATTORNEY

CITY AUDITOR**EQUAL OPPORTUNITY DIRECTOR****COMMITTEE REPORTS (PULLED FROM CONSENT)****RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE****070790. Land Conservation and Acquisition Program (B)**

This involves a request for the City Commission to accept the draft priority list of the Land Conservation and Acquisition Program as approved by the Recreation, Cultural Affairs and Public Works Committee.

AMENDMENT: Approve the recommendation moving two of the items to the top of the priority list: 1) Move parcel #7 Cone Park Southwest ;and 2) parcel #8 Henderson #2 to the top of the priority list.

RECOMMENDATION *The City Commission: 1) accept the priority list for the Land Conservation and Acquisition Program; and 2) authorize the City Manager or designee to work with City staff, Alachua County Forever and Alachua Conservation Trust to negotiate with landowners for acquisition to include the possibility of obtaining grants for matching funds.*

Alternative Recommendation: The City Commission not accept the Land Conservation and Acquisition Program priority list and direct staff to reevaluate undeveloped lands within or near the City of Gainesville that could provide habitat for wildlife and plants, protect creeks and wetlands and that could provide passive recreational opportunities for the public.

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 and Jeanna Mastrodicasa
Absent: Thomas Hawkins and Pegeen Hanrahan

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)**OUTSIDE AGENCIES****MEMBERS OF THE CITY COMMISSION**

COMMISSION COMMENTS (if time available)**RECESS - 5:25 PM****RECONVENE - 5:55 PM****PLEDGE OF ALLEGIANCE (5:30pm)****PROCLAMATIONS/SPECIAL RECOGNITIONS****080569. Mary Hausch Day - November 20, 2008 (B)****RECOMMENDATION** *Mary Hausch to accept the proclamation.***Heard****080570. Rhonda Wilson Day - November 20, 2008 (B)****RECOMMENDATION** *Rhonda Wilson to accept the proclamation.***Heard****080571. Prematurity Awareness Day - November 20, 2008 (B)****RECOMMENDATION** *March of Dimes Staff and Volunteers to accept the proclamation.***Heard****CITIZEN COMMENT (6:00pm) - Please sign on sign-up sheet****Reverend Milford Lewis Griner***Rosa Parks Quiet Courage Committee Presentation - Renaming of the RTS Bus Transfer Station to the Rosa Parks Regional Transportation System Downtown Station - See following File #080634.***Karen Cole-Smith***Rosa Parks Quiet Courage Committee Presentation - Renaming of the RTS Bus Transfer Station to the Rosa Parks Regional Transportation System Downtown*

Station - See following File #080634.

Vivian Filer

Rosa Parks Quiet Courage Committee Presentation - Renaming of the RTS Bus Transfer Station to the Rosa Parks Regional Transportation System Downtown Station - See following File #080634.

080634. Renaming of the RTS Bus Transfer Station to the Rosa Parks Regional Transportation System Downtown Station (B)

Chair Pro Tem Donovan recognized Reverend Milford Lewis Griner, Dr. Karen Cole-Smith and Vivian Filer who gave presentations.

RECOMMENDATION *The City Commission hear a presentation from Reverend Milford Lewis Griner and Dr. Karen Cole Smith.*

Heard

Jerry Williamson

GPD Issues.

Pat Fitzpatrick

Homeless Issues.

080083. Citizen Comment - Pat Fitzpatrick - Homeless Issues (B)

RECOMMENDATION *The City Commission hear comments from Pat Fitzpatrick and place back-up submitted on file.*

Placed on File

Gabriel Hillel

Butterfly City project and community art issues.

PUBLIC HEARINGS

ADOPTION READING-ROLL CALL REQUIRED

080546. COMPREHENSIVE PLAN AMENDMENT - 5-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS (B)

Ordinance No. 0-08-73; Petition No. 34CPA-08 PB

An ordinance of the City of Gainesville, Florida, amending the Capital Improvements Element of the City of Gainesville 2000-2010 Comprehensive Plan by creating and adding two new policies related to proportionate fair-share contributions and financial feasibility and by adopting the annual update of the 5-Year Schedule of Capital Improvements; providing directions to the city manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Senior Planner Onelia Lazzari and Recreation, Parks, and Cultural Affairs Director Steve Phillips gave presentations.

RECOMMENDATION *The City Commission (1) approve Petition No. 34CPA-08 PB, and (2) adopt the proposed ordinance.*

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

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

ORDINANCES, 1ST READING- ROLL CALL REQUIRED**080214. PROPORTIONATE FAIR-SHARE (B)****Ordinance No. 0-08-68; Petition No. 88TCH-08 PB**

An ordinance of the City of Gainesville, Florida, amending the City of Gainesville Land Development Code relating to Proportionate Fair-Share for transportation concurrency, by amending sections 30-38 and 30-39 to: be consistent with state law by providing additional findings, providing for multi-modal and system-wide transportation improvement projects, limiting developer's responsibility with respect to transportation backlogs; by correcting scrivener's errors; and by revising the transit cost calculation; by amending section 30-40 to correct a scrivener's error; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Senior Planner Onelia Lazzari 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 Adopted on First Reading (Ordinance). The motion carried by the following vote:

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

080515. ELECTRONIC SIGNATURES AND ELECTRONIC TRANSACTIONS (B)**Ordinance No. 0-08-81**

An ordinance of the City of Gainesville, Florida, relating to Electronic Signatures and Documents; creating and adding Sections 2-439 and 2-440 to the Code of Ordinances; authorizing the use of electronic signatures and electronic transactions and records; providing directions to the codifier, providing a severability clause, providing a repealing clause and providing an immediate effective date.

City Attorney's Office extern Erica Jaffe 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 Adopted on First Reading (Ordinance). The motion carried by the following vote:

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

ORDINANCES, 2ND READING- ROLL CALL REQUIRED**080015. REZONING -REGIONAL TRANSIT SYSTEM OPERATIONS AND MAINTENANCE FACILITY (B)****Ordinance No. 0-08-46, Petition No. 20PSZ-08PB**

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas from the zoning category of "I-2: General industrial district" to "PS: Public services and operations district," as more specifically described in this Ordinance; to permit the Gainesville Regional Transit System Operations and Maintenance Facility Public Services Zoning Report; allowing the uses permitted by right as more specifically described in this ordinance, with the approval of a preliminary development plan; located in the vicinity of 100 Southeast 10th Avenue; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

A motion was made by Commissioner Henry, 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, Scherwin Henry and Jeanna Mastrodicasa
Absent: Thomas Hawkins and Pegeen Hanrahan

080439. REGISTERED DOMESTIC PARTNER (B)**Ordinance No. 0-08-62**

An ordinance of the City of Gainesville, Florida, amending Article VII of Chapter 2 of the Code of Ordinances, relating to Employee Benefits, amending Section 2-526(j), Benefits, Annuity Options; amending Section 2-530(a), Miscellaneous, Limitations of assignment; amending Section 2-530(b), Miscellaneous, Payments to legally incompetent; amending Section 2-606(c), Miscellaneous, Payments to legally incompetent; amending Chapter 7 of the Code of Ordinances, relating to Cemeteries, amending Section 7-18(m), Installations, foundations, vaults, memorials, mausoleums; amending Chapter 13 of the Code of Ordinances, relating to the Housing and Commercial Building Codes, amending Section 13-19, Definitions, by creating and adding the definition of registered domestic partner and amending the definition of rooming house; 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: Craig Lowe, Jack Donovan, Lauren Poe, Scherwin Henry and Jeanna Mastrodicasa
Absent: Thomas Hawkins and Pegeen Hanrahan

RESOLUTIONS- ROLL CALL REQUIRED

080538. Resolution and Temporary Construction Easement Request from Florida Department of Transportation (B)

This item involves the request from Florida Department of Transportation (FDOT) for a Resolution and Temporary Construction Easement, located at the northwest corner of Tax Parcel 15691-000-000 and a portion of the Southeast 13 Road right of way.

RECOMMENDATION *Recommended Motion: The City Commission: 1) adopt the Resolution; and 2) authorize the Mayor to execute, and the Clerk to attest, the Temporary Construction Easement for the purpose of a staging area for equipment and materials, located on approximately one and one-half acre in the northwest corner of Tax Parcel 15691-000-000, extending over the right of way of Southeast 13th Road, subject to approval by the City Attorney as to form and legality.*

Withdrawn

080539. Resolution for the Regional Transit System FY 2009 Program of Projects (POP) and FY 2006-2007 Performance Measures (B)

This item is a Resolution authorizing the filing of an application with the Federal

Transit Administration (FTA) and Florida Department of Transportation (FDOT).

RECOMMENDATION *The City Commission: 1) adopt the Resolution; and 2) approve the Program of Projects for FY 2009.*

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

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

080551. **A resolution of the City Commission of the City of Gainesville, Florida, accepting the report of the Board of Canvassers for the City of Gainesville, Florida, annexation referendum held November 4, 2008, and providing an immediate effective date. (B)**

RECOMMENDATION *The City Commission adopt the proposed 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 and Jeanna Mastrodicasa
Absent: Thomas Hawkins and Pegeen Hanrahan

PLAN BOARD PETITIONS

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

UNFINISHED BUSINESS

COMMISSION COMMENT

Commissioner Scherwin Henry

- 1. Liquor store across from the Food Lion in the SEGRI area - City Manager to provide a memorandum regarding what steps could be taken to prevent a liquor store in the SEGRI overlay district.*
- 2. Solar Energy initiative - manufacturing solar panels.*
- 3. Chunky's Restaurant - Wants to tear down and rebuild a better building, but wants to be able to keep drive-through service - City Manager to report back.*

Mayor-Commissioner Pro Tem Donovan

1. *Towing Complaints - See following referral item #080636.*
2. *Happy Thanksgiving.*

080636. Towing Company Complaints - Referral to Public Safety Committee (NB)

Chair Pro Tem Donovan recognized Sergeant John Klement who made comments.

RECOMMENDATION *The City Commission refer the issue of towing company complaints to the Public Safety Committee.*

A motion was made by Commissioner Lowe, seconded by Commissioner Henry, that this matter be Referred to the Public Safety Committee, due back on May 20, 2009. The motion carried by the following vote:

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

CITIZEN COMMENT (If time available)

There were no citizens wishing to speak during this time.

ADJOURNMENT - 7:17 PM

Kurt M. Lannon, Clerk of the Commission