

# **City of Gainesville**

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



## **Meeting Minutes**

**Thursday, May 20, 2010**

**1:00 PM**

**City Hall Auditorium**

## **City Commission**

*Mayor Craig Lowe (At Large)  
Mayor-Commissioner Pro Tem Jeanna Mastrodicasa (At Large)  
Commissioner Scherwin Henry (District 1)  
Commissioner Lauren Poe (District 2)  
Commissioner Jack Donovan (District 3)  
Commissioner Randy Wells (District 4)  
Commissioner Thomas Hawkins (At Large)*

*Persons with disabilities who require assistance to participate in this meeting are requested to notify the Office of Equal Opportunity at 334-5051 or call the TDD phone line at 334-2069 at least two business days in advance.*

## CALL TO ORDER - 2:02 PM

[Play Video](#)

## ROLL CALL

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

## INVOCATION

[Play Video](#)

*The City Commission observed a moment of silence.*

## CONSENT AGENDA

[Play Video](#)

*Commissioner Hawkins moved and Commissioner Donovan seconded to adopt the Consent Agenda, as modified.*

*(VOTE: 7-0, MOTION CARRIED)*

### *MODIFICATIONS:*

- 1. File #090912 - Ranking of Firms for Construction of the City of Gainesville Fire Station #8 and NW 42nd Avenue Roadway - (Remove from the agenda).*
- 2. File #090906 - Final Written Order - Appeal of Preliminary Development Plan approval for the Highway 441 Super Wal-Mart - (Remove from the Consent Agenda and place on the Regular Agenda for discussion).*

## CITY MANAGER, CONSENT AGENDA ITEMS

### **090912.                    Ranking of Firms for Construction of the City of Gainesville Fire Station 8 and NW 42nd Ave Roadway (B)**

**This is a request for the City Commission to approve staff's ranking of the firms as listed below for construction of the City of Gainesville Fire Station 8 and NW 42nd Avenue Road and direct the City Manager to negotiate and execute a contract and any subsequent amendments with the first ranked firm. If a contract cannot be executed with the first ranked firm negotiations will continue with the next ranked firm until a contract can be executed.**

#### **RECOMMENDATION**

*The City Commission approve staff's recommended ranking of the Firms and authorize the City Manager to negotiate and execute a contract and any subsequent amendments with the*

*first ranked firm. If a contract cannot be executed with the first ranked firm negotiations will continue with the next ranked firm until a contract can be executed.*

*Alternative Recommendation: The City Commission not approve staff's recommended ranking.*

**Withdrawn**

090912\_Bid Tab\_20100506.pdf

**090970.**

**Purchase of Vehicle Detection and Traffic Signal Equipment (B)**

**This item is a request to purchase vehicle detection and traffic signal equipment from Temple, Inc. for the replacement and repair of vehicle detection systems at traffic signals in the amount not to exceed \$250,000. This equipment is also related to the Traffic Management System.**

**RECOMMENDATION**

*The City Commission: 1) approve the purchase of the vehicle detection and traffic signal equipment from Temple, Inc.; and 2) authorize the City Manager to execute all necessary documents and purchases of this equipment for the remaining TMS project phases, subject to approval by the City Attorney as to form and legality.*

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

090970\_ContractAward\_20100506.pdf

090970\_SoleSource\_20100506.pdf

**090995.**

**Human Resources: Policy C-3, Changes in Employee Status Affecting Pay and Policy L-8, Military Leave (B)**

**RECOMMENDATION**

*Approve Policies C-3, Changes in Employee Status Affecting Pay and L-8, Military Leave.*

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

090995\_C-3 Changes in Employee Status Affecting Pay\_20100520.PDF

090995A\_C-3 Changes in Employee Status Affecting Pay - Final\_20100520.PDF

090995B\_L-8 Military Leave Policy\_20100520.PDF

090995C\_L-8 Military Leave Policy -Final\_20100520.PDF

**091016.**

**State LECFTF Funding for the Summer HeatWave 2010 Program (NB)**

**RECOMMENDATION**

*City Commission approve the use of State Law Enforcement Contraband Forfeiture Trust Funds not to exceed \$10,000 to support the Summer HeatWave 2010 Program.*

*Alternate Recommendation: Deny funding which will result in the Summer HeatWave 2010 Program being cancelled or*

*scaled back greatly.*

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

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

## **CITY ATTORNEY, CONSENT AGENDA ITEMS**

### **091017. GAINESVILLE JOB CORPS CENTER FINAL SETTLEMENT AGREEMENT AND FINAL CONSENT ORDER (B)**

**RECOMMENDATION**      *The City Commission: 1) approve the terms and conditions of the Settlement Agreement and the Consent Order and; 2) authorize the City Attorney to execute the Agreement and Order on behalf of the City of Gainesville.*

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

091017\_agreement\_20100520.pdf

## **CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS**

### **091019. City Commission Minutes (B)**

**RECOMMENDATION**      *The City Commission approve the minutes of April 26, 2010, April 29, 2010, May 4, 2010 and May 6, 2010, as circulated.*

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

091019\_wkshp\_april 26\_20100520.pdf  
091019\_joint city\_county\_april 29\_20100520.pdf  
091019\_spec\_walmart\_may 4\_20100520.pdf  
091019\_reg\_may 6\_20100520.pdf

## **EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**

## **COMMITTEE REPORTS, CONSENT AGENDA ITEMS**

## **RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE, CONSENT**

### **090855. Johnson Stinson - Citizen Comment - Request to Name the Basketball Courts at Westside Park the Sidney Davis Martin, Jr. Memorial Basketball Courts (B)**

**This item involves a referral by the City Commission to the Recreation, Cultural Affairs and Public Works Committee regarding the naming of the basketball courts at Albert "Ray" Massey Westside Park after the late Sid Martin, Jr.**

**RECOMMENDATION**      *The City Commission approve the naming of the basketball courts at Albert "Ray" Massey Westside Park in honor of the late Sid Martin, Jr. as the "Sidney Davis Martin, Jr. Memorial Basketball Courts" and remove this item for the Recreation, Cultural Affairs and Public Works Committee Referral list.*

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

090855A\_Policy\_20100408.pdf  
090855B\_Petition\_20100408.pdf  
090855\_Policy\_20100520.pdf

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

### **091001.      Depot Park Program - Approval of Depot Park Implementation Documents (B)**

**This item requests approval of four implementation documents related to the construction of Depot Park, which were approved by the Community Redevelopment Agency on April 19, 2010.**

**RECOMMENDATION**      *City Manager to the City Commission: Recommend approval of the following documents: 1) the 90% Depot Park Master Plan Graphic dated March 17, 2010; 2) the Depot Park Design and Technical Standards dated February, 2010; 3) the Depot Park Phase 1 30% Design Development plans dated March 26, 2010; and 4) 95% Depot Building Rehabilitation Plans dated April 15, 2010.*

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

091001\_MASTER PLAN\_20100520.pdf  
091001\_STANDARDS\_20100520.pdf  
091001\_30% PLANS\_20100520.pdf  
091001\_PLAY AREA 30%\_20100520.pdf  
091001\_95% PLANS\_20100520.pdf

## **Passed The Consent Agenda**

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

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

## **END OF CONSENT AGENDA**

[Play Video](#)

## ADOPTION OF THE REGULAR AGENDA

[Play Video](#)

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

*(VOTE: 6-0, Lauren Poe - Absent, MOTION CARRIED)*

*MODIFICATION: File #091056 - NEW ITEM - Energy Efficiency Behavior Change Project - (Add to the agenda under General Manager for Utilities).*

## CHARTER OFFICER UPDATES

## CLERK OF THE COMMISSION

## CITY MANAGER

## GENERAL MANAGER FOR UTILITIES

[Play Video](#)

### 091056.

#### **Energy Efficiency Behavior Change Project (B)**

**Gainesville received Energy Efficiency Conservation Block Grant stimulus funding to do numerous projects. One project approved for funding was the behavior modification project using Home Energy Reports.**

*GRU Account Representative Bill Shepherd gave a presentation.*

*MOTION (REFERRAL): Thank GRU staff for bringing this program forward and refer the issue of rebates or other incentives for window replacement to the Regional Utilities Committee (RUC). See following item #100008.*

*Mayor Lowe recognized Rob Brinkman and Armando Grundy who spoke to the matter.*

#### **RECOMMENDATION**

*The City Commission hear a brief presentation from staff on how the Home Energy Reports will be distributed and the performance tracked during the project.*

**A motion was made by Commissioner Donovan, seconded by Commissioner Poe, that this matter be Discussed. The motion carried by the following vote:**

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

091056\_MOD\_GRU\_PPT\_20100520.pdf

**100008.**

**Rebates/Incentives for Window Replacement (NB)**

**RECOMMENDATION**

*The City Commission refer the issue of offering rebates or other incentives for window replacement to the Regional Utilities Committee.*

**A motion was made by Commissioner Donovan, seconded by Commissioner Poe, that this matter be Referred to the Regional Utilities Committee, due back on November 20, 2010. The motion carried by the following vote:**

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

**CITY ATTORNEY**

[Play Video](#)

*NOTE: File #091056 - Final Written Order - Appeal of Preliminary Development Plan approval for the Highway 441 Super Wal-Mart - (Moved to the evening portion of the agenda).*

*MOTION: Commissioner Donovan moved and Commissioner Hawkins seconded to move File #0901056 to the evening portion of the agenda.  
(VOTE: 7-0, MOTION CARRIED)*

**CITY AUDITOR**

**EQUAL OPPORTUNITY DIRECTOR**

**COMMITTEE REPORTS (PULLED FROM CONSENT)**

**ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)**

**OUTSIDE AGENCIES**

**MEMBERS OF THE CITY COMMISSION**

[Play Video](#)

**091031.**

**Mayor Craig Lowe - Committee Assignments (B)**

[Play Video](#)

*MODIFICATION: Economic Development University Community - Change Chair from Poe to Wells and change Member from Wells to Poe - Please see attached assignment sheet.*

**RECOMMENDATION**      *The City Commission confirm the Mayor's committee assignments.*

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

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

091031\_committee assignments\_20100520.pdf

## **COMMISSION COMMENTS (if time available)**

[Play Video](#)

### **Commissioner Lauren Poe**

*Facilities to plug in electric cars - See following referral item #100000.*

#### **100000.**

#### **Facilities for Electric Car Plug-In (NB)**

**RECOMMENDATION**      *The City Commission refer the issue of providing facilities for electric car plug-in to the Regional Utilities Committee.*

**A motion was made by Commissioner Poe, seconded by Commissioner Hawkins, that this matter be Referred to the Regional Utilities Committee, due back on November 20, 2010. The motion carried by the following vote:**

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

### **Commissioner Jeanna Mastrodicasa**

*Tourist Development Council - Update on Projects.*

### **Commissioner Jack Donovan**

- 1. Transfer of Development Rights - See following referral to the Community Development Committee - File #100001.*
- 2. Food Stamp Program - See following referral to the Community Development Committee #100002.*
- 3. Trees along Williston Rd - Armando Grundy spoke to the matter.*



**100001.**      **Transfer of Development Rights (NB)**

**RECOMMENDATION**      *The City Commission refer the issue of the Transfer of Development Rights and identification of receiving areas to the Community Development Committee.*

**A motion was made by Commissioner Donovan, seconded by Commissioner Wells, that this matter be Referred to the Community Development Committee. The motion carried by the following vote:**

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

**100002.**      **Food Stamp Program (NB)**

**RECOMMENDATION**      *The City Commission refer the issue of the City assisting in helping needy people sign up for food stamps to the Community Development Committee.*

**A motion was made by Commissioner Donovan, seconded by Commissioner Wells, that this matter be Referred to the Community Development Committee, due back on November 20, 2010. The motion carried by the following vote:**

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

*NOTE: Commissioner Hawkins left the meeting room at 3:03 PM.*

**Commissioner Scherwin Henry**

*1. Pine Ridge Apartments on NW 34th Street - Solutions for the community.*

**RECESS - 3:12 PM**

[Play Video](#)

**RECONVENE - 5:30 PM**

[Play Video](#)

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

[Play Video](#)

**PROCLAMATIONS/SPECIAL RECOGNITIONS**

[Play Video](#)

**091020.**                      **Memorial Day - May 31, 2010 (B)**

[Play Video](#)

**RECOMMENDATION**                      *Gainesville Detachment of the Marine Corp League World War II Veteran Bob Gasche to accept the proclamation.*

**Heard**

091020\_Memorial\_20100520.pdf

**091021.**                      **Clair C. Chaffin Day - June 8, 2010 (B)**

[Play Video](#)

**RECOMMENDATION**                      *Veterans of Alachua County and National Veterans Groups Marine Corpsmen Second Class Clair C. Chaffin, Iwo Trio Member Kathy Dow, and Gainesville Detachment of the Marine Corp League World War II Veteran Bob Gasche to accept the proclamation.*

**Heard**

091021\_Chaffin\_20100520.pdf

**091022.**                      **Emergency Medical Services Week - May 16-22, 2010 (B)**

[Play Video](#)

**RECOMMENDATION**                      *Gainesville Fire Rescue Special Operations Chief Don Sessions to accept the proclamation.*

**Heard**

091022\_EMS\_20100520.pdf

**091023.**                      **National Public Works Week - May 16-22, 2010 (B)**

[Play Video](#)

**RECOMMENDATION**                      *City of Gainesville Public Works Department Director Teresa Scott, P.E. to accept the proclamation.*

**Heard**

091023\_PublicWorks\_20100520.pdf

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

[Play Video](#)

**Rob Brinkman**

*Citizen's Police Review Board.*

**James Schmidt**

*Citizen's Police Review Board.*

**Joe Bishop**

*Citizen's Police Review Board.*

**Andrea Costello**

*Citizen's Police Review Board.*

**Katy DeBriere**

*Citizen's Police Review Board.*

**Kali Blount**

*Citizen's Police Review Board.*

**Dr. Michael Bowie**

*Citizen's Police Review Board.*

**Patrick Crotty**

*Citizen's Police Review Board.*

**Tom for Jerry Rivera**

*Citizen's Police Review Board.*

**Neil Chonin**

*Citizen's Police Review Board.*

**Jose Soto**

*Citizen's Police Review Board.*

**Veronica Musa**

*Citizen's Police Review Board.*

**Frank Blankenship**

*Citizen's Police Review Board.*

**Rod Gonzalez**

*Citizen's Police Review Board.*

**Laurie Newsome**

*Opposition of Citizen's Police Review Board.*

**John Davies**

*Citizen's Police Review Board.*

**Jeremiah Tattersall**

*Citizen's Police Review Board.*

**Pat Fitpatrick**

*130 Meal Limit at St. Francis House.*

**Jeff McAdams**

*Opposition of a Citizen's Police Review Board.*

**Rod Zeller**

*Opposition of a Citizen's Police Review Board.*

**Katy Walters**

*Citizen's Police Review Board.*

**Richard Melon**

*Citizen's Police Review Board.*

**Armando Grundy**

*Gainesville Police Department.*

**Joe Sinker**

*Citizen's Police Review Board.*

**James Smith**

*Citizen's Police Review Board.*

**Sharon Birney**

*Citizen's Police Review Board.*

**Gabriel Hillel**

1. *Butterfly City Logo - See Following File #100009.*
2. *Citizens Police Review Board.*

**100009.**

**Citizen Comment - Gabriel Hillel - Butterfly City Logo (B)**

**RECOMMENDATION**

*The City Commission hear comments from Gabriel Hillel and place back-up submitted on file.*

**Placed on File**

**Response to Citizen Comment**

**100003.**

**Police Review Board (NB)**

**RECOMMENDATION**

*The City Commission refer the question of a Police Review Board to the Public Safety Committee to investigate.*

**A motion was made by Commissioner Donovan, seconded by Commissioner Henry, that this matter be Referred to the Public Safety Committee, due back on November 20, 2010. The motion carried by the following vote:**

**Votes:** Aye: Randy Wells, Jeanna Mastrodicasa, Jack Donovan, Lauren Poe, Scherwin Henry and Craig Lowe  
Absent: Thomas Hawkins

**PUBLIC HEARINGS**

## RESOLUTIONS- ROLL CALL REQUIRED

## ORDINANCES, 1ST READING- ROLL CALL REQUIRED

[Play Video](#)

### 090487. REZONING – 4306 AND 4322 NW 13TH STREET (B)

**Ordinance No. 0-09-76, Petition No. PB-09-120ZON**

**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 4306 and 4322 Northwest 13th Street; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

[Play Video](#)

*Planner Jason Simmons gave a presentation.*

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

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

**Votes:** Aye: Randy Wells, Jeanna Mastrodicasa, Jack Donovan, Lauren Poe, Scherwin Henry and Craig Lowe

Absent: Thomas Hawkins

090487\_petition\_20091105.pdf

090487d\_ Staff PPt\_20091203.pdf

090487F\_Revised Map\_20091203.pdf

090487\_staff report\_20091203.pdf

090487A\_maps\_aerial, existing land use\_existing & proposed zoning\_20091203.pdf

090487B\_rezoning report\_20091203.pdf

090487C\_land use & zoning appl\_workshop info\_20091203.pdf

090487d\_ Staff PPt\_20091203.pdf

090487E\_cpb minutes\_20091203.pdf

090487\_petition\_20091203.pdf

090487\_draft ordinance\_20100520.pdf

090487\_draft ordinance\_20100520.pdf

## ORDINANCES, 2ND READING- ROLL CALL REQUIRED

## PLAN BOARD PETITIONS

## DEVELOPMENT REVIEW BOARD PETITIONS

## UNFINISHED BUSINESS

[Play Video](#)

**090906. FINAL WRITTEN ORDER - APPEAL OF PRELIMINARY DEVELOPMENT PLAN APPROVAL FOR THE HIGHWAY 441 SUPER WAL-MART (B)**

**Final Order of the City of Gainesville, Florida In The Matter of Appeal of Preliminary Development Plan Approval granted by the Development Review Board for the Highway 441 Super Wal-Mart; Legistar No. 090906; Petition No. DB-10-6**

[Play Video](#)

*Mayor Lowe recognized Armando Grundy and Attorney for the Petitioner Karl Sanders who spoke to the matter.*

**RECOMMENDATION**      *The City Commission authorize the Mayor and Clerk of the Commission to execute the Final Order.*

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

**Votes:** Aye: Randy Wells, Jeanna Mastrodicasa, Jack Donovan, Lauren Poe, Scherwin Henry and Craig Lowe

Absent: Thomas Hawkins

090906\_appeal\_20100401.pdf  
090906a\_Staff PPt\_20100401.pdf  
090906b\_DRB Petition 10-6 Rpt\_20100401.pdf  
090906c\_CityAttorneyMemo\_20100401.pdf  
090906d\_Wal-Mart Master Plan\_20100401.pdf  
090906\_Recusal\_Ltr.\_20100401.pdf  
090906\_Gville Walmart CCOM Hearing.pdf  
090906\_Final Order\_20100520.pdf  
090906\_finalorder\_20100520.pdf

## SCHEDULED EVENING AGENDA ITEMS

[Play Video](#)

**091007. Progress Report on Comprehensive Plan Evaluation and Appraisal Report (B)**

[Play Video](#)

*Planning and Development Services Director Erik Bredfeldt, Chief of Comprehensive Planning Dean Mimms, Concurrency Management Planner Onelia Lazzari, Planner Jason Simmons, and Historic Preservation Planner Darlene Henrichs gave presentations.*

**RECOMMENDATION**

*Staff to City Commission - the Commission hear a presentation by Planning staff regarding the progress of the Evaluation and Appraisal Report, and provide feedback and direction on any comprehensive plan issues and the draft EAR Report chapters on the Historic Preservation, Recreation, Cultural Affairs, and Intergovernmental Coordination Elements.*

**Heard**

091007\_ear background information\_20100520.pdf  
091007A\_historic preservation element\_20100520.pdf  
091007B\_cultural affairs element\_20100520.pdf  
091007C\_recreation element\_20100520.pdf  
091007D\_intergov coordination element\_20100520.pdf  
091007E\_staff ppt\_20100520.PDF

**COMMISSION COMMENT**

[Play Video](#)

**Commissioner Jeanna Mastrodicasa**

*Dream Act Resolution.*

**CITIZEN COMMENT**

*There were no citizens who wished to speak.*

**ADJOURNMENT - 9:30 PM**

[Play Video](#)

---

Kurt M. Lannon, Clerk of the Commission