

City of Gainesville

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



Meeting Minutes

Monday, August 13, 2001

1:00 PM

City Hall Auditorium

City Commission

*Mayor Tom Bussing (At-Large)
Commissioner Warren Nielsen (At-Large)
Commissioner Chuck Chestnut (District 1)
Commissioner John R. Barrow (District 2)
Mayor-Commissioner Pro Tem Pegeen Hanrahan (District 3)*

CALL TO ORDER

Commissioner John R. Barrow was appointed as temporary Mayor-Commissioner Pro Tem.

INVOCATION

*Dr. Robert Battles, Jr.
First Presbyterian Church*

ROLL CALL

Present: Chuck Chestnut, Warren Nielsen, Pegeen Hanrahan, John R. Barrow and Tom Bussing

CONSENT AGENDA

Commissioner John R. Barrow moved and Commissioner Warren Nielsen seconded to approve the Consent Agenda with the following modification:

FILE NO: 001652 - Award Bid for Repair of Fencing at Various City Parks - (Moved to the Regular Agenda - City Manager Category)

(VOTE: 4-0, Mayor-Commissioner Pro Tem Pegeen Hanrahan - Absent)

CITY MANAGER, CONSENT AGENDA ITEMS

001648 Amendments to the Contract for Professional Consulting Services for the East Gainesville Sprout Project (B)

RECOMMENDATION *The City Commission: 1) authorize issuance of the third and fourth amendments to the Environmental Consulting Technology, Inc. contract; and 2) approve amending the purchase order to Environmental Consulting Technology, Inc. to an amount not to exceed \$727,648.*

This Matter was Approved as Recommended on the Consent Agenda.

001649 Contract for Assistant Medical Director Services for the Gainesville Fire Rescue Department (B)

RECOMMENDATION *The City Commission: 1) authorize the contract with the University of Florida for the benefit of the College of Medicine to provide an Assistant Medical Director for the period of September 1, 2001, through August 31, 2004; and 2) approve the issuance of a purchase order to the University of Florida, Florida Clinical Practice Association, Inc. for*

Assistant Medical Director services not to exceed \$51,000 for the period of September 1, 2001 through August 31, 2004.

This Matter was Approved as Recommended on the Consent Agenda.

001651 Legal Office Expenses from State Law Enforcement Contraband Forfeiture Trust Fund (NB)

RECOMMENDATION *The City Commission authorize the Gainesville Police Department to appropriate \$15,000 from the State Forfeiture Fund balance account (108-2710) into the line item for legal office expenses (109-810-F105-5210-3910.)*

This Matter was Approved as Recommended on the Consent Agenda.

001653 Award of bid for Armored Car Services (B)

RECOMMENDATION *The City Commission: 1) award the bid to Certified Armored Service, Inc. for Armored Car Services; and 2) authorize the City Manager or his designee to execute a contract for one year with the option of three additional one-year extensions.*

This Matter was Approved as Recommended on the Consent Agenda.

001654 Award of Bid for House Demolition and Clean Up Services (B)

RECOMMENDATION *The City Commission: 1) approve the award of the contract for house demolitions to Florida Concrete Recycling; and 2) authorize the City Manager or his designee to execute the contract.*

This Matter was Approved as Recommended on the Consent Agenda.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

001655 Amendment to Contract and Issuance of Purchase Orders for Computer Systems (NB)

RECOMMENDATION *The City Commission authorize the General Manager, or his designee, to: 1) execute an amendment to extend the term of the contract with B & W Computer and Technologies, Inc. for computer systems through FY 2002 and, 2) approve the issuance of purchase orders in amounts not to exceed the budgeted amounts.*

This Matter was Approved as Recommended on the Consent Agenda.

001661 Ordinance amending Appendix A, Section UTILITIES (5) NATURAL GAS, of the Gainesville Code of Ordinances (B)

RECOMMENDATION *The City Commission authorize the City Attorney to prepare and the Clerk of the Commission to advertise an ordinance amending Appendix A, Section UTILITIES (5) NATURAL GAS, increasing natural gas rates; providing for a repealing clause; providing for a severability clause; and, providing an effective date in accordance with the schedule provided herein.*

This Matter was Approved as Recommended on the Consent Agenda.

001662 Ordinance amending Appendix A, Section UTILITIES (4) SEWERAGE, of the Gainesville Code of Ordinances (B)

RECOMMENDATION *The City Commission authorize the City Attorney to prepare and the Clerk of the Commission to advertise an ordinance amending Appendix A, Section UTILITIES (4) SEWERAGE, increasing wastewater rates; providing for a repealing clause; providing for a severability clause; and, providing an effective date in accordance with the schedule provided herein.*

This Matter was Approved as Recommended on the Consent Agenda.

CITY ATTORNEY, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

PUBLIC WORKS COMMITTEE, CONSENT

PERSONNEL & ORGANIZATIONAL STRUCTURE COMM, CONSENT

990511 Living Wage (NB)

RECOMMENDATION *The City Commission remove this item from the referral list*

This Matter was Approved as Recommended on the Consent Agenda.

990789 Advisory Board Member Recognition (NB)

RECOMMENDATION *The City Commission approve removing this item from the referral list.*

This Matter was Approved as Recommended on the Consent Agenda.

PUBLIC SAFETY COMMITTEE, CONSENT

AUDIT & FINANCE COMMITTEE, CONSENT

RECREATION AND CULTURAL AFFAIRS COMMITTEE, CONSENT

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

001646 City Commission Minutes (B)

RECOMMENDATION *The City Commission approve two sets of minutes for July 16, 2001 (10:00 AM & 6:00 PM), July 20, 2001 and July 23, 2001, as circulated.*

This Matter was Approved as Recommended on the Consent Agenda.

Passed The Consent Agenda

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

Votes: Aye: Chuck Chestnut, Warren Nielsen, John R. Barrow and Tom Bussing
Absent: Pegeen Hanrahan

ADOPTION OF THE REGULAR AGENDA

Commissioner John R. Barrow moved and Commissioner Warren Nielsen seconded to adopt the Regular Agenda with the following modifications:

1. FILE NO: - 001624 - Gainesville/Alachua County Regional Airport Authority Update (Marilyn Tubb) (Withdrawn)

2. FILE NO: 001658 - RESOLUTION - National Pollution Discharge Elimination System (NPDES) - Phase II Program Joint Partnership Agreement - (Revised Resolution submitted)

(VOTE: 4-0, Mayor-Commissioner Pro Tem Pegeen Hanrahan - Absent)

CLERK OF THE COMMISSION

CITY MANAGER

001656 National Pollution Discharge Elimination System (NPDES) - Phase II Presentation (B)

City of Gainesville Public Works Department Engineer Alice Rankeillor and Administrator of the NPDES Stormwater Section Florida Department of Environmental Protection Phil Coram, P.E. gave presentations.

RECOMMENDATION *The City Commission hear a presentation on the NPDES - Phase II from a Department of Environmental Protection representative.*

Discussed

001657 Presentation on Workforce Development Efforts in Gainesville/Alachua County (NB)

Chair of the Alachua/Bradford Workforce Development Board Judy Boles and Vice President and CEO of BCN Associates Mortlake Nembhard gave presentations.

NOTE: Mayor-Commissioner Pro Tem Pegeen Hanrahan entered the meeting room at 1:44 PM.

RECOMMENDATION *The City Commission hear a presentation from Judy Boles, Chairperson of the Alachua/Bradford Workforce Development Board and other service providers and take appropriate action.*

Discussed

001659 Metropolitan Transportation Planning Organization (MTPO) (NB)

City of Gainesville Public Works Director Teresa Scott gave a presentation.

RECOMMENDATION *The City Commission hear a report from staff regarding the August 16, 2001 meeting of the Metropolitan Transportation Planning Organization (MTPO).*

Discussed

001652 Award Bid for Repair of Fencing at Various City Parks (B)

City of Gainesville Parks Division Manager Pat Byrne gave a presentation.

Chair Tom Bussing recognized Gainesville Sports Organizing Committee Executive Director Jack Hughes who spoke to the matter

*FIRST MOTION: Commissioner Chuck Chestnut moved and Commissioner Warren Neilsen seconded to approve the recommendation.
(VOTE: 5-0)*

*SECOND MOTION: Commissioner John R. Barrow moved and Mayor-Commissioner Pro Tem Pegeen Hanrahan seconded to request that staff come back to the next meeting with a preliminary cost to replace boundary fencing, tot lot fencing and other fencing issues.
(VOTE: 5-0)*

RECOMMENDATION *The City Commission: 1) award the bid for repair of fencing at various City parks to JNT Fence; 2) authorize the City Manager to execute the contract; and 3) approve the issuance of a purchase order from JNT Fence in an amount not to exceed \$31,381.*

Approved, as shown above

GENERAL MANAGER FOR UTILITIES**CITY ATTORNEY****001666 WATSON CONSTRUCTION COMPANY, INC. VS. CITY OF GAINESVILLE; CASE NO. 01CA1356 DIV "J") AND CONRAD YELVINGTON, AS TRUSTEE FOR THE CONRAD YELVINGTON TRUST VS. CITY OF GAINESVILLE, CASE NO. 01CA2047 DIV "J") (B)**

City of Gainesville Assistant City Attorney Elizabeth Waratuke gave a presentation.

MOTION: The City Commission directed the City Attorney to go forward with the

appeal process.

Chair Tom Bussing recognized Citizens Vincent Mallet, Mark Goldstein, Dick Jones, Jim Konish, Margaret Archer, Marilyn Walker, Alan Fischer and Representative for Patrice Boyes David Stahl who spoke to the matter.

RECOMMENDATION *The City Commission hear a status report from the City Attorney and take action deemed appropriate*

A motion was made by Commissioner Chestnut, seconded by Commissioner Nielsen, that this matter be Approved, as shown above. The motion carried by the following vote:

Votes: Aye: Chuck Chestnut, Warren Nielsen, John R. Barrow and Tom Bussing
Nay: Pegeen Hanrahan

CITY AUDITOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

PUBLIC WORKS COMMITTEE

PUBLIC SAFETY COMMITTEE

RECREATION AND CULTURAL AFFAIRS COMMITTEE

001496 Local Senior Games (NB)

Gainesville Sports Organizing Committee (GSOC) Executive Director Jack Hughes and City of Gainesville Recreation and Parks Director Cliff Crawford gave presentations.

RECOMMENDATION *The City Commission hear a presentation from GSOC Representative Jack Hughes regarding the Local Senior Games Co-sponsorship.*

Discussed

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

REGIONAL UTILITIES COMMITTEE

EAST GAINESVILLE SPROUT TASK FORCE

Commissioner Pegeen Hanrahan moved and Commissioner John Barrow seconded to hear this item as the first significant item on the 6:00 PM portion of the agenda.

(VOTE: 5-0)

OUTSIDE AGENCIES

COMMISSION COMMENTS (if time available)

CITIZEN COMMENT (5:30pm)

Jim Konish

Deerhaven Emissions - GRU Utility Committee & County Workshop

Kali Blount

Courthouse Property - Preservation/moving of houses for public usage and other issues.

Susan Wright

Alachua County Citizens for Campaign Reform - See Following Item # 001683

001683

Alachua County Citizens for Campaign Finance Reform Public Forum (NB)

RECOMMENDATION *The City Commission co-sponsor this event and rebroadcast the public forum on Cox Cable Channel 12.*

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

Votes: Aye: Chuck Chestnut, Warren Nielsen, Pegeen Hanrahan, John R. Barrow and Tom Bussing

Reverend Karl Anderson

Stop the Violence Rally

Stephen Boyes

Arsenic in wells at NW 36th Street - See following item # 001684

001684

Water/Wastewater Connections (NB)

GeoSolutions Hydrogeologist Stephen Boyes gave a presentation.

Chair Tom Bussing recognized Citizens Ann Marshall, Daphne Harnist, and Alachua

County Commissioner Robert Hutchinson who spoke to the matter.

RECOMMENDATION *The City Commission refer the issue of connecting the Wimberly Estates neighborhood and other neighborhoods to the City water supply to the utility staff and come back to the City Commission within one week.*

A motion was made by Mayor-Commissioner Pro Tem Hanrahan, seconded by Commissioner Chestnut, that this matter be Referred to the General Manager for Utilities, due back on August 20, 2001. The motion carried by the following vote:

Votes: Aye: Chuck Chestnut, Warren Nielsen, Pegeen Hanrahan, John R. Barrow and Tom Bussing

PLEDGE OF ALLEGIANCE (6:00pm)

*Mark Sullivan, Scout Leader
Boy Scout Troop #432*

Jennifer Wendell

Ironwood Neighborhood - NHDC Development

Michael Coram

Ironwood Neighborhood - NHDC Development

Keven Claney

Ironwood Neighborhood - NHDC Development - See following Item # 001686.

001686 Ironwood Homeowners Association/NHDC Development (B)

NOTE: Public Works Director Teresa Scott and Community Development Director Tom Saunders are going to meet with the Ironwood Neighborhood Association to discuss these issues.

RECOMMENDATION *The City Commission hear from the homeowners and accept documents submitted by Kevin Claney.*

Placed on File

COMMISSION COMMENTS (if time available)

PROCLAMATIONS/SPECIAL RECOGNITIONS

EAST GAINESVILLE PROJECT TASK FORCE

(Moved from afternoon portion of the agenda)

001393 Public Private Partnership Between City of Gainesville Regional Transit (RTS) System and Greyhound Lines, Inc. (NB)

East Gainesville Sprout Project Task Force Brownfield Coordinator Matt Dube', Alachua County Commissioner Robert Hutchinson, Regional Transit System Director Jeff Logan and Community Development Director Tom Saunders gave presentations.

Chair Tom Bussing recognized Greyhound Bus Representative William Schleiger and Citizen Bob Bauge who spoke to the matter.

RECOMMENDATION *The City Commission hear a brief presentation on the discussion that occurred during the July 18, 2001 East Gainesville Sprout Project Task Force meeting.*

Discussed

OUTSIDE AGENCIES

GAINESVILLE/ALACHUA COUNTY AIRPORT AUTHORITY

001624 Gainesville/Alachua County Regional Airport Authority Update (NB)

RECOMMENDATION *The City Commission hear an update from GACRAA Chair Marilyn Tubb.*

Withdrawn

PUBLIC HEARINGS

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

000566 USER FEES RELATING TO RECREATION & PARKS, PLANNING, AND PUBLIC WORKS (B)

Ordinance No. 0-01-35

An ordinance of the City of Gainesville, Florida, relating to user fees; amending Appendix A of the Code of Ordinances regarding certain cemetery-related fees; amending Appendix A of the Code of Ordinances regarding fees for Planning items; amending subsection 26-75(c) regarding permit fees for parking on certain lots in downtown Gainesville; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

REVISION: Page 3, Line 24 of the Ordinance is "\$450.00 instead of "\$50.00."

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

Votes: Aye: Chuck Chestnut, Warren Nielsen, Pegeen Hanrahan, John R. Barrow and Tom Bussing

001596 SPEED LIMIT IN SCHOOL ZONES (B)

Ordinance No. 0-01-38

An ordinance of the City of Gainesville, Florida, relating to speed limits in school zones, amending Section 26-27 of the Code of Ordinances of the City of Gainesville, providing for a minimum and maximum school zone speed limit, providing consistency in accordance with Chapter 316, Florida Statutes, providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing effective dates.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

Votes: Aye: Chuck Chestnut, Warren Nielsen, Pegeen Hanrahan, John R. Barrow and Tom Bussing

ORDINANCES 2ND READING- ROLL CALL REQUIRED

RESOLUTIONS - ROLL CALL REQUIRED

001658 National Pollution Discharge Elimination System (NPDES) - Phase II Program Joint Partnership Agreement (B)

RECOMMENDATION *The City Commission: 1) adopt the Resolution authorizing execution of the Joint Partnership Agreement with the Florida Department of Transportation for the NPDES - Phase II Program; and 2) authorize the City Manager or designee to execute the Joint Partnership Agreement for the NPDES, Phase II Program.*

A motion was made by Mayor-Commissioner Pro Tem Hanrahan, seconded by Commissioner Chestnut, that this matter be Adopted (Resolution). The motion carried by the following vote:

Votes: Aye: Chuck Chestnut, Warren Nielsen, Pegeen Hanrahan, John R. Barrow and Tom Bussing

001493 A Resolution of the City Commission of the City of Gainesville, Florida, Declaring a Tree Emergency in the Urban Forest Due to the Imminent Threat of Destruction of Pine Trees by Infestation of Southern Pine Beetles; Adopting an Emergency Pine Beetle Suppression Program; and Providing an Immediate Effective Date. (B)

City of Gainesville Arborist Meg Niederhofer and Forest Entomologist of the Division of Forestry Jim Meeker gave presentations.

REVISION: Page 1, third paragraph, line 6 of the resolution changed to "three days rather than two days to decide"; and paragraph 6 of the "Emergency Southern Pine Beetle Suppression Program" changed to "Property owner must contact the City within 72 hours rather than 48 hours".

Chair Tom Bussing recognized Citizen John Hudson who spoke to the matter.

RECOMMENDATION *The City Commission: 1) hear a brief presentation from staff on the proposed changes; and 2) adopt the proposed resolution making changes to the Emergency Southern Pine Beetle Suppression Program.*

A motion was made by Mayor-Commissioner Pro Tem Hanrahan, seconded by Commissioner Barrow, that this matter be Adopted (Resolution), as revised. The motion carried by the following vote:

Votes: Aye: Chuck Chestnut, Warren Nielsen, Pegeen Hanrahan and John R. Barrow
Nay: Tom Bussing

001664 USER FEES RELATING TO CEMETERY FEES (B)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA, AMENDING FEES FOR GRAVE SPACES AND SERVICES AT EVERGREEN CEMETERY; AND PROVIDING AN EFFECTIVE DATE.

NOTE: This item was tabled in order for staff to research the issues regarding cost comparisons of other cemeteries.

RECOMMENDATION *The City Commission adopt the proposed resolution.*

A motion was made by Mayor-Commissioner Pro Tem Hanrahan, seconded by Commissioner Chestnut, that this matter be Tabled. The motion carried by the following vote:

Votes: Aye: Chuck Chestnut, Warren Nielsen, Pegeen Hanrahan, John R. Barrow and Tom Bussing

PLAN BOARD PETITIONS

DEVELOPMENT REVIEW BOARD PETITIONS

001660 **Petition 69SUB-01DB, Quasi-Judicial. Eng, Denman & Assoc., agent for Larry Ross Builders, Inc. Design plat review for 10 lots on approximately 6.26 acres. Blues Creek Unit 5 - Phase I. Zoned : PUD (Alachua County). Located in the 7800 block of Northwest 80th Avenue. (B)**

City of Gainesville Planning Manager Ralph Hilliard, Planner Bedez Massey, Eng, Denman & Associates agent for the developer Ralph Eng and Alachua County Environmental Protection Representative Mike Drummond gave presentations.

Chair Tom Bussing recognized Blues Creek Residents Bill Emerson, Ted Nichols, David Colin, Kim Cooper, Michael Williams and Sally Scott who spoke to the matter.

MOTION: The City Commission continued this item to October 8, 2001 and asked staff to go back and: 1) Review all the legalities that were put upon the City by Alachua County (through annexation); 2) review what kind of opportunities the City has with respect to land use, conservation, stormwater, transportation, infrastructure, fire access, etc.; and 3) provide additional information regarding the entire subdivision.

RECOMMENDATION *Development Review Board to City Commission - The City Commission approve Petition 69SUB-01DB subject to the staff conditions and recommendation that sidewalks be provided within the development. Vote 5-0.*

Staff to Development Review Board - The Design Plat is approvable subject to the staff conditions and recommendation that sidewalks be provided within the development.

A motion was made by Commissioner Nielsen, seconded by Mayor-Commissioner Pro Tem Hanrahan, that this matter be Continued (Petition) for October 8, 2001. The motion carried by the following vote:

Votes: Aye: Chuck Chestnut, Warren Nielsen, Pegeen Hanrahan, John R. Barrow and Tom Bussing

SCHEDULED EVENING AGENDA ITEMS

UNFINISHED BUSINESS

COMMISSION COMMENT

Commissioner Warren Nielsen

Community Alcohol Committee - See following item # 001688.

001688 Community Alcohol Committee (NB)

RECOMMENDATION *The City Commission refer the following to the Public Safety Committee: 1) Discuss the issue of regulating consumption of large volumes of alcohol and find out if there is an extreme situation and if so, provide some pro-active input to our Legislative Delegation and; 2) invite the Community Alcohol Committee to attend the meeting and offer their input.*

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

Votes: Aye: Chuck Chestnut, Warren Nielsen, Pegeen Hanrahan, John R. Barrow and Tom Bussing

Commissioner Chuck Chestnut

Natural Lots Ordinance & Housing Demolitions - See following Item # 001689

001689 Natural Lot Ordinance and Demolition Concerns (NB)

Note this item is related to File # 001741.

RECOMMENDATION *The City Commission refer the following to the Community Development Committee: 1) "Natural lot" concerns with underbrush and trash and possibly amending the ordinance; and 2) demolition of abandoned houses.*

A motion was made by Commissioner Chestnut, seconded by Commissioner Nielsen, that this matter be Referred to the Community Development Committee, due back on February 13, 2002. The motion carried by the following vote:

Votes: Aye: Chuck Chestnut, Warren Nielsen, Pegeen Hanrahan, John R. Barrow and Tom Bussing

Mayor Tom Bussing

1. Annual Legislative Delegation Hearing - Thursday, September 6, 2001 at 2:00 PM at Kirkpatrick Center.

2. Alachua County School Board Tree Policies - See following Item # 001690.

3. Budget Cuts for Eastside Clinic - See following item # 001691

001690 Alachua County School Board Tree Policy (NB)

RECOMMENDATION *The City Commission authorize the Mayor to write a letter to the School Board regarding tree policies.*

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

Votes: Aye: Chuck Chestnut, Warren Nielsen, Pegeen Hanrahan, John R. Barrow and Tom Bussing

001691 Budget Cuts for Eastside Clinic (NB)

RECOMMENDATION *The City Commission authorize the Mayor to write a letter to the University of Florida President regarding the budget cuts affecting Eastside Clinic.*

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

Votes: Aye: Chuck Chestnut, Warren Nielsen, Pegeen Hanrahan, John R. Barrow and Tom Bussing

City Manager Wayne Bowers

Park fencing discussion Item #001652 - Carry over to four weeks rather than two weeks.

CITIZEN COMMENT (If time available)

ADJOURNMENT - 10:59 PM

Kurt M. Lannon, Clerk of the Commission