

# **City of Gainesville**

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



## **Meeting Minutes**

**Monday, June 13, 2005**

**1:00 PM**

**City Hall Auditorium**

## **City Commission**

*Mayor Pegeen Hanrahan (At Large)  
Mayor-Commissioner Pro Tem Chuck Chestnut (District 1)  
Commissioner Warren Nielsen (At Large)  
Commissioner Rick Bryant (At Large)  
Commissioner Ed Braddy (District 2)  
Commissioner Jack Donovan (District 3)  
Commissioner Craig Lowe (District 4)*

*Persons with disabilities who require assistance to participate in this meeting are requested to notify the Equal Opportunity Department 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, Warren Nielsen, Chuck Chestnut, Edward Braddy, Rick Bryant, Craig Lowe and Jack Donovan

## INVOCATION

## CONSENT AGENDA

*MOTION: Mayor-Commissioner Pro Tem Chestnut moved and Commissioner Lowe seconded to adopt the Consent Agenda with the following modifications:*

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

- 1. File #050080 Award of Proposal for Digital Broadcast Automation System Upgrade for Local Government Access Channel 12 on the Cox Communication Cable System - (Revised language in the Fiscal Note and in the Recommendation).*
- 2. File #050082 - Third Amendment to Employment Agreement Between Clerk of Commission and City Commission - (Withdraw from the agenda).*
- 3. File #050064 - Amendment to City's Tow Ordinance - (Remove from the Consent Agenda and place on the regular agenda for discussion).*

## CITY MANAGER, CONSENT AGENDA ITEMS

### 040822

#### **State Emergency Medical Services Matching Grant (NB)**

##### RECOMMENDATION

*The City Commission: 1) accept the \$149,683 grant award from the State of Florida; 2) authorize the Interim City Manager to execute all necessary documents; and 3) use funds available from grant reimbursements in the amount of \$49,894.33.*

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

### 040946

#### **Approval of Contract and Purchase Order to Purchase the Walker Furniture Building (NB)**

##### RECOMMENDATION

*The City Commission: 1) authorize the issuance of a purchase order to Bennie L. Walker of Gainesville, FL in the amount of \$925,000 for the purchase of the Walker Furniture Building located at 413 NW 8th Avenue; and 2) authorize the*

*Interim City Manager or designee to execute the contract and any other necessary documents, subject to the approval of the City Attorney as to form and legality.*

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

**050046**

**Bid Award - Stream Debris Removal Project at Lenox Place (B)**

**RECOMMENDATION**

*The City Commission: 1) award the contract for the Stream Debris Removal Project at Lenox Place to Nichols Construction, Inc.; 2) authorize the Interim City Manager or designee to execute the contract, subject to approval of the City Attorney as to form and legality; 3) authorize the Interim City Manager or designee to execute all documents related to amending the NRCS grant; and 4) authorize the issuance of a purchase order to Nichols Construction, Inc., in the amount of \$38,850.*

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

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**050047**

**Request to Declare Surplus Property at 817 NE 16th Street (B)**

**RECOMMENDATION**

*The City Commission: 1) approve the request to declare surplus Tax Parcel 10678-010-000; 2) approve the exchange of City-owned Lot 10 for E. J. Hicks' Lot 7, all in Booker T. Washington Heights subdivision; 3) authorize the Interim City Manager to enter into an agreement authorizing the property exchange, subject to form and legality by the City Attorney; and 4) authorize the Mayor to execute a Special Warranty Deed to convey Lot 10 to E. J. Hicks in exchange for a Warranty Deed from E. J. Hicks for Lot 7.*

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

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**050048**

**BellSouth Easement Exchange (B)**

**RECOMMENDATION**

*The City Commission: 1) approve the request to exchange an equal easement area for BellSouth's current utility easement; and 2) authorize the Mayor to execute, and the Clerk to attest, the utility easement document for conveyance to BellSouth.*

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

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**050049****Edward Byrne Memorial Justice Assistance FY 2006 Grant Application (NB)**

**RECOMMENDATION**     *The City Commission authorize the Interim City Manager to: 1) apply to the Edward Byrne Memorial Justice Assistance Grant program for \$62,745 in grant funds; and if awarded 2) appropriate \$20,916 from the Federal Law Enforcement Contraband Fund Trust Fund for the match; and 3) execute the grant application, grant award and 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.**

**050050****Local Housing Assistance Plan --State Fiscal Years 2005/06-2007/08 (NB)**

**RECOMMENDATION**     *The City Commission adopt the Local Housing Assistance Plan, as revised.*

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

**050065****Interlocal Agreement with Alachua County Sheriff for Administration of the City's False Alarm Ordinances (B)**

**RECOMMENDATION**     *The City Commission authorize the City Manager to execute the Interlocal Agreement with the Alachua County Sheriff, and 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.**

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**050072****Award of Proposal for Demolition and Asbestos Abatement of building located at 700 SE 3rd Street (B)**

**RECOMMENDATION**     *The City Commission: 1) approve the bid award to Cross Environmental Services, Inc. for demolition and asbestos abatement of the current building located at 700 SE 3rd Street; and 2) authorize the Interim City Manager or designee to execute a contract with Cross Environmental Services, Inc. not to exceed \$115,000.*

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

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**050080**

**Award of Proposal for Digital Broadcast Automation System Upgrade for Local Government Access Channel 12 on the Cox Communication Cable System. (B)**

**RECOMMENDATION**

*The City Commission: 1) approve the award of the proposal to Encore Broadcast Equipment Inc. for the purchase, installation, and maintenance of additional digital broadcast automation system hardware and software to operate the 360 Systems Image Servers at the local government access Channel 12 control room located in Room 10, City Hall; 2) authorize the Interim City Manager or designee to execute a contract with Encore Broadcast Equipment Inc., subject to approval by the City Attorney as to form and legality, in a not to exceed amount of \$70,000; and 3) authorize the issuance of a purchase order to 360 Systems Image Servers in an amount not to exceed \$35,000.*

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

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

**050068**

**Amendment No. 2 to Lease Agreement with Alachua County (B)**

**RECOMMENDATION**

*The City Commission: 1) approve Amendment No. 2 to a Lease Agreement between the City of Gainesville and Alachua County for the construction and maintenance of a paved bikeway/pedestrian path within the City of Gainesville's/GRU's utility corridor located along SR 24 - SW Archer Road; and 2) authorize the General Manager, or his designee, to execute the Amendment, subject to approval as to form and legality by the City Attorney.*

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

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**050069**

**FlaWARN (Florida's Water/Wastewater Agency Response Network) Mutual Aid Agreement (B)**

**RECOMMENDATION**

*The City Commission authorize the General Manager for Utilities or his designee to execute the FlaWARN Mutual Aid Agreement.*

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

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

**RECOMMENDATION**      *The City Commission authorize the Mayor and Deputy Clerk to execute the Third Amendment to Employment Agreement between the City Commission and the Clerk of the Commission.*

**Withdrawn**

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

### **050079**

**City Commission Minutes (B)**

**RECOMMENDATION**      *The City Commission approve the minutes of May 19, 2005 (Special Meeting); May 23, 2005 (Regular Meeting); and May 26, 2005; as circulated.*

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

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

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

## **AUDIT AND FINANCE, CONSENT**

**050062                      Review of General Government Cellular Telephones (B)**

**RECOMMENDATION**      *The Audit and Finance Committee recommends that the City Commission: 1) Accept the City Auditor's report and the Interim City Manager's response; and 2) Instruct the City Auditor to conduct a follow-up review on recommendations made and report the results to the Audit and Finance Committee.*

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

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**050061            Semi-Annual Report on the Status of Outstanding Audit  
Recommendations for June 2005 (B)**

**RECOMMENDATION**        *The Audit and Finance Committee recommends the City  
Commission accept the City Auditor's report.*

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

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**050060            Fiscal Year 2005 Operating Funds Quarterly Monitoring Report-Quarter  
Ending March 31, 2005 (B)**

**RECOMMENDATION**        *The Audit and Finance Committee reviewed and recommends  
that the City Commission receive the quarterly budget  
monitoring report for the quarter ended March 31, 2005.*

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

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**050063            Quarterly Financial Report - Gainesville Regional Utilities (B)**

**RECOMMENDATION**        *The Audit and Finance Committee reviewed and recommends  
that the City Commission receive the GRU Quarterly  
Financial Report as of March 31, 2005.*

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

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**Passed The Consent Agenda**

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

**Votes:** Aye: Pegeen Hanrahan, Warren Nielsen, Chuck Chestnut, Edward Braddy, Rick Bryant, Craig  
Lowe and Jack Donovan

**COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS**

**END OF CONSENT AGENDA**

## ADOPTION OF THE REGULAR AGENDA

*MOTION: Commissioner Nielsen moved and Commissioner Braddy seconded to adopt the Regular Agenda with the following modifications:*

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

- 1. File #050055 - Film Festival - (Withdraw from the agenda).*
- 2. File #040177 - Final Report of the Ad Hoc Affordable Housing Committee - (New item added after agenda review).*
- 3. File #050095 - Endorsing the US Mayors' Climate Protection Agreement - (New item added under "Members of the City Commission").*

## CHARTER OFFICER UPDATES

## CLERK OF THE COMMISSION

## CITY MANAGER

### 050020

#### **Report on Outcomes of the 2005 State Legislative Session (NB)**

*City's Legislative Consultant Doug Bruce gave a presentation.*

#### **RECOMMENDATION**

*The City Commission hear a report from the City's Legislative Consultant, Doug Bruce, on State legislative activities affecting the interests of the City of Gainesville from the 2005 session.*

**Heard**

### 050052

#### **Economic Development Peer City Report: Part III (NB)**

*City of Gainesville Economic Development Director Erik Bredfeldt gave a presentation.*

#### **RECOMMENDATION**

*The City Commission hear a presentation on the findings of the Peer City Report: Part III - City of Gainesville/Cities of Orlando, FL; Tampa, FL; Tallahassee, FL; Baton Rouge, LA; Ft. Collins, CO; Tucson, AZ; and Charlottesville, VA Peer Cities.*

**Heard**



**050055 Film Festival (NB)**

**RECOMMENDATION** *The City Commission hear a status report on the Film Festival from the Department of Cultural Affairs and Ms. Rozier.*

**Withdrawn**

**050056 Status Report on the Operations of Ironwood Golf Course and an Update on the Efforts of City Staff to Reduce Annual General Fund Subsidies to the Golf Course (NB)**

*City of Gainesville Recreation and Parks Director David L. Flaherty, Ironwood Golf Course Manager Bill Iwinski and Administrative Services Director Glenda Currie gave presentations.*

*MOTION: 1) Approve the recommendation adopting a \$2.00 Capital Improvement Surcharge during the off-season and the high season; 2) approve the establishment of a maximum daily greens/cart fee that cannot exceed thirty five dollars (including the capital improvement surcharge) without prior approval of the City Commission; and 3) refer this item to Recreation and Cultural Affairs Committee for their review.*

**RECOMMENDATION** *The City Commission: 1) adopt a Capital Improvement Surcharge of up to one dollar during the off-season (July-February) and up to two dollars during the high season (March-June); and 2) approve the establishment of a maximum daily greens/cart fee that cannot exceed thirty five dollars (including the capital improvement surcharge) without prior approval of the City Commission.*

**A motion was made by Commissioner Bryant, seconded by Commissioner Braddy, that this matter be Approved as shown above and Referred to the Recreation and Cultural Affairs Committee, due back on December 13, 2005. The motion carried by the following vote:**

**Votes:** Aye: Pegeen Hanrahan, Warren Nielsen, Chuck Chestnut, Edward Braddy, Rick Bryant, Craig Lowe and Jack Donovan

**WAIVER OF RULES**

*Commissioner Braddy moved and Commissioner Bryant seconded to waive the rules to take the following agenda items in the following order:  
(VOTE: 7-0, MOTION CARRIED)*

- 1. FILE #050064 - Amendment to City's Tow Ordinance*
- 2. FILE #040177 - Final Report of the Ad Hoc Affordable Housing Committee*

3. FILE #050081 - Koppers Superfund Site Expert Panel
4. FILE #040070 - GRU Wastewater Collection System Integrity

**050064****Amendment to City's Tow Ordinance (NB)**

*Chair Hanrahan recognized Gene Watson of Watson's Towing and Mike Webber of Superior Towing who spoke to the matter.*

*City of Gainesville Police Chief Norm Botsford and Assistant City Attorney Ron Combs made comments.*

**RECOMMENDATION**

*The City Commission: direct the City Attorney to amend Ordinance 030694, Section 14.5-26(a), Subsection (6) to 1) reflect that the original intent of the ordinance was to provide that the \$47 administrative fee is required annually for all current and future non-consensual, trespass towing contracts, and any time a business changes their tow vendor, with an effective date of July 1, 2005; and 2) to amend the same Subsection (6) and Section 2 of that ordinance by substituting the term "trespass" for "roam" in the administrative fee language.*

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

**Votes:** Aye: Pegeen Hanrahan, Warren Nielsen, Chuck Chestnut, Edward Braddy, Rick Bryant, Craig Lowe and Jack Donovan

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**040177****Final Report of the Ad Hoc Affordable Housing Committee (B)**

*City of Gainesville Community Development Director Tom Saunders, Affordable Housing Committee Chair Tony Miller and Ms. Barron gave presentations.*

*MOTION (REFERRAL): Refer the final report of the Ad Hoc Affordable Housing Committee to the City Manager and the General Manager for development of an implementation plan and report back to the City Commission.*

*NOTE: This item was also placed on the General Manager's Referral List.*

**RECOMMENDATION**

*The City Commission hear a presentation from Committee Chair Tony Miller on the final report on the Ad Hoc Affordable Housing Committee and take action as deemed appropriate.*

**A motion was made by Commissioner Bryant, seconded by Commissioner Nielsen, that this matter be Referred to the City Manager, due back on December 13, 2005. The motion carried by the following vote:**

**Votes:** Aye: Pegeen Hanrahan, Warren Nielsen, Chuck Chestnut, Edward Braddy, Rick Bryant, Craig Lowe and Jack Donovan  
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## GENERAL MANAGER FOR UTILITIES

### 050081

#### **Koppers Superfund Site Expert Panel (NB)**

*GRU Sr. Water/Wastewater Engineer Rick Hutton gave a presentation.*

*Chair Hanrahan recognized Beazer Representative Quinta Vettel who spoke to the matter.*

*MOTION: Approve the allocation for up to \$400,000 for work on the Koppers Superfund Site analysis, contingent on bringing a budget back to the City Commission.*

**RECOMMENDATION**      *The City Commission hear a brief presentation from staff on the status of activities at the Koppers Superfund site and progress of work by the expert team of consultants assembled to advise and assist the City of Gainesville with regard to the Koppers Superfund site.*

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

**Votes:** Aye: Pegeen Hanrahan, Warren Nielsen, Chuck Chestnut, Edward Braddy, Rick Bryant, Craig Lowe and Jack Donovan

**CITY ATTORNEY**

**CITY AUDITOR**

**EQUAL OPPORTUNITY DIRECTOR**

**COMMITTEE REPORTS (PULLED FROM CONSENT)**

**PUBLIC WORKS COMMITTEE**

**PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE**

**PUBLIC SAFETY COMMITTEE**

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

**OUTSIDE AGENCIES**

**MEMBERS OF THE CITY COMMISSION**

**COMMISSION COMMENTS (if time available)**

**RECESS - 5:03 PM**

**RECONVENE - 5:39 PM****CITIZEN COMMENT****Peter Rebmann**

*Alachua County School Concurrency Project*

*See following File #050096.*

**050096            Statewide School Concurrency for Florida - Peter Rebmann Citizen Comment (B)**

**RECOMMENDATION**        *The City Commission hear a report from Mr. Peter Rebmann and refer this issue to the Interim Public Information Officer and to the Channel 12 Committee.*

**Referred to City Manager**

**Nkwanda Jah**

*5th Avenue Arts Festival - Praise for GPD*

**Melissa Toothman**

*Homeless Issues*

**David Swanson**

*Homeless Issues*

**Johnny B. Hall**

*Homeless Issues*

**Gabe Kaimowitz**

*Racial Issues - See following File #050097.*

**050097            Gabe Kaimowitz-Citizen Comment (B)**

**RECOMMENDATION**        *The City Commission hear a presentation from Gabe*

*Kaimowitz and place back-up submitted on file.*

**Placed on File**

**Don Telerico - ARC**

*Ironwood Issues*

**Michael Burnette**

*Ironwood Golfer*

**COMMISSION COMMENTS (if time available)**

**PLEDGE OF ALLEGIANCE (6:00pm)**

**Gator Detachment Marine Corps League**

**PROCLAMATIONS/SPECIAL RECOGNITIONS**

**050071**

**Flag Day - June 14, 2005 (B)**

**RECOMMENDATION**

*Gator Detachment of the Marine Corp League Commandant Dick Lester and Past Commandant Bob Gache to accept the proclamation.*

**Heard**

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**050084**

**Molly Burges Day - June 13, 2005 (B)**

**RECOMMENDATION**

*Young Epidemiology Scholar Award Recipient Molly Burges to accept the proclamation.*

**Heard**

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**FEDERAL JUDGES FROM RUSSIA**

**PUBLIC HEARINGS**

## WAIVER OF RULES

*Mayor-Commissioner Pro Tem Chestnut moved and Commissioner Lowe seconded to waive the rules to hear item #050070 "GRU Wastewater Collection System Integrity" before the Public Hearings.*

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

### 050070

#### **GRU Wastewater Collection System Integrity (NB)**

*Gainesville Regional Utilities (GRU) Assistant General Manager for Water/Wastewater Utilities David Richardson and Water/Wastewater Engineering Director Kim Zoltek gave presentations.*

*Chair Hanrahan recognized Nancy Sever who spoke to the matter.*

**RECOMMENDATION**      *The City Commission receive a presentation from Staff concerning the integrity of the GRU Wastewater Collection System and efforts to minimize future wastewater spills.*

**Heard**

## ORDINANCES, 1ST READING - ROLL CALL REQUIRED

### 041241

#### **SPECIAL INSPECTIONS AMENDMENT TO THE FEE SCHEDULE, APPENDIX A (B)**

##### **Ordinance No. 0-05-51**

**An ordinance of the City of Gainesville, Florida, relating to user fees; amending Appendix A of the Code of Ordinances to include under Building and Building Regulation a fee for special inspection services for certain single family, multi-family, and mixed use development projects; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.**

*City of Gainesville Building Official Doug Murdock gave a presentation.*

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

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

**Votes:** Aye: Pegeen Hanrahan, Warren Nielsen, Chuck Chestnut, Edward Braddy, Rick Bryant, Craig Lowe and Jack Donovan

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**040918****STREET VACATION (B)****Ordinance No. 0-05-39, Petition 196SVA-04PB**

An ordinance of the City of Gainesville, Florida, to vacate, abandon and close a 15-foot alley running west of Southeast 11th Street (a/k/a Williston/Waldo Road) to the abandoned rail line (bicycle rail trail) in Block 28, New Gainesville, as recorded in Plat Book A, page 65, Public Records of Alachua County, Florida; reserving a utility easement; 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 Braddy, seconded by Mayor-Commissioner Pro Tem Chestnut, that this matter be Adopted on First Reading (Ordinance). The motion carried by the following vote:**

**Votes:** Aye: Pegeen Hanrahan, Warren Nielsen, Chuck Chestnut, Edward Braddy, Rick Bryant, Craig Lowe and Jack Donovan

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**ADOPTION READING - ROLL CALL REQUIRED****040921****LAND USE CHANGE - EDUCATION CHILD CARE CENTER (B)****Ordinance No. 0-05-40, Petition 199LUC-04PB**

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by changing the land use category of certain undesignated right-of-way property to "Mixed-Use Low-Intensity (8-30 units per acre)"; located in the vicinity of the Northwest Corner of Southeast 2nd Avenue and Williston/Waldo Roads; providing a severability clause; providing a repealing clause; and providing an effective date.

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

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

**Votes:** Aye: Pegeen Hanrahan, Warren Nielsen, Chuck Chestnut, Edward Braddy, Rick Bryant, Craig Lowe and Jack Donovan

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**040920****REZONING - EDUCATION CHILD CARE CENTER (B)****Ordinance No. 0-05-41, Petition No. 200ZON-04PB**



An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property within the City from undesignated right-of-way to "MU-1: 8-30 units/acre mixed use low intensity"; located in the vicinity of the Northwest Corner of Southeast 2nd Avenue and Williston/Waldo Roads; providing a severability clause; providing a repealing clause; and providing an effective date.

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

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

**Votes:** Aye: Pegeen Hanrahan, Warren Nielsen, Chuck Chestnut, Edward Braddy, Rick Bryant, Craig Lowe and Jack Donovan

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### 041053

#### **LAND USE CHANGE - 800 BLOCK OF SOUTHEAST 11TH STREET (B)**

##### **Ordinance No. 0-05-44, Petition 27LUC-05PB**

**An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by changing the land use category of certain property from "Public Facilities" to "Single-Family (up to 8 units per acre)"; located in the vicinity of the 800 block of Southeast 11th Street, east side, consisting of approximately 4.8 acres; providing a severability clause; providing a repealing clause; and providing an effective date.**

*City of Gainesville Community Development Director Tom Saunders gave a presentation.*

**RECOMMENDATION**      *The City Commission: 1) approve Petition 27LUC-05PB; and 2) adopt the proposed ordinance.*

**A motion was made by Mayor-Commissioner Pro Tem Chestnut, seconded by Commissioner Braddy, that this matter be Approved (Petition) and Adopted on Adoption Reading. The motion carried by the following vote:**

**Votes:** Aye: Pegeen Hanrahan, Warren Nielsen, Chuck Chestnut, Edward Braddy, Rick Bryant, Craig Lowe and Jack Donovan

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## **ORDINANCES, 1ST READING - ROLL CALL REQUIRED**

### 041054

#### **REZONING - 800 BLOCK OF SOUTHEAST 11TH STREET (B)**

##### **Ordinance No. 0-05-45, Petition No. 28ZON-05PB**

**An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property within the City from "PS: Public services and operations district" to "RSF-3: 5.8 units/acre single-family residential**

district"; located in the vicinity of the 800 block of Southeast 11th Street, east side, consisting of approximately 4.8 acres; providing a severability clause; providing a repealing clause; and providing an effective date.

*City of Gainesville Community Development Director Tom Saunders gave a presentation.*

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

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

**Votes:** Aye: Pegeen Hanrahan, Warren Nielsen, Chuck Chestnut, Rick Bryant, Craig Lowe and Jack Donovan  
Absent: Edward Braddy

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## **ADOPTION READING - ROLL CALL REQUIRED**

### **041184**

#### **LAND USE CHANGE - GIRLS CLUB OF ALACHUA COUNTY (B)**

##### **Ordinance No. 0-05-52, Petition 46LUC-05PB**

**An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by changing the land use category of certain property from "Recreation" to "Public Facilities"; located in the vicinity of 2101 N.W. 39th Avenue; providing a severability clause; providing a repealing clause; and providing an effective date.**

*City of Gainesville Planning Manager Ralph Hilliard gave a presentation.*

*Chair Hanrahan recognized Donald Gaskin who spoke to the matter.*

*NOTE: Mr. Gaskin's concern about the safety at the Girls Club regarding the traffic on 39th Avenue was referred to the Public Works Staff without objection - See following File # 050141.*

**RECOMMENDATION**      *The City Commission: 1) approve Petition No. 46LUC-04PB; and 2) adopt the proposed ordinance.*

**A motion was made by Mayor-Commissioner Pro Tem Chestnut, seconded by Commissioner Bryant, that this matter be Approved (Petition) and Adopted on Adoption Reading. The motion carried by the following vote:**

**Votes:** Aye: Pegeen Hanrahan, Warren Nielsen, Chuck Chestnut, Edward Braddy, Rick Bryant, Craig Lowe and Jack Donovan

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**050141 Safety at the 39th Avenue Girls Club - Donald Gaskin's Comment (NB)**

*This item was referred to the Public Works staff without objection.*

**RECOMMENDATION**      *The City Commission refer the issue of safety regarding the traffic at the Girls Club on 39th Avenue to the Public Works Staff.*

**Referred to Public Works Department**

**ORDINANCES, 1ST READING - ROLL CALL REQUIRED****041185 REZONING - GIRLS CLUB OF ALACHUA COUNTY (B)**

**Ordinance No. 0-05-53, Petition No. 47ZON-05PB**

**An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and changing the zoning of certain property with the category of "PS: Public services and operations district" to permit the use of a charter school, in addition to the current permitted uses of after school and summer day camp recreational programs and accessory community activities; without the requirement of a minor development plan; located in the vicinity of 2101 N.W. 39th 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 Braddy, seconded by Commissioner Bryant, that this matter be Approved (Petition) and Adopted on First Reading (Ordinance). The motion carried by the following vote:**

**Votes:** Aye: Pegeen Hanrahan, Warren Nielsen, Chuck Chestnut, Edward Braddy, Rick Bryant, Craig Lowe and Jack Donovan

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**ORDINANCES, 2ND READING- ROLL CALL REQUIRED****031255 LAND DEVELOPMENT CODE AMENDMENT - BICYCLE PARKING SPACES (B)**

**Ordinance No. 0-05-46; Petition 82TCH-04 PB**

**An ordinance of the City of Gainesville, Florida, amending subsections (g) and (h) of section 30-332 of the City of Gainesville Land Development Code; providing criteria for the reduction in number of bicycle parking spaces required where evidence supports a lesser need for bicycle parking; 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 Chestnut, seconded by Commissioner Bryant, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:**

**Votes:** Aye: Pegeen Hanrahan, Warren Nielsen, Chuck Chestnut, Edward Braddy, Rick Bryant, Craig Lowe and Jack Donovan

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### **040665**

#### **PLANNED DEVELOPMENT AMENDMENT - OAK HAMMOCK (B)**

**Ordinance No. 0-05-21, Petition 184PDA-04PB**

**An Ordinance of the City of Gainesville, Florida; amending the Planned Development commonly known as "Oak Hammock at the University of Florida, A Continuing Care Retirement Community"; located at 5100 S.W. 25th Boulevard; by amending the conditions adopted by Alachua County Resolution No. Z-00-4; 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 Chestnut, seconded by Commissioner Lowe, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:**

**Votes:** Aye: Pegeen Hanrahan, Warren Nielsen, Chuck Chestnut, Edward Braddy, Rick Bryant, Craig Lowe and Jack Donovan

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### **RESOLUTIONS- ROLL CALL REQUIRED**

### **050066**

#### **UNITED NATIONS CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (B)**

**A Resolution of the City Commission of the City of Gainesville, Florida; urging the United States Congress to ratify this treaty, United Nations Convention on the Elimination of All Forms of Discrimination Against Women; providing directions to the Clerk of the Commission; and providing an immediate effective date.**

*Chair Hanrahan recognized Dr. Taraneh Darabi who spoke to the matter.*

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

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

**Votes:** Aye: Pegeen Hanrahan, Warren Nielsen, Chuck Chestnut, Edward Braddy, Rick Bryant, Craig Lowe and Jack Donovan

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### 050067

#### **College Park/University Heights Redevelopment District (B)**

**A resolution of the City Commission of the City of Gainesville, Florida, finding that the conditions in a certain area of the City of Gainesville constitute blight, and that the rehabilitation, conservation, redevelopment, or combination thereof of such area is necessary in the interest of the public health, safety, morals or welfare of the residents of the City; and providing an immediate effective date.**

*City of Gainesville Community Development Director Tom Saunders, HHI Representative Laura Mimms and Real Estate Research Consultants Representative Tom Koehler gave presentations.*

*Chair Hanrahan recognized Citizens Mark Goldstein, Nathan Collier and Joe Schmidt who spoke to the matter.*

**RECOMMENDATION**      *The City Commission 1) receive a report from the Community Development staff and a consultant addressing blighted conditions in the proposed expansion area; 2) receive public input; and 3) adopt the proposed resolution*

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

**Votes:** Aye: Pegeen Hanrahan, Warren Nielsen, Chuck Chestnut, Rick Bryant, Craig Lowe and Jack Donovan

Nay: Edward Braddy

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### 050083

#### **Resolution - Ironwood Golf Course (B)**

**RECOMMENDATION**      *The City Commission approve Resolution #050083 to grant the City Manager or his/her designee the authority to adjust the daily greens/cart fee, not to exceed a maximum daily rate of thirty five dollars, as short-term market conditions may dictate.*

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

**Votes:** Aye: Pegeen Hanrahan, Warren Nielsen, Chuck Chestnut, Edward Braddy, Rick Bryant, Craig Lowe and Jack Donovan

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**050059**

**SECOND AMENDMENT TO THE FY 2005 GENERAL GOVERNMENT FINANCIAL AND OPERATING PLAN (B)**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA; RELATING TO ITS GENERAL GOVERNMENT BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2004 AND ENDING SEPTEMBER 30, 2005; AMENDING RESOLUTION NO. 040389 AS AMENDED BY RESOLUTION NO. 040988 BY MAKING CERTAIN ADJUSTMENTS TO THE GENERAL FINANCIAL AND OPERATING PLAN BUDGET; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.**

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

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

**Votes:** Aye: Pegeen Hanrahan, Warren Nielsen, Chuck Chestnut, Edward Braddy, Rick Bryant, Craig Lowe and Jack Donovan

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**PLAN BOARD PETITIONS**

**041052**

**Rezone property from RSF-3 (Single-family Residential, 5.8 du/acre) to PD (Planned Development-Single-family Residential) and to create a minor subdivision of 4 lots. Located at 204, 210 and 216 Northeast 10th Avenue in the Northeast Historic District. Petition 22PDV-05 PB (B)**

*City of Gainesville Planning Manager Ralph Hilliard gave a presentation.*

**RECOMMENDATION**      *City Plan Board to City Commission - The City Commission approve Petition 22PDV-05 PB, with staff conditions. Plan Board vote 5-0*

*Staff to Plan Board - Approve, with staff conditions.*

**A motion was made by Commissioner Lowe, seconded by Mayor-Commissioner Pro Tem Chestnut, that this matter be Approved (Petition) with Staff Conditions. The motion carried by the following vote:**

**Votes:** Aye: Pegeen Hanrahan, Warren Nielsen, Chuck Chestnut, Edward Braddy, Rick Bryant, Craig Lowe and Jack Donovan

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**041057**

**Amend the Future Land Use Element to add a new land use category, Urban Mixed -Use (up to 75 units per acre) (Related to Petitions 35TCH-05 PB, 36LUC-05 PB and 37ZON-05 PB). Petition 34CPA-05 PB (B)**

*City of Gainesville Community Development Director Tom Saunders and Planning Manager Ralph Hilliard gave presentations.*

*MOTION (MAIN MOTION): Commissioner Lowe moved and Mayor-Commissioner Pro Tem Chestnut seconded to adopt the petition with staff and Plan Board recommendations with the following changes: 1) That there be a two-story minimum throughout the district; 2) maintain the split zoning maintaining the existing zoning on the north side of the block between 1st and 2nd Avenues, 16th Street to 18th Street; 3) require that bars seek special use permits; 4) that there be 75 units per acre from 13 Street West, North of University Avenue and the three properties directly south of the Audubon Park area; and 5) everything else would be 100 units per acre. (VOTE: 7-0, MOTION CARRIED)*

*AMENDMENT: Commissioner Nielsen moved and Commissioner Bryant seconded that all of the areas that have been designated (urban mixed use zoning), that each area could have an increment of 25 dwelling units per acre in addition, upon approval, with a special use permit from the Plan Board. (VOTE: 6-1, Commissioner Lowe, - No, MOTION CARRIED)*

*Chair Hanrahan recognized John Klein, Larry Schnell, Joe Schmidt, Mark Goldstein, Mark Harris, Bruce DeLaney and John Fleming of Tri-Mark Properties who spoke to the matter.*

**RECOMMENDATION** City Plan Board to City Commission - The City Commission approve Petition 34CPA-05 PB. Plan Board vote 6-0

*Staff to Plan Board - Approve*

**A motion was made by Commissioner Lowe, seconded by Mayor-Commissioner Pro Tem Chestnut, that this matter be Approved (Petition). The motion carried by the following vote:**

**Votes:** Aye: Pegeen Hanrahan, Warren Nielsen, Chuck Chestnut, Edward Braddy, Rick Bryant, Craig Lowe and Jack Donovan

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**041058**

**Amend the Land Development Code to add a new zoning category, Urban Mixed -Use (up to 75 units per acre) (Related to Petitions 34CPA-05 PB, 36LUC-05 PB and 37ZON-05 PB). Petition 35TCH-05 PB (B)**

*NOTE: Approval of this petition includes any amendments necessary to make it consistent with the previous petition. (Petition 34CPA-05 PB)*

**RECOMMENDATION** City Plan Board to City Commission - The City Commission approve Petition 35TCH-05 PB. Plan Board vote 6-0

*Staff to Plan Board - Approve*

**A motion was made by Commissioner Nielsen, seconded by Mayor-Commissioner Pro Tem Chestnut, that this matter be Approved (Petition), as amended. The motion carried by the following vote:**

**Votes:** Aye: Pegeen Hanrahan, Warren Nielsen, Chuck Chestnut, Edward Braddy, Rick Bryant, Craig Lowe and Jack Donovan

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**041060**

**Amend the Future Land Use Map from various land use categories to a new land use category designation of Urban Mixed-Use (located in the College Park/University Heights areas, and an area bounded by Archer Road and Depot Avenue to the north, Southwest 6th Street to the east and Southwest 16th Avenue to the south as shown on map. (Related to Petitions 34CPA-05 PB, 35TCH-05 PB and 37ZON-05 PB). Petition 36LUC-05 PB (B)**

*NOTE: Approval of this petition includes any amendments necessary to make it consistent with the previous petition. (Petition 34CPA-05 PB)*

**RECOMMENDATION**      *City Plan Board to City Commission - The City Commission approve Petition 36LUC-05 PB. Plan Board vote 6-0*

*Staff to Plan Board - Approve*

**A motion was made by Mayor-Commissioner Pro Tem Chestnut, seconded by Commissioner Nielsen, that this matter be Approved (Petition), as amended. The motion carried by the following vote:**

**Votes:** Aye: Pegeen Hanrahan, Warren Nielsen, Chuck Chestnut, Edward Braddy, Rick Bryant, Craig Lowe and Jack Donovan

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**041061**

**Amend the Zoning Map from various zoning categories to a new zoning category designation of Urban Mixed-Use located in the College Park/University Heights areas, and an area bounded by Archer Road and Depot Avenue to the north, Southwest 6th Street to the east and Southwest 16th Avenue to the south as shown on the map. (Related to Petitions 34CPA-05 PB, 35TCH-05 PB and 36LUC-05 PB). Petition 37ZON-05 PB (B)**

*NOTE: Approval of this petition includes any amendments necessary to make it consistent with the previous petition. (Petition 34CPA-05 PB)*

**RECOMMENDATION**      *City Plan Board to City Commission - The City Commission approve Petition 37ZON-05 PB. Plan Board vote 6-0*

*Staff to Plan Board - Approve*



**A motion was made by Mayor-Commissioner Pro Tem Chestnut, seconded by Commissioner Nielsen, that this matter be Approved (Petition), as amended. The motion carried by the following vote:**

**Votes:** Aye: Pegeen Hanrahan, Warren Nielsen, Chuck Chestnut, Edward Braddy, Rick Bryant, Craig Lowe and Jack Donovan

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## DEVELOPMENT REVIEW BOARD PETITIONS

## SCHEDULED EVENING AGENDA ITEMS

## UNFINISHED BUSINESS

### 041273

#### **Annual Performance, Salary, and Benefits Review - General Manager for Utilities (NB)**

*MOTION: The General Manager for Utilities receive a 3.125% pay increase retroactive to his anniversary date.*

**RECOMMENDATION** *As required by the General Manager for Utilities' employment agreement, the City Commission conduct the annual performance, salary, and benefits review.*

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

**Votes:** Aye: Pegeen Hanrahan, Warren Nielsen, Chuck Chestnut, Edward Braddy, Rick Bryant, Craig Lowe and Jack Donovan

### 050032

#### **Annual Performance, Salary, and Benefits Review - Equal Opportunity Director (NB)**

*MOTION: The Equal Opportunity Director receive a 3.08% pay increase retroactive to his anniversary date.*

**RECOMMENDATION** *As required by the Equal Opportunity Director's employment agreement, the City Commission conduct the annual performance, salary, and benefits review.*

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

**Votes:** Aye: Pegeen Hanrahan, Warren Nielsen, Chuck Chestnut, Edward Braddy, Rick Bryant, Craig Lowe and Jack Donovan

## WAIVER OF RULES

*Commissioner Braddy moved and Commissioner Nielsen seconded to waive the rules to extend the meeting to 11:05 PM.  
(VOTE: 7-0, MOTION CARRIED)*

### **050095            Endorsing the US Mayors' Climate Protection Agreement (B)**

**RECOMMENDATION**        *The City Commission request the City Attorney to prepare a resolution for the Mayor's signature.*

**A motion was made by Commissioner Nielsen, seconded by Mayor-Commissioner Pro Tem Chestnut, that this matter be Referred to the City Attorney, due back on December 13, 2005. The motion carried by the following vote:**

**Votes:** Aye: Pegeen Hanrahan, Warren Nielsen, Chuck Chestnut, Edward Braddy, Rick Bryant, Craig Lowe and Jack Donovan

## COMMISSION COMMENT

### **Commissioner Warren Nielsen**

*Commissioner Nielsen appointed Charles Grapski to the Charter Review Committee to replace of Odetta MacCleish-White who can no longer serve.*

*See following file #050114.*

### **050114            Appointment of Charles Grapski to the Charter Review Committee (NB)**

**RECOMMENDATION**        *The City Commission accept Commissioner Nielsen's new appointment of Charles Grapski to the Charter Review Committee to replace Odetta MacCleish-White who can no longer serve on the committee.*

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

**Votes:** Aye: Pegeen Hanrahan, Warren Nielsen, Chuck Chestnut, Edward Braddy, Rick Bryant, Craig Lowe and Jack Donovan

**Commissioner Edward Braddy**

*Sexual Predator Referral*

*See following file #050115.*

**050115           Laws Related to Sexual Predators (NB)**

**RECOMMENDATION**       *The City Commission refer laws (our current ordinance and what the state laws are) related to sexual predators; and specifically look at the distance to schools to the Public Safety Committee.*

**A motion was made by Commissioner Braddy, seconded by Mayor-Commissioner Pro Tem Chestnut, that this matter be Referred to the Public Safety Committee, due back on December 13, 2005. The motion carried by the following vote:**

**Votes:** Aye: Pegeen Hanrahan, Warren Nielsen, Chuck Chestnut, Edward Braddy, Rick Bryant, Craig Lowe and Jack Donovan

**Commissioner Jack Donovan**

*Trip to Madison*

**WAIVER OF RULES**

*Commissioner Braddy moved and Commissioner Nielsen seconded to waive the rules to extend the meeting to 11:10 PM.  
(VOTE: 7-0, MOTION CARRIED)*

**Mayor Pegeen Hanrahan**

- 1. Trip to Madison - Third highest ranking school district - schedule a meeting with the Alachua County School Board.*
- 2. Meeting with the County Commission regarding Street Lights and Fire Hydrants.*
- 3. Asbestos removal and demolition of the RTS building and what's going to happen on that site.*

**CITIZEN COMMENT (If time available)****ADJOURNMENT - 11:10 PM**

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Kurt M. Lannon, Clerk of the Commission