

City of Gainesville

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



Meeting Minutes

Monday, October 24, 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 - 1:02 PM

ROLL CALL

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

INVOCATION

CONSENT AGENDA

Commissioner Nielsen moved and Commissioner Bryant seconded to adopt the Consent Agenda with the following modifications.

(VOTE: 7-0, MOTION CARRIED)

MODIFICATIONS:

- 1. File #050531- Application for Disability Retirement - (Move to the Consent Agenda from the Regular Agenda).*
- 2. File #050525 - Second Extension and Amendment to the Agreement with MV Transportation for ADA Services - (Move from the Consent Agenda and place on the Regular Agenda for discussion).*
- 3. File #050038 - Salary Review of City Manager Salary Ranges - (Move from the Consent Agenda and place on the Regular Agenda for discussion).*
- 4. File # 050039 - Compensation for the Interim City Manager - (Move from the Consent Agenda and place on the Regular Agenda for discussion).*
- 5. File #050389 - Board of Adjustment - (Remove from the Consent Agenda and refer back to the Community Development Committee).*

CITY MANAGER, CONSENT AGENDA ITEMS

050523

Bid Award for Installation of Oil Water Separator with Canopy (B)

RECOMMENDATION

The City Commission: 1) award the bid to Oelrich Construction for installation of the oil water separator with canopy for the RTS maintenance facility; and 2) authorize the City Manager or designee to execute a contract with Oelrich Construction in the amount of \$69,900, subject to approval of the City Attorney as to form and legality.

This Matter was Approved as Recommended on the Consent Agenda.

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050524**Bid Award - Annual Contracts for Asphalt Services for FY2005/2006 (B)****RECOMMENDATION**

The City Commission: 1) award a contract for asphalt services to the following vendors: V.E. Whitehurst & Sons, Inc., John C. Hipp Construction Company, and APAC - Southeast, Inc.; and 2) authorize the City Manager or designee to execute the contracts and all related documents with V.E. Whitehurst & Sons, Inc., John C. Hipp Construction Company, and APAC - Southeast, Inc., subject to approval from the City Attorney's office as to form and legality.

This Matter was Approved as Recommended on the Consent Agenda.

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050526**Contract for Light Trucks, Vans & Sport Utility Vehicles (B)****RECOMMENDATION**

The City Commission: 1) approve the contract with Wade Raulerson, GMC, Pontiac, Isuzu for the procurement of light trucks, vans and sports utility vehicles for a period of three years and two optional one-year extensions with the mutual agreement of both parties; and 2) authorize the City Manager or his designee to execute the contract agreement, subject to approval by the City Attorney as to form and legality.

This Matter was Approved as Recommended on the Consent Agenda.

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050527**Retiree Health Insurance Trust (NB)****RECOMMENDATION**

The City Commission authorize the City Attorney to draft and the Clerk to advertise an ordinance creating a Retiree Health Insurance trust document.

This Matter was Approved as Recommended on the Consent Agenda.

050528**Annexation of CCGH South Incorporated Properties (B)****RECOMMENDATION**

The City Commission: 1) receive the petitions for annexation; and make findings that it contains the signatures of the property owners or authorized agents; 2) direct the City Manager to analyze the area; and 3) authorize the City Attorney to prepare and the Clerk of the Commission to

advertise ordinances relating to the annexation of the area.

This Matter was Approved as Recommended on the Consent Agenda.

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050529

Eclipse Aviation Financing (B)

RECOMMENDATION

The City Commission authorize the City Manager to provide support services to the Gainesville Alachua County Regional Airport Authority to assist in arranging for and implementing long term financing for the Eclipse Aviation facility improvements.

This Matter was Approved as Recommended on the Consent Agenda.

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050530

Booting Fees for Unpaid Parking Tickets (NB)

RECOMMENDATION

The City Commission authorize the City Attorney to draft and the Clerk of the Commission to advertise an ordinance amending Chapter 26 and Appendix A of the Municipal Code to set a specific fee of \$25 for vehicles with three or more unpaid parking tickets.

This Matter was Approved as Recommended on the Consent Agenda.

050548

Law Enforcement Municipal Services Taxing Unit (B)

RECOMMENDATION

The City Commission authorize the Mayor to draft a written response to the Alachua County Board of County Commissioners indicating that the City chooses not to opt into the Law Enforcement MSTU and will not adopt an ordinance consenting to the County Commission's levy of the Law Enforcement MSTU within the City's jurisdiction.

This Matter was Approved as Recommended on the Consent Agenda.

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050531

Application for Disability Retirement (B)

RECOMMENDATION

The City Commission deny the submitted application for disability retirement for John Then, Transit Operator.

This Matter was Approved as Recommended on the Consent Agenda.

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GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS**050551****Executive Search Firm (NB)****RECOMMENDATION**

The City Commission authorize the General Manager or designee to negotiate and execute a professional services agreement for executive search services with Mycoff & Associates as a specified source, subject to the approval of the City Attorney as to form and legality, in an amount not to exceed \$40,000 plus expenses.

This Matter was Approved as Recommended on the Consent Agenda.

CITY ATTORNEY, CONSENT AGENDA ITEMS**050534**

FLORENCE NGUYEN V. CITY OF GAINESVILLE AND WILLIAM M. NETTLES, JR.; ALACHUA COUNTY CIRCUIT COURT; CASE NO.: 01-05-CA-2776 (B)

RECOMMENDATION

The City Commission authorize the City Attorney to represent the City in the case styled Florence Nguyen v. City of Gainesville and William M. Nettles, Jr.; Alachua County Circuit Court; Case No.: 01-05-CA-2776.

This Matter was Approved as Recommended on the Consent Agenda.

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050535

DIRECT GENERAL INSURANCE COMPANY AS SUBROGEE OF ERIN U. JAMES VS. CITY OF GAINESVILLE; ALACHUA COUNTY COURT; CASE NO.: 01-05-SC-4163 (B)

RECOMMENDATION

The City Commission authorize the City Attorney to represent the City in the case styled Direct General Insurance Company as Subrogee of Erin U. James vs. City of Gainesville; Alachua County Court; Case No.: 01-05-SC-4163.

This Matter was Approved as Recommended on the Consent Agenda.

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CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS**050533****Resignation of Advisory Board/Committee Member J. C. Robertson (B)**

RECOMMENDATION *The City Commission accept the resignation of J. C. Robertson from the Fire Safety Board of Adjustment effective immediately.*

This Matter was Approved as Recommended on the Consent Agenda.

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050539

City Commission Meetings (NB)

RECOMMENDATION *The City Commission schedule or cancel meetings as listed:*

December 26, 2005 - City Commission - CANCEL

November 21, 2005 - 6:00 pm - Joint special meeting with Alachua County - Solid Waste

This Matter was Approved as Recommended on the Consent Agenda.

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050542

Student Adjunct Advisory Board/Committee Appointments for terms to expire August 1, 2006 (NB)

RECOMMENDATION *The City Commission appoint the following Student Adjunct Members to positions on the Advisory Boards and Committees for terms to expire August 1, 2006*

Bicycle/Pedestrian Advisory Board - Justin P. Kristan

Board of Adjustment - George M. Brockway

Fire Safety Board of Adjustment - Daniel Antoine

Gainesville Enterprise Zone Development Agency - Samuel M. Warfield

Gainesville Human Rights Board - Jennifer S. Vega

Gainesville/Alachua County Cultural Affairs Board -

Christoph Kuepper

Historic Preservation Board - Ashley M. Bittner

Nature Centers Commission - Kareen G. Young

Pension Review Committee - Daniel Jones

Public Recreation Board - Ashlee E. Dozier

Regional Transit System Advisory Board - Benjamin Marcus

Water Management Committee - Raymond (Drew) A. Jackson

This Matter was Approved as Recommended on the Consent Agenda.

050550

City Commission Minutes (B)

RECOMMENDATION *The City Commission approve the minutes of October 3, 2005 (Special Meeting); October 10, 2005 (Regular Meeting) and October 13, 2005 (Special Meeting); as circulated.*

This Matter was Approved as Recommended on the Consent Agenda.

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

PERSONNEL & ORGANIZATIONAL STRUCTURE COMM, CONSENT

040832 Addie Hill Status Report/Prospective Business (B)

RECOMMENDATION *The City Commission: 1) approve City staff's participation as a partner in implementation of the Access to Capital Program; 2) direct staff to return in six months with an update at which time the City Commission can decide to continue participation or seek other alternatives.*

This Matter was Approved as Recommended on the Consent Agenda.

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COMMUNITY DEVELOPMENT COMMITTEE, CONSENT

050389 Board of Adjustment - Legislative No. 050389 (B)

NOTE: This item was removed from the Consent Agenda and returned to the Community Development Committee by adoption of the Consent Agenda Modification List.

RECOMMENDATION *Community Development Committee to the City Commission: 1) staff provide information to neighborhoods regarding vacancies on the BOA; 2) staff provide an orientation session for new BOA members and training for the BOA; 3) the City Commission initiate a petition to amend the Land Development Code to establish term limits for Board of Adjustment members; to establish preferred (not required) backgrounds or experience in urban planning, architecture, landscape architecture, law, development or construction for three out of the five Board of Adjustment members; to amend the appeals process for appeals of administrative decisions, so that after administrative appeal levels are exhausted, the*

appeal is to the City Commission; to amend the appeal process for decisions of the Board of Adjustment, so that they are appealed to the City Commission [Committee please review this language]; and to eliminate the opportunity for reestablishment of uses once the use becomes nonconforming and then lapses for a period of nine months; 4) the City Commission authorize the City Attorney to prepare an ordinance to eliminate certain of the rarely used appeals to the BOA; 5) the City Attorney's office and staff prepare revised rules for the BOA consistent with the above changes once the City's codes are revised; and 6) remove this item from the referral list.

Referred to Community Development Committee

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040068

Development Project Cutoff Dates - Legislative No. 040068 (NB)

RECOMMENDATION *Community Development Committee to the City Commission:
 Remove this item from the referral list.*

This Matter was Approved as Recommended on the Consent Agenda.

002555

Design Review Process - Legislative No. 002555 (NB)

RECOMMENDATION *Community Development Committee to the City Commission:
 Remove the item from the Committee's referral list.*

This Matter was Approved as Recommended on the Consent Agenda.

DEVELOPMENT REVIEW BOARD, CONSENT

050537

A request by the Development Review Board that the City Commission direct Public Works to revisit the parking situation around City Hall. (B)

RECOMMENDATION *Development Review Board to the City Commission: Direct Public Works to revisit the parking situation around City Hall and possibly reconfigure some metered and non-metered parking, east toward the Melting Pot.*

This Matter was Approved as Recommended on the Consent Agenda.

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Passed The Consent Agenda

A motion was made by Commissioner Nielsen, seconded by Commissioner Bryant, 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

Mayor-Commissioner Pro Tem Chestnut moved and Commissioner Lowe seconded to adopt the Regular Agenda with the following modifications.

(VOTE: 7-0, MOTION CARRIED)

REGULAR AGENDA - MODIFICATIONS:

- 1. File #050554 - Gainesville Energy Advisory Committee Request - (Waive the rules to hear a presentation from Dr. Anthony Brennan, Vice Chair of GEAC Re: Sustainability immediately after the Proclamations).*
- 2. File #050545 - Resolution - Financing for Construction, Refunding of Tax Exempt and Taxable Commercial Paper Refunding of Utilities System Revenue Bonds, 1996 Series - (Back-up submitted, New Memo, Resolution and back-up).*
- 3. File #050552 - Commissioner Donovan - Homeless Proposal - (Add to the agenda under Members of the City Commission).*

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

CITY MANAGER

050525

Second Extension and Amendment to the Agreement with MV Transportation for ADA Services (B)

Regional Transit System Operations Manager Jesus Gomez, MV Transportation Vice President of Operations Jeff Logan, President of MV Transportation President of East Coast Operations Kirk Wilkie and MV General Manager Ms. Penny Fennel gave presentations.

Chair Hanrahan recognized Citizens Jo Dee, Carol Massey, Maxine Stallings, Lenia Juraspi, Jack Barnes, Charles Nicholson and Lenore McGowan who spoke to the matter.

MODIFICATION: Approve the Recommendation with a request for a review and update in 120 days.

RECOMMENDATION *The City Commission authorize the City Manager or designee to execute the second extension and amendment to the agreement with MV Transportation, extending the term of the contract from October 1, 2005 to September 30, 2006, and any other necessary documents, subject to approval of the City Attorney as to form and legality.*

A motion was made by Commissioner Bryant, seconded by Commissioner Lowe, that this matter be Approved as Modified. 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

050536

Consultant Selection Process for the Independent Consultation on Options for Meeting the Electrical Supply Needs of the Gainesville Community (B)

Chair Hanrahan recognized Mrs. Gathers' who spoke regarding problems paying her Utility bill.

NOTE: The City Manager and the General Manager for Utilities to look into Mrs. Gathers issue.

RECOMMENDATION *The City Commission: 1) Approve recommended oral presentation guideline for the November 7, 2005 the Special Meeting; and 2) Approve the recommended workshop guideline for the November 10, 2005 Workshop.*

A motion was made by Commissioner Donovan, 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

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CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

050038

Salary Review of City Manager Salary Ranges (B)

RECOMMENDATION *The Personnel & Organizational Structure Committee requests the City Commission to: 1) accept the hiring process for a Charter Officer position and approve using this process when advertising the salary range; and 2) remove this item from the Personnel & Organizational Structure Committee Referral List.*

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

Votes: Aye: Pegeen Hanrahan, Warren Nielsen, Chuck Chestnut, Craig Lowe and Jack Donovan
Absent: Edward Braddy and Rick Bryant
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050039**Compensation for the Interim City Manager (B)**

MODIFICATION: After the phrase "Generally, up to 10% additional salary", insert the language "one factor that should be taken into consideration is the salary of the interim, relative to the minimum of the salary range for the permanent position".

RECOMMENDATION *The Personnel & Organizational Structure Committee request City Commission to: 1) accept the criteria for setting compensation for "Acting Charter Officer" position; and 2) approve removing this item from the Personnel & Organizational Structure Committee referral list.*

A motion was made by Commissioner Bryant, seconded by Commissioner Donovan, that this matter be Approved as Modified. 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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ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)**050543****Student Adjunct Advisory Board/Committee Appointments for terms to expire August 1, 2006 (B)**

FIRST MOTION: Commissioner Nielsen moved and Commissioner Bryant seconded to appoint Raymond Scott Miller to the Development Review Board Student Adjunct position.

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

SECOND MOTION: Mayor-Commissioner Pro Tem Chestnut moved and Commissioner Bryant seconded to appoint Jariel Bortnick to the Citizens' Advisory Board for Community Development (CACCD) Student Adjunct position.

(VOTE: 6-1, Commissioner Donovan - No, MOTION CARRIED)

THIRD MOTION: Commissioner Bryant moved and Commissioner Braddy seconded to appoint Stephanie M. Haskins to the City Beautification Board Student Adjunct position.

(VOTE: 7-0, MOTION CARRIED)

FOURTH MOTION: Commissioner Bryant moved and Mayor-Commissioner Pro Tem Chestnut seconded to appoint Jonathan R. Smoak to the Gainesville Energy Advisory Committee (GEAC) Student Adjunct position.

(VOTE: 7-0, MOTION CARRIED)

RECOMMENDATION

The City Commission appoint Student Adjunct Members to the following Advisory Boards and Committees for terms to expire August 1, 2006

*Citizens Advisory Committee for Community Development -
Jariel Bortnick*

City Beautification Board - Stephanie M. Haskins

Development Review Board - Raymond Scott Miller

Gainesville Energy Advisory Committee - Jonathan R. Smoak

Approved, as shown above

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OUTSIDE AGENCIES**050477 East Gainesville Development Corporation (NB)**

RECOMMENDATION *The City Commission hear a presentation from the East Gainesville Development Corporation.*

Withdrawn

MEMBERS OF THE CITY COMMISSION**050549 Eco-Friendly Pool Heating and Sanitation for Westside and Northeast Pools (B)**

Randy Dunsing gave a presentation.

Chair Hanrahan recognized Pat Fitzpatrick who spoke to the matter.

RECOMMENDATION *The City Commission hear a presentation and take appropriate action.*

A motion was made by Commissioner Bryant, seconded by Commissioner Nielsen, that this matter be Referred to the Recreation and Cultural Affairs Committee, due back on April 24, 2006. 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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050538 Rob Brinkman (NB)

RECOMMENDATION *The City Commission hear a report from Rob Brinkman as requested at the October 10, 2005 City Commission meeting, regarding a proposed Charter Amendment to protect park land.*

Heard

Commissioner Jack Donovan

NOTE: Commissioner Donovan requested that this item File #050552 (Homeless Proposal) be moved to "Scheduled Evening Agenda Items".

COMMISSION COMMENTS (if time available)**RECESS - 3:39 PM****RECONVENE - Approximately 5:40 PM****CITIZEN COMMENT****Jack Carter**

Super Wal-Mart on Waldo Road - Opposed

Warren McCluny

Super Wal-Mart on Waldo Road - Opposed

Ms. C. L. Bostick

Super Wal-Mart on Waldo Road - Opposed

Krystal Wilson

Sante Fe Community College - "The Intern" Request

See following File #050560.

Alan Reagel

Sante Fe Community College - "The Intern" Request

See Following File #050560.

050560**"The Intern" 2 with Mayor Pegeen Hanrahan (B)**

Santa Fe Community College Students Krystal Wilson and Alan Reagel requested the following: 1) \$3000 from City Contingency Funds to fund half the scholarships and book stipends for the contestants; and 2) that the City Commission asks the City budget office to locate and earmark funds, if available, for a part-time paid internship for the winner of the Intern Project.

NOTE: The Mayor suggested that Clerk of the Commission Kurt Lannon check his budget regarding funding interns and that the students work with the Clerk of the Commission to place this item on the first agenda in November.

RECOMMENDATION

*Community College Student regarding "The Intern 2"; and
take appropriate action.*

Postponed

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Bob Kielhoffer

Gator Skeet and Track Club Funding

Referred to City Manager.

Walter Willard

Wal-Mart Issue

See following File #050562.

050562

Walter Willard - Wal-Mart Issue (B)

RECOMMENDATION

*The City Commission hear a presentation from Walter Willard
and place back-up submitted on file.*

Placed on File

COMMISSION COMMENTS (if time available)

PLEDGE OF ALLEGIANCE (6:00pm)

Gator Detachment Marine Corps League

PROCLAMATIONS/SPECIAL RECOGNITIONS

050540

Veteran's Day - November 11, 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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050541**Fifth Annual Bikers on Parade for the USA - November 13, 2005 (B)****RECOMMENDATION**

Bikers on Parade Organizers Ralph and Bonnie Cameron to accept the proclamation.

Heard

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WAIVER OF RULES

NOTE: The rules were waived to hear the following item (File #050554) immediately after Proclamations during the adoption of the Regular Agenda Modification List.

050554**Gainesville Energy Advisory Committee (GEAC) Request (B)**

NOTE: The City Manager to check on resources and scheduling.

RECOMMENDATION

The City Commission hear a presentation from Dr. Anthony Brennan, Vice Chair of GEAC.

Heard**PUBLIC HEARINGS****ORDINANCES, 1ST READING- ROLL CALL REQUIRED****050373****EARLY VOTING (B)****ORDINANCE NO.: 0-05-98**

An ordinance of the City of Gainesville amending Chapter 9 Elections by amending Sections 9-5 and creating Section 9-6.5 by providing early voting in municipal elections; providing directions to the codifier; providing a severability clause; providing a repealing clause and providing an immediate effective date.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

A motion was made by Commissioner Nielsen, 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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050547**ANNEXATION OF PARCELS 06693-000-000, 06694-000-000 AND 06695-000-000, SOUTH OF THE CITY LIMITS AND WEST OF SW 34TH STREET (B)****Ordinance No. 0-05-89**

An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area Pursuant to Chapter 90-496, as amended by Chapter 91-382 and Chapter 93-347, Special Acts, Laws of Florida, known as the Alachua County Boundary Adjustment Act; making certain findings; including within the corporate limits of the City of Gainesville, Florida, that certain compact and contiguous area generally described as follows: south of the city limits, west of SW 34th Street and tax parcel 06688-000-000, and east of tax parcel number 06715-000-000; providing for inclusion of the area in Appendix I of the City Charter; providing for land use and zoning regulations; providing directions to the Clerk of the Commission; providing a severability clause; and providing an immediate effective date.

City Strategic Planner Karen Snyder gave a presentation.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

A motion was made by Commissioner Nielsen, 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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050228**SECURITY CAMERAS IN PUBLIC PLACES (B)****ORDINANCE NO.: 0-05-97**

An ordinance of the City of Gainesville repealing Section 21-10, relating to use of television surveillance equipment in investigation and detection of crime; 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 Braddy, 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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 Camera Use Bullet Points CAO.doc
 Camera Use Highlights GPD.doc
 Cameras in Public Places Section 21-10 Ordinance.doc
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050160**REZONING TO SIGNIFICANT ECOLOGICAL COMMUNITIES OVERLAY DISTRICT (B)****Ordinance No. 0-05-92, Petition No. 109ZON-05PB**

An Ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning and imposing the Significant Ecological Communities Overlay District category on certain properties zoned "RSF-1: 3.5 units/acre single-family residential district", and "I-1: Limited industrial district"; consisting of approximately 358 acres, and generally located south of NE 53rd Avenue, east of NE 15th Street, north of NE 39th Avenue and west of Waldo Road; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

A motion was made by Commissioner Lowe, seconded by Commissioner Nielsen, that this matter be 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

Nay: Edward Braddy

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050470**AMENDMENT TO APPRAISAL ORDINANCE (B)****ORDINANCE NO.: 0-05-100**

An ordinance of the City of Gainesville, Florida, amending Article VI, Section 2-435 of the Code of Ordinances to increase the value of property requiring appraisal to \$100,000; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Chair Hanrahan recognized Walter Willard who spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

A motion was made by Commissioner Nielsen, 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, Craig Lowe and Jack Donovan

Absent: Rick Bryant

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ORDINANCES, 2ND READING- ROLL CALL REQUIRED

041020

REVISION TO CHAPTER 18, CODE OF ORDINANCES, REGARDING PARK REGULATIONS (B)

Ordinance No. 0-05-81

An ordinance of the City of Gainesville, Florida, amending sections in article II, Chapter 18, City of Gainesville Code of Ordinances, relating to Parks and Recreation; amending section 18-18, City of Gainesville Code of Ordinances; updating list of parks; amending section 18-19, City of Gainesville Code of Ordinances; updating and clarifying hours parks will be closed; amending section 18-20, City of Gainesville Code of Ordinances; updating and clarifying prohibited activities in City parks; creating section 18-21, City of Gainesville Code of Ordinances; stating land management provisions applicable to nature parks, centers, and conservation areas; creating section 18-22, City of Gainesville Code of Ordinances; relating to archeological discovery; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Chair Hanrahan recognized Walter Willard who spoke to the matter.

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, Craig Lowe and Jack Donovan
Absent: Edward Braddy and Rick Bryant

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041052

PLANNED DEVELOPMENT - BARROW FAMILY PARTNERSHIP (B)

Ordinance No. 0-05-74, Petition No. 22PDV-05PB

An Ordinance of the City of Gainesville, Florida; rezoning certain lands within the City and amending the Zoning Map Atlas from "RSF-3: 5.8 units/acre

single-family residential district" to "Planned Development District"; located in the Northeast Historic District in the vicinity of 204, 210 and 216 Northeast 10th Avenue; adopting a development plan report and development plan maps; providing conditions and restrictions; providing for enforcement; providing a severability clause; and providing an immediate effective date.

Chair Hanrahan recognized Walter Willard who spoke to the matter.

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, Rick Bryant, Craig Lowe and Jack Donovan

Absent: Edward Braddy

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050369

AMENDMENT TO OPEN CONTAINER ORDINANCE (B)

ORDINANCE NO.: 0-05-93

An ordinance of the City of Gainesville, Florida, amending Article I, Section 4-1(b) of the Code of Ordinances to be consistent with the provisions of F.S. §564.09 and F.S. §316.1936(9); providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

A motion was made by Mayor-Commissioner Pro Tem Chestnut, seconded by Commissioner Braddy, 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

050508**Rules of the City Commission (B)**

Chair Hanrahan recognized Walter Willard who spoke to the matter.

RECOMMENDATION *The City Commission adopt the Rules of the Commission to allow more than two persons to serve on all standing committees, as assigned.*

A motion was made by Commissioner Nielsen, 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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050532**RESOLUTION AUTHORIZING THE ISSUANCE OF CAPITAL IMPROVEMENT REVENUE BONDS - SERIES 2005 (B)**

A resolution of the City of Gainesville, Florida, supplementing resolution No. 020918, authorizing the acquisition of land and the acquisition, construction, refurbishment, renovation and equipping of various capital projects, and the providing for and authorizing the issuance of the City's Capital Improvement Revenue Bonds, Series 2005 in an original aggregate principal amount not exceeding \$25,000,000 to fund such acquisition, construction, refurbishment, renovation and equipping; delegating certain authority to the City Manager, the Administrative Services Director or Finance Director to award said bonds pursuant to a public bid, provided the bids submitted fall within parameters set forth herein; approving the from of an official notice of sale and summary notice of sale with respect to said bonds; appointing J.P. Morgan Trust Company, N.A. as paying agent and registrar with respect to such bonds; approving the form and authorizing the circulation of a preliminary official statement and authorizing the execution and delivery of a final official statement; authorizing the City Manager, the Administrative Services Director or the Finance Director to accept the terms of a commitment for municipal bond insurance from MBIA Insurance Corporation; approving the form and authorizing the execution and delivery of a continuing disclosure certificate; creating a project fund and account therein; providing for the application of the proceeds of the bonds; authorizing certain officials of the City to execute any documents and take any actions required in connection with the issuance of said bonds; providing an effective date for this resolution; and providing certain other details with respect thereto.

City Finance Director Mark Benton gave a presentation.

Chair Hanrahan recognized Walter Willard who spoke to the matter.

RECOMMENDATION *The City Commission adopt the resolution authorizing and providing for the issuance of the Capital Improvement*

Revenue Bonds, Series 2005.

A motion was made by Mayor-Commissioner Pro Tem Chestnut, seconded by Commissioner Braddy, 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

Absent: Edward Braddy

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050545**Financing for Construction, Refunding of Tax-Exempt and Taxable Commercial Paper, Refunding of Utilities System Revenue Bonds, 1996 Series A (B)**

GRU Chief Financial Officer Jennifer Hunt, and GRU Attorney Skip Manasco gave presentations.

Chair Hanrahan recognized Walter Willard who spoke to the matter.

RECOMMENDATION

The City Commission: 1) Adopt the attached resolution (Authorizing Resolution), which : (a) incorporates by reference and adopts, and authorizes the execution and delivery of: (i) a Fourteenth Supplemental Utilities System Revenue Bond Resolution (Fourteenth Supplemental Resolution) which authorizes the issuance, sale, execution and delivery of not to exceed \$215,000,000 in aggregate principal amount of the City's tax-exempt Utilities System Revenue Bonds, 2005 Series A (2005 Series A Bonds) in order (X) to provide monies needed for payment of Costs of Acquisition and Construction (capital projects) and (Y) to refund the City's tax-exempt Utilities System Commercial Paper Notes, Series C (Series C CP Notes), and delegates the authority to determine certain matters in connection therewith; (ii) a Fifteenth Supplemental Utilities System Revenue Bond Resolution (Fifteenth Supplemental Resolution) which authorizes the issuance, sale, execution and delivery of not to exceed \$70,000,000 in aggregate principal amount of the City's taxable Utilities System Revenue Bonds, 2005 Series B (2005 Series B Bonds) in order (X) to provide monies needed to refund the City's taxable Utilities System Commercial Paper Notes, Series D (Series D CP Notes) and (Y) if the City's Bond Counsel determines that, under applicable federal income tax law, monies needed for payment of Costs of Acquisition and Construction of certain air quality control systems for Deerhaven 2 cannot be financed on a tax-exempt basis, to provide such monies, and delegates the authority to determine certain matters in connection therewith; and (iii) a Sixteenth Supplemental Utilities System Revenue Bond Resolution which authorizes the issuance, sale, execution and delivery of \$55,135,000 in aggregate principal amount of the City's

Variable Rate Utilities System Revenue Bonds, 2005 Series C (2005 Series C Bonds) in order to advance refund a portion of the City's Utilities System Revenue Bonds, 1996 Series A (1996 Series A Bonds); (b) in the case of the 2005 Series A and B Bonds: (i) approves the form, and authorizes the execution and delivery, of a contract of purchase between the City and an underwriting group for which Goldman, Sachs serves as senior book-running manager and Bear, Stearns serves as co-senior manager, and delegates the authority to determine certain matters in connection therewith; (ii) approves the form, and authorizes the execution and delivery, of a continuing disclosure certificate; (iii) delegates the authority to procure municipal bond insurance for all or a portion of the 2005 Series A and B Bonds; and (iv) approves the form and use of the preliminary official statement and the official statement relating to the 2005 Series A and B Bonds and authorizes the execution and delivery of said official statement; (c) in the case of the 2005 Series C Bonds: (i) approves the form, and authorizes the execution and delivery, of a contract of purchase between the City and Bear, Stearns, as sole underwriter; (ii) in the event that the 2005 Series C Bonds are converted to the auction mode or the fixed mode, approves the form, and authorizes the execution and delivery, of a continuing disclosure certificate; (iii) approves the form, and authorizes the execution and delivery, of a remarketing agreement between the City and Bear, Stearns, pursuant to which Bear, Stearns will serve as the initial remarketing agent for the 2005 Series C Bonds; (iv) approves the form, and authorizes the execution and delivery, of a tender agency agreement between the City and U.S. Bank Trust National Association (who currently serves as Trustee for our Utilities System Revenue Bonds), pursuant to which U.S. Bank Trust will serve as the initial tender agent for the 2005 Series C Bonds; (v) approves the form, and authorizes the execution and delivery, of a standby bond purchase agreement between the City and SunTrust Bank, pursuant to which SunTrust Bank initially will provide liquidity support for any 2005 Series C Bonds that are tendered for purchase and not remarketed; (vi) approves the form, and authorizes the execution and delivery, of an escrow deposit agreement relating to the advance refunding of a portion of the 1996 Series A Bonds, authorizes the deposit of bond proceeds and certain other amounts into the escrow account to be established pursuant to said escrow deposit agreement, authorizes the investment of such monies in United States Treasury Securities - State and Local Government Series and ratifies the subscription of such United States Treasury Securities; (vii) approves the form and use of the official statement relating to the 2005 Series C Bonds; (viii) delegates the authority to extend the term of any facility providing

liquidity support for the 2005 Series C Bonds or to procure another facility in substitution therefore; and (ix) delegates the authority to remove the remarketing agent and/or the tender agent for the 2005 Series C Bonds and to appoint successor(s) therefore; (d) in the case of the 2005 Series A, B and C Bonds: (i) authorizes the authentication and delivery of the 2005 Series A, B, and C Bonds; (ii) authorizes the registration or qualification of the 2005 Series A, B, and C Bonds under the blue sky laws of various states; and (iii) authorizes certain City officials to take other actions in connection with the issuance, sale and delivery of the 2005 Series A, B, and C Bonds; and (e) approves the designation of the Bear Swap and the Goldman Swap referred to below as "Qualified Hedging Contracts" within the meaning of the City's Amended and Restated Utilities System Revenue Bond Resolution (Utilities Bond Resolution), and provides for the securing of such Swaps under the Utilities Bond Resolution; and 2) Authorize the Clerk of the Commission, the General Manager and other Authorized Officers to execute such documents as may be necessary to proceed with the transactions authorized above and on July 13, 2005, and to take such other actions as may be necessary or advisable to proceed with the issuance of the 2005 Series A, B and C Bonds in accordance with this City Commission authorization.

A motion was made by Mayor-Commissioner Pro Tem Chestnut, seconded by Commissioner Braddy, 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

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

050552

Commissioner Donovan - Homeless Proposal (NB)

Chair Hanrahan recognized Citizens Arupa Freeman, Bob Freeman, Walter Willard, Pat Fitzpatrick and John DeCarmine who spoke to the matter.

NOTE: This item to come back at the first meeting in November. (November 14, 2005).

NOTE: At 8:48 PM, Mayor Hanrahan and Mayor Pro Tem Chestnut left the meeting room and Commissioner Warren Nielsen assumed the gavel.

RECOMMENDATION *The City Commission hear a presentation from Commissioner Donovan.*

Heard

UNFINISHED BUSINESS

COMMISSION COMMENT

Mayor Pegeen Hanrahan

NOTE: The Mayor re-entered the meeting room briefly to make the following announcement.

*Altrusa Club Event for Homeless Children (New school supplies and clothes)
"Stuff the Bus Event"*

Butler Plaza

Saturday November 19, 2005 10:00 AM to 5:00 PM; and

Sunday November 20 2005 from 12:00 Noon to 5:00 PM

WEB SITE: altrusa-gainesville.org

NOTE: Mayor Hanrahan left the meeting room at 8:51 PM.

GENERAL MANAGER FOR UTILITIES MIKE KURTZ ANNOUNCEMENT

1. Hurricane Wilma Relief - GRU Requests

*City of Margate - 8 Water/Wastewater Personnel and 4 emergency generators; and
City of Fort Pierce - 25 Electric Personnel.*

2. City of Archer - Wastewater Services to the City of Archer

CITIZEN COMMENT

There were no citizens who wished to speak during Citizen Comment.

ADJOURNMENT - 8:54 PM

Kurt M. Lannon, Clerk of the Commission