

City of Gainesville

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



Meeting Minutes

Monday, August 13, 2007

1:00 PM

City Hall Auditorium

City Commission

*Mayor Pegeen Hanrahan (At Large)
Mayor-Commissioner Pro Tem Rick Bryant (At Large)
Commissioner Jeanna Mastrodicasa (At Large)
Commissioner Scherwin Henry (District 1)
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 Office of Equal Opportunity at 334-5051 or call the TDD phone line at 334-2069 at least two business days in advance.

CALL TO ORDER - 1:05 PM

ROLL CALL

Present: Edward Braddy, Pegeen Hanrahan, Rick Bryant, Craig Lowe, Jack Donovan and Scherwin Henry
Absent: Jeanna Mastrodicasa

INVOCATION

The City Commission observed a moment of silence.

CONSENT AGENDA

*Commissioner Donovan moved and Mayor-Commissioner Pro Tem Bryant seconded to adopt the Consent Agenda with the following modifications.
(VOTE: 4-0, Commissioners Braddy, Henry and Mastrodicasa - Absent, MOTION CARRIED)*

- 1. File #'s 070288, 070289, 070291, 070292, 070294, 070295, 070296, - Advisory Board/Committee Appointments - (Recommendations added (appointments)).*
- 2. File #070312 - (New Advisory Board Appointment added to Consent).*

CITY MANAGER, CONSENT AGENDA ITEMS

070237. Agreement with Human Services Associates, Inc. (HSA) to Provide Security at the Juvenile Assessment Center (B)

This item requests the City Commission's authorization to enter into an agreement with Human Services Associates, Inc. in the amount of \$90,000 for operational costs of the Gainesville Regional Juvenile Assessment Center.

RECOMMENDATION

Recommended Motion: The City Commission authorize the City Manager to execute the agreement with Human Services Associates, Inc., subject to the approval of the City Attorney as to form and legality, and authorize the issuance of a purchase order in an amount not to exceed \$90,000 for this agreement.

Alternative Recommendation A: The City Commission authorize partial funding.

Alternative Recommendation B: The City Commission deny funding.

This Matter was Approved as Recommended on the Consent Agenda.

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070242. Annexation of Parcel Number 06837-001-000 (B)

This is the submission of petition for voluntary annexation for the above referenced parcel number, which is located in the vicinity of SW 20th Avenue, SW 63rd Boulevard, SW 41st Place and SW 75th Street.

RECOMMENDATION

The City Commission: 1) receive the petition for annexation; and make findings that it contains the signature of the property owner 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, if appropriate.

Alternative Recommendation: The City Commission deny acceptance of the petition.

This Matter was Approved as Recommended on the Consent Agenda.

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070243. Annexation of A Portion of Tax Parcel Numbers 06837-000-000 and 06845-000-000 (B)

This is the submission of petition for voluntary annexation for the above referenced parcel numbers, which are located in the vicinity of SW 20th Avenue, SW 63rd Boulevard, SW 41st Place and SW 75th Street.

RECOMMENDATION

The City Commission: 1) authorize the Mayor, as agent for the City, to sign the petition for voluntary annexation; 2) receive the petition for annexation and make findings that it contains the signature of the property owner or authorized agent; 3) direct the City Manager to analyze the area; and 4) authorize the City Attorney to prepare and the Clerk of the Commission to advertise ordinances relating to the annexation of the area.

Alternative Recommendation: The City Commission deny acceptance of the petition.

This Matter was Approved as Recommended on the Consent Agenda.

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070244. Amendments to Vehicles for Hire Ordinance (NB)

This item requests amendments to the "Vehicle for Hire" ordinance which will provide organizational cohesiveness and add clarity as to the ordinance's requirements.

RECOMMENDATION *The City Commission authorize the City Attorney to draft and the Clerk of the Commission to advertise an ordinance amending Sections 28-3 Application for franchise and franchise owner (10), 28-8.5 Vehicle for hire driver permit requirements (c and d), 28-11 Liability insurance required, and 28-21 Inspection of Chapter 28 Vehicles for Hire Ordinance.*

Alternative Recommendation A: None

Alternative Recommendation B: None

This Matter was Approved as Recommended on the Consent Agenda.

070251. Second Extension to the Agreement between the City of Gainesville and TransDiesel of Ocala (B)

This item involves a request for the second one-year extension to the Agreement with TransDiesel of Ocala for repair and/or rebuild of medium and heavy-duty Allison transmissions.

RECOMMENDATION *The City Commission authorize the City Manager to execute the Second Extension to the Agreement with TransDiesel of Ocala for the period of October 1, 2007 to September 30, 2008.*

Alternative Recommendation: The City Commission decline the authorization for the City Manager to execute the Second Extension to the Agreement with TransDiesel of Ocala and provide staff with specific direction in securing these commodities. This would require selecting another vendor or issuance of a new Invitation to Bid and additional administrative costs.

This Matter was Approved as Recommended on the Consent Agenda.

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070252. First Extension/Second Amendment to Interlocal Agreement with Alachua County for Solid Waste Disposal (B)

This item involves an agreement between the City of Gainesville (City) and Alachua County (County) for Solid Waste Disposal Services from October 1, 2007 through September 30, 2009.

RECOMMENDATION *The City Commission: 1) approve the First Extension/Second Amendment to the Interlocal Agreement with Alachua County for Solid Waste Disposal; and 2) authorize the City Manager or designee to execute the Agreement.*

This Matter was Approved as Recommended on the Consent Agenda.

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070254. Authorization for the City Manager to Execute Leases (NB)

This item involves authorization for the City Manager to execute leases.

RECOMMENDATION *Recommended Motion: The City Commission: 1) amend the Real Estate Guidelines to grant the City Manager authorization to execute lease agreements contingent on any single lease amount not exceeding \$50,000 annually for the term of the lease, less taxes, and subject to approval by the City Attorney as to form and legality.*

Alternative Recommendation: The City Commission deny the request, requiring submittal of lease agreements to the City Commission for approval and authorization for the City Manager to sign, subject to approval by the City Attorney as to form and legality, and possibly delay the rental spaces and the associated income they might generate.

This Matter was Approved as Recommended on the Consent Agenda.

070257. Non-Ad Valorem Assessment for Waste Alternatives, Environmental Protection programs, and a portion of the Rural Collection Centers Program (B)

This item involves a request to direct the City Attorney to draft and the Clerk of Commission to advertise an ordinance for Waste Alternatives, Environmental Protection programs and a portion of the Rural Collection Centers Program.

RECOMMENDATION *The City Commission direct the City Attorney to draft and the Clerk of the Commission to advertise an ordinance allowing the Board of County Commissioners to assess property owners within the City of Gainesville for the costs of Alachua County's hazardous waste program, waste alternatives office, and partial cost of the rural collections centers, effective*

October 1, 2007 through September 30, 2009.

This Matter was Approved as Recommended on the Consent Agenda.

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070259.

Ranking and Selection of Consultants to Design and Oversee the Construction of Fire Station #8 (B)

This item involves a request for the City Commission to accept staff's selection of a consultant to design and oversee the construction of fire station #8.

RECOMMENDATION

Recommended Motion: The City Commission: 1) accept the selection of the three most qualified consultants in order of ranking; 2) authorize the City Manager or his designee to initiate contract negotiations with Bentley Architects and Engineers, Inc. for Professional Design Services for Fire Station #8; and 3) authorize the City Manager, upon successful contract negotiations, to execute the contract and any related documents upon approval by the City Attorney as to form and legality.

Alternative Recommendation A: The City Commission reject the recommendations and redo the process to have (6) firms make presentations.

Alternative Recommendation B: The City Commission reject the recommendations and use another method to select the firm.

This Matter was Approved as Recommended on the Consent Agenda.

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070260.

Tourist Product Development Interlocal Agreement with Alachua County (B)

This is a request to amend an agreement with Alachua County to administer the new Tourist Product Development Program.

RECOMMENDATION

The City Commission authorize the City Manager or designee to sign the amended Interlocal Agreement on behalf of the City.

Alternative Recommendation A: The City Commission reject the amendment to the Interlocal Agreement and request that the City Manager to renegotiate.

Alternative Recommendation B: The City Commission reject

the amendment to the Interlocal Agreement.

This Matter was Approved as Recommended on the Consent Agenda.

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070262. Contract for Federal Lobbying Services (B)

RECOMMENDATION

The City Commission authorize the City Manager and the General Manager for Utilities to enter into a contract for fiscal years 2008-2010 with Marilyn Berry Thompson to provide professional federal legislative lobbying and related government liaison grant services through the law firm of Jordan, Burt, Boros, Cicchetti, Berenson & Johnson at a fee of \$110,000 for FY 08, \$115,000 for FY 09, and \$120,000 for FY 10 for General Government's portion of the services and \$30,000 annually for Gainesville Regional Utility's portion of the services.

This Matter was Approved as Recommended on the Consent Agenda.

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070266. Consultants to Provide the Design and Engineering Services for Phase II of the GPD Facility Expansion (B)

This is a request for the City Commission to authorize the City Manager to execute the contract for phase II of the GPD facility expansion.

RECOMMENDATION

Recommended Motion: The City Commission authorize the City Manager or his designee to execute a contract with ADG, Inc. in the amount of \$703,497 (i.e. a project fee of \$639,543 and 10% contingency.)

Alternative Recommendation A: The City Commission instruct staff to conduct another RFP process to hire a different Consulting firm and incur additional construction costs for the delay in the process.

Alternative Recommendation B: The City Commission change the scope of work to include the overseeing of the construction and risk additional project fees.

This Matter was Approved as Recommended on the Consent Agenda.

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070272. Contract Amendment to the Florida Department of Corrections (B)

This item involves a request for the City Commission to authorize Amendment #1 to the contract between the Florida Department of Corrections and the City of Gainesville to provide for the use of inmate labor and supervision for city work projects.

RECOMMENDATION

Recommended Motion: The City Commission authorize the City Manager or designee to approve the amendment to the contract with the Florida Department of Corrections.

Alternative Recommendation A: The City Commission deny this request

This Matter was Approved as Recommended on the Consent Agenda.

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070273. 2006 Homeland Security Issue 21 Grant (NB)

This item requests City Commission authorization for the Gainesville Police Department to accept the Department of Homeland Security Issue 21 Grant from the Division of Emergency Management

RECOMMENDATION

Recommended Motion: The City Commission authorize the City Manager to: 1) accept the 2006 Homeland Security Issue 21 Grant; and 2) execute 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.

070274. Edward Byrne Memorial Discretionary Grant Application (NB)

This item requests City Commission authorization for the Gainesville Police Department to pursue a grant from the U.S. Department of Justice, Bureau of Justice Assistance for a comprehensive DUI project.

RECOMMENDATION

Recommended Motion: The City Commission authorize the City Manager to: 1) apply to the U.S. Department of Justice, Bureau of Justice Assistance for the grant in the amount of \$119,905.71; and if awarded, 2) appropriate \$25,000 from the Federal Law Enforcement Contraband Trust Fund for the competitive match; 3) accept the \$119,905.71 in grant funds; and 4) execute 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.

070301. Review of Federal Flag Code (NB)

RECOMMENDATION *The City Commission direct staff to review Federal law relating to the display of the United States Flag and the Army Specialist Joseph P. Micks Federal Flag Code Amendment Act of 2007 per the citizen request.*

This Matter was Approved as Recommended on the Consent Agenda.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

CITY ATTORNEY, CONSENT AGENDA ITEMS

070269. John Wyley Ritch vs. City of Gainesville; Eighth Judicial Circuit, Court Case No. 01-2007-CA-2911 (B)

RECOMMENDATION *The City Commission authorize the City Attorney and/or Special Counsel if insurance coverage is available, to represent the City of Gainesville in the case John Wyley Ritch vs. City of Gainesville; Eighth Judicial Circuit, Court Case No. 01-2007-CA-2911*

This Matter was Approved as Recommended on the Consent Agenda.

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CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

070264. City Commission Minutes (B)

RECOMMENDATION *The City Commission approve the minutes of July 10, 2007, July 11, 2007, July 16, 2007, July 17, 2007, July 19, 2007 (Special Meetings); July 23, 2007 (Regular Meeting); and July 26, 2007 (Special Meeting); as circulated.*

This Matter was Approved as Recommended on the Consent Agenda.

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070288. Advisory Board/Committee Appointment to the Citizens' Advisory Committee for Community Development (NB)

RECOMMENDATION *The City Commission appoint Frank C. Bracco to the Citizens' Advisory Committee for Community Development for a vacancy to expire November 1, 2008.*

Commissioner Braddy: Bracco

Commissioner Bryant: Bracco

Commissioner Donovan: Bracco

Commissioner Henry: Bracco

Commissioner Lowe: Bracco

Commissioner Mastrodicasa: Bracco

Mayor Hanrahan: Bracco

This Matter was Approved as Recommended on the Consent Agenda.

070289. Advisory Board/Committee Appointments to the Development Review Board (NB)

RECOMMENDATION *The City Commission appoint Jeffrey J. Haviland for term to expire November 1, 2010 and Clay B. Sweger for term to expire November 1, 2009 to the Development Review Board.*

Commissioner Braddy: Haviland and Sweger

Commissioner Bryant: Haviland and Sweger

Commissioner Donovan: Fairforest and Haviland

Commissioner Henry: Haviland and Sweger

Commissioner Lowe: Fairforest and Sweger

Commissioner Mastrodicasa: Haviland and Sweger

Mayor Hanrahan: Haviland and Sweger

This Matter was Approved as Recommended on the Consent Agenda.

070291. Advisory Board/Committee Appointments to the Gainesville/Alachua County

Cultural Affairs Board (NB)

RECOMMENDATION *The City Commission appoint Carletta L. Herring, Parker G. Van Hart, and reappoint Anne M. Orlando to the Gainesville/Alachua County Cultural Affairs Board for terms to expire September 30, 2010.*

*Commissioner Braddy: Herring, Orlando and Van Hart
Commissioner Bryant: Herring, Orlando and Van Hart
Commissioner Donovan: Herring, Orlando and Van Hart
Commissioner Henry: Herring, Orlando and Van Hart
Commissioner Lowe: Herring, Orlando and Van Hart
Commissioner Mastrodicasa: Herring, Orlando and Van Hart
Mayor Hanrahan: Herring, Orlando and Van Hart*

This Matter was Approved as Recommended on the Consent Agenda.

070292.

Advisory Board/Committee Appointments to the Gainesville/Alachua County Regional Airport Authority (NB)

RECOMMENDATION *The City Commission appoint Winfred M. Phillips, Kinnon Thomas, and Janet Woods to the Gainesville/Alachua County Regional Airport Authority for terms to expire July 31, 2010.*

*Commissioner Braddy: Mitrock, Spatz, and Thomas
Commissioner Bryant: Gallagher, Phillips, and Thomas
Commissioner Donovan: Phillips, Spatz, and Woods
Commissioner Henry: Fletcher, Phillips, and Thomas
Commissioner Lowe: Spatz, Thomas, and Woods
Commissioner Mastrodicasa: Mitrock, Thomas, and Woods
Mayor Hanrahan: Phillips, Thomas, and Woods*

This Matter was Approved as Recommended on the Consent Agenda.

070294.

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

RECOMMENDATION *The City Commission appoint Robbie Bronbach, Edwin H. Stultz, and Wells Shannon TheLosen to the Historic Preservation Board for terms to expire November 1, 2008 and November 1, 2009.*

*Commissioner Braddy: TheLosen
Commissioner Bryant: Gronbach, Stultz, and TheLosen*

*Commissioner Donovan: Gronbach, Stulz, and Re-advertise
Commissioner Henry: Gronbach, Stulz, and TheLosen
Commissioner Lowe: Gronbach and Re-advertise
Commissioner Mastrodicasa: Gronbach, Stulz, and TheLosen
Mayor Hanrahan: Gronbach, Stulz, and TheLosen*

This Matter was Approved as Recommended on the Consent Agenda.

070295. Advisory Board/Committee Appointment to the Nature Centers Commission (NB)

RECOMMENDATION *The City Commission re-appoint Hannah H. Covert, and appoint Devora Pendleton to the Nature Centers Commission for terms to expire November 1, 2009.*

*Commissioner Braddy: Covert and Pendleton
Commissioner Bryant: Covert and Pendleton
Commissioner Donovan: Covert and Pendleton
Commissioner Henry: Covert and Pendleton
Commissioner Lowe: Covert and Pendleton
Commissioner Mastrodicasa: Covert and Pendleton
Mayor Hanrahan: Covert and Pendleton*

This Matter was Approved as Recommended on the Consent Agenda.

070296. Advisory Board/Committee Appointment to the Pension Review Committee (NB)

RECOMMENDATION *The City Commission re-appoint Stanley A. Livengood, to the Pension Review Committee for a term to expire July 2012.*

*Commissioner Braddy: Livengood
Commissioner Bryant: Livengood
Commissioner Donovan: Cleary
Commissioner Henry: Livengood
Commissioner Lowe: Livengood
Commissioner Mastrodicasa: Livengood
Mayor Hanrahan: Livengood*

This Matter was Approved as Recommended on the Consent Agenda.

070312. Advisory Board/Committee Appointment to the Public Recreation and Park Board (NB)

RECOMMENDATION *The City Commission appoint Mark R. Wellner to the Public Recreation and Park Board for a term to expire June 1, 2010.*

Commissioner Braddy: Wellner

Commissioner Bryant: Sowers

Commissioner Donovan: Wellner

Commissioner Henry: Wellner

Commissioner Lowe: Wellner

Commissioner Mastrodicasa: Wellner

Mayor Hanrahan: Wellner

This Matter was Approved as Recommended on the Consent Agenda.

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

070267. Equal Opportunity Plan to Address Race and Socio-economic Issues Within the Gainesville Community (B)

RECOMMENDATION *The City Commission approve the plan that has been developed to address race and socio-economic issues within the Gainesville community.*

This Matter was Approved as Recommended on the Consent Agenda.

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COMMITTEE REPORTS, CONSENT AGENDA ITEMS

PERSONNEL & ORGANIZATIONAL STRUCTURE COMM, CONSENT

070247. Addition of Two Assistant Operations Managers in the Public Works Department (B)

Two Assistant Operations Managers are needed to increase managerial performances to enhance operational activities within the Public Works Department.

RECOMMENDATION *The City Commission approve adding two new positions of Assistant Operations Manager, Pay Grade M7, and adding this position to the Occupational Index.*

This Matter was Approved as Recommended on the Consent Agenda.

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070248. Adding an Assistant Public Works Director position in the Public Works Department (B)

An Assistant Public Works Director is needed to provide increased managerial oversight associated with the day-to-day operations of the Engineering, Operations, Solid Waste and Traffic Operations Division of the Public Works Department.

RECOMMENDATION *The City Commission approve adding an Assistant Public Works Director, Pay Grade M13, and adding this position to the Occupational Index.*

This Matter was Approved as Recommended on the Consent Agenda.

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070249. Adding a Transportation Planning Manager position in the Public Works Department (B)

The Transportation Planning Manager will provide increased focus in the analytical evaluation of the performance measuring system and evaluation of service deliveries of the department as well as responsibility for long range transportation planning activities of the department.

RECOMMENDATION *The City Commission approve adding a Transportation Planning Manager, Pay Grade M7, and adding this position to the Occupational Index.*

This Matter was Approved as Recommended on the Consent Agenda.

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Passed The Consent Agenda

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

Votes: Aye: Jack Donovan, Craig Lowe, Rick Bryant and Pegeen Hanrahan
Absent: Jeanna Mastrodicasa, Scherwin Henry and Edward Braddy

COMMUNITY DEVELOPMENT COMMITTEE, CONSENT

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

FIRST MOTION: Commissioner Lowe move and Commissioner Bryant seconded to adopt the Regular Agenda with modifications.

Chair Hanrahan recognized Mark Hurm who spoke to the adoption of the Regular Agenda (requesting that File #070275 Proposed Lease for the One-Stop Assistance Center for the Homeless)be postponed to a time Certain at the August 27, 2007 Regular City Commission Meeting.

NOTE: Commissioner Braddy entered the meeting room at 1:07 PM.

SECOND MOTION: Commissioner Bryant move and Commissioner Braddy seconded to postpone File #070275 Proposed Lease for the One-Stop Assistance Center for the Homeless be postponed to a Time Certain at the August 27, 2007 Regular City Commission Meeting.

(VOTE: 2-3, Commissioner Braddy and Bryant, Yes; Commissioner Lowe, Commissioner Donovan and Mayor Hanrahan - No; and Commissioners Henry and Mastrodicasa - Absent, MOTION FAILED)

THIRD MOTION (MAIN MOTION): Commissioner Bryant moved and Commissioner Braddy seconded to adopt the Regular Agenda with the following modifications.

(VOTE: 5-0, Commissioners Henry and Mastrodicasa - Absent, MOTION CARRIED)

MODIFICATIONS:

- 1. File #070275 - Proposed Lease for the One-Stop Assistance Center for the Homeless at 3335 N. Main Terrace - (Revised back-up submitted).*
- 2. File #070277 - Commissioner Jeanna Mastrodicasa - Rev. Aaron Young Avenue - (Withdraw from the agenda).*
- 3. File #'s 070290 and 070297 - Advisory Board Appointments - (Moved to the Regular Agenda for discussion).*
- 4. File #070311 - New Proclamation - Daniel Jones Day - August 13, 2007 - (Add to the agenda).*
- 5. File #070208 - Parking Overlay District to Forest Ridge/Henderson Heights Neighborhood - (Additional back-up submitted).*
- 6. File # 070213 - Sam's Club Planned Development - (Withdrawn from the agenda).*

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION**CITY MANAGER****070275. Proposed Lease for the One-Stop Assistance Center for the Homeless at 3335 N. Main Terrace (B)**

On April 13, 2006, at a joint meeting of the City and County Commissions, funding was approved for a One-Stop Assistance Center for the Homeless. On March 26, 2007, the City Commission selected the site at 3335 N. Main Terrace for the One-Stop Assistance Center for the Homeless. The proposed lease for the property is presented for consideration by the City Commission.

Assistant City Manager Lee Ann Lowery gave a presentation.

NOTE: Commissioner Henry entered the meeting room at 1:15 PM.

Chair Hanrahan recognized Mark Hurm, Jim Painter, Rosemarie Watson Charles Stearns, Christopher Salazar, Joe Jackson, Annette Kennedy, Alachua County Commissioner Rodney Long, Len Ringel, Rob Brinkman Dr. Teresa Harrison, Realtor Tom McKnew and Alachua County Housing Authority Executive Director Gail Monahan who spoke to the matter.

MOTION: Commissioner Bryant moved and Commissioner Lowe seconded to: 1) Continue this item to the August 27, 2007 Regular City Commission Meeting and seek to have it be the first item in the afternoon at about 1:00 PM ; and 2) direct staff to bring back additional information including security in the area, any additional sites that may exist and double checking the costs.

RECOMMENDATION*Recommended Motion*

Approve the Lease Agreement and Option to Purchase between the City of Gainesville and Rajae & Pourzadeh, LLC for 3335 N. Main Terrace for the One-Stop Assistance Center for the Homeless, in substantially the same form as attached, and subject to final approval of the City Attorney.

Approve reallocation of non-programmed CDBG funding in the amount of \$70,000 for capital improvements at the One-Stop Assistance Center. Approve use of general revenue funding that will not be needed for FY 07/08 operating expenses for the One-Stop Assistance Center for capital improvements if needed.

Alternative Motion

Do not approve the Lease Agreement and Option to Purchase between the City of Gainesville and Rajae & Pourzadeh, LLC for 3335 N. Main Terrace.

A motion was made by Mayor-Commissioner Pro Tem Bryant, seconded by Commissioner Lowe, that this matter be Continued for August 27, 2007. The motion carried by the following vote:

Votes: Aye: Jack Donovan, Scherwin Henry, Craig Lowe, Edward Braddy, Rick Bryant and Pegeen Hanrahan

Absent: Jeanna Mastrodicasa

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070231.

Homeless Encampments (B)

This item involves a presentation to the City Commission regarding the homeless encampments on City and private property located south of Depot Avenue and east of Main Street.

Assistant City Manager Lee Ann Lowery, Captain Ed Book, Chief Norm Botsford and Executive Director of the St. Francis House Kent Vann gave presentations.

MOTION: 1) Approve Option 1 and include bullet 3 of Option 2 (Power Point to refer additional emergency shelter needs to the Office of Homelessness); and 2) increase the funding from \$20,000 to \$62,400; 3) authorize that the 12 beds be in addition to, not instead of existing beds; 4) as needed bring back a recommendation to increase the Homeward Bound program; and 5) look at alternative settings again with medical documentation.

CITIZEN COMMENT: Chair Hanrahan recognized Arupa Freeman, Elizabeth McCullough, Elizabeth Howard, Bob Brinkman, Christopher Salazar, Charles Stearns, Jim Wright, Rodney Long, Bob Freeman, Pat Fitzpatrick, Gail Monahan, Joe Jackson, Kent Vann and Brian Conrad who spoke to the matter.

RECOMMENDATION

Recommended Motion:

As Presented by City Staff, approve Option #1 for phased removal of homeless encampments on City property; Use of voluntary trespass warnings and/or Notices of Violations for homeless encampments on private property; Approval of up to \$20,000 for Salvation Army and St. Francis House to provide emergency shelter services and \$75,000 for fencing City property using existing available funding; Refer the issue of additional emergency shelter needs to the Office on Homelessness for evaluation and presentation to the City Commission.

OR

As presented by City Staff, approve Option #2 to postpone removal of homeless encampments from City and private property; Refer the issue of homeless encampments and the public health and safety issues at the site to the Office on Homelessness for evaluation and presentation to the City Commission by the target date; Refer the issue of additional emergency shelter needs to the Office on Homelessness for evaluation and presentation to the City Commission.

A motion was made by Commissioner Braddy, seconded by Commissioner Lowe, that this matter be Approved as shown above (See Motion). The motion carried by the following vote:

Votes: Aye: Scherwin Henry, Craig Lowe, Edward Braddy, Rick Bryant and Pegeen Hanrahan

Nay: Jack Donovan

Absent: Jeanna Mastrodicasa

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CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

EQUAL OPPORTUNITY COMMITTEE

OUTSIDE AGENCIES

070276. Florida Renewable RC&D Council, Inc. (B)

RECOMMENDATION *The City Commission hear a presentation.*

Withdrawn

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MEMBERS OF THE CITY COMMISSION

070277. Commissioner Jeanna Mastrodicasa - Rev. Aaron Young Avenue (NB)

RECOMMENDATION *The City Commission dual-name NW 5th Avenue as Rev.*

Aaron Young Avenue and authorize drafting a resolution for the September 10, 2007 agenda.

Withdrawn

COMMISSION COMMENTS (if time available)

RECESS - 5:45 PM

RECONVENE - 6:20 PM

PLEDGE OF ALLEGIANCE (5:30pm)

PROCLAMATIONS/SPECIAL RECOGNITIONS

070311. Daniel Jones Day - August 13, 2007 (B)

RECOMMENDATION *Fist winner of "Intern with the Mayor" competition and former Santa Fe Community College Student Daniel Jones to accept the proclamation.*

Heard

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

Jim Konish

GRU Rate Structure - Referral to Regional Utilities Committee - See following Referral Item #070360.

070360. Gainesville Regional Utilities (GRU) Rate Structure (NB)

RECOMMENDATION *The City Commission refer the issue of the GRU rate design and structure to the Regional Utilities Committee for review and a report back to the full Commission.*

A motion was made by Commissioner Donovan, seconded by Commissioner Braddy, that this matter be Referred to the Regional Utilities Committee, due back on February 13, 2008. The motion carried by the following vote:

Votes: Aye: Jack Donovan, Scherwin Henry, Craig Lowe, Edward Braddy, Rick Bryant and Pegeen Hanrahan
Absent: Jeanna Mastrodicasa

Mac McEachern

Undergrounding on SW 13th Street - GRU doing a good job running the project.

Denise Weber

Springtree Retention Pond at NW 27th Terrace - Ms. Weber offered to help the City restore this area as a greenspace.

Referred to the City Manager.

Michael Adler

Springtree Retention Pond at NW 27th Terrace - Springtree Neighbors volunteering to help City restore as a greenspace.

Referred to the City Manager.

Karen Porter

Springtree Retention Pond at NW 27th Terrace - Springtree Neighbors volunteering to help City restore as a greenspace.

Referred to the City Manager.

Pat Fitzpatrick

Homeless Issues

Mark Billman

Hogtown Creek Flooding - North of 8th Avenue

Public Works Engineering Manager Stu Pearson made comments.

Danny Garcia

Hogtown Creek Flooding - North of 8th Avenue

Walter Willard

Various Issues

PUBLIC HEARINGS

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

070130. URBAN SERVICES REPORT-TOWNHOMES AT WESTWOOD, L.L.C. & T. LANE PROPERTIES (B)

Ordinance No. 0-07-56

An Ordinance of the City of Gainesville, Florida; adopting an Urban Services Report which sets forth the plans to provide urban services to an area comprised of Tax Parcels 06687-000-000, 06687-003-000, 06687-005-000, 06687-006-000, 06687-007-000, and 06686-000-000, generally located south of the vicinity of SW 20th Avenue, west of SW 43RD Street, north of SW 24th Avenue, and east of the City Limits and the vicinity of Interstate 75; the area is proposed for annexation by the City of Gainesville pursuant to Chapter 90-496, Special Act, Laws of Florida, as amended, known as the Alachua County Boundary Adjustment Act; providing directions to the City Manager, the City Attorney and the Clerk of the Commission; providing a repealing clause; providing a severability clause; and providing an immediate effective date.

Strategic Planning Manager Karen Snyder Billings gave a presentation.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

Votes: Aye: Jack Donovan, Scherwin Henry, Craig Lowe, Edward Braddy, Rick Bryant and Pegeen Hanrahan
Absent: Jeanna Mastrodicasa

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WAIVER OF RULES

The rules were waived without objection to hear File #070278 before the remainder of the Ordinances.

GENERAL MANAGER FOR UTILITIES

070278. Customer Information System Support Services (B)

Staff recommends amending the contract with Deloitte Consulting LLP for

additional SAP applications support services for the recently implemented Customer Information System (CIS).

GRU Customer Operations Director Bob Bergdoll and GRU Systems Integration Manager Dorothy Greene gave presentations.

RECOMMENDATION

The City Commission: 1) authorize the General Manager, or her designee, to negotiate and execute an amendment to the contract with Deloitte Consulting LLP (Deloitte) for support services for the newly implemented CIS, subject to the approval of the City Attorney as to form and legality; and 2) approve the issuance of a new purchase order to Deloitte in an amount not to exceed \$855,000 for additional support services (new not to exceed amount of \$5,955,000 to the previously approved agenda item dated August 22, 2005) subject to final approval of funds for these services.

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

Votes: Aye: Jack Donovan, Scherwin Henry, Craig Lowe, Edward Braddy, Rick Bryant and Pegeen Hanrahan

Absent: Jeanna Mastrodicasa

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PUBLIC HEARINGS CONTINUED

ORDINANCES FIRST READING

070133. CIVIL CITATIONS - INCREASE IN PENALTIES (B)

Ordinance No. 0-07-54

An ordinance of the City of Gainesville, Florida, amending Chapter 2, Division VI, Section 2-339 of the Gainesville Code of Ordinances by adding section 30-57(a)(3) dealing with over-occupancy to the list of violations which are subject to civil citations, and increasing the penalty for violation of certain other offenses, as specifically enumerated in this ordinance; providing for directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

City Code Enforcement Manager Jim Garrett gave a presentation.

Chair Hanrahan recognized Mac McEachern who spoke to the matter.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

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

Votes: Aye: Jack Donovan, Scherwin Henry, Craig Lowe, Edward Braddy, Rick Bryant and Pegeen Hanrahan

Absent: Jeanna Mastrodicasa

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061129. 2008 CITY COMMISSION ELECTION AND RUN-OFF DATES (B)

Ordinance No. 0-07-57

An ordinance of the City of Gainesville, Florida, setting January 29, 2008 as the date for the 2008 regular city election and February 19, 2008 as the date for the 2008 run-off election, if necessary; setting the dates for qualifying for the 2008 regular election; providing a severability clause; providing a preemption clause; and providing an immediate effective date (B)

Chair Hanrahan recognized Walter Willard who spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

Votes: Aye: Jack Donovan, Scherwin Henry, Craig Lowe, Edward Braddy, Rick Bryant and Pegeen Hanrahan

Absent: Jeanna Mastrodicasa

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ORDINANCES, 2ND READING- ROLL CALL REQUIRED

060106. REZONING - LAKESHORE PLANNED DEVELOPMENT (B)

Ordinance No. 0-06-86, Petition No. 32PDV-06PB

An Ordinance of the City of Gainesville, Florida; rezoning certain lands in the City, as more specifically described in this Ordinance, and amending the Zoning Map Atlas from the zoning categories of "MU-2: 12-30 units/acre mixed use medium intensity" and "BUS: General business district" to zoning category of "Planned Development District"; located in the vicinity of 2306 Southwest 13th Street; adopting a development plan report and development plan maps; providing conditions and restrictions; providing for enforcement and penalties; providing a severability 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 Bryant, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:

Votes: Aye: Jack Donovan, Scherwin Henry, Craig Lowe, Edward Braddy, Rick Bryant and Pegeen Hanrahan

Absent: Jeanna Mastrodicasa

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070115. URBAN SERVICES REPORT-BARNES AND OLIVE BRANCH HOME BUYERS (B)

Ordinance No. 0-07-44

An Ordinance of the City of Gainesville, Florida; adopting an Urban Services Report which sets forth the plans to provide urban services to an area comprised of Tax Parcels 06684-000-000, 06828-000-000, 06820-000-000, 06830-000-000, and 06832-000-000, generally located south of the City Limits and the vicinity of SW 20th Avenue, west of the vicinity of Interstate 75, north of the vicinity of SW Archer Road, and east of Kanapaha Lake, also identified as Tax Parcel 06836-004-000; the area is proposed for annexation by the City of Gainesville pursuant to Chapter 90-496, Special Act, Laws of Florida, as amended, known as the Alachua County Boundary Adjustment Act; providing directions to the City Manager, the City Attorney and the Clerk of the Commission; providing a repealing clause; providing a severability 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 Bryant, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:

Votes: Aye: Jack Donovan, Scherwin Henry, Craig Lowe, Edward Braddy, Rick Bryant and Pegeen Hanrahan

Absent: Jeanna Mastrodicasa

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070075. VOLUNTARY ANNEXATION - CITY-OWNED PROPERTY - NEAR

AIRPORT - AREA 1 (B)**Ordinance No. 0-07-39**

An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area pursuant to Chapter 90-496, Special Act, Laws of Florida, 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 comprised of City-owned Tax Parcel 17752-004-000, generally located south of the City limits and Tax Parcel 17752-001-000, north of Tax Parcel 17729-000-000 and east of NE 39th Avenue; providing for inclusion of the area in Appendix I of the City Charter; providing for land use and zoning regulations; providing directions to the City Manager and Clerk of the Commission; providing a severability 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 Bryant, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:

Votes: Aye: Jack Donovan, Scherwin Henry, Craig Lowe, Edward Braddy, Rick Bryant and Pegeen Hanrahan

Absent: Jeanna Mastrodicasa

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070083.**VOLUNTARY ANNEXATION - CITY-OWNED PROPERTY - NEAR AIRPORT - AREA 2 (B)****Ordinance No. 0-07-41**

An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area pursuant to Chapter 90-496, Special Act, Laws of Florida, 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 comprised of City-owned Tax Parcel 17731-002-000, generally located south of the City limits, west of the City limits, north of Tax Parcel 17732-000-000 and east of the City limits and Tax Parcels 08180-000-000 and 08178-000-000; providing for inclusion of the area in Appendix I of the City Charter; providing for land use and zoning regulations; providing directions to the City Manager and Clerk of the Commission; providing a severability 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 Bryant, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:

Votes: Aye: Jack Donovan, Scherwin Henry, Craig Lowe, Edward Braddy, Rick Bryant and Peegen Hanrahan

Absent: Jeanna Mastrodicasa

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RESOLUTIONS- ROLL CALL REQUIRED

070253. Resolution for a Joint Participation Agreement - Florida Department of Transportation (FDOT) for Traffic Management System Construction and Implementation Funds (B)

This item involves a request for adoption of a Resolution authorizing the City Manager to execute a Joint Participation Agreement between the City of Gainesville and the Florida Department of Transportation (FDOT) to accept the allocation for Traffic Management System Construction of \$6,652,100.95 from the Transportation Regional Incentive Program (TRIP) for FY 2007 - 2010.

Chair Hanrahan recognized Mac McEachern who spoke to the matter.

RECOMMENDATION

Recommended Motion: The City Commission: 1) adopt the Resolution; and 2) authorize the City Manager to execute a Joint Participation Agreement between the City of Gainesville and the Florida Department of Transportation (FDOT); subject to approval by the City Attorney as to form and legality.

Alternative Recommendation: The City Commission reject the motion to adopt the Resolution authorizing the execution of the Joint Participation Agreement for Traffic Management System Construction and Implementation Funds. The resulting fiscal impact is the loss of the FDOT TRIP Funds allocation of \$6,652,100.95 for FY 2007-2010.

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

Votes: Aye: Jack Donovan, Scherwin Henry, Craig Lowe, Edward Braddy, Rick Bryant and Peegen Hanrahan

Absent: Jeanna Mastrodicasa

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PLAN BOARD PETITIONS

070209. Allow Itinerant Food Vendors in BUS (General Business District) (B)

Petition 80TCH-07 PB. Stacy Girouard, Agent. Amend the Land Development Code of the City of Gainesville to allow "Itinerant Food Vendors" on properties within the Business (BUS: General Business District) zoning district that contains a large scale retail store (50,000 square feet or greater).

City Chief of Comprehensive Planning Dean Mimms gave a presentation.

RECOMMENDATION *City Plan Board to City Commission - The City Commission approve Petition 80TCH-07 PB. Plan Board vote 4-0.*

Staff to Plan Board - Approve

A motion was made by Commissioner Braddy, seconded by Commissioner Henry, that this matter be Approved (Petition). The motion carried by the following vote:

Votes: Aye: Jack Donovan, Scherwin Henry, Craig Lowe, Edward Braddy, Rick Bryant and Pegeen Hanrahan

Absent: Jeanna Mastrodicasa

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070263. Amend a Planned Development to Establish a Phasing Schedule for Removal and Replacement of Mobile Home, with Manufactured Stick Built Homes (Quasi-Judicial) (B)

Petition 52PDA-07 PB. City of Gainesville. Amend Ordinance Number 050911, a Panned Development, commonly known as "Buck Bay Planned Development" to establish a phasing schedule for the removal and replacement of mobile homes, with manufactured or stick built homes located in the vicinity of the 7700 block of Northwest 22nd Avenue. (Quasi-Judicial)

City Planning Manager Ralph Hilliard gave a presentation.

Chair Hanrahan recognized Attorney for the Buck Bay residents Gloria Walker, Buck Bay Mobile Home Park Owner Edwin Dix, Dr. Jimmy Harnsberger, Rob Brinkman and Dave Studebaker who spoke to the matter.

ADDITIONAL MOTION (REFERRAL):

Commissioner Donovan moved and Commissioner Bryant seconded to refer this matter to staff to have them come back with any further options for assisting the residents of Buck Bay within 30 days and to request suggestions from individual residents.

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

See following referral item # 070330.

RECOMMENDATION *City Plan Board to City Commission - The City Commission approve Petition 52PDA-07 PB. Plan Board vote 4-0.*

Staff to Plan Board - Approve

A motion was made by Commissioner Braddy, seconded by Mayor-Commissioner Pro Tem Bryant, that this matter be Denied (Petition). The motion carried by the following vote:

Votes: Aye: Jack Donovan, Scherwin Henry, Edward Braddy and Rick Bryant

Nay: Craig Lowe and Pegeen Hanrahan

Absent: Jeanna Mastrodicasa

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070330. Options for Buck Bay Residents (NB)

RECOMMENDATION *The City Commission refer to staff to come back with any further options for assisting the residents of Buck Bay within 30 days and to request suggestions from individual residents.*

A motion was made by Commissioner Donovan, seconded by Mayor-Commissioner Pro Tem Bryant, that this matter be Referred to the City Manager, due back on September 13, 2007. The motion carried by the following vote:

Votes: Aye: Jack Donovan, Scherwin Henry, Craig Lowe, Edward Braddy, Rick Bryant and Pegeen Hanrahan

Absent: Jeanna Mastrodicasa

070208. Apply the Residential Parking Overlay District to Forest Ridge/Henderson Heights Neighborhood (Formal Quasi Judicial) (B)

Petition 78NPD-07 PB. Forest Ridge/Henderson Heights Neighborhood Association, Inc. Apply the Residential Parking Overlay District to the Forest Ridge/Henderson Heights Neighborhood.

INFORMAL QUASI-JUDICIAL

STAFF PRESENTATION

City Neighborhood Planner John Wachtel gave a presentation.

CITIZEN COMMENT

Chair Hanrahan recognized Melody Marshall, Dr. James Gallagher, Dr. Loenstein, Jodi Gentry, Ms. Langston, Mac McEachern and Mark Goldstein who spoke to the matter.

RECOMMENDATION *City Plan Board to City Commission - The City Commission*

approve Petition 78NPD-07 PB. Plan Board vote 4-0.

Staff to Plan Board - Approve

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

Votes: Aye: Jack Donovan, Scherwin Henry, Craig Lowe, Edward Braddy, Rick Bryant and Pegeen Hanrahan

Absent: Jeanna Mastrodicasa

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NOTE: The following 2 Petitions were put on the floor at the same time for discussion.

061124. Amend UMU-1 to Change Height Limits (B)

Petition 34TCH-07PB. City of Gainesville. Amend the City of Gainesville Land Development Code, UMU-1 District (Urban Mixed-Use 1: up to 75 units per acre) to change the height limit to five stories by right and six stories by Planned Development.

City Planning Manager Ralph Hilliard gave a presentation.

Chair Hanrahan recognized Mark Goldstein, Jimmy Harnsberger, George Elmore, Amelia Packard, Susan Fairforest, Joe Schmidt, Rob Brinkman, Father John Gillespie, Sylvia McIntyre-Crook, Linda Dixon, Sam Saxon, Steve Packard, David Coffey and Linda Portal who spoke to the matter.

WAIVER OF RULES:

Commissioner Lowe moved and Commissioner Henry seconded to waive the rules to extend the meeting until no later than 11:30 PM.

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

WAIVER OF RULES:

Commissioner Lowe moved and Commissioner Henry seconded to waive the rules to extend the meeting until 11:45 PM.

(VOTE: 5-1, Commissioner Mastrodicasa - Absent, MOTION CARRIED)

FIRST MOTION: Commissioner Donovan moved and Commissioner Lowe to approve the Plan Board recommendation to the City Commission, up to 6 stories by right and no more than 78 feet by right and that would apply to the Urban Mixed Use everywhere, but would also take into consideration the Type 1 and Type 2, but the

Type 2, which does apply to the northern half of the Catholic Church Parking Lot would be no more than 65 feet, instead of the 78 feet.

(VOTE: 2-4, Commissioners Donovan and Lowe - Yes; Commissioners Braddy, Bryant, Henry and Mayor Hanrahan - No; Commissioner Mastrodicasa - Absent, MOTION FAILED)

SECOND MOTION (MAIN MOTION): Commissioner Bryant moved and Commissioner Henry seconded to approve up to 6 stories by right and up to 78 feet by right all around including Type 1 and Type 2.

(VOTE: 5-1, Commissioner Braddy - No, Commissioner Mastrodicasa - Absent, MOTION CARRIED)

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition 34TCH-07 PB as modified by the Plan Board to limit building height to six stories by right. Plan Board vote 6-0.

Staff to City Commission - The City Commission approve the alternative staff recommendation to allow a six story building by right with a height limit of 65 feet, an eight story building up to 82 feet by Special Use Permit, with a provision to go up to 104 feet by Planned Development.

Staff to the Plan Board - Approve Petition 34TCH-07PB.

Approved, as shown above - See Motion(s)

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061125. Clarify Building Height Regulations

Petition 35TCH-07PB. City of Gainesville. Amend the City of Gainesville Land Development Code to clarify the building height regulations.

City Planning Manager Ralph Hilliard gave a presentation.

Chair Hanrahan recognized Mark Goldstein, Jimmy Harnsberger, George Elmore, May Packard, Susan Fairforest, Joe Schmidt, Rob Brinkman, Father John Gillespie, Sylvia McIntyre-Crook, Linda Dixon, Sam Saxon, Steve Packard, David Coffey and Linda Portal who spoke to the matter.

WAIVER OF RULES:

Commissioner Lowe moved and Commissioner Henry seconded to waive the rules to extend the meeting until no later than 11:30 PM.

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

WAIVER OF RULES:

Commissioner Lowe moved and Commissioner Henry seconded to waive the rules to

extend the meeting until 11:45 PM.

(VOTE: 5-1, Commissioner Mastrodicasa - Absent, MOTION CARRIED)

FIRST MOTION: Commissioner Donovan moved and Commissioner Lowe to approve the Plan Board recommendation to the City Commission, up to 6 stories by right and no more than 78 feet by right and that would apply to the Urban Mixed Use everywhere, but would also take into consideration the Type 1 and Type 2, but the Type 2, which does apply to the northern half of the Catholic Church Parking Lot would be no more than 65 feet, instead of the 78 feet.

(VOTE: 2-4, Commissioners Donovan and Lowe - Yes; Commissioners Braddy, Bryant, Henry and Mayor Hanrahan - No; Commissioner Mastrodicasa - Absent, MOTION FAILED)

SECOND MOTION: Commissioner Bryant moved and Commissioner Henry seconded to approve up to 6 stories by right and up to 78 feet by right all around including Type 1 and Type 2.

(VOTE: 5-1, Commissioner Braddy - No, Commissioner Mastrodicasa - Absent, MOTION CARRIED)

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition 35TCH-07 PB as revised by the Plan Board to limit building height to a maximum building height, not to exceed six stories by right, and change the building height definition to read: "building heights mean the vertical distance measured from the average elevation of the proposed finished grade to the top plate of the highest story. When determining the building height of a multi-store building, the height shall be determined by the number of stories multiplied by 13 feet. Plan Board vote 6-0.

Staff to City Commission - The City Commission approve alternative staff recommendations: 1) Building height - maximum six stories (65 feet). Eight stories by Special Use Permit (82 feet), and eight stories by Planned Development (104) feet; 2) Building height definition - Limit each story to 13 feet maximum, and allow for specified height limits when necessary; 3) Type II proposed change building height (David Coffey); and 4) Six stories is allowed by Special Use Permit when proposed as a single development on a block containing both Type I and Type II designations, and where the Type I building in the development is limited to six stories. The development must not be within 100 feet of property designated for single-family land use.

Staff to the Plan Board - Approve Petition 35TCH-07PB.

Approved, as shown above - See Motion(s)

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WAIVER OF RULES

Commissioner Henry moved and Commissioner Donovan seconded to waive the rules to extend the meeting until 12:00 Midnight.

(VOTE: 4-2, Commissioners Braddy and Bryant - No, Commissioner Mastrodicasa - Absent, MOTION CARRIED)

070213. Amend Existing Sam's Club Planned Development - (Formal Quasi-Judicial) (B)

Petition 4PDA-07 PB, CPH, agent for Wal-Mart Stores, Inc. Request to amend an existing Planned Development to allow for a building expansion of an additional 25,857 square feet at the existing Sam's Club. Located at 2801 Northwest 13th Street. (Quasi-Judicial)

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition 4PDA-07 PB with Plan Board modifications that gas stations be prohibited as an allowable use, restrict loading dock operating hours to 6:00 AM to 10:00 PM, construct and improve screening walls, and allow the Plan board to review the final development plan. Plan Board vote 5-0.

Staff to Plan Board - Approve with conditions that would allow the gasoline fueling station through the development review process.

Alternative Recommendation A: The City Commission deny Petition 4PDA-07 PB.

Withdrawn

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DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

UNFINISHED BUSINESS

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)**070290. Advisory Board/Committee Appointments to the Gainesville Energy Advisory Committee (NB)**

RECOMMENDATION *The City Commission appoint Aaron T. Dossey and consider a second appointment to the Gainesville Energy Advisory Committee for terms to expire September 30, 2010.*

*Commissioner Braddy: Dossey and Readvertise
Commissioner Bryant: Dossey and Ramsey
Commissioner Donovan: Dossey and Ramsey
Commissioner Henry: Dossey and Ramsey
Commissioner Lowe: Dossey and Mezzell
Commissioner Mastrodicasa: Dossey and Ramsey
Mayor Hanrahan: Dossey and Mezzell*

Continued

070297. Advisory Board/Committee Appointment to the Regional Transit System Advisory Board (B)

RECOMMENDATION *The City Commission appoint one student government member to the Regional Transit System Advisory Board for a term to expire June 1, 2009.*

*Commissioner Braddy: Reilly
Commissioner Bryant: Mezzell
Commissioner Donovan: Mezzell
Commissioner Henry: Mezzell
Commissioner Lowe: McBee
Commissioner Mastrodicasa: McBee
Mayor Hanrahan: McBee*

Continued

MEMBERS OF THE CITY COMMISSION (CONT.)**070282. Commissioner Rick Bryant - Swimming Pools Service Contract (NB)**

RECOMMENDATION *The City Commission hear a presentation and refer to*

appropriate committee.

A motion was made by Mayor-Commissioner Pro Tem Bryant, seconded by Commissioner Braddy, that this matter be Referred to the Recreation, Cultural Affairs and Public Works Committee, due back on February 13, 2008. The motion carried by the following vote:

Votes: Aye: Jack Donovan, Scherwin Henry, Craig Lowe, Edward Braddy, Rick Bryant and Peegen Hanrahan
Absent: Jeanna Mastrodicasa

COMMISSION COMMENT

Commissioner Scherwin Henry

Hatchett Creek Development

See following referral item #070361.

070361. Hatchett Creek Development (NB)

City Planning Manager Ralph Hilliard gave a presentation.

This item was tabled to take additional Commission Comment before the vote.

This item was taken back off of the table to hear comments from Mr. Simensky.

Chair Hanrahan recognized Hatchett Creek Developer Ron Simensky who spoke to the matter.

RECOMMENDATION *The City Commission refer the issue of the City Manager facilitating a meeting with City Staff, the Airport and Mr. Simensky regarding the Hatchett Creek Development.*

A motion was made by Commissioner Henry, seconded by Mayor-Commissioner Pro Tem Bryant, that this matter be Referred to the City Manager, due back on February 13, 2008. The motion carried by the following vote:

Votes: Aye: Jack Donovan, Scherwin Henry, Craig Lowe, Edward Braddy, Rick Bryant and Peegen Hanrahan
Absent: Jeanna Mastrodicasa

Commissioner Jack Donovan

Sidewalk on NW First Court - Update from the City Manager.

Mayor Pegeen Hanrahan

Name a Road - Policy - refer to the P&O Committee

See following Referral File #070362.

070362. Policy for Naming Roads (NB)

RECOMMENDATION *The City Commission refer the issue of naming roads after individuals to the Personnel and Organizational Structure Committee for review and a report back to the Commission.*

A motion was made by Mayor-Commissioner Pro Tem Bryant, seconded by Commissioner Lowe, that this matter be Referred to the Personnel and Organizational Structure Committee, due back on February 13, 2008. The motion carried by the following vote:

Votes: Aye: Jack Donovan, Scherwin Henry, Craig Lowe, Edward Braddy, Rick Bryant and Pegeen Hanrahan
Absent: Jeanna Mastrodicasa

CITIZEN COMMENT (If time available)**ADJOURNMENT - 12:00 Midnight.**

Kurt M. Lannon, Clerk of the Commission