

City of Gainesville

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



Meeting Minutes

Monday, November 22, 2004

1:00 PM

City Hall Auditorium

City Commission

*Mayor Pegeen Hanrahan (At Large)
Mayor-Commissioner Pro Tem Tony Domenech (District 3)
Commissioner Warren Nielsen (At Large)
Commissioner Rick Bryant (At Large)
Commissioner Chuck Chestnut (District 1)
Commissioner Ed Braddy (District 2)
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 - 1:07 PM

Clerk of the Commission Kurt Lannon called the meeting to order at 1:07 PM.

NOTE: Mayor Hanrahan, Mayor Pro Tem Domenech and Commissioner Braddy were absent when the meeting was called to order.

ROLL CALL

Present: Pegeen Hanrahan, Warren Nielsen, Chuck Chestnut, Tony Domenech, Rick Bryant and Craig Lowe

Absent: Edward Braddy

INVOCATION

Reverend Mark Becker, Trinity United Methodist Church

APPOINTMENT OF A MAYOR PRO TEM

Commissioner Nielsen moved and Commissioner Bryant seconded to appoint Commissioner Chestnut as Mayor Pro Tem.

(VOTE: 4-0, Mayor Hanrahan, Mayor Pro Tem Domenech and Commissioner Braddy - Absent, MOTION CARRIED)

Commissioner Chestnut assumed the gavel.

CONSENT AGENDA

Commissioner Bryant moved and Commissioner Lowe seconded to adopt the Consent Agenda with the following modification.

(VOTE: 4-0, Mayor Hanrahan, Mayor Pro Tem Domenech and Commissioner Braddy - Absent, MOTION CARRIED)

MODIFICATION:

File #040187 - Ad Hoc Committee on Homeless Concerns - (Remove from the Consent Agenda and place on the Regular Agenda with a new recommendation: "The City Commission hear a report from the Interim City Manager on an Ad Hoc Homeless Committee"; and additional back-up submitted).

CITY MANAGER, CONSENT AGENDA ITEMS

030300

First Extension to the Contract for Professional Water Resource Engineering Services for FY 2005 (B)

RECOMMENDATION *The City Commission authorize the Interim City Manager or*

designee to execute the First Extension to the contracts with Johnson, Mirmiran & Thompson, Inc. and Jones, Edmunds & Associates, Inc. for Professional Water Resource Engineering Services, extending the term of the contract from October 1, 2004 to September 30, 2005.

This Matter was Approved as Recommended on the Consent Agenda.

030801 First Amendment to Contract Between RTS and Brame Architects, Inc. (B)

RECOMMENDATION *The City Commission authorize the Interim City Manager or designee to execute the First Amendment to the contract with Brame Architects, Inc.*

This Matter was Approved as Recommended on the Consent Agenda.

040711 Total Maximum Daily Load Program (NB)

RECOMMENDATION *The City Commission: 1) Refer the TMDL program to the Public Works Committee; and 2) receive periodic updates on the Basin Management Action Plans that are being developed for Gainesville's impaired water bodies.*

This Matter was Approved as Recommended on the Consent Agenda.

040712 Purchase of Real Estate Property (B)

RECOMMENDATION *The City Commission: 1) authorize the Interim City Manager to execute a Purchase and Sale Agreement for the purchase of parcels 6693-000 and 6694-000; and 2) authorize the Mayor and Clerk of Commission to execute all appropriate documents to complete the transaction.*

This Matter was Approved as Recommended on the Consent Agenda.

040713 Award of Contract for Electronic Parking Meters (B)

RECOMMENDATION *The City Commission: 1) approve the ranking of the firms as recommended by the selection committee; 2) authorize the Interim City Manager or designee to negotiate and execute a contract and any related documents with the top ranked firm for the purchase, installation, and maintenance of the electronic parking meters for a not to exceed amount of \$105,000; and 3) if unable to agree on a contract with the top ranked firm, authorize the Interim City Manager or designee to negotiate and execute a contract and any related*

documents with the second ranked firm for a not to exceed amount of \$105,000.

This Matter was Approved as Recommended on the Consent Agenda.

040714 Request to Declare and Dispose of Surplus Property Located on the Northwest Corner of SE 2nd Avenue and Williston/Waldo Road (B)

RECOMMENDATION *The City Commission: 1) declare 0.21 acre portion of unused right-of-way located at the northwest corner of Southeast 2nd Avenue and Williston/Waldo Road as surplus; 2) authorize the Interim City Manager to execute a Purchase and Sale Agreement for the 0.21 acre portion of unused right-of-way to the adjacent property owner for the appraised value of \$18,300; 3) authorize the Interim City Manager to prepare a Special Warranty Deed, subject to approval by the City Attorney; and 4) authorize the Mayor to execute, and the Clerk to attest, said Special Warranty Deed to convey the 0.21 acre portion of right-of-way located at the northwest corner of Southeast 2nd Avenue and Williston/Waldo Road to the adjacent property owner.*

This Matter was Approved as Recommended on the Consent Agenda.

040728 Hurricane Appreciation Luncheon Event (B)

RECOMMENDATION *The City Commission contribute up to a maximum of \$3,500 from its contingency fund for food for the employee hurricane appreciation event.*

This Matter was Approved as Recommended on the Consent Agenda.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

040724 Purchase of Two Aerial Units (B)

RECOMMENDATION *The City Commission to approve the issuance of a purchase order to Altec Industries, Inc. for two 50' aerial units in an amount not to exceed \$203,536.*

This Matter was Approved as Recommended on the Consent Agenda.

040725 Contract for Security Guard Services at GRU Facilities (B)

RECOMMENDATION *The City Commission: 1) authorize the General Manager, or*

his designee, to execute a three year contract with Fox Protective Services, Inc. for security guard services at specified GRU facilities, subject to the approval of the City Attorney as to form an legality; and 2) approve the issuance of purchase orders in amounts not exceeding budgeted amounts for each year of the contract subject to the appropriation of funds for these services in each fiscal year of the contract.

This Matter was Approved as Recommended on the Consent Agenda.

040726 Temporary Construction Easement to Alachua County (B)

RECOMMENDATION *The City Commission: 1) approve the granting of a Temporary Construction Easement to Alachua County; and 2) authorize the Mayor and Clerk of the Commission to execute the Temporary Construction Easement, subject to approval as to form and legality by the City Attorney.*

This Matter was Approved as Recommended on the Consent Agenda.

040727 Purchase Order for the Painting of 13 Transmission Line Poles (B)

RECOMMENDATION *The City Commission approve the issuance of a purchase order to Seacor Painting, Inc. for the preparation, priming and painting of 13 transmission line poles in the amount of \$50,700.00.*

This Matter was Approved as Recommended on the Consent Agenda.

CITY ATTORNEY, CONSENT AGENDA ITEMS

040719 MICHAEL DRAKE VS. CITY OF GAINESVILLE; ALACHUA COUNTY CIRCUIT COURT CASE NO.: 01-04-CA-2575 (B)

RECOMMENDATION *The City Commission authorize the City Attorney to represent the City in the case styled Michael Drake vs. City of Gainesville; Alachua County Circuit Court; Case No.: 01-04-CA-2575.*

This Matter was Approved as Recommended on the Consent Agenda.

040720 SARAH WASHINGTON AND HER HUSBAND, ALVIN WASHINGTON VS. CITY OF GAINESVILLE; ALACHUA COUNTY CIRCUIT COURT; CASE NO.: 01-04-CA-4078 (B)

RECOMMENDATION *The City Commission authorize the City Attorney, and/or Special Counsel if insurance coverage is available, to represent the City in the case styled Sarah Washington and her husband, Alvin Washington vs. City of Gainesville; Alachua County Circuit Court; Case No.: 01-04-CA-4078.*

This Matter was Approved as Recommended on the Consent Agenda.

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

040710 City Commission Minutes (B)

RECOMMENDATION *The City Commission approve the minutes of November 1, 2004 (Special Meeting) and November 8, 2004 (Regular Meeting); as circulated.*

This Matter was Approved as Recommended on the Consent Agenda.

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

PUBLIC WORKS COMMITTEE, CONSENT

PERSONNEL & ORGANIZATIONAL STRUCTURE COMM, CONSENT

PUBLIC SAFETY COMMITTEE, CONSENT

RECREATION AND CULTURAL AFFAIRS COMMITTEE, CONSENT

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

040684 Request to Alter the Boundaries of the Proposed Expansion Area (NB)

RECOMMENDATION *The CRA to the City Commission: 1) Approve the addition of Study Area B (bounded by Southwest 6th Street, Southwest Depot Avenue, Southwest 16th Avenue, and South Main Street) to the scope of work, and 2) remove the westerly section of Study Area A from the right-of-way on the west side of SW 13th Street to SW 16th Street.*

This Matter was Approved as Recommended on the Consent Agenda.

Passed The Consent Agenda

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

Votes: Aye: Warren Nielsen, Chuck Chestnut, Rick Bryant and Craig Lowe
Absent: Peegen Hanrahan, Edward Braddy and Tony Domenech

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

Commissioner Bryant moved and Commissioner Nielsen seconded to adopt the Regular Agenda with the following modification.

(VOTE: 4-0, Mayor Hanrahan, Mayor Pro Tem Domenech and Commissioner Braddy - Absent, MOTION CARRIED)

MODIFICATION:

File #040543 - Parking Rates for Metered Lots - (Modified back-up submitted).

NOTE: Mayor Hanrahan entered the meeting room and assumed the gavel at 1:13 PM.

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

CITY MANAGER

040640 Facilities Management Energy Conservation (B)

City of Gainesville Building Management Division Manager Larry Abbott gave a presentation.

RECOMMENDATION *The City Commission hear a presentation from staff.*

Heard

040650 Introduction of Gainesville Police Department's Police to Community (P2C) Internet Site (NB)

City of Gainesville Police Chief Norm Botsford, Lieutenant Ed Posey and OSSI Sales Account Manager Kent Swarts gave presentations.

RECOMMENDATION *The City Commission hear a presentation on the Gainesville Police Department's Police to Community (P2C) Internet Site.*

Heard

040717 Metropolitan Transportation Planning Organization (MTPO) (NB)

City of Gainesville Interim Assistant City Manager Teresa Scott gave a presentation.

See following referral #040738.

RECOMMENDATION *The City Commission hear a report from staff regarding the December 9, 2004 meeting of the Metropolitan Transportation Planning Organization (MTPO).*

Heard

040738 Main Street Project Contamination Concerns (NB)

RECOMMENDATION *The City Commission refer to the Public Works Committee the issue of the contamination concerns with the Main Street Project and report back to the City Commission.*

A motion was made by Commissioner Nielsen, seconded by Commissioner Lowe, that this matter be Referred to the Public Works Committee, due back on May 22, 2005. The motion carried by the following vote:

Votes: Aye: Pegeen Hanrahan, Warren Nielsen, Chuck Chestnut, Rick Bryant and Craig Lowe
Absent: Edward Braddy and Tony Domenech

040187 Establishment of an Ad Hoc Committee on Homeless Concerns (B)

RECOMMENDATION *The City Commission hear a report from the Interim City Manager Barbara Lipscomb on an Ad Hoc Homeless Committee.*

Heard

GENERAL MANAGER FOR UTILITIES

040732 Contract Amendment Independent Review of Integrated Resource Plan (IRP) Proposal (NB)

Gainesville Regional Utilities (GRU) Assistant General Manager (AGM) for Strategic Planning Ed Regan gave a presentation.

Chair Hanrahan recognized Ken Fonorow, Tom Lane and Mark Vansoethbergen who gave presentations.

See following Referral Item #040737.

RECOMMENDATION *The City Commission: 1) authorize the General Manager, or his designee, to negotiate and execute an amendment to the contract with R.W. Beck, Inc. for consulting services for additional independent review the staff's Integrated Resource Plan (IRP) Proposal, subject to the approval of the City Attorney as to form and legality; 2) approve the issuance of purchase order(s) to R.W. Beck, Inc. in amounts not to exceed amount of \$20,000; 3) receive comments from Ken Fonorow; and 4) receive comments from Tom Lane.*

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

Votes: Aye: Pegeen Hanrahan, Warren Nielsen, Chuck Chestnut, Rick Bryant and Craig Lowe
Absent: Edward Braddy and Tony Domenech

040737 RFP for Conservation Services (NB)

RECOMMENDATION *Refer to the Regional Utilities Committee the RFP for Conservation Services and whether there are deterrents to free market competition and how to address that.*

A motion was made by Commissioner Lowe, seconded by Commissioner Nielsen, that this matter be Referred to the Regional Utilities Committee, due back on May 22, 2005. The motion carried by the following vote:

Votes: Aye: Pegeen Hanrahan, Warren Nielsen, Rick Bryant and Craig Lowe
Absent: Chuck Chestnut, Edward Braddy and Tony Domenech

CITY ATTORNEY

040721 Municipal Ordinance Prosecution in County Court (B)

City of Gainesville Assistant Litigation Attorney Daniel Nee gave a presentation.

RECOMMENDATION *The City Commission receive a report from the City Attorney's Office.*

Heard

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)**PUBLIC WORKS COMMITTEE****PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE****PUBLIC SAFETY COMMITTEE****ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)****OUTSIDE AGENCIES****040572 Sweetwater Branch Park (NB)**

Chair Hanrahan recognized Dr. Mark Barrow who gave a presentation.

REFERRAL : Refer the issue of Sweetwater Branch Park to the Recreation and Cultural Affairs Committee for their review and a report back.

RECOMMENDATION *The City Commission hear an update from Dr. Mark Barrow.*

A motion was made by Commissioner Lowe, seconded by Commissioner Chestnut, that this matter be Referred to the Recreation and Cultural Affairs Committee, due back on May 22, 2005. The motion carried by the following vote:

Votes: Aye: Pegeen Hanrahan, Warren Nielsen, Chuck Chestnut, Rick Bryant and Craig Lowe
Absent: Edward Braddy and Tony Domenech

MEMBERS OF THE CITY COMMISSION**040731 Mayor Pegeen Hanrahan - Friends of the Crisis Center (B)**

Friends of the Crisis Center Chair Jerry McDaid and City of Gainesville Cultural Affairs Director Dr. Lemuel Moore gave presentations.

MOTION: The City Commission co-sponsor the Friends of the Crisis Center event at the Thomas Center in the amount of \$1,048.00 from the City Commission Contingency Fund.

RECOMMENDATION *The City Commission hear a 10 to 15 minute presentation from the Friends of the Crisis Center.*

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

Votes: Aye: Pegeen Hanrahan, Warren Nielsen, Chuck Chestnut, Rick Bryant and Craig Lowe
Absent: Edward Braddy and Tony Domenech

COMMISSION COMMENTS

Mayor Pegeen Hanrahan

Announcement of Federal Budget Allocations - See following File # 040739.

040739 Federal Budget Allocations (B)

RECOMMENDATION *The City Commission hear a presentation from Mayor Pegeen Hanrahan regarding the approved Federal Budget Allocations and place back-up submitted on file.*

Heard

CHARTER OFFICER UPDATE

City Attorney Marion Radson

Note: Request for An Attorney Client Session - The Clerk of the Commission to schedule a meeting regarding pending litigation of the Charles Chiodo vs. Robert Koehler and the City of Gainesville; United States District Court Case No. 1:04CV377-MMP/AK

CITIZEN COMMENT

Reverend Edward Earl Young

Santa Fe Community College Development

The Interim City Manager to bring back a report.

RECESS - 3:57 PM

RECONVENE - 5:34 PM

NOTE: Mayor Pro Tem Domenech called the meeting back to order and assumed the gavel.

CITIZEN COMMENT

Reverend Edward Earl Young

Santa Fe Community College Property - NW 5th Avenue

040740 Santa Fe Community College/Fifth Avenue Property

RECOMMENDATION *The City Commission hear a presentation from Reverend Edward Earl Young and place back-up submitted on file.*

Placed on File

Richard Selwach

- 1. Santa Fe Community College Property - Fifth Avenue*
- 2. Homeless Issues*
- 3. Airport Wetlands Violations - See following File #031019.*

031019 Airport Stormwater Problems on Selwach Property (B)

RECOMMENDATION *The City Commission hear a presentation from Richard Selwach and place back-up submitted on file.*

Placed on File

UF Student Senator Michael Belle

- 1. Student Voters - November Election*
- 2. Resolution - "Chomp the Vote"*

Note: Michael Belle introduced additional UF Student Senate members to the City Commission: 1) Jettrice Barnes; 2) Velouse R. Dorestin; and 3) Matt Jones.

040743 University of Florida (UF) Student Body Resolution (B)

RECOMMENDATION *The City Commission hear a presentation from UF Student Senate Member Michael Belle and place back-up submitted on file.*

Placed on File

AnnNeter Heard

Fifth Avenue Neighborhood Cell Towers

See following item #040741.

040741 Nextel Wireless Communications Facilities (B)

RECOMMENDATION *The City Commission hear a presentation from AnnNeter Heard regarding Nextel Wireless Communications Facilities Located at the GRU 5th Avenue Water Tower Site and place back-up submitted on file.*

Placed on File

COMMISSION COMMENTS (if time available)**PLEDGE OF ALLEGIANCE (6:00pm)****Cub Scout Pack #127****PROCLAMATIONS/SPECIAL RECOGNITIONS****PUBLIC HEARINGS****ADOPTION READING-ROLL CALL REQUIRED****040371 LAND USE CHANGE - VICINITY OF 1708 NORTHWEST 7TH STREET (B)****Ordinance No. 0-04-98, Petition 146LUC-04PB**

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by changing the land use category of certain property from "Residential Low-Density (up to 12 units per acre)" to "Office"; located in the vicinity of 1708 Northwest 7th Street; providing a severability clause; providing a repealing clause; and providing an effective date.

City of Gainesville Planner Dom Nozzi gave a presentation.

RECOMMENDATION *The City Commission: 1) approve Petition 146LUC-04PB; and 2) adopt the proposed ordinance.*

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

Votes: Aye: Warren Nielsen, Chuck Chestnut, Tony Domenech, Rick Bryant and Craig Lowe
Absent: Pegeen Hanrahan and Edward Braddy

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

040372 REZONING - VICINITY OF 1708 NORTHWEST 7TH STREET (B)**Ordinance No. 0-04-99, Petition No. 147ZON-04PB**

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property within the City from the zoning category of "RMF-5: 12 units/acre single-family/multiple-family residential district" to "OR: 20 units/acre office residential district"; located in the vicinity of 1708 Northwest 7th Street; providing a severability clause; providing a repealing clause; and providing an effective date.

RECOMMENDATION *The City Commission: 1) approve Petition 147ZON-04PB; and 2) adopt the proposed ordinance.*

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

Votes: Aye: Warren Nielsen, Chuck Chestnut, Tony Domenech, Rick Bryant and Craig Lowe
Absent: Pegeen Hanrahan and Edward Braddy

040280 ANNEXATION - VICINITY GENERALLY SOUTH OF SOUTHWEST 20TH AVENUE AND WEST OF I-75 (B)**Ordinance No. 0-04-75**

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 south of SW 20th Avenue, west of the City limits, north of the City limits and Tax Parcels 06679-000-000 and 06679-003-000, and east of SW 20th Avenue; providing for inclusion of the area in Appendix I of the City Charter; providing for land use and zoning regulations; providing for persons engaged in any occupation, business, trade or profession within the area; providing directions to the Interim City Manager and Clerk of the Commission; providing a severability clause; and providing an immediate effective date.

City of Gainesville Strategic Planner Karen Snyder and Community Development Director Tom Saunders gave presentations.

Chair Pro Tem Domenech recognized Citizen Sharon Hawkey who spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

Votes: Aye: Warren Nielsen, Chuck Chestnut, Tony Domenech, Rick Bryant and Craig Lowe
Absent: Pegeen Hanrahan and Edward Braddy

040705 ANNEXATION - VICINITY OF NORTH OF SW 16TH AVENUE AND WEST OF SW 34TH STREET (B)

Ordinance No. 0-04-102

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 located generally south of Tax Parcel 06715-000-000 and the City limits, west of the City limits and Tax Parcel 06698-000-000, north of Tax Parcel 06714-000-000 and the vicinity of the City limits, and east of Tax Parcel 06715-000-000 and the vicinity of Tax Parcel 06724-000-000; providing for land use and zoning regulations; providing for persons engaged in any occupation, business, trade or profession within the area; providing a severability clause; and providing an immediate effective date.

City of Gainesville Strategic Planner Karen Snyder gave a presentation.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

Votes: Aye: Warren Nielsen, Chuck Chestnut, Tony Domenech and Craig Lowe
Absent: Pegeen Hanrahan, Edward Braddy and Rick Bryant

040706 ANNEXATION - VICINITY OF SOUTHWEST CORNER OF NW 39TH AVENUE AND NW 43RD STREET (B)

Ordinance No. 0-04-101

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 located generally south of State Road 222 (NW 39th Avenue), west of the City limits and NW 43rd Street, north of Tax Parcels 06111-206-000, 06111-207-000, and 06111-003-004, and east of the vicinity of NW 45th Street; providing for inclusion of the area in Appendix I of the City Charter; providing for land use and zoning regulations; providing for persons engaged in any occupation, business, trade or profession within the area; providing a severability clause; and providing an immediate effective date.

City of Gainesville Strategic Planner Karen Snyder gave a presentation.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

Votes: Aye: Warren Nielsen, Chuck Chestnut, Tony Domenech, Rick Bryant and Craig Lowe
Absent: Peegen Hanrahan and Edward Braddy

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

030785 DISTRIBUTION OF HANDBILLS (B)

Ordinance No. 0-03-92

An ordinance of the City of Gainesville, Florida, creating Article VI, of Chapter 19 of the City of Gainesville Code of Ordinances, establishing requirements related to the "Distribution of Handbills"; providing for the intent and purpose of the regulations; providing for definitions; providing for the scope of the program; prohibiting distribution where an occupant has posted a "No Handbills" sign; providing exceptions for consent, parcel carriers, postal carriers, and qualified newspapers; providing for enforcement by civil citation and a penalty for violation of this Ordinance; providing for enforcement by municipal ordinance prosecution following two civil citation convictions; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Assistant City Attorney Dana Crosby gave a presentation.

RECOMMENDATION *The City Commission (1) amend the proposed ordinance as presented, and (2) continue second reading until December 13, 2004.*

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

Votes: Aye: Warren Nielsen, Chuck Chestnut, Tony Domenech and Craig Lowe
Nay: Rick Bryant
Absent: Peegen Hanrahan and Edward Braddy

030756 TRANSPORTATION CONCURRENCY EXCEPTION AREA - PORTION OF NORTH FLORIDA REGIONAL DOCTOR'S OFFICE PARK (B)

Ordinance No. 0-04-42, Petition 167LUC-03PB

An Ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan; changing the City of Gainesville Future Land Use, Transportation Mobility and Concurrency Management Elements' Map Series and Legal Descriptions to expand the Transportation Concurrency Exception Area (TCEA) to include certain annexed areas and amending the Future Land Use Map Series to expand

the Designated Urban Redevelopment Area to include certain annexed areas; providing directions to the city manager; providing a severability clause; providing a repealing clause; and providing an effective date.

City of Gainesville Planning Manager Ralph Hilliard gave a presentation.

RECOMMENDATION *The City Commission (1) receive the preliminary review of the Department of Community Affairs; and (2) adopt the proposed ordinance.*

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

Votes: Aye: Warren Nielsen, Chuck Chestnut, Tony Domenech, Rick Bryant and Craig Lowe
Absent: Pegeen Hanrahan and Edward Braddy

040570 BURGLAR ROBBERY ALARM (B)

ORDINANCE NO.: 0-04-104

An ordinance of the City of Gainesville amending Section 21-58 and 21-60 of the Gainesville Code of Ordinances by clarifying that alarm monitoring companies and alarm system contractors, which are regulated by the Department of Professional Regulations and have paid an occupational license tax for the current year to the county or municipality in the state where the alarm monitoring company or alarm system contractor's permanent business location or branch office is maintained, are not subject to the registration fee; 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 Chestnut, seconded by Commissioner Lowe, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:

Votes: Aye: Warren Nielsen, Chuck Chestnut, Tony Domenech, Rick Bryant and Craig Lowe
Absent: Pegeen Hanrahan and Edward Braddy

040619 GENERAL GOVERNMENT BUDGET AMENDMENT - FY 2004

Ordinance No. 0-04-100

An ordinance of the City Commission of the City of Gainesville, Florida; relating to its general government budget for the fiscal year beginning October 1, 2003 and ending September 30, 2004; amending ordinance no. 030344 as amended by ordinance nos. 031054, 040084, and 040368 by making certain adjustments to the general operating and financial plan budget; and providing an immediate effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

Votes: Aye: Warren Nielsen, Chuck Chestnut, Tony Domenech, Rick Bryant and Craig Lowe
Absent: Pegeen Hanrahan and Edward Braddy

RESOLUTIONS- ROLL CALL REQUIRED

040722 ENVIRONMENTAL FEATURES INVENTORY POLICY MANUAL (B)

A Resolution of the City Commission of the City of Gainesville, Florida, approving and establishing the Environmental Features Inventory Policy Manual for use in preparing the environmental features report required pursuant to section 30-309 of the City of Gainesville Code of Ordinances.

City of Gainesville Habitat Naturalist Geoffrey Parks, Community Development Director Tom Saunders and Planning Manager Ralph Hilliard gave presentations.

RECOMMENDATION *The City Commission adopt the proposed resolution.*

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

Votes: Aye: Warren Nielsen, Chuck Chestnut, Tony Domenech, Rick Bryant and Craig Lowe
Absent: Pegeen Hanrahan and Edward Braddy

040543 PARKING RATES FOR METERED LOTS AND GARAGES (B)

A resolution of the City Commission of the City of Gainesville, Florida, amending and establishing maximum rates for parking meters, parking lots and parking garages in accordance with Chapter 26, Division 2 of the Code of Ordinances of the City of Gainesville, Florida; directing the Interim City Manager to establish rates at the maximum rate; providing a repealing clause; and providing an immediate effective date.

RECOMMENDATION *The City Commission adopt the proposed Resolution.*

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

Votes: Aye: Warren Nielsen, Chuck Chestnut, Tony Domenech, Rick Bryant and Craig Lowe
Absent: Pegeen Hanrahan and Edward Braddy

040729 Qualified Target Industry (QTI) Refund Resolution - Eclipse Aviation (B)

City of Gainesville Economic Development Director Erik Bredfeldt gave a

presentation.

NOTE: Mayor Hanrahan entered the meeting room at 7:15 PM and assumed the gavel.

RECOMMENDATION *The City Commission: 1) authorize the Mayor to execute the QTI Resolution regarding Eclipse Aviation; 2) direct the Interim City Manager to forward the executed QTI Resolution to Enterprise Florida; and 3) adopt the Resolution.*

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: Warren Nielsen, Chuck Chestnut, Tony Domenech, Rick Bryant and Craig Lowe
Absent: Pegeen Hanrahan and Edward Braddy

PLAN BOARD PETITIONS

030453 **Amend the City of Gainesville 2000-2010 Future Land Use Map from R-L (Residential Low Density, up to 12 units per acre) to PUD (Planned Use District) for multi-family development, up to 35 dwelling units per acre. Located at 1005 and 1007 Southwest 13th Street. Petition 110LUC-03 PB, (Related to Petition 111PDV-03PB) (B)**

City of Gainesville Senior Planner Carolyn Morgan, Agent for the Petitioner David Coffey and Community Development Director Tom Saunders gave presentations.

Chair Hanrahan recognized Citizens Priscilla West and Dr. Linda Crider who spoke to the matter.

RECOMMENDATION *City Plan Board to City Commission - The City Commission approve Petition 110LUC-03PB. Plan Board vote 5-1.*

Staff to Plan Board - Approve

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

Votes: Aye: Pegeen Hanrahan, Warren Nielsen, Chuck Chestnut, Tony Domenech, Rick Bryant and Craig Lowe
Absent: Edward Braddy

030454 **Rezone property from RMF-5 (residential low density district, 12 units/acre) to PD (planned development) with PD layout plan for a multi-family development at 35 dwelling units per acre with an accessory parking garage. Located at 1005 and 1007 Southwest 13th Street. Petition 111PDV-03 PB. (Related to Petition 110LUC-03PB.) (B)**

Chair Hanrahan recognized Dr. Linda Crider, Gene Quinn of Volkert and Associates, Agent for the Petitioner David Coffey, Citizen Priscilla West, and Jennifer Cristman of Volkert and Associates who spoke to the matter.

MODIFICATION: Condition 7, from 342 bedrooms to 360 bedrooms.

ADDITIONAL MOTION: See following referral #040742.

RECOMMENDATION *City Plan Board to City Commission - The City Commission approve Petition 111PDV-03 PB, with conditions. Plan Board vote 5-1.*

Staff to Plan Board - Approve

A motion was made by Commissioner Nielsen, seconded by Commissioner Lowe, that this matter be Approved (Petition) with Staff and Plan Board Conditions, as modified. The motion carried by the following vote:

Votes: Aye: Pegeen Hanrahan, Warren Nielsen, Tony Domenech, Rick Bryant and Craig Lowe
Absent: Chuck Chestnut and Edward Braddy

040742 Left Hand Turn Lane 1005 and 1007 SW 13th Street (NB)

Chair Hanrahan recognized Dr. Linda Crider who spoke to the matter.

City of Gainesville Planning Manager Ralph Hilliard made comments.

NOTE: This item was also placed on the Public Works Committee Referral List.

RECOMMENDATION *The City Commission refer to staff: 1) The request for a left hand turn lane on (1005 and 1007) SW 13th Street to the DOT; 2) report back to the Public Works Committee to review the details; and 3) report back to the full City Commission.*

A motion was made by Commissioner Nielsen, seconded by Commissioner Bryant, that this matter be Referred to the City Manager, due back on May 22, 2005. The motion carried by the following vote:

Votes: Aye: Pegeen Hanrahan, Warren Nielsen, Chuck Chestnut, Tony Domenech, Rick Bryant and Craig Lowe
Absent: Edward Braddy

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

UNFINISHED BUSINESS

COMMISSION COMMENT

CITIZEN COMMENT

Charles Grapski

GPD - New Website

ADJOURNMENT - 8:40 PM

Kurt M. Lannon, Clerk of the Commission