

City of Gainesville

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



Meeting Minutes

Monday, September 24, 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 - 1:08 PM**ROLL CALL**

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

INVOCATION

The City Commission observed a moment of silence.

CONSENT AGENDA

Mayor-Commissioner Pro Tem Bryant moved and Commissioner Lowe seconded to adopt the Consent Agenda with the following modification.

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

MODIFICATION:

1. File #070035 - Carbon Footprint Assessment Tool Referral - Revised language in text file.

CITY MANAGER, CONSENT AGENDA ITEMS**070433. City of Gainesville Police Officers' and Firefighters' Consolidated Retirement Plan Actuarial Valuation Report as of October 1, 2006 (B)**

RECOMMENDATION *The City Commission receive the actuarial valuation report for the City of Gainesville Police Officers' and Firefighters' Consolidated Retirement Plan as of October 1, 2006.*

This Matter was Approved as Recommended on the Consent Agenda.

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070435. Airport Industrial Park (AIP) Purchase and Sale Agreement (B)

Roger Leslie of Realty Partnership Interests has submitted a Purchase and Sale Agreement contract for the purchase of AIP Lot #6.

RECOMMENDATION *The City Commission: 1) approve the attached Purchase and Sale Agreement contract for the purchase of Lot #6 in the Airport Industrial Park.*

Alternative Recommendation

The City Commission: 1) deny the attached Purchase and Sale

Agreement contract for the purchase of Lot #6 in the Airport Industrial Park.

This Matter was Approved as Recommended on the Consent Agenda.

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070436. Interlocal Agreement with Alachua County (B)

This item is a request that the City Commission approve an Interlocal Agreement with Alachua County to Operate the Teen Zone After-School Program at Kanapaha Middle School.

RECOMMENDATION

The City Commission: 1) authorize the City Manager or designee to negotiate all documents and contracts relating to the FY 08 Interlocal Agreement for funding of the Teen Zone After-School Program at Kanapaha Middle School; and 2) authorize the City Manager to execute all documents and contracts relating to the program, after review by the City Attorney as to form and legality.

Alternate Recommendation A: The City Commission decline to enter into the Interlocal Agreement.

This Matter was Approved as Recommended on the Consent Agenda.

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070437. First Amendment to Interlocal Agreement between Alachua County and the City of Gainesville Regarding Proceeds of Local Option Gas Tax (B)

This item involves a request for the City Commission to approve the proposal by Alachua County for a First Amendment to Interlocal Agreement between Alachua County and the City of Gainesville Regarding Proceeds of Local Option Gas Tax to provide a percentage distribution for the uses in which Alachua County will expend their portion of the revenue.

RECOMMENDATION

The City Commission: 1) approve the First Amendment to Interlocal Agreement; and 2) authorize the City Manager to execute the First Amendment to Interlocal Agreement.

Alternative Recommendation: The City Commission deny the First Amendment to the Interlocal Agreement and direct staff to communicate back to Alachua County.

This Matter was Approved as Recommended on the Consent Agenda.

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070438. Bid Award - Annual Contract for Citywide Sidewalk Construction/Replacement Services for FY 2007/2008 (B)

This item involves a request for the City Commission to authorize the bid award to JoyTech Construction, Inc., for the annual contract for sidewalk construction/replacement services for FY 2007/2008.

RECOMMENDATION *The City Commission: 1) approve the bid award to JoyTech Construction, Inc., for Annual Sidewalk Construction/Replacement Services for FY 2007/2008; and 2) authorize the City Manager to execute an annual services contract with JoyTech Construction, Inc.*

This Matter was Approved as Recommended on the Consent Agenda.

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070439. Bid Award - Paratransit Related Services for ADA Paratransit Passengers (B)

This item involves a request for the City Commission to authorize the bid award to Transitional Living of North Central Florida doing business as Center for Independent Living of North Central Florida (CIL-NCF) for Paratransit Related Services including ADA (Americans with Disabilities) Eligibility/Certification of persons with disabilities, Travel Training said individuals, and Sensitivity Training for Regional Transit System (RTS) staff in the amount of \$73,200.

RECOMMENDATION *Recommended Motion: The City Commission: 1) authorize the bid award to Transitional Living of North Central Florida doing business as Center for Independent Living of North Central Florida for the Paratransit Related Services as outlined in RFP #RTSX060366-PJ; and 2) authorize the City Manager to execute the contract and issue a purchase order in an amount not to exceed \$73,200.*

Alternative Recommendation: The City Commission deny authorization for the City Manager to execute the contract with the Transitional Living of North Central Florida doing business as Center for Independent Living of North Central Florida for the Paratransit Related Services as outlined in RFP #RTSX060366-PJ and direct the City Manager to issue a new RFP for said services. The resulting impact is that the City of Gainesville would be without a contract to provide federally mandated services thus requiring the services to be provided by RTS adding significantly more administrative cost. Not providing the required services would put RTS in violation of Federal ADA requirements and jeopardize Federal funding for the fixed route and paratransit services.

This Matter was Approved as Recommended on the Consent Agenda.

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070440. Extension to the Agreement between the City of Gainesville and MV Transportation, Inc. (B)

This item involves a request for a one-year extension to the Agreement with MV Transportation, Inc. to provide ADA Paratransit Service.

RECOMMENDATION *The City Commission authorize the City Manager to execute the Extension of the Agreement with MV Transportation, Inc. for the period of October 1, 2007 through September 30, 2008, subject to approval by the City Attorney as to form and legality.*

Alternative Recommendation: The City Commission decline the authorization for the City Manager to execute the Extension to the Agreement with MV Transportation, Inc. for ADA paratransit service.

This Matter was Approved as Recommended on the Consent Agenda.

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070446. Interlocal Agreement with the School Board of Alachua County (B)

This item involves an agreement with the School Board of Alachua County for the use of School Board Facilities for the Teen Zone After-School Programs.

RECOMMENDATION *The City Commission: 1) authorize the City Manager or designee to negotiate all documents and contracts relating to the Interlocal Agreement with the School Board of Alachua County regarding the use of school facilities for the Teen Zone After-School programs; and 2) authorize the City Manager or designee to execute all documents and contracts relating to the programs, after review by the City Attorney as to form and legality.*

Alternate Recommendation A: The City Commission decline to enter into the Interlocal .

This Matter was Approved as Recommended on the Consent Agenda.

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070453. Surplus Property Sale (B)

Staff recommends establishing a contract with Weeks Auction Company for monthly or bi-monthly auction services and declaring items at the Surplus Lot to be surplus.

RECOMMENDATION

The City Commission: 1) declares all materials, equipment and vehicles stored at the Surplus Lot as surplus property and authorize the sale of such property for the time period covering FY07 & FY08; 2) award the contract for auctioneer services to Weeks Auction Company, Inc. at the commission rate of 8% of gross auction proceeds; and 3) authorize the City Manager or designee to negotiate and execute a three-year contract with two one-year extensions, subject to the approval of the City Attorney as to form and legality.

This Matter was Approved as Recommended on the Consent Agenda.

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070461.

Annexation of Parcel Numbers 06736-000-000 and 06727-001-000 (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 38th Terrace, SW 24th Avenue and SW 39th Drive.

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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070462.

Annexation of Florida Department of Transportation (FDOT) Retention Pond Located on SW 33rd Place (B)

This is the submission of petition for voluntary annexation for the above referenced property, which is located on SW 33rd Place, in the vicinity of Windmeadows Boulevard, SW Archer Road and SW 42nd 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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070463. Annexation of Tax Parcel 06810-004-000 (B)

This is the submission of petition for voluntary annexation for the above referenced property, which is located on SW 24th Avenue, in the vicinity of SW 34th Street, Windmeadows Boulevard, and SW 43rd 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.*

This Matter was Approved as Recommended on the Consent Agenda.

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GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

070486. Murphree Water Treatment Plant (MWTP) Filter Expansion and Upgrade (B)

Staff recommends awarding a contract to Beach Construction Company, Inc. for construction services for the MWTP Filter Expansion and Upgrade.

RECOMMENDATION *The City Commission 1) authorize the General Manager, or her designee, to execute a contract with Beach Construction Company, Inc. to perform construction services for the MWTP Filter Expansion and Upgrade Project, subject to approval of the City Attorney as to form and legality, and 2) approve the issuance of a purchase order to Beach Construction Company, Inc. in an amount not to exceed \$5,467,000, and 3) authorize staff to procure services, equipment and materials, as required, to complete the project as budgeted.*

This Matter was Approved as Recommended on the Consent Agenda.

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CITY ATTORNEY, CONSENT AGENDA ITEMS

070448. CORRECTION OF SCRIVENER'S ERROR (URBAN SERVICES REPORT) (NB)

Correction of Scrivener's Error in Ordinance No. 070130 relating to the Urban Services Report for properties owned by Townhomes at Westwood, LLC and T. Lane Properties; by inserting tax parcel number 06687-004-000 in the title of the ordinance and adding the same parcel number to Section 1 of the ordinance.

RECOMMENDATION *The City Commission authorize the City Attorney to draft and the Clerk of the Commission to advertise the proposed ordinance.*

This Matter was Approved as Recommended on the Consent Agenda.

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CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

070485. October 15 Special Meeting (NB)

RECOMMENDATION *The City Commission re-schedule the October 15 special meeting to November 5, 2007 at 6:00 PM.*

This Matter was Approved as Recommended on the Consent Agenda.

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

COMMUNITY DEVELOPMENT COMMITTEE, CONSENT

060548. University Park Neighborhood - Heritage Neighborhood Designation (B)

The City Commission referred to the Community Development Committee the issue of Heritage Neighborhood Designation for the University Park

Neighborhood. The Committee has discussed the referral, and recommends that the City Commission instruct staff to process a land development code amendment to establish the Heritage Overlay District.

RECOMMENDATION *Community Development Committee to the City Commission: 1) the City Commission adopt an ordinance establishing a heritage neighborhood designation, and initiate a petition to the City Plan Board; and 2) remove this item from the Community Development Committee referral list.*

City Manager to the City Commission: 1) initiate to the City Plan Board a petition amending the land development code to establish the Heritage Overlay District; and 2) remove this item from the Community Development Committee referral list.

This Matter was Approved as Recommended on the Consent Agenda.

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AUDIT, FINANCE AND LEGISLATIVE COMMITTEE, CONSENT

070367. 2008 State Legislative Agenda (B)

RECOMMENDATION *The City Commission review and approve the proposed 2008 State Legislative Agenda as recommended by the Audit, Finance and Legislative Committee.*

This Matter was Approved as Recommended on the Consent Agenda.

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REGIONAL UTILITIES COMMITTEE, CONSENT

070035. Carbon Footprint Assessment Tool- Referral Item #070035 (NB)

This item involves a request for \$10,000 from City Commission Contingency to purchase a carbon footprint assessment tool.

RECOMMENDATION *The City Commission: 1) approve and authorize funds in the amount not to exceed \$10,000 to be allocated from City Commission Contingency Funds for the purchase of a carbon footprint assessment tool; and 2) remove this item from the referral list.*

This Matter was Approved as Recommended on the Consent Agenda.

EQUAL OPPORTUNITY COMMITTEE, CONSENT

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

070321. Bethel Garage (NB)

RECOMMENDATION

CRA to the City Commission: 1) Allow the CRA to be the lead organization in the development of future uses for the Bethel Station.

This Matter was Approved as Recommended on the Consent Agenda.

070321_CRA_20070820.pdf

Passed The Consent Agenda

A motion was made by Mayor-Commissioner Pro Tem 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: Jack Donovan, Jeanna Mastrodicasa, Craig Lowe, Edward Braddy, Rick Bryant and Pegeen Hanrahan
Absent: Scherwin Henry

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

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

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

MODIFICATION:

- 1. File #070491 - New Item - City of Alachua Transit System Request for Endorsement and Funding - (Add to the Regular Agenda under City Manager).*
- 2. File #070487 - Florida's Electrical reserve Margins - (Power Point submitted).*
- 3. File #070308 & #070492 - (Resolutions) Redevelopment Plan Amendments for the Inclusion of Green Building Concepts in the Downtown Expansion Redevelopment Area and in the College Park/University Heights Redevelopment Area - (Waive the rules to open the Public Hearing at 1:00 PM, as needed).*

4. *File #070481 - Proposed Settlement in Fire of God Ministries vs. City of Gainesville - (Waive the rules to hear this item at 7:15 PM).*
5. *File #070447 - Petition 28LUC-07 PB - Plum Creek Timberlands, LP - (New recommendation to continue the petition).*
6. *File #070490 - Appeal of Historic Preservation Board Certificate of Appropriateness. (New recommendation - At the request of the City, continue the appeal of the HPB approval of September 4th to a special meeting of the City Commission to be held on Tuesday, September 25, at 6:00 PM. (Agenda attached and additional back-up attached).*
7. *File #070196 - Appeal of Denial by the Historic Preservation Board (New recommendation - At the request of the Applicant, continue the appeal of HPB denial of June 12th until such time as the City Commission has rendered a final decision on the appeal of the HPB approval of September 4th (Legistar #070490).*

CHARTER OFFICER UPDATES

NOTE: File # 070308 Redevelopment Plan Amendments for the Inclusion of Green Building Concepts in the Downtown Expansion Redevelopment Area & File #070492 Redevelopment Plan Amendments for the Inclusion of Green Building Concepts in the College Park/University Heights Redevelopment Area were moved to the evening portion of the meeting after 6:00 PM under "Resolutions", after allowing public comment at 1:00 PM.

CLERK OF THE COMMISSION

070432. City Commission Referral Lists (B)

City Public Works Director Teresa Scott and Public Information Officer Woods gave presentations.

NOTE: Commissioner Henry entered the meeting room at 1:35 PM.

MOTION: Remove the referrals as indicated in the back-up and make the following modifications: 1) Add the 2 following Equal Opportunity referrals (File 070241 - "Definition of Family Implications of the Domestic Partner Registry" and 070159 - "Preference (Incentives) Given to City Contractors Who Provide Domestic Partner Benefits"); and change the title of a referral (File #050298 from "Update on Informal Negotiations for Modification of Urban Reserve Area" to "Implementation of the Countywide Visioning and Planning committee Recommendations"), as indicated by Commissioner Lowe; 2) remove the referrals from the Public Safety Committee as recommended and confirmed by Commissioner Mastrodicasa; and 3) retain the referrals as indicated by Mayor Hanrahan (File # "060204 - FCAT Scores and Graduation Rates In Gainesville", (File # "060466 "Mayor Hanrahan - Heart of Florida Prosperity Campaign", and 060805 - "Mayor Hanrahan Report from

Sundance Summit").

RECOMMENDATION *The City Commission review the attached Referral Lists and take appropriate action.*

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

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

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CITY MANAGER

070445. Airport Firefighting Services Reimbursement (B)

This item recommends that the City Commission hear a presentation from Fire Chief William K. Northcutt on proposed changes to the Agreement for services between the City and the Gainesville Alachua County Regional Airport Authority (GACRAA).

City Fire Chief Bill Northcutt gave a presentation.

Chair Hanrahan recognized Firefighter Jeff Lane and GAACRA Representative Alan Penska who spoke to the matter.

AMENDMENT: Authorize the City Manager and the City Attorney to enter into a new agreement with GAACRA on issues in which the City and GAACRA have mutual agreement.

RECOMMENDATION *The City Commission 1) hear a presentation from Fire Chief William K. Northcutt on funding airport firefighting services; 2) authorize the City Manager to give notice by October 1, 2007 to the GACRAA of an intent to cancel the contract on 10/1/08 with the intent to immediately enter into negotiations on cost; 3) authorize the City Manager to allow GACRAA to extend the current contract into FY09 for up to five months at full cost recovery to be exercised at GACRAA's option .*

Alternative Recommendation A: The City Commission not hear the presentation from Chief Northcutt.

Alternative Recommendation B: The City Commission hear the presentation from Chief Northcutt and not authorize the City Manager to give notice to the GACRAA.

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

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

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070491. City of Alachua Transit System Request for Endorsement and Funding (B)

This item involves a request from Clovis Watson, Jr., City of Alachua Manager, on behalf of the City of Alachua Transit System (CATS) that the City of Gainesville Commission endorse and commit funds for the FY 2008 CATS Business Plan.

Regional Transit System Director Jesus Gomez gave a presentation.

RECOMMENDATION *The City Commission: 1) authorize the City Manager to send a letter explaining that the City Commission is not ready to support the CATS Business Plan at this time.*

Alternative Recommendation: The City Commission: 1) direct City staff to coordinate with the City of Alachua, Alachua County Board of Commissioners, and the MTPO/North Central Florida Regional Planning Council to review the CATS FY 2008 Business Plan and to submit recommendations back to the City Commission.

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

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

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GENERAL MANAGER FOR UTILITIES

070487. Florida's Electrical Reserve Margins (NB)

A review of the extraordinary efforts required to assure adequate electric system power supplies over the Labor Day weekend provides useful insight about the state-wide operational issues affecting our electrical supply plans.

GRU General Manager for Utilities Karen Johnson gave introductions.

GRU Interim Assistant General Manager (AGM) for Energy Supply Walt Frazier,

AGM for Strategic Planning Ed Regan, TEA of Jacksonville Representatives Mark Kennan gave presentations.

REFERRAL: 1) Refer to RUC to explore the issue of notifying GRU Customers of power shortages and how this could be handled in the future.

RECOMMENDATION *The City Commission receive a presentation from The Energy Authority reviewing the status of generation and transmission capacity in Florida preceding and during the Labor Day weekend with a discussion of emerging operational trends and issues.*

A motion was made by Commissioner Donovan, seconded by Mayor-Commissioner Pro Tem Bryant, that this matter be Referred to the Regional Utilities Committee, due back on March 24, 2008. The motion carried by the following vote:

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

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE

PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE

PUBLIC SAFETY COMMITTEE

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

070500. Mayor Pegeen Hanrahan - Roam Towing (NB)

Chair Hanrahan recognized UF Student Jason Lutin who spoke to the matter.

GPD Lieutenant Pete Backhaus, Chief Norm Botsford and Assistant City Attorney Ron Combs gave presentations.

Chair Hanrahan recognized Walter Willard who spoke to the matter.

MOTION: Direct staff to amend the Roam Towing Ordinance to: 1) Indicate that the customer cannot be charged a fee for viewing the picture taken of the car that was towed; 2) indicate that a fee cannot be charged for using credit cards; and 3) include a "Customer Bill of Rights" and require that the "Customer Bill of Rights" be posted in the Tow Company's office and be provided to the customer.

REFERRAL TO THE PUBLIC SAFETY COMMITTEE - See following referral #070510.

RECOMMENDATION *The City Commission hear comments from representatives of University of Florida Student Government.*

A motion was made by Commissioner Mastrodicasa, seconded by Mayor-Commissioner Pro Tem Bryant, that this matter be Approved as shown above (See Motion). The motion carried by the following vote:

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

070510. Trespass Towing Referral (NB)

RECOMMENDATION *The City Commission refer the following issues to the Public Safety Committee for further analysis: 1) requiring that someone be on-site to call in a trespass tow; 2) consider changing the rate by the distance of the tow; and 3) explore the idea that if the tow companies don't meet the stipulations of the "Customer Bill Of Rights", the customer could receive a free tow.*

A motion was made by Commissioner Donovan that this matter be Referred to the Public Safety Committee, due back on March 24, 2008. The motion carried by the following vote:

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

COMMISSION COMMENTS (if time available)**Commissioner Scherwin Henry**

1. NAACP Event.
2. Tree Trail Crime & Violence Issues - Police Chief Norm Botsford made comments.
3. Wal-Mart Meeting with City Staff regarding vendors.

Mayor-Commissioner Pro Tem Rick Bryant

Buck Bay Issue - Assistant City Manager Fred Murry made comments.

Referred to the City Manager to investigate other programs available for the Buck Bay residents and to look at using Contingency Fund money.

Commissioner Jack Donovan

Woodland Terrace Sidewalk - Process for neighborhoods.

Commissioner Ed Braddy

1. Process for installing sidewalks, speed bumps, etc., in neighborhoods.
2. Conference on Broad Band Technologies in Dallas.

Mayor Pegeen Hanrahan

Plum Creek Petition

RECESS - 4:28 PM**RECONVENE - 5:35 PM****PLEDGE OF ALLEGIANCE (5:30pm)****PROCLAMATIONS/SPECIAL RECOGNITIONS**

070488. Gainesville Lodge #41 Free & Accepted Masons Day - Saturday, October 6, 2007 (B)

RECOMMENDATION Gainesville Lodge #41 Past Master Ray M. Davis, Jr. to accept the proclamation.

Heard

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070489. National 4-H Week - October 7-13, 2007 (B)

RECOMMENDATION

Alachua County 4-H Council President Amber Yarborough, Vice President Tiffany Banner, Treasurer Victoria Banner, and Extension Agent Ernest Terry to accept the proclamation.

Heard

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WAIVER OF RULES

The rules were waived by consensus to take Citizen Comment early (before 6:00 PM).

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

Pat Fitzpatrick

Freedom of Speech Issues.

Walter Willard

Various Issues.

RECESS - 5:51 PM

RECONVENE - 6:00 PM

CITIZEN COMMENT - (Continued)

Bob Cohen

Sam's Club Quasi-Judicial Hearing Re: Gas Station.

Rob Brinkman

Net Metering - Generation Issues.

070515. Net Metering - Power Generation Issues (B)

RECOMMENDATION *The City Commission hear comments from Rob Brinkman and place back-up submitted on file.*

Placed on File

PUBLIC HEARINGS

070442. MILLAGE RATE RESOLUTION - FISCAL YEAR 2007 - 2008 (B)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA; RELATING TO THE LEVY OF GENERAL MUNICIPAL PURPOSE AD VALOREM TAXES FOR THE 2007-2008 FISCAL YEAR; ADOPTING THE FINAL MILLAGE RATE; DIRECTING THE TRANSMITTAL OF CERTIFIED COPIES; AUTHORIZING A SPECIFIED ADJUSTMENT TO THE FINAL MILLAGE RATE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

City Administrative Services Director Becky Rountree gave a presentation.

RECOMMENDATION *The City Commission adopt the proposed resolution.*

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

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

Absent: Scherwin Henry

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070443. GENERAL GOVERNMENT BUDGET - FISCAL YEAR 2007 - 2008 (B)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA; RELATING TO ITS GENERAL GOVERNMENT BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2007 AND ENDING SEPTEMBER 30, 2008; ADOPTING THE GENERAL OPERATING AND FINANCIAL PLAN BUDGET; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Chair Hanrahan recognized Walter Willard who spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed resolution.*

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

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

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070396. GAINESVILLE REGIONAL UTILITIES BUDGET - FISCAL YEAR 2007-2008 (B)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA, RELATING TO THE FINAL BUDGET FOR THE CITY OF GAINESVILLE REGIONAL UTILITIES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2007, AND ENDING SEPTEMBER 30, 2008; PROJECTING REVENUES AND ADOPTING A FINAL BUDGET TO PAY FOR PERSONAL SERVICES EXPENSES, OPERATING AND MAINTENANCE EXPENSES AND OTHER EXPENSES, FOR CAPITAL OUTLAY, AND FOR DEBT SERVICE REQUIREMENTS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Chair Hanrahan recognized Walter Willard who spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed resolution.*

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

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

Nay: Rick Bryant

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ORDINANCES, 1ST READING- ROLL CALL REQUIRED

NOTE: File #070455 Towing - Felony Convictions was tabled and heard later in the meeting.

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

070242. URBAN SERVICES REPORT (CITY-OWNED & STATE OF FLORIDA TREEO CENTER) (B)

Ordinance No. 0-07-72

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 owned by the City of Gainesville and the State of Florida, comprised of Tax Parcels 06837-001-000, a portion of 06845-000-000, and a portion of 06837-000-000, generally located south of the vicinity of SW 20th Avenue, west of the City limits and SW 63rd Boulevard, north of the City limits and SW 41st Place, and east of the City limits and the vicinity of SW 75th Street, 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.

City Administrative Director Becky Rountree gave a presentation.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

A motion was made by Commissioner Lowe, 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, Jeanna Mastrodicasa, Scherwin Henry, Craig Lowe, Edward Braddy, Rick Bryant and Pegeen Hanrahan

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070257. SOLID WASTE NON-AD VALOREM TAX ASSESSMENT (B)

Ordinance No. 0-07-63

An ordinance of the City of Gainesville, Florida, providing consent for the entire corporate limits of the City of Gainesville, Florida to be included in a non-ad valorem assessment for a municipal service benefit unit created by Alachua County for collection, disposal, recycling and management of solid waste; providing conditions for the consent; providing that the consent is for a two-year period; providing a severability clause; providing a repealing clause; and providing an effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

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070328. MOTOR VEHICLE PARKING FEES (B)**Ordinance No. 0-07-61**

An ordinance of the City of Gainesville, Florida, amending Section 26-46 of the City of Gainesville Code of Ordinances, subsection (d), relating to motor vehicle owner's liability for illegal parking and fees; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

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WAIVER OF RULES

The rules were waived by adoption of the Regular Agenda to hear the following item #070481 at 7:15 PM.

070481. PROPOSED SETTLEMENT IN FIRE OF GOD MINISTRIES, INC. V. CITY OF GAINESVILLE (CASE NO.: 1:06-CV-188-SPM-AK - U.S. DISTRICT COURT) (B)

City Litigation Attorney Elizabeth Waratuke gave a presentation.

Chair Hanrahan recognized Attorney for Fire of God Ministries Joe Jackson and Fire of God Ministries Pastor Arnold Liverman.

RECOMMENDATION *The City Commission 1) approve the terms of the settlement agreement; 2) authorize the City Attorney and/or outside counsel to settle the claim of Fire of God Ministries, Inc. on behalf of the City.*

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

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

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FIRST READING - (CONTINUED)

070455. TOWING - FELONY CONVICTIONS (B)**Ordinance No. 0-07-83**

An ordinance of the City of Gainesville amending Chapter 14.5, Article III, Section 14.5-27 to provide a time frame for disqualifying felony convictions; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Assistant City Attorney Ron Combs and Lieutenant Pete Backhaus gave presentations.

Chair Hanrahan recognized Watson Towing Manager Ron Williams and Walter Willard who spoke to the matter.

LAY ON THE TABLE MOTION - This item was tabled by consensus.

TAKE FROM THE TABLE MOTION - This item was taken off the table by consensus.

*AMENDMENT: 1) Delete (3) a.; of the ordinance, replace with the following:
(3) Not have been convicted, pled nolo contendere to, or had adjudication withheld for, or been incarcerated after any conviction, plea of nolo contendere or adjudication withheld for any of the following:*

- a) Any capital felony, any first degree felony, sexual battery, any violent felony involving the use of guns or knives or resulting in great bodily harm.*
- b) Within the ten previous years any violent felony not referenced in "a" above.*

REFERRAL TO THE PUBLIC SAFETY COMMITTEE - See following File # 070511.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

The City Commission at its meeting on September 10, 2007, authorized the City Attorney to prepare and the Clerk of the Commission to advertise an ordinance to allow convicted felons to obtain the driver permit under certain conditions. This ordinance requires two hearings. Should the Commission adopt this ordinance on first reading, second and final reading of the ordinance will be October 8, 2007.

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

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

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070511. Towing - Felony Convictions Referral (NB)

RECOMMENDATION *The City Commission refer the issue of Towing - Felony Conviction issues to the Public Safety Committee for further discussion.*

A motion was made by Commissioner Braddy, seconded by Commissioner Donovan, that this matter be Referred to the Public Safety Committee, due back on March 24, 2008. The motion carried by the following vote:

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

SECOND READING - (CONTINUED)**070372. VARIOUS FEES, RATES AND CHARGES (B)****Ordinance No. 0-07-59**

An ordinance of the City of Gainesville, Florida, amending Appendix A, Schedule of Fees, Rates and Charges by increasing fees and charges for Adult Performance Establishments, Escort Services, and Escort Licenses; Alcoholic Beverage Bottle Club Licenses; Cable Franchises; Cemeteries; Controlled Vehicular Parking Area Decals/Permits; Fire/Rescue Alarm Fees, Charges and Inspections; Home Occupation Permits; Land Development Code Petitions, Applications and Development Fees; Annual Spring Arts Festival Permits and Fees; Burglar Alarm Operators, Systems and Fees; Roam Towing Fees; Secondhand Goods Dealers; Permits for use of and work in Streets, Sidewalks and Other Public Places; Business Tax Receipts; Traffic and Motor Vehicles Parking Violations and Delinquent Fees; Vehicles for Hire Franchise Fees and Permits; and Vending Booth and Itinerant Permit Fees; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

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070374. LARGE ELECTRIC POWER CUSTOMERS (B)**Ordinance No. 0-07-65**

AN ORDINANCE AMENDING CHAPTER 27, SECTION 27-21, DEFINITIONS, OF THE GAINESVILLE CODE OF ORDINANCES BY AMENDING THE DEFINITION OF LARGE POWER; PROVIDING A REPEALING CLAUSE; PROVIDING DIRECTIONS TO THE CODIFIER; PROVIDING A SEVERABILITY CLAUSE; AND, PROVIDING AN EFFECTIVE DATE IN ACCORDANCE WITH THE SCHEDULE PROVIDED HEREIN.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

A motion was made by Commissioner Donovan, seconded by Commissioner Lowe, 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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070375.

ELECTRIC BASE RATES AND CUSTOMER SERVICE CHARGES (B)

Ordinance No. 0-07-66

AN ORDINANCE AMENDING APPENDIX A, SECTION UTILITIES (1) ELECTRICITY OF THE GAINESVILLE CODE OF ORDINANCES BY INCREASING ELECTRIC BASE RATES AND CUSTOMER SERVICE CHARGES; AMENDING STREET AND RENTAL LIGHTING RATES AND ADDING LIGHTING FIXTURES AND RATES; AMENDING SUBSECTION i. TO PROVIDE A DISTRIBUTED RESOURCES CREDIT RATE; PROVIDING A REPEALING CLAUSE; PROVIDING DIRECTIONS TO THE CODIFIER; PROVIDING A SEVERABILITY CLAUSE; AND, PROVIDING AN EFFECTIVE DATE IN ACCORDANCE WITH THE SCHEDULE PROVIDED HEREIN.

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

Chair Hanrahan recognized Rob Brinkman and Pat Fitzpatrick who spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

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070376. NATURAL GAS BASE RATES AND CUSTOMER SERVICE CHARGES (B)**Ordinance No. 0-07-67**

AN ORDINANCE AMENDING APPENDIX A, SECTION UTILITIES (5) NATURAL GAS OF THE GAINESVILLE CODE OF ORDINANCES BY INCREASING NATURAL GAS BASE RATES AND CUSTOMER SERVICE CHARGES; PROVIDING A REPEALING CLAUSE; PROVIDING DIRECTIONS TO THE CODIFIER; PROVIDING A SEVERABILITY CLAUSE; AND, PROVIDING AN EFFECTIVE DATE IN ACCORDANCE WITH THE SCHEDULE PROVIDED HEREIN.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

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070377. WASTEWATER RATES, CUSTOMER SERVICE CHARGES, CONNECTION CHARGES, AND INDUSTRIAL PERMIT APPLICATION FEES (B)**Ordinance No. 0-07-68**

AN ORDINANCE AMENDING APPENDIX A, SECTION UTILITIES (4) SEWERAGE OF THE GAINESVILLE CODE OF ORDINANCES BY INCREASING WASTEWATER RATES, CUSTOMER SERVICE CHARGES, CONNECTION CHARGES, AND INDUSTRIAL PERMIT APPLICATION FEES; PROVIDING A REPEALING CLAUSE; PROVIDING DIRECTIONS TO THE CODIFIER; PROVIDING A SEVERABILITY CLAUSE; AND, PROVIDING AN EFFECTIVE DATE IN ACCORDANCE WITH THE SCHEDULE PROVIDED HEREIN.

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 Final Reading (Ordinance). The motion carried by the following vote:

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

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070378. METER INSTALLATION CHARGES, CUSTOMER SERVICE CHARGES, BASE RATES FOR SERVICE, AND WATER TRANSMISSION, DISTRIBUTION AND PLANT CONNECTION CHARGES (B)

Ordinance No. 0-07-69

AN ORDINANCE AMENDING APPENDIX A, SECTION UTILITIES (3) WATER, OF THE GAINESVILLE CODE OF ORDINANCES BY INCREASING METER INSTALLATION CHARGES, CUSTOMER SERVICE CHARGES, BASE RATES FOR SERVICE, AND WATER TRANSMISSION, DISTRIBUTION AND PLANT CONNECTION CHARGES; PROVIDING A REPEALING CLAUSE; PROVIDING DIRECTIONS TO THE CODIFIER; PROVIDING A SEVERABILITY CLAUSE; AND, PROVIDING AN EFFECTIVE DATE IN ACCORDANCE WITH THE SCHEDULE PROVIDED HEREIN.

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 Final Reading (Ordinance). The motion carried by the following vote:

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

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070379. PURCHASED NATURAL GAS ADJUSTMENT (B)

Ordinance No. 0-07-70

AN ORDINANCE AMENDING CHAPTER 27, SECTION 27-273, PURCHASED GAS ADJUSTMENT, OF THE GAINESVILLE CODE OF ORDINANCES BY AMENDING THE HANDLING OF THE TRUE-UP CORRECTION FACTOR; PROVIDING A REPEALING CLAUSE; PROVIDING DIRECTIONS TO THE CODIFIER; PROVIDING A SEVERABILITY CLAUSE; AND, PROVIDING AN EFFECTIVE DATE IN ACCORDANCE WITH THE SCHEDULE PROVIDED HEREIN.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

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RESOLUTIONS- ROLL CALL REQUIRED**070441. Resolution for a Joint Participation Agreement - State Block Grant Funds for RTS Operating Assistance for FY 2007-2008 (B)**

This item involves adoption of a Resolution authorizing the City Manager to execute a Joint Participation Agreement between the City of Gainesville and Florida Department of Transportation (FDOT) to accept the allocation for Gainesville of \$1,361,840 from the State Block Grant Funds for FY 2007-2008.

RECOMMENDATION *The City Commission adopt the Resolution.*

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

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

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070308. Redevelopment Plan Amendments for the Inclusion of Green Building Concepts in the Downtown Expansion Redevelopment Area (B)

CRA Project Coordinator Kelly Huard gave a presentation.

MOTION TO CONTINUE: Commissioner Lowe moved and Commissioner Donovan seconded to continue this item to after 6:00 PM.

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

NOTE: The above motion was made during the 1:00 PM Public Hearing.

Chair Hanrahan recognized Rob Brinkman who spoke to the matter.

RECOMMENDATION *CRA to the City Commission - The City Commission hold a public hearing at 1:00 PM, continue the public hearing until after 6:00 PM and adopt the proposed resolution.*

CLERK'S NOTE: It is anticipated the CCOM will waive the Rules to hear this item at this time.

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

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

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070492. Redevelopment Plan Amendments for the Inclusion of Green Building Concepts in the College Park/University Heights Redevelopment Area (B)

CRA Project Coordinator Kelly Huard gave presentation.

MOTION TO CONTINUE: Commissioner Lowe moved and Commissioner Donovan seconded to continue this item to after 6:00 PM.

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

NOTE: The above motion was made during the 1:00 PM Public Hearing.

RECOMMENDATION *CRA to the City Commission - The City Commission hold a public hearing at 1:00 PM, continue the public hearing until after 6:00 PM and adopt the proposed resolution.*

CLERK'S NOTE: It is anticipated the CCOM will waive the Rules to hear this item at this time.

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

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

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PLAN BOARD PETITIONS

060497. Electronic Signs (B)

Petition 139TCH-06PB. City Plan Board. Amend the City of Gainesville Land Development Code to add electronic signs to list of prohibited signs (includes digital and LED signs) and add Definition of Electronic Signs.

Planning and Development Services Director Erik Bredfeldt and Chief of Comprehensive Planning Dean Mimms gave a presentation.

FIRST MOTION: Commissioner Braddy moved and Commissioner Bryant seconded to approve staff's recommendation.

(MOTION WITHDRAWN)

SECOND MOTION: Commissioner Lowe moved and Commissioner Donovan seconded to adopt the Plan Board's recommendation with a reasonable amortization.

(MOTION WITHDRAWN)

MAIN MOTION: Commissioner Lowe moved and Commissioner Donovan seconded that: 1) The moratorium on electronic signs be extended for an additional six months; 2) the matter be referred to the City Plan Board with the recommendations of the City Commission including the maximum of 20 square feet for the size of electronic signs; and 3) coordinate the electronic signs with other parts of our sign ordinances to incentivize bringing into compliance legal nonconforming signs and other aesthetic benefits.

(VOTE: 4-3, Commissioners Donovan, Lowe, Mastrodicasa and Mayor Hanrahan-Yes; and Commissioners Braddy, Bryant and Henry - No, MOTION CARRIED)

Chair Hanrahan recognized John Hudson, George Elmore, Florida Credit Union CEO Mark Starr, Rob Brinkman and Chamber of Commerce CEO Brent Christenson who spoke to the matter.

RECOMMENDATION

City Plan Board to City Commission - The City Commission prohibit electronic signs (including time & temperature devices), that an "electronic signs" definition be added to the land development code, that the "animated signs" definition be amended, that existing electronic signs be amortized, and that the "changing message device" definition be deleted. Plan Board vote 5-0.

Staff to City Commission - Allow electronic signs conditionally with a restricted sign size.

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

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

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WAIVER OF RULES

Commissioner Lowe moved and Commissioner Mastrodicasa seconded to waive the rules to extend the meeting to 11:10 PM.

(VOTE: 7-0, MOTION CARRIED)

070447.

Petition 28LUC-07 PB. David Coffey, P.A., agent for Plum Creek Timberlands, LP (B)

Amend the City of Gainesville 2000-2010 Future Land Use Map from Alachua

County Rural/Agricultural and City of Gainesville A (Agriculture) to City of Gainesville PUD (Planned Use District), SF (Single-family, up to 8 units per acre) and CON (Conservation) on approximately 1,754 acres.

RECOMMENDATION

City Plan Board to City Commission: The City Commission deny Petition 28LUC-07 PB. Plan Board vote 6-0.

Staff to City Commission: Approve Petition 28LUC-07 PB as recommended by staff, subject to approval of proposed Future Land Use Element Policy 4.3.4.

Alternative Recommendation -Deny Petition 28LUC-07 PB.

Staff to Plan Board - Approve Petition 28LUC-07 PB.

A motion was made by Commissioner Lowe, seconded by Commissioner Mastrodicasa, that this matter be Continued (Petition) for November 26, 2007. The motion carried by the following vote:

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

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DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

070490. Appeal of Historic Preservation Board Certificate of Appropriateness (B)

Appeal of the approval by Historic Preservation Board of Certificate of Appropriateness with the condition that no part of the buildings exceeds three stories. The proposal includes replacing the historic structures with structures ranging in height from three to four stories, and the Demolition of 1102 Southwest 6th Avenue, 1116 Southwest 6th Avenue, and the garage behind 1101 Southwest 5th Avenue. (B)

RECOMMENDATION

The City Commission: 1) hear the appeal of the September 4, 2007 decision of the Historic Preservation Board; and 2) affirm, amend, or reverse the historic preservation board's decision of September 4, 2007.

Historic Preservation Board to City Commission-affirm the Historic Preservation Board's decision of September 4, 2007.

Staff to Historic Preservation Board-Approve the COA with conditions as described in the staff report.

A motion was made by Commissioner Lowe, seconded by Commissioner Mastrodicasa, that this matter be Continued for September 25, 2007. The motion carried by the following vote:

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

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070196.

Appeal of Denial by Historic Preservation Board of Certificate of Appropriateness for Demolition of 1102 Southwest 6th Avenue, 1116 Southwest 6th Avenue, and the garage behind 1101 Southwest 5th Avenue. The proposal includes replacing the historic structures with structures ranging in height from three to four stories. (NB)

MOTION: Continue until the City Commission makes a decision on the 9/04/07 appeal.

RECOMMENDATION

The City Commission: 1) hear the appeal of the June 12 denial of the Historic Preservation Board and 2) affirm, amend, or reverse the Historic Preservation Board's decision.

A. 1) hear the appeal; and 2) affirm, amend, or reverse the historic preservation board's decision of June 12, 2007.

Historic Preservation Board to City Commission-affirm the Historic Preservation Board's decision

Staff to Historic Preservation Board-Approve the COA with conditions

A motion was made by Commissioner Lowe, seconded by Commissioner Mastrodicasa, that this matter be Continued. The motion carried by the following vote:

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

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UNFINISHED BUSINESS

COMMISSION COMMENT

Commissioner Jack Donovan

Conservation and Energy Use Goals. See following referral item #070516.

070516. Developing Conservation and Energy Use Goals for the Community (NB)

RECOMMENDATION *The City Commission refer the issue of establishing community conservation and energy use goals to the Regional Utilities Committee.*

A motion was made by Commissioner Donovan, seconded by Commissioner Lowe, that this matter be Referred to the Regional Utilities Committee, due back on March 24, 2008. The motion carried by the following vote:

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

Commissioner Scherwin Henry

Helping the elderly with their utility bills.

CITIZEN COMMENT (If time available)

Rob Brinkman

Energy Issues

ADJOURNMENT - 11:09 PM

Kurt M. Lannon, Clerk of the Commission