

City of Gainesville

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



Meeting Minutes

Monday, July 23, 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 - 1:10 PM**ROLL CALL**

Present: Edward Braddy, Pegeen Hanrahan, Rick Bryant, Craig Lowe, Jack Donovan and Jeanna Mastrodicasa
Absent: 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 as presented.
(VOTE: 5-0, Commissioners Braddy and Henry - Absent, MOTION CARRIED)*

CITY MANAGER, CONSENT AGENDA ITEMS

070199. Second Extension to the Contracts for Professional Environmental Engineering Services for FY 2008 (B)

This item involves an extension to the Contracts for Professional Environmental Engineering Services with Water & Air Research, Inc., and Environmental Consulting & Technology, Inc.

RECOMMENDATION

Recommended Motion: The City Commission authorize the City Manager to execute the Second Extensions to the contracts with Water & Air Research, Inc., and Environmental Consulting & Technology, Inc., for Professional Environmental Engineering Services, extending the term of the contract from October 1, 2007 to September 30, 2008, subject to final appropriation of funds for FY2008.

Alternative Recommendation A: The City Commission reject the recommendation for the Second Extensions and direct the City Manager to secure the services of individual firms on a project-by-project basis. This would result in project delays and additional administrative costs for both projects and routine tasks that require these services.

This Matter was Approved as Recommended on the Consent Agenda.

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070201. First Extension to the Contracts for Annual Asphalt Concrete Services for FY 2008 (B)

This item involves an extension to the Contracts for Annual Asphalt Concrete Services with APAC - Southeast, Inc., John C. Hipp Construction Equipment Company and V.E. Whitehurst & Sons, Inc.

RECOMMENDATION

Recommended Motion: The City Commission authorize the City Manager to execute the First Extensions to the contracts with APAC - Southeast, Inc., John C. Hipp Construction Equipment Company and V.E. Whitehurst & Sons, Inc., for Annual Asphalt Concrete Services, extending the term of the contract from October 1, 2007 to September 30, 2008, subject to final appropriation of funds for FY2008.

Alternative Recommendation A: The City Commission reject the recommendation for the First Extensions and direct the City Manager to secure the services of individual vendors on a project-by-project basis. This would result in project delays and additional administrative costs for both projects and routine tasks that require these services.

This Matter was Approved as Recommended on the Consent Agenda.

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070202. Fourth Extension to the Contract for Professional Water Resource Engineering Services for FY 2008 (B)

This item involves an extension to the Contract for Professional Water Resource Engineering Services with Johnson, Mirmiran & Thompson, Inc., and Jones, Edmunds & Associates, Inc.

RECOMMENDATION

Recommended Motion: The City Commission authorize the City Manager or designee to execute the Fourth 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, 2007 to September 30, 2008.

Alternative Recommendation A: The City Commission reject the recommendation for the Fourth Extensions and direct the City Manager to secure the services of individual firms on a project-by-project basis. This would result in project delays and additional administrative costs for both projects and

routine tasks that require these services.

This Matter was Approved as Recommended on the Consent Agenda.

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070207. Southwest 5th Avenue Triangle Public Art Project (B)

This item is a request that the City Commission approve placement of a public art sculpture in the SW 5th Avenue Triangle.

RECOMMENDATION

The City Commission approve the SW 5th Avenue Triangle APPT Advisory Board's first ranked recommendation, and ask the City Manager to contract with Bradley Rex Smith to produce his artwork for the amount of \$20,000.

Alternative Recommendation A: The City Commission approve Peter Davidson's second ranked proposal and request that the City Manager contract with Peter Davidson to produce his artwork for the amount of \$20,000.

Alternative Recommendation B: The City Commission approve Nitin Jayaswal's third ranked proposal, and request that the City Manager contract with Nitin Jayaswal's to produce his artwork for the amount of \$20,000.

Alternative Recommendation C: The City Commission reject all SW 5th Avenue Triangle Advisory Board Recommendations.

This Matter was Approved as Recommended on the Consent Agenda.

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070215. Annexation of Parcel Number 06687-004-000 (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 43rd Street, SW 24th Avenue and Interstate 75.

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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GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

CITY ATTORNEY, CONSENT AGENDA ITEMS

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

070185. City Commission Minutes (B)

RECOMMENDATION

The City Commission approve the minutes of the June 14, 2007 Workshop; the June 18, 2007 Special Meeting; and the June 25, 2007 and July 9, 2007 Regular Meetings; as circulated.

This Matter was Approved as Recommended on the Consent Agenda.

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EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

COMMUNITY DEVELOPMENT COMMITTEE, CONSENT

060785. Student Community Relations Advisory Board Ordinance Referral (B)

RECOMMENDATION

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

This Matter was Approved as Recommended on the Consent Agenda.

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COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

070211. Design and Technical Standards for Depot Park (NB)**RECOMMENDATION**

CRA to the City Commission: 1) Recommend the City Commission allow the CRA be the lead organization in the development of design and technical standards; 2) request that the City provide funding from the Depot Park Recreation Project account not to exceed \$50,000.00 to develop the design and technical standards; and 3) authorize staff to develop a scope of work and submit a Request for Proposals for this project.

Alternative Recommendation A: 1) Recommend the City Commission not transfer the lead responsibility for Depot Park design and technical standards to the CRA.

This Matter was Approved as Recommended on the Consent Agenda.

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, Rick Bryant and Pegeen Hanrahan
Absent: Scherwin Henry and Edward Braddy

END OF CONSENT AGENDA**ADOPTION OF THE REGULAR AGENDA**

*Mayor-Commissioner Pro Tem Bryant moved and Commissioner Lowe seconded to adopt the Regular Agenda with the following modifications.
(VOTE: 5-0, Commissioners Braddy and Henry - Absent, MOTION CARRIED)*

MODIFICATIONS:

1. File #070214 - 2007 State of Florida Legislative Session Review - (Additional back-up submitted).

2. File #070231 Homeless Encampments - (Remove from the agenda).

3. File #050761 - Energy Efficiency Standards and Requirements - (Additional back-up submitted - (Power Point)).

4. File #070238 - Midtown Business Association - (Additional back-up submitted - Proclamation).

5. File #060105 - Land Use Change - Lakeshore Planned Development - (Additional Back-up PP).

6. File #060106 - Rezoning - Lakeshore Planned Development - (Additional Back-Up PP).

7. File #061107 - Ordinance - Peddling, Canvassing, Soliciting and Panhandling - (Additional back-up submitted by the City Attorney).

8. File #070240 - Stop the Violence Awareness Rally Day - August 4, 2007 - (Proclamation to be presented at the event).

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

CITY MANAGER

070214. 2007 State of Florida Legislative Session Review (B)

State Lobbyist Doug Bruce gave a presentation.

RECOMMENDATION

The City Commission receive the presentation by the City of Gainesville's contract lobbyist Doug Bruce.

Heard

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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.

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.

Alternative Recommendation

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.

Striken From the Agenda**GENERAL MANAGER FOR UTILITIES****070232. Purchase & Option to Purchase Whistling Pines Ranch (B)**

Authorize the General Manager to purchase in fee a portion of the Whistling Pines Ranch, and the subsequent right to purchase the remainder of the property in the next three years for continued beneficial reuse of biosolids.

Gainesville Regional Utilities (GRU) Assistant General Manager (AGM) for Water/Wastewater Utilities David Richardson and Supervising Utility Design Engineer Rick Hutton gave presentations.

RECOMMENDATION

The City Commission: (1) hear a presentation; (2) approve the Purchase and Sale Agreement and Option Agreement as negotiated by staff for the purchase of the Whistling Pines Ranch; and (3) authorize the General Manager or her designee to execute all documents necessary to complete the closing in accordance with the Purchase and Sale Agreement, subject to the approval of the City Attorney as to form and legality.

A motion was made by Commissioner Lowe, 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
Absent: Scherwin Henry and Edward Braddy

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CITY ATTORNEY**070230. ELECTION AND TERMS OF MUNICIPAL OFFICERS (NB)**

City Litigation Attorney Elizabeth Waratuke gave a presentation.

MOTION (Referral): Authorize Staff to prepare information for the City Commission to consider for a Charter Amendment to the Gainesville City Charter to deal with the time between an election and the time that Commissioners are sworn in.

RECOMMENDATION *The City Commission consider changing the term of the City Commissioners elected in the January 29, 2008 municipal election.*

A motion was made by Commissioner Lowe, seconded by Commissioner Mastrodicasa, that this matter be Referred to the City Attorney, due back on January 23, 2008. The motion carried by the following vote:

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

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CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

COMMUNITY DEVELOPMENT COMMITTEE

050761. Energy Efficiency Standards and Requirements (B)

Interim Community Development Director Erik Bredfeldt, GRU Managing Utility Analyst Dr. Heidi Lannon, Code Enforcement Manager Jim Garrett, AGM for Customer Support Services Kathy Viehe and Account Representative Bill Shepherd gave presentations.

Chair Hanrahan recognized Carol Daly who spoke to the matter.

RECOMMENDATION *Community Development Committee to the City Commission: 1) direct the City Attorney to draft, and the Clerk to advertise, changes to the Minimum Housing Code; 2) The Minimum Housing Code will incorporate R-19 insulation in the attic as a minimum requirement with no change to the current inspection levels; 3) The standard will be implemented when the GRU financing program for energy updates of owner-occupied homes are in place; and 4) remove this item from the referral list.*

A motion was made by Commissioner Lowe, seconded by Commissioner Donovan, 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
Absent: Scherwin Henry and Edward Braddy

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ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

070195. Clerk of the Commission Evaluation (NB)

MOTION: The Clerk of the Commission receive a 4.1% salary increase retroactive to his anniversary date.

RECOMMENDATION *The City Commission review the performance of the Clerk of the Commission.*

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

COMMISSION COMMENTS (if time available)

Commissioner Jack Donovan

"HERS" Energy Standards Referral to the RUC

See following Referral File #070255.

070255. Home Energy Rating System (HERS) (NB)

RECOMMENDATION *The City Commission refer the issue of the Home Energy*

Rating System (HERS) to the Regional Utilities Committee (RUC) for evaluation and a report back.

A motion was made by Commissioner Donovan, seconded by Commissioner Lowe, that this matter be Referred to the Regional Utilities Committee, due back on January 23, 2008. The motion carried by the following vote:

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

Commissioner Rick Bryant

Expanding the Data on GRU's WEB site relating to billing.

GENERAL MANAGER FOR UTILITIES UPDATE

- 1. GRU's New Billing System Phasing - Student Rush*
- 2. Assistant General Manager for Energy Supply Chip Allen leaving - Recruitment Issues - (Interim coming in temporarily)*
- 3. Dan Moffett - Deerhaven Power Plant Manager - Biomass Experience*

Mayor Pegeen Hanrahan

General Manager Recruitment - General Manager and City Manager to work together on a timeline - See following referral item #070256.

070256. General Manager for Utilities Recruitment Timeline (NB)

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

RECOMMENDATION *The City Commission refer to the General Manager and the City Manager to bring back some timeline alternatives for the General Manager search process.*

A motion was made by Commissioner Donovan, seconded by Commissioner Lowe, that this matter be Referred to the General Manager for Utilities, due back on January 23, 2008. The motion carried by the following vote:

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

RECESS - 3:46 PM

RECONVENE - 5:39 PM

NOTE: Commissioner Braddy entered the meeting room at 5:49 PM.

PLEDGE OF ALLEGIANCE (5:30pm)**PROCLAMATIONS/SPECIAL RECOGNITIONS****070233. National Night Out 2007 (B)**

RECOMMENDATION *Lincoln Park 900 Block National Night Out representative Chiquitta Henderson to accept the proclamation.*

Placed on File

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070234. National Night Out (B)

RECOMMENDATION *City of Gainesville Police Chief Norman Botsford to accept the proclamation.*

Heard

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070238. Midtown Business Association (B)

RECOMMENDATION *Midtown Business Association Renaissance Jeweler owner Robert Packer to accept the proclamation.*

Heard

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070240. Stop the Violence Awareness Rally Day - August 4, 2007 (B)

RECOMMENDATION *People Against Violence Enterprises President Reverend Karl Anderson to accept the proclamation.*

Placed on File

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

Jim Konish

GRU Rates

Cleve Sharpe

- 1. Fifth Avenue CRA Streetscape*
- 2. Night Golf at Ironwood (Lighting)*

Barbara Sharpe

CRA 5th Avenue Streetscape

Walter Willard

Various Issues

Jerry Williamson

GPD Issues

Pat Fitzpatrick

Homeless Issues

Frank Williams

Annexation Issues

Ezekiel Rollins

Annexation Issues

David Resnick

Homeless Issues

Katherine Williams

Pedestrian Safety Issues

Sharon Baur

NE Neighbors Public Records Request

Doris Edwards

Southeast Gainesville Renaissance Initiative (SEGRI)

PUBLIC HEARINGS

ADOPTION READING-ROLL CALL REQUIRED

060105. LAND USE CHANGE - LAKESHORE PLANNED DEVELOPMENT (B)

Ordinance No. 0-06-85, Petition No. 31LUC-06PB

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by changing the land use category of certain property, as more specifically described in this ordinance, from "Mixed-Use Medium Intensity (12-30 units per acre)" to "Residential High-Density (8-100 units per acre)"; located in the vicinity of 2306 SW 13th Street; providing a severability clause; providing a repealing clause; and providing an effective date.

City Planner Shenley Neely gave a presentation.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

A motion was made by Commissioner Donovan, seconded by Commissioner Braddy, that this matter be Adopted (Ordinance) on Adoption Reading. 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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ORDINANCES, 1ST 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.

City Planner Shenley Neely gave a presentation.

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, Jeanna Mastrodicasa, Craig Lowe, Edward Braddy, Rick Bryant and Pegeen Hanrahan

Absent: Scherwin Henry

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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.

Strategic Planning Manager Karen Snyder-Billings gave a presentation.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

A motion was made by Commissioner Donovan, seconded by Commissioner Braddy, that this matter be Adopted on First Reading (Ordinance). 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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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.

Strategic Planning Manager Karen Snyder-Billings gave a presentation.

Chair Hanrahan recognized Walter Willard who spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

A motion was made by Commissioner Donovan, seconded by Commissioner Braddy, that this matter be Adopted on First Reading (Ordinance). 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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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.

Strategic Planning Manager Karen Snyder-Billings gave a presentation.

Chair Hanrahan recognized Walter Willard who spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

A motion was made by Commissioner Donovan, seconded by Commissioner Mastrodicasa, that this matter be Adopted on First Reading (Ordinance). 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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ORDINANCES, 2ND READING- ROLL CALL REQUIRED

061043. PARKING SPACES FOR CORPORATE OFFICES AND CALL CENTERS (B)

Ordinance No. 0-07-29; Petition 22TCH-07PB

An ordinance of the City of Gainesville, Florida, amending Section 30-332 of the Land Development Code, relating to required number of parking spaces; adding parking space requirements for corporate offices and call centers to subsection 30-332(c); 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 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, Jeanna Mastrodicasa, Craig Lowe, Edward Braddy, Rick Bryant and Pegeen Hanrahan

Absent: Scherwin Henry

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050749. ROAM TOWING REGULATIONS (B)

Ordinance No.: 0-07-40

An ordinance of the City of Gainesville amending Chapter 14.5, Article III, consisting of Sections 14.5-25 thru 14.5-38 of the Gainesville Code of Ordinances relating to towing from certain private property; by providing definitions; by requiring owner, operator and vehicle registration for trespass towing; requiring wrecker operator permits; providing permit specifications; providing for permit revocation and appeal; clarifying requirement for agreement when property ownership changes; requiring the establishment of maximum rates for multiple classes of vehicles; requiring cash, major credit card and debit card payment options; prohibiting temporary storage of vehicles under tow; requiring photographs depicting violation and requiring telephone monitoring or staffing to provide specified information to owners or authorized drivers of vehicles; amending the Police section of Appendix A, Schedule of Fees, Rates and Charges

by providing registration and permit fees; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Chair Hanrahan recognized Lauren Michelle Kolansky, Michael Bowe, Mike Weber of Superior Towing, Pat Fitzpatrick and Walter Willard who spoke to the matter.

Lt. Sherry Scott and Chief Norm Botsford gave presentations.

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, Jeanna Mastrodicasa, Craig Lowe, Edward Braddy, Rick Bryant and Pegeen Hanrahan

Absent: Scherwin Henry

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051224. DOMESTIC PARTNERSHIP REGISTRY (B)

Ordinance No. 0-07-46

An ordinance of the City of Gainesville, Florida, amending the Code of Ordinances of the City of Gainesville, by creating and adding an Article VII, under Chapter 2 of the Code, entitled "Registered Domestic Partnerships," providing for registered domestic partnerships and setting forth the rights and legal effects of such partnerships; amending Appendix "A" by creating and adding a section entitled "Registered Domestic Partnerships," setting forth fees; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Chair Hanrahan recognized Peter McMann, Reverend Joe McMurray, Walter Willard, Michelle Ott, Amber Waters, Florence Turcott and Michael Bowe 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, Craig Lowe, Rick Bryant and Pegeen Hanrahan
Nay: Edward Braddy

Absent: Scherwin Henry

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070088. ADULT AND SEXUALLY ORIENTED BUSINESSES, NON-CONFORMING USE (B)

Ordinance No. 0-07-47; Petition 53TCH-07PB

An ordinance of the City of Gainesville, Florida, amending Section 30-90 of the Land Development Code, relating to adult and sexually oriented establishments; deleting the requirement in subsection 30-90(f) that a change of tenant or ownership terminates an existing nonconforming use; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

City Litigation Attorney Elizabeth Waratuke gave a presentation.

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

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070089 LAND DEVELOPMENT CODE AMENDMENT - NONCONFORMING USES (B)

Ordinance No. 0-07-45, Petition No. 51TCH-07PB

An ordinance of the City of Gainesville, Florida, amending the Land Development Code; amending Section 30-346(d) providing that the Standard Industrial Classification Manual categories are not used in residential districts for classification purposes; and providing that a non-conforming membership organization in a residential district may be changed to a place of religious assembly; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

City Litigation Attorney Elizabeth Waratuke gave a presentation.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

A motion was made by Commissioner Lowe, seconded by Commissioner Mastrodicasa, that this matter be Adopted on Final Reading (Ordinance). 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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061107. PEDDLING, CANVASSING, SOLICITING AND PANHANDLING (B)

ORDINANCE NO.: 0-07-48

An ordinance of the City of Gainesville, Florida, amending Chapter 19 of the Code of Ordinances entitled Peddlers, Solicitors and Canvassers, consisting of Sections 19-15 thru 19-17, Section 19-20, Sections 19-79 thru 19-82, Section 19-96, and Sections 19-126 thru 19-127; repealing Sections 19-51 thru 19-55, Sections 19-110 thru 19-113, and Sections 19-122 thru 19-124 of the Code of Ordinances; providing for the purpose and intent to promote the public health, welfare and safety; providing definitions; providing restrictions and requirements; prohibiting peddlers from peddling from any operator or occupant of a vehicle that is on a portion of a public street that is in use by vehicular traffic; prohibiting operators or occupant of vehicles that are in traffic on a public street from buying goods, wares or merchandise from peddlers while vehicle is on portion of public street in use by vehicular traffic; prohibiting any person from standing on a traffic median, bicycle path or public street to peddle or canvass from an operator or occupant of any vehicle when in use by vehicular traffic; prohibiting beggars, panhandlers or solicitors from begging, panhandling or soliciting from any operator or occupant of a vehicle that is in traffic on a public street; prohibiting any operator or occupant of a vehicle that is in traffic on a public street from engaging in a transaction with a beggar, panhandler or solicitor while a vehicle is on a portion of a public street in use by vehicular traffic; prohibiting any person from standing on a traffic median, bicycle path or public street to beg, panhandle or solicit when in use by vehicular traffic; repealing Article III relating to fundraising by a nonprofit organization; amending restrictions and prohibitions on begging, panhandling or soliciting on private and public property; removing sign message requirements for vending booths and itinerant vendors; repealing Article V relating to street solicitation by a nonprofit organization; amending the definition of handbills; providing directions to the codifier; providing a severability clause; providing a repealing clause and providing an immediate effective date.

Assistant City Attorney Stephanie Marchman and Police Chief Norm Botsford gave presentations.

Chair Hanrahan recognized David Resnik, John Surrency, Pat Fitzpatrick, Terry Fleming, Michael Bowe and Kristen Walburg who spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

Absent: Scherwin Henry

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RESOLUTIONS- ROLL CALL REQUIRED

070167. ROAM TOWING FEES (B)

A resolution of the City Commission of the City of Gainesville, Florida, amending and establishing maximum trespass towing fees in accordance with section 14.5-30 of the Code of Ordinances of the City of Gainesville, Florida; and providing an immediate effective date.

Chair Hanrahan recognized Stan Foron who spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed Resolution.*

A motion was made by Mayor-Commissioner Pro Tem Bryant, seconded by Commissioner Lowe, 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 Peegen Hanrahan

Absent: Scherwin Henry

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PLAN BOARD PETITIONS

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

UNFINISHED BUSINESS

COMMISSION COMMENT

Commissioner Ed Braddy

*Airport Noise Contours - Referral***070261. Gainesville/Alachua County Regional Airport Noise Contour Issue (NB)**

RECOMMENDATION *The City Commission refer to staff to bring back a report on the status of the noise contours in our ordinances and the Airport's Master Plan.*

A motion was made by Commissioner Braddy, seconded by Mayor-Commissioner Pro Tem Bryant, that this matter be Referred to the City Manager, due back on January 23, 2008. 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

Commissioner Rick Bryant

NW 22nd Street, University to 8th Avenue - Speeding Issues

Chief Botsford made comments.

Mayor Pegeen Hanrahan

1. Childcare Issue (Gordon Tremaine) - Bring back to Thursday, July 26, 2007 Special Meeting.

2. Report from Sundance Summit Referral due back February 12, 2007 - Where we are as far as meeting our goals (conservation). Staff to bring a report back to the City Commission.

CITIZEN COMMENT (If time available)

There were no citizens who wished to speak at this time.

ADJOURNMENT - 8:55 PM

Kurt M. Lannon, Clerk of the Commission