

City of Gainesville

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



Meeting Minutes

Monday, September 27, 2004

1:00 PM

City Hall Auditorium

City Commission

*Mayor Pegeen Hanrahan (At Large)
Mayor-Commissioner Pro Tem Tony Domenech (District 3)
Commissioner Warren Nielsen (At Large)
Commissioner Rick Bryant (At Large)
Commissioner Chuck Chestnut (District 1)
Commissioner Ed Braddy (District 2)
Commissioner Craig Lowe (District 4)*

Persons with disabilities who require assistance to participate in this meeting are requested to notify the Equal Opportunity Department at 334-5051 or call the TDD phone line at 334-2069 at least two business days in advance.

CALL TO ORDER - 1:06 PM**ROLL CALL**

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

INVOCATION

Dr. John P. Fairless, First Baptist Church

CONSENT AGENDA

*Commissioner Braddy moved and Mayor-Commissioner Pro Tem Domenech seconded to adopt the Consent Agenda with the following modification:
(VOTE: 7-0, MOTION CARRIED)*

MODIFICATION:

*File #040462 - Contract Extension for Wilhelmina Johnson Resource Center -
Remove from the Consent Agenda and place on the Regular Agenda for discussion.*

CITY MANAGER, CONSENT AGENDA ITEMS**040461 First Extension to the Agreement with MV Transportation for ADA Services (B)**

RECOMMENDATION *The City Commission authorize the City Manager or designee to execute the first extension to the agreement with MV Transportation, to include the 2.7% rate increase, for the period of September 30, 2004 to September 30, 2005, and any other necessary documents.*

This Matter was Approved as Recommended on the Consent Agenda.

040463 Professional Diet/Nutrition Services with Kathryn Parker, Inc. (B)

RECOMMENDATION *The City Commission: 1) designate Kathryn Parker, Inc. as a specified source for diet/nutrition services; 2) authorize the City Manager or designee to negotiate and execute a three-year contract for the period of October 1, 2004 through September 30, 2007; and 3) approve the issuance of a purchase order in an amount not to exceed \$45,000 for FY 2005 with the possibility of up to a 3% adjustment factor for each of the two subsequent fiscal years.*

This Matter was Approved as Recommended on the Consent Agenda.

040464 Distribution of the Community Partnership Matching Grant (TANF) Recovered Funds (B)

RECOMMENDATION *The City Commission authorize the City Manager to: 1) transfer the recovered funds to the appropriate departmental accounts; 2) apply the entire amount of the Police Department's TANF recovery to the costs of the new Reichert House facility.*

This Matter was Approved as Recommended on the Consent Agenda.

040465 US Fire Administration Fire Prevention and Safety Grant (NB)

RECOMMENDATION *The City Commission authorize the City Manager to: 1) apply for the Assistance to Firefighters Grant Program for Fire Prevention and Safety up to \$125,759 and if awarded; 2) execute the grant award contract; and 3) if awarded, bring back to the City Commission a request for the appropriation of the \$37,728 in matching funds from the Commission Contingency, General Fund Balance, or other designated source.*

This Matter was Approved as Recommended on the Consent Agenda.

040423 Federal Law Enforcement Contraband Forfeiture Trust Fund Funding for the Mounted Patrol Unit FY 2004-2005 (B)

RECOMMENDATION *The City Commission approve the appropriation of \$21,570 from the Federal Law Enforcement Contraband Forfeiture Trust Fund for the operation of the Mounted Patrol Unit.*

This Matter was Approved as Recommended on the Consent Agenda.

040422 Federal Law Enforcement Contraband Forfeiture Trust Fund Funding for Joint Aviation Unit for FY 2004 2005 (B)

RECOMMENDATION *The City Commission approve the appropriation of \$82,500 from the Federal Law Enforcement Contraband Forfeiture Trust Fund for the operation of the Joint Aviation Unit.*

This Matter was Approved as Recommended on the Consent Agenda.

031190 Amendment to and Restatement of Countywide Visioning and Planning Process

Interlocal Agreements (B)

RECOMMENDATION *The City Commission approve the recommended amendments to the Interlocal Agreements for a Countywide Visioning and Planning Process.*

This Matter was Approved as Recommended on the Consent Agenda.

040467 Consolidated Police Officers' and Firefighters' Retirement Plan Actuarial Valuation Report (B)

RECOMMENDATION *The City Commission accept the September 30, 2003 actuarial valuation report for the Consolidated Plan and approve the recommended City contribution rate of 6.81%, effective October 1, 2004.*

This Matter was Approved as Recommended on the Consent Agenda.

040468 Disability Plan Actuarial Valuation Report (B)

RECOMMENDATION *The City Commission accept the September 30, 2003 actuarial valuation report for the Disability Plan and approve the recommended employer contribution rate of 0.69% effective October 1, 2004.*

This Matter was Approved as Recommended on the Consent Agenda.

040484 Request for Increase in Trespass Towing Fee (B)

RECOMMENDATION *The City Commission refer the requested increase in trespass towing fees to the Public Safety Committee.*

This Matter was Approved as Recommended on the Consent Agenda.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS**040456 Approval of a Contract for Janitorial Services (NB)**

RECOMMENDATION *The City Commission: 1) authorize the General Manager, or his designee to execute a contract with the Association of Retarded Citizens of Alachua County, Inc. (ARC) for janitorial services for FY 2005, subject to the approval of the City Attorney as to form and legality; and 2) approve the issuance of a purchase order to the Association of Retarded Citizens of Alachua County, Inc. in an amount not to exceed \$159,396 for FY 2005.*

This Matter was Approved as Recommended on the Consent Agenda.

040457 Amendment to Lease Agreement with County (NB)

RECOMMENDATION *The City Commission: 1) approve an Amendment to a Lease Agreement between the City and Alachua County for the use of the City of Gainesville's/GRU's Archer Road Utility Right-of-Way corridor for bikeway/pedestrian access improvements by Alachua County; and 2) authorize the General Manager, or his designee, to execute the Amendment, subject to approval as to form and legality by the City Attorney.*

This Matter was Approved as Recommended on the Consent Agenda.

040458 Additional Energy Delivery Automated Mapping/Facilities Management (AM/FM) Software Licenses (NB)

RECOMMENDATION *The City Commission: 1) approve the issuance of purchase orders to Environmental Systems Research Institute, Inc. (ESRI) for the purchase of nine (9) ArcEditor software licenses in the amount of \$56,735; and 2) approve the issuance of purchase orders to ESRI in fiscal years 2005 and 2006 for the purchase of additional licenses in an amount not to exceed \$65,000, subject to the appropriation of funds.*

This Matter was Approved as Recommended on the Consent Agenda.

CITY ATTORNEY, CONSENT AGENDA ITEMS

040459 EMERGENCY DECLARATION (B)

RECOMMENDATION *Authorize the City Attorney to draft and the Clerk of the Commission to advertise an ordinance amending Sec. 2-67.*

This Matter was Approved as Recommended on the Consent Agenda.

040460 CORRECTION OF MINOR SCRIVENER'S ERRORS, ORDINANCE 031133, RESTORING DAY CARE CENTERS AS A USE BY RIGHT IN THE RMF-5 (12 UNITS/ACRE) RESIDENTIAL LOW DENSITY ZONING AND RC DISTRICTS AND CORRECTING A TYPOGRAPHICAL ERROR IN TABLE 2, ACCESSORY USES (B)

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.

**040479 HOUSING DISCRIMINATION COMPLAINTS HUD CASE NO. 04-04-1473-8
LAVELLA COLLINS V. KENNEDY HOMES; HUD CASE NO. 04-04-1475-8
BETTY HALL V. KENNEDY HOMES; HUD CASE NO. 04-04-1477-8
LASHAWNA ROBINSON V. KENNEDY HOMES (B)**

RECOMMENDATION *The City Commission authorize the City Attorney to represent the City in Housing Discrimination Complaints HUD Case No. 04-04-1473-8 Lavella Collins v. Kennedy Homes; HUD Case No. 04-04-1475-8 Betty Hall v. Kennedy Homes; HUD Case No. 04-04-1477-8 Lashawna Robinson v. Kennedy Homes.*

This Matter was Approved as Recommended on the Consent Agenda.

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

040455 Resignation of Alison Law (B)

RECOMMENDATION *The City Commission accept the resignation of Alison Law from the Public Recreation Board effective immediately.*

This Matter was Approved as Recommended on the Consent Agenda.

040477 Resignation of Bill Radunovich (B)

RECOMMENDATION *The City Commission accept the resignation of Bill Radunovich from the Bicycle/Pedestrian Advisory Board effective immediately.*

This Matter was Approved as Recommended on the Consent Agenda.

040476 City Commission Minutes (B)

RECOMMENDATION *The City Commission approve the minutes of September 13, 2004 (Regular Meeting); and September 14, 2004 (Special Meeting); as circulated.*

This Matter was Approved as Recommended on the Consent Agenda.

040483 Special City Commission Meetings (NB)

RECOMMENDATION *The City Commission: 1) schedule a special meeting to hear a presentation from Dr. David A. Denslow, Jr., regarding "Funding a Dynamic University Community" for Tuesday, October 12, 2004, 6:00 p.m.; City Hall Auditorium; and 2) reschedule the October 18, 2004 City Commission Special Meeting - Re: Energy Supply Plan "Demand Side Management, Benchmarking and Additional Follow-up from Previous Workshops" to Monday, November 1, 2004, 6:00 p.m.; City Hall Auditorium.*

This Matter was Approved as Recommended on the Consent Agenda.

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**COMMITTEE REPORTS, CONSENT AGENDA ITEMS****GAINESVILLE-ALACHUA COUNTY CULTURAL AFFAIRS BOARD,
CONSENT ITEMS****040469 Cultural Plan for Alachua County 2004 (B)**

RECOMMENDATION *The City Commission review and approve the Cultural Plan for Alachua County 2004.*

This Matter was Approved as Recommended on the Consent Agenda.

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS**040445 Enforcement Date for Permit Parking in the University Context Area (NB)**

RECOMMENDATION *The City Commission: 1) Request the City Manager change the permit parking enforcement date in the University Context Area from October 1, to September 15, every year; and 2) request that the City Commission and the College Park/University Heights Redevelopment Advisory Board look at this issue at the end of 2005 to see how this worked.*

This Matter was Approved as Recommended on the Consent Agenda.

Passed The Consent Agenda

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

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

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

*Commissioner Nielsen moved and Commissioner Lowe seconded to adopt the Regular Agenda with the following modifications:
(VOTE: 7-0, MOTION CARRIED)*

- 1. File #040499 - Hurricane Jeanne Update*
- 2. File #040470 - Amendment to Interlocal Agreement with Alachua County For Solid Waste Disposal - (Revised back-up submitted).*
- 3. File #040474 - Mayor Pegeen Hanrahan - Kennedy Homes - (Remove from the Agenda - Reverend Griner unable to attend).*
- 4. File #001254 - (Quasi-Judicial) Special Industrial Use Permit, Wellfield Special Use Permit and development plan review for construction of an asphalt plant located at 765 NW 13th Street (Petition 3WSU-01CC) - (New Recommendation to Continue item to the October 11, 2004 City Commission Meeting).*
- 5. File #040368 - Budget Amendment FY 2003-2004 - (Revised back-up submitted).*

CHARTER OFFICER UPDATES

040499 Hurricane Jeanne Update (NB)

City Manager Wayne Bowers, Public Works Director Teresa Scott and Gainesville Regional Utilities (GRU) Communications Director Kathy Viehe gave presentations.

RECOMMENDATION *The City Commission hear an update from City Manager Wayne Bowers and General Manager for Utilities Mike Kurtz regarding Hurricane Jeanne.*

Heard

CLERK OF THE COMMISSION

CITY MANAGER

040470 Amendment to Interlocal Agreement with Alachua County for Solid Waste Disposal (B)

Alachua County Assistant Public Works Director for Solid Waste Karen Deeter and Public Works Director Richard Hedrick gave presentations.

MOTION (MAIN MOTION): Commissioner Nielsen moved and Commissioner Lowe seconded to approve the amendment to the Interlocal Agreement with a modification in Section 2.15. "Intergovernmental Coordination" - Revise language to read: "The County and the City agree that representatives from their respective governing bodies and their managers shall meet at least on a semi-annual basis to discuss the delivery of solid waste management services..."
(VOTE: 7-0, MOTION CARRIED)

AMENDMENT TO THE MAIN MOTION: Commissioner Bryant moved and Commissioner Braddy seconded to direct staff to amend the Interlocal Agreement with the County, Section 1.2. after the words "balance is fully paid", insert "including any and all interest the transferred funds would have earned based on the actual return rate of the solid waste system fund from the initial date of the transfer until all principal and interest is repaid."
(VOTE: 7-0, MOTION CARRIED)

SECOND AMENDMENT TO THE MAIN MOTION: Commissioner Chestnut moved and Commissioner Bryant seconded to direct staff to amend the Interlocal Agreement to include "The County agrees that the City Manager or designee will be included in any substantive discussions relating to the solid waste management system for the purpose of receiving the City's input and recommendations prior to the county approving or amending any agreement with any third party that provides services to or for the system."
(VOTE: 7-0, MOTION CARRIED)

Chair Hanrahan recognized Citizen Mark Goldstein and Waste Management Representative Bubba Bussard who spoke to the matter.

PLACE ON THE TABLE MOTION: Commissioner Nielsen moved and Commissioner Lowe seconded to table the item.
(VOTE 7-0, MOTION CARRIED)

REMOVE FROM THE TABLE MOTION: Mayor-Commissioner Pro Tem Domenech moved and Commissioner Chestnut seconded to take this item from the table.
(VOTE: 6-0, Commissioner Braddy - Absent, MOTION CARRIED)

NOTE: This item was also discussed during the evening portion of the agenda.

RECOMMENDATION *The City Commission: 1) hear a presentation from Alachua County Solid Waste staff and City staff; and 2) approve the Amendment to the Interlocal Agreement.*

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

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

040471 Proposal to Increase the Maximum Loan Amount for the City's Homeownership Incentive Program (B)

City of Gainesville Community Development Director Tom Saunders gave a presentation.

Chair Hanrahan recognized Citizen Mark Goldstein who spoke to the matter.

FIRST MOTION: Commissioner Lowe moved and Commissioner Nielsen seconded to approve the recommendation.

(MOTION WITHDRAWN)

AMENDMENT (MAIN MOTION): Commissioner Lowe moved and Commissioner Bryant seconded that the City Commission approve modifying part 1) the maximum DPL award up to \$7,500 for the sales prices below \$150,000; and 2.5% up to \$10,000 applied to the purchase price increment over \$150,000 to a maximum \$250,000; and include part 2) of the recommendation.

RECOMMENDATION *The City Commission approve modifying the: 1) maximum DPL award of up to \$5,000 for sales prices below \$150,000, and 3.33% of the sales price up to a total maximum of \$10,000 for sales prices above \$150,000; and 2) CHIP program guidelines to reduce the time period required for an employee not to have received written disciplinary action within the past two years, to read that the employee must have not received a written disciplinary action subsequent to the date of the last written performance appraisal.*

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

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

040472 Metropolitan Transportation Planning Organization (MTPO) (NB)

City of Gainesville Public Works Transportation Manager Brian Kanely gave a presentation.

RECOMMENDATION *The City Commission hear a report from staff regarding the October 7, 2004 meeting of the Metropolitan Transportation Planning Organization (MTPO).*

Heard**040466 Amendment to Section 2-438 of the City Code of Ordinances: Investment of Funds of the City (NB)**

City of Gainesville Finance Director Mark Benton gave a presentation.

RECOMMENDATION *The City Commission authorize the City Attorney to draft and the Clerk to advertise an amendment to Section 2-438 of the City Code of Ordinances, Investment of Funds of the City, to provide for investment of the assets of the Retiree Health Insurance Trust Fund and the Disability Pension Trust Fund in a manner consistent with other defined benefit pension trust funds.*

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

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

040462 Contract Extension for Wilhelmina Johnson Resource Center (B)

MOTION: Mayor-Commissioner Pro Tem Domenech moved and Commissioner Braddy seconded to direct the City Parks and Recreation Staff to assume the management and operation of this facility as any other City facility.

(VOTE: 2-5) Commissioner's Domenech and Braddy - Yes; Commissioners Lowe, Chestnut, Nielsen, Bryant and Mayor Hanrahan - No; (MOTION FAILED)

City of Gainesville Assistant City Manager Barbara Lipscomb and Cultural Affairs Director Dr. Lemuel Moore gave presentations.

RECOMMENDATION *The City Commission approve the proposed one-year contract extension.*

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

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

GENERAL MANAGER FOR UTILITIES**CITY ATTORNEY****CITY AUDITOR**

EQUAL OPPORTUNITY DIRECTOR**COMMITTEE REPORTS (PULLED FROM CONSENT)****ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)****OUTSIDE AGENCIES****MEMBERS OF THE CITY COMMISSION****040474 Mayor Pegeen Hanrahan - Kennedy Homes (NB)**

RECOMMENDATION *The City Commission hear an update on Kennedy Homes from Reverend Griner.*

Continued

040475 Mayor Pegeen Hanrahan - Delta Sigma Theta Sorority, Inc. (B)

Ivy Bell, Chairperson for the Delteen Program of the Delta Sigma Theta Sorority, Inc., gave a presentation.

MOTION: Commissioner Chestnut moved and Commissioner Lowe seconded that the City Commission Co-Sponsor the Delteen Program with \$1,000 from the City Commission Contingency Fund.

RECOMMENDATION *The City Commission discuss a funding request by the Delta Sigma Theta Sorority, Inc. and take appropriate action.*

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

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

040482 Commissioner Tony Domenech - Surplus Property (NB)

Wells The Losen of Ridgeway Roof & Truss Company gave a presentation.

*MOTION: Mayor-Commissioner Pro Tem Domenech moved and Commissioner Braddy seconded that the City Commission declare the property at 1233 SW 6th Street as surplus and direct the appropriate staff to advertise and execute.
(VOTE: 7-0, MOTION CARRIED)*

RECOMMENDATION *The City Commission declare the property at 1233 SW 6th Street as surplus and take any additional appropriate action.*

A motion was made by Mayor-Commissioner Pro Tem Domenech, seconded by Commissioner Braddy, that this matter be Approved, as shown above. The motion carried by the following vote:

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

COMMISSION COMMENTS (if time available)

Commissioner Chuck Chestnut

Public Safety during storm events - fallen electrical wires.

RECESS - 5:17 PM

RECONVENE - 5:42 PM

CITIZEN COMMENT

Robert Pearce

- 1. Boom Box Noise*
- 2. ATM - Hours of Operation (All night)*
- 3. Downtown Bar Closing Times*

NOTE: The City Manager to come back with a report regarding boom box noise and ATM hours of operation.

Kali Blount

File # 040464 Distribution of the Community Partnership Matching Grant (TANF) Recovered Funds.

Gabe Kaimowitz

- 1. Trip to Ann Arbor Michigan*
- 2. City Manager Hiring Process*

COMMISSION COMMENTS (if time available)

PLEDGE OF ALLEGIANCE (6:00pm)

Boy Scout Troop #307**PROCLAMATIONS/SPECIAL RECOGNITIONS****040481 Gainesville Creek Week (B)**

RECOMMENDATION *Gainesville Clean Water Partnership Coordinator Sally Adkins to accept the proclamation.*

Heard

PUBLIC HEARINGS**040388 FINAL MILLAGE RATE RESOLUTION (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 2004-2005 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 of Gainesville Office of Management and Budget (OMB) Becky Rountree gave a presentation.

RECOMMENDATION *The City Commission adopt the proposed resolution.*

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

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

040389 GENERAL GOVERNMENT BUDGET (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, 2004 AND ENDING SEPTEMBER 30, 2005; ADOPTING THE GENERAL OPERATING AND FINANCIAL PLAN BUDGET; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

City of Gainesville Office of Management and Budget (OMB) Director Becky

Rountree gave a presentation.

RECOMMENDATION *The City Commission adopt the proposed resolution.*

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

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

040390

GAINESVILLE REGIONAL UTILITIES BUDGET (B)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA, RELATING TO THE BUDGET FOR THE CITY OF GAINESVILLE REGIONAL UTILITIES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2004, AND ENDING SEPTEMBER 30, 2005; PROJECTING REVENUES AND ADOPTING A 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.

RECOMMENDATION *The City Commission adopt the proposed resolution.*

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

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

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

040406

DANCE HALL DEFINITIONS (B)

ORDINANCE NO.: 0-04-92

An ordinance of the City of Gainesville, Florida, amending section 14.5-101 by modifying the definition of dance hall; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

ORDINANCES, 2ND READING- ROLL CALL REQUIRED**040392 WATER RATES (B)****Ordinance No. 0-04-84**

An Ordinance amending the Code of Ordinances of the City of Gainesville, Florida, Appendix A, Section UTILITIES (3) Water, By Increasing Non-Residential Water Rates, Increasing Customer Charge, Applying Seasonal Block Rates to Residential Customers on a Year Round Basis and Adjusting Water Connection Charges; Providing for a Repealing Clause; Providing for 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 Nielsen, seconded by Commissioner Chestnut, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:

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

040391 WASTEWATER RATES (B)**Ordinance No. 0-04-83**

An Ordinance amending the Code of Ordinances of the City of Gainesville, Florida, Appendix A, Section UTILITIES (4) Sewerage, By Increasing Wastewater Rates and Customer Charge, and Adjusting Water Connection Charges; Providing for a Repealing Clause; Providing for 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 Chestnut, seconded by Commissioner Bryant, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:

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

040220 SOLID WASTE FRANCHISE (B)**Ordinance No. 0-04-78**

An ordinance of the City of Gainesville, Florida, amending sections of Division 2, Article III, Chapter 27 of the City of Gainesville Code of Ordinances, relating to the registration and renewal of the term of solid waste providers of commercial

service and/or construction and demolition debris collection; amending section 27-79, general provisions; amending recycling goals through September 30, 2007; revising language regarding penalties and fines; creating 27-79.1, term of franchise; providing for the issuance of renewal of franchises until September 30, 2007; amending section 27-86, registration of recovered materials collectors; revising and updating application and registration requirements; making clarifying changes; extending registration period from one to five years; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

040377

SOLID WASTE NON-AD VALOREM ASSESSMENT (B)

Ordinance No. 0-04-81

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 the provision of solid waste management costs; providing conditions for the consent; providing that the consent is for a one year period; and providing an effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

040368

BUDGET AMENDMENT FY 2003-2004 (B)

Ordinance No. 0-04-79

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

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

040378 CABLE APPLICATION FEE ORDINANCE (B)

ORDINANCE NO.: 0-04-82

An ordinance of the City of Gainesville, Florida, amending Appendix A, Schedule of Fees, Rates and Charges, by creating a new heading titled "Cable Franchise" and establishing therein a fee for the initial application of a cable franchise and a fee for the transfer of a cable franchise not based upon a corporate reorganization; 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 Lowe, seconded by Commissioner Chestnut, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:

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

031254 LAND DEVELOPMENT CODE AMENDMENT - MULTIPLE-FAMILY MEDIUM DENSITY RESIDENTIAL ZONING DISTRICTS (B)

Ordinance No. 0-04-66; Petition 55TCH-04 PB

An ordinance of the City of Gainesville, Florida, amending the Land Development Code, relating to requirements for multiple-family medium density residential zoning districts; amending section 30-53, eliminating floor area ratio requirements, establishing a 3-story height limit by right, and a 5-story height limit by special use permit for the RMF-6 (8-15 units/acre); RMF-7 (8-21 units/acre) and RMF-8 (8-30 units/acre) multiple-family medium density residential zoning districts; making certain other minor modifications for clarification; 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 Lowe, seconded by Commissioner Chestnut, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:

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

040238 LAND DEVELOPMENT CODE AMENDMENT - DELETING SUPERCEDED REQUIREMENTS FOR THE STORAGE OF FLAMMABLE LIQUIDS (B)

Ordinance No. 0-04-71; Petition 121TCH-04 PB

An ordinance of the City of Gainesville, Florida, repealing section 30-344 of the Land Development Code in its entirety, relating to requirements for the storage of flammable liquids; reserving section 30-344 of the Code; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

RESOLUTIONS- ROLL CALL REQUIRED

040473 Resolution for a Joint Participation Agreement for Block Grant Funds for Commuter Assistance Program (B)

RECOMMENDATION *The City Commission adopt the Resolution authorizing execution of Joint Participation Agreement with the Florida Department of Transportation.*

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

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

PLAN BOARD PETITIONS

001254 (Quasi-Judicial) Special Industrial Use Permit, Wellfield Special Use Permit, and development plan review for construction of an asphalt plant located at 7605 NW 13th Street. (Petition 30WSU-01CC) (B)

MOTION: Continue this item to October 11, 2004

RECOMMENDATION *Planning Staff to City Commission - The City Commission approve the petition.*

A motion was made by Commissioner Nielsen, seconded by Commissioner Chestnut, that this matter be Continued (Petition) for October 11, 2004. The motion carried by the following vote:

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

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

040486 **Gainesville Regional Airport Authority (NB)**

MOTION: Continue this item to the October 11, 2004

RECOMMENDATION *The City Commission hear a presentation from the Gainesville Regional Airport Authority.*

A motion was made by Commissioner Chestnut, seconded by Mayor-Commissioner Pro Tem Domenech, that this matter be Continued for October 11, 2004. The motion carried by the following vote:

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

UNFINISHED BUSINESS

COMMISSION COMMENT

Commissioner Rick Bryant

City Manager Selection Process

Commissioner Edward Braddy

Better Parks/Better Roads Referenda Signage

040500 **Signage in the City right-of-way relating to the County's "Better Parks Better Roads" referenda**

RECOMMENDATION *The City Commission hear comments from Commissioner Edward Braddy and place the memo from the City Attorney on file.*

Placed on File

Commissioner Warren Nielsen

Economic Development Slides

CITIZEN COMMENT

ADJOURNMENT - 7:07 PM

Kurt M. Lannon, Clerk of the Commission