

City of Gainesville

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



Meeting Minutes

Monday, May 8, 2006

1:00 PM

City Hall Auditorium

City Commission

*Mayor Pegeen Hanrahan (At Large)
Mayor-Commissioner Pro Tem Craig Lowe (District 4)
Commissioner Rick Bryant (At Large)
Commissioner Jeanna Mastrodicasa (At Large)
Commissioner Scherwin Henry (District 1)
Commissioner Ed Braddy (District 2)
Commissioner Jack Donovan (District 3)*

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 day

CALL TO ORDER - 1:05 PM

ROLL CALL

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

INVOCATION

The City Commission observed a moment of silence.

CONSENT AGENDA

MOTION: Mayor-Commissioner Pro Tem Lowe moved and Commissioner Donovan seconded to adopt the Consent Agenda with the following modifications.

(VOTE: 5-0, Commissioners Braddy and Bryant - Absent, MOTION CARRIED)

MODIFICATIONS:

1. File #051217 - Continuation of Employee Buss Pass Program for Veteran's Administration Health System Employees - (Remove from the Consent agenda and place on the Regular Agenda for discussion).

2. File #060005 - Judith Chase, Ollen Rogers and Joseph Nelson V. City of Gainesville and Alachua County Sheriff's Office - (Remove from the Consent Agenda and placed on the Regular Agenda for discussion).

CITY MANAGER, CONSENT AGENDA ITEMS

050350

Contract Extension for the Procurement of Automotive Equipment Parts and Supplies (B)

This item involves exercising an option to extend the contract for one (1) year, the final of three (3) one-year extensions as allowed in the Agreement.

RECOMMENDATION

The City Commission: 1) approve the extension of the current contract with Genuine Auto Parts d/b/a NAPA Auto Parts for a period of one-year; and 2) authorize the City Manager or his designee to execute the contract extension.

Alternative Recommendation A: The City Commission require re-bidding the contract, which may result in the City losing the discount currently allowed under the Agreement.

Alternative Recommendation B: The City Commission return to past practice by requesting quotations on demand, which

may result in the City losing the efficiencies and price protection of the current contract.

This Matter was Approved as Recommended on the Consent Agenda.

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050351

Contract Extension for Tire Repair, Balancing & Alignment Services (B)

This item involves exercising an option to extend the contract for one (1) year, the final of three (3) one-year extensions as allowed in the Agreement.

RECOMMENDATION

The City Commission: 1) approve the extension of the current contract with Town Tire for a period of one-year; and 2) authorize the City Manager or his designee to execute the contract extension.

Alternative Recommendation A: The City Commission require re-bidding the contract, which may result in the City losing the discount currently allowed under the Agreement.

Alternative Recommendation B: The City Commission return to former practice by requesting quotations on demand, which may result in the City losing the efficiencies and price protection of the current contract.

This Matter was Approved as Recommended on the Consent Agenda.

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050414

Contract Extension to Lewis Oil Company of Gainesville for Fuel Management Services (B)

This item involves exercising an option to extend the contract for one (1) year, the final of three (3) one-year extensions as allowed in the Agreement.

RECOMMENDATION

The City Commission: 1) approve the extension of the current contract with Lewis Oil Company of Gainesville for a period of one-year; and 2) authorize the City Manager or his designee to execute the contact extension.

Alternative Recommendation A: The City Commission require re-bidding the contract, which may result in the City losing current advantages from a local supplier.

Alternative Recommendation B: The City Commission return to former procedures which require requesting quotations for each procurement, which may result in the City losing the advantages of current local supplier.

This Matter was Approved as Recommended on the Consent Agenda.

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051115 Florida Communities Trust Grant Application (NB)

This item involves the City submitting the grant application for a Florida Communities Trust Grant for the acquisition of the Hartman - Mackay Property.

RECOMMENDATION

The City Commission: 1) approve the grant application to Florida Communities Trust; 2) authorize the City Manager to execute the application; and 3) authorize the City Manager to execute the grant agreement and other grant-related documents, if awarded, subject to approval by the City Attorney as to form and legality.

Alternative Recommendation A: The City Commission decline the Florida Communities Trust grant application.

This Matter was Approved as Recommended on the Consent Agenda.

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051216 Forensic Science Improvement Grants Program (NB)

This item requests City Commission approval to apply for \$62,146 in grant funds from the U.S. Department of Justice, Office of Justice Programs, National Institute of Justice for funding of the Gainesville Police Department's Forensic Crime Unit for fiscal year 2007.

RECOMMENDATION

Recommended Motion: The City Commission authorize the City Manager to 1) apply to the U.S. Department of Justice Office of Justice Programs for the grant in an amount up to \$62,146, and if awarded; 2) execute the grant agreement and any other documents, subject to approval of the City Attorney as to form and legality.

Alternative Recommendation A: The City Commission decline the opportunity to apply for the grant funding from the U.S.

Department of Justice and refuse to fund the requested equipment and personnel.

Alternative Recommendation B: The City Commission decline the opportunity to apply for the grant funding from the U.S. Department of Justice and seek alternate means of funding the requested equipment and personnel.

This Matter was Approved as Recommended on the Consent Agenda.

051219 Second Extension to the Contract between the City of Gainesville and the Center for Independent Living of North Central Florida (B)

This item involves a request for the second one-year extension to the service Contract between the City and the Center for Independent Living of North Central Florida (CIL-NCF) that expires April 30, 2006.

RECOMMENDATION

Recommended Motion: The City Commission: 1) authorize the City Manager to execute the Second Extension to the Contract with CIL-NCF for the period of May 1, 2006 to April 30, 2007; and 2) authorize the City Manager to execute any and all related documents.

Alternative Recommendation A: The City Commission declines authorization for the City Manager to execute the Second Extension of the Contract with CIL-NCF. The City of Gainesville would be without a Contract to provide ADA Eligibility Certification. RTS would no longer be in compliance with Federal requirements, resulting in a loss of Federal Funding for the Fixed Route buses.

This Matter was Approved as Recommended on the Consent Agenda.

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051221 Settlement of Worker's Compensation Claim - Brian Johns (NB)

This item involves the full and final settlement of Brian Johns' worker's compensation claim, which will include all future medical and indemnity payments as well as all set aside amounts. The total settlement amount is \$56,000 and represents a significant cost advantage to the City.

RECOMMENDATION

The City Commission authorize Special Counsel to prepare and execute the appropriate documents for a lump-sum settlement of the Worker's Compensation claim of Mr. Johns, in the amount of \$56,000.

This Matter was Approved as Recommended on the Consent Agenda.

051222 Application for FY 2006 HUD Continuum of Care Homeless Assistance Program Funding (NB)

The City of Gainesville will participate in the development of an application for the Department of Housing and Urban Development's HUD Continuum of Care Homeless Assistance Program funding by serving as the grantee for two local projects.

RECOMMENDATION

Recommended Motion: 1) The City Commission authorize the City Manager or designee to apply for grant funding in collaboration with the Alachua County Coalition for the Homeless and Hungry under the U.S. Department of Housing & Urban Development (HUD) Continuum of Care Homeless Assistance Program and to act on behalf of the City of Gainesville in all matters pertaining to said grants; and 2) authorize the City Manager to execute subrecipient agreements with Meridian Behavioral Healthcare, Inc. and VETSPACE, Inc. if selected by HUD to receive funding through the Continuum of Care Homeless Assistance Program, subject to approval by the City Attorney as to form and legality.

Alternative Recommendation A: The City Commission defer action until a later meeting.

This Matter was Approved as Recommended on the Consent Agenda.

051238 Re-appointment of Mike Byerly to the East Gainesville SPROUT Project Task Force (NB)

RECOMMENDATION

The City Commission accept staff's recommendation to re-appoint Mike Byerly to the East Gainesville SPROUT Project Task Force for a second two-year term.

This Matter was Approved as Recommended on the Consent Agenda.

051239 Re-appointment of Linda McGurn to the East Gainesville SPROUT Project Task Force (NB)

RECOMMENDATION

*re-appoint Linda McGurn to the East Gainesville SPROUT
Project Task Force for a second two-year term.*

This Matter was Approved as Recommended on the Consent Agenda.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

CITY ATTORNEY, CONSENT AGENDA ITEMS

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

060006 City Commission Minutes (B)

RECOMMENDATION *The City Commission approve the minutes of April 17th and
18th, 2006 (Special Meetings); and April 24, 2006; as
circulated.*

This Matter was Approved as Recommended on the Consent Agenda.

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051241 Resignation of City Beautification Board Member Felix Berardo (B)

RECOMMENDATION *The City Commission accept the resignation of Felix Berardo
from the City Beautification Board effective immediately.*

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

PUBLIC WORKS COMMITTEE, CONSENT

PERSONNEL & ORGANIZATIONAL STRUCTURE COMM, CONSENT

PUBLIC SAFETY COMMITTEE, CONSENT

051080 Funding for Construction of New Gainesville Police Department Community Policing and Training Center and Renovation to Existing Facilities (NB)

This item requests the City Commission approval of funding through the transfer of \$3,500,000 from the Law Enforcement Contraband Forfeiture Trust Fund for the construction of a new Gainesville Police Department Community Policing and Training Center and Renovation to Existing Facilities.

RECOMMENDATION *The City Commission approve the appropriation and transfer of \$3,500,000 from Law Enforcement Contraband Forfeiture Trust Funds for the construction and renovation expenses related to the Gainesville Police Department's current and new facilities.*

This Matter was Approved as Recommended on the Consent Agenda.

051155 Federal LECFTF Funding for Special Investigations Division - Confidential Funds Enhancement (NB)

This item requests City Commission approval for funding narcotics and investigative expenses in connection with the enforcement efforts of the Gainesville Police Department's Special Investigations Division.

RECOMMENDATION *The City Commission approve the appropriation and expenditure of an amount not to exceed \$20,000 from the Federal Law Enforcement Contraband Forfeiture Trust Fund for the Special Investigations Division Confidential Funds Enhancement.*

Alternative Recommendation A: The City Commission approve an amount less than the \$20,000 requested.

Alternative Recommendation B: None.

This Matter was Approved as Recommended on the Consent Agenda.

051166 Federal LECFTF Funding for Joint Aviation Unit Helicopter Maintenance Components (NB)

This item requests City Commission approval for funding the purchase of helicopter components that are required for the safe operation of GPD's helicopter.

RECOMMENDATION

The City Commission approve the appropriation and expenditure of an amount not to exceed \$22,000 from the Federal Law Enforcement Contraband Forfeiture Trust Fund for the purchase of Maintenance Components for the Joint Aviation Unit.

Alternative Recommendation A: The City Commission decline approval of this request with the understanding that the helicopter will not be operable.

Alternative Recommendation B: None.

This Matter was Approved as Recommended on the Consent Agenda.

Passed The Consent Agenda

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

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS**END OF CONSENT AGENDA**

ADOPTION OF THE REGULAR AGENDA

MOTION: Mayor-Commissioner Pro Tem Lowe moved and Commissioner Donovan seconded to adopt the Regular Agenda with the following modification.

(VOTE: 5-0, Commissioners Braddy and Bryant - Absent, MOTION CARRIED)

CLERK OF THE COMMISSION

CHARTER OFFICER UPDATES

CITY MANAGER

051052 Legislative Update (B)

The City Commission will receive an update from staff on legislative affairs.

City Manager Russ Blackburn gave a presentation.

NOTE: Commissioner Bryant entered the meeting room at 1:12 PM.

RECOMMENDATION *The City Commission receive a report from staff and take action if appropriate.*

Heard

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051122 Award for Outstanding Achievement in Popular Annual Financial Reporting (B)

The City was awarded GFOA's Award for Outstanding Achievement in Popular Annual Financial Reporting for its 2004 Citizen's Report. The 2005 Citizen's Report is hereby presented to the Commission and will be also submitted to GFOA for the award.

City of Gainesville Administrative Services Director Becky Rountree gave a presentation.

RECOMMENDATION *The City Commission: 1) accept the Award for Outstanding Achievement in Popular Annual Financial Reporting for Fiscal Year 2004; 2) receive the Citizen's Report for the fiscal year ended September 30, 2005; and 3) endorse submittal of the FY 2005 report to the GFOA.*

NOTE: Document is available for viewing in the Clerk's Office.

Heard

051123 Certificate of Achievement for Excellence in Financial Reporting (B)

The City was awarded GFOA's Certificate of Achievement for Excellence in Financial Reporting for its 2004 Comprehensive Annual Financial Report (CAFR). The 2005 CAFR is hereby presented to the Commission and will be also submitted to GFOA for the award.

City of Gainesville Administrative Services Director Becky Rountree gave a presentation.

RECOMMENDATION

The City Commission: 1) accept the Certificate of Achievement for Excellence in Financial Reporting for fiscal year 2004; 2) receive the Comprehensive Annual Financial Report for the fiscal year ended September 30, 2005; and 3) endorse submittal of the FY2005 report to the GFOA.

NOTE: Document is available for viewing in the Clerk's Office.

Heard

051217 Continuation of Employee Bus Pass Program for North Florida/South Georgia Veterans Health System Employees (B)

This item involves authorizing the City Manager to execute an Interlocal Agreement with North Florida/South Georgia Veterans Health System to continue the Employee Bus Pass Program and to accept a \$9,000 revenue payment for prepaid, unlimited transit access for 2000 employees for one year from May 1, 2006 through and including April 30, 2007.

City Regional Transit System Director Jesus M. Gomez gave a presentation.

RECOMMENDATION

Recommended Motion: The City Commission: 1) authorize the City Manager to execute an Interlocal Agreement with North Florida/South Georgia Veterans Health System to continue the Employee Bus Pass Program through April 30, 2007; and 2) authorize the City Manager to execute any and all related documents.

Alternative Recommendation A: The City Commission can deny continuation of the annual contract between NF/SG and Regional Transit System. The resulting fiscal impact is the loss of \$9,000 revenue generated by the Employee Bus Pass

Program for North Florida/South Georgia Veterans Health System Employees.

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

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

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GENERAL MANAGER FOR UTILITIES

060001 Downtown Wastewater Collection System Capacity (NB)

GRU Assistant General Manager for Water/Wastewater Systems David Richardson gave a presentation.

RECOMMENDATION *The City Commission hear a presentation on the status of the downtown wastewater collection system capacity.*

Heard

CITY ATTORNEY

060005 JUDITH CHASE, OLLEN ROGERS AND JOSEPH NELSON V. CITY OF GAINESVILLE AND ALACHUA COUNTY SHERIFF'S OFFICE; UNITED STATES DISTRICT COURT CASE NO. 1:06CV44SPM/AK (B)

City Police Chief Norm Botsford and Assistant City Attorney Ron Combs made comments.

Chair Hanrahan recognized Georgine Leighton, who spoke to the matter.

NOTE: Commissioner Braddy entered the meeting room at 1:37 PM.

See following referral Item #060025.

RECOMMENDATION *The City Commission authorize the City Attorney and/or Special Counsel if insurance coverage is available, to represent the City of Gainesville in the case styled Judith Chase, Ollen Rogers and Joseph Nelson v. City of Gainesville and Alachua County Sheriff's Office; United States District Court Case No. 1:06cv44SPM/AK.*

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

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

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060025 Meters Downtown for Donations to the Homeless (NB)

RECOMMENDATION *The City Commission refer the issue of placing meters downtown for citizens to make donations for the homeless to the City Manager.*

A motion was made by Commissioner Donovan, seconded by Commissioner Bryant, that this matter be Referred to the City Manager, due back on November 8, 2006. The motion carried by the following vote:

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

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

060002 Commissioner Rick Bryant - Towing Administration Fee (NB)

City Police Chief Norm Botsford gave a presentation.

Chair Hanrahan recognized Nathan Collier who spoke to the matter.

RECOMMENDATION *The City Commission: 1) Request for referral to Public Safety Committee re fairness and equity of \$47 towing admin fee (City Ordinance Section 14.5-25 et al) as it is being*

interpreted in relation to College Park (\$47 or \$2600? i.e. one community or 50?) and/or whether that interpretation reflects the intent of the Commission and 2) Request that the City Manager direct staff to accept status quo until Public Safety Committee makes a recommendation.

A motion was made by Commissioner Bryant, seconded by Commissioner Braddy, that this matter be Referred to the Public Safety Committee, due back on November 8, 2006. The motion carried by the following vote:

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

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060004

City Commission Committees (B)

MOTION (MODIFICATIONS): Commissioner Braddy moved and Commissioner Bryant seconded to: 1) Adopt the Committee assignments with the following modifications:

- 1. Community Development Committee - Add Mayor-Commissioner Pro Tem Lowe.*
 - 2. Tourist Development Council - Assign Commissioner Mastrodicasa instead of Commissioner Henry.*
 - 3. Poverty Reduction Advisory Committee - Assign Commissioner Donovan instead of Commissioner Henry*
 - 4. Entrepreneurial Charter School - (New Committee) - Assign Commissioner Henry to that committee; and*
- 2) request that City staff bring back information at their earliest convenience regarding collapsing the Public Works Committee with the Recreation and Cultural Affairs Committee and the Audit & Finance Committee with the Legislative Committee.*

(VOTE: 7-0, MOTION CARRIED)

NOTE: The complete adopted list of the Committee Appointments is attached to this Legislative File.

RECOMMENDATION *The City Commission confirm the Mayor's appointments.*

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

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

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COMMISSION COMMENTS (if time available)

Commissioner Scherwin Henry

1. Bus travel to the City of Alachua for jobs - City Manager to report back.
2. T.B. McPherson Center Sunday event - possible venue.

Commissioner Ed Braddy

Welcome to two new Commissioners.

Commissioner Rick Bryant

Comments regarding transportation to the City of Alachua and the event at the TB McPherson Center.

WAIVER OF RULES

*Mayor-Commissioner Pro Tem Lowe moved and Commissioner Bryant seconded to waive the rules to reconvene the meeting at 6:00 PM, instead of 5:30 PM.
(VOTE: 7-0, MOTION CARRIED)*

RECESS - 2:59 PM**RECONVENE - 6:04 PM****PLEDGE OF ALLEGIANCE (5:30pm)****PROCLAMATIONS/SPECIAL RECOGNITIONS****CITIZEN COMMENT (6:00pm) - Please sign on sign-up sheet****Bruce Hoffman**

Complaint Re: Downtown Issues

Peter Rebmann

Alachua County School Concurrency Program

Joe Prager

Homeless Problem - Stabbing

Janice Larsen

Blue's Creek - Agreed to speak to this item later on the agenda.

Jerry Williamson

GPD Issues - See File #060028.

060028 Jerry Williamson - Citizen Comment - GPD Issues (B)

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

Placed on File

Tom Cunilio

Wood for Energy

Gabe Kaimowitz

Kennedy Homes

Walter Willard

Various Issues

Pat Fitzpatrick

Homeless Issues

RECESS - 6:36 PM

RECONVENE - 6:46 PM

PUBLIC HEARINGS

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

051206 2007 ELECTION DATES (B)

Ordinance No. 0-06-54
An ordinance of the City of Gainesville, Florida, setting March 6 as the date for the 2007 regular city election and March 27 as the date for the 2007 run-off

election, if necessary; 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 Donovan, seconded by Commissioner Bryant, that this matter be Adopted on First Reading (Ordinance). The motion carried by the following vote:

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

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ORDINANCES, 2ND READING- ROLL CALL REQUIRED

050770 STREET VACATION - EAST OF GPD (B)

Ordinance No. 0-06-47, Petition 176SVA-05PB

An ordinance of the City of Gainesville, Florida, to vacate, abandon and close a public right-of-way generally located at Northwest 7th Place, west of Northwest 5th Street and east of an abandoned railroad right-of-way, as more specifically described in this Ordinance; 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 Commissioner Bryant, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:

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

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051124 ANNEXATION - BEVILLE 2 (B)

Ordinance No. 0-06-42

An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area Pursuant to Chapter 90-496, Special Acts, 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 a portion of Tax Parcel 06715-000-000, generally located south of the city limits, west of the vicinity of SW 34th Street and the City limits, north of the City limits and east of Tax Parcel 06715-001-000; providing for inclusion of the area in Appendix I of the City Charter; providing for land use and zoning regulations; providing for

persons engaged in any occupation, business, trade or profession within the area; providing directions to the City Manager and Clerk of the Commission; providing a severability clause; and providing an immediate effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

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051161 URBAN SERVICES REPORT – CORRECTIVE ORDINANCE – DAUTEL (B)

Ordinance No. 0-06-51

An ordinance of the City of Gainesville, Florida, correcting a scrivener's error in the title, text and Urban Services Report as described in Ordinance 050652 adopting the Urban Services Report pursuant to Chapter 90-496, Special Acts, Laws of Florida, as amended, known as the Alachua County Boundary Adjustment Act for an area located south of the City limits, west of the vicinity of SW 34th Street and the City limits, north of the vicinity of SW 20th Avenue and east of SW 37th Street; providing directions to the City Manager, the City Attorney and the Clerk of the Commission; providing a repealing clause; providing a severability clause; and providing an immediate effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

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RESOLUTIONS- ROLL CALL REQUIRED

051158 Resolution for a Local Agency Program Agreement for Enhancements of the Depot Avenue Transportation Corridor Project (B)

This item involves a Resolution authorizing the City Manager to execute a Local Agency Program (LAP) Agreement between the City of Gainesville and the Florida Department of Transportation for Enhancements of the Depot Avenue Transportation Corridor Project.

RECOMMENDATION

Recommended Motion: The City Commission adopt the Resolution.

Alternative Recommendation A: The City Commission reject the motion to adopt the Resolution, which will result in the City of Gainesville losing \$500,000 in funding for the Depot Avenue Transportation Project. This action will require the Public Works Department to utilize their capital improvement budget allocated for other projects for this project, which will greatly impact the progress and funding for other capital projects.

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

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

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051111

Final Plat Review - Weschester, Phase I (B)

(Formal Quasi-Judicial) Petition 122SUB-02DB Phase I (Quasi-Judicial). Causseaux and Ellington, Inc., agent for Weschester LLC, formerly known as Krystle Pines Cluster Subdivision. Final Plat review for Phases I of the Weschester Subdivision. Phase I consists of 204 lots on 138.10 acres more or less. Located in the 8100 Block of Northwest 43rd Street, north of Northwest 73rd Avenue. Zoned: RSF-1

NOTE: This item was changed from a Formal Quasi-Judicial hearing to Non-Formal Quasi-Judicial hearing.

STAFF PRESENTATION: City of Gainesville Sr. Planner Shenley Neely and Agent for the Petitioner Rory Causseaux of Causseaux and Ellington Engineers gave presentations.

CITIZEN COMMENT: Chair Hanrahan recognized Janice Larsen, Walter Willard and John Barrett who spoke to the matter.

RECOMMENDATION

Planning Staff to City Commission - The City Commission adopt the following resolution: A Resolution approving the final plat of "Weschester Cluster Subdivision Phase I", located generally West of Northwest 43rd Street and North of Northwest 82nd Boulevard, as more specifically described in this Resolution; authorizing the Mayor and Clerk of the Commission to execute a Surety Agreement to secure the construction of improvements; providing directions to the Clerk of the Commission; and providing an immediate

effective date.

Alternative Recommendation A: Deny the proposed final plat application.

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

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

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051167

Final Plat Review -Weschester, Phase II (B)

(Formal Quasi-Judicial) Petition 122SUB-02DB Phase II (Quasi-Judicial). Causseaux and Ellington, Inc., agent for Weschester LLC, formerly known as Krystle Pines Cluster Subdivision. Final Plat review for Phases II of the Weschester Subdivision. Phase II consists of 30 lots on 15.9 acres more or less. Located in the 8100 Block of Northwest 43rd Street, north of Northwest 73rd Avenue.

Zoned: RSF-1

NOTE: This item was changed from a Formal Quasi-Judicial hearing to Non-Formal Quasi-Judicial hearing.

STAFF PRESENTATION: City of Gainesville Sr. Planner Shenley Neely and Agent for the Petitioner Rory Causseaux of Causseaux and Ellington Engineers gave presentations.

CITIZEN COMMENT: Chair Hanrahan recognized Janice Larsen, Walter Willard and John Barrett who spoke to the matter.

RECOMMENDATION

Planning Staff to City Commission - The City Commission adopt the following resolution: A Resolution approving the final plat of "Weschester Cluster Subdivision, Phase II", generally located West of Northwest 43rd Street and North of Northwest 82nd Boulevard, as more specifically described in this Resolution; authorizing the Mayor and Clerk of the Commission to execute a Surety Agreement to secure the construction of improvements; providing directions to the Clerk of the Commission and providing an immediate effective date.

Alternative Recommendation A: Deny the proposed final plat application.

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

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

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051168

Final Plat Review - Weschester, Phase III (B)

(Formal Quasi-Judicial) Petition 122SUB-02DB Phase III (Quasi-Judicial). Causseaux and Ellington, Inc., agent for Weschester LLC, formerly known as Krystle Pines Cluster Subdivision. Final Plat review for Phase III of the Weschester Subdivision. Phase III consists of 45 lots on 26.6 acres more or less. Located in the 8100 Block of Northwest 43rd Street, north of Northwest 73rd Avenue. Zoned: RSF-1

NOTE: This item was changed from a Formal Quasi-Judicial hearing to Non-Formal Quasi-Judicial hearing.

STAFF PRESENTATION: City of Gainesville Sr. Planner Shenley Neely and Agent for the Petitioner Rory Causseaux of Causseaux and Ellington Engineers gave presentations.

CITIZEN COMMENT: Chair Hanrahan recognized Janice Larsen, Walter Willard and John Barrett who spoke to the matter.

RECOMMENDATION

Planning Staff to City Commission - The City Commission adopt the following resolution: A Resolution approving the final plat of "Weschester Cluster Subdivision, Phase III", located generally West of Northwest 43rd Street and South of Northwest 82nd Boulevard, as more specifically described in this Resolution; authorizing the Mayor and Clerk of the Commission to execute a Surety Agreement to secure the construction of improvements; providing directions to the Clerk of the Commission and providing an immediate effective date.

Alternative Recommendation A: Deny the proposed final plat application.

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

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

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051226**A Resolution amending Resolution 050425 concerning Cemetery Fees (B)**

The City of Gainesville is recommending an amendment to the allocation of current fees charged for the sale of grave spaces at the Evergreen Cemetery.

RECOMMENDATION *The City Commission adopt the proposed Resolution entitled: A Resolution of the City Commission of the City of Gainesville, Florida, amending Resolution 050425, approved September 26, 2005, for the purpose of reallocation fees paid for grave spaces and services at Evergreen Cemetery; providing a repealing clause; providing an effective date.*

Alternative Recommendation: The City Commission not adopt the proposed Resolution as written.

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

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

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051240**ANNEXATION REFERENDUM - REPORT OF BOARD OF CANVASSERS (B)**

A resolution of the City Commission of the City of Gainesville, Florida, accepting the report of the Board of Canvassers for the City of Gainesville, Florida, election held on April 25, 2006; and providing an immediate effective date.

RECOMMENDATION *The City Commission adopt the proposed resolution.*

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

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

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PLAN BOARD PETITIONS

050911 Amendment to Buck Bay Planned Development. (B)

Petition 12PDA-06 PB. Buck Bay, Ltd. Text amendment to allow “site-built” homes to be constructed within the existing Buck Bay development. Zoned: PD (Planned development). Located at 7700 Northwest 22nd Street.

City of Gainesville Planner Jason Simmons and Community Development Director Tom Saunders gave presentations.

Chair Hanrahan recognized Walter Willard who spoke to the matter.

NOTE: It was requested by the City Commission, that a number of the questions that were raised during the discussion, be addressed before the petition is brought back for first reading of the ordinance.

RECOMMENDATION *City Plan Board to City Commission - The City Commission approve Petition 12PDA-06 PB. Plan Board vote 6-0.*

Staff to Plan Board - Approve

Alternative Recommendation: Disapprove

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

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

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051019 Significant Ecological Communities Overlay District on 178 acres in Southeast Gainesville (B)

(Formal Quasi-Judicial) Petition 23ZON-06 PB. City of Gainesville. Amend the City of Gainesville Land Development Code by overlaying the Significant Ecological Communities District on property zoned RMF-5 (12 units/acre single-family/multiple-family residential district), RMF-6 (8-15 units/acre multiple-family residential district), RMF-7 (8-21 units/acre multiple-family residential district), RSF-1 (3.5 units/acre single-family residential district), RSF-4 (8 units/acre single-family residential district) CON (Conservation district) and MU-1 (8-30 units/acre mixed use low intensity) on approximately 178 acres. Generally located east of Southeast 24th Street (between East University Avenue and Southeast Hawthorne Road), west of TB McPherson Park, and south of the South Main Street Wastewater Treatment Plant.

Chair Hanrahan recognized Parker Lawrence who raised questions regarding this petition.

NOTE: This item was changed from a Formal Quasi-Judicial Hearing to a Non-Formal Quasi-Judicial hearing.

STAFF PRESENTATION: City of Gainesville Sr. Planner Dom Nozzi gave a presentation.

CITIZEN COMMENT AGAINST THE PETITION: Chair Hanrahan recognized Parker Lawrence, Ted Nichols and Walter Willard who spoke to the matter.

STAFF COMMENTS: City of Gainesville Planning Manager Ralph Hilliard and Community Development Director Tom Saunders made comments.

CITIZEN COMMENT FOR THE PETITION: Chair Hanrahan recognized Maureen Reschly who spoke to the matter.

FIRST MOTION: Commissioner Braddy moved and Commissioner Bryant seconded to deny the petition, (Alternative Recommendation: Do not apply the Significant Ecological Communities Overlay District to the subject properties). (VOTE: 3-4, Commissioners Braddy, Bryant and Henry - Yes; and Commissioners Donovan, Lowe, Mastrodicasa and Mayor Hanrahan - No, (MOTION FAILED)

SECOND MOTION (MAIN MOTION): Mayor-Commissioner Pro Tem Lowe moved and Commissioner Mastrodicasa seconded to approve Petition 23ZON-06 PB. (VOTE: 4-2, Commissioners Donovan, Lowe, Mastrodicasa and Mayor Hanrahan-Yes; Commissioners Braddy and Henry - No; and Commissioner Bryant - Absent, MOTION CARRIED)

ADDITIONAL CITIZEN COMMENT: Chair Hanrahan recognized Albert Dickerson, Rob Brinkman and Maureen Reschly who spoke to the matter.

RECOMMENDATION *City Plan Board to City Commission - The City Commission approve Petition 23ZON-06 PB. Plan Board vote 5-2.*

Staff to Plan Board - Approve

Alternative Recommendation: Do not apply the Significant Ecological Communities Overlay District to the subject properties.

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

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

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051020

Overlay District to Apply New Land Development Regulations to Larger Portions of Southeast Gainesville (B)

Petition 24TCH-06 PB. City of Gainesville. This petition provides a new overlay zoning district containing special land development regulations for an area south of Hawthorne Road and east of Southeast 11th Street.

City of Gainesville Sr. Planner Dom Nozzi and Community Development Director Tom Saunders gave presentations.

Chair Hanrahan recognized Rob Brinkman and Kayla Sisnell who spoke to the matter.

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition 24TCH-06 PB, modifying (d) Regulations to read . . . shall be fronted by liner buildings having retail, office and residential. Plan Board vote 7-0.

Staff to Plan Board - Approve to establish a new Southeast Gainesville Suburban Special Area Plan to help implement Plan East Gainesville.

Alternative recommendation: Do not approve petition.

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

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

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DEVELOPMENT REVIEW BOARD PETITIONS**SCHEDULED EVENING AGENDA ITEMS****UNFINISHED BUSINESS****COMMISSION COMMENT****Commissioner Rick Bryant**

Tennis Courts on 16th Avenue - Coordinate with School Board - City Manager to Report Back

Mayor Pegeen Hanrahan

1. *Tennis Court at Cofrin Park*
2. *Joint City/County Meeting Re: Homeless Implementation, June 20, 2006 at 5:00 PM.*

*MOTION: Commissioner Bryant moved and Mayor-Commissioner Pro Tem Lowe seconded to approve the Joint City/County Meeting Re: Homeless 10-Year Plan, Tuesday, June 20, 2006 at 5:00 PM.
(VOTE: 7-0, MOTION CARRIED)*

Commissioner Craig Lowe

Cooperation between City of Gainesville and the Alachua County School Board.

CITIZEN COMMENT

Rob Brinkman

Channel 12 Issues.

ADJOURNMENT- (9:33 PM)

Kurt M. Lannon, Clerk of the Commission