

City of Gainesville

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



Meeting Minutes

Monday, June 14, 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 - 1:00 PM

ROLL CALL

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

INVOCATION

Pastor George Dix, Jr., PASSAGE Family Church

CONSENT AGENDA

*Commissioner Nielsen moved and Commissioner Chestnut seconded to adopt the Consent Agenda with the following modification.
(VOTE: 6-0, MOTION CARRIED)*

1. File #040037 - Final Administrative Order for Petition 139SUB-03DB (Forest Creek Cluster Subdivision) - (Remove from the Consent Agenda and place on the Regular Agenda for discussion).

CITY MANAGER, CONSENT AGENDA ITEMS

040016 Contract Award for Medical Services to First Care of Gainesville (B)

RECOMMENDATION *The City Commission: 1) approve the selection of First Care of Gainesville as the City's provider of medical services for physical examinations and medical director services; and 2) authorize the City Manager or designee to negotiate with and enter into a three-year agreement effective July 1, 2004, with the possibility for one three-year extension.*

This Matter was Approved as Recommended on the Consent Agenda.

040017 Purchase of CCTV System for Downtown Parking Garage (B)

RECOMMENDATION *The City Commission approve the purchase of the CCTV System for the Downtown Parking Garage from Western Video in the amount of \$ 28,703.*

This Matter was Approved as Recommended on the Consent Agenda.

040018 Duval Stormwater Park Design Services (B)

RECOMMENDATION *The City Commission authorize the City Manager or his designee to issue a purchase order not to exceed \$84,470 to Jones Edmunds and Associates, Inc. based on the scope of work dated May 12, 2004 as allowed under the existing contract for Water Resource Engineering Services.*

This Matter was Approved as Recommended on the Consent Agenda.

040019 Property Purchase at 3829 NW 6th Street - Tax Parcel 08261-000-000 (B)

RECOMMENDATION *The City Commission: 1) approve the purchase of a 2.4 acre parcel of property at 3829 NW 6th Street at a cost not to exceed \$142,500, plus appropriate closing costs; and 2) authorize the City Manager or designee to execute the appropriate documents needed to facilitate the purchase.*

This Matter was Approved as Recommended on the Consent Agenda.

040020 Request to Declare as Surplus the City Property Located at 3102 NW 17th Street (B)

RECOMMENDATION *The City Commission: 1) declare Tax Parcel 08984-000-000 located at 3102 NW 17th Street as surplus; 2) authorize the City Manager to advertise and accept bids for sale of the property; 3) authorize the City Manager to execute a Purchase and Sale Agreement for Tax Parcel 08984-000-000 to the successful highest bidder; 4) authorize the City Manager or designee to prepare a Special Warranty Deed subject to approval by the City Attorney; and 5) authorize the Mayor to execute, and the Clerk to attest, a Special Warranty Deed to convey the property located at 3102 NW 17th Street, Tax Parcel 08984-000-000, to the successful bidder.*

This Matter was Approved as Recommended on the Consent Agenda.

040021 Agreement with the Gainesville Housing Authority for Law Enforcement Services (B)

RECOMMENDATION *The City Commission authorize the City Manager or his designee to execute the law enforcement contract and any other necessary documents with the Gainesville Housing Authority.*

This Matter was Approved as Recommended on the Consent Agenda.

040022 Interlocal Agreement with Alachua County for Base Level Transit Service (B)

RECOMMENDATION *The City Commission authorize the City Manager or designee to execute the Interlocal Agreement with Alachua County for base level transit service for the period of October 1, 2003, through September 30, 2004, and any other necessary documents.*

This Matter was Approved as Recommended on the Consent Agenda.

040023 Interlocal Agreement with Alachua County for Enhanced Transit Service, Route 75 (B)

RECOMMENDATION *The City Commission authorize the City Manager or designee to execute the Interlocal Agreement with Alachua County for enhanced transit service, Route 75, for the period of October 1, 2003 through September 30, 2004 and any other necessary documents.*

This Matter was Approved as Recommended on the Consent Agenda.

040024 Amend Code of Ordinances - Chapter 26, Division 2, Parking Meters and Parking Lots (NB)

RECOMMENDATION *The City Commission instruct the City Attorney to amend the Code of Ordinances - Chapter 26, Division 2, Parking Meters and Parking Lots, to account for parking garage operations and new parking technology.*

This Matter was Approved as Recommended on the Consent Agenda.

040025 Update of City's Housing Code (NB)

RECOMMENDATION *The City Commission refer the proposed housing code update to the Community Development Committee.*

This Matter was Approved as Recommended on the Consent Agenda.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS**040039 Installation of Cured-In-Place Pipe (CIPP) 2200 Block NW 8th Avenue to 2800 Block NW 8th Avenue (B)**

RECOMMENDATION *The City Commission 1) authorize the General Manager, or his designee, to execute a contract with Insituform*

Technologies, Inc. for the installation of cured-in-place pipe (CIPP) lining to rehabilitate up to 5400 feet of existing 21-inch gravity sanitary sewer line in an amount not-to-exceed \$470,000.

This Matter was Approved as Recommended on the Consent Agenda.

040040 Purchase Order for Roofing Replacement and Repairs at Systems Control Center (B)

RECOMMENDATION *The City Commission approve the issuance of a purchase order to Poole Roofing and Sheet Metal Co. for replacing and repairing the roof on the Systems Control Center building located at 4322 N.W. 53rd Avenue in the amount of \$27,449.00 for the Facilities Maintenance Department.*

This Matter was Approved as Recommended on the Consent Agenda.

040041 Purchase Order for One 40 Foot Derrick Crane (B)

RECOMMENDATION *The City Commission approve the issuance of a purchase order to Altec Industries for the purchase of a 40-foot derrick crane for the Water Distribution Department in the amount of \$61,206.*

This Matter was Approved as Recommended on the Consent Agenda.

CITY ATTORNEY, CONSENT AGENDA ITEMS

040038 FINAL ADMINISTRATIVE ORDER IN THE MATTER OF GIOVANNA HOLBROOK, APPELLANT, APPEAL HEARD PURSUANT TO SECTION 30-112(D)(7)L, GAINESVILLE CODE OF ORDINANCES (B)

RECOMMENDATION *The City Commission authorize the Mayor to execute, and Clerk of the Commission to attest, the Final Order.*

This Matter was Approved as Recommended on the Consent Agenda.

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

040034 City Commission Minutes (B)

RECOMMENDATION *The City Commission approve the minutes of May 20, 2004 (Special Meeting); and May 24, 2004 (Regular Meeting); as circulated.*

This Matter was Approved as Recommended on the Consent Agenda.

040047 Resignation of James Higman from the Water Management Committee (B)

RECOMMENDATION *The City Commission accept the resignation of Water Management Committee member James Higman effective May 27, 2004.*

This Matter was Approved as Recommended on the Consent Agenda.

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

PUBLIC SAFETY COMMITTEE, CONSENT

030977 S&G Street Sweeper Noise (NB)

RECOMMENDATION *The Public Safety Committee, recognizing the voluntary efforts at compromise made by the business as well as the enforcement and mediation efforts by police 1) recommends no action or revisiting the noise ordinance as it regards street sweeper noise, and 2) removal of this item from the Public Safety Committee referral list.*

This Matter was Approved as Recommended on the Consent Agenda.

RECREATION AND CULTURAL AFFAIRS COMMITTEE, CONSENT

030924 Fees Charged for use of the City's Athletic Fields (NB)

RECOMMENDATION *The City Commission: 1) approve the recommendation on the elimination of the additional \$20 field usage charge and await a recommendation from RCA on the Girls Softball fees at a later date; and 2) remove this item from the Recreation and Cultural Affairs Committee referral list.*

This Matter was Approved as Recommended on the Consent Agenda.

030992 Establishment of Fee Waiver Policy for Recreation & Parks Facilities (B)

RECOMMENDATION *The City Commission: 1) approve the fee waiver policy, as*

presented; and 2) remove this item from the Recreation and Cultural Affairs Committee referral list.

This Matter was Approved as Recommended on the Consent Agenda.

031158 Newberry Road Nature Preserve Naming (NB)

RECOMMENDATION *The City Commission: 1) postpone the naming of the park until the City secures ownership of the property; and 2) remove this item from the Recreation and Cultural Affairs Committee referral list.*

This Matter was Approved as Recommended on the Consent Agenda.

040026 Phoenix Area Summer Recreational Teen Program (NB)

RECOMMENDATION *The City Commission: 1) approve the proposed summer recreation program operated by the Recreation & Parks Department in the Phoenix area; and 2) fund the program with \$6,000 from the City Commission contingency funds.*

This Matter was Approved as Recommended on the Consent Agenda.

Passed The Consent Agenda

A motion was made by Commissioner Nielsen, seconded by Commissioner Chestnut, 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, Rick Bryant and Craig Lowe
Absent: Tony Domenech

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

Commissioner Nielsen moved and Commissioner Bryant seconded to adopt the Regular Agenda with the following modifications:

(VOTE: 6-0, Commissioner Domenech - Absent)

- 1. File #040060 - Future Land Use of SW 34th Street Corridor Between Archer and Williston Roads (Add to the Agenda under Commission Comment).*
- 2. File #040032 - Resolution - Taxable Pension Obligation Revenue Bonds - (Waive the Rules to hear earlier in the agenda).*
- 3. New Item - Bid Award for Purchase of Steel Concrete Forms - (Place on the Regular Agenda for Discussion).*
- 4. File #040030 - Resolution to Support Urban Watershed Restoration Authority Bill - (Revised back-up submitted)*
- 5. File #040048 - Resolution - Rules of the City Commission - (Remove from this agenda and place on the next regular meeting agenda.)*

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

CITY MANAGER

040062 Bid Award for Purchase of Steel Concrete Forms (B)

RECOMMENDATION *The City Commission: 1)Award the bid to KWI of Ocala, Inc., for the purchase of steel concrete forms; and 2) authorize the City Manager or designee to issue a purchase order in the amount of \$32,698.01.*

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

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

040028 Gainesville Police Department's Comprehensive Drug Plan Update to the Commission (NB)

City of Gainesville Police Chief Norm Botsford and Captain Edward Van Winkle

gave presentations.

RECOMMENDATION *The City Commission hear an update by the Gainesville Police Department on the Comprehensive Drug Plan.*

Heard

040027 Total Maximum Daily Load (TMDL) Program (NB)

City Engineer Stewart Pearson, Alachua County Environmental Protection Representative Eric Livingston, Public Works Program Coordinator Sally Adkins, Public Works Principal Engineer Alice Rankeillor and Gainesville Regional Utilities (GRU) Senior Water/Wastewater Engineer Brett Goodman gave presentations.

RECOMMENDATION *The City Commission hear a presentation on the TMDL program.*

Heard

GENERAL MANAGER FOR UTILITIES

040042 Replacement of Wastewater Force Main on SW 34th Street from SW 2nd Avenue to Hull Road (NB)

Gainesville Regional Utilities (GRU) Water and Wastewater Engineering Director Kim Zoltek gave a presentation.

RECOMMENDATION *The City Commission 1) Authorize the General Manager or his designee to execute a contract with a qualified contractor in an amount not to exceed \$1,200,000 for the construction of a wastewater force main along SW 34th Street from SW 2nd Avenue to Hull Road; 2) Authorize the General Manager or his designee to execute all documents required to facilitate the acquisition of land rights needed for the project, subject to approval by the City Attorney as to form and legality; and 3) approve the issuance of purchase orders to other suppliers, as needed, for materials and services required for this project in an amount not to exceed \$400,000.*

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, Edward Braddy, Rick Bryant and Craig Lowe
Absent: Tony Domenech

040043 In-kind Project Associated with Water and Wastewater Systems Consent Order No. 03-1591 (B)

GRU Senior Water/Wastewater Engineer Brett Goodman, CH2M Hill Environmental Scientist Bill Dunn and GRU Engineering Director Kim Zoltek gave presentations.

Chair Hanrahan recognized Citizen Gabe Kaimowitz who spoke to the matter.

RECOMMENDATION *The City Commission: 1) hear a staff presentation; 2) receive a report entitled "Tracking and Investigating Microbial Sources in Gainesville's Urban Creeks Study" and 3) authorize implementation of the proposed in-kind project.*

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

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

CITY ATTORNEY

040031 Conrad Yelvington, as Trustee for the Conrad Yelvington Revocable Trust of 1997 and Gary Yelvington, as Trustee of the Gary Yelvington Revocable Trust of 1997 v. City of Gainesville; Alachua County Circuit Court; Case No.: 01-01-CA-2047 (B)

City of Gainesville Litigation Attorney Elizabeth Waratuke gave a presentation.

MOTION: Authorize the City Manager to advertise a hearing for the special use permit for an asphalt plant, and possibly either a wellfield protection permit or wellfield special use permit, as applicable, at the Yelvington site located on US 441.

RECOMMENDATION *The City Commission receive an update on the status of the litigation and discuss a procedure for hearing an application for a special use permit for an asphalt plant, and possibly either a wellfield protection permit or wellfield special use permit, as applicable, on the property.*

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

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

040037 FINAL ADMINISTRATIVE ORDER IN THE MATTER OF ENG, DENMAN & ASSOCIATES, AGENT FOR SCHACKOW REALTY, PETITIONER, PETITION 139SUB-03DB (B)

Chair Hanrahan recognized Affected Party Ewen Thomson, Citizen Robert Pearce, Attorney for the Petitioner Jeff Braswell and Citizen Gabe Kaimowitz who spoke to the matter.

City of Gainesville Planning Manager Ralph Hilliard gave a presentation.

MOTION: Commissioner Nielsen moved and Commissioner Lowe seconded to reconsider Petition 139SUB-03DB (Forest Creek Cluster Subdivision).

VOTE: (3-3) (Commissioner Lowe, Commissioner Nielsen and Mayor Hanrahan - Yes; Commissioner Chestnut, Commissioner Braddy and Commissioner Bryant, No; (MOTION FAILED))

ADDITIONAL MOTION (REFERRAL): Commissioner Nielsen moved and Commissioner Chestnut seconded to refer to the Community Development Department the issue of items being in the pipeline and cut-off dates. (VOTE: 6-0, MOTION CARRIED)

See Following referral item #040068 Development Projects/Cut-Off Dates

RECOMMENDATION *The City Commission authorize the Mayor to execute, and Clerk of the Commission to attest, the Final Order.*

A motion was made by Commissioner Braddy, 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, Rick Bryant and Craig Lowe
Absent: Tony Domenech

040068 Development Projects Cut-Off Dates (NB)

RECOMMENDATION *The City Commission refer the issue of development projects that are in the pipeline clarifying timelines and cut-off dates.*

A motion was made by Commissioner Nielsen, seconded by Commissioner Chestnut, that this matter be Referred to the Community Development Committee, due back on December 14, 2004. The motion carried by the following vote:

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

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

PUBLIC WORKS COMMITTEE

PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE**PUBLIC SAFETY COMMITTEE****ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)****OUTSIDE AGENCIES****COMMUNITY REDEVELOPMENT AGENCY****MEMBERS OF THE CITY COMMISSION****040036 Commissioner Chuck Chestnut - Gainesville Housing Authority/Palmer King Day Care Center (NB)**

Reverend Thomas A. Wright and Fire Chief Richard Williams gave presentations.

*MOTION: 1) Direct staff to intercede to see if there is a solution to the immediate problem with the Palmer King Day Care Center; and 2) schedule a meeting with the Gainesville Housing Authority and their top staff to discuss the issue.
(VOTE: 6-0, MOTION CARRIED)*

RECOMMENDATION *The City Commissioner hear a presentation from Reverend Thomas A. Wright.*

A motion was made by Commissioner Bryant, seconded by Commissioner Chestnut, 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, Rick Bryant and Craig Lowe
Absent: Tony Domenech

040049 Mayor Pegeen Hanrahan - East Gainesville Development Initiative Study (B)

President of the Service and Housing Foundation John Paul Mejia and Vice President of the Service and Housing Foundation Ben Fine gave presentations.

RECOMMENDATION *The City Commission hear a brief presentation regarding the East Gainesville Development Initiative Study.*

Heard

040051 Mayor Pegeen Hanrahan - Special Meetings (NB)

Chair Hanrahan recognized Attorney David Russ, Attorney Ron Carpenter and City of Gainesville Community Development Director Tom Saunders who made comments regarding the Wal-Mart Super Center Land Use Petition Special Meeting, June 21, 2004 at 6:00 PM.

NOTE: Possible continuation dates for the Wal-Mart Issue are:

Wednesday, June 23, 2004

Tuesday, June 29, 2004

Thursday, July 1, 2004

RECOMMENDATION *The City Commission: 1) be advised that a special meeting has been called for June 15, 2004 at 6:00pm at the Ironwood Clubhouse to discuss Norfolk/New Haven trips; and 2) discuss the logistics for the June 21, meeting at 6:00pm regarding the Wal-mart Super Center land use Petition 57LUC-04PB including follow-up meeting dates.*

Discussed

RECESS - 5:10 PM

RECONVENE - 5:34 PM

COMMISSION COMMENTS (if time available)

CITIZEN COMMENT

Gabe Kaimowitz

Peace Resolution

Jose Adams

Business on the Eastside

Mrs. Caroline Adams

Eastside Issues/Religion

Mrs. June Smith

Religious and Christian Issues

Elizabeth McCullogh

Homeless Outreach

Bob Freeman

Downtown Parking

Arupa Freeman

Homeless Issues

Chuck Woods Representing the City Beautification Board

Streetscape NE 1st Street

Richard Selwach

Airport - Wetland Issue

COMMISSION COMMENTS (if time available)

PLEDGE OF ALLEGIANCE (6:00pm)

Gator Detachment Marine Corps League

PROCLAMATIONS/SPECIAL RECOGNITIONS

040045 Flag Day 2004 - June 14, 2004 (B)

RECOMMENDATION *Gator Detachment of the Marine Corp League Commandant Bob Gasche, Sr. Vice Commandant Dick Lester and Jr. Vice Commandant Cary Hill to accept the proclamation.*

Heard

040046 U.S. Army's 229th Birthday - June 14, 2004 (B)

RECOMMENDATION *Sgt. William A. Thomsen of the U.S. Army Gainesville Recruiting Command to accept the proclamation.*

Heard

040044 Florida Section of the American Public Works Association (NB)

RECOMMENDATION *Recognition of the Environmental Project of the Year Award received by GRU for the Chapman's Pond Project.*

Heard

CITIZEN COMMENT (Continued)**Harold Saive**

AARP - Prescription Drug Card Enhancement

Nelson Robison

Senate Bill 1376

PUBLIC HEARINGS**ADOPTION READING-ROLL CALL REQUIRED****030911 REZONING - PLEASANT STREET (B)****Ordinance No. 0-04-40, Petition No. 22ZON-04PB**

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property the zoning category of "RC: 12 units/acre residential conservation district" to "PS: Public services and operations district" to allow for the expansion of the City park; without requiring a preliminary development plan; located in the vicinity of 511 and 513 Northwest 3rd Street; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

City of Gainesville Planning Manager Ralph Hilliard gave a presentation.

RECOMMENDATION *The City Commission: 1) approve Petition No. 22ZON-04PB; and 2) adopt the proposed ordinance.*

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

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

WAIVER OF RULES - RESOLUTION

040032 TAXABLE PENSION OBLIGATION REVENUE BONDS, SERIES 2003A (B)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA, AMENDING RESOLUTION NO. 020918 OF THE CITY RELATED TO THE CITY'S TAXABLE PENSION OBLIGATION REVENUE BONDS, SERIES 2003A (EMPLOYEES' PLAN) AND TAXABLE PENSION OBLIGATION REVENUE BONDS, SERIES 2003B (CONSOLIDATED PLAN); APPROVING THE FORM AND AUTHORIZING THE EXECUTION AND DELIVERY OF A MASTER AGREEMENT, SCHEDULE, CREDIT SUPPORT ANNEX AND CONFIRMATION WITH CITIBANK, N.A., NEW YORK PERTAINING TO AN INTEREST RATE SWAP TRANSACTION RELATING TO SUCH BONDS; PROVIDING AN ADDITIONAL COVENANT TO BUDGET AND APPROPRIATE FROM LEGALLY AVAILABLE NON-AD VALOREM REVENUE TO SUPPORT CERTAIN TERMINATION PAYMENTS UNDER THE MASTER AGREEMENT; DELEGATING TO THE CITY MANAGER, THE ADMINISTRATIVE SERVICES DIRECTOR OR THE FINANCE DIRECTOR OF THE CITY THE AUTHORITY TO EXECUTE AND DELIVER SUCH DOCUMENTS ON BEHALF OF THE CITY UNDER CERTAIN DELEGATION PARAMETERS; PROVIDING CERTAIN OTHER DETAILS IN CONNECTION WITH SUCH TRANSACTION; PROVIDING AN EFFECTIVE DATE.

Ed Vogel of Holland and Knight acting as the City's Bond Counsel gave a presentation.

RECOMMENDATION *The City Commission adopt the resolution authorizing the execution and delivery of a master agreement, schedule, credit support annex, and confirmation with Citibank, N.A., New York, and delegating to the City Manager, Administrative Services Director or Finance Director the authority to execute and deliver such documents.*

A motion was made by Commissioner Lowe, 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, Rick Bryant and Craig Lowe
Absent: Edward Braddy and Tony Domenech

ORDINANCES, 1ST READING- ROLL CALL REQUIRED**030694 TRESPASS TOWING ADMINISTRATIVE FEE (B)****Ordinance No. 0-04-58**

An ordinance of the City of Gainesville, Florida, amending section 14.5-26(a) by adding a new subsection (6) establishing an administrative fee for processing roam towing applications; amending the Police section of Appendix A, Schedule of Fees, Rates and Charges to specify an administrative fee for processing towing applications; providing directions to the codifier; providing a severability clause;

providing a repealing clause; and providing an immediate effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

030756

LAND USE CHANGE - NORTH FLORIDA REGIONAL DOCTOR'S OFFICE PARK (B)

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

An Ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan; changing the City of Gainesville Future Land Use, Transportation Mobility and Concurrency Management Elements' Map Series and Legal Descriptions to expand the Transportation Concurrency Exception Area (TCEA) to include certain annexed areas and amending the Future Land Use Map Series to expand the Designated Urban Redevelopment Area to include certain annexed areas; providing directions to the city manager; providing a severability clause; providing a repealing clause; and providing an effective date.

City of Gainesville Senior Planner Onelia Lazzari gave a presentation.

RECOMMENDATION *The City Commission: 1) approve Petition 167LUC-03PB; and 2) adopt the proposed ordinance at the transmittal stage.*

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

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

030785

REGULATION OF UNWANTED ADVERTISEMENTS, HANDBILLS AND CIRCULARS (B)

Ordinance No. 0-03-92

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

*FIRST MOTION: Commissioner Braddy moved and Commissioner Lowe seconded to adopt Ordinance #030785 on first reading by title only.
(NO VOTE)*

Assistant City Attorney Dana Crosby and Police Chief Norm Botsford gave presentations.

Chair Hanrahan recognized Citizens Gabe Kaimowitz, Rob Brinkman, David Materna, Paul Barry, John Webb, Freddie Wehbe, Paul Gillespie, Matt Funk, Sarah Poll and Peter Gruskin who spoke to the matter.

SUBSTITUTE MOTION: Refer back to the Public Safety Committee for reconsideration.

(VOTE: 4-2, Commissioners Chestnut and Lowe, No, MOTION CARRIED)

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

A motion was made by Commissioner Bryant, seconded by Commissioner Nielsen, that this matter be Referred to the Public Safety Committee. The motion carried by the following vote:

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

030902

RIGHT-OF-WAY VACATION - CROSSWALK IN THE VICINITY OF N.E. 18TH AVENUE (B)

Ordinance No. 0-04-30, Petition 1SVA-04PB

An ordinance of the City of Gainesville, Florida, to vacate, abandon and close a ten-foot wide crosswalk located in the vicinity of Northeast 18th Avenue, between Northeast 15th Terrace and Northeast 16th Terrace; reserving a public utilities easement; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

City of Gainesville Neighborhood Planning Coordinator John Wachtel gave a presentation.

Chair Hanrahan recognized Citizen Barbara Bingston who spoke to the matter.

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

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

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

030912 REZONING - KIDD PROPERTY (B)**Ordinance No. 0-04-41, Petition No. 23ZON-04PB**

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property annexed into the City from the Alachua County zoning category of "R-1a, single-family, low density (one to four dwelling units per acre)" to the City of Gainesville zoning category of "RSF-1: 3.5 units/acre single-family residential district"; located in the vicinity of 1/2 mile west of Southwest 13th Street on Williston Road; providing for application of the Idylwild/Serenola Special Area Plan of the City of Gainesville 2000-2010 Comprehensive Plan; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

City of Gainesville Planning Manager Ralph Hilliard gave a presentation.

RECOMMENDATION *The City Commission: 1) approve Petition No. 23ZON-04PB; and 2) adopt the proposed ordinance.*

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

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

031205 GREASE CONTROL REQUIREMENTS (B)**Ordinance No. 0-04-57**

AN ORDINANCE OF THE CITY OF GAINESVILLE, FLORIDA, AMENDING SECTIONS OF CHAPTER 2, 16 AND 27 OF THE CITY OF GAINESVILLE CODE OF ORDINANCES, REGARDING ENFORCEABILITY OF THE CITY'S GREASE CONTROL REQUIREMENTS THROUGH THE CITY'S CODE ENFORCEMENT BOARD; AMENDING SECTION 2-377, CITY OF GAINESVILLE CODE OF ORDINANCES GIVING THE GAINESVILLE CODE ENFORCEMENT BOARD JURISDICTION TO HEAR CASES IN WHICH VIOLATIONS ARE ALLEGED OF ENUMERATED SECTIONS OF CHAPTER 27, ARTICLE IV, DIVISION 3, CODE OF ORDINANCES, RELEVANT TO SEWERAGE; AMENDING SECTION 2-378, CITY OF GAINESVILLE CODE OF ORDINANCES CLARIFYING THAT THE CODE INSPECTOR OR CODE OFFICER MAY BE DESIGNATED BY THE CITY'S GENERAL MANAGER FOR UTILITIES FOR PURPOSES OF CODE ENFORCEMENT; AMENDING SECTION 16-17, CITY OF GAINESVILLE CODE OF ORDINANCES DEFINING "ENFORCING OFFICIAL" TO INCLUDE THE CITY MANAGER, THE GENERAL MANAGER FOR UTILITIES OR THEIR RESPECTIVE DESIGNEES AND DEFINING "UNSAFE EQUIPMENT" TO INCLUDE AN ABSENT OR MALFUNCTIONING GREASE TRAP OR GREASE INTERCEPTOR; AMENDING SECTION 16-23, CITY OF GAINESVILLE CODE OF ORDINANCES CLARIFYING THAT THE CITY'S GENERAL MANAGER FOR UTILITIES MAY DESIGNATE ENFORCING OFFICIALS FOR

PURPOSES OF THIS CODE; AMENDING SUBSECTION (f) OF SECTION 16-26, CITY OF GAINESVILLE CODE OR ORDINANCES CLARIFYING THAT THE ENFORCING OFFICIAL MAY EXTEND TIME UNDER CERTAIN CIRCUMSTANCES FOR CORRECTION OF A CODE VIOLATION; AMENDING SECTION 16-27, CITY OF GAINESVILLE CODE OF ORDINANCES PROVIDING THAT APPEALS RELEVANT TO UNSAFE EQUIPMENT OR AN ABSENT OR MALFUNCTIONING GREASE TRAP OR GREASE INTERCEPTOR MAY BE TAKEN TO THE CITY'S BOARD OF ADJUSTMENT; AMENDING SECTION 16-29, CITY OF GAINESVILLE CODE OF ORDINANCES BY ADDING A NEW SUBSECTION (c) CLARIFYING THAT NOTHING IN THIS SECTION REGARDING LIENS SHALL PRECLUDE THE CITY FROM EXERCISING OTHER ENFORCEMENT ACTIVITY PROVIDED IN THIS CODE; AMENDING SECTION 27-180.7(d) CITY OF GAINESVILLE CODE OF ORDINANCES TO SPECIFY ADDITIONAL ENFORCEMENT REMEDIES; PROVIDING DIRECTIONS TO THE CODIFIER; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

GRU Water/Wastewater Sr. Engineer Brett Goodman gave a presentation.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

A motion was made by Commissioner Nielsen, seconded by Commissioner Lowe, 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, Rick Bryant and Craig Lowe
Absent: Tony Domenech

031300

AMENDMENTS TO ARTICLE VII, DIVISION 3, CHAPTER 2 OF CODE OF ORDINANCES (LONGEVITY) (B)

Ordinance No. 0-04-53

An ordinance of the City of Gainesville, Florida, amending Article VII, Division 3, of Chapter 2 of the Code of Ordinances, related to longevity pay to conform calculation of longevity amounts to current pay practices and eliminate outdated language; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing a prospective effective date and sunset provisions.

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

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

ORDINANCES, 2ND READING- ROLL CALL REQUIRED**030755 PLANNED DEVELOPMENT - NORTH FLORIDA REGIONAL MEDICAL CENTER (B)****Ordinance No. 0-04-27, Petition No. 160PDA-03PB**

An Ordinance of the City of Gainesville, Florida; amending the Planned Development commonly known as "North Florida Regional Medical Center" located in the vicinity of 6500 Newberry Road; amending the Planned Unit Development previously approved by Alachua County and by adopting a PD Layout Plan map to allow for the placement of a telecommunication tower; adopting additional conditions and restrictions; providing for penalties; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Chair Hanrahan recognized agent for the developer David Coffey who spoke to the matter.

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, Rick Bryant and Craig Lowe
Absent: Tony Domenech

030761 LAND DEVELOPMENT CODE - UNIVERSITY HEIGHTS SPECIAL AREA PLAN (B)**Ordinance No. 0-04-36; Petition 172TCH-03 PB**

An ordinance of the City of Gainesville, Florida, amending Appendix A of the Land Development Code, relating to the University Heights Special Area Plan; adding a required compliance section; deleting the idealized buildout map; adding a waiver from compliance section; deleting special use permit section; reducing the alley protection and width allowed; adding a 10-foot minimum height for the first story; adding new privacy obligations for building below grade; adding additional right-of-way protection; expanding the range of building materials allowed; strengthening and clarifying the sign regulations; adding provisions relating to mechanical equipment; deleting certain definitions; making minor changes to the Plan 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 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, Rick Bryant and Craig Lowe
Absent: Tony Domenech

030914 LAND DEVELOPMENT CODE AMENDMENT - RH-1 AND RH-2 ZONING DISTRICTS (B)

Ordinance No. 0-04-31; Petition 27TCH-04 PB

An ordinance of the City of Gainesville, Florida, amending the Land Development Code, relating to requirements for residential high density districts; amending section 30-55, establishing a 5-story height limit for the RH-1 (8-43 units/acre residential high density district) and RH-2 (8-100 units/acre residential high density district) and removing floor area ratios; making certain other minor modifications for clarification; providing that the height limitations established in this ordinance do not apply to developments receiving approval on or before the effective date of this ordinance if approval has not otherwise lapsed or become void; 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 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, Rick Bryant and Craig Lowe
Absent: Tony Domenech

031184 2005 ELECTION DATES (B)

Ordinance No. 0-04-52

An ordinance of the City of Gainesville, Florida, setting March 29 as the date for the 2005 regular city election and April 19 as the date for the 2005 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 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, Rick Bryant and Craig Lowe
Absent: Tony Domenech

RESOLUTIONS- ROLL CALL REQUIRED

020704 (Quasi-Judicial) Abbington Oaks Cluster Subdivision Phase I. Conditional final plat review for 16 lots located in the 2500 block of Northwest 39th Avenue (north side). Petition 83SUB-02DB (B)

City of Gainesville Senior Planner Carolyn Morgan gave a presentation.

RECOMMENDATION *The City Commission adopt the following resolution: A Resolution approving the conditional final plat of "Abbington Oaks Phase I, A Cluster Subdivision", located in the vicinity of Northwest 39th Avenue and Northwest 26th Terrace; and providing an immediate effective date.*

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

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

040029 (Quasi-Judicial) Abbington Oaks Cluster Subdivision Phase II. Conditional Final plat review for 15 lots on 2.725 acres, more or less, located in the 2500 block of Northwest 39th Avenue (north side). Petition 83SUB-02DB. (B)

City of Gainesville Senior Planner Carolyn Morgan gave a presentation.

RECOMMENDATION *The City Commission adopt the following resolution: A Resolution approving the conditional final plat of "Abbington Oaks Phase II, A Cluster Subdivision ", located in the vicinity of Northwest 26th Drive between Northwest 41st Place and Northwest 41st Avenue; providing conditions; and providing an immediate effective date.*

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

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

040030 Resolution to Support Urban Watershed Restoration Authority Bill (B)

RECOMMENDATION *The City Commission adopt the Resolution and authorize staff to send copies to all members of the City's federal legislative delegation.*

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

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

040048 Resolution - Rules of the City Commission (B)

RECOMMENDATION *The City Commission adopt the Rules of the City Commission modifying the committee structure and discuss/approve the new Ex Parte Communication Form.*

Continued

PLAN BOARD PETITIONS

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

UNFINISHED BUSINESS

031121 New Police Headquarters Building (B)

MOTION: Defer this item to the next regular City Commission Meeting.

RECOMMENDATION *The Public Safety Committee recommends the City Commission direct staff to complete an RFP for professional services, as the next stage in the design of the new police facility, and direct staff to identify a funding source to pay for these professional services, estimated at \$35,000.*

A motion was made by Commissioner Braddy, seconded by Commissioner Nielsen, that this matter be Deferred for June 28, 2004. The motion carried by the following vote:

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

031274 Request to Change the Time Limit in City Parking Lot 13 (NB)

MOTION: Refer to the Public Works Department for inclusion in an overall report on downtown parking.

RECOMMENDATION *CRA to the City Commission: Recommend that the City Commission change Lot 13 from four-hour free parking to two-hour free parking.*

City Manager to the City Commission: Refer the recommendation to the Public Works Department for inclusion in an overall report on Downtown Parking.

A motion was made by Commissioner Chestnut, seconded by Commissioner Lowe, that this matter be Referred to the Public Works Department, due back on December 14, 2004. The motion carried by the following vote:

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

040033 Benchmarks and Peer Cities (NB)

MOTION: 1) Refer this issue to the Economic Development/University Community Committee(EDUC) Committee; and 2) schedule a meeting within 2 weeks; and have the Utility and City Manager's staff come back to the City Commission with a proposed work plan.

RECOMMENDATION *The City Commission be advised that the Economic Development/University Community Committee has scheduled a meeting for Tuesday, June 29, from 3:00 to 5:00pm.*

A motion was made by Commissioner Braddy, seconded by Commissioner Bryant, that this matter be Referred to the Economic Development/University Community Com, due back on June 28, 2004. The motion carried by the following vote:

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

040050 Mayor Pegeen Hanrahan - Transition Committees (B)

MOTION: Refer to staff and report back at the first regular meeting in July.

RECOMMENDATION *The City Commission receive the Transition Committees reports.*

A motion was made by Commissioner Braddy, seconded by Commissioner Bryant, that this matter be Referred to the City Manager, due back on July 12, 2004. The motion carried by the following vote:

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

040060 Future Land Use of SW 34th Street Corridor Between Archer and Williston Roads (B)

RECOMMENDATION *The City Commission refer this item to the Community Development Committee.*

A motion was made by Commissioner Braddy, seconded by Commissioner Bryant, that this matter be Referred to the Community Development Committee, due back on December 14, 2004. The motion carried by the following vote:

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

COMMISSION COMMENT**Commissioner Warren Nielsen**

1. *Recognition of RTS Director Jeff Logan - Cover of Mass Transit Magazine*
2. *Planning Magazine (Norfolk)*
3. *Recognition of Dr. David Black "The Odd Doc" (Book)*

Mayor Pegeen Hanrahan

City Auditor Replacement - See following File #040082

040082 City Auditor Replacement (NB)

RECOMMENDATION *The City Commission refer the issue of replacing the City Auditor to the Audit and Finance Committee.*

A motion was made by Commissioner Braddy, seconded by Commissioner Lowe, that this matter be Referred to the Audit and Finance Committee, due back on December 14, 2004. The motion carried by the following vote:

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

CITIZEN COMMENT

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

ADJOURNMENT - 10:34 PM

Kurt M. Lannon, Clerk of the Commission