

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Meeting Minutes

Monday, August 8, 2005

1:00 PM

City Hall Auditorium

City Commission

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

Persons with disabilities who require assistance to participate in this meeting are requested to notify the 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, Rick Bryant, Craig Lowe and Jack Donovan

INVOCATION

The Mayor recommended that the City Commission observe a moment of silence.

CONSENT AGENDA

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

MODIFICATION:

1. File #050239 - Florida Food Service - Exercise of Purchase Option - (Additional language added to the last sentence of the explanation).

CITY MANAGER, CONSENT AGENDA ITEMS**050238 First Extension to the Agreement for Pick-up and Disposal of Trash from RTS Bus Stops (B)**

RECOMMENDATION *The City Commission: 1) approve a one (1) year extension to the existing contract to Waste Management, Inc. of Florida; and 2) authorize the Interim City Manager or designee to execute this one-year contract extension and any subsequent annual extensions, based on availability of funds lawfully appropriated in each fiscal year for this service.*

This Matter was Approved as Recommended on the Consent Agenda.

050239 Florida Food Service - Exercise of Purchase Option (B)

RECOMMENDATION *The City Commission authorize the Mayor and appropriate City staff to execute all documents including Warranty Deed, to facilitate the exercise of Option on Lot #12 with Florida Food Service as previously approved by the City Commission.*

This Matter was Approved as Recommended on the Consent Agenda.

050240

Consultants to Design and Oversee the Construction of the Expansion of the GPD Facility (B)

RECOMMENDATION *The City Commission approve the architect ranking, authorize the Interim City Manager or designee to negotiate with the firms in the ranked order, and execute a contract and any other necessary documents with the chosen design firm, subject to approval by the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

050245

Release of Easement at 3457 SW Archer Road (B)

RECOMMENDATION *The City Commission: 1) approve the release of a public utilities easement at 3457 SW Archer Road, and; 2) authorize the Mayor and Clerk of the Commission to execute the Release of Easement, subject to approval as to form and legality by the City Attorney.*

This Matter was Approved as Recommended on the Consent Agenda.

050246

Purchase a Replacement Natural Gas SCADA System (NB)

RECOMMENDATION *The City Commission authorize the General Manager, or his designee, to negotiate and execute a contract with Eagle Research, Inc for the purchase and installation of a natural gas Supervisory Control and Data Acquisition (SCADA) system in an amount not to exceed \$46,000.*

This Matter was Approved as Recommended on the Consent Agenda.

050247

Perpetual Transportation Easement to Alachua County (B)

RECOMMENDATION *The City Commission: 1) approve the granting of a Perpetual Transportation Easement to Alachua County to facilitate the realignment of SW 75th Street; and 2) authorize the Mayor and Clerk of the Commission to execute the Transportation Easement subject to approval by the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

050248 Residual Disposal Agreement (B)

RECOMMENDATION *The City Commission authorize the General Manager or his designee to enter into agreements with the City of High Springs and other governmental agencies substantially in the form of the agreement attached hereto for providing contract wastewater services including those related to transporting, treating, and disposing of biosolids and leachate when such agreements are mutually beneficial to both parties, subject to the approval of the City Attorney as to Form and Legality.*

This Matter was Approved as Recommended on the Consent Agenda.

CITY ATTORNEY, CONSENT AGENDA ITEMS**050234 LUIS ANTONIO RAMOS AND LAURA I. MAGANA VS. GAINESVILLE REGIONAL UTILITIES AND THE CITY OF GAINESVILLE; ALACHUA COUNTY COURT; CASE NO.: 01-05-SC-3286 (B)**

RECOMMENDATION *The City Commission authorize the City Attorney to represent the City in the case styled Luis Antonio Ramos and Laura I. Magana vs. Gainesville Regional Utilities and the City of Gainesville; Alachua County Court; Case No.: 01-05-SC-3286.*

This Matter was Approved as Recommended on the Consent Agenda.

050235 JAMES GIBBONS VS. CITY OF GAINESVILLE AND GAINESVILLE POLICE DEPARTMENT; ALACHUA COUNTY CIRCUIT COURT; CASE NO.: 01-04-CA-4677 (B)

RECOMMENDATION *The City Commission authorize the City Attorney and/or special counsel if insurance coverage is available, to represent the City in the case styled James Gibbons vs. City of Gainesville and Gainesville Police Department; Alachua County Circuit Court; Case No.: 01-04-CA-4677.*

This Matter was Approved as Recommended on the Consent Agenda.

050249 ALACHUA COUNTY, FLORIDA VS. APARTMENTS AT KENSINGTON NORTH, LLP, ET AL.; ALACHUA COUNTY CIRCUIT COURT; CASE NOS.: 01-05-CA-2372 A, B, C, D AND E (B)

RECOMMENDATION *The City Commission authorize the City Attorney to represent the City in the case styled Alachua County, Florida vs. Apartments at Kensington North, LLP, et al.; Alachua County Circuit Court; Case Nos.: 01-05-CA-2372 A, B, C, D and E.*

This Matter was Approved as Recommended on the Consent Agenda.

050236 EEOC CHARGE NO. 150-2005-03130 PHILIP PORTER VS. THE CITY OF GAINESVILLE (B)

RECOMMENDATION *The City Commission authorize the City Attorney, and/or special counsel if insurance coverage is available, to represent the City in the case styled Philip Porter vs. the City of Gainesville; EEOC Charge No.: 150-2005-03130.*

This Matter was Approved as Recommended on the Consent Agenda.

050237 THIRD AMENDMENT TO EMPLOYMENT AGREEMENT BETWEEN CLERK OF COMMISSION AND CITY COMMISSION (B)

RECOMMENDATION *The City Commission authorize the Mayor and Deputy Clerk to execute the Third Amendment to Employment Agreement between the City Commission and the Clerk of the Commission.*

This Matter was Approved as Recommended on the Consent Agenda.

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

050231 City Commission Minutes (B)

RECOMMENDATION *The City Commission approve the minutes of July 20 & 21, 2005 (Special Meetings); and July 25, 2005 (Regular Meeting); as circulated.*

This Matter was Approved as Recommended on the Consent Agenda.

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

PERSONNEL & ORGANIZATIONAL STRUCTURE COMMITTEE, CONSENT

050058 Reclassification of Staff Assistant, Senior in GRU to an Executive Assistant, Senior (B)

RECOMMENDATION *The City Commission approve the reclassification of a Staff*

Assistant, Senior in GRU Finance and Accounting Division of GRU to an Executive Assistant, Senior.

This Matter was Approved as Recommended on the Consent Agenda.

PUBLIC SAFETY COMMITTEE, CONSENT

040547 Dangerous Dogs Issues (NB)

RECOMMENDATION *The City Commission accept the Public Safety Committee's report out and remove this item from the pending referral list.*

This Matter was Approved as Recommended on the Consent Agenda.

RECREATIONAL AND CULTURAL AFFAIRS COMMITTEE, CONSENT

040572 Sweetwater Branch Park (NB)

RECOMMENDATION *The RCA Committee to City Commission: remove this item from the RCA Committee referral list.*

This Matter was Approved as Recommended on the Consent Agenda.

040622 Parents Association for Youth Sports Program (PAYS Program) (NB)

RECOMMENDATION *The RCA Committee to City Commission: adopt the implementation of the PAYS program for the City of Gainesville's Recreation and Parks Department and remove this item from the RCA referral list.*

This Matter was Approved as Recommended on the Consent Agenda.

041019 Recreation and Parks Department Facility Naming Policy (B)

RECOMMENDATION *The RCA Committee to City Commission: approve the proposed draft Recreation and Parks Department Facility Naming Policy and remove this item from the RCA Committee referral list.*

This Matter was Approved as Recommended on the Consent Agenda.

041020 Revision to Chapter 18 Code of Ordinances Regarding Park Regulations (B)

RECOMMENDATION *The RCA Committee to City Commission: authorize the City Attorney to draft the Ordinance for the proposed changes to the current Chapter 18 section of the City Code of Ordinances regarding park policies and remove this item from the RCA Committee referral list.*

This Matter was Approved as Recommended on the Consent Agenda.

COMMUNITY DEVELOPMENT COMMITTEE, CONSENT

050242 Length of Time to Complete Home Construction (NB)

This item was originally File #040911 and was removed from the referral list.

RECOMMENDATION *The Community Development Committee recommended the City Commission: 1) authorize the City Attorney to prepare and the Clerk to advertise an ordinance stating that building permits for single-family residences and accessory uses shall expire and become null and void at the end of 30 months from the date of issuance and building permits for all other construction shall expire and become null and void at the end of five years from the date of issuance; and 2) to remove this item from the referral list.*

This Matter was Approved as Recommended on the Consent Agenda.

Passed The Consent Agenda

A motion was made by Mayor-Commissioner Pro Tem Chestnut, seconded by Commissioner Nielsen, 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, Rick Bryant, Craig Lowe and Jack Donovan
Absent: Edward Braddy

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

*Commissioner Nielsen Moved and Mayor-Commissioner Pro Tem Chestnut seconded to adopt the Regular Agenda with the following modifications.
(VOTE: 6-0, Commissioner Braddy - Absent, MOTION CARRIED)*

MODIFICATIONS:

- 1. File #050155 - Gainesville - Alachua County Regional Airport Authority - Request to Transfer Title - (Postponed to the 8/22/2005 City Commission Meeting).*
- 2. File #050266 - New Item - Under Members of the City Commission - (Commissioner Jack Donovan - Re: Certain homeless language).*
- 3. File #050271 - New Item - Under Members of the City Commission - Mayor Peegen Hanrahan - (Conceptual Employment Agreement for Mr. Russ Blackburn).*

NOTE: Commissioner Braddy entered the meeting room at 1:25 PM.

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

CITY MANAGER

050243 RTS Multimodal Facility (B)

RTS Operations Manager Jesus Gomez gave a presentation.

MOTION: Commissioner Chestnut moved and Commissioner Lowe seconded to: 1) Approve the recommendation; and 2) that staff take the comments made by the City Commission into consideration and bring back a final design before proceeding with the ticket booth and the canopies.

Chair Hanrahan recognized Walter Willard who spoke to the matter.

RECOMMENDATION *The City Commission: 1) hear a report from staff; and 2) authorize Interim City Manager to proceed with Phase 1 of the Multimodal Facility for the purpose of relocating the Downtown Transfer Facility to the Depot Avenue/SE 3rd Street site.*

A motion was made by Mayor-Commissioner Pro Tem 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, Rick Bryant, Craig Lowe and Jack Donovan

050250**Heart of Florida Airshow 2005 (B)**

Heart of Florida Airshow Representative David Cruise and Gainesville Sports Organizing Authority Executive Director Jack Hughes gave presentations.

NOTE: City Police Chief Norm Botsford, City Interim Fire Chief Bill Northcutt and City Finance Director Mark Benton made comments.

FIRST MOTION: Commissioner Bryant moved and Commissioner Donovan seconded that the City of Gainesville co-sponsor the Heart of Florida Airshow 2005. (VOTE: 7-0, MOTION CARRIED)

SECOND MOTION: Commissioner Bryant moved and Commissioner Braddy seconded that: 1) The City of Gainesville allocate a \$10,000 grant from the City Commission Contingency Fund for the Heart of Florida Air Show; 2) the City front the costs for public safety in a loan agreement with repayment within 60 days; 3) this loan be strictly for police, fire and other public purposes; 4) the City be able to put a lien on the revenues of this corporation; and 5) auditing of accounts would also be included in the agreement between the City and the Heart of Florida Air Show. (VOTE: 4-3, Commissioners Bryant, Braddy, Chestnut and Mayor-Hanrahan - Yes; Commissioners Donovan, Lowe and Nielsen, No; MOTION CARRIED).

AMENDMENT BY SUBSTITUTION MOTION: Commissioner Donovan made a motion which was later withdrawn. (WITHDRAWN)

Chair Hanrahan recognized Gainesville Sports Organizing Authority Executive Director Jack Hughes and Walter Willard who spoke to the matter.

RECOMMENDATION *The City Commission hear report from David Cruise and take appropriate action.*

Approved, as shown above

050155**Gainesville-Alachua County Regional Airport Authority (GACRAA) - Request to Transfer Title of Properties (B)**

RECOMMENDATION *The City Commission: 1) hear a presentation from Gainesville-Alachua County Regional Airport Authority staff, GACRAA Board members, and City staff regarding the proposed request to transfer title of properties; and 2) direct staff regarding the proposed request to transfer title of properties.*

Withdrawn

050251

Arthur J. Gallagher & Co. Insurance Broker Update (B)

City Auditor Brent Godshalk and Senior Assistant City Attorney Charles Hauck, gave presentations.

FIRST MOTION (REFERRAL): Commissioner Donovan moved and Commissioner Bryant seconded to direct the City Auditor to: 1) Review Arthur J. Gallagher's records; 2) identify what went wrong; 3) bring a detailed report back to the City Commission as to how much each year over the last period of years that the City may have been overcharged and what the appropriate level of interest would be; 4) bring back recommendations for a course of action; and 5) also direct the City Auditor to look at the internal City procedures, what went wrong, and bring recommendations back to the City Commission.

(VOTE: 7-0, MOTION CARRIED)

Chair Hanrahan recognized Walter Willard who spoke to the matter.

City Risk Management Director Steve Varvel and Mr. Al Waters of Waters Risk Management gave presentations.

SECOND MOTION: Commissioner Chestnut moved and Commissioner Braddy seconded that the City: 1) Continue to engage Gallagher through the renewal and placement of the City's insurance program; and 2) begin negotiating a termination agreement that would terminate Gallagher's services on or about October 1, 2005; and 3) authorize staff to engage Waters Risk Management to provide consulting on the RFQ process as well as the existing placement and other related matters.

(VOTE: 7-0, MOTION CARRIED)

Arthur J. Gallagher representative John Liston and Public Risk Insurance Association (PRIA) Representative Tony Grippa gave presentations.

RECOMMENDATION *The City Commission hear a report from staff.*

A motion was made by Mayor-Commissioner Pro Tem Chestnut, seconded by Commissioner Braddy, that this matter be Approved as shown above and Referred to the City Auditor, due back on February 8, 2006. The motion carried by the following vote:

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

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****COMMISSION COMMENTS**

Mayor Hanrahan suggested that the City Commission hear the two "Members of the City Commission" items File # 050266 - "Commissioner Jack Donovan - Re: Certain Homeless Language"; and File # 050271 "Mayor Pegeen Hanrahan - Conceptual Employment Agreement for Mr. Russ Blackburn" at the end of the Public Hearings. There was no objection.

RECESS - 5:00 PM**RECONVENE - 5:43 PM****CITIZEN COMMENT****Tom Cunilio**

GRU Power Plant - See following file #041180.

041180 Tom Cunilio - Florida Renewable Resource Conservation and Development Council (B)

RECOMMENDATION *The City Commission hear a presentation from Tom Cunilio and place document submitted on file.*

Placed on File

Maria Huff Edwards

050284 Maria Huff Edwards - Dreamer's Garden: Wrought Iron Gates Project - Citizen Comment (B)

RECOMMENDATION *The City Commission refer the Dreamers Garden: Wrought Iron Gates Project (Grove Street Neighborhood) funding*

request to staff.

A motion was made by Commissioner Lowe, seconded by Mayor-Commissioner Pro Tem Chestnut, that this matter be Approved as Recommended and Referred to the City Manager, due back on February 8, 2006. The motion carried by the following vote:

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

Jody Berman

Dreamer's Garden: Wrought Iron Gates Project

Charles Willett

Homeless Issues

Sara Poll

- 1. Super Wal-Mart/Northside Park*
- 2. GRU Rate Increase*

Walter Willard

NHDC and other issues.

Joe Jackson

Homeless Issues - Bus Shelter Policy

050286

Homeless People using RTS Bus Shelters Policy (NB)

RECOMMENDATION *The City Commission refer the policy issue of homeless people using the RTS Bus Shelter's on Sunday's when the bus service is not in operation to the City Manager for review by appropriate staff with a report back to the City Commission at the next regular City Commission Meeting.*

A motion was made by Commissioner Donovan, seconded by Mayor-Commissioner Pro Tem Chestnut, that this matter be Referred to the City Manager, due back on August 22, 2005. The motion carried by the following vote:

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

Reverend Bob Ellenburg

Resolution - City of Peace

COMMISSION COMMENTS (if time available)

PLEDGE OF ALLEGIANCE (6:00pm)

PROCLAMATIONS/SPECIAL RECOGNITIONS

PUBLIC HEARINGS

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

030759 LAND DEVELOPMENT CODE AMENDMENT - COMMUNICATION TOWERS AND WIRELESS FACILITIES (B)

Ordinance No. 0-04-93; Petition No. 170TCH-04 PB

An ordinance of the City of Gainesville, Florida; amending section 30-98, City of Gainesville Land Development Code, relating to wireless communications facilities and antenna regulations; extensively updating the regulations for compliance with the Telecommunications Act of 1996 and state law; adding definitions; adding provisions for collocation and the modification of existing wireless communications facilities for consistency with state law; adding provisions for construction of new camouflaged towers and monopole towers; adding provisions for wireless communication facilities in historic districts; providing for unused or abandoned towers; describing the land development or zoning related submittal requirements for new wireless communications facilities; providing for applicability of these provisions to applications filed on or after July 1, 2005; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Assistant City Attorney Dana Crosby, City Planner Jason Simmons and Community Development Director Tom Saunders gave presentations.

Chair Hanrahan recognized Attorney for Nextel and Verizon Wireless Laura B. Belflower, P.A. and T Mobile Representative Christopher Torres who spoke to the matter.

MODIFICATION: Staff to bring back clearer language with regard to the process and a more detailed discussion on policy issues with respect to the review process (page 8 of the ordinance).

Chair Hanrahan recognized Laura B. Belflower, P.A., and Citizen Kali Blount who

spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

WAIVER OF RULES

*Commissioner Nielsen moved and Commissioner Chestnut seconded to waive the rules to hear Commissioner Donovan's item File # 050266 at this time.
(VOTE: 6-0, Commissioner Braddy - Absent, MOTION CARRIED)*

050266

Commissioner Jack Donovan - Homeless Language (NB)

*MOTION (REFERRAL): Commissioner Chestnut moved and Commissioner Donovan seconded to refer Commissioner Donovan's language (see below) to the CRA and the Downtown Redevelopment Advisory Board for consideration for inclusion in the amendments to the Downtown Redevelopment Plan.
(VOTE: 6-0, MOTION CARRIED)*

ORIGINAL LANGUAGE: "Finally, one of the often-mentioned impediments to redevelopment in the downtown business district has been the vagrant and transient population. While the problems and management of this population is a complex and trying issue, the City must take a proactive role in determining the most appropriate location for services targeted at this group. A balance must be struck between the compassionate care and assistance offered to this population in need, but not at the expense of deterring or otherwise stifling the ability for the balance of the City's population to benefit from the continued revitalization of the downtown".

REVISION (Commissioner Donovan's language): "Finally, the City must take a proactive role regarding homelessness. Homelessness is overwhelmingly an unnecessary national moral shame. Its local consequences include both extreme suffering by the homeless and fearful withdrawal by the community. By helping or vulnerable citizens have respectable housing, we can help our downtown center feel safe and attractive to all. The City must resolve this problem so that our needy citizens need not be at risk for their lives and so that our local redevelopment entrepreneurs need not unreasonably risk their livelihoods".

Chair Hanrahan recognized Gandy Ganyo, JoAnn, Kali Blount, Bob Freeman and Pat Fitzpatrick who spoke to the matter.

RECOMMENDATION *The City Commission discuss the issue of certain language used in agenda items and other documents regarding the homeless.*

A motion was made by Mayor-Commissioner Pro Tem Chestnut, seconded by Commissioner Donovan, that this matter be Referred to the Community Redevelopment Agency, due back on February 8, 2006. The motion carried by the following vote:

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

041057 COMPREHENSIVE PLAN AMENDMENT - URBAN MIXED-USE DISTRICTS (B)

Ordinance No. 0-05-72; Petition 34CPA-05 PB

An ordinance of the City of Gainesville, Florida, amending the Future Land Use Element of the City of Gainesville 2000-2010 Comprehensive Plan; creating and adding two new land use categories, Urban Mixed-Use district 1 (UMU-1: up to 75 units per acre) and Urban Mixed Use district 2 (UMU-2: up to 100 units per acre); allowing for up to 25 additional units per acre by Special Use permit; providing conditions and standards; providing directions to the city manager; providing a severability clause; providing a repealing clause; and providing an effective date.

City Community Development Director Tom Saunders gave a presentation.

Chair Hanrahan recognized Citizens John Klein and Kali Blount who spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed ordinance at the transmittal stage.*

A motion was made by Mayor-Commissioner Pro Tem Chestnut, seconded by Commissioner Nielsen, 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, Craig Lowe and Jack Donovan
Absent: Edward Braddy

041060 COMPREHENSIVE PLAN AMENDMENT, FUTURE LAND USE MAP, CHANGING LAND USE CATEGORIES OF CERTAIN PROPERTIES TO URBAN MIXED-USE 1 AND URBAN MIXED-USE 2 (B)

Ordinance No. 0-05-76; Petition 36LUC-05 PB

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by changing the land use categories of certain properties from the land use categories of "Residential Medium-Density (8-30 units per acre)", "Residential High-Density (8-100 units per acre)", "Mixed-Use Residential (up to 75 units per acre)", "Mixed-Use Low-Intensity (8-30 units per acre)", "Mixed-Use Medium-Intensity (12-30 units per acre)", "Office", "Commercial", "Education", "Public Facilities", "Conservation", and "Planned

Use District", as more specifically described in this Ordinance, to "Urban Mixed-Use 1 (UMU-1: Up to 75 units/acre)" and "Urban Mixed-Use 2 (UMU-2: Up to 100 units/acre)", as more specifically described in this Ordinance; the affected properties are located within that area generally described as the area bounded by NW 5th Avenue to the north, SW 6th Street to the east, and SW 16th Avenue to the south and NW 20th Street to the west; providing directions to the city manager; providing a severability clause; providing a repealing clause; and providing an effective date.

City Community Development Director Tom Saunders gave a presentation.

RECOMMENDATION *The City Commission adopt the proposed ordinance at the transmittal stage.*

A motion was made by Commissioner Nielsen, seconded by Mayor-Commissioner Pro Tem Chestnut, 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, Craig Lowe and Jack Donovan

Absent: Edward Braddy

041268

LAND DEVELOPMENT CODE AMENDMENT - FAMILY CHILD CARE HOMES (B)

Ordinance No. 0-05-68; Petition 66TCH-05 PB

An ordinance of the City of Gainesville, Florida, amending the Land Development Code, relating to family child care homes and land use regulations; updating for consistency with state and county regulations; creating a use called large family child care homes; providing land use regulations for large family child care homes; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

City Planning Manager Ralph Hilliard gave a presentation.

Chair Hanrahan recognized Alachua County Child Care Homes Representative Kenya Walker who spoke to the matter.

RECOMMENDATION *The City Commission (1) approve Petition 66TCH-05 PB and (2) adopt the proposed ordinance.*

COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

This Petition is related to changes to state and county rules involving child care operations conducted from residences. Generally, the purpose of the petition is to be consistent with state and county rules, simplify existing definitions and regulations, and allow Large Family Child Care Homes when certain conditions are met.

The Plan Board heard the petition and recommended that it be approved.

Public notice was published in the Gainesville Sun in the form of a 2 x 10 display ad on May 3, 2005. The Plan Board held a public hearing May 19, 2005. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 66TCH-05 PB. Plan Board vote 6-0.

CITY ATTORNEY MEMORANDUM

This ordinance requires two public hearings. If adopted on first reading, the second and final reading will be held on Monday, August 22, 2005.

A motion was made by Mayor-Commissioner Pro Tem 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, Chuck Chestnut, Edward Braddy, Rick Bryant, Craig Lowe and Jack Donovan
Absent: Warren Nielsen

050151

URBAN SERVICES REPORT (B)

Ordinance No. 0-05-78

An Ordinance of the City of Gainesville, Florida, adopting an Urban Services Report which sets forth the plans to provide urban services to certain properties owned by the City of Gainesville generally described as follows: south of the city limits, west of SW 34th Street and tax parcel 06688-000-000, and east of tax parcel number 06715-000-000; the area is proposed for annexation by the City of Gainesville pursuant to Chapter 90-496, as amended, Special Acts, Laws of Florida, known as the Alachua County Boundary Adjustment Act; providing directions to the City Manager, the City Attorney and the Clerk of the Commission; providing a repealing clause; providing a severability clause; and providing an immediate effective date.

City Strategic Planner Karen Snyder gave a presentation.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

040025

HOUSING CODE UPDATE (B)**Ordinance No. 0-05-24**

An ordinance of the City of Gainesville, Florida, relating to Article II, Chapter 13, of the Code of Ordinances, relating to the Housing Code; deleting and repealing its entirety sec. 13-16.1, regarding residential smoke detectors; amending sec. 13-17, deleting obsolete provisions; amending sec. 13-18, deleting obsolete provisions and adding provision for quality of work; amending sec. 13-19, updating specific definitions; amending sec. 13-40, allowing for less than 15 days for repair in some cases where there exists an immediate threat to the safety and well-being of the occupants; amending sec. 13-76, exempting requirement for screens if dwelling unit has central heat and air; amending sec. 13-94, clarifying provisions for smoke detectors for compatibility with the Florida Building Code; amending sec. 13-113, updating and expanding provisions relating to materials used in a sewer system; amending sec. 13-127, updating and expanding provisions relating to hazardous conditions with artificial lighting; amending sec. 13-128, updating and expanding provisions relating to lighting and receptacles; amending sec. 13-141, deleting obsolete provisions and adding a provision for quality of work; amending sec. 13-156, adding an exception clause; amending sec. 13-171, providing inadequate garbage storage is a major violation; creating a new Division 12, Article II, Chapter 13, Code of Ordinances, entitled Pools, Wading Pools and Hot Tubs; creating sec. 13-191, providing for alleviation of hazardous conditions relating to all pools and hot tubs; creating sec. 13-192, relating to electrical receptacles and connections; creating sec. 13-193, requiring maintenance of bonding connections; creating sec. 13-194, providing for maintenance of enclosures around pools and hot tubs; repealing language establishing Board of Adjustment as an appeals board for housing violations; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

City Community Development Director Tom Saunders and Code Enforcement Supervisor David Watkins gave presentations.

MODIFICATIONS: 1) Strike the word "building" on page 3 line 2 of the ordinance; and 2) change phrase "workman like" to "professional" on page 3, line 9 of the ordinance.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

040758

SPECIAL AREA PLAN OVERLAY ZONING DISTRICT REGULATIONS FOR THE FIVE POINTS AREA WITHIN PLAN EAST GAINESVILLE (B)

Ordinance No. 0-05-47; Petition 195TCH-04 PB

An ordinance of the City of Gainesville, Florida, establishing the Special Area Plan Overlay Zoning District for an area within the Plan East Gainesville urban area hereafter known as the Five Points Area; adopting a special area plan for this area; providing specific regulations; providing directions to the codifier; providing a severability clause; and providing an immediate effective date.

Chair Hanrahan recognized Citizen Floyd Gibson who spoke to the matter.

City Planning Manager Ralph Hilliard made comments.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

A motion was made by Mayor-Commissioner Pro Tem 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, Rick Bryant, Craig Lowe and Jack Donovan
Nay: Edward Braddy

050162

SPECIAL AREA PLAN OVERLAY ZONING DISTRICT FOR THE FIVE POINTS AREA WITHIN PLAN EAST GAINESVILLE - ZONING MAP ATLAS AMENDMENT (B)

Ordinance No. 0-05-69

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and imposing the Special Area Plan Overlay Zoning District for the Five Points Area within the Plan East Gainesville urban area on certain property generally described as those lands bounded on the north by NE 3rd Avenue and Hawthorne Road, bounded on the south by SE 1st Avenue and SE 4th Avenue, bounded on the west by Waldo Road and SE 15th Street, and bounded on the east by SE 17th Street and NE 15th Street; adopting a special area plan for this property; providing specific regulations; providing directions to the city manager; providing directions to the codifier; providing a severability 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 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, Rick Bryant, Craig Lowe and Jack Donovan
Absent: Edward Braddy

041192

LAND DEVELOPMENT CODE AMENDMENT - RESIDENCES FOR DESITUTE PEOPLE AND FOOD DISTRIBUTION CENTERS FOR THE

NEEDY (B)**Ordinance No. 0-05-60; Petition 54TCH-05 PB**

An ordinance of the City of Gainesville, Florida, amending the Land Development Code, relating to the residences for destitute people and food distribution centers for the needy; amending subsection 30-110(d), increasing the number of beds in a residence for destitute people; amending subsection 30-111(1), increasing the total number of meals served to the needy in a 24-hour period; amending paragraph (1) of subsection 30-91(d), increasing the total number of beds in a residence for destitute people that is accessory to a place of religious assembly; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

City Community Development Director Tom Saunders gave a presentation.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

A motion was made by Commissioner Lowe, seconded by Commissioner Nielsen, 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, Craig Lowe and Jack Donovan
Nay: Rick Bryant

RESOLUTIONS- ROLL CALL REQUIRED**040283**

(Quasi-Judicial) Final Plat for the North Point at Ironwood Cluster Subdivision. Located in the 4200 Block of Northeast 15th Street, East Side. Petition 74SUB-04 DB. (B)

City Chief of Comprehensive Planning Lawrence Calderon gave a presentation.

NOTE: Chair Hanrahan left the meeting room and passed the gavel to Mayor-Commissioner Pro Tem Chestnut.

RECOMMENDATION *Planning Staff to City Commission - The City Commission adopt the following resolution: A Resolution approving the final plat of the North Point at Ironwood Cluster Subdivision, located in the 4200 Block of Northeast 15th Street; and providing an immediate effective date.*

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

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

050244

Regional Transit System FY 2005 Program of Projects (POP) and FY 2002-2003 Performance Measures (B)

RTS Operations Manager Jesus Gomez gave a presentation.

RECOMMENDATION *The City Commission: 1) approve the Program of Projects for FY 2005; and 2) approve the Resolution authorizing the filing of an application with the Department of Transportation.*

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: Warren Nielsen, Chuck Chestnut, Edward Braddy, Rick Bryant, Craig Lowe and Jack Donovan
Absent: Pegeen Hanrahan

PLAN BOARD PETITIONS**DEVELOPMENT REVIEW BOARD PETITIONS****SCHEDULED EVENING AGENDA ITEMS****WAIVER OF RULES**

*Commissioner Nielsen moved and Commissioner Bryant seconded to waive the rules to take Commission Comment before hearing File #050271 "Mayor Pegeen Hanrahan - Conceptual Agreement for new City Manager Mr. Russ Blackburn".
(VOTE: 6-0, Mayor Hanrahan - Absent, MOTION CARRIED)*

COMMISSION COMMENT**Commissioner Warren Nielsen**

Board of Adjustment Action - See following referral item # 050282.

050282

Board of Adjustment Action (NB)

NOTE: Commissioner Nielsen brought this item up during Commission Comment.

NOTE: Mayor Hanrahan re-entered the meeting room and assumed the gavel.

RECOMMENDATION *The City Commission request staff develop a petition for a rehearing of the August 4, 2005 Board of Adjustment meeting.*

A motion was made by Commissioner Bryant, seconded by Commissioner Lowe, that this matter be Referred to the City Manager, due back on August 18, 2005. The motion carried by the following vote:

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

Commissioner Jack Donovan

Page 5, Meeting Agenda Consent item 050246. "GRU Manpower" - Suggested use of non-sexist language.

Mayor Pegeen Hanrahan

Cox Communications - GruCom Negotiations in Newberry.

050283

GruCom Video Services in Newberry & Gainesville (NB)

RECOMMENDATION *The City Commission refer the issue of the provision of video services within the City of Newberry and the City of Gainesville to the Regional Utilities Committee (RUC) for their review and a report back to the City Commission.*

A motion was made by Commissioner Lowe, seconded by Commissioner Braddy, that this matter be Referred to the Regional Utilities Committee, due back on February 8, 2006. The motion carried by the following vote:

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

UNFINISHED BUSINESS

050271

Mayor Pegeen Hanrahan - Conceptual Employment Agreement for Mr. Russ Blackburn (B)

Senior Assistant Attorney Charles Hauck and City Auditor Brent Godshalk gave presentations.

NOTE: The City Manager's Contract should be finalized by the next regular City Commission meeting (August 22, 2005).

RECOMMENDATION *The City Commission discuss the conceptual employment agreement for the new City Manager Mr. Russ Blackburn.*

Discussed

CITIZEN COMMENT (If time available)

ADJOURNMENT - 10:31 PM

Kurt M. Lannon, Clerk of the Commission