

City of Gainesville

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



Meeting Minutes

Monday, December 12, 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

CONSENT AGENDA

MOTION: Commissioner Bryant moved and Commissioner Lowe seconded to adopt the Consent Agenda with the following modification.

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

MODIFICATION:

1. File #050707 - Second Amendment to the Contract for Architect-Engineer Consulting Services for Old Landfill at Sweetwater Branch - (Additional back-up submitted).

CITY MANAGER, CONSENT AGENDA ITEMS

050420

Change to Ordinance 2592, to Accommodate the Name Change of the Public Recreation Advisory Board (NB)

This item requests that the City Commission authorize the City Attorney to make the required revisions to existing Ordinance 2592, to provide for the previously approved name change of the Public Recreation Advisory Board.

RECOMMENDATION

Recommended Motion: The City Commission authorize the City Attorney to draft and the Clerk of the Commission to advertise an amendment to the City Code for the purpose of codifying the name change of the Public Recreation Advisory Board, as referenced in City Code 2592, to the Public Recreation and Parks Advisory Board.

Alternative Recommendation A: The City Commission rescind its approval of the name change for the Public Recreation Advisory Board; therefore no action will be required by the City Attorney.

Alternative Recommendation B: The City Commission takes no action at this time; therefore no action will be required by the City Attorney.

This Matter was Approved as Recommended on the Consent Agenda.

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050526**Addendum - Contract for Light Trucks, Vans & Sport Utility Vehicles (B)**

This item revises the existing contract with Wade Raulerson, GMC, Pontiac, Isuzu to meet the original bid documents.

RECOMMENDATION *The City Commission: 1) approve the revised contract period with Wade Raulerson, GMC, Pontiac, Isuzu for the procurement of light trucks, vans and SUVs to be two (2) years and three (3) optional one-year extensions with the mutual agreement of both parties; and 2) authorize the City Manager to execute the contract agreement subject to approval by the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

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050674**Grant Application for Environmental Assessment and Cleanup Assistance (B)**

This item is a grant application to the Florida Department of Environmental Protection (FDEP) for SSA financial assistance to address a low-risk environmental impact on the Depot Park site.

RECOMMENDATION *The City Commission: 1) authorize the City Manager to submit the application to FDEP for the SSA grant assistance, and 2) authorize the City Manager to execute the grant agreement and other grant related documents.*

Alternative recommendation

The City Commission decline applying for the SSA grant assistance. The fiscal impact is that up to \$200,000 in assistance may be forfeited and the City will bear the entire cost to address the contamination on the site.

This Matter was Approved as Recommended on the Consent Agenda.

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050707**Second Amendment to the Contract for Architect-Engineer Consulting Services for Old Landfill at Sweetwater Branch (B)**

This item involves a request for the City Commission to approve additional services and \$150,065 additional compensation for consulting services for the project.

RECOMMENDATION

The City Commission: 1) accept the additional work described for the project, 2) authorize the City Manager or designee to execute the Second Amendment to the contract, 3) authorize the increase of the current purchase order by \$150,065 for an amount not to exceed \$668,890, and 4) authorize all necessary budget amendments, including the transfer of funds from the Solid Waste Enterprise fund balance for the project.

Alternative Recommendation A: The City Commission: 1) accept the additional work for Slope System Construction Oversight and work performed through October 2005 for the construction lawsuit support, 2) authorize the City Manager to execute the Second Amendment that includes only the costs for these items and to increase the current purchase order by \$81,936 for an amount not to exceed \$600,761 subject to approval by the City Attorney as to form and legality, 3) refer the balance of the request back to staff for further analysis, and 4) authorize all necessary budget amendments, including the transfer of funds from the Solid Waste Enterprise fund balance for the project. The fiscal impact is that the additional services will be funded from the Public Works Department Solid Waste Fund.

Alternative Recommendation B: The City Commission refer the request back to staff for further review. The fiscal impact would be deferred with this action.

This Matter was Approved as Recommended on the Consent Agenda.

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050710**Selection of Symetra Life Insurance Company as the Carrier for the City's Group Health Plan Specific Stop-Loss Insurance (B)**

This item involves the selection as Symetra Life Ins. Co. to provide the City's Group Health Plan with Specific Stop-Loss Insurance for claims in excess of \$150,000.

RECOMMENDATION

The City Commission: 1) authorize the selection of Symetra Life Insurance Company as the carrier for specific stop-loss insurance for calendar year 2006; 2) authorize issuance of a purchase order in an amount sufficient to cover applicable charges for specific stop-loss to Symetra Life Insurance Company; 3) authorize Gallagher Benefit Services as the agent; and, 4) authorize the City Manager or his designee to negotiate and execute the necessary documents required to complete the transaction, subject to approval from the City Attorney as to form and legality.

Alternative Recommendation A:

The City Commission: 1) authorize the selection of Symetra Life Insurance Company as the carrier for specific stop loss insurance for calendar year 2006; 2) authorize issuance of a purchase order in an amount sufficient to cover applicable charges for specific stop loss to Symetra Life Insurance Company; 3) authorize Gallagher Benefit Services as the agent; 4) direct staff to conduct a Request for Qualification specifically to select a Group Benefits Broker and Consultant; and, 5) authorize the City Manager or his designee to negotiate and execute the necessary documents required to complete the transaction, subject to approval from the City Attorney as to form and legality.

Alternative Recommendation B:

The City Commission: 1) authorize the selection of Sun Life Assurance Company as the carrier for specific stop loss insurance for calendar year 2006; 2) authorize issuance of a purchase order in an amount sufficient to cover applicable charges for specific stop loss Sun Life Assurance Company; 3) authorize Hilb, Rogal and Hobbs as the agent; and, 4) authorize the City Manager or his designee to negotiate and execute the necessary documents required to complete the transaction, subject to approval from the City Attorney as to form and legality.

Fiscal Note: This alternative will cost the Employee Health and Accident Benefits Fund between \$136,000 and \$297,000 for calendar year 2006.

This Matter was Approved as Recommended on the Consent Agenda.

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050711**Award of Contract for Installation of Ball Field Fences at Greentree and Northeast Parks (B)****Installation of new fences is one of several improvements being made to the ball fields at Greentree and Northeast Parks.****RECOMMENDATION**

Recommended Motion: The City Commission: 1) award the contract for installation of the ball field fences at Greentree and Northeast Parks to Lowman Fence Company; 2) authorize the City Manager or designee to execute the contract, subject to approval of the City Attorney as to form and legality; and 3) approve the issuance of a purchase order in an amount not to exceed \$50,260 to Lowman Fence Company.

Alternative Recommendation A: The City Commission request the Parks Division re-bid the fencing project.

Alternative Recommendation B: Do not replace the current fencing on these ball fields.

This Matter was Approved as Recommended on the Consent Agenda.

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050721

Amendment of City Personnel Policies (B)

This item relates to the proposed amendment of Personnel Policy 19, Disciplinary Procedures, and Personnel Policy 20, Grievances, in order to make these policies consistent with Ordinance No. 0-06-08, adopted at first reading on November 28, 2005.

RECOMMENDATION

The City Commission authorize:

1) The amendment of Personnel Policy 19, Section II, by adding the following sentence: "When a position has become designated as a Director of a Department (Article III of the City Charter), the provisions of this Policy 19 shall no longer be applicable to employees holding such position as a regular employee, except that such employee shall remain protected by the provisions of Section 3(G)".

2) The amendment of Personnel Policy 19 Section 3(G), in its entirety, to read as follows: A. Employees are protected against reprisal for the lawful disclosure of information which the employees reasonably believes evidences: 1. Violation of any law, rule, policy, or regulation, or 2. Mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

Any such disclosure shall be submitted directly to the City Manager for investigation and may be submitted verbally or in writing. In the event the disclosure involves a Charter Officer such disclosure shall be submitted to any member of the City Commission. The name of the employee making such disclosure shall not be unreasonably revealed.

3) The amendment of Personnel Policy 20, in its entirety to read as follows:

I. Policy:

The City will maintain a grievance procedure to provide full opportunity to employees, not designated as Directors of Departments (Article III of the City Charter) and not covered by a collective bargaining agreement, to bring to the attention of management grievances to restore alleged loss of rights as

a result of a violation of the Personnel Policies and Procedures or written Departmental Rules and Regulations. The City's grievance procedure is not established to duplicate, replace, or provide an alternative to the handling of charges of discrimination or harassment covered by City Policy 27.

This Matter was Approved as Recommended on the Consent Agenda.

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050629

Amendment to 2004-05 CDBG and HOME Annual Action Plan (B)

This amendment formalizes the allocation of HOME funds for the proposed Southeast Gainesville Renaissance Initiative (SEGRI).

RECOMMENDATION

Recommended Motion: The City Commission approve the amendment to the City's 2004-05 CDBG and HOME Annual Action Plan to include \$333,471 for the Southeast Gainesville Renaissance Initiative.

Alternative Recommendation A: The City Commission reallocate the HOME funds for other approved housing projects.

Alternative Recommendation B: The City Commission decide to postpone acquisition of real estate for the Southeast Gainesville Renaissance Initiative. The fiscal impact would be that the HOME funds could be used for other approved housing projects.

This Matter was Approved as Recommended on the Consent Agenda.

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GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

050727

Contract for Elevator Maintenance and Inspection Services (B)

Staff recommends award of a contract for elevator maintenance and inspection services for all City departments with ThyssenKrup Elevator Corporation.

RECOMMENDATION

The City Commission: 1) authorize the General Manager and City Manager, or their designees, to execute a three year contract with ThyssenKrup Elevator Corporation for elevator maintenance and inspection services for all City elevators, manlifts and chairlifts, subject to the approval of the City Attorney as to form and legality; 2) approve the issuance of purchase orders for maintenance and inspection services not

exceeding budgeted amounts for each of the three fiscal years.

This Matter was Approved as Recommended on the Consent Agenda.

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050728

Contract Infrared Inspection Services (B)

Staff is requesting the issuance of purchase orders for FY 2006 to McCabe & Associates for infrared inspection services.

RECOMMENDATION *The City Commission authorize the General Manager, or his designee, to approve the issuance of purchase orders for FY 2006, not exceeding budgeted amounts, to McCabe & Associates for infrared inspection services.*

This Matter was Approved as Recommended on the Consent Agenda.

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CITY ATTORNEY, CONSENT AGENDA ITEMS

050730

STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY, AS SUBROGEE OF PAUL FISHER AND PAUL FISHER, INDIVIDUALLY VS. FLOSSIE REBECCA WELCH; ALACHUA COUNTY COURT; CASE NO.: 01-05-SC-4743 (B)

RECOMMENDATION *The City Commission authorize the City Attorney to represent the City and former City employee, Flossie Welch, in the case styled State Farm Mutual Automobile Insurance Company, as Subrogee of Paul Fisher and Paul Fisher, individually vs. Flossie Rebecca Welch; Alachua County Court; Case No.: 01-05-SC-4743.*

This Matter was Approved as Recommended on the Consent Agenda.

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050738

C. COOLIDGE DAVIS D/B/A C. COOLIDGE DAVIS REALTY VS. CITY OF GAINESVILLE; ALACHUA COUNTY CIRCUIT COURT; CASE NO.: 01-05-CA-2181 (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 C. Coolidge Davis d/b/a C. Coolidge Davis Realty vs. City of Gainesville; Alachua County Circuit Court; Case No.: 01-05-CA-2181.*

This Matter was Approved as Recommended on the Consent Agenda.

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CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

050733

City Commission Special Meeting (NB)

RECOMMENDATION *The City Commission schedule a special meeting on March 6, 2006, at 6:00 PM in the City Commission Auditorium regarding the ICF report.*

This Matter was Approved as Recommended on the Consent Agenda.

050732

City Commission Minutes (B)

RECOMMENDATION *The City Commission approve the minutes of November 28, 2005 (Regular Meeting); November 21, 2005 (Joint Meeting); December 2, 2005 and December 5, 2005 (Special Meetings); as circulated.*

This Matter was Approved as Recommended on the Consent Agenda.

050731

Revised Advisory Board-Committee Application (B)

RECOMMENDATION *The City Commission refer a proposed application revision regarding City residency to the Personnel and Organizational Structure Committee.*

This Matter was Approved as Recommended on the Consent Agenda.

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Passed The Consent Agenda

A motion was made by Commissioner Bryant, seconded by Commissioner Lowe, including all the preceding items marked as having been adopted on the Consent Agenda. The motion carried by the following vote:

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

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

MOTION: Commissioner Bryant moved and Commissioner Lowe seconded to adopt the regular agenda with the following modifications.

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

- 1. File #050709 - Responses to RFP for Supplemental Homeless Shelter Services - (Additional back-up submitted (050709a).*
- 2. File #050745 - Allocation of Additional 2006 Ad Valorem Revenues - (New item to be added to the agenda).*
- 3. File #050743 - Additional Legislative Items - (New Item (Airport Discussion) and additional back-up submitted).*
- 4. File #050742 - Mayor Hanrahan - Employment Contract for the General Manager for Utilities - (Hear at 4:00 PM Time Certain).*
- 5. File #050746 - Commissioner Edward Braddy - General Policy for Sewer Connections - (New item to be added under Members of the City Commission).*
- 6. Keep Alachua County Beautiful - (New Item - Hear a presentation from Ms. Jeanne Rochford at 6:00 PM under Special Presentations).*

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

CITY MANAGER

050708

Update of the University of Florida Comprehensive Master Plan (NB)

Three committees appointed by the President of the University have completed the first draft of the University of Florida Comprehensive Master Plan, 2005-2015. The Plan will soon be transmitted to the University of Florida Board of Trustees (BOT). The BOT will be asked to review and approve transmittal of the Plan to State agencies and local governments, and to the general public for a 90-day review period that will end in March of 2006. The University of Florida's Facilities Planning and Construction Division will make a presentation

to the City Commission on the draft Plan.

University of Florida Representative Linda Dixon gave a presentation.

NOTE: Commissioner Jack Donovan entered the meeting room at 1:09 PM.

RECOMMENDATION *The City Commission hear a presentation on the draft University of Florida Comprehensive Master Plan, 2005-2015.*

Alternative Recommendation A: The City Commission schedule a special hearing on the University of Florida Comprehensive Master Plan, 2005-2015 at a later date.

Heard

050745

Allocation of Additional 2006 Ad Valorem Revenues (NB)

This agenda item addresses the allocation of approximately \$289,000 in additional property tax revenue identified in the Property Appraiser's final certified taxable value.

NOTE: File #050745 and #050709 were placed on the floor for discussion at the same time. Please see the following item #050709 for action taken on the Allocation of Additional 2006 Ad Valorem Revenues.

NOTE: Commissioner Braddy entered the meeting room at 1:31 PM.

RECOMMENDATION *The City Commission: 1) appropriate funds to match the \$210,000 in private contributions for homeless services as follows: \$54,000 from FY05 General Fund unreserved, undesignated fund balance for short term homeless services, \$6,000 from City Commission contingency funds for short term homeless services, \$100,000 from the \$289,000 incremental ad valorem revenues for homeless long term capital needs in anticipation of the ten year homeless plan, and \$50,000 from the CDBG FY05-06 budget for homeless long term capital needs in anticipation of the ten year homeless plan; and 2) appropriate the \$189,000 remaining balance of incremental ad valorem revenues for Fire Department overtime.*

Discussed

050709

Responses to RFP for Supplemental Homeless Shelter and Services (B)

At the November 14, 2005 City Commission meeting, the City Commission

directed staff to issue a Request for Proposals (RFP) to solicit proposals from local providers who might be willing to provide additional shelter and services to address the immediate cold weather needs of the homeless. Four responses to the RFP were received on November 30, 2005, and are now presented to the City Commission for its consideration.

CDBG Manager Jim Hencin and Community Development Director Tom Saunders gave presentations.

Chair Hanrahan recognized Alachua County Housing Authority Executive Director Gail Monahan, St. Francis House Executive Director Kent Vann, Holy Trinity Rector Reverend Gordon Tremaine, Butler Enterprises Representative Bob Rellar and Joe Jackson who spoke to the matter.

AMENDED MAIN MOTION: Commissioner Chestnut moved and Commissioner Nielsen seconded to: 1) Allocate \$18,000 to each of the proposer's (St. Francis House, Alachua County Housing Authority with Holy Trinity Episcopal Church, and Alachua County Housing Authority to focus on hotels and motels, (as indicated in the memo from the City Manager dated December 7, 2005), (\$54,000 total); 2) the \$54,000 being contingent on the private sector funds (which the Commission received a commitment), and a request to Alachua County to match these funds; 3) \$100,000 allocated toward long term needs as identified in the 10 year plan to be determined later; 4) \$6,000 from City Commission Contingency; 5) \$50,000 from CDBG; 6) authorize the Mayor to write a letter to Clark Butler and Jack Smith (two private sector donors) thanking them for their donations to the homeless; and 7) appropriate the \$189,000 remaining balance of incremental ad valorem revenues for Fire Department overtime.

(VOTE: 6-1, Commissioner Donovan - No, MOTION CARRIED)

CITIZEN COMMENT TO THE MOTION: Chair Hanrahan recognized Joe Jackson, Walter Willard, St. Francis House Director Kent Vann, Reverend Gordon Tremaine, Elder Joe Williams and John DeCarmine who spoke to the matter.

ADDITIONAL MOTION (REFERRAL) (Please see following referral items #050751 & #050752): Commissioner Donovan moved and Commissioner Nielsen seconded to: 1) Direct the City Manager to come back with a report regarding the impacts of changing the temperature threshold and changing the 14 consecutive day limit for homeless providers, (Section 30-67(i) of the Land Development Code); and 2) refer the issue of police background checks for the homeless to the Public Safety Committee.

(VOTE: 7-0, MOTION CARRIED)

Chair Hanrahan recognized Joe Jackson, Walter Willard and Kent Vann who spoke to the matter.

RECOMMENDATION

The City Commission receive a report on the responses to the City's RFP for supplemental cold weather shelter and services and take action as deemed appropriate.

Alternative Recommendation A: The City Commission defer action on the RFP responses.

Approved, as shown above - See Motion(s)

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050751

Supplemental Homeless Shelter and Services Referral (NB)

This item is a referral related to File #050709.

RECOMMENDATION *The City Commission direct the City Manager to come back to the City Commission with a report on the impacts of changing the temperature restriction and changing the 14 consecutive day limit for homeless providers.*

A motion was made by Commissioner Donovan, seconded by Commissioner Nielsen, that this matter be Referred to the City Manager, due back on June 12, 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

050752

Supplemental Homeless Shelter and Services Referral (NB)

This item is a referral related to File #050709.

RECOMMENDATION *The City Commission refer the issue of police background checks for the homeless to the Public Safety Committee.*

A motion was made by Commissioner Donovan, seconded by Commissioner Nielsen, that this matter be Referred to the Public Safety Committee, due back on June 12, 2006 The City Commission accepted the PSC report out with no action recommended and removed this item from the pending referral list on March 13, 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

050743

Additional Legislative Items (B)

MOTION 1 - Conservation Land Tax Abatement Special Act - MOTION: Commissioner Lowe moved and Commissioner Nielsen seconded to add the Conservation Land Tax Abatement Special Act to the Legislative Priority List. (VOTE: 6-0, Commissioner Braddy - Absent, MOTION CARRIED)

MOTION 2 - Restrictions on plantings that can occur in front of a billboard - MOTION: Commissioner Bryant moved and Commissioner Lowe seconded to oppose

this legislation.

(VOTE: 6-0, Commissioner Braddy - Absent, MOTION CARRIED)

*MOTION 3 - Alachua County Regional Airport - Special Act - MOTION:
Commissioner Lowe moved and Commissioner Chestnut seconded to indicate to the
Legislative Delegation that the City Commission is going to be reviewing the
Airport's request for a special act and that the Commission has some concerns as it
currently stands.*

VOTE: 6-0, Commissioner Braddy - Absent, MOTION CARRIED)

*MOTION 4 - Voluntary Cleanup Tax Credit (VCTC) - MOTION:
Mayor-Commissioner Pro Tem Chestnut moved and Commissioner Nielsen seconded
to add the Voluntary Cleanup Tax Credit to the City's Legislative Priority List.
(VOTE: 6-0, Commissioner Braddy - Absent, MOTION CARRIED)*

RECOMMENDATION *The City Commission approve the additions to the Legislative
Priority List.*

Approved, as shown above - See Motion(s)

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GENERAL MANAGER FOR UTILITIES

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

RECREATION AND CULTURAL AFFAIRS COMMITTEE

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

040177

Final Report of the Ad Hoc Affordable Housing Committee (B)

The City Commission received the final report of the Ad Hoc Committee on Affordable Housing on June 13, 2005. The City Commission referred the report to the City Manager and the General Manager for Utilities, who were asked to report back to the City Commission with an implementation plan for the Ad Hoc Affordable Housing Committee's recommendations.

Community Development Director Tom Saunders, GRU Managing Utility Analyst Dr. Heidi Lannon and Sr. Account Representative Bill Shepherd gave presentations.

FIRST MOTION: Commissioner Lowe moved and Commissioner Bryant seconded to authorize the Mayor to write a letter to the University of Florida seeking their implementation of an employee home purchase assistance program in areas nearby the University.

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

SECOND MOTION (REFERRAL): Commissioner Lowe moved and Commissioner Chestnut seconded to refer to the Community Development Committee the following issues: 1) Energy Efficiency standards for landlords for rental units as part of the qualifications for Section 8 re-reimbursements; and 2) investigate incorporating energy requirements as part of the City of Gainesville minimum housing code. (See following referral #050761).

(VOTE: 5-0, Commissioner Braddy and Nielsen - Absent, MOTION CARRIED)

Chair Hanrahan recognized Walter Willard who spoke to the matter.

RECOMMENDATION *The City Commission: 1) receive an update from staff on implementing recommendations from the final report of the Ad Hoc Affordable Housing Committee; and 2) take additional actions as appropriate.*

Approved, as shown above - See Motion(s)

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050761.

Energy Efficiency Standards and Requirements (NB)

This item was a referral to the Community Development Committee regarding File #040177 Final Report of the Ad Hoc Affordable Housing Committee.

RECOMMENDATION *The City Commission refer the following items to the Community Development Committee: 1) Energy Efficiency standards for landlords for rental units as part of the qualifications for Section 8 reimbursements; and 2) investigate incorporating energy requirements as part of the City of Gainesville minimum housing code.*

A motion was made by Commissioner Lowe, seconded by Mayor-Commissioner Pro Tem Chestnut, that this matter be Referred to the Community Development Committee, due back on June 12, 2006. The motion carried by the following vote:

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

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TIME CERTAIN - 4:00 PM

050742

Mayor Hanrahan - Employment Contract for the General Manager for Utilities (B)

Chair Hanrahan recognized Jim Painter who spoke to the matter.

*MOTION: Commissioner Braddy moved and Commissioner Bryant seconded to leave the General Manager for Utility's employment contract as it is.
(NO VOTE)*

Sr. Assistant City Attorney Charles Hauck gave a presentation.

SUBSTITUTE MOTION (MAIN MOTION): Commissioner Nielsen moved to continue this item with the understanding that Mr. Kurtz come back to the City Commission with counter proposals.

(VOTE: 6-1, Mayor Hanrahan - No, MOTION CARRIED)

Chair Hanrahan recognized Walter Willard who spoke to the matter.

RECOMMENDATION

The City Commission hear a report from Mayor Hanrahan and Mr. Kurtz and provide direction regarding how to resolve the contract issues. The Commission may:

- 1. Leave Mr. Kurtz's contract as it currently stands.*
- 2. Offer Mr. Kurtz an amended contract removing the language regarding severance pay upon voluntary termination to make it consistent with the contracts of other charter officers. Mr. Kurtz's current contract and the subject provision will remain in effect unless a new contract or contract amendment is signed by both parties or one or the other chooses to terminate it.*
- 3. Provide direction on how to negotiate some other consideration within the contract to substitute for the severance package that is mutually agreeable to both Mr. Kurtz and a majority of City Commissioners.*

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

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

MEMBERS OF THE CITY COMMISSION

COMMISSION COMMENTS (if time available)

RECESS - 5:20 PM

RECONVENE - 5:53 PM

CITIZEN COMMENT (5:30pm)

Pat Fitzpatrick

Homeless Issues

Jim Konish

Public Records Request

Jerry Williamson

GPD Issues

Dian Deevey

Peer Review of EPAC Report - See following File #050589.

050589

**Peer Review of County Environmental Protection Advisory Committee (EPAC)
Report on GRU's Power Plant (B)**

RECOMMENDATION

*The City Commission hear a report from Dian Deevey and
place back-up submitted on file.*

Heard

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COMMISSION COMMENTS (if time available)**PLEDGE OF ALLEGIANCE (6:00pm)****Civil Air Patrol, USAF Auxiliary****PROCLAMATIONS/SPECIAL RECOGNITIONS****050740****Compassionate Outreach Ministries, Inc. 20th Anniversary (B)**

RECOMMENDATION *Compassionate Outreach Ministries Pastor Dr. Larry J. Dennison to accept the proclamation.*

Heard

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050595**PENSION PLANS - DIRECT ROLLOVERS TO IRA'S (B)****Ordinance 0-06-05**

An Ordinance of the City of Gainesville, Florida, amending Chapter 2 of the Code of Ordinances of the City of Gainesville relating to the City of Gainesville Employees Pension Plan and the Consolidated Police Officers and Firefighters Retirement Plan regarding distributions to individual retirement accounts under certain circumstances; 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.*

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050750**Keep Alachua County Beautiful Peter Drucker Innovation Award (B)**

Keep Alachua County Beautiful Executive Director Jeanne Rochford gave a presentation.

RECOMMENDATION *The City Commission hear a presentation from Keep Alachua County Beautiful Executive Director Jeanne Rochford.*

Heard

PUBLIC HEARINGS**PLAN BOARD PETITION - (WAIVER OF RULES)****050580 Vacate, Abandon and Close Street. (B)**

Petition 124SVA-05 PB (Formal Quasi-Judicial Hearing) Hughes, Inc. Pursuant to Section 30-192(b) of the Gainesville Land Development Code, the petitioner has requested the City to vacate, abandon and close Northeast 23rd Place east of Northeast 5th Terrace to the east right-of-way line of Northeast 6th Street; and that portion of Northeast 6th Street, 50 feet north of the north right-of-way line of Northeast 23rd Place.

Attorney for the Petitioner Ron Carpenter gave a presentation.

This item was continued to the January 23, 2005 City Commission meeting after 6:00 PM without objection.

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition 124SVA-05 PB, with staff conditions. Plan Board vote 4-2.

Staff to City Commission: The City Commission deny Petition 124SVA-05 PB based on staff comments.

Alternative Recommendation A: The City Commission approve Petition 124SVA-05 PB, with staff conditions, including a referral from the City Commission to initiate a street vacation petition to vacate the remaining portion of the right-of-way of N.E. 6th Street.

Staff to Plan Board - Deny Petition 124SVA-05 PB.

Continued (Petition)

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ORDINANCES, 1ST READING- ROLL CALL REQUIRED**050716****ANNEXATION - SANTE FE COMMUNITY COLLEGE AND SURROUNDING AREA (B)****Ordinance No. 0-06-13**

An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area Pursuant to Chapter 90-496, as amended, 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 generally described as follows: generally located South of State Road 222 (NW 39th Avenue), with an Eastern boundary at the western side of section 33, township 09, range 19 and section 28, township 09, range 19 and the City limits; North of the City Limits and East of Fort Clarke Boulevard and Interstate 75, as more specifically described in this ordinance; providing for inclusion of the area in Appendix I of the City Charter; providing for a referendum election; providing directions to the City Manager and Clerk of the Commission; providing ballot language; providing for land use plan and zoning regulations; providing for persons engaged in any occupation, business, trade or profession; providing a severability clause; and providing effective dates.

City Strategic Planner Karen Snyder gave a presentation.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

A motion was made by Mayor-Commissioner Pro Tem Chestnut, seconded by Commissioner Nielsen, that this matter be Adopted on First Reading, as amended (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

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050718

BOUNDARY FOR COLLEGE PARK/UNIVERSITY HEIGHTS REDEVELOPMENT AREA AND TRUST FUND (B)

Ordinance 0-06-04

An ordinance of the City of Gainesville, Florida, amending Division 9 of Chapter 2 of the Code of Ordinances of the City of Gainesville relating to Community Redevelopment, amending Section 2-410.2 by expanding the boundaries of the College Park/University Heights Community Redevelopment Area; amending Section 2-413 relating to the trust fund for the College Park/University Heights Community Redevelopment Area; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

Absent: Edward Braddy

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ORDINANCES, 2ND READING- ROLL CALL REQUIRED**050242****BUILDING CODE AMENDMENTS (B)****Ordinance No. 0-05-91**

An ordinance of the City of Gainesville, Florida, amending section 6-3, City of Gainesville Code of Ordinances; updating section 6-3 by adopting the Administration Chapter of the 2004 Florida Building Code (2004); updating and making conforming changes to the existing local amendments to chapter 1 of the Florida Building Code (2004); relocating the text contained in sections 104.5, 104.5.1, 104.5.1.2, 104.5.1.4, 104.5.1.5, 104.6.2, 104.6.4, and 104.6.5 for conformity with the Florida Building Code (2004); stating factors for issuance of a certificate of occupancy as stated in the Florida Building Code (2004); creating specific time limits for completion of construction for both residential and commercial building permits; repealing obsolete language regarding building valuation data; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

City Building Official Doug Murdock made comments.

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

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050447**RIGHT-OF-WAY VACATION - BETWEEN S.E. 4TH AVENUE AND S.E. 4TH PLACE (B)****Ordinance No. 0-06-01, Petition 125SVA-05PB**

An ordinance of the City of Gainesville, Florida, to vacate, abandon and close a 10-foot wide alleyway generally located east of Southeast 5th Street, west of Sweetwater Branch Creek, and running north and south between Southeast 4th Avenue and Southeast 4th Place; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

Absent: Edward Braddy

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050528

URBAN SERVICES REPORT - CCGH SOUTH, INC. (B)

Ordinance No. 0-06-03

An Ordinance of the City of Gainesville, Florida; adopting an Urban Services Report which sets forth the plans to provide urban services to an area comprised of Tax Parcels 06706-025-000 through 06706-030-000 and 06706-035-000 through 06706-040-000, generally located south of SW 17th Avenue, west of the vicinity of SW 34th Street and the City limits, north of SW 17th Place and east of Tax Parcel 06724-000-000; the area is proposed for annexation by the City of Gainesville pursuant to Chapter 90-496, Special Acts, Laws of Florida, as amended, known as the Alachua County Boundary Adjustment Act; providing directions to the City Manager, the City Attorney and the Clerk of the Commission; providing a repealing clause; providing a severability clause; and providing an immediate effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

Absent: Edward Braddy

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050567

ORGANIZATIONAL STRUCTURE OF GENERAL GOVERNMENT (B)

Ordinance No. 0-06-08

An ordinance of the City of Gainesville, Florida, amending Chapter 2 of the Code of Ordinances of the City of Gainesville by creating Section 2-196, designating Directors of Departments; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date and limited prospective application.

AMENDMENT: Page 2, Change Communications and Marketing Director to Communications and Marketing "Manager".

Chair Hanrahan recognized Walter Willard who spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

A motion was made by Mayor-Commissioner Pro Tem Chestnut, seconded by Commissioner Braddy, that this matter be Adopted on Final Reading, as amended (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
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050595**PENSION PLANS - DIRECT ROLLOVERS TO IRA'S (B)****Ordinance 0-06-05**

An Ordinance of the City of Gainesville, Florida, amending Chapter 2 of the Code of Ordinances of the City of Gainesville relating to the City of Gainesville Employees Pension Plan and the Consolidated Police Officers and Firefighters Retirement Plan regarding distributions to individual retirement accounts under certain circumstances; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

A motion was made by Mayor-Commissioner Pro Tem Chestnut, seconded by Commissioner Braddy, 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, Craig Lowe and Jack Donovan
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050662**VOLUNTARY ANNEXATION - KING (B)****Ordinance No. 0-06-02**

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 Tax Parcel 06714-000-000, located generally south of the city limits, west of SW 34th Street and the city limits, north of the vicinity of SW 20th Avenue and east of Tax Parcel 06724-000-000; 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.

City Strategic Planner Karen Snyder gave a presentation.

Chair Hanrahan recognized Walter Willard who spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

A motion was made by Commissioner Braddy, 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, Rick Bryant, Craig Lowe and Jack Donovan

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050699

VOLUNTARY ANNEXATION - BEVILLE (B)

Ordinance No. 0-05-99

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 Tax Parcels 06706-001-000 through 06706-018-000, 06706-031-000 through 06706-034-000, and a portion of 06715-000-000, located generally south of the city limits, west of SW 34th Street and the city limits, north of the vicinity of SW 20th Avenue and east of Tax Parcel 06724-000-000; 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 Mayor-Commissioner Pro Tem 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, Craig Lowe and Jack Donovan

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050667

OCCUPATIONAL LICENSE TAX EXEMPTION FOR AN ADDITIONAL TEN YEARS WITHIN THE GAINESVILLE ENTERPRISE ZONE (B)

Ordinance No. 0-06-09

An ordinance of the City of Gainesville amending section 25-50.1 of the Gainesville Code of Ordinances related to the enterprise zone by extending the 50% occupational license tax exemption for an additional ten years: providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Chair Hanrahan recognized Walter Willard who spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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050668

MUNICIPAL TAX ON ELECTRIC ENERGY USED BY QUALIFIED BUSINESSES WITHIN THE GAINESVILLE ENTERPRISE ZONE (B)

Ordinance No. 0-06-10

An ordinance of the City of Gainesville amending Article II, Section 25-18 of the Gainesville Code of Ordinances related to Public Service Tax by extending the exemption on 50% of the municipal tax on electric energy used by qualified businesses in the enterprise zone for an additional ten years: providing directions to the codifier; providing a severability clause; providing directions to the City Manager or designee; providing a repealing clause; and providing an effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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050669

BUILDING PERMIT FEES AND DEVELOPMENT FEES FOR BUSINESSES WITHIN THE GAINESVILLE ENTERPRISE ZONE (B)

Ordinance No. 0-06-11

An ordinance of the City of Gainesville amending Appendix A, Schedule of Fees, Rates and Charges, of the Gainesville Code of Ordinances to extend the 50% reduction in building permit fees and development fees for those businesses within the Gainesville Enterprise Zone; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date

Chair Hanrahan recognized Walter Willard who spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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RESOLUTIONS- ROLL CALL REQUIRED

050495

TOWING FEES (B)

A resolution of the City Commission of the City of Gainesville, Florida, amending and establishing maximum trespass towing fees in accordance with section 14.5-27 of the Code of Ordinances of the City of Gainesville, Florida; providing a repealing clause; and providing an immediate effective date.

Chair Hanrahan recognized UF Lobbyist Thomas Philpot and Ultimate Towing Representative Katherine M. Smaha, P.A. who spoke to the matter.

FIRST MOTION: Commissioner Braddy moved and Commissioner Donovan seconded to adopt the resolution setting the roam towing fee at \$84.00.

(VOTE: 3-4, Commissioners Braddy, Chestnut and Donovan - Yes; and Commissioners Bryant, Lowe, Nielsen and Mayor Hanrahan - No, MOTION FAILED)

SECOND MOTION: Commissioner Bryant moved and Commissioner Donovan seconded to adopt the resolution setting the roam towing fee at \$80.00 instead of \$84.00.

(VOTE: 3-4, Commissioners Bryant, Donovan and Braddy - Yes; and Commissioners Lowe, Nielsen, Chestnut and Mayor Hanrahan - No, MOTION FAILED)

THIRD MOTION: Commissioner Bryant moved and Mayor-Commissioner Pro Tem Chestnut seconded to adopt the resolution leaving the roam towing fee at \$76.00.

(VOTE: 7-0, MOTION CARRIED)

RECOMMENDATION *The City Commission adopt the proposed Resolution.*

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

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WAIVER OF RULES - PETITION

The rules were waived without objection to hear File #050196 next.

050196.

Request for Exchange of Property between the City of Gainesville and the State of Florida Division of Forestry (B)

This item is a request for the City Commission to approve a land exchange involving a portion of City-owned property on Williston Road (Wacahoota Property) for a State of Florida-owned office, maintenance facility, and the 5-acre Smokey Bear Park on NE 23rd Avenue in Gainesville. This exchange will provide the City with the ability to obtain an additional maintenance facility and office space within the City limits as well as insure that Smokey Bear Park remains available to the citizens of Gainesville.

City Recreation and Parks Director David Flaherty, Florida Division of Forestry Manager Don West, Real Estate Agent for the Division of Forestry Ed Custer, Division of Forestry Construction Manager Tom Barnum, Alachua County Forever Representative Dr. Kathy Cantwell, Division of Forestry Biologist Charlie Peterson and City Recreation and Parks Program Coordinator Ann Bigelow gave presentations.

FIRST MOTION: Commissioner Lowe moved and Commissioner Donovan seconded to: 1) Continue this item until the first meeting in February (February 13, 2006), after the Land Conservation Board has had an opportunity to make a recommendation; and 2) authorize staff (The City Manager and the General Manager) to work with the Division of Forestry to find suitable properties for the Forestry Center; and 3) ask Alachua County for a time line on the process as soon as one is available.

(VOTE: 3-4, Commissioners Lowe, Nielsen and Mayor Hanrahan - Yes; and Commissioner Braddy, Bryant, Chestnut and Donovan - No, MOTION FAILED)

CITIZEN COMMENT TO THE MOTION: Chair Hanrahan recognized Jack Hughes, Walter Willard, Peter McCullough, Kelli Williams, Rob Brinkman, Freddie Johnson, Don West, Dr. Kathy Cantwell, Doug Hart and Ed Brown who spoke to matter.

City Chief of Current Planning Lawrence Calderon made comments.

SECOND MOTION (MAIN MOTION): Commissioner Braddy moved and Commissioner Bryant seconded to: 1) Authorize the Division of Forestry to proceed with the permitting process (moving forward with the original staff recommendation); 2) communicate to the Alachua County Commission the City's intent to move forward

with this exchange with the Division of Forestry, unless they indicate to us no later than February 15, 2005 that they wish to acquire this property through Alachua County Forever; 3) ask the City Manager and the General Manager to look at the City's property inventory and see if the City has any more suitable sites for exchange; and 4) indicate to the Division of Forestry that the City Commission's actions doesn't vest them with any right with respect to the property acquisition.
(VOTE: 7-0, MOTION CARRIED)

RECOMMENDATION

Recommended Motion: The City Commission direct staff to proceed with the requested property exchanges with Division of Forestry and authorize the City Manager or designee to execute all necessary exchange documents subject to review by the City Attorney as to form and legality.

Alternative Recommendation A: The City Commission authorize the property exchange of 50 acres to Division of Forestry and in addition, authorize staff to work with ACF for their purchase of a portion or all of the remaining 144.20 acres of the Wacahoota site to ensure its continued use as conservation. This would result in a one-time revenue source to the City.

Alternative Recommendation B: The City Commission not authorize the property exchange and direct staff to work with Alachua County Forever to purchase all or a portion of the Wacahoota Property from the City. This would result in a one-time revenue source to the City. This funding could be used to purchase the DOF Office site and Smokey Bear Park.

Alternative Recommendation C: The City Commission not authorize the property exchange and direct staff to re-zone the Wacahoota property (which is currently zoned "agriculture" and "Institutional") as "conservation" land and direct staff to manage the property as a conservation/nature park.

Approved, as shown above (Second Motion)

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050196b_CONTRACT_20090219.PDF
050196c_PPT_20090219.PDF

050704**Parking Rates for the Southwest Parking Garage (B)**

A Resolution of the City Commission of the City of Gainesville, Florida, amending and establishing a group rate for the parking garage in accordance with Chapter 26, Division 2 of the Code of Ordinances of the City of Gainesville, Florida; directing the City Manager to establish groups rates; providing a repealing clause; and providing an effective date.

RECOMMENDATION *The City Commission adopt the proposed Resolution.*

Alternative Recommendation A:

The City Commission adopt an amended Resolution authorizing a group rate of \$25 for groups of 25 or more. This would provide \$125 less revenue per month for each 25 parkers.

Alternative Recommendation B:

The City Commission take no action on the proposed Resolution.

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

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050706**Regional Transit System FY 2006 Program of Projects (POP) and FY 2003-2004 Performance Measures (B)**

This item involves a request for the City Commission to approve a Resolution authorizing the filing of an application with the Federal Transit Administration (FTA) and Florida Department of Transportation (FDOT)

RECOMMENDATION *The City Commission: 1) approve the Program of Projects for FY 2006; 2) approve the Resolution authorizing the filing of an application with the Department of Transportation; and 3) authorize the Mayor and Clerk of the Commission to execute the Resolution.*

Alternative Recommendation A: The City Commission deny adoption of the Resolution, resulting in the City of Gainesville Regional Transit System becoming ineligible for State and Federal funding. The fiscal impact of this alternative recommendation is a loss of Federal Transit Administration funding.

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

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

Absent: Rick Bryant

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050712

2005 Interest Rate Swap (B)

A Resolution of the City of Gainesville, Florida, approving the form and authorizing the execution and delivery of a confirmation with Citibank, N.A., New York pertaining to an interest rate swap transaction relating to taxable bonds issued by the City under Resolution No. 020918, as supplemented and amended; delegating to the City Manager, the Administrative Services Director or the Finance Director of the City the authority to execute and deliver such confirmation and related documents on behalf of the City under certain delegation parameters; providing certain other details in connection with such transaction; providing an effective date.

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

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

Absent: Rick Bryant

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050726

Property Exchange with the State of Florida, Department of Transportation and Corresponding Resolution (B)

Staff is requesting approval of a property exchange with the State of Florida, Department of Transportation.

RECOMMENDATION

The City Commission: 1) approve the exchange of property with the State of Florida at no cost to the City other than closing costs, as negotiated by staff; and 2) adopt a resolution, subject to approval by the City Attorney as to form and legality, requesting the State of Florida Department of Transportation to convey property to the City of Gainesville;

and 3) authorize the Mayor and Clerk of the Commission to execute the City Deed to the State of Florida, substantially in the form on file, subject to approval by the City Attorney as to form and legality; and 4) authorize the General Manager or his designee to execute any documents necessary to complete the closing, subject to the approval of the City Attorney as to form and legality.

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

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PLAN BOARD PETITIONS

050253

Change Alachua County Comprehensive Plan Commercial Land Use designation to City of Gainesville PUD (Planned Use District) on recently annexed property. (B)

Petition No. 110LUC-05 PB, Causseaux & Ellington, Inc., Agent for Phil and Janice Hawley, to amend the City of Gainesville Future Land Use Map to change the Alachua County Comprehensive Plan Commercial land use designation to City of Gainesville PUD (Planned Use District). Located at 4405 Northwest 39th Avenue. Related to Petition 111PDV-05PB.

City Chief of Current Planning Lawrence Calderon and Agent for the Petitioner Rory Causseaux gave presentations.

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition 110LUC-05 PB. Plan Board vote 5-1.

Alternative Recommendation A: The City Commission approve Petition 110LUC-05 PB with a Land Use Classification of Office only.

Alternative Recommendation B: The City Commission deny Petition 110LUC-05 PB.

Staff to Plan Board - Approve, with conditions.

A motion was made by Commissioner Nielsen, seconded by Mayor-Commissioner Pro Tem Chestnut, that this matter be Approved (Petition) with Staff and Plan Board Conditions. The motion carried by the following vote:

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

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050254

Rezone property from Alachua County BP (Business Professional) to City of Gainesville PD (Planned Development). (B)

Petition 111PDV-05 PB (Quasi-Judicial) Causseaux & Ellington, Inc., agent for Phil and Janice Hawley. Rezone property from Alachua County BP (Business Professional) to City of Gainesville PD (Planned Development) to allow commercial/office development. Located at 4405 Northwest 39th Avenue. Related to Petition 110LUC-05 PB.

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition 111PDV-05 PB, with staff conditions, as modified by the City Plan Board. Plan Board vote 5-0.

Alternative Recommendation A: The City Commission approve Petition 111PDV-05 PB, with office uses as permitted in the OF Zoning District.

Alternative Recommendation B: The City Commission deny Petition 111PDV-05 PB.

Staff to Plan Board - Approve, with staff conditions.

A motion was made by Mayor-Commissioner Pro Tem Chestnut, seconded by Commissioner Donovan, that this matter be Approved (Petition) with staff conditions, as modified by the City Plan Board. 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

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050486

Amend the City of Gainesville Future Land Use Map from CON (Conservation) to PUD (Planned Use District). (B)

Petition 136LUC-05PB, Brown & Cullen, Inc., agent for Michael E. Warren. Amend the City of Gainesville Future Land Use Map from CON (Conservation) to PUD (Planned Use District). Located in the 6600 Block of Northwest 23rd

Terrace (Southwest corner of US 441 and Northwest 23rd Terrace.) Related to Petition 128ZON-05PB.

City Planner Bedez Massey and Agent for the Petitioner Stuart Cullen gave presentations.

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition 136LUC-05PB with staff conditions and amending Condition 3 of the Planning Division staff report to state that outdoor storage will be permitted by Special Use Permit in accordance with Section 30-67 of the Land Development Code.

Alternative Recommendation A: Approve Petition 136LUC-05PB with staff conditions, as amended by the City Plan Board.

Alternative Recommendation B: Approve Petition 136LUC-05PB with staff conditions.

Staff to City Plan Board - Approve Petition 136LUC -05PB with staff conditions.

A motion was made by Mayor-Commissioner Pro Tem Chestnut, seconded by Commissioner Lowe, that this matter be Approved (Petition) with staff conditions, as modified by the City Plan Board. 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

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050487

Rezone property from CON (Conservation district) to PD (Planned Development). (B)

Petition 128ZON-05PB. (Quasi-Judicial) Brown & Cullen, Inc., agent for Michael E. Warren. Rezone property from CON (Conservation district) to PD (Planned Development) for the construction of a commercial center. Located in the 6600 block of Northwest 23rd Terrace (Southwest corner of US 441 and Northwest 23rd Terrace.) Related to Petition 136LUC-05PB.

RECOMMENDATION

City Plan Board to City Commission -The City Commission approve Petition 128ZON-05PB with staff conditions and: 1. *Modifying Condition 2 to state that outdoor storage will be permitted by Special Use Permit in accordance with Section 30-67 of the Land Development Code;* 2. *Modifying Condition 5 to remove "TCEA (" and "Exception Area");* 3. *Adding a condition that a maximum of 25 percent of the linear frontage on US 441 may consist of parking that is not within 100 feet of the roadway;* and 4. *Adding a condition that the*

final development plan return to the Plan Board rather than the Development Review Board.

Alternative Recommendation A: Approve Petition 128ZON-05PB with staff conditions, as modified by the City Plan Board.

Alternative Recommendation B: Approve Petition 128ZON-05PB with staff conditions.

Staff to City Plan Board - Approve Petition 128ZON -05PB with staff conditions.

A motion was made by Mayor-Commissioner Pro Tem Chestnut, seconded by Commissioner Donovan, that this matter be Approved (Petition) with staff conditions, as modified by the City Plan Board. 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

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DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

050679

Advisory Board/Committee Appointments of Lauren W. McDonell, Matthew A. Cole and Jon Reiskind to the City Plan Board. (B)

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

(NO VOTE)

DIVIDE THE PREVIOUS QUESTION MOTION:

Commissioner Bryant moved to divide the previous question.

Chair Hanrahan recognized Adam Tecler who spoke to the matter.

FIRST PART OF THE DIVIDED QUESTION:

MOTION 1: Appoint Lauren McDonell.

(VOTE: 5-2, Commissioner Braddy and Bryant, No, MOTION CARRIED)

SECOND PART OF THE DIVIDED QUESTION:

MOTION 2: Appoint Matthew Cole.

(VOTE: 7-0, MOTION CARRIED)

*THIRD PART OF THE DIVIDED QUESTION:**MOTION 3: Appoint Jon Reiskind.**(VOTE: 6-1, Commissioner Braddy - No, MOTION CARRIED)***RECOMMENDATION***The City Commission appoint Lauren W. McDonell for a vacancy to expire November 1, 2007, and reappoint Matthew A. Cole and Jon Reiskind for terms to expire November 1, 2008 on the City Plan Board.**Commissioner Braddy: Cole, Varnes and Walls**Commissioner Bryant: Cole, Reiskind and Varnes**Commissioner Chestnut: McDonell, Reiskind and Varnes**Commissioner Donovan: McDonell, Reiskind and Walls**Commissioner Lowe: Cole, McDonell, and Reiskind**Commissioner Nielsen: Cole, McDonell, and Reiskind**Mayor Hanrahan: Cole, McDonell, and Reiskind***Approved, as shown above - See Motion(s)**

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UNFINISHED BUSINESS**050682****Advisory Board/Committee Appointments of two members to the Board of Trustees of the Consolidated Police Officers' and Firefighters' Retirement Plan (B)***FIRST MOTION: Commissioner Braddy moved to appoint Doug Whitaker and Bryan Harmon to the Board of Trustees of the Consolidated Police Officers' and Firefighters' Retirement Plan.**(NO SECOND, MOTION FAILED)**SECOND MOTION: Commissioner Lowe moved and Commissioner Nielsen seconded to appoint Glenda Currie and Bryan Harmon to the Board of Trustees of the Consolidated Police Officers' and Firefighters' Retirement Plan.**(NO VOTE)**DIVIDE THE PREVIOUS QUESTION MOTION: Commissioner Braddy moved to divide the previous question.**WAIVER OF RULES: Commissioner Chestnut moved and Commissioner Lowe seconded to waive the rules to extend the meeting to 11:15 PM.**(VOTE: 7-0, MOTION CARRIED)**FIRST PART OF THE DIVIDED QUESTION: Appoint Glenda Currie to the Board of Trustees of the Consolidated Police Officers' and Firefighters' Retirement Plan.**(VOTE: 4-3, Commissioners Nielsen, Lowe, Donovan and Mayor Hanrahan - Yes; and Commissioner Braddy, Bryant and Chestnut - No; MOTION CARRIED)**SECOND PART OF THE DIVIDED QUESTION: Appoint Bryan Harmon to the Board of Trustees of the Consolidated Police Officers' and Firefighters' Retirement*

Plan.

(VOTE: 1-6, Commissioner Braddy - Yes; and Commissioner Bryant, Lowe, Nielsen, Chestnut, Donovan, and Mayor Hanrahan - No; MOTION FAILED)

ADDITIONAL MOTION: Commissioner Braddy moved and Commissioner Bryant seconded to appoint G. Douglas Whitaker to the Board of Trustees of the Consolidated Police Officers' and Firefighters' Retirement Plan.

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

SECOND ADDITIONAL MOTION: Commissioner Nielsen moved and Commissioner Lowe seconded to readvertise one position, according to the shorter time frame.

(VOTE: 7-0, MOTION CARRIED)

RECOMMENDATION *The City Commission: 1) make appointments; or 2) re-schedule to the January 9, 2006, meeting with a new deadline date of January 6, 2006, at 4:00 PM.*

Approved, as shown above - See Motion(s)

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050705

Use of UDAG Funds for Depot Park Recreation Development (B)

This item is a request from the East Gainesville SPROUT Project Task Force to use the City's Urban Development Action Grant proceeds to fund recreation amenities at the proposed Depot Park project. The City receives annual payments for funds that were borrowed against the grant and these proceeds could be a funding source for the amenities.

Community Redevelopment Agency Project Manager Matt Dube' gave a presentation.

RECOMMENDATION *The City Commission adopt the recommendation of the East Gainesville SPROUT Task Force to allocate the remaining UDAG revenue including proceeds ending in 2013 and the CRA repayments beginning in 10 years for Depot Park recreation facilities.*

Alternative Recommendation A: The City Commission allocate UDAG funding to Depot Park in the amount of \$125,000 to cover the estimated funding gap for park design services needed in 2006. The HUD EDI funds, up to \$29,760, can be used to match the UDAG funds to cover the anticipated design fees.

Alternative Recommendation B: The City Commission allocate no UDAG funding to Depot Park and send the recommendation of the East Gainesville SPROUT Task Force to the Capital Improvements Committee for consideration and to consider bonding the UDAG revenue stream.

Alternative Recommendation C: The City Commission allocate no UDAG funding to Depot Park at this time and take no other action.

A motion was made by Commissioner Nielsen, seconded by Mayor-Commissioner Pro Tem Chestnut, that this matter be Approved as Recommended. 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
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050385

Mayor Pegeen Hanrahan - Scheduling and Protocols (B)

NOTE: Mayor Hanrahan asked that the City Manager and Clerk of the Commission work on this issue.

RECOMMENDATION *The City Commission discuss meeting scheduling and protocols and approve a master calendar for 2006 at the January 9, 2006, meeting.*

No Action Taken

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050746.

Commissioner Edward Braddy - General Policy for Sewer Connections (NB)

NOTE: This item was added at the adoption of the Regular Agenda on the Modification List.

RECOMMENDATION *The City Commission discuss the general policy for sewer connections and take appropriate action.*

No Action Taken

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COMMISSION COMMENT

CITIZEN COMMENT (If time available)

ADJOURNMENT - 11:15 PM

Kurt M. Lannon, Clerk of the Commission