

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Meeting Minutes

Monday, June 13, 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 - 1:03 PM

ROLL CALL

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

INVOCATION

CONSENT AGENDA

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

- 1. File #050080 Award of Proposal for Digital Broadcast Automation System Upgrade for Local Government Access Channel 12 on the Cox Communication Cable System - (Revised language in the Fiscal Note and in the Recommendation).*
- 2. File #050082 - Third Amendment to Employment Agreement Between Clerk of Commission and City Commission - (Withdraw from the agenda).*
- 3. File #050064 - Amendment to City's Tow Ordinance - (Remove from the Consent Agenda and place on the regular agenda for discussion).*

CITY MANAGER, CONSENT AGENDA ITEMS

040822 State Emergency Medical Services Matching Grant (NB)

RECOMMENDATION *The City Commission: 1) accept the \$149,683 grant award from the State of Florida; 2) authorize the Interim City Manager to execute all necessary documents; and 3) use funds available from grant reimbursements in the amount of \$49,894.33.*

This Matter was Approved as Recommended on the Consent Agenda.

040946 Approval of Contract and Purchase Order to Purchase the Walker Furniture Building (NB)

RECOMMENDATION *The City Commission: 1) authorize the issuance of a purchase order to Bennie L. Walker of Gainesville, FL in the amount of \$925,000 for the purchase of the Walker Furniture Building located at 413 NW 8th Avenue; and 2) authorize the Interim City Manager or designee to execute the contract and*

any other necessary documents, subject to the approval of the City Attorney as to form and legality.

This Matter was Approved as Recommended on the Consent Agenda.

050046

Bid Award - Stream Debris Removal Project at Lenox Place (B)

RECOMMENDATION *The City Commission: 1) award the contract for the Stream Debris Removal Project at Lenox Place to Nichols Construction, Inc.; 2) authorize the Interim City Manager or designee to execute the contract, subject to approval of the City Attorney as to form and legality; 3) authorize the Interim City Manager or designee to execute all documents related to amending the NRCS grant; and 4) authorize the issuance of a purchase order to Nichols Construction, Inc., in the amount of \$38,850.*

This Matter was Approved as Recommended on the Consent Agenda.

050047

Request to Declare Surplus Property at 817 NE 16th Street (B)

RECOMMENDATION *The City Commission: 1) approve the request to declare surplus Tax Parcel 10678-010-000; 2) approve the exchange of City-owned Lot 10 for E. J. Hicks' Lot 7, all in Booker T. Washington Heights subdivision; 3) authorize the Interim City Manager to enter into an agreement authorizing the property exchange, subject to form and legality by the City Attorney; and 4) authorize the Mayor to execute a Special Warranty Deed to convey Lot 10 to E. J. Hicks in exchange for a Warranty Deed from E. J. Hicks for Lot 7.*

This Matter was Approved as Recommended on the Consent Agenda.

050048

BellSouth Easement Exchange (B)

RECOMMENDATION *The City Commission: 1) approve the request to exchange an equal easement area for BellSouth's current utility easement; and 2) authorize the Mayor to execute, and the Clerk to attest, the utility easement document for conveyance to BellSouth.*

This Matter was Approved as Recommended on the Consent Agenda.

050049

Edward Byrne Memorial Justice Assistance FY 2006 Grant Application (NB)

RECOMMENDATION *The City Commission authorize the Interim City Manager to: 1) apply to the Edward Byrne Memorial Justice Assistance*

Grant program for \$62,745 in grant funds; and if awarded 2) appropriate \$20,916 from the Federal Law Enforcement Contraband Fund Trust Fund for the match; and 3) execute the grant application, grant award and any other necessary documents, pending review by the City Attorney as to form and legality.

This Matter was Approved as Recommended on the Consent Agenda.

050050 Local Housing Assistance Plan --State Fiscal Years 2005/06-2007/08 (NB)

RECOMMENDATION *The City Commission adopt the Local Housing Assistance Plan, as revised.*

This Matter was Approved as Recommended on the Consent Agenda.

050065 Interlocal Agreement with Alachua County Sheriff for Administration of the City's False Alarm Ordinances (B)

RECOMMENDATION *The City Commission authorize the City Manager to execute the Interlocal Agreement with the Alachua County Sheriff, and any other necessary documents, pending review by the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

050072 Award of Proposal for Demolition and Asbestos Abatement of building located at 700 SE 3rd Street (B)

RECOMMENDATION *The City Commission: 1) approve the bid award to Cross Environmental Services, Inc. for demolition and asbestos abatement of the current building located at 700 SE 3rd Street; and 2) authorize the Interim City Manager or designee to execute a contract with Cross Environmental Services, Inc. not to exceed \$115,000.*

This Matter was Approved as Recommended on the Consent Agenda.

050080 Award of Proposal for Digital Broadcast Automation System Upgrade for Local Government Access Channel 12 on the Cox Communication Cable System. (B)

RECOMMENDATION *The City Commission: 1) approve the award of the proposal to Encore Broadcast Equipment Inc. for the purchase, installation, and maintenance of additional digital broadcast automation system hardware and software to operate the 360 Systems Image Servers at the local government access*

Channel 12 control room located in Room 10, City Hall; 2) authorize the Interim City Manager or designee to execute a contract with Encore Broadcast Equipment Inc., subject to approval by the City Attorney as to form and legality, in a not to exceed amount of \$70,000; and 3) authorize the issuance of a purchase order to 360 Systems Image Servers in an amount not to exceed \$35,000.

This Matter was Approved as Recommended on the Consent Agenda.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

050068 Amendment No. 2 to Lease Agreement with Alachua County (B)

RECOMMENDATION *The City Commission: 1) approve Amendment No. 2 to a Lease Agreement between the City of Gainesville and Alachua County for the construction and maintenance of a paved bikeway/pedestrian path within the City of Gainesville's/GRU's utility corridor located along SR 24 - SW Archer Road; and 2) authorize the General Manager, or his designee, to execute the Amendment, subject to approval as to form and legality by the City Attorney.*

This Matter was Approved as Recommended on the Consent Agenda.

050069 FlaWARN (Florida's Water/Wastewater Agency Response Network) Mutual Aid Agreement (B)

RECOMMENDATION *The City Commission authorize the General Manager for Utilities or his designee to execute the FlaWARN Mutual Aid Agreement.*

This Matter was Approved as Recommended on the Consent Agenda.

CITY ATTORNEY, CONSENT AGENDA ITEMS

050082 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.*

Withdrawn

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS**050079 City Commission Minutes (B)**

RECOMMENDATION *The City Commission approve the minutes of May 19, 2005 (Special Meeting); May 23, 2005 (Regular Meeting); and May 26, 2005; as circulated.*

This Matter was Approved as Recommended on the Consent Agenda.

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**COMMITTEE REPORTS, CONSENT AGENDA ITEMS****AUDIT AND FINANCE, CONSENT****050062 Review of General Government Cellular Telephones (B)**

RECOMMENDATION *The Audit and Finance Committee recommends that the City Commission: 1) Accept the City Auditor's report and the Interim City Manager's response; and 2) Instruct the City Auditor to conduct a follow-up review on recommendations made and report the results to the Audit and Finance Committee.*

This Matter was Approved as Recommended on the Consent Agenda.

050061 Semi-Annual Report on the Status of Outstanding Audit Recommendations for June 2005 (B)

RECOMMENDATION *The Audit and Finance Committee recommends the City Commission accept the City Auditor's report.*

This Matter was Approved as Recommended on the Consent Agenda.

050060 Fiscal Year 2005 Operating Funds Quarterly Monitoring Report-Quarter Ending March 31, 2005 (B)

RECOMMENDATION *The Audit and Finance Committee reviewed and recommends that the City Commission receive the quarterly budget monitoring report for the quarter ended March 31, 2005.*

This Matter was Approved as Recommended on the Consent Agenda.

050063 Quarterly Financial Report - Gainesville Regional Utilities (B)

RECOMMENDATION *The Audit and Finance Committee reviewed and recommends that the City Commission receive the GRU Quarterly Financial Report as of March 31, 2005.*

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 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, Edward Braddy, Rick Bryant, Craig Lowe and Jack Donovan

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

ADOPTION OF THE REGULAR AGENDA

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

- 1. File #050055 - Film Festival - (Withdraw from the agenda).*
- 2. File #040177 - Final Report of the Ad Hoc Affordable Housing Committee - (New item added after agenda review).*
- 3. File #050095 - Endorsing the US Mayors' Climate Protection Agreement - (New item added under "Members of the City Commission").*

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

CITY MANAGER

050020 Report on Outcomes of the 2005 State Legislative Session (NB)

City's Legislative Consultant Doug Bruce gave a presentation.

RECOMMENDATION *The City Commission hear a report from the City's Legislative Consultant, Doug Bruce, on State legislative activities affecting the interests of the City of Gainesville from the 2005 session.*

Heard

050052 Economic Development Peer City Report: Part III (NB)

City of Gainesville Economic Development Director Erik Bredfeldt gave a presentation.

RECOMMENDATION *The City Commission hear a presentation on the findings of the Peer City Report: Part III - City of Gainesville/Cities of Orlando, FL; Tampa, FL; Tallahassee, FL; Baton Rouge, LA; Ft. Collins, CO; Tucson, AZ; and Charlottesville, VA Peer Cities.*

Heard

050055

Film Festival (NB)

RECOMMENDATION *The City Commission hear a status report on the Film Festival from the Department of Cultural Affairs and Ms. Rozier.*

Withdrawn

050056

Status Report on the Operations of Ironwood Golf Course and an Update on the Efforts of City Staff to Reduce Annual General Fund Subsidies to the Golf Course (NB)

City of Gainesville Recreation and Parks Director David L. Flaherty, Ironwood Golf Course Manager Bill Iwinski and Administrative Services Director Glenda Currie gave presentations.

MOTION: 1) Approve the recommendation adopting a \$2.00 Capital Improvement Surcharge during the off-season and the high season; 2) approve the establishment of a maximum daily greens/cart fee that cannot exceed thirty five dollars (including the capital improvement surcharge) without prior approval of the City Commission; and 3) refer this item to Recreation and Cultural Affairs Committee for their review.

RECOMMENDATION *The City Commission: 1) adopt a Capital Improvement Surcharge of up to one dollar during the off-season (July-February) and up to two dollars during the high season (March-June); and 2) approve the establishment of a maximum daily greens/cart fee that cannot exceed thirty five dollars (including the capital improvement surcharge) without prior approval of the City Commission.*

A motion was made by Commissioner Bryant, seconded by Commissioner Braddy, that this matter be Approved as shown above and Referred to the Recreation and Cultural Affairs Committee, due back on December 13, 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

WAIVER OF RULES

*Commissioner Braddy moved and Commissioner Bryant seconded to waive the rules to take the following agenda items in the following order:
(VOTE: 7-0, MOTION CARRIED)*

- 1. FILE #050064 - Amendment to City's Tow Ordinance*
- 2. FILE #040177 - Final Report of the Ad Hoc Affordable Housing Committee*
- 3. FILE #050081 - Koppers Superfund Site Expert Panel*
- 4. FILE #040070 - GRU Wastewater Collection System Integrity*

050064 Amendment to City's Tow Ordinance (NB)

Chair Hanrahan recognized Gene Watson of Watson's Towing and Mike Webber of Superior Towing who spoke to the matter.

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

RECOMMENDATION *The City Commission: direct the City Attorney to amend Ordinance 030694, Section 14.5-26(a), Subsection (6) to 1) reflect that the original intent of the ordinance was to provide that the \$47 administrative fee is required annually for all current and future non-consensual, trespass towing contracts, and any time a business changes their tow vendor, with an effective date of July 1, 2005; and 2) to amend the same Subsection (6) and Section 2 of that ordinance by substituting the term "trespass" for "roam" in the administrative fee language.*

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

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

040177 Final Report of the Ad Hoc Affordable Housing Committee (B)

City of Gainesville Community Development Director Tom Saunders, Affordable Housing Committee Chair Tony Miller and Ms. Barron gave presentations.

MOTION (REFERRAL): Refer the final report of the Ad Hoc Affordable Housing Committee to the City Manager and the General Manager for development of an implementation plan and report back to the City Commission.

NOTE: This item was also placed on the General Manager's Referral List.

RECOMMENDATION *The City Commission hear a presentation from Committee Chair Tony Miller on the final report on the Ad Hoc Affordable Housing Committee and take action as deemed appropriate.*

A motion was made by Commissioner Bryant, seconded by Commissioner Nielsen, that this matter be Referred to the City Manager, due back on December 13, 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

GENERAL MANAGER FOR UTILITIES

050081 Koppers Superfund Site Expert Panel (NB)

GRU Sr. Water/Wastewater Engineer Rick Hutton gave a presentation.

Chair Hanrahan recognized Beazer Representative Quinta Vettel who spoke to the matter.

MOTION: Approve the allocation for up to \$400,000 for work on the Koppers Superfund Site analysis, contingent on bringing a budget back to the City Commission.

RECOMMENDATION *The City Commission hear a brief presentation from staff on the status of activities at the Koppers Superfund site and progress of work by the expert team of consultants assembled to advise and assist the City of Gainesville with regard to the Koppers Superfund site.*

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

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

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

PUBLIC WORKS COMMITTEE

PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE

PUBLIC SAFETY COMMITTEE

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

COMMISSION COMMENTS (if time available)

RECESS - 5:03 PM

RECONVENE - 5:39 PM**CITIZEN COMMENT****Peter Rebmann**

Alachua County School Concurrency Project

See following File #050096.

050096 Statewide School Concurrency for Florida - Peter Rebmann Citizen Comment (B)

RECOMMENDATION *The City Commission hear a report from Mr. Peter Rebmann and refer this issue to the Interim Public Information Officer and to the Channel 12 Committee.*

Referred to City Manager

Nkwanda Jah

5th Avenue Arts Festival - Praise for GPD

Melissa Toothman

Homeless Issues

David Swanson

Homeless Issues

Johnny B. Hall

Homeless Issues

Gabe Kaimowitz

Racial Issues - See following File #050097.

050097 Gabe Kaimowitz-Citizen Comment (B)

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

Placed on File

Don Telerico - ARC

Ironwood Issues

Michael Burnette

Ironwood Golfer

COMMISSION COMMENTS (if time available)

PLEDGE OF ALLEGIANCE (6:00pm)

Gator Detachment Marine Corps League

PROCLAMATIONS/SPECIAL RECOGNITIONS

050071 Flag Day - June 14, 2005 (B)

RECOMMENDATION *Gator Detachment of the Marine Corp League Commandant Dick Lester and Past Commandant Bob Gache to accept the proclamation.*

Heard

050084 Molly Burges Day - June 13, 2005 (B)

RECOMMENDATION *Young Epidemiology Scholar Award Recipient Molly Burges to accept the proclamation.*

Heard

FEDERAL JUDGES FROM RUSSIA

PUBLIC HEARINGS

WAIVER OF RULES

Mayor-Commissioner Pro Tem Chestnut moved and Commissioner Lowe seconded to waive the rules to hear item #050070 "GRU Wastewater Collection System Integrity" before the Public Hearings.