

City of Gainesville

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



Meeting Minutes

Monday, July 11, 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 - 1:05 PM**ROLL CALL**

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

INVOCATION**CONSENT AGENDA****CITY MANAGER, CONSENT AGENDA ITEMS****050151 Annexation of City-owned Parcels in the SW 34th Street Area (NB)****RECOMMENDATION**

The City Commission: 1) authorize the Mayor, as agent for the City, to sign the petition for voluntary annexation; 2) receive the petition for annexation and make findings that it contains the signature of the property owner or authorized agent; 3) direct the Interim City Manager to analyze the area; and 4) authorize the City Attorney to prepare and the Clerk of the Commission to advertise ordinances relating to the annexation of the area.

This Matter was Approved as Recommended on the Consent Agenda.

050152 Bid Award for Boundary Fencing Between Split Rock Conservation Area and Portofino (B)**RECOMMENDATION**

The City Commission: 1) Approve award of the bid for constructing a 6-foot galvanized, chain link fence on the boundary between Split Rock Conservation Area and Portofino to All Florida Enterprises, Inc.; and 2) Authorize the Interim City Manager or designee to execute all contract documents and issue a purchase order in an amount not to exceed \$35,000 to All Florida Enterprises, Inc.

This Matter was Approved as Recommended on the Consent Agenda.

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GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

CITY ATTORNEY, CONSENT AGENDA ITEMS**CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS****050144 Resignation of Advisory Board/Committee Member Susan Brown (B)**

RECOMMENDATION *The City Commission accept the resignation of Susan Brown from the Nature Centers Commission effective June 18, 2005.*

This Matter was Approved as Recommended on the Consent Agenda.

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EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**COMMITTEE REPORTS, CONSENT AGENDA ITEMS****PUBLIC SAFETY COMMITTEE, CONSENT****040703 Parking "Boot" on Private Property (NB)**

RECOMMENDATION *The City Commission 1) receive and accept the Public Safety Committee's report and recommendation to take no action on this referral, and 2) remove this item from the Public Safety Committee's pending referral list.*

This Matter was Approved as Recommended on the Consent Agenda.

Passed The Consent Agenda

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

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

ADOPTION OF THE REGULAR AGENDA

MOTION: Commissioner Nielsen moved and Commissioner Lowe seconded to adopt the Regular Agenda with the following modifications.

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

MODIFICATIONS:

1. File #041188 - College Park Special Area Plan - (Revised language in the Explanation on the agenda and corrected back-up provided. "Second and Final Reading will be July 25, 2005 instead of July 11, 2005").

2. File #050156 - Commissioner Rick Bryant - ACTION NETWORK - (Waive the rules to hear this presentation before the General Manager for Utilities items).

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

CITY MANAGER

040798

Film Festival (NB)

City of Gainesville Department of Cultural Affairs Dr. Lemuel Moore and Ms. Gloria Rozier gave presentations.

RECOMMENDATION

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

Heard

050119

Award of a Contract for Insurance Broker/Consultant to Arthur J. Gallagher & Co. (B)

City of Gainesville Administrative Services Director Glenda Currie, Risk Management Director Steve Varvel and Purchasing Manager Aleta Cozart gave presentations.

Chair Hanrahan recognized Arthur J. Gallagher & Co. Representatives Glenn Tobey and John Liston and Public Risk Insurance Agency (PRLA) Representative Tony Grippa who spoke to the matter.

MOTION: Commissioner Braddy moved and Mayor-Commissioner Pro Tem Chestnut seconded to select Brown and Brown for the purpose of providing insurance brokerage/consultation for the City's Property, Casualty and Worker's

Compensation programs.

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

SECOND MOTION (MAIN MOTION): Commissioner Lowe moved and

Commissioner Bryant seconded to approve the staff's recommendation.

(VOTE: 6-1, Mayor-Commissioner Pro Tem Chestnut - No, MOTION CARRIED)

Chair Hanrahan recognized Citizen Walter Willard and Fraternal Order of Police President Jeff McAdams who spoke to the matter.

NOTE: Commissioner Donovan entered the meeting room at 3:09 PM.

THIRD MOTION (TABLE): Commissioner Donovan moved and

Mayor-Commissioner Pro Tem Chestnut seconded to table this item.

(VOTE: 7-0, MOTION CARRIED)

TAKE FROM THE TABLE MOTION: Commissioner Lowe moved and Commissioner Chestnut seconded to take this item from the table.

(VOTE: 7-0, MOTION CARRIED)

City Auditor Brent Godshalk made comments.

ADDITIONAL MOTION (REFERRAL): Commissioner Braddy moved and

Commissioner Chestnut seconded to refer the issue of the City's Purchasing Policies to the Personnel and Organizational Structure (P & O) Committee.

(VOTE: 7-0, MOTION CARRIED) - See following file #050166.

RECOMMENDATION

The City Commission: 1) approve the selection of Arthur J. Gallagher and Company for the purpose of providing insurance brokerage/consultation for the City's property, casualty and Worker's Compensation programs; and 2) authorize the Interim City Manager, or her designee to negotiate with and enter into an agreement for a period not to exceed one year, effective July 31, 2005, subject to approval of the City Attorney as to form and legality.

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

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

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050166

City of Gainesville Purchasing Policies (NB)

RECOMMENDATION

The City Commission refer the issue of the City's Purchasing Policies to the Personnel and Organizational Structure

Committee for review and recommendation back to the City Commission.

A motion was made by Commissioner Braddy, seconded by Mayor-Commissioner Pro Tem Chestnut, that this matter be Referred to the Personnel and Organizational Structure Committee, due back on January 11, 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

050146 Funding Request from The Preserve (NB)

"The Preserve" representative Gail Monahan gave a presentation.

*MOTION: Commissioner Braddy moved and Commissioner Donovan seconded to authorize the City Manager to allocate \$15,000 from the City Commission Contingency Fund for a grant match for "The Preserve".
(VOTE: 7-0, MOTION CARRIED)*

City of Gainesville Police Chief Norm Botsford made comments.

*ADDITIONAL MOTION (REFERRAL): Commissioner Chestnut moved and Commissioner Bryant seconded to refer the issue of creating a policy for allocation of City Commission Contingency Funds to the P & O Committee for review with a report back to the full Commission.
(VOTE: 7-0, MOTION CARRIED) - See following referral item #050146.*

RECOMMENDATION *The City Commission direct staff on funding this request.*

A motion was made by Commissioner Braddy, seconded by Commissioner Donovan, 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

050167 City Commission Contingency Funding Allocation Policy (NB)

RECOMMENDATION *The City Commission refer the issue of developing a policy for allocation of City Commission Contingency Funds to the P & O Committee for the review with a report back to the full Commission.*

A motion was made by Mayor-Commissioner Pro Tem Chestnut, seconded by Commissioner Bryant, that this matter be Referred to the Personnel and Organizational Structure Committee, due back on January 11, 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

WAIVER OF RULES

The rules were waived to hear the presentation from the ACTION Network before the General Manager's items during the adoption of the regular agenda.

050156 Commissioner Rick Bryant - ACTION Network (B)

Reverend Steve Machett of Open Door Ministries gave a presentation.

RECOMMENDATION *The City Commission hear an update from Nick Haskell regarding the ACTION Network trip to Washington, D.C.*

Heard

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GENERAL MANAGER FOR UTILITIES

050153 Update on GRU Payment and Conservation Programs (NB)

Gainesville Regional Utilities Customer Services Director Bob Bergdoll and Utility Analyst Mark Spiller gave presentations.

MOTION (REFERRAL): Commissioner Braddy moved and Commissioner Lowe seconded to refer the issue of rain sensors to the Regional Utilities Committee. (VOTE: 7-0, MOTION CARRIED) - See following referral item #050168

RECOMMENDATION *The City Commission hear a presentation regarding customer payment assistance and energy conservation programs.*

Heard

050168 Rain Sensor Analysis (NB)

RECOMMENDATION *The City Commission refer the issue of the analysis of rain sensors as a potential water and energy conservation source.*

A motion was made by Commissioner Braddy, seconded by Commissioner Lowe, that this matter be Referred to the Regional Utilities Committee, due back on January 11, 2006. 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

050154 Wastewater System Residential Grease Information Campaign (NB)

GRU Marketing Manager Rosemary Fagler gave a presentation.

RECOMMENDATION *The City Commission hear a presentation from staff on the residential grease information campaign.*

Heard

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 (if time available)

RECESS - 4:59 PM

RECONVENE - 5:38 PM

CITIZEN COMMENT

David Cruise

Heart of Florida Airshow - See following item #050182.

050182 Heart of Florida Airshow - Citizen Comment - David Cruise (B)

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

Placed on File

Pat Fitzpatrick

Homeless Issues - See following item #050183

050183 Homeless Issues - Citizen Comment - Pat Fitzpatrick (B)

RECOMMENDATION *The City Commission hear a presentation from Pat Fitzpatrick regarding homeless issues and place back-up submitted on file.*

Placed on File

Gabe Kaimowitz

City Manager Search

COMMISSION COMMENTS (if time available)

PLEDGE OF ALLEGIANCE (6:00pm)

Girl Scout Troop #315

PROCLAMATIONS/SPECIAL RECOGNITIONS

PUBLIC HEARINGS

ADOPTION READING-ROLL CALL REQUIRED

041055**LAND USE CHANGE - SUNTRUST BANK PROPERTY (B)****Ordinance No. 0-05-61, Petition 30LUC-05PB**

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by changing the land use category of certain property annexed into the City from the Alachua County land use category of "COMM, Commercial" to "Office"; located in the vicinity of 3814 Northwest 43rd Street; providing a severability clause; providing a repealing clause; and providing an effective date.

City of Gainesville Chief of Comprehensive Planning Dean Mimms gave a presentation.

RECOMMENDATION *The City Commission: 1) approve Petition 30LUC-05PB; and 2) adopt the proposed ordinance.*

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

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

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041056**REZONING - SUNTRUST BANK PROPERTY (B)****Ordinance No. 0-05-62, Petition 31ZON-05PB**

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property annexed into the City from the Alachua County zoning category of "BP, business and professional" to the City of Gainesville zoning category of "OF: General office district"; located in the vicinity of 3814 N.W. 43rd Street; providing a severability clause; providing a repealing clause; and providing an effective date.

City of Gainesville Chief of Comprehensive Planning Dean Mimms gave a presentation.

RECOMMENDATION *The City Commission: 1) approve Petition 31ZON-05PB; and 2) adopt the proposed ordinance.*

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

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

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ORDINANCES, 1ST READING- ROLL CALL REQUIRED

041188**COLLEGE PARK SPECIAL AREA PLAN (B)****Ordinance No. 0-05-58, Petition No. 50ZON-05PB**

An ordinance of the City of Gainesville, Florida, amending Appendix A, section 3 of the Land Development Code, incorporating a specific change from Type IV (Civic) to Type I (Shopfront/Office/Apartment) for tax parcels 14969-000-000, 14912-000-000, 14978-000-000, 14983-000-000, and 15160-000-000 as shown on the map of the College Park Special Area Plan; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

City of Gainesville Planning Manager Ralph Hilliard gave a presentation.

RECOMMENDATION *The City Commission: 1) approve Petition No. 50ZON-05 PB, and 2) adopt the proposed ordinance.*

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

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

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ORDINANCES, 2ND READING- ROLL CALL REQUIRED**030454****PLANNED DEVELOPMENT - WILDFLOWER (B)****Ordinance No. 0-05-10, Petition No. 111PDV-03PB**

An Ordinance of the City of Gainesville, Florida; rezoning certain lands within the City and amending the Zoning Map Atlas from "RMF-5: 12 units/acre single-family/multiple family residential district "; to "Planned Development District", commonly known as "Wildflower Planned Development"; located in the vicinity of 1005 and 1007 S.W. 13th Street and consisting of approximately 5.7 acres; adopting a development plan report and development plan maps; providing conditions and restrictions; providing for enforcement and penalties; 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 Donovan, 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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040796

AMENDMENTS TO CHAPTER 9, ELECTIONS (B)

Ordinance No. 0-05-71

An ordinance of the City of Gainesville, Florida, Chapter 9, Elections; amending Section 9-5 of the Code of Ordinances, providing that the proclamation calling the election shall be issued at least thirty days prior to the election; renumbering Section 9-11 to Section 9-10 of the Code of Ordinances, providing that this section only pertains to qualifications of candidates for city commission; creating a new Section 9-11 of the Code of Ordinances, providing for campaign contribution limitations and campaign finance reports; 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 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, Craig Lowe and Jack Donovan
Nay: Edward Braddy
Absent: Rick Bryant

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050064

TRESPASS TOWING ADMINISTRATIVE FEE (B)

ORDINANCE NO. 0-05-70

An ordinance of the City of Gainesville, Florida, amending section 14.5-26(a) of the Code of Ordinances, to clarify that the administrative fee for processing towing applications applies to all trespass towing regulated by ordinance; applies whenever a property owner changes towing vendor and is an annual fee; amending the Police section of Appendix A, Schedule of Fees, Rates and Charges to specify an administrative fee for processing trespass towing applications; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing a retroactive effective date of July 1, 2005.

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, Craig Lowe and Jack Donovan
Absent: Rick Bryant

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RESOLUTIONS- ROLL CALL REQUIRED**PLAN BOARD PETITIONS****DEVELOPMENT REVIEW BOARD PETITIONS****SCHEDULED EVENING AGENDA ITEMS****UNFINISHED BUSINESS****COMMISSION COMMENT****Commissioner Craig Lowe**

Additional Back-up for July 12, 2005 GRU Energy Supply Meeting.

Place in file #040841.

Commissioner Ed Braddy

Resolution language for Eminent Domain Proceedings

Commissioner Jack Donovan

Ask Equal Opportunity Director Jimmie Williams if he has any nominees for City Manager process (Association of Black Public Administrators).

Mayor Pegeen Hanrahan

- 1. Lincoln Estates Neighborhood Walking Trail - (Request for 45 minutes at July 25, 2005 City Commission Meeting).*
- 2. WalMart Issue - (Ask staff to possibly schedule a special meeting).*
- 3. Walnut Creek - July 25, 2005 City Commission Meeting (possibility).*

CITIZEN COMMENT (If time available)**ADJOURNMENT - 6:19 PM**

Kurt M. Lannon, Clerk of the Commission