

# **City of Gainesville**

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



## **Meeting Minutes**

**Monday, October 25, 2004**

**1:00 PM**

**City Hall Auditorium**

## **City Commission**

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

*Persons with disabilities who require assistance to participate in this meeting are requested to notify the Equal Opportunity Department at 334-5051 or call the TDD phone line at 334-2069 at least two business days in advance.*

## CALL TO ORDER - 1:07 PM

## ROLL CALL

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

## INVOCATION

### Reverend Clifford Patrick, Bartley Temple United Methodist Church

## CONSENT AGENDA

*Mayor-Commissioner Pro Tem Domenech moved and Commissioner Bryant seconded to adopt the Consent Agenda with the following modification as shown below; and waive the rules to hear this item at the beginning of the meeting.*

*(VOTE: 7-0, MOTION CARRIED)*

*MODIFICATION: File #040539 Retail Leases for the Parking Garage - (Remove from the Consent Agenda and place on the Regular Agenda for discussion).*

## CITY MANAGER, CONSENT AGENDA ITEMS

### **040592      Donation of Real Property by the Great Oaks Properties and a Request to Name the Property in Memory of Dr. John Mahon (B)**

**RECOMMENDATION**    *The City Commission: 1) approve accepting the special warranty deed for the donation of the approximately 10-acre parcel from the Great Oaks Properties; 2) authorize the recording of the appropriate closing documents in public records, subject to approval by the City Attorney as to form and legality; and 3) approve the request to name the nature park in memory of Dr. John Mahon.*

**This Matter was Approved as Recommended on the Consent Agenda.**

### **040594      First Extension to the Contract for Public Education and Outreach Campaign for Commercial Recycling and Waste Reduction for FY 2005 (B)**

**RECOMMENDATION**    *The City Commission authorize the City Manager or designee to execute the First Extension to the contract with Group 5 & Associates, Inc. for Public Education and Outreach Campaign for Commercial Recycling and Waste Reduction, extending the term of the contract from October 1, 2004 to September*

30, 2005.

**This Matter was Approved as Recommended on the Consent Agenda.**

**040595          Amendment to RTS and Center for Independent Living of North Central Florida Contract (B)**

**RECOMMENDATION**    *The City Commission: 1) approve the RTS recommendation to amend the contract; and 2) authorize the City Manager or designee to execute the contract as amended with CIL-NCF.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**040596          Application for Disability Retirement (B)**

**RECOMMENDATION**    *The City Commission to approve the submitted application for disability retirement for Miriam Gonzalez, Transit Operator, RTS.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**040597          Funding for Gainesville Police Department Police Beat Television Show (B)**

**RECOMMENDATION**    *The City Commission: 1) authorize the City Manager to accept the bid award and execute a contract with Studio 601, Inc., Gainesville, Florida for the continuation of funding of twelve episodes of the Police Beat Television show; and 2) authorize the issuance of a purchase order in the amount of \$44,200 to Studio 601, Inc.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**040598          Settlement of Worker's Compensation Claim - Theodis McNish (NB)**

**RECOMMENDATION**    *The City Commission authorize Special Counsel to prepare and execute the appropriate documents for a lump-sum settlement of the Worker's Compensation claim of Theodis McNish, in the amount of \$55,750.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**040599          Authorization for Use of FY 2003 Retained Earnings for RTS Administrative and Operations Building Expansion (B)**

**RECOMMENDATION**    *The City Commission: 1) authorize the Regional Transit*

*System to use available retained earnings of \$139,870.50 for proposed RTS building expansion project; and 2) authorize the City Manager or designee to approve the use of these funds.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**040606 Agreement with Human Services Associates, Inc. (HSA) to Provide Security at the Juvenile Assessment Center (B)**

**RECOMMENDATION** *The City Commission: 1) authorize the City Manager to execute the agreement with Human Services Associates, Inc.; and 2) authorize the issuance of a purchase order in an amount not to exceed \$90,000 for this agreement.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**040608 Amend SHIP Housing Assistance Plan's Disaster Mitigation/Recovery Strategy (NB)**

**RECOMMENDATION** *The City Commission: 1) approve increasing the maximum value of an existing or new dwelling unit that can receive SHIP assistance as a result of a natural disaster declared by the President of the United States or Governor of the State of Florida to the maximum allowed by the United States Treasury Department as adopted by the State of Florida, which is currently \$189,682; 2) approve extending the duration of the increase in maximum value to coincide with the term of any executive orders issued by the President of the United States or Governor of the State of Florida; 3) authorize the City Manager or designee to execute the required documents and certifications that authorize submission of the amended strategy for review and approval by the Florida Housing Finance Corporation; and 4) providing an immediate effective date.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS**

**040573 Contract for Janitorial Services (B)**

**RECOMMENDATION** *The City Commission: 1) authorize the General Manager, or his designee to execute contracts with Coverall of North Central Florida, for janitorial services for FY 2005 for the Kanapaha and Main Street Water Reclamation Facilities and*

*the Murphree Water Treatment Plant, subject to the approval of the City Attorney as to form and legality; and 2) approve the issuance of purchase orders to Coverall of North Central Florida in amounts not exceeding \$37,668 for all three facilities for FY 2005.*

**This Matter was Approved as Recommended on the Consent Agenda.**

## **CITY ATTORNEY, CONSENT AGENDA ITEMS**

### **040570 BURGLAR ROBBERY ALARM (B)**

**RECOMMENDATION** *Authorize the City Attorney to draft and the Clerk of the Commission to advertise an ordinance amending Sections 21-58 and 21-60.*

**This Matter was Approved as Recommended on the Consent Agenda.**

## **CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS**

### **040568 City Commission Minutes (B)**

**RECOMMENDATION** *The City Commission approve the minutes of October 4, 2004 and October 12, 2004 (Special Meetings); and October 11, 2004 (Regular Meeting); as circulated.*

**This Matter was Approved as Recommended on the Consent Agenda.**

### **040571 City Commission December Meetings (NB)**

**RECOMMENDATION** *The City Commission cancel the City Commission meeting scheduled for December 27, 2004.*

**This Matter was Approved as Recommended on the Consent Agenda.**

### **040575 Resignation from the Citizens' Advisory Committee for Community Development. (B)**

**RECOMMENDATION** *The City Commission accept the resignation of Karl Soderholm from the Citizens' Advisory Committee for Community Development. effective immediately.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**040578 Advisory Board/Committee Appointment to the Board of Adjustment (NB)**

**RECOMMENDATION** *The City Commission reappoint Curtis Cooper to the Board of Adjustment for term to expire November 1, 2007.*  
*Commissioner Braddy: Cooper*  
*Commissioner Bryant: Cooper*  
*Commissioner Chestnut: Cooper*  
*Commissioner Domenech: Cooper*  
*Commissioner Lowe: Cooper*  
*Commissioner Nielsen: Cooper*  
*Mayor Hanrahan: Cooper*

**This Matter was Approved as Recommended on the Consent Agenda.**

**040579 Advisory Board/Committee Appointments to the Citizens' Advisory Committee for Community Development (NB)**

**RECOMMENDATION** *The City Commission appoint Kelley W. Frohlich, reappoint Dianna L. Kish, and appoint Susan G. Miller-Jones for terms to expire November 1, 2007, on the Citizens' Advisory Committee for Community Development.*  
*Commissioner Braddy: Frohlich, Kish and Miller-Jones*  
*Commissioner Bryant: Frohlich, Kish and Miller-Jones*  
*Commissioner Chestnut: Frohlich, Kish and Miller-Jones*  
*Commissioner Domenech: Frohlich, Kish and Miller-Jones*  
*Commissioner Lowe: Frohlich, Kish and Miller-Jones*  
*Commissioner Nielsen: Frohlich, Kish and Miller-Jones*  
*Mayor Hanrahan: Frohlich, Kish and Miller-Jones*

**This Matter was Approved as Recommended on the Consent Agenda.**

**040580 Advisory Board/Committee Appointment to the City Beautification Board (NB)**

**RECOMMENDATION** *The City Commission reappoint Dorothy W. Field and Joseph P. Michael to the City Beautification Board for terms to expire November 1, 2007.*  
*Commissioner Braddy: Field and Michael*  
*Commissioner Bryant: Field and Michael*  
*Commissioner Chestnut: Field and Michael*  
*Commissioner Domenech: Field and Michael*  
*Commissioner Lowe: Field and Michael*  
*Commissioner Nielsen: Field and Michael*  
*Mayor Hanrahan: Field and Michael*

**This Matter was Approved as Recommended on the Consent Agenda.**

**040581 Advisory Board/Committee Appointments to the City Plan Board (NB)**

**RECOMMENDATION** *The City Commission reappoint David Gold and Mutabihirwa Fred Rwebyogo, and appoint Adam J. Tecler for terms to expire November 1, 2007, on the City Plan Board.  
Commissioner Braddy: Rwebyogo, Tecler and Readvertise  
Commissioner Bryant: Gold, Rwebyogo and Tecler  
Commissioner Chestnut: Gold, Rwebyogo and Tecler  
Commissioner Domenech: Gold, Rwebyogo and Tecler  
Commissioner Lowe: Gold, Rwebyogo and Re-advertise  
Commissioner Nielsen: Gold and Re-advertise  
Mayor Hanrahan: Gold, Rwebyogo and Tecler*

**This Matter was Approved as Recommended on the Consent Agenda.**

**040610 Advisory Board/Committee Appointment to the Gainesville Code Enforcement Board (NB)**

**RECOMMENDATION** *The City Commission reappoint William A. Gager, Jr. to the Gainesville Code Enforcement Board for term to expire August 1, 2007.  
Commissioner Braddy: Gager  
Commissioner Bryant: Gager  
Commissioner Chestnut: Gager  
Commissioner Domenech: Gager  
Commissioner Lowe: Gager  
Commissioner Nielsen: Gager  
Mayor Hanrahan: Gager*

**This Matter was Approved as Recommended on the Consent Agenda.**

**040582 Advisory Board/Committee Appointments to the Gainesville Energy Advisory Committee (NB)**

**RECOMMENDATION** *The City Commission appoint Anthony B. Brennan to a term to expiring September 30, 2007, and appoint Joel S. Islam to vacancy expiring September 30, 2005, on the Gainesville Energy Advisory Committee.  
Commissioner Braddy: Brennan and Islam  
Commissioner Bryant: Brennan and Islam  
Commissioner Chestnut: Islam and McBrady  
Commissioner Domenech: Brennan and Islam  
Commissioner Lowe: Brennan and Mulligan  
Commissioner Nielsen: Brennan and Islam  
Mayor Hanrahan: Brennan and McBrady*

**This Matter was Approved as Recommended on the Consent Agenda.**

**040583 Advisory Board/Committee Appointment to the Gainesville Enterprise Zone Development Agency (NB)**

**RECOMMENDATION** *The City Commission reappoint Jerry Painter (Business Operating within the Nominated Area) to the Gainesville Enterprise Zone Development Agency for a term to expire March 31, 2007.*

*Commissioner Braddy: Painter*

*Commissioner Bryant: Painter*

*Commissioner Chestnut: Painter*

*Commissioner Domenech: Painter*

*Commissioner Lowe: Nichtberger*

*Commissioner Nielsen: Painter*

*Mayor Hanrahan: Painter*

**This Matter was Approved as Recommended on the Consent Agenda.**

**040584 Advisory Board/Committee Appointment to the Gainesville Human Rights Board (NB)**

**RECOMMENDATION** *The City Commission appoint Erica A. Briggs to the Gainesville Human Rights Board for term to expire February 22, 2008.*

*Commissioner Braddy: Briggs*

*Commissioner Bryant: Briggs*

*Commissioner Chestnut: Briggs*

*Commissioner Domenech: Briggs*

*Commissioner Lowe: Briggs*

*Commissioner Nielsen: Briggs*

*Mayor Hanrahan: Briggs*

**This Matter was Approved as Recommended on the Consent Agenda.**

**040586 Advisory Board/Committee Appointments to the Nature Centers Commission (NB)**

**RECOMMENDATION** *The City Commission appoint Amy Carpus and Clarissa W. Confer and reappoint John J. Confer for terms to expire November 1, 2007, on the Nature Centers Commission.*

*Commissioner Braddy: Carpus, Clarissa Confer and John Confer*

*Commissioner Bryant: Carpus and Clarissa Confer*

*Commissioner Chestnut: Carpus, Clarissa Confer and John Confer*

*Commissioner Domenech: Carpus and John Confer*

*Commissioner Lowe: Carpus and John Confer*

*Commissioner Nielsen: Carpus, Clarissa Confer and John Confer*

*Mayor Hanrahan: Carpus and John Confer*



**This Matter was Approved as Recommended on the Consent Agenda.**

**040589 Advisory Board/Committee Appointment to the Public Recreation Board (NB)**

**RECOMMENDATION** *The City Commission appoint Kelley W. Frohlich to the Public Recreation Board for vacancy to expire June 1, 2005.  
Commissioner Braddy: Frohlich  
Commissioner Bryant: Frohlich  
Commissioner Chestnut: Re-advertise  
Commissioner Domenech: Frohlich  
Commissioner Lowe: Frohlich  
Commissioner Nielsen: Re-advertise  
Mayor Hanrahan: Re-advertise*

**This Matter was Approved as Recommended on the Consent Agenda.**

**040590 Advisory Board/Committee Appointment to the Water Management Committee (NB)**

**RECOMMENDATION** *The City Commission reappoint John J. Mulligan to the Water Management Committee for a term to expire August 2007.  
Commissioner Braddy: Mulligan  
Commissioner Bryant: Mulligan  
Commissioner Chestnut: Mulligan  
Commissioner Domenech: Mulligan  
Commissioner Lowe: Mulligan  
Commissioner Nielsen: Mulligan  
Mayor Hanrahan: Mulligan*

**This Matter was Approved as Recommended on the Consent Agenda.**

**EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**

**COMMITTEE REPORTS, CONSENT AGENDA ITEMS**

**PUBLIC SAFETY COMMITTEE, CONSENT**

**030785 Regulation of Unwanted Advertisements, Handbills and Circulars on Private Property (B)**

**RECOMMENDATION** *The City Commission 1) authorize the City Attorney to draft and the Clerk of the Commission to advertise an ordinance, in substantially the same form as presented, 2) approve the City Attorney's recommendation to delay the effective date of the*

*ordinance until January 1, 2005, and 3) remove this item from the Public Safety Committee referral list.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**040185 City/County Duplication of Efforts (B)**

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

**This Matter was Approved as Recommended on the Consent Agenda.**

**040194 Making Gainesville Safer By Prevention (B)**

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

**This Matter was Approved as Recommended on the Consent Agenda.**

**040195 Making Gainesville Safer Through Enforcement (B)**

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

**This Matter was Approved as Recommended on the Consent Agenda.**

**040196 Making Gainesville Safer by Sanctions (B)**

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

**This Matter was Approved as Recommended on the Consent Agenda.**

**Passed The Consent Agenda**

**A motion was made by Mayor-Commissioner Pro Tem Domenech, seconded by Commissioner Bryant, 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, Tony Domenech, Rick Bryant and Craig Lowe

**RECREATION AND CULTURAL AFFAIRS COMMITTEE, CONSENT**

**COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS**

**END OF CONSENT AGENDA**

## ADOPTION OF THE REGULAR AGENDA

*Commissioner Bryant moved and Commissioner Lowe seconded to adopt the Regular Agenda with the following modifications.*

*(VOTE: 7-0, MOTION CARRIED)*

### *MODIFICATIONS:*

*1. File #040593 - Donation of Real Property for an Addition to the Bivens Arm Nature Park from John Hudson - (Replacement back-up submitted).*

*2. File #040612 - Donation of Lot to Santa Fe Community College - (Back-up submitted, revised explanation, revised fiscal note and added recommendation 4).*

## CHARTER OFFICER UPDATES

## CLERK OF THE COMMISSION

## CITY MANAGER

### **040539 Retail Leases for the Parking Garage (NB)**

*City of Gainesville Community Development Director Tom Saunders and Interim Assistant City Manager Teresa Scott gave presentations.*

*Chair Hanrahan recognized Mr. Paul Brophy who spoke to the matter.*

*AMENDMENT: 1) Approve the recommendation with the clarification that the intention of the City Commission is that any negotiations that have been on-going with regard to the retail space in the parking garage can be continued; and 2) authorize staff to include appropriate language in the leasing agreement.*

**RECOMMENDATION** *The City Commission authorize the City to retain an outside leasing agent and include the Downtown Redevelopment Advisory Board in an assistance role.*

**A motion was made by Mayor-Commissioner Pro Tem Domenech, seconded by Commissioner Bryant, that this matter be Approved as Amended. The motion carried by the following vote:**

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

### **040593 Donation of Real Property for an Addition to the Bivens Arm Nature Park from John Hudson (B)**

*City of Gainesville Interim Recreation and Parks Director Steve Phillips and John*

*Hudson gave presentations.*

**RECOMMENDATION** *The City Commission: 1) approve the Purchase and Sale Agreement for the donation of the approximately 24-acre parcel from John Hudson; 2) authorize the Interim City Manager to execute the appropriate closing documents; and 3) authorize the recording of the appropriate closing documents in public records, subject to approval by the City Attorney as to form and legality.*

**A motion was made by Commissioner Lowe, 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, Tony Domenech, Rick Bryant and Craig Lowe

**040177 Followup to July 19, 2004 Housing Workshop (B)**

*City of Gainesville Community Development Director Tom Saunders gave a presentation.*

**RECOMMENDATION** *Hear a presentation from staff regarding followup on each item and approve the Ad Hoc Advisory Board makeup.*

**A motion was made by Commissioner Nielsen, seconded by Mayor-Commissioner Pro Tem Domenech, that this matter be Approved as Recommended. The motion carried by the following vote:**

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

**040600 Metropolitan Transportation Planning Organization (MTPO) (NB)**

*City of Gainesville Interim Assistant City Manager Teresa Scott gave a presentation.*

**RECOMMENDATION** *The City Commission hear a report from staff regarding the November 4, 2004 meeting of the Metropolitan Transportation Planning Organization (MTPO).*

**Heard**

**040601 Establishment of an Urban Mixed-Use District (B)**

*City of Gainesville Community Development Director Tom Saunders gave a presentation.*

**MOTION:** *1) Authorize staff to initiate a petition to the City Plan Board to create new Urban Mixed Use land use and zoning districts in accordance with the approximate areas shown on the map presented by staff highlighted in blue which is*

titled Urban Mixed Use Districts; 2) for the time being excluding the gray industrial area; and 3) take into consideration that the maximum height limits may vary according to the character of the surrounding land uses.

Chair Hanrahan recognized Reverend Earl Young who spoke to the matter.

**RECOMMENDATION** Hear a presentation from staff and initiate a petition to the City Plan Board to create new Urban Mixed Use land use and zoning districts.

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

**040612**

**Donation of Lot to Santa Fe Community College (B)**

*City of Gainesville Community Development Director Tom Saunders and GPD Community Relations Coordinator Tony Jones gave presentations.*

*MOTION: Commissioner Domenech moved and Commissioner Braddy seconded to: 1) Approve the recommendation; 2) additionally exclude this project from the Development Review Board (DRB) process; and 3) include the requirement of an interlocal agreement between the City of Gainesville and Santa Fe Community College.  
(NO VOTE)*

*SECOND MOTION (CONTINUATION): Commissioner Domenech moved and Commissioner Nielsen seconded to continue this item to the next regular City Commission Meeting (November 8, 2004).*

*Chair Hanrahan recognized Fifth Avenue/Pleasant Street Advisory Board Chair Kali Blount and Reverend Earl Young who spoke to the matter.*

**RECOMMENDATION** 1) The City Commission approve donation of the aforementioned lot, parcel 14479-000-000, to SFCC Endowment Corporation to use as a stormwater facility for a new classroom building; 2) the SFCC Endowment Corporation agree to the terms and conditions set forth above governing the donation; 3) the City Commission authorize the proper city officials to execute a special warranty deed for conveyance to SFCC Endowment Corporation; and 4) authorize the City Manager or designee to process a change of intended use under the CDBG program and obtain HUD concurrence in this conveyance.

**A motion was made by Mayor-Commissioner Pro Tem Domenech, seconded by Commissioner Nielsen, that this matter be Continued for November 8, 2004. The motion carried by the following vote:**

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

## WAIVER OF RULES

*Commissioner Braddy moved and Commissioner Domenech seconded to waive the rules to hear File #040604 "The Intern Project Contestant Interviews" next. (There was no objection)*

### 040604 The Intern Project Contestant Interviews (B)

*Chair Hanrahan recognized "The Intern" Project final contestants Julio Morales, Crystal Glover Wilson and Daniel Jones who gave presentations.*

**RECOMMENDATION** *The City Commission interview and rank the four remaining contestants.*

**Heard**

## GENERAL MANAGER FOR UTILITIES

### 040574 Proposed Consultants for Cabot/Koppers Superfund Site (NB)

*GRU Water/WasteWater Senior Engineer for Strategic Planning Rick Hutton gave a presentation.*

**RECOMMENDATION** *The City Commission: a) hear a brief presentation from staff to retain expert consultants to advise and assist the City of Gainesville with regard to the Cabot/Koppers Superfund site; and b) authorize the General Manger or his designee to negotiate the appropriate scope of work and retain the expert consultants.*

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

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

## WAIVER OF RULES

*Commissioner Braddy moved and Commissioner Chestnut seconded to waive the rules to hear File #040474 - Kennedy Homes Issue next. (VOTE: 7-0, MOTION CARRIED)*

### 040474 Mayor Pegeen Hanrahan - Kennedy Homes (NB)

*President of the Alachua County Ministerial Alliance Reverend Milford Lewis Griner and President of the Kennedy Homes Tenant Association Vanessa Anthony gave presentations.*

*REFERRAL: Refer to staff: 1) The memo submitted by Reverend Griner; and 2) a request for an action plan with regard to the Kennedy Homes Property and report back to the full Commission within two months.*

**RECOMMENDATION** *The City Commission hear an update on Kennedy Homes from Reverend Griner.*

**A motion was made by Commissioner Nielsen, seconded by Commissioner Bryant, that this matter be Referred to the City Manager, due back on December 25, 2004. The motion carried by the following vote:**

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

## **CITY ATTORNEY**

## **CITY AUDITOR**

## **EQUAL OPPORTUNITY DIRECTOR**

## **COMMITTEE REPORTS (PULLED FROM CONSENT)**

## **COMMUNITY DEVELOPMENT COMMITTEE**

## **ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)**

## **OUTSIDE AGENCIES**

### **040572 Sweetwater Branch Park (NB)**

**RECOMMENDATION** *The City Commission hear an update from Dr. Mark Barrow.*

**Continued**

## **COMMUNITY REDEVELOPMENT AGENCY**

## **MEMBERS OF THE CITY COMMISSION**

## **COMMISSION COMMENTS (if time available)**



**RECESS - 5:19 PM**

**RECONVENE - 5:45 PM**

**CITIZEN COMMENT**

**Gabe Kaimowitz**

*Mediation Disposition Report*

**040621            Mediation Disposition Report (B)**

**RECOMMENDATION**    *The City Commission hear a presentation from Gabe Kaimowitz and place the Mediation Disposition Report submitted on file.*

**Heard**

**AnnNeter Heard**

*Fifth Avenue Problems - GRU Water Tower/Cell Tower*

**COMMISSION COMMENTS (if time available)**

**PLEDGE OF ALLEGIANCE (6:00pm)**

**Cub Scout Pack 127**

**PROCLAMATIONS/SPECIAL RECOGNITIONS**

**040576            National Head Start Program Awareness Month - October 2004 (B)**

**RECOMMENDATION**    *Alachua County School Board Fatherhood Coordinator Clarence Mills to accept the proclamation.*

**Heard**

**040603            Hoggetowne Medieval Faire/Downtown Festival & Art Show Awards (B)**

**RECOMMENDATION**    *The City Commission: 1) Recognize Linda Piper and Bill*

*Hutchinson for their dedication to the Hoggetowne Medieval Faire; and 2) be notified of the 22nd Annual Downtown Festival & Art Show's national recognition.*

**Heard**

## **PUBLIC HEARINGS**

### **040569 ELIGIBLE PROJECTS FOR LOCAL GOVERNMENT PARKS AND RECREATION INFRASTRUCTURE SURTAX (B)**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA; PROVIDING FOR THE USE OF THE LOCAL GOVERNMENT PARKS AND RECREATION INFRASTRUCTURE SURTAX PROCEEDS FOR THE CONSTRUCTION, RECONSTRUCTION, OPERATION, AND MAINTENANCE OF PARKS AND RECREATION FACILITIES WITHIN THE CITY; PROVIDING DIRECTIONS TO THE CLERK OF THE COMMISSION; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.**

**RECOMMENDATION** *The City Commission adopt the proposed Resolution.*

**A motion was made by Mayor-Commissioner Pro Tem Domenech, 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, Tony Domenech, Rick Bryant and Craig Lowe

## **ORDINANCES, 1ST READING- ROLL CALL REQUIRED**

### **040466 INVESTMENT OF ASSETS OF RETIREE HEALTH INSURANCE TRUST FUND AND EMPLOYEES DISABILITY PLAN TRUST FUND (B)**

**Ordinance No. 0-04-95**

**An ordinance of the City of Gainesville, Florida, amending section 2-438, relating to the investment of assets of the Retiree Health Insurance Trust Fund and the Employees Disability Plan Trust Fund of the city; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

**RECOMMENDATION** *The City Commission adopt the proposed ordinance.*

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

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

**020697 LAND DEVELOPMENT CODE -SIGNIFICANT ECOLOGICAL COMMUNITIES DISTRICT (B)**

**Ordinance No. 0-04-68; Petition 22TCH-02 PB**

**An ordinance of the City of Gainesville, Florida, amending the City of Gainesville Land Development Code, Chapter 30, amending section 30-309; creating a new overlay district to be known as "Significant Ecological Communities District;" establishing standards for protection of significant ecological communities in the City; providing administrative remedy; creating section 30-309.1; establishing criteria for rezoning; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*City of Gainesville Planning Manager Ralph Hilliard, Community Development Director Tom Saunders, Nature Operations Division Habitat Naturalist Geoffrey Parks and Planner Dom Nozzi gave presentations.*

*Chair Hanrahan recognized Bruce Delaney, Attorney Fred Busack, Attorney Paul Meredith and Rob Brinkman who spoke to the matter.*

*AMENDMENT TO MAIN MOTION: Mayor-Commissioner Pro Tem Domenech moved and Commissioner Braddy seconded to insert language on page 4, line 11, The Report "shall be prepared by the City at its cost and expense" and shall comply with the requirements stated. . .*

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

**RECOMMENDATION** *The City Commission adopt the proposed ordinance.*

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

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

**ORDINANCES, 2ND READING- ROLL CALL REQUIRED**

**040459 EMERGENCY DECLARATION (B)**

**ORDINANCE NO.: 0-04-96**

**An ordinance of the City of Gainesville amending section 2-67 of the Gainesville Code of Ordinances by clarifying the mayor's source of authority for declaring a state of emergency; authorizing the mayor pro-tem to act if the mayor is**

unavailable; clarifying the penalties for violating provisions of emergency measures depending on the source of the authority; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

**RECOMMENDATION** *The City Commission adopt the proposed ordinance.*

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

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

**040521                    CORRECTION OF MINOR SCRIVENER'S ERRORS TO ORDINANCE  
031133, RELEVANT TO RMF-5 (12 UNITS/ACRE) RESIDENTIAL LOW  
DENSITY ZONING AND RC ZONING DISTRICTS (B)**

**Ordinance No. 0-04-85; Petition 65TCH-04 PB**

**An ordinance of the City of Gainesville, Florida, correcting minor scrivener's errors resulting from recent amendments to Section 30-52, Land Development Code, relating to residential low density districts; amending subparagraph (a) of paragraph (1) and Table 2, Accessory Uses, of section 30-52, Land Development Code, regarding residential low density districts (RMF-5, RC and MH); restoring day care centers as a use by right in RMF-5 (12 units/acre) residential low density zoning and RC districts; correcting rear yard setback for RMF-5, accessory uses portion of Table 2; 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 Domenech, seconded by Commissioner Chestnut, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:**

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

**RESOLUTIONS- ROLL CALL REQUIRED**

**040605                    A Resolution Designating Jennifer L. Hunt, Utility Chief Financial Officer, as an  
Authorized Officer of the City for the Purpose of Taking Such Actions Permitted  
to be Taken by an Authorized Officer; Authorizing Ms. Hunt to Take Any and  
All Actions Pursuant to the Utilities System Revenue Bond Resolution, as  
Supplemented and Amended; and Providing an Immediate Effective Date (B)**

**RECOMMENDATION** *The City Commission adopt the proposed Resolution.*

**A motion was made by Mayor-Commissioner Pro Tem Domenech, 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, Tony Domenech, Rick Bryant and Craig Lowe

## PLAN BOARD PETITIONS

**040373** Amend the City of Gainesville 2000-2010 Comprehensive Plan Future Land Use Element, Policy 4.1.1 regarding the Mixed-Use Low, Mixed-Use Medium, Commercial and Office land use categories to allow a height of more than 5 stories by Special Use Permit. (Petition 148CPA-04 PB) (B)

*City of Gainesville Planning Manager Ralph Hilliard gave a presentation.*

**RECOMMENDATION** *City Plan Board to City Commission - The City Commission approve Petition 148CPA-04 PB. Plan Board vote 4-0*

*Staff to Plan Board - Approve*

*City Plan Board  
Petition 148CPA-04 PB*

**A motion was made by Commissioner Nielsen, seconded by Mayor-Commissioner Pro Tem Domenech, that this matter be Approved (Petition). The motion carried by the following vote:**

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

## DEVELOPMENT REVIEW BOARD PETITIONS

## SCHEDULED EVENING AGENDA ITEMS

## UNFINISHED BUSINESS

**040577** Student Adjunct Advisory Board/Committee Appointments for terms to expire August 1, 2005 (B)

*MOTION: Commissioner Domenech moved and Commissioner Braddy seconded to adopt the list as presented except for the Cultural Affairs Board and as follows: 1) Citizens' Advisory Committee for Community Development - Dane Eagle; 2) Development Review Board - Bryson Ridgway; 3) Historic Preservation Board - Erin Boyington; and 4) Regional Transit System Advisory Board - Michael Bell.  
(VOTE: 7-0, MOTION CARRIED)*

*ADDITIONAL MOTION: Commissioner Nielsen moved and Commissioner Lowe*

seconded to appoint Jessica D. Goodwin as Student Adjunct to the Gainesville/Alachua County Cultural Affairs Board.  
(VOTE: 7-0, MOTION CARRIED)

**RECOMMENDATION** The City Commission appoint one Student Adjunct Member to: 1) Citizens' Advisory Committee for Community Development; 2) Development Review Board; 3) Gainesville/Alachua County Cultural Affairs Board; 4) Historic Preservation Board; and 5) Regional Transit System Advisory Board; and further make Student Adjunct appointments to the following boards:

Bicycle/Pedestrian Advisory Board - Justin P. Kristan  
Board of Adjustment - David M. Kerner  
City Beautification Board - Toccarra Thomas  
Gainesville Energy Advisory Committee - Raymond Miller  
Gainesville Enterprise Zone Development Agency - James T. Smith  
Gainesville Human Rights Board - Shaad Rehman  
Gainesville/Alachua County Cultural Affairs Board - Julio Morales  
Pension Review Committee - Jonathan Woodruff  
Public Recreation Board - Ryan Wiborg  
Tree Advisory Board - Caitlin G. Rissman  
Water Management Committee - Nicholas Risi

**A motion was made by Mayor-Commissioner Pro Tem Domenech, seconded by Commissioner Nielsen, 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, Tony Domenech, Rick Bryant and Craig Lowe

**040585**

**Advisory Board/Committee Appointments to the Gainesville/Alachua County Cultural Affairs Board (NB)**

*MOTION:* Appoint Erica A. Briggs, reappoint Rachel A. Gibas and appoint Julio Morales to regular terms on the Gainesville/Alachua County Cultural Affairs Board.

**RECOMMENDATION** The City Commission appoint Erica A. Briggs, reappoint Rachel A. Gibas, and consider filling a third term, all expiring September 30, 2007, on the Gainesville/Alachua County Cultural Affairs Board.  
Commissioner Braddy: Briggs and Gibas  
Commissioner Bryant: Briggs and Gibas  
Commissioner Chestnut: Briggs and Gibas  
Commissioner Domenech: Briggs and Gibas  
Commissioner Lowe: Briggs and Gibas  
Commissioner Nielsen: Briggs and Gibas  
Mayor Hanrahan: Gibas and Re-advertise

**A motion was made by Mayor-Commissioner Pro Tem Domenech, seconded by Commissioner Chestnut, that this matter be Approved, as shown above. The motion carried by the following vote:**

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

Absent: Edward Braddy

**040591**

**Appointments to the Gainesville Housing Authority (B)**

*MOTION: Commissioner Chestnut moved and Commissioner Domenech seconded to approve the recommendation.*

*(NO VOTE)*

*Chair Hanrahan recognized Citizens Kali Blount, Rob Brinkman and AnnNeter Heard who spoke to the matter.*

*DIVIDE THE QUESTION MOTION:*

*Commissioner Domenech moved and Commissioner Braddy seconded to divide the previous question.*

*(VOTE: 5-2, Mayor Hanrahan and Commissioner Chestnut - No, MOTION CARRIED)*

*FIRST PART OF THE DIVIDED QUESTION:*

*Commissioner Domenech moved and Commissioner Bryant seconded to appoint Christine Flowers (Tenant-Commissioner) to the Gainesville Housing Authority for a term to expire August 1, 2008.*

*(VOTE: 7-0, MOTION CARRIED)*

*SECOND PART OF THE DIVIDED QUESTION:*

*Commissioner Lowe moved and Commissioner Chestnut seconded to appoint K. Richard Blount (Regular Member) to the Gainesville Housing Authority for a term to expire August 1, 2008.*

*(VOTE: 5-2, Commissioners Domenech and Braddy - No, MOTION CARRIED)*

**RECOMMENDATION** *The City Commission confirm the Mayor's appointments of Christine Flowers (Tenant-Commissioner) and K. Richard Blount (Regular Member) to the Gainesville Housing Authority for terms to expire August 1, 2008.*

**Approved, as shown above**

**040180**

**Principles of Sustainability in Significant Decisions (NB)**

*MOTION: To informally expand the mission of the Public Works Committee to accept some environmental referrals.*

*(VOTE: 7-0, MOTION CARRIED)*

*Chair Hanrahan recognized Citizen Rob Brinkman who spoke to the matter.*

**RECOMMENDATION** *Community Development Committee to the City Commission: Consider establishing an Environmental Committee.*

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

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

**040537 Authorization to Prepare a Request for Proposals for Parking Lot 10 (B)**

*AMENDMENT: Add language to #1 of the recommendation: "For a mixed -use development including residential or hotel".*

**RECOMMENDATION** *The City Commission: 1) Authorize the CRA to prepare a Request for Proposal for City Parking Lot #10 for a mixed-use development including residential or hotel; 2) direct staff to negotiate an option agreement for the lot; and 3) authorize the Mayor to execute any and all required documents.*

**A motion was made by Mayor-Commissioner Pro Tem Domenech, seconded by Commissioner Chestnut, that this matter be Approved as Amended. The motion carried by the following vote:**

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

**040607 Interim City Manager Contract (B)**

**RECOMMENDATION** *The City Commission discuss the contract and take appropriate action.*

**A motion was made by Mayor-Commissioner Pro Tem Domenech, 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, Tony Domenech, Rick Bryant and Craig Lowe

**COMMISSION COMMENT**

**Commissioner Chuck Chestnut**

*Color of the new Southwest Parking Garage*

**Commissioner Edward Braddy**



*Extension of Boundaries for Alcoholic Beverages*

**Commissioner Rick Bryant**

*Parents Association for Youth Sports Program (PAYS Program)*

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

**RECOMMENDATION** *The City Commission refer the broad issue of violence in recreation programs and the implementation of the the PAYS Program to the Recreation and Cultural Affairs Committee for review and report back to the City Commission.*

**A motion was made by Commissioner Bryant, seconded by Commissioner Lowe, that this matter be Referred to the Recreation and Cultural Affairs Committee, due back on April 25, 2005. The motion carried by the following vote:**

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

**Commissioner Craig Lowe**

*Noise at Outdoor Events*

**CITIZEN COMMENT**

**Robert Brinkman**

- 1. John Mahon Park*
- 2. Noise issues at outdoor events*

**AnnNeter Heard**

*Charitable Events Outside*

**Kali Blount**

*Child Care Ordinance*

**ADJOURNMENT - 9:52 PM**

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Kurt M. Lannon, Clerk of the Commission