

City of Gainesville

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



Meeting Minutes

Monday, March 14, 2005

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 - 1:06 PM

ROLL CALL

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

INVOCATION

CONSENT AGENDA

Commissioner Nielsen moved and Commissioner Chestnut seconded to adopt the Consent Agenda with the following modification.

(VOTE: 4-0, Commissioners Braddy, Bryant and Lowe - Absent, MOTION CARRIED))

MODIFICATION:

File #041068 - Interlocal Agreement between the City of Gainesville and Alachua County for Government Access Channel Character Generation and Switching - (New agreement submitted).

NOTE: Item #040907 - Proposed Reorganization of the City Auditor's Office was moved from the Regular Agenda to the Consent Agenda and was approved by the following vote.

Commissioner Chestnut moved and Commissioner Nielsen seconded to adopt the Consent Agenda with the following modification.

(VOTE: 4-0, Commissioners Braddy, Bryant and Lowe - Absent, MOTION CARRIED)

MODIFICATION:

File #040907 - Proposed Reorganization of the City Auditor's Office - (New recommendation, additional back-up submitted and move to the Consent Agenda).

CITY MANAGER, CONSENT AGENDA ITEMS

NOTE: File #031039 - Forest Creek Cluster Subdivision; Petition 139SUB-03DB was pulled from the Consent Agenda during Citizen Comment and was heard during the evening portion of the agenda at approximately 7:15 PM.

041068

Interlocal Agreement between the City of Gainesville and Alachua County for Government Access Television Channel Character Generation and Switching (B)

RECOMMENDATION *The City Commission approve and authorize the Interim City Manager to execute the Interlocal Agreement between the*

City of Gainesville and Alachua County for Government Access Television Channel Character Generation and Signal Switching in essentially the same format as shown, subject to approval by the City Attorney as to form and legality.

This Matter was Approved as Recommended on the Consent Agenda.

041069 Census 2000 Urban Area and Functional Classification Map (B)

RECOMMENDATION *The City Commission authorize the Mayor to sign, and the Clerk to attest, the Census 2000 Urban Area and Functional Classification Map of the Gainesville Urbanized Area.*

This Matter was Approved as Recommended on the Consent Agenda.

041070 FY 2004-05 HOME Subrecipient Agreement with Central Florida Community Action Agency, Inc. (B)

RECOMMENDATION *The City Commission approve the amendment to the HOME Program Subrecipient Agreement with Central Florida Community Action Agency, Inc. for FY 2004-05.*

This Matter was Approved as Recommended on the Consent Agenda.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

CITY ATTORNEY, CONSENT AGENDA ITEMS

041074 CARLTON L. THOMAS V. CITY OF GAINESVILLE AND BARRY M. KAYS; ALACHUA COUNTY CIRCUIT COURT; CASE NO. 01-05-CA-677 (B)

RECOMMENDATION *The City Commission authorize the City Attorney to represent the City of Gainesville and Barry M. Kays in the case styled Carlton L. Thomas v. City of Gainesville and Barry M. Kays; Alachua County Circuit Court; Case No. 01-05-CA-677.*

This Matter was Approved as Recommended on the Consent Agenda.

041075 MATT MILLER AND HIS WIFE, LYDIA MILLER VS. CITY OF GAINESVILLE; ALACHUA COUNTY CIRCUIT COURT; CASE NO.: 01-05-CA-800 (B)

RECOMMENDATION *The City Commission authorize the City Attorney to represent the City in the case styled Matt Miller and his wife, Lydia Miller vs. City of Gainesville; Alachua County Circuit Court;*

Case No.: 01-05-CA-800.

This Matter was Approved as Recommended on the Consent Agenda.

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

041038 City Commission Minutes (B)

RECOMMENDATION *The City Commission approve the minutes of February 28, 2005 (Regular Meeting) and March 7, 2005 (Special Meeting); as circulated.*

This Matter was Approved as Recommended on the Consent Agenda.

041077 Resignation of Advisory Board/Committee Member Rob Brinkman (B)

RECOMMENDATION *The City Commission accept the resignation of Rob Brinkman from the Gainesville Energy Advisory Committee effective immediately.*

This Matter was Approved as Recommended on the Consent Agenda.

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

COMMUNITY DEVELOPMENT COMMITTEE, CONSENT

040299 Owner/Occupancy of Subsidized Housing (NB)

RECOMMENDATION *The Community Development Committee to the City Commission: Remove this item from the referral list.*

This Matter was Approved as Recommended on the Consent Agenda.

031226 NHDC Subsidized Housing Requirements (NB)

RECOMMENDATION *The Community Development Committee to the City Commission: 1) receive the report from the Community Development Committee; and 2) remove this item from the referral list.*

This Matter was Approved as Recommended on the Consent Agenda.

RECREATION AND CULTURAL AFFAIRS COMMITTEE, CONSENT

040940 Summer Playground Update (B)

RECOMMENDATION *The City Commission remove this item from the Recreation and Cultural Affairs Committee referral list.*

This Matter was Approved as Recommended on the Consent Agenda.

PERSONNEL AND ORGANIZATIONAL STRUCTURE COMMITTEE CONSENT

040907 Proposed Reorganization of the City Auditor's Office (B)

RECOMMENDATION *The Personnel and Organizational Structure Committee met March 1, 2005 and recommended: 1) The City Auditor and the Human Resources Director meet and discuss the proposed reorganization of the City Auditor's Office; and 2) the City Commission approve the reorganization of the City Auditor's Office by: a) Replacing the budgeted vacant Assistant City Auditor position with two entry level Staff Auditor positions; b) upgrading the current budgeted Staff Auditor to a Senior Auditor position; and c) reclassifying the current Staff Assistant II to an Executive Assistant position.*

This Matter was Approved as Recommended on the Consent Agenda.

Passed The Consent Agenda

A motion was made by Commissioner Nielsen, seconded by Commissioner Chestnut, 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 and Tony Domenech
Absent: Edward Braddy, Rick Bryant and Craig Lowe

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

Commissioner Nielsen moved and Commissioner Chestnut seconded to adopt the Regular Agenda with the following modifications.

(VOTE: 4-0, Commissioners Braddy, Bryant, and Lowe - Absent, MOTION CARRIED)

MODIFICATIONS:

- 1. File #041076 - Commissioner Rodney Long - (Back-up submitted).*
- 2. File #041082 - (New Item) - Commissioner Ed Braddy - Re: Redevelopment.*
- 3. File #040907 - Proposed Reorganization of the City Auditor's Office - (New recommendation, additional back-up submitted and move to the Consent Agenda).*
- 4. File #040961 - Chapter 2 Amendments Relating to Compensation in the event of a Civil Emergency or Catastrophic Conditions - (Amended back-up and adopt the proposed ordinance as amended).*
- 5. File #040757 - Resolution - Residential Density Bonus Points - (Additional back-up submitted).*

NOTE: Commissioner Braddy entered the meeting room 1:11 PM and Commissioner Bryant entered the meeting room at 1:24 PM.

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

CITY MANAGER

041071 Intergovernmental Sustainability Committee (NB)

City of Gainesville Police Lieutenant Pete Backhaus and Administrative Services Director Glenda Currie gave presentations.

MOTION: Adopt the committees' recommendations as presented by Lt. Backhaus as follows: 1) Establishment of an interdepartmental staff committee to assist with implementation and assessment of the City's mission and value statements, including the concept of sustainability; 2) utilization of City training to provide education on all City values, including sustainability principles to put all City employees on the "same page"; and 3) consideration of the establishment of a "seed fund" for sustainable programs either as revolving loans or incentives (or both).

RECOMMENDATION *The City Commission hear a report from the Committee and 1) add "sustainability" as a City value; and 2) utilize an internal staff committee to continue to explore sustainability concepts.*

A motion was made by Commissioner Nielsen, seconded by Commissioner Chestnut, 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 and Rick Bryant
Absent: Craig Lowe

GENERAL MANAGER FOR UTILITIES

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

041076 County Commissioner Rodney Long (NB)

Alachua County Commissioner Rodney Long gave a presentation.

City of Gainesville Administrative Services Director, Police Chief Norm Botsford and Recreation and Parks Director David Flaherty gave presentations.

FIRST MOTION (MAIN MOTION): Commissioner Chestnut moved and Commissioner Nielsen seconded that the City co-sponsor the Clinton Portis Foundation, Inc. weekend event being held April 15-16, 2005 and: 1) Allocate up to \$15,000 from City Commission Contingency for bus shuttle services, use of tables and chairs, portable toilets, ground crews for cleanup, and provide minimal armed Police services to assist private security, and use of Police Explorers and Cadets for parking; 2) request an update on this issue at the March 28, 2005 meeting; and 3) request that the funding be contingent on the (Clinton Portis) Foundation bringing back an indication of the charitable funding that would come back to the Gainesville community.

(VOTE: 5-1, Mayor-Commissioner Pro Tem Domenech - No, MOTION CARRIED)

AMENDMENT BY SUBSTITUTION MOTION: Mayor-Commissioner Pro Tem

Domenech moved and Commissioner Braddy seconded to table this motion and reconsider it at the next regular City Commission Meeting after Commissioner Long presents this issue to the Alachua County Commission and the Alachua County Sheriffs (ASO) Dept.

(VOTE: 2-4, Commissioner's Domenech and Braddy - Yes; and Commissioner's Chestnut, Nielsen, Bryant and Mayor Hanrahan - No; Commissioner Lowe - Absent, MOTION FAILED)

Chair Hanrahan recognized Jack Hughes who spoke to the matter.

THIRD MOTION (REFERRAL): Commissioner Nielsen moved and Commissioner Bryant seconded to refer this item to the Recreation and Cultural Affairs Committee and the Public Safety Committee for a joint session regarding City co-sponsorship and expense allocation for public events and come back with recommendations. (VOTE: 6-0, Commissioner Lowe, Absent, MOTION CARRIED)

NOTE: This item is a joint referral to the Recreation and Cultural Affairs and the Public Safety Committee. (See following referral items #041097 and 041098.

RECOMMENDATION *The City Commission co-sponsor the Clinton Portis Foundation Inc. charity weekend, April 15 - 16, 2005, in the City of Gainesville and Alachua County.*

Approved, as shown above

041097 City Co-Sponsorship and Expense Allocation for Public Events (NB)

RECOMMENDATION *The City Commission refer the issue of City Co-sponsorship and expense allocation for public events to the Public Safety Committee and the Recreation and Cultural Affairs Committee to hold a joint session and come back to the City Commission with recommendations.*

A motion was made by Commissioner Nielsen, seconded by Commissioner Bryant, that this matter be Referred to the Public Safety Committee, due back on September 14, 2005. The motion carried by the following vote:

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

041098 City Co-Sponsorship and Expense Allocation for Public Events (NB)

RECOMMENDATION *The City Commission refer the issue of City Co-sponsorship and expense allocation for public events to the Public Safety Committee and the Recreation and Cultural Affairs Committee to hold a joint session and come back to the City Commission with recommendations.*

A motion was made by Commissioner Nielsen, seconded by Commissioner Bryant, that this matter be Referred to the Recreation and Cultural Affairs Committee, due back on September 14, 2005. The motion carried by the following vote:

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

MEMBERS OF THE CITY COMMISSION

041082 Commissioner Edward Braddy - Redevelopment (NB)

Chair Hanrahan recognized Citizen Reid Fogler who gave a presentation.

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

MOTION (REFERRAL): Mayor-Commissioner Pro Tem Domenech moved and Commissioner Braddy seconded to: 1) Refer to the Community Development Committee the issue of revisiting the Historic District's policies in the College Park/University Heights area; and 2) include the College Park/University Heights Advisory Board, the Historic Preservation Board and the Fifth Avenue/Pleasant Street Redevelopment Advisory Board in the discussion.

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

RECOMMENDATION *The City Commission hear a presentation from Reid Fogler on redevelopment.*

A motion was made by Mayor-Commissioner Pro Tem Domenech, seconded by Commissioner Braddy, that this matter be Referred to the Community Development Committee, due back on September 14, 2005. The motion carried by the following vote:

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

COMMISSION COMMENTS (if time available)

RECESS - 3:41 PM

RECONVENE - 5:38 PM

CITIZEN COMMENT

Gabriel - Political Candidate Issues

See following File #040984

040984 Gabriel (Gabe Kaimowitz) Citizen Comment (B)

RECOMMENDATION *The City Commission hear citizen comment from Gabriel (Gabe Kaimowitz) and place documents submitted on file.*

Placed on File

Joe Jackson

Open Restrooms on Downtown Plaza

Arupa Freeman

Open Restrooms on Downtown Plaza

Jacqueline Endayo

Open Restrooms on Downtown Plaza

Enita Kushi

Open Restrooms on Downtown Plaza

Brandi Tuck

Open Restrooms on Downtown Plaza

Davin Swanson

Open Restrooms on Downtown Plaza

Nam Nguyen

Open Restrooms on Downtown Plaza

Juan Medina

Open Restrooms on Downtown Plaza

Felix Felicier

Open Restrooms on Downtown Plaza

Todd Reynolds

Open Restrooms on Downtown Plaza

Dan Morin

Open Restrooms on Downtown Plaza

Kenneth Farmer

Open Restrooms on Downtown Plaza

Melissa Toothman

Open Restrooms on Downtown Plaza

Elizabeth McCulloch

Open Restrooms on Downtown Plaza

Reverend Ellenberg

Open Restrooms on Downtown Plaza

Pat Fitzpatrick

Open Restrooms on Downtown Plaza

Taminette De Jesus

Open Restrooms on Downtown Plaza

Susan Webster

Open Restrooms on Downtown Plaza

Elizabeth Howard

Open Restrooms on Downtown Plaza

Becky Zell

Open Restrooms on Downtown Plaza

David Swanson

Open Restrooms on Downtown Plaza

Miriam Ellistel

Open Restrooms on Downtown Plaza

Bob Freeman

Open Restrooms on Downtown Plaza

Kali Blount

- 1. Open Restrooms on Downtown Plaza*
- 2. Historic Issues - 1876 Election*

Tim Strauser

File # 031309 Design Plat approval of Forest Creek Cluster Subdivision on Consent Agenda.

RECONSIDERATION MOTION:

*Commissioner Nielsen moved and Commissioner Chestnut seconded to reconsider File #031309 Forest Creek Cluster Subdivision; Petition 139SUB-03DB, to be heard at a time certain of 7:15 PM.
(VOTE: 6-0, Commissioner Lowe - Absent, MOTION CARRIED)*

COMMISSION COMMENTS (if time available)

PLEDGE OF ALLEGIANCE (6:00pm)

PROCLAMATIONS/SPECIAL RECOGNITIONS

041078 National Nutrition Month - March 2005 (B)

RECOMMENDATION *Gainesville District Dietetics Association representatives Tristan Soyka and Eunshil McKenna to accept the proclamation.*

Heard

041079 Suicide Prevention Day - March 30, 2005 (B)

RECOMMENDATION

*Bousquet and Alachua County Crisis Center Director
Marshall Knudson to accept the proclamation.*

Heard

041080 Job Corps 40th Anniversary Year - 2005 (B)

RECOMMENDATION *Gainesville Job Corps Center Director Paul Wykoff to accept the proclamation.*

Heard

PUBLIC HEARINGS

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

040753 STREET VACATION - VEITCH STREET (B)

Ordinance No. 0-05-27, Petition 150SVA-04PB

An ordinance of the City of Gainesville, Florida, to vacate, abandon and close that portion of Southeast Veitch Street lying north of Southeast 10th Avenue and approximately 230 feet west of Southeast 4th Street, as more specifically described in this Ordinance; providing a condition; reserving utilities easements; 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 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 and Rick Bryant
Absent: Craig Lowe

040754 STREET VACATION - NORTHEAST 11TH TERRACE (B)

Ordinance No. 0-05-28, Petition No. 187SVA-04PB

An ordinance of the City of Gainesville, Florida, to vacate, abandon and close that portion of Northeast 11th Terrace lying east of 1116 Northeast 12th Avenue and North of the North right-of-way line of Northeast 12th Avenue, as more specifically described in this Ordinance; reserving utilities easements; 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 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 and Rick Bryant
Absent: Craig Lowe

040961 CHAPTER 2 AMENDMENTS RELATING TO COMPENSATION IN THE EVENT OF A CIVIL EMERGENCY OR CATASTROPHIC CONDITIONS(B)

Ordinance No. 0-05-32

An Ordinance of the City of Gainesville, Florida creating Division 2 of Article VII of Chapter 2 of the Code of Ordinances, relating to compensation in the event of a civil emergency or catastrophic conditions, or mutual aid, providing for definitions, eligibility, amount and forms of compensation, directions to the codifier; providing a severability clause; providing a repealing clause; and providing a retroactive effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

A motion was made by Mayor-Commissioner Pro Tem Domenech, seconded by Commissioner Bryant, that this matter be Adopted on First Reading, as revised (Ordinance). The motion carried by the following vote:

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

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

RESOLUTIONS- ROLL CALL REQUIRED

040512 Final plat approval of Sorrento Subdivision, Phase III located in the vicinity of Northwest 53rd Avenue and Northwest 21st Drive, west side. Petition 126SUB-04DB (B)

RECOMMENDATION *Planning staff to City Commission -The City Commission adopt the following resolution: A Resolution approving the final plat of "Sorrento Phase III, generally located west of Northwest 21st Drive and South of Northwest 53rd Avenue; accepting an irrevocable letter of credit to guarantee the cost of the required improvements; providing directions to the Clerk of the Commission and providing an immediate effective date.*

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

041072 Amended conditional final plat review for 90 lots at Krystle Pines Cluster Subdivision Phase I located in the 8200 block of NW 43rd Street (west side). Petition 122SUB-02DB (B)

City of Gainesville Planning Manager Ralph Hilliard gave a presentation.

Chair Hanrahan recognized Citizen Peter Rebmann who spoke to the matter.

RECOMMENDATION *Planning Staff to City Commission--The City Commission adopt the following resolution: A Resolution amending the conditional final plat of "Krystle Pines Cluster Subdivision Phase I" adopted by Resolution No. 020854 by amending the legal description of the plat for the purpose of changing the entrance roadway, to be known as N.W. 82nd Boulevard; located in the vicinity of West of Northwest 43rd Street and Northwest 82nd Boulevard and providing an immediate effective date.*

A motion was made by Mayor-Commissioner Pro Tem Domenech, seconded by Commissioner Chestnut, 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 and Rick Bryant
Absent: Craig Lowe

041073 Conditional final plat review for 45 lots at Krystle Pines Cluster Subdivision Phase III located in the 8200 block of NW 43rd Street (west side). Petition 122SUB-02DB (B)

City of Gainesville Planning Manager Ralph Hilliard gave a presentation.

RECOMMENDATION *Planning Staff to City Commission--The City Commission adopt the following resolution: A Resolution approving the conditional final plat of "Krystle Pines Cluster Subdivision Phase III, located in the vicinity West of N.W. 78th and N.W. 80th Roads and N.W. 44th and N.W. 46th Way; and providing an immediate effective date.*

A motion was made by Commissioner Chestnut, seconded by Mayor-Commissioner Pro Tem Domenech, 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 and Rick Bryant
Absent: Craig Lowe

040757 RESOLUTION - RESIDENTIAL DENSITY BONUS POINTS MANUAL (B)

A resolution of the City of Gainesville, Florida, approving and updating the City of Gainesville Residential Density Bonus Points Manual; providing for consistency of the Manual with the policies adopted in the Urban Design, Future Land Use and Transportation Mobility Elements of the 2001 Comprehensive Plan; making certain minor modifications throughout the Manual; adopting the Increased Residential Density Bonus Points Manual as applied to applications for development review received after March 14, 2005; repealing the Density Bonus Points Manual currently in effect; providing an effective date.

City of Gainesville Planner Dom Nozzi and Planning Manager Ralph Hilliard gave a presentation.

*MOTION: Commissioner Bryant moved and Mayor-Commissioner Pro Tem Domenech seconded to approve the recommendation and change the bonus points for affordable housing from 10 to 30 points.
(NO VOTE)*

AMENDMENT BY SUBSTITUTION MOTION (MAIN MOTION): Approve the recommendation and direct the City Manager to convene a group to look at density bonus points.

RECOMMENDATION *The City Commission (1) approve Petition 194TCH-04 PB, and (2) adopt the proposed Resolution.*

A motion was made by Mayor-Commissioner Pro Tem Domenech, seconded by Commissioner Braddy, that this matter be Adopted (Resolution) and approved as shown above. The motion carried by the following vote:

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

PLAN BOARD PETITIONS

040918 Pursuant to Section 30-192(b) of the Gainesville Land Development Code, vacate, abandon and close a 15-foot alley running west of Southeast 11th Street (Williston/Waldo Road) to the abandoned railroad (bike path) in Block 28 New Gainesville recorded in PB A, page 65. Petition 196SVA-04 PB. (Related to Petitions 199LUC-04PB and 200ZON-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 196SVA-04 PB, with the condition that an easement be retained over the vacated area. Plan Board vote 6-0.

Staff to Plan Board - Approve of Petition 196SVA-04 PB, with the condition that an easement be retained over the vacated area.

A motion was made by Mayor-Commissioner Pro Tem Domenech, seconded by Commissioner Chestnut, 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 and Rick Bryant
Absent: Craig Lowe

040921 **Amend the City of Gainesville 2000-2010 Future Land Use Map located at the Northwest corner of Southeast 2nd Avenue and Williston/Waldo Roads. Petition 199LUC-04 PB (Related to Petition 200ZON-04PB and 196SVA-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 199LUC-04 PB. Plan Board vote 6-0*

Staff to Plan Board - Approve.

A motion was made by Commissioner Chestnut, 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 and Rick Bryant
Absent: Craig Lowe

040920 **Rezone property from undesignated Right-of-Way to MU-1 located at the Northwest corner of Southeast 2nd Avenue and Williston/Waldo Roads. Petition 200ZON-04 PB (Related to Petition 199LUC-04PB and 196SVA-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 200ZON-04 PB. Plan Board vote 6-0*

Staff to Plan Board - Approve.

A motion was made by Mayor-Commissioner Pro Tem Domenech, seconded by Commissioner Chestnut, 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 and Rick Bryant
Absent: Craig Lowe

COMMISSION COMMENT

Commissioner Rick Bryant

Proclamation for UF Basketball Team

Commissioner Ed Braddy

Ridgeview Neighborhood - Traffic circle too small.

See following file #041085.

041085 Ridgeview Neighborhood Traffic Circle (NB)

NOTE: This item was referred to the City Manager without objection.

RECOMMENDATION *The City Commission refer the issue of the traffic circle being too small in the Ridgeview neighborhood and others to the City Manager.*

Referred to City Manager

TIME CERTAIN 7:15 PM ITEM #031309 PULLED FROM CONSENT

031309 Design plat approval of Forest Creek Cluster Subdivision located at 3309 and 3425 Northwest 17th Street. Petition 139SUB-03DB (B)

City of Gainesville Planning Manager Ralph Hilliard and agent for the developer Ralph Eng gave presentations.

Chair Hanrahan recognized Citizen Tim Strauser who spoke to the matter.

RECOMMENDATION *The City Commission grant the owner/developer an extension of up to six months only from the May 24, 2004 approval date, as allowed in Section 30-183(j)(2) of the Land Development Code.*

A motion was made by Commissioner Chestnut, 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 and Rick Bryant
Absent: Craig Lowe

040756

(Formal Quasi-Judicial Hearing) Rezone property from RC (12 units/acre residential conservation district) to RMF-5 (12 units/acre single-family/multiple-family residential district) located at 419 Northwest 10th ST, 913 Northwest 4th PL, 907 Northwest 4th PL, 901 Northwest 4th PL, 326 Northwest 9th ST, 324 Northwest 9th ST, 315 Northwest 10th ST, 304 Northwest 9th ST, 912 Northwest 3rd AVE, 918 Northwest 3rd AVE, 311 Northwest 10th ST, and 928 Northwest 3rd AVE. Petition 193ZON-04 PB (B)

Chair Hanrahan recognized Robert Pearce who requested 20 minutes to speak to this issue.

STAFF PRESENTATION:

City of Gainesville Planning Manager Ralph Hilliard gave a presentation.

AFFECTED PARTY STATUS:

Mayor Hanrahan recognized the following as affected parties:

Kali Blount, Aneter Heard, Betty Stony Allen, Robert Pearce, Reatha Ellis and David Forrestel.

DISCLOSURE OF EX PARTE COMMUNICATION:

Mayor Hanrahan disclosed that she had ex parte communications; Commissioner Braddy declared he had no ex parte communication; the remainder of the City Commission did not indicate that they had ex parte communications.

SWEARING IN OF AFFECTED PARTIES AND WITNESSES:

The Clerk of the Commission administered the oath to the petitioner, staff and the witnesses.

STAFF PRESENTATION:

City of Gainesville Planning Manager Ralph Hilliard gave a presentation.

AFFECTED PARTIES IN FAVOR OF THE PETITION:

Affected party Robert Pearce cross examined Ralph Hilliard.

Community Development Director Tom Saunders made comments.

Chair Hanrahan recognized the following affected parties who spoke in favor of the petition.

- 1. Robert Pearce*
- 2. Dave Forrestel*

AFFECTED PARTIES AGAINST THE PETITION:

Chair Hanrahan recognized Aneter Heard who spoke against the petition.

NOTE: Kali Blount was not considered an affected party and spoke during regular Citizen Comment.

REBUTTAL BY STAFF:

Community Development Director Tom Saunders and Planning Manager Ralph

Hilliard made comments.

PUBLIC HEARING:

Chair Hanrahan recognized Professor Kim Tanzer, Nkwanda Jah, Jean Chalmers, Ron McGalliard, Dotty Faibisy, Kali Blount, Mamie McClellan Williams, Reatha Ellis and Roberta Parks who spoke to the matter.

PUBLIC HEARING CLOSED:

CITY COMMISSION DELIBERATION:

Commissioner Bryant moved and Commissioner Chestnut seconded to deny Petition 193ZON-04PB.

(VOTE: 3-2, Commissioner's Bryant, Chestnut and Mayor Hanrahan - Yes; Commissioners Nielsen and Braddy - No; and Commissioners Domenech and Lowe - Absent, MOTION CARRIED)

RECOMMENDATION *City Plan Board to City Commission - The City Commission approve rezoning the properties to RMF-5 in Petition 193ZON-04 PB. Plan Board vote 6-0.*

Staff to Plan Board - Deny Petition 193ZON-04 PB.

A motion was made by Commissioner Bryant, seconded by Commissioner Chestnut, that this matter be Approved Staff's Recommendation (Deny Petition). The motion carried by the following vote:

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

041086 Landlord Licensing Standards (NB)

This item was referred to the City Attorney without objection.

RECOMMENDATION *The City Commission refer the issue of Landlord Licensing Standards to the City Attorney for further analysis.*

Referred to City Attorney

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

UNFINISHED BUSINESS

COMMISSION COMMENT

CITIZEN COMMENT

Dr. David Chalmers

Auditorium temperature

Roberta Parks

Fifth Avenue Neighborhood Issues

Aneter Heard

Neighborhood Issues

Graduate Student from UF

Preserving the Fifth Avenue Neighborhood

ADJOURNMENT - 10:31 PM

Kurt M. Lannon, Clerk of the Commission