City of Gainesville

City Hall 200 East University Avenue Gainesville, Florida 32601



Meeting Minutes

Monday, February 28, 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 - 1:02 PM

ROLL CALL

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

INVOCATION

CONSENT AGENDA

Mayor-Commissioner Pro Tem Domenech moved and Commissioner Nielsen seconded to adopt the Consent Agenda with the following modification. (VOTE: 7-0, MOTION CARRIED)

MODIFICATION:

File #040187 - Homeless Issue and File #041021- Downtown Plaza - (Additional back-up submitted from Joe Jackson).

CITY MANAGER, CONSENT AGENDA ITEMS

O41015 Contract Award for Provision of Streaming Video Website Welcome to Promote the City of Gainesville (NB)

RECOMMENDATION The City Commission receive this update.

This Matter was Approved as Recommended on the Consent Agenda.

041016 Grant Application for the Federal Home Loan Bank of Atlanta's Affordable Housing Program (NB)

RECOMMENDATION The City Commission: 1) support a \$60,000 grant application

to the Federal Home Loan Bank (FHLB) of Atlanta's Affordable Housing Program; 2) approve the grant application submittal to M & S Bank for its review and approval as the member institution; 3) authorize the City Manager or designee to execute the grant application on behalf of the City; and 4) authorize the Mayor to execute a support letter for the grant.

This Matter was Approved as Recommended on the Consent Agenda.

041017 Environmental Due Diligence - Wal-Mart at Northside Park (B)

RECOMMENDATION

The City Commission authorize the Interim City Manager to execute the Limited License and Right of Entry Agreement to allow Wal-Mart to perform the Environmental Due Diligence, as requested.

This Matter was Approved as Recommended on the Consent Agenda.

041018

Add New Positions to Regional Transit System for Enhanced Service to the University of Florida (B)

RECOMMENDATION

The City Commission approve the addition of the new positions and increases in the budget to operate this service, effective August 22, 2005.

This Matter was Approved as Recommended on the Consent Agenda.

041019

Recreation and Parks Department Facility Naming Policy (NB)

RECOMMENDATION

City Commission refer the review of this proposed policy to the Recreation and Cultural Affairs Committee.

This Matter was Approved as Recommended on the Consent Agenda.

041020

Revision to Chapter 18 Code of Ordinances Regarding Park Regulations (NB)

RECOMMENDATION

City Commission refer the matter regarding the code revision to the Recreation and Cultural Affairs Committee for review.

This Matter was Approved as Recommended on the Consent Agenda.

041024

Response to Cox Cable Petition (NB)

RECOMMENDATION

The City Commission authorize staff to: 1) hire a consultant or special counsel, if appropriate, to represent the City in this manner; 2) file a response to the FCC opposing Cox's Petition, if warranted; and, 3) take any other reasonable actions to protect the interests of the City and its cable subscribers.

This Matter was Approved as Recommended on the Consent Agenda.

040187

Ad Hoc Committee on Homeless Concerns Final Report (B)

RECOMMENDATION The City Commission accept the final report from the Ad Hoc

Committee on Homeless Concerns.

This Matter was Approved as Recommended on the Consent Agenda.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

041013 The Energy Authority - Restated and Amended Electric Advance Agreement (MISO Addendum to Trade Guaranty) (NB)

RECOMMENDATION

1). Authorize the General Manager for Utilities or his designee to execute the Restated and Amended Electric Advance Agreement dated January 1, 2005, by and among JEA, Municipal Electric Authority of Georgia (MEAG), South Carolina Public Service Authority (Santee Cooper), Nebraska Public Power District (NPPD) and City Utilities of Springfield, Missouri (City Utilities) (the "2005 Advance" Agreement"), substantially in the form of that agreement which is on file in the office of the Clerk of the Commission, together with the MISO Addendum to Trade Guaranty and any documents necessary to their implementation, subject to approval of the City Attorney and 2). Authorize the General Manager or his designee to execute and deliver such further amendments to the 2005 Advance Agreement which authorize further addenda to the Trade Guaranty as may be required by other regional transmission organizations or independent system operators, to the extent such addenda are in substance similar to the addendum effected by Annex 4 to the 2005 Advance Agreement, such determination to be made by the General Manager or his designee, subject to approval of the City Attorney.

This Matter was Approved as Recommended on the Consent Agenda.

041014 Perpetual Transportation Easement and Drainage Easement to Alachua County (B)

RECOMMENDATION

The City Commission: 1) approve the granting of a perpetual transportation easement to Alachua County for transportation purposes across a portion of City of Gainesville electric transmission right-of-way adjacent to property owned by the Catholic Diocese of St. Augustine; and 2) approve the granting of an associated drainage easement to Alachua County for the construction, operation and maintenance of drainage facilities across a portion of the City's electric transmission right-of-way; and 3) authorize the Mayor and Clerk of the Commission to execute the Easements, substantially in the form on file, subject to approval by the City Attorney as to form and legality.

This Matter was Approved as Recommended on the Consent Agenda.

CITY ATTORNEY, CONSENT AGENDA ITEMS

041011 STEVE T. MALU VS. THE CITY OF GAINESVILLE; UNITED STATES

DISTRICT COURT; CASE NO.: 1:04CV356MMP (B)

RECOMMENDATION The City Commission authorize the City Attorney, and/or

 $special\ counsel\ if\ insurance\ coverage\ is\ available,\ to$

represent the City in the case styled Steve T. Malu vs. the City

of Gainesville; United States District Court; Case No.:

1:04cv356MMP.

This Matter was Approved as Recommended on the Consent Agenda.

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

041007 City Commission Minutes (B)

RECOMMENDATION The City Commission approve the minutes of February 14,

2005, as circulated.

This Matter was Approved as Recommended on the Consent Agenda.

041023 City Commission Special Meeting (NB)

RECOMMENDATION The City Commission schedule a special meeting regarding

the City Manager RFP Selection - May 2, 2005, 5:30 PM -

City Hall Auditorium.

This Matter was Approved as Recommended on the Consent Agenda.

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

PUBLIC WORKS COMMITTEE, CONSENT

PERSONNEL & ORGANIZATIONAL STRUCTURE COMM, CONSENT

040917 Upgrade of Staff Assistant II Position from Part Time to Full Time in the Marketing & Communication Office (NB)

RECOMMENDATION Personnel & Organizational Structure Committee recommend

the City Commission approve increasing the .5 FTE Staff Assistant II to 1 FTE Staff Assistant II. pay grade DD (CWA)

\$23,809.66 - \$29,434.69.

This Matter was Approved as Recommended on the Consent Agenda.

040961 An Ordinance Amending Chapter 2 of the Gainesville Code of Ordinances (B)

RECOMMENDATION The Personnel & Organizational Structure Committee recommends that the City Commission authorize the City

Attorney to draft and the Clerk of the Commission to advertise an ordinance amending Chapter 2 of the Gainesville Code of

Ordinances authorizing the award of Supplemental Compensation to Administrative, Professional, and

Managerial Employees under certain limited circumstances, providing a severability clause, and providing a retroactive

effective date, based upon a policy prepared by staff.

This Matter was Approved as Recommended on the Consent Agenda.

PUBLIC SAFETY COMMITTEE, CONSENT

040903 Remote Surveillance System/Confidential Funds Enhancement from Federal LECFTF for the Special Investigations Division (NB)

RECOMMENDATION The City Commission approve the appropri

The City Commission approve the appropriation and expenditure of an amount not to exceed \$79,500 from the Federal Law Enforcement Contraband Forfeiture Trust Fund for the Special Investigations Division Confidential Funds

Enhancement and Remote Surveillance System.

This Matter was Approved as Recommended on the Consent Agenda.

040957 Technology Upgrades and Renovations to the Gainesville Police Department's

DataTrac Room (NB)

RECOMMENDATION The City Commission approve the appropriation and expenditure of an amount not to exceed \$76,000 from the Federal Law Enforcement Contraband Forfeiture Trust Fund

for renovations and equipment upgrades to the Gainesville

Police Department's DataTrac Room.

This Matter was Approved as Recommended on the Consent Agenda.

AUDIT AND FINANCE COMMITTEE, CONSENT

040982 Quarterly Financial Report - Gainesville Regional Utilities (B)

RECOMMENDATION The City Commission receive and approve the GRU Quarterly

Financial Report as of December 31, 2004.

This Matter was Approved as Recommended on the Consent Agenda.

040987 Fiscal Year 2005 Operating Funds Quarterly Monitoring Report - Quarter

Ending December 31, 2004 (B)

RECOMMENDATION The City Commission receive and approve the quarterly

budget monitoring report for the quarter ended December 31,

2004.

This Matter was Approved as Recommended on the Consent Agenda.

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

040989 Letter to Bellsouth Requesting the Removal of Their Overhead Line along

Southwest 2nd Avenue (NB)

RECOMMENDATION The CRA request that the City Commission direct the Mayor

to send a letter requesting that Bellsouth underground their

wires along Southwest 2nd Avenue.

This Matter was Approved as Recommended on the Consent Agenda.

040997 University of Florida Design Build Studio for the Northwest 5th Avenue

Neighborhood (B)

RECOMMENDATION The CRA request that the City Commission support the design

build studio by providing an appropriate piece of land in the

Fifth Avenue District.

This Matter was Approved as Recommended on the Consent Agenda.

040995 Use of the Sorority Woods Property for Stormwater(NB)

RECOMMENDATION The CRA request that the City provide the University of

Florida with information and/or timeline from the stormwater

study that includes the piece of property known as "Sorority Bog" next to Sorority Row for use as a stormwater retention area.

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 Nielsen, 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

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

Commissioner Chestnut moved and Mayor-Commissioner Pro Tem Domenech seconded to adopt the Regular Agenda with the following modifications and waived the rules to add an additional item to the agenda regarding a reduction in towing fees to be heard first at the beginning of the agenda.

(VOTE: 7-0, MOTION CARRIED)

MODIFICATIONS:

- 1. File #041008 City Commission Referral List (Additional Back-up submitted from the EDUCC Committee).
- 2. File #041031 New Item Mayor Pegeen Hanrahan University Corners (Add to the agenda under the Members of the City Commission category).
- 3. File #041033 New Item Firefighter Paramedic of the Year Award (NB) (Add to the agenda after Richard Williams proclamation).
- 4. File #041032 New Item U.S. Dept. of Justice "Justice Assistance Grant FY 2005 Local Solicitation" (Add to the agenda under the Public Hearing category).
- 5. File #041034 New Item Roam Towing Fee Reduction (Waive the rules and add to the beginning of the agenda).

COMMISSIONER CHUCK CHESTNUT

041034 Roam Towing Fee Reduction (NB)

Chair Hanrahan recognized David Idleman who gave a presentation.

RECOMMENDATION The City Commission refer the issue of reducing roam towing

fees to the Public Safety Committee.

A motion was made by Commissioner Lowe, seconded by Commissioner Bryant, that this matter be Referred to the Public Safety Committee, due back on August 28, 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

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

041008 City Commission Referral List (B)

CITY MANAGER

Mayor Commissioner Pro Tem Domenech moved and Commissioner Chestnut seconded to remove the following items from the City Manager's referral list. (VOTE: 7-0, MOTION CARRIED)

File #040090, #031019, #040164, #040177, #040250, #040411, #040418, #040180, #040501and #040187.

Mayor Commissioner Pro Tem Domenech moved and Commissioner Chestnut seconded to remove the following items from the City Manager's referral list. (VOTE: 7-0, MOTION CARRIED)

File #040474, #040797 and 040239.

CITY ATTORNEY'S REFERRAL LIST

Commissioner Braddy moved and Commissioner Bryant seconded to remove the following items from the City Attorney's referral list.

(VOTE: 7-0, MOTION CARRIED)

File #040910, #040418 and #040223.

GENERAL MANAGER FOR UTILITIES REFERRAL LIST

Commissioner Braddy moved and Mayor-Commissioner Pro Tem Domenech seconded to remove the following items from the General Manager for Utilities referral list.

(VOTE: 7-0, MOTION CARRIED)

File #040501, #040180, #040418, and #040090.

COMMUNITY DEVELOPMENT COMMITTEE (CDC) REFERRAL LIST Commissioner Chestnut moved and Mayor-Commissioner Pro Tem Domenech seconded to remove the following two items from the CDC's referral list. (VOTE: 7-0, MOTION CARRIED)

File #031226 and 031022.

PUBLIC WORKS COMMITTEE REFERRAL LIST

Commissioner Nielsen moved and Mayor-Commissioner Pro Tem Domenech seconded to remove the following items from the Public Works Committee Referral List.

(VOTE: 7-0, MOTION CARRIED)

File #031095 & 031093.

NOTE: Interim Assistant City Manager Teresa Scott made comments.

REGIONAL UTILITIES COMMITTEE REFERRAL LIST

Commissioner Nielsen moved and Mayor-Commissioner Pro Tem Domenech seconded to remove File # 040737 from the Regional Utilities Committee referral list. (VOTE: 7-0, MOTION CARRIED)

WATER MANAGEMENT COMMITTEE REFERRAL LIST

Mayor-Commissioner Pro Tem Domenech moved and Commissioner Braddy seconded to remove File #001915 from the Water Management Committee referral list.

(VOTE: 7-0, MOTION CARRIED)

RECOMMENDATION The City Commission review the attached referral list and take appropriate action.

Approved, as shown above

CITY MANAGER

041021 Downtown Plaza (NB)

City of Gainesville Interim Assistant City Manager Teresa Scott and CRA Project Coordinator Sham Sundar gave presentations.

RECOMMENDATION The City Commission hear a report from the Interim Assistant City Manager.

Heard

GENERAL MANAGER FOR UTILITIES

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

PUBLIC WORKS COMMITTEE

PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE

PUBLIC SAFETY COMMITTEE

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

041026 Mayor Pegeen Hanrahan - Tom Cunilio (NB)

RECOMMENDATION The City Commission hear a presentation from Tom Cunilio.

Not Heard

041031 Mayor Pegeen Hanrahan - University Corners (B)

University Corners Principal Frank Durabi and City of Gainesville Community Development Director Tom Saunders gave presentations.

MOTION: Commissioner Nielsen moved and Mayor-Commissioner Pro Tem Domenech seconded to amend the College Park Plan to change the Presbyterian Student Center Property from type 4 to type 1.

RECOMMENDATION The City Commission discuss the request and take appropriate action.

Approved, as shown above

COMMISSION COMMENTS

COMMISSIONER WARREN NIELSEN

Technological Ranking in Gainesville - See following file #041035.

041036 Technological Ranking for Gainesville, Florida (B)

NOTE: Commissioner Nielsen suggested that this information should be on the City's WEB site.

Interim Public Information Officer Bob Woods made comments.

RECOMMENDATION

The City Commission hear a presentation from Commissioner Warren Nielsen and place the Popular Science article regarding technological rankings of Cities on file.

Placed on File

041035 Local Government Participation in Telecommunications (GRUCom) (NB)

RECOMMENDATION

The City Commission: 1) Direct utility staff to draft a letter for the Mayor's signature in support of GRU's participation in the telecommunications industry (GRUCom) and send to the City's Legislative Delegation, the Florida League of Cities and the Governor; and 2) refer this issue to the Economic Development University Community Committee (EDUCC).

A motion was made by Mayor-Commissioner Pro Tem Domenech, seconded by Commissioner Lowe, that this matter be Approved as Recommended and Referred to the Economic Development/University Community Com, due back on August 28, 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

RECESS - 2:17 PM

RECONVENE - 5:35 PM

CITIZEN COMMENT

Edward Earl Young

- 1. Fifth Avenue/Santa Fe Community College
- 2. Police Harassment

Arupa Freeman

1. Homeless Issues

2. Bathrooms on the Plaza

Pat Fitzpatrick

Homeless Issues

Gabriel

Relations with UF

Mark van Soestbergen

Power Plant Issues

041037 Mark van Soestbergen Citizen Comment (B)

RECOMMENDATION The City Commission hear comments from Mark van

Soestbergen regarding power plants and place documents

submitted on file.

Placed on File

COMMISSION COMMENTS (if time available)

PLEDGE OF ALLEGIANCE (6:00pm)

PROCLAMATIONS/SPECIAL RECOGNITIONS

041029 100th Anniversary of Rotary International (B)

RECOMMENDATION *Members of Rotary to accept the proclamation.*

Heard

041009 Richard Williams Day - February 28, 2005 (B)

RECOMMENDATION City of Gainesville Fire Rescue Chief Richard Williams to

accept the proclamation.

Heard

041033 Firefighter Paramedic of the Year Award (NB)

RECOMMENDATION

The City Commission present Allen Siorek with the Florida Fire Chief's Association Firefighter/Paramedic of the Year award.

Heard

WAIVER OF RULES

Commissioner Braddy moved and Commissioner Chestnut seconded to waive the rules to take up item #041025 "Commissioner Rick Bryant - ACTION Network" before the Public Hearings.

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

041025 Commissioner Rick Bryant - ACTION Network (NB)

Chair Hanrahan recognized Open Door Ministries Pastor Samuel Jones, Barbara Andrews and Irene Davis who gave presentations.

City of Gainesville Interim Assistant City Manager Teresa Scott made comments.

MOTION: Add the issue brought forward by the Gainesville Action Network and the Open Door Ministries regarding infrastructure and stormwater in East Gainesville to the Federal Legislative Agenda.

(VOTE: 7-0, MOTION CARRIED)

RECOMMENDATION The City Commission hear a presentation from the ACTION Network on transportation and infrastructure.

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

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

PUBLIC HEARINGS

GENERAL PUBLIC HEARINGS

041032 U.S. Dept. of Justice, "Justice Assistance Grant" FY 2005 Local Solicitation (B)

City of Gainesville Police Chief Norm Botsford gave a presentation.

RECOMMENDATION The City Commission: 1) hold a public hearing regarding the

City's proposed use of funds awarded under the Edward Byrne Memorial Justice Assistance Grant; 2) hear a report from staff on the City's proposed use of these funds; 3) receive written and oral public input about the local government's entire budget and the relation of the grant to the entire budget; 4) authorize the Interim City Manager to apply for, accept, and execute the grant award and any other necessary documents, subject to approval by the City Attorney as to form and legality; and 5) approve the expenditures as outlined in the presentation.

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

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

040874 CHAPTER 8 AMENDMENTS RELATING TO DISCRIMINATION (B)

Ordinance No. 0-05-18

An ordinance of the City of Gainesville, Florida; amending Chapter 8 of the Code of Ordinances of the City of Gainesville relating to discrimination; amending Section 8-22 relating to the Human Rights Board meetings; Section 8-51 relating to the processing of equal opportunity complaints; and Section 8-95 relating to the processing of fair housing complaints; 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 and Craig Lowe
Absent: Rick Bryant

RESOLUTIONS- ROLL CALL REQUIRED

041012 2005 ANNEXATION REFERENDUM (B)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA, ACCEPTING THE REPORT OF THE BOARD OF CANVASSERS FOR THE CITY OF GAINESVILLE,

FLORIDA, ANNEXATION REFERENDUM HELD FEBRUARY 15, 2005, AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

RECOMMENDATION The City Commission adopt the proposed resolution.

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

041022

A Resolution of the City of Gainesville, Florida, urging the Members of the Florida Legislature to Support Certain Municipal Growth Management Issues During the 2005 Legislative Session (B)

RECOMMENDATION The City Commission adopt the 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 and Craig Lowe
Absent: Rick Bryant

040988

First Amendment to the FY 2005 General Government Financial and Operating Plan (B)

RECOMMENDATION The City Commission adopt the Resolution.

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

PLAN BOARD PETITIONS

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

UNFINISHED BUSINESS

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COMMISSION COMMENT

CITIZEN COMMENT

Ray Bennett

Power Plant Issues

Mark van Soestbergen

Power Plant Issues

ADJOURNMENT - 7:33 PM

Kurt M. Lannon, Clerk of the Commission