

# **City of Gainesville**

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



## **Meeting Minutes**

**Monday, May 24, 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 - 1:02 PM

## ROLL CALL

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

## NOMINATION OF A TEMPORARY MAYOR-COMMISSIONER PRO TEM

*Commissioner Nielsen moved and Commissioner Lowe seconded to nominate Commissioner Chuck Chestnut as temporary Mayor-Commissioner Pro Tem. (VOTE: 6-0, Mayor-Commissioner Pro Tem Domenech - Absent, MOTION CARRIED)*

## INVOCATION

**Dr. D.R. Williams, Williams Temple Church of God in Christ**

## CONSENT AGENDA

*Commissioner Chestnut moved and Commissioner Bryant seconded to adopt the Consent Agenda with the following modifications:  
(VOTE: 6-0, Mayor-Commissioner Pro Tem Domenech - Absent, MOTION CARRIED)*

- 1. File #031297 - Renewal of Mutual Aid Agreements Between the Alachua County Sheriff's Office and the Santa Fe Community College Police Department - (Strike "for a period of 2 years" in the recommendation).*
- 2. File #031310 - Contract for Public Relations Regarding Electrical Resource Issues - (Remove from the Consent Agenda and place on the Regular Agenda for discussion).*
- 3. File #031291- Award of Vehicle Towing And Storage Services Contract - (Remove from the Consent Agenda and place on the Regular Agenda for discussion).*

## CITY MANAGER, CONSENT AGENDA ITEMS

### **031290 Award of Bid for Evergreen Cemetery Grounds Maintenance (B)**

**RECOMMENDATION** *The City Commission: 1) award the contract for grounds maintenance at Evergreen Cemetery to Oasis Landscape Services, Inc. for a three-year period with the option of two one-year extensions; 2) authorize the City Manager or*

*designee to execute the contract; and 3) approve the issuance of a purchase order each of the three years of the contract in an amount not to exceed \$58,686.38, per fiscal year, subject to funding availability.*

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

**031292 Purchase of Emergency Call Boxes for SW 2nd Street Parking Garage (B)**

**RECOMMENDATION** *The City Commission approve the purchase of emergency call boxes for the SW 2nd Street Parking Garage from Telecom Engineering Consultants, Inc, at the GSA contract price of \$29,300.52.*

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

**031293 Tumblin Creek and Lake Alice Watershed Management Plan (B)**

**RECOMMENDATION** *The City Commission authorize the City Manager or designee to issue a purchase order not to exceed \$221,738 to Jones Edmunds and Associates, Inc., based on the scope of work dated May 11, 2004, as allowed under the existing contract for Water Resource Engineering Services.*

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

**031295 Edward Byrne State and Local Law Enforcement Assistance Grant -FY 2005 for Computer Crimes Unit, Victim Advocate Second Year Program, and Youth Violence Abatement Project Funding (NB)**

**RECOMMENDATION** *The City Commission authorize the City Manager to: 1) apply to the Edward Byrne Memorial State and Local Assistance Grant Program for \$92,125 in grant funds, and if awarded; 2) appropriate \$30,709 from the Federal Law Enforcement Contraband Fund Trust Fund for the match; and 3) execute the grant agreement and any other necessary documents.*

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

**031296 Automated External Defibrillator Grant Application (NB)**

**RECOMMENDATION** *The City Commission authorize the City Manager to apply to the Department of Health and Human Services for the Automated External Defibrillator grant, and if awarded, execute the grant agreement and any other necessary documents.*

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

**031297      Renewal of Mutual Aid Agreements Between the Alachua County Sheriff's Office and the Santa Fe Community College Police Department (B)**

**RECOMMENDATION**    *The City Commission authorize the City Manager to renew the Mutual Aid Agreements between the City of Gainesville Police Department and the Alachua County Sheriff's Office and the Santa Fe Community College Police Department.*

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

**031299      Agreement Between the School Board of Alachua County and the City of Gainesville for the School Resource Officer Program for the 2003/2004 School Year (B)**

**RECOMMENDATION**    *The City Commission authorize the City Manager to execute the Agreement between the School Board of Alachua County and the City of Gainesville for the School Resource Officer Program, for the period of October 1, 2003 to September 30, 2004.*

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

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

**031311      Settlement of Worker's Compensation Claim - Donald Brady (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 Mr. Brady, in the amount of \$202,500.*

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

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

**031280      HOUSING DISCRIMINATION COMPLAINTS: HUD CASE NO. 04-04-0814-8/6 CHARLES NELSON V. KENNEDY HOMES; HUD CASE NO. 04-04-0807-8/6 NOVELLA HOLMES V. KENNEDY HOMES; HUD CASE NO. 04-04-0806-8/6 TRENETTA WILLIAMS V. KENNEDY HOMES; HUD CASE NO. 04-04-0808-8/6 ANITA L. MOORE V. KENNEDY HOMES; HUD**

**CASE NO. 04-04-0809-8/6 MARY K. MARTIN V. KENNEDY HOMES; HUD CASE NO. 04-04-0810-8/6 MARIE LYONS V. KENNEDY HOMES; HUD CASE NO. 04-04-0811-8/6 ROBERTA BUGGS V. KENNEDY HOMES; HUD CASE NO. 04-04-0817-8/6 HEATHER JOHNSON V. KENNEDY HOMES; HUD CASE NO. 04-04-0813-8/6 MELVINA JOHNSON V. KENNEDY HOMES; HUD CASE NO. 04-04-0812-8/6 SANDRA JOHNSON v. KENNEDY HOMES; HUD CASE NO. 04-04-0791-8/6 OLIVIA D. JONES V. KENNEDY HOMES; HUD CASE NO. 04-04-0816-8/6 JUDY SPAN V. KENNEDY HOMES; HUD CASE NO. 04-04-0815-8/6 TREATHA D. WILLIAMS V. KENNEDY HOMES (B)**

**RECOMMENDATION** *The City Commission authorize the City Attorney to represent the City in Housing Discrimination Complaints HUD Case No. 04-04-0814-8/6 Charles Nelson v. Kennedy Homes; HUD Case No. 04-04-0807-8/6 Novella Holmes v. Kennedy Homes; HUD Case No. 04-04-0806-8/6 Trenetta Williams v. Kennedy Homes; HUD Case No. 04-04-0808-8/6 Anita L. Moore v. Kennedy Homes; HUD Case No. 04-04-0809-8/6 Mary K. Martin v. Kennedy Homes; HUD Case No. 04-04-0810-8/6 Marie Lyons v. Kennedy Homes; HUD Case No. 04-04-0811-8/6 Roberta Buggs v. Kennedy Homes; HUD Case No. 04-04-0817-8/6 Heather Johnson v. Kennedy Homes; HUD Case No. 04-04-0813-8/6 Melvina Johnson v. Kennedy Homes; HUD Case No. 04-04-0812-8/6 Sandra Johnson v. Kennedy Homes; HUD Case No. 04-04-0791-8/6 Olivia D. Jones v. Kennedy Homes; HUD Case No. 04-04-0816-8/6 Judy Span v. Kennedy Homes; HUD Case No. 04-04-0815-8/6 Treatha D. Williams v. Kennedy Homes.*

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

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

### **031277 City Commission Minutes (B)**

**RECOMMENDATION** *The City Commission approve the minutes of May 10, 2004, as circulated.*

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

### **031283 Resignation of James Argento from the Nature Centers Commission (B)**

**RECOMMENDATION** *The City Commission accept the resignation of Nature*

*Centers Commission member James Argento effective immediately.*

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

**031313 Resignation of Neil Rosin from the Pension Review Committee (B)**

**RECOMMENDATION** *The City Commission accept the resignation of Pension Review Committee member Neil Rosin effective immediately.*

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

**EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**

**COMMITTEE REPORTS, CONSENT AGENDA ITEMS**

**PERSONNEL & ORGANIZATIONAL STRUCTURE COMM, CONSENT**

**031300 Amendments to Article VII, Division 3, Chapter 2 of City Ordinance and Personnel Policy 24, Longevity (B)**

**RECOMMENDATION** *The City Commission approve Personnel Policy 24, Longevity, to be effective upon passage of the ordinance amendment, and authorize the Clerk of Commission to advertise the proposed ordinance amendment.*

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

**PUBLIC SAFETY COMMITTEE, CONSENT**

**031018 Handicap Parking and Roam Towing (NB)**

**RECOMMENDATION** *The City Commission 1) accept the committee's report to ask the Towing Advisory Board to look at the discussion of informal policies of the tow companies as it regards handicap towing, and further ask the Equal Opportunity Director to prepare letters to the tow companies informing them of federal and municipal regulations on the ADA accommodations, providing them with information on the heightened sensitivity to these issues; and 2) remove this item from the Public Safety Committee referral list.*

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

**031161 Gainesville Police Explorer Funding for State and National Competitions from Federal LECFTF (NB)**

**RECOMMENDATION** *The City Commission approve the appropriation and expenditure of an amount not to exceed \$1,500 from the Federal Law Enforcement Contraband Forfeiture Trust Fund for travel expenses for Police Explorer Post 917.*

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

**031251 Law Enforcement Digital Surveillance Equipment from Federal Law Enforcement Forfeiture Funds (NB)**

**RECOMMENDATION** *The City Commission approve the appropriation and expenditure of an amount not to exceed \$70,000 from the Federal Law Enforcement Contraband Trust Fund for purchase of digital covert surveillance equipment for the Gainesville Police Department's Special Investigations Division.*

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

**RECREATION AND CULTURAL AFFAIRS COMMITTEE, CONSENT**

**031102 Oversight Committee for Middle School After School Programs (NB)**

**RECOMMENDATION** *The City Commission approve the recommended composition of the Middle School Oversight Committee, as approved by the Recreation and Cultural Affairs Committee.*

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

**Passed The Consent Agenda**

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

**COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS**

**END OF CONSENT AGENDA**

## ADOPTION OF THE REGULAR AGENDA

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

(VOTE: 6-0, Mayor-Commissioner Pro Tem Domenech - Absent, MOTION CARRIED)

1. File # 040004 - New Item - City Manager Category - "Request to Initiate a Petition on Height Limits for Hospitals".

2. File # 040005 - New Item - Resolution - "A Resolution of the City Commission of the City of Gainesville, Florida rescinding Resolution No. 031227 of the City concerning Cox Communications".

## CHARTER OFFICER UPDATES

## CLERK OF THE COMMISSION

### 031279 Special Meeting/Workshops

**RECOMMENDATION** The City Commission: 1) schedule a special meeting on June 21, at 6:00pm for the Wal-Mart Super Center land use Petition # 57LUC-04 PB; and 2) a special meeting on July 19, at 6:00pm regarding affordable housing programs.

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

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

## CITY MANAGER

### 031301 ARTSREACH Exhibits (NB)

**RECOMMENDATION** The City Commission hear a brief presentation by Donna Born Drake, ARTSREACH Coordinator for the Department of Cultural Affairs.

**Heard**

### 031291 Award of Vehicle Towing and Storage Services Contract (B)



*City of Gainesville Police Chief Norm Botsford gave a presentation.*

*Chair Hanrahan recognized Gene Watson of Watson's Towing who spoke to the matter.*

**RECOMMENDATION** *The City Commission approve the award to University Towing and Transport, Inc. and authorize the City Manager or his designee to execute a three year contract with the option of three additional one year extensions.*

**A motion was made by Commissioner Braddy, seconded by Commissioner Bryant, that this matter be Continued for June 14, 2004. The motion carried by the following vote:**

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

**031302**

**Annexation of the Blues Creek Area (B)**

**RECOMMENDATION** *The City Commission: 1) receive the request for the annexation referendum; 2) make findings that the request contains the signatures of the property owners or authorized agents; 3) direct the City Manager to analyze the area; and 4) authorize the City Attorney to prepare and the Clerk of the Commission to advertise ordinances relating to the annexation referendum of the area.*

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

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

**031303**

**Approval of Staff Rankings, and Authorization to Negotiate and Execute a Contract for a Community Redevelopment Consultant (B)**

*City of Gainesville Community Development Director Tom Saunders and CRA Manager Karen Slevin gave presentations.*

*MOTION: 1) Approve 1, 2 and 3 in the recommendation; 2) include approval of the funding listing \$21,935 of the update for the existing area in the CPUH plan; 3) the expansion of the CPUH to SW 16th Avenue approve \$31,540; 4) approve \$24,000 for the preliminary and final plans for the CPUH expansion to SW 16th Avenue; and 5) approve further consideration for the SW 13th Street area and the NW 13th Street area, requesting staff to bring that back as part of the budget consideration for the Community Development Department.*

**RECOMMENDATION**

*proposals with HHI as the highest ranked; 2) authorize the City Manager or his designee to negotiate and execute a contract with HHI for the College Park/University Heights expansion blight findings; 3) authorize HHI to perform and recommend that the CRA authorize HHI to perform the CPUH plan update; and 4) provide staff direction on whether to proceed with the blight findings and plans for the two possible new districts.*

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

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

**031304 Interlocal Agreement With Alachua County for Distribution of Transportation Sales Tax (B)**

*City of Gainesville Public Works Director Teresa Scott gave a presentation.*

**RECOMMENDATION** *The City Commission approve the proposed Interlocal Agreement and authorize the Mayor and the Clerk of the Commission to execute the agreement.*

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

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

**040001 Amendments to Downtown Parking Garage Agreements (B)**

**RECOMMENDATION** *The City Commission: 1) Approve and authorize the Mayor to execute the First Amendment to the Interlocal Agreement Between Alachua County and the City of Gainesville Pertaining to the Judicial Complex; and 2) authorize the City Manager to execute the First Amendment to the License Agreement for Use of Parking Garage with Kenneth R. McGurn and Linda C. McGurn.*

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

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

**031305 Metropolitan Transportation Planning Organization (MTPO) (NB)**

*City of Gainesville Public Works Director Teresa Scott gave a presentation.*

**RECOMMENDATION** *The City Commission hear a report from staff regarding the May 26, 2004 meeting of the Metropolitan Transportation Planning Organization (MTPO).*

**Heard**

**040004 Request to Initiate a Petition on Height Limits for Hospitals (B)**

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

**RECOMMENDATION** *The City Commission initiate a comprehensive plan text amendment explicitly exempting hospitals from the Office District five story height limitation.*

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

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

**GENERAL MANAGER FOR UTILITIES****031310 Contract for Public Relations Regarding Electrical Resource Issues (NB)**

*Gainesville Regional Utilities (GRU) Assistant General Manager (AGM) for Strategic Planning Ed Regan gave a presentation.*

**RECOMMENDATION** *The City Commission: 1) authorize the General Manager, or his designee, to execute a two year contract with a one year extension option with Consensus Builders, Inc., for consulting and public outreach services regarding electrical resource issues, subject to the approval of the City Attorney as to form and legality; and 2) approve the issuance of purchase orders in amounts not-to -exceed \$45,000 per year, subject to the final appropriation of funds.*

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

**CITY ATTORNEY****CITY AUDITOR****EQUAL OPPORTUNITY DIRECTOR****031088 City Commission Equal Opportunity Objective and Internal Equal Opportunity/Diversity Plan (B)**

*City of Gainesville Equal Opportunity Director Jimmie Williams gave a presentation.*

**RECOMMENDATION** *The City Commission hear a presentation on the action items and internal plan.*

**Heard**

**COMMITTEE REPORTS (PULLED FROM CONSENT)****PUBLIC WORKS COMMITTEE****PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE****PUBLIC SAFETY COMMITTEE****030694 Trespass Towing Fees Referral (B)**

*City of Gainesville Police Captain Ray Weaver gave a presentation.*

*Chair Hanrahan recognized Gene Watson of Watson's Towing who spoke to the matter.*

*AMENDMENT MOTION: Approve the recommendation and have the City Attorney prepare an ordinance for the City Commission to consider.*

**RECOMMENDATION** *The City Commission approve the Public Safety Committee's recommendation to adopt an administrative fee of \$47 for cost recovery to process roam tow applications, as provided in the Towing Advisory Board discussions, 2) direct staff to work out the internal process of implementing, collecting and monitoring this fee, and 3) remove this item from the Public Safety Committee referral list.*

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

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

### **OUTSIDE AGENCIES**

#### **031306 Status Report from Combined Communications Center Executive Board (B)**

*City of Gainesville Police Chief Norm Botsford and Fire Chief Richard Williams gave presentations.*

*MOTION: Invite the Executive Board and also the Administrative Board to hold a series of facilitated meetings over the next two months, where problems experienced by each agency within the Combined Communications System, are aired and solutions are brainstormed; and to simultaneously direct the City Manager to have GPD and GFR develop at least two proposals to address the issues identified in the meetings referenced above and bring those proposals back to the City Commission.*

*Chair Hanrahan recognized Gabe Kaimowitz who spoke to the matter.*

**RECOMMENDATION** *The City Commission hear a report from the Mayor and staff concerning the Executive Board meeting.*

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

## **COMMUNITY REDEVELOPMENT AGENCY**

### **MEMBERS OF THE CITY COMMISSION**

#### **031278 Mayor Pegeen Hanrahan - Committee Assignments (B)**

*CITY COMMISSION COMMITTEE ASSIGNMENTS FOR 2004-2005*

*Audit and Finance Committee - Mayor Hanrahan, Chair and Mayor-Commissioner Pro Tem Domenech, Member*

*Community Development Committee - Commissioner Chestnut, Chair and Commissioner Lowe, Member*

*Equal Opportunity Committee - Commissioner Lowe, Chair and Commissioner Nielsen, Member*

*P & O Committee - Commissioner Chestnut, Chair and Commissioner Bryant, Member*

*Legislative Committee - Mayor Hanrahan, Chair and Mayor-Commissioner Pro Tem Domenech, Member*

*Public Safety Committee- Mayor-Commissioner Pro Tem Domenech, Chair and Commissioner Braddy, Member*

*Public Works Committee - Commissioner Nielsen, Chair and Mayor Hanrahan, Member*

*Recreation and Culture Committee - Commissioner Bryant, Chair and Mayor-Commissioner Pro Tem Domenech, Member*

*Regional Utilities Committee - Commissioner Braddy, Chair and Commissioner Bryant, Member*

#### *OUTSIDE APPOINTMENTS*

*Library Governing Board - Commissioner Lowe, Chair and Mayor Hanrahan, Member*

*NCF Regional Planning Council - Commissioner Chestnut, Chair; Commissioner Bryant and Commissioner Braddy, Members*

*Tourist Development Council - Commissioner Lowe*

#### *CITY/COUNTY PANELS*

*Mayor/Chair - Mayor Hanrahan*

*Local Government Committee - Sunset*

*Joint Communications Board - Mayor Hanrahan, Chair and Mayor-Commissioner Pro Tem Domenech, Member*

*Transportation Coordinating Committee - Mayor-Commissioner Pro Tem Domenech*

*County Visioning - Commissioner Lowe*

*Economic Development/University Committee (New Committee) - Commissioner Nielsen Chair, Mayor Hanrahan and Commissioner Braddy Members*

*Alachua Recreation Coordinating Council - Commissioner Bryant*

*Alachua Recreation Coordinating Committee - Commissioner Bryant*

*Alachua County League of Cities - Commissioner Chestnut*

*Alachua County School Concurrency - Mayor-Commissioner Pro Tem Domenech*

*Joint Water Policy Committee - Commissioner Lowe, Chair and Commissioner Braddy, Member*

**RECOMMENDATION** *The City Commission confirm the committee assignments.*

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

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

**RECESS - 4:38 PM**

**RECONVENE - 5:33 PM**

## **CITIZEN COMMENT**

### **Jeff McAdams**

*Fraternal Order of Police (FOP) appreciation for Mayor Hanrahan*

### **Gabe Kaimowitz**

- 1. Hearing impaired policy*
- 2. Fifth Avenue Arts Festival*
- 3. Discrimination*

### **Richard Selwach**

*Wetland problem at the airport*

*See following file #031019.*

**031019**

**Airport Stormwater Problems on Selwach Property (B)**

**RECOMMENDATION** *The City Commission hear a presentation from Richard Selwach, and place back-up submitted on file.*

**Placed on File**

**Emory Springfield**

*Candidate for the Alachua County Judgeship*

**Greg Norman**

*Ironwood Villages - Affordable Housing Issues*

**Beverly Thomas**

*Women for Wise Growth Field Trip*

**040006 Women for Wise Growth Field Trip (B)**

**RECOMMENDATION** *The City Commission hear a presentation from Women for Wise Growth Chair Beverly Thomas and place back-up submitted on file.*

**Placed on File**

**Nkwanda Jah**

*Fifth Avenue Arts Festival - Police action concerns.*

**COMMISSION COMMENTS (if time available)**

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

**Brownie and Junior Girl Scout Troop #661**

**PROCLAMATIONS/SPECIAL RECOGNITIONS**

**031281 Small Business Development Week - June 1-7, 2004 (B)**

**RECOMMENDATION** *City of Gainesville Acting Small Business Development Director Aleta Cozart and Gainesville Regional Utilities Senior Buyer Joann Dorval to accept the proclamation.*



Heard

**031282 National Law Enforcement Officers Memorial Day - May 28, 2004 (B)**

**RECOMMENDATION** *Gator Lodge 67 Fraternal Order of Police President Jeff McAdams and Gainesville Police Chief Norm Botsford to accept the proclamation.*

Heard

**040000 National Homeownership Week - June 4-11, 2004 (B)**

**RECOMMENDATION** *Alachua County Housing Coalition President Past President Gayle Sanders, President Deneace Joshua and HUD Representative William Wright to accept the proclamation.*

Heard

**CITIZEN COMMENT - (Continued)**

**Kevin Claney**

*Ironwood Villages - Affordable Housing Issues*

**Mark Ruiz**

*Ironwood Villages - Affordable Housing Issues*

**Zachary Hodges**

*Ironwood Villages - Affordable Housing Issues*

**PUBLIC HEARINGS**

**ADOPTION READING-ROLL CALL REQUIRED**

**030908 LAND USE CHANGE - ST. ELIZABETH'S GREEK ORTHODOX CHURCH (B)**

**Ordinance No. 0-04-37, Petition 19LUC-04PB**

**An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by changing the land use category of certain property recently annexed into the City from the Alachua County land use category of**

"INST (Institutional)" to the City of Gainesville future land use category of "Single-family (up to 8 units per acre); located at 5129 Northwest 53rd Avenue; providing a severability clause; providing a repealing clause; and providing an effective date.

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

**RECOMMENDATION** *The City Commission: 1) approve Petition No. 19LUC-04PB; and 2) adopt the proposed ordinance.*

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

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

**030909 REZONING - ST. ELIZABETH'S GREEK ORTHODOX CHURCH (B)**

**Ordinance No. 0-04-38, Petition No. 20ZON-04PB (Quasi-Judicial)**

**An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property recently annexed into the City from the Alachua County zoning category of "R-1a, single-family, low density (one to four dwelling units per acre)" to the City of Gainesville zoning category of "RSF-1: 3.5 units/acre single-family residential district"; located at 5129 Northwest 53rd Avenue; providing a severability clause; providing a repealing clause; and providing an effective date.**

**RECOMMENDATION** *The City Commission: 1) approve Petition No. 20ZON-04PB; and 2) adopt the proposed ordinance*

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

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

**030910 REZONING - VICINITY OF 3230 SW ARCHER ROAD (B)**

**Ordinance No. 0-04-39, Petition No. 21ZON-04PB (Quasi-Judicial)**

**An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property annexed into the City from the Alachua County zoning category of "BH, business, highway" to the City of Gainesville zoning category of "MU-1: 8-30 units/acre mixed use low intensity; located in the vicinity of 3230 S.W. Archer Road; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

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

**RECOMMENDATION** *The City Commission: 1) approve Petition No. 21ZON-04PB; and 2) adopt the proposed ordinance.*

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

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

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

### **030755 PLANNED DEVELOPMENT - NORTH FLORIDA REGIONAL MEDICAL CENTER (B)**

**Ordinance No. 0-04-27, Petition No. 160PDA-03PB**

**An Ordinance of the City of Gainesville, Florida; amending the Planned Development commonly known as "North Florida Regional Medical Center" located in the vicinity of 6500 Newberry Road; amending the Planned Unit Development previously approved by Alachua County and by adopting a PD Layout Plan map to allow for the placement of a telecommunication tower; adopting additional conditions and restrictions; providing for penalties; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*City of Gainesville Chief of Current Planning Lawrence Calderon gave a presentation.*

*Chair Hanrahan recognized Attorney for the Developer David Coffey who spoke to the matter.*

**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, Rick Bryant and Craig Lowe  
Absent: Tony Domenech

### **030761 LAND DEVELOPMENT CODE - UNIVERSITY HEIGHTS SPECIAL AREA PLAN (B)**

**Ordinance No. 0-04-36; Petition 172TCH-03 PB**

**An ordinance of the City of Gainesville, Florida, amending Appendix A of the Land Development Code, relating to the University Heights Special Area Plan; adding a required compliance section; deleting the idealized buildout map;**

adding a waiver from compliance section; deleting special use permit section; reducing the alley protection and width allowed; adding a 10-foot minimum height for the first story; adding new privacy obligations for building below grade; adding additional right-of-way protection; expanding the range of building materials allowed; strengthening and clarifying the sign regulations; adding provisions relating to mechanical equipment; deleting certain definitions; making minor changes to the Plan for clarification; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

*City of Gainesville Senior Planner Dom Nozzi, Planning Manager Ralph Hilliard and Community Development Director Tom Saunders gave presentations.*

*Chair Hanrahan recognized John Fleming of Tri-Mark Properties who spoke to the matter.*

*REVISION: Page 3, Line 4, beginning with "In granting a waiver" add the words "The City Manager, designee, or", appropriate reviewing board...*

**RECOMMENDATION** *The City Commission (1) approve Petition 172TCH-03 PB, and (2) adopt the proposed ordinance.*

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

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

## **030914 LAND DEVELOPMENT CODE - RH-1 AND RH-2 ZONING DISTRICTS (B)**

### **Ordinance No. 0-04-31; Petition 27TCH-04 PB**

**An ordinance of the City of Gainesville, Florida, amending the Land Development Code, relating to requirements for residential high density districts; amending section 30-55, establishing a 5-story height limit for the RH-1 (8-43 units/acre residential high density district) and RH-2 (8-100 units/acre residential high density district) and removing floor area ratios; making certain other minor modifications for clarification; providing that the height limitations established in this ordinance do not apply to developments receiving approval on or before the effective date of this ordinance if approval has not otherwise lapsed or become void; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

**RECOMMENDATION** *The City Commission (1) approve Petition 27TCH-04 PB and (2) adopt the proposed ordinance.*

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

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

**031184            2005 ELECTION DATES (B)**

**Ordinance No. 0-04-52**

**An ordinance of the City of Gainesville, Florida, setting March 29 as the date for the 2005 regular city election and April 19 as the date for the 2005 run-off election, if necessary; 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 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  
Absent: Tony Domenech

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

**RESOLUTIONS- ROLL CALL REQUIRED**

**031307            Resolution for a Joint Participation Agreement for Corridor Development Funds (B)**

**RECOMMENDATION**    *The City Commission adopt the Resolution authorizing the execution of a Joint Participation Agreement with the Florida Department of Transportation for Corridor Development Funds.*

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

**031308            Resolution to Amend Project Description of the Joint Participation Agreement for Urban Transit Capital Funds (B)**

**RECOMMENDATION**    *The City Commission adopt the Resolution authorizing amendment of Project Description for Urban Transit Capital Funds.*

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

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

**031312 Utility System Revenue Bond Resolution - Authorized Officer (B)**

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

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

**040005 A resolution of the City Commission of the City of Gainesville, Florida rescinding Resolution No. 031227 of the City Concerning Cox Communications (B)**

*Chair Hanrahan recognized Public Affairs Director for Cox Communications Rick Mulligan, Citizen Mark Goldstein and City of Gainesville Purchasing Manager Aleta Cozart who spoke to the matter.*

*AMENDMENT: Adopt the Resolution with the stipulation that there cannot be an appeal of the 2004 rate filings unless both the City and County agree.*

**A motion was made by Commissioner Nielsen, seconded by Commissioner Bryant, that this matter be Adopted (Resolution), as amended. The motion carried by the following vote:**

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

## **PLAN BOARD PETITIONS**

## **DEVELOPMENT REVIEW BOARD PETITIONS**

**031309 (Formal Quasi-Judicial Hearing) Design plat approval of Forest Creek Cluster Subdivision, for 28 lots on 10.3 acres more or less, having a density of 2.7 dwelling units per acre. Located at 3309 and 3425 Northwest 17th Street. (Petition 139SUB-03DB) (B)**

*INTRODUCTION OF MATTER BY STAFF:*

*City of Gainesville Planner Bedez Massey made introductions.*

*AFFECTED PARTY DETERMINATION:*

- 1. Scot Davis*
- 2. Mark Nelson*
- 3. Ewen Thomson*
- 4. Tim Strauser*
- 5. Nancy Lasseter*

*DISCLOSURE OF EX PARTE COMMUNICATIONS:*

*Commissioner Nielsen and Mayor Hanrahan disclosed ex parte communications.*

*SWEARING IN OF THE WITNESSES:*

*Executive Assistant to the City Commission Carolyn Watson swore in the Petitioner, Staff and the Affected Parties.*

*PETITIONER PRESENTATIONS:*

*Attorney for the Petitioner Jeff Braswell, Agent for the Petitioner Ralph Eng and Petitioner Richard Schackow gave presentations.*

*STAFF PRESENTATION:*

*City of Gainesville Planner Bedez Massey and Alachua County Environmental Protection (ACEP) Environmental Specialist Betty Levin gave presentations.*

*AFFECTED PARTY PRESENTATIONS:*

*The following affected parties gave testimony:*

- 1. Tim Strauser*
- 2. Ewen Thomson*
- 3. Scot Davis*
- 4. Nancy Lasseter - City Arborist Meg Neiderhoffer answered several questions from Ms. Lasseter.*
- 5. Mark Nelson*

*REBUTTAL (PETITIONER):*

*Attorney for the petitioner Jeff Braswell made rebuttal comments.*

*REBUTTAL (STAFF):*

*City of Gainesville Planning Manager Ralph Hilliard made rebuttal comments.*

*CLOSE OF PRESENTATION BY PETITIONER, STAFF AND AFFECTED PARTIES.**PUBLIC HEARING:*

*Chair Hanrahan recognized Citizen Monica Cooper, Robert Pearce and Sherry Swilley who spoke to the matter.*

*THE PUBLIC HEARING WAS CLOSED AT 10:03 PM*

*COMMISSION DELIBERATION:*

*City of Gainesville Planner Bedez Massey, Affected Party Mark Nelson, ACEP Senior*

*Environmental Specialist Betty Levin, Agent for the Petitioner Ralph Eng, Attorney for the Petitioner Jeff Braswell, City Planning Manager Ralph Hilliard, and City Fire Chief Richard Williams made comments.*

*MOTION: Approve the petition with staff conditions and petitioner conditions.*

**WAIVER OF RULES:**

*Commissioner Nielsen moved and Commissioner Chestnut seconded to waive the rules to extend the meeting until 11:15 PM.*

*(VOTE: 6-0, Mayor-Commissioner Pro Tem Domenech - Absent, MOTION CARRIED)*

*Chair Hanrahan recognized Affected Party Ewen Thomson and Rebecca Poppel of Randall's Land Clearing and Development who spoke to the matter.*

**RECOMMENDATION** *Development Review Board to City Commission -The City Commission approve Petition 139SUB-03DB with staff conditions and striking the Solid Waste Division comment on widening the cul-de-sac and modifying Planning Division Condition 4 to state that "the project engineer shall [delete word "oversee" and replace with the word "inspect"] the installation of the fence," and allowing the applicant to increase the width of Lot 28 to 64 feet, as requested by the abutting property owner. Vote 4-2.*

*Staff to Development Review Board - The Design Plat is approvable with staff conditions and recommendations.*

**A motion was made by Commissioner Braddy, seconded by Commissioner Chestnut, that this matter be Approved (Petition). The motion carried by the following vote:**

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

## **AGENDA AMENDMENT**

*Commissioner Braddy moved and Commissioner Nielsen seconded to continue two items (File #030762 and File #031242) to June 1, 2004 at 7:00 PM.*

*(VOTE: 6-0, Mayor-Commissioner Pro Tem Domenech - Absent, MOTION CARRIED)*

## **SCHEDULED EVENING AGENDA ITEMS**

## **UNFINISHED BUSINESS**

## **COMMISSION COMMENT**



## Commissioner Craig Lowe

*Cluster Subdivisions - See following file # 040007.*

### 040007 Cluster Subdivision Definitions and Criteria (B)

**RECOMMENDATION** *The City Commission refer the issue of cluster subdivisions to the Community Development Committee for their review in order to sharpen the distinction between cluster subdivisions and conventional subdivisions.*

**A motion was made by Commissioner Lowe, seconded by Commissioner Nielsen, that this matter be Referred to the Community Development Committee, due back on November 24, 2004. The motion carried by the following vote:**

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

## Commissioner Edward Braddy

### 040008 City Commission Committee Sunset and Addition (NB)

**RECOMMENDATION** *The City Commission amend the Rules of the City Commission to sunset the Local Government Committee and to add the Economic Development/University Community Committee.*

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

### 040009 Fifth Avenue Arts Festival/Gainesville Police Department Concerns (NB)

**RECOMMENDATION** *The City Commission refer the issue surrounding the Fifth Avenue Arts Festival recent police action to the Public Safety Committee for review and recommendations.*

**A motion was made by Commissioner Braddy, seconded by Commissioner Bryant, that this matter be Referred to the Public Safety Committee, due back on November 24, 2004. The motion carried by the following vote:**

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

**CITIZEN COMMENT**

*There were no citizens who wished to speak at this time.*

**RECESS - 11:14 PM - The continuation of this meeting will be held Tuesday, June 1, 2004 at 7:00 PM.**

**RECONVENE - June 1, 2004; 7:01 PM**

**030762 Update the Central City District (CCD) based on the Comprehensive Plan, remove redundancy and inconsistency with the Traditional City, and correct glitches (Petition 173TCH-03 PB). (B)**

*NOTE: This item was continued to June 1, 2004 at 7:00 PM.*

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

*AMENDMENTS: 1) Move Emergency Shelters to Special Use Permit; 2) First floor retail or service- require only on main pedestrian streets (staff: on "A" streets or other primary streets as determined by staff); and 3) delete limited automotive services.*

**RECOMMENDATION** *City Plan Board to City Commission - The City Commission approve Petition 173TCH-03 PB. Plan Board vote 5-0.*

*Staff to Plan Board - Approve*

**A motion was made by Commissioner Lowe, seconded by Commissioner Nielsen, that this matter be Approved as Amended (Petition). The motion carried by the following vote:**

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

**031242 Appeal of Denial by Historic Preservation Board of Certificate of Appropriateness for Wall at 207 NE 7th Street (B)**

*NOTE: This item was continued to June 1, 2004 at 7:00 PM.*

*City of Gainesville Historic Preservation Planner Dee Henrichs and Community Development Director Tom Saunders gave presentations.*

*Chair Hanrahan recognized Attorney for Mrs. Holbrook Lloyd Vipperman, Historic Preservation Board Chair Dennis Egan, Historic Preservation Board Member Joan Gowan; and Citizens Gabriel Altman, Andrea Holbrook and Anthony Ackrill who*

*spoke to the matter.*

*MOTION: Deny the appeal (affirming the Historic Preservation Board's decision).*

**RECOMMENDATION** *The City Commission may affirm, amend or reverse the Historic Preservation Board's decision.*

**A motion was made by Commissioner Bryant, seconded by Commissioner Chestnut, that this matter be Denied (Appeal). The motion carried by the following vote:**

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

**ADJOURNMENT - June 1, 2004, 8:36 PM**

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Kurt M. Lannon, Clerk of the Commission