

City of Gainesville

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



Meeting Minutes

Monday, September 12, 2005

1:00 PM

City Hall Auditorium

City Commission

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

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

CALL TO ORDER - 1:03 PM**ROLL CALL**

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

INVOCATION

The City Commission observed a moment of silence.

NOMINATION OF AN INTERIM MAYOR-COMMISSIONER PRO TEM

*MOTION: Commissioner Bryant moved and Commissioner Donovan seconded to nominate Commissioner Warren Nielsen as Interim Mayor-Commissioner Pro Tem. There were no other nominations.
(VOTE: 4-0, Mayor Hanrahan, Commissioner Braddy and Commissioner Lowe - Absent, MOTION CARRIED)*

WELCOME OF NEW CITY MANAGER RUSS BLACKBURN

Chair Chestnut recognized Mr. Russ Blackburn and Mr. Blackburn made comments.

CONSENT AGENDA

*Commissioner Bryant moved and Commissioner Nielsen seconded to adopt the Consent Agenda with the following modifications.
(VOTE: 4-0, Mayor Hanrahan, Commissioner Braddy and Commissioner Lowe - Absent, MOTION CARRIED)*

MODIFICATIONS:

- 1. File #050286 - Homeless People using RTS Bus Shelters - (Pull from the Consent Agenda and place on the Regular Agenda for discussion).*
- 2. File # 050355 - Happy Hour Times in the City's Southwest Downtown Parking Garage - (Withdraw from the agenda).*

NOTE: Commissioner Braddy entered the meeting room at 1:05 PM.

CITY MANAGER, CONSENT AGENDA ITEMS

050321 Legal Office Expenses from State Law Enforcement Contraband Forfeiture Trust Fund for FY 2005 2006 (NB)

RECOMMENDATION *The City Commission authorize the Gainesville Police Department to appropriate \$10,000 from the State Forfeiture Fund balance account (108-2710) into line item 108-810-H105-5210-3910.*

This Matter was Approved as Recommended on the Consent Agenda.

050348 First Extension of the Ironwood Grounds Maintenance Agreement (NB)

RECOMMENDATION *The City Commission approve the first one-year extension to the contract with OneSource Landscape and Golf Services, Inc. for grounds maintenance at Ironwood Golf Course in the amount of \$486,342.28 for the period of October 1, 2005 through September 30, 2006.*

This Matter was Approved as Recommended on the Consent Agenda.

050349 Bid Award for the Renovation of an ADA Restroom for Fire Station # 7 and a 430 Square Foot Addition that Includes an ADA Restroom, an Extra Bedroom, and a Weight Room (B)

RECOMMENDATION *The City Commission award the issuance of a Purchase Order to Oelrich Construction, Inc. in an amount not to exceed \$138,050 that includes a 10% contingency for the renovation of ADA restrooms for Fire Station # 7 and the 430 square foot addition.*

This Matter was Approved as Recommended on the Consent Agenda.

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050350 Contract Extension for the Procurement of Automotive and Equipment Parts and Supplies (B)

RECOMMENDATION *The City Commission: 1) approve the extension of the current contract with Genuine Auto Parts d/b/a NAPA Auto Parts for a period of one-year; and 2) authorize the City Manager or designee to execute the contract extension.*

This Matter was Approved as Recommended on the Consent Agenda.

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050351 Contract Extension for Tire Repair, Balancing & Alignment Services (B)

RECOMMENDATION *The City Commission: 1) approve the extension of the current contract with Town Tire for a period of one year; and 2) authorize the City Manager or designee to execute the contract extension.*

This Matter was Approved as Recommended on the Consent Agenda.

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050352

Contract Award for Provision of Industrial Hose and Fittings to Regional Transit System (B)

RECOMMENDATION *The City Commission: 1) approve the award of the bid to Trident Supply Company to provide industrial hose and fittings to the Regional Transit System; and 2) authorize the City Manager or designee to execute the initial one-year contract and any subsequent annual extensions.*

This Matter was Approved as Recommended on the Consent Agenda.

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050353

Transit Development Plan Final Approval (B)

RECOMMENDATION *The City Commission approve the plan for FY 2006-2010.*

This Matter was Approved as Recommended on the Consent Agenda.

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050354**City-County Traffic Engineering Services Agreement for FY 2006 (B)****RECOMMENDATION**

The City Commission authorize the City Manager or designee to execute the Traffic Engineering Services Agreement between the City and Alachua County for the period of October 1, 2005 to September 30, 2006, subject to approval from the City Attorney as to form and legality.

This Matter was Approved as Recommended on the Consent Agenda.

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RECOMMENDATION

The City Commission establish the hours for happy hour for an establishment leasing space in the Southwest Downtown Parking Garage to begin at 4:00 p.m. and end at 10:00 p.m.

Withdrawn

050356**Approval of Contract and Purchase Order to Purchase the Voyles Building (NB)****RECOMMENDATION**

The City Commission: 1) authorize the issuance of a purchase order to James W. and Anne H. Voyles, Gainesville, FL in the amount of \$640,000 for the purchase of the Voyle's Building located at 761 NW 5th Street; and 2) authorize the

City Manager or designee to execute the contract and any other necessary documents, subject to the approval of the City Attorney as to form and legality.

This Matter was Approved as Recommended on the Consent Agenda.

050357 Ratification of Agreement to amend the North Central Florida Police Benevolent Association, Inc. (PBA) contract for October 1, 2005 through September 30, 2008. (NB)

RECOMMENDATION *The City Commission ratify the Agreement between the North Central Florida Police Benevolent Association, Inc. and the City of Gainesville, extending the period of coverage through September 30, 2008.*

This Matter was Approved as Recommended on the Consent Agenda.

050358 Agreement Between the City of Gainesville and Alachua County for a Victim Advocate from the Department of Justice, Office on Violence Against Women Grant (B)

RECOMMENDATION *The City Commission 1) authorize the City Manager to execute the contract for services agreement with Alachua County and any other necessary documents, pending review by the City Attorney as to form and legality; and 2) authorize the issuance of a purchase order to Alachua County in the amount of \$43,200.*

This Matter was Approved as Recommended on the Consent Agenda.

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050359 Mounted Patrol Unit FY 2005-2006 Funding from Federal Law Enforcement Contraband Forfeiture Trust Fund (B)

RECOMMENDATION *The City Commission approve the appropriation of \$45,160 from the Federal Law Enforcement Contraband Forfeiture Trust Fund for the operation of the Mounted Patrol Unit.*

This Matter was Approved as Recommended on the Consent Agenda.

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050360 Fee Schedule to Process Pay-off Requests, Mortgage Satisfactions and Loan

Subordinations for Housing Division Programs (NB)

RECOMMENDATION *The City Commission authorize the City Manager or designee to charge the following fees: 1) loan subordination with cash out (\$250); 2) loan subordinations with no cash out (\$150); and 3) payoff request (\$10).*

This Matter was Approved as Recommended on the Consent Agenda.

050361**Revisions to Local Housing Assistance Plan and Housing Program Recapture Provisions (State Fiscal Years 2003-2005) (NB)**

RECOMMENDATION *The City Commission: 1) approve changing recapture provisions for all City Housing programs to a 10-year due on sale loan forgivable at the end of the compliance period; 2) authorize the City Manager or designee to revise the City of Gainesville 2003-2005 Local Housing Assistance Plan to reflect the change in recapture provisions; 3) adopt the 2003-2005 Local Housing Assistance Plan as revised; 4) authorize use of the standard Cedar Grove II mortgage, note and other housing program documents for all City housing programs to perfect the City's claim, subject to City Attorney approval; and 5) authorize the submission of the revised 2003-2005 Local Housing Assistance Plan for review and approval by the Florida Housing Finance Corporation.*

This Matter was Approved as Recommended on the Consent Agenda.

050362**Purchase and Sale Agreement from J.A. Beguiristain Holdings, Inc. for Lot 22 in the Airport Industrial Park (B)**

RECOMMENDATION *The City Commission: 1) approve the attached real estate contract for the purchase of Lot 22 in the Airport Industrial Park; 2) authorize the City Manager to sign the contract which has been approved by the City Attorney as to form and legality; and 3) authorize the Mayor and Clerk of Commission to execute the closing documents.*

This Matter was Approved as Recommended on the Consent Agenda.

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GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

050379**Purchase Order for Steel Pipe (B)**

RECOMMENDATION *The City Commission authorize the issuance of a purchase order to McJunkin Corporation for the purchase and delivery of 3840' of Grade B Fusion Bond Coated Steel Pipe in an amount not to exceed \$51,820.00.*

This Matter was Approved as Recommended on the Consent Agenda.

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050380**Purchase Order for Cured-In-Place Pipe Installation Gravity Sanitary Sewer Rehabilitation (B)**

RECOMMENDATION *The City Commission authorize the General Manager, or his designee, to issue a purchase order to Insituform Technologies, Inc. for installation of Cured-In-Place Pipe (CIPP) lining to rehabilitate 8 and 10-inch diameter gravity sanitary sewers in an amount not to exceed \$122,035.*

This Matter was Approved as Recommended on the Consent Agenda.

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050381**Approval of a Contract for Janitorial Services (NB)**

RECOMMENDATION *The City Commission: 1) authorize the General Manager, or his designee, to execute a three year contract with the Association of Retarded Citizens of Alachua County, Inc. (ARC) for janitorial services, subject to the approval of the City Attorney as to form and legality; and 2) approve the issuance of a purchase order to the Association of Retarded Citizens of Alachua County, Inc. in an amount not to exceed \$163,400 for FY06 and purchase orders in amounts not exceeding budgeted amounts for FY07 and FY08, subject to the appropriation of funds for these services.*

This Matter was Approved as Recommended on the Consent Agenda.

050382**Quit-Claim Deed to Angus and Terrie Rimes (B)**

RECOMMENDATION *The City Commission: 1) Authorize the Mayor to execute a Quit-Claim Deed to Angus and Terrie Rimes relinquishing the City's interest in a parcel land located at Route 2 Box 714, Lake Butler, FL, subject to approval by the City Attorney as to*

form and legality.

This Matter was Approved as Recommended on the Consent Agenda.

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CITY ATTORNEY, CONSENT AGENDA ITEMS**050368**

CITY OF GAINESVILLE V. ED CRAPO AS PROPERTY APPRAISER FOR ALACHUA COUNTY, ET AL. CASE NOS. 01-03-CA-4664 AND 01-04-CA-4560 (B)

RECOMMENDATION *The City Commission authorize the City Attorney to proceed with the appeal in this lawsuit.*

This Matter was Approved as Recommended on the Consent Agenda.

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050369

AMENDMENT TO OPEN CONTAINER ORDINANCE (B)

RECOMMENDATION *The City Commission authorize the City Attorney to prepare, and the Clerk of the Commission to advertise, an amendment to the open container ordinance which effectuates the intent of F.S. §564.09.*

This Matter was Approved as Recommended on the Consent Agenda.

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CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS**050323**

City Commission Minutes (B)

RECOMMENDATION *The City Commission approve the minutes of July 28, 2005; July 29, 2005; August 1, 2005; August 3, 2005 (Special Meetings); August 8, 2005 (Regular Meeting); August 9, 2005; August 11, 2005; August 15, 2005 (Special Meetings); and August 22, 2005 (Regular Meeting); as circulated.*

This Matter was Approved as Recommended on the Consent Agenda.

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EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS**PUBLIC SAFETY COMMITTEE, CONSENT****050225 Special Weapons and Tactics Team Equipment Upgrades from Federal Law Enforcement Contraband Forfeiture Trust Funds (NB)**

RECOMMENDATION *The City Commission approve the appropriation and expenditure of an amount not to exceed \$43,750 and the issuance of a purchase order to SRT Supply, St. Petersburg, Florida from the Federal Law Enforcement Contraband Trust Fund, for law enforcement equipment upgrades.*

This Matter was Approved as Recommended on the Consent Agenda.

050252 Federal Law Enforcement Contraband Forfeiture Trust Fund Funding for Joint Aviation Unit for FY 2005 2006 (B)

RECOMMENDATION *The City Commission approve the appropriation of \$81,863 from the Federal Law Enforcement Contraband Forfeiture Trust Fund for the operation of the Joint Aviation Unit.*

This Matter was Approved as Recommended on the Consent Agenda.

Aviation 05-06 budget attachment.xls
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AUDIT & FINANCE COMMITTEE, CONSENT**040291 Reserve Funds Policies (B)**

RECOMMENDATION *The City Commission approve these policies.*

This Matter was Approved as Recommended on the Consent Agenda.

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050334 Fiscal Year 2005 Operating Funds Quarterly Monitoring Report - Quarter Ending June 30, 2005 (B)

RECOMMENDATION *The City Commission receive the quarterly budget monitoring report for the quarter ended June 30, 2005.*

This Matter was Approved as Recommended on the Consent Agenda.

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050335

GRU Quarterly Financial Report (B)

RECOMMENDATION *The City Commission receive the GRU Quarterly Financial Report as of June 30, 2005.*

This Matter was Approved as Recommended on the Consent Agenda.

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050336

Review of Internet Access (B)

RECOMMENDATION *The Audit and Finance Committee recommend that the City Commission: 1) Accept the City Auditor's report and the Interim City Manager's and General Manager's responses; and 2) instruct the City Auditor to conduct a follow-up review on recommendations made and report the results to the Audit and Finance Committee.*

This Matter was Approved as Recommended on the Consent Agenda.

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050337

Review of the Dissolution of United Gainesville Community Development Corporation (B)

RECOMMENDATION *The City Commission: 1) Accept the City Auditor's report; and 2) instruct the City Auditor to conduct a follow-up review on recommendations made and report the results to the Audit and Finance Committee.*

This Matter was Approved as Recommended on the Consent Agenda.

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050339

Financial Risk Management Discussion - Gainesville Regional Utilities (B)

RECOMMENDATION *The City Commission receive the GRU Financial Risk Management Discussion Report.*

This Matter was Approved as Recommended on the Consent Agenda.

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Passed The Consent Agenda

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

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

MOTION: Commissioner Bryant moved and Commissioner Nielsen seconded to adopt the regular agenda with the following modifications.

(VOTE: 5-0, Commissioner Lowe and Mayor Hanrahan - Absent, MOTION CARRIED)

MODIFICATIONS:

1. File #050298 - Update on Informal Negotiations for Modification of the Urban Reserve Area - (Back-up submitted).

2. File #050393 - Team Report - (New item submitted under the City Manager category).

3. File #050385 - Mayor Pegeen Hanrahan - Scheduling and Protocols - (Withdraw from the agenda).

4. File #050394 - Commissioner Edward Braddy - Operation Teddy Bear - (New Item - add to the agenda for discussion).

NOTE: Commissioner Lowe entered the meeting room at 1:08 PM.

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

050375

National League of Cities Meeting (B)

MOTION: Appoint Commissioner Lowe as the voting delegate and Commissioner Chestnut as the alternate voting delegate for the National League of Cities Meeting.

RECOMMENDATION *The City Commission appoint a voting delegate and alternates as appropriate.*

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

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

Absent: Pegeen Hanrahan

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050376

City Commission Meetings (NB)

NOTE: The Special City Commission Meeting for September 13, 2005 was cancelled without objection.

FIRST MOTION: Commissioner Donovan moved and Commissioner Nielsen seconded to schedule a Special City Commission meeting with the University of Florida Student Senate for September 20, 2005 @ 6:00 PM at the UF Reitz Union. (VOTE: 6-0, Mayor Hanrahan - Absent, MOTION CARRIED)

SECOND MOTION: Commissioner Donovan moved and Commissioner Braddy seconded to schedule a Joint City/Alachua County Commission Meeting - Homelessness Ten Year Plan for December 15, 2005 @ 6:00 PM - Jack Durrance Auditorium. (VOTE: 6-0, Mayor Hanrahan - Absent, MOTION CARRIED)

RECOMMENDATION *The City Commission schedule meetings as follows:*

*City Commission Meeting - University of Florida Student Senate;
September 20 @ 6:00 pm or September 27 @ 6:00 pm - U of F Reitz Union*

Joint City/Alachua County Commission Meeting - Homelessness Ten Year Plan; December 15 @ 6:00 pm - Jack Durrance Auditorium

Approved, as shown above

CITY MANAGER

050363 ARTSREACH Exhibits (NB)

ARTSREACH Coordinator Donna Born Drake gave a presentation.

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

Heard

050364 Proposed Fall 2005 Bond Issue (NB)

Interim Administrative Services Director Mark Benton and Police Chief Norm Botsford gave presentations.

Chair Pro Tem Chestnut recognized Walter Willard who spoke to the matter.

ADDITIONAL MOTION (REFERRAL): Commissioner Donovan moved and

Commissioner Lowe seconded to refer the Homeless issue to the Public Safety Committee and the Economic Development University Community Committee to look at immediate and short term response to the homeless for the coming winter - See following item # 050400.

RECOMMENDATION

The City Commission: 1) hear a presentation from staff on the proposed bond issue; 2) determine the issue size and project categories to be incorporated in the borrowing; and 3) authorize the City Manager, Administrative Services Director, and Finance Director to retain the required professional services and to take other actions necessary to implement this issue.

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

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

050400

Homeless Issues (NB)

Note this was a dual referral and was placed on the Public Safety Committee and Economic Development University Community Committee's Referral Lists.

RECOMMENDATION

The City Commission refer the issue of immediate and short term responses for the homeless for the coming winter to the Public Safety and the Economic Development University Community Committee.

A motion was made by Commissioner Donovan, seconded by Commissioner Lowe, that this matter be Referred to the Public Safety Committee, due back on March 12, 2006. The motion carried by the following vote:

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

050298

Update on Informal Negotiations for Modification of Urban Reserve Area (NB)

Office of Management and Budget Director Becky Rountree gave a presentation.

Assistant County Manager Mark Hill made comments.

MOTION (REFERRAL): Commissioner Lowe moved and Commissioner Nielsen seconded to refer the joint planning issues to the Community Development Committee.

(VOTE: 6-0, Mayor Hanrahan - Absent, MOTION CARRIED)

ADDITIONAL MOTION: Commissioner Donovan moved and Commissioner Nielsen seconded to endorse staff's work and continue to move forward with the negotiations. (VOTE: 6-0, Mayor Hanrahan - Absent, MOTION CARRIED)

Chair Pro Tem Chestnut recognized Walter Willard, Thomas Gorman, Danielle Judd and Virginia Johns who spoke to the matter.

RECOMMENDATION *The City Commission: 1) hear an update from staff on the informal negotiations with the affected municipalities and the County; and 2) if determined, take any action deemed necessary.*

A motion was made by Commissioner Lowe, seconded by Commissioner Nielsen, that this matter be Referred to the Community Development Committee, due back on March 12, 2006. The motion carried by the following vote:

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

Absent: Pegeen Hanrahan

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WAIVER OF RULES

Commissioner Bryant moved and Commissioner Nielsen seconded to waive the rules to hear File #050373 - Early Voting before File #050383 Compliance with new USEPA Air Emission Requirements.

(VOTE: 5-0, Commissioner Donovan and Mayor Hanrahan - Absent, MOTION CARRIED)

CITY ATTORNEY

050373

EARLY VOTING (B)

City Litigation Attorney Elizabeth Waratuke gave a presentation.

Supervisor of Elections Pam Carpenter made comments.

RECOMMENDATION *The City Commission decide whether to provide for early voting in municipal elections, and, if provided for, authorize the City Attorney to draft, and the Clerk of the Commission to advertise the proposed ordinance.*

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

Votes: Aye: Warren Nielsen, Chuck Chestnut, Edward Braddy, Rick Bryant, Craig Lowe and Jack Donovan
Absent: Pegeen Hanrahan
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CITY MANAGER - (Continued)

050286

Homeless People Using RTS Bus Shelters Policy (NB)

RTS Operations Manager Jesus Gomez gave a presentation.

RECOMMENDATION *The City Commission approve modification of the bus shelter trespass language and remove this item from the referral list.*

No Action Taken

050393

TEAM REPORT (NB)

CDBG Program Assistant Kathi Martin and City Attorney Marion Radson gave presentations.

Chair Pro Tem Chestnut recognized Walter Willard who spoke to the matter.

MOTION: Support conceptually a Sister City Program.

RECOMMENDATION *The City Commission hear a preliminary report from T.E.A.M. (The Employee Action Motivators) on the adoption of a Sister City Program to offer aid and assistance by the City and its employees in response to the disaster caused by Hurricane Katrina.*

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

050394

Commissioner Edward Braddy - Operation Teddy Bear (NB)

NOTE: Commissioner Braddy presented this item during the Team Report regarding the new Sister Cities Program.

RECOMMENDATION *The City Commission discuss "Operation Teddy Bear".*

Heard

GENERAL MANAGER FOR UTILITIES

050383

Compliance with new USEPA air emission requirements (B)

GRU Assistant General Manager for Strategic Planning Ed Regan gave a presentation.

RECOMMENDATION

The City Commission receive a status report from staff on the project to modify Deerhaven 2 to meet the 2005 Clean Air Interstate Rule (CAIR) and the Clean Air Mercury Rule (CAMR).

Heard

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CITY ATTORNEY

050389

BOARD OF ADJUSTMENT (B)

City Litigation Attorney Elizabeth Waratuke gave a presentation.

Chair Pro Tem Chestnut recognized Citizens Jasmi Judge, Donna Lutz, Walter Willard and Jimmy Harnsberger who spoke to the matter.

MOTION: Refer to the Community Development Committee the Board of Adjustment's recent action and remove this item from the P & O Referral List.

Community Development Director Tom Saunders made comments.

RECOMMENDATION

The City Commission hear a report from the City Attorney.

A motion was made by Commissioner Braddy, seconded by Commissioner Lowe, that this matter be Referred to the Community Development Committee, due back on September 15, 2005. The motion carried by the following vote:

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

Absent: Pegeen Hanrahan

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CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

RECOMMENDATION

The City Commission hear a presentation from Vanessa Anthony.

Withdrawn

MEMBERS OF THE CITY COMMISSION**050385 Mayor Pegeen Hanrahan - Scheduling and Protocols (B)**

RECOMMENDATION *The City Commission discuss meeting scheduling and protocols.*

Withdrawn

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COMMISSION COMMENTS (if time available)**RECESS - 5:35 PM****RECONVENE - 5:50 PM****CITIZEN COMMENT****Laura Kalt**

Chrysalis Community - Request for \$1,381.50 Co-Sponsorship instead of the original \$500.00 request. Note: Related to File #050330.

Walter Willard

- 1. Resolutions*
- 2. Board of Adjustment*

Ralph Dunn

Palm Terrace - Banana Planet/Board of Adjustment

Gary Ihas

Banana Planet/Board of Adjustment

Fay Eng

Palm Terrace - Banana Planet/Board of Adjustment

COMMISSION COMMENTS (if time available)

PLEDGE OF ALLEGIANCE (6:00pm)**PROCLAMATIONS/SPECIAL RECOGNITIONS****050377****Mr. Paper Business Office Supply Appreciation Day 2005 - September 12, 2005
(B)****RECOMMENDATION** *Mr. Paper Office Supply President Mr. Shane Roach to accept the proclamation.***Heard**

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PUBLIC HEARINGS**NOTE: THESE RESOLUTIONS TO BE HEARD AS CLOSE TO 6:00 PM AS POSSIBLE.****050370****PROPOSED MILLAGE RATE - FY 2006(B)****A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA; RELATING TO THE LEVY OF GENERAL MUNICIPAL PURPOSE AD VALOREM TAXES FOR THE 2005-2006 FISCAL YEAR; ESTABLISHING A PROPOSED MILLAGE RATE; SETTING A PUBLIC HEARING; PROVIDING FOR THE PUBLICATION OF NOTICE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.***Office of Management and Budget (OMB) Director Becky Rountree gave a presentation.**FIRST MOTION: Commissioner Bryant moved and Commissioner Braddy seconded to lower the millage rate to 4.9.**(VOTE: 2-4, Commissioners Bryant and Braddy - Yes; and Commissioners Lowe, Donovan Nielsen, Mayor Pro Tem Chestnut - No; Mayor Hanrahan - Absent, MOTION FAILED)**SECOND MOTION (MAIN MOTION): Adopt the resolution.***RECOMMENDATION** *The City Commission adopt the proposed resolution.***A motion was made by Commissioner Lowe, seconded by Commissioner Nielsen, that this matter be Adopted (Resolution). The motion carried by the following vote:**

Votes: Aye: Warren Nielsen, Chuck Chestnut, Craig Lowe and Jack Donovan
Nay: Edward Braddy and Rick Bryant
Absent: Pegeen Hanrahan
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050371**GENERAL GOVERNMENT BUDGET - FY 2006 (B)**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA; RELATING TO ITS GENERAL GOVERNMENT BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2005 AND ENDING SEPTEMBER 30, 2006; ADOPTING AN AMENDED TENTATIVE GENERAL OPERATING AND FINANCIAL PLAN BUDGET; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Office of Management and Budget (OMB) Director Becky Rountree gave a presentation.

Chair Pro Tem Chestnut recognized Walter Willard who spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed resolution.*

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

Votes: Aye: Warren Nielsen, Chuck Chestnut, Craig Lowe and Jack Donovan
Nay: Edward Braddy and Rick Bryant
Absent: Pegeen Hanrahan
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050372**GAINESVILLE REGIONAL UTILITIES BUDGET - FY 2006 (B)**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA, RELATING TO THE BUDGET FOR THE CITY OF GAINESVILLE REGIONAL UTILITIES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2005, AND ENDING SEPTEMBER 30, 2006; PROJECTING REVENUES AND ADOPTING A BUDGET TO PAY FOR PERSONAL SERVICES EXPENSES, OPERATING AND MAINTENANCE EXPENSES AND OTHER EXPENSES, FOR CAPITAL OUTLAY, AND FOR DEBT SERVICE REQUIREMENTS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE

Chair Pro Tem Chestnut recognized Tom Cunilio who spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed resolution.*

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

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

Absent: Pegeen Hanrahan

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CITIZEN COMMENT - (Continued)

Jimmy Harnsbarger

Palm Terrace - Banana Planet/Board of Adjustment

Sylvia Crook

Palm Terrace/Elizabeth Place - Banana Planet/Board of Adjustment

Judy Breiner

Elizabeth Place - Banana Planet/Board of Adjustment

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

050374

APPENDIX A - UTILITIES - WATER RATES (B)

Ordinance No. 0-05-84

An Ordinance amending Appendix A, Section UTILITIES (3) Water, Gainesville Code of Ordinances; By Increasing Water Base Rates, Customer Charges and Water Connection Charges; Providing for a Repealing Clause; Providing for a Severability Clause; and, Providing an Effective Date in Accordance with the Schedule Provided Herein.

RECOMMENDATION

The City Commission adopt the proposed ordinance, as amended.

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

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

Absent: Pegeen Hanrahan

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050326**APPENDIX A - UTILITIES - WASTEWATER RATES (B)****Ordinance No. 0-05-85**

An Ordinance amending Appendix A, Section UTILITIES (4) Sewerage, Gainesville Code of Ordinances; By Increasing Wastewater Base Rates, Customer Charges and Wastewater Connection Charges; Providing for a Repealing Clause; Providing for a Severability Clause; and, Providing an Effective Date in Accordance with the Schedule Provided Herein.

Chair Pro Tem Chestnut recognized Walter Willard and Tom Cunilio who spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

Absent: Pegeen Hanrahan

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050327**APPENDIX A - UTILITIES - ELECTRIC RATES (B)****Ordinance No. 0-05-86**

An Ordinance amending Appendix A, Section UTILITIES (1) Electricity, Gainesville Code of Ordinances; By Increasing Electric Base Rates and Customer Charges; Providing for a Repealing Clause; Providing for a Severability Clause; and, Providing an Effective Date in Accordance with the Schedule Provided Herein.

Chair Pro Tem Chestnut recognized Walter Willard who spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

Votes: Aye: Warren Nielsen, Chuck Chestnut, Rick Bryant, Craig Lowe and Jack Donovan

Nay: Edward Braddy

Absent: Pegeen Hanrahan

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050328**CHAPTER 27 - UTILITIES - NATURAL GAS SURCHARGE (B)**

Ordinance No. 0-05-87

An Ordinance Creating Section 27-272.1 of Chapter 27, UTILITIES Article VI. Natural Gas, Gainesville Code Of Ordinances; By Establishing A Surcharge to Base Rates to Customers Outside the Corporate Limits of the City of Gainesville Equal To The Amount Of The City Utility Tax Charged to Consumers Inside The City Limits; Providing for a Repealing Clause; Providing for a Severability Clause; and, Providing an Effective Date in Accordance with the Schedule Provided Herein.

Chair Pro Tem Chestnut recognized Walter Willard and Tom Cunilio who spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

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050120**APPENDIX A OF THE CODE OF ORDINANCES - INCREASE OF FEES (B)****Ordinance No. 0-05-88**

An ordinance of the City of Gainesville, Florida, amending the City of Gainesville Land Code of Ordinances, relating to fees; removing fees to Appendix A from section 6-187, certificates for journeymen; section 14.5-63, application for license; application fee, consent by applicant (adult performance and escort services); section 14.5-67, annual license fee for adult performance; section 14.5-69, name change for an adult performance or escort service business; section 14.5-93, application fee and application for escort license fee; section 14.5-96, annual license fee; section 23-105, registration required for communications facilities or other wire line occupants of public rights-of-way; section 27-80, franchise fees; and section 28-5, duration of franchise, annual reports, fees; amending Appendix A to include fees stated in the above-referenced sections of Code and to increase fees in Appendix A by approximately 5% (rounded to the next quarter) except fees related to the category of utilities, home occupational permit, and fire rescue and the subcategories of special building inspection and trespass towing fees; amending section 23-105, repealing obsolete sections of Code relating to fees; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Office of Management and Budget Director Becky Rountree gave a presentation.

Chair Pro Tem Chestnut recognized Walter Willard who spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

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050314

NON-AD VALOREM ASSESSMENT FOR SOLID WASTE MANAGEMENT (B)

Ordinance No. 0-05-83

An ordinance of the City of Gainesville, Florida, providing consent for the entire corporate limits of the City of Gainesville, Florida to be included in a non-ad valorem assessment for a municipal service benefit unit created by Alachua County for the provision of solid waste management costs; providing conditions for the consent; providing that the consent is for a one year period; and providing an effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

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050075

STREET VACATION - PORTION OF S.E. 12TH STREET (B)

Ordinance No. 0-05-80, Petition No. 168SVA-04PB

An ordinance of the City of Gainesville, Florida, to vacate, abandon and close a certain portion of the right-of-way located in the vicinity of Southeast 12th Street between Southeast 2nd Avenue and Southeast 4th Avenue, as more specifically described in this ordinance; reserving a public utilities easement; 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 Donovan, seconded by Commissioner Lowe, that this matter be Adopted on First Reading (Ordinance). The motion carried by the following vote:

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

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050297

URBAN SERVICES REPORT - BEVILLE-KING PARCELS (B)

Ordinance No. 0-05-82

An Ordinance of the City of Gainesville, Florida; adopting an Urban Services Report which sets forth the plans to provide urban services to an area comprised of Tax Parcels 06706-001-000 through 06706-018-000, 06706-031-000 through 06706-034-000, 06714-000-000, and a portion of 06715-000-000, located generally south of the city limits, west of SW 34th Street and the city limits, north of the vicinity of SW 20th Avenue and east of Tax Parcel 06724-000-000; the area is proposed for annexation by the City of Gainesville pursuant to Chapter 90-496, Special Acts, Laws of Florida, as amended, known as the Alachua County Boundary Adjustment Act; providing directions to the City Manager, the City Attorney and the Clerk of the Commission; providing a repealing clause; providing a severability clause; and providing an immediate effective date.

City Strategic Planner Karen Snyder and Community Development Director Tom Saunders gave presentations.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

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ORDINANCES, 2ND READING- ROLL CALL REQUIRED

031014

LAND DEVELOPMENT CODE AMENDMENT - ESTABLISHING THE SPECIAL ENVIRONMENTAL CONCERN AREA REGULATIONS (B)

Ordinance No. 0-04-44; Petition 56TCH-04 PB

An ordinance of the City of Gainesville, Florida, amending the City of Gainesville Land Development Code, Chapter 30; creating a new section 30-207, entitled Special Environmental Concern Area; establishing overlay district regulations for a Special Environmental Concern Area; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

City Planning Manager Ralph Hilliard gave a presentation.

RECOMMENDATION *The City Commission adopt the proposed ordinance, as amended.*

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

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

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050308**ZONING MAP ATLAS AMENDMENT - IMPOSING THE SPECIAL ENVIRONMENTAL CONCERN AREA OVERLAY ON CERTAIN PROPERTY SURROUNDING THE CABOT CARBON/KOPPER'S SITE (B)****Ordinance No. 0-05-70**

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and imposing the Special Environmental Concern Area overlay on certain property commonly known as the Cabot Carbon/Kopper's site, and that certain area around this site located in the vicinity of NE 9th Street on the east, NW 35th Avenue on the north, NW 6th Street on the west, and NE 21st Avenue on the south, as more specifically described in this ordinance; providing directions to the City Manager; 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 Donovan, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:

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

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050076**LAND DEVELOPMENT CODE AMENDMENT - STORMWATER
MANAGEMENT REGULATIONS (B)****Ordinance No. 0-05-75; Petition 82TCH-05 PB**

An ordinance of the City of Gainesville, Florida, amending subsection (a) of section 30-311 of the Land Development Code, relating to violations, enforcement and penalties pertaining to stormwater management regulations; 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 Lowe, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:

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

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RESOLUTIONS- ROLL CALL REQUIRED**050333****Third Amendment to FY 2005 General Government Financial and Operating
Plan Budget Resolution (B)**

RECOMMENDATION *The City Commission adopt the Third Amendatory Budget Resolution to the FY2005 General Government Financial and Operating Plan budget.*

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

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

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050365**FDOT Block Grant Funds for Operating Assistance for Regional Transit System
for FY 2005-06 (B)**

Chair Pro Tem Chestnut recognized Walter Willard who spoke to the matter.

RECOMMENDATION *The City Commission: 1) approve the resolution authorizing execution of a joint participation agreement with Florida Department of Transportation; and 2) authorize the Mayor and Clerk of the Commission to execute the Resolution.*

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

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

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050366

Resolution for Local Agency Program Agreement for the Building Access Improvements on the University of Florida Gainesville main Campus Project and the associated City of Gainesville Interlocal Agreement with the University of Florida (B)

RECOMMENDATION

The City Commission: 1) approve the Resolution authorizing execution of a Local Agency Program Agreement with the State of Florida Department of Transportation; and 2) authorize the City Manager to execute the Interlocal Agreement between the City of Gainesville and the University of Florida for Building Access Improvements at the University of Florida.

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

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

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PLAN BOARD PETITIONS

050160

Rezone Ironwood property to include it within the Significant Ecological Communities Overlay District. Petition 109ZON-05 PB. (B)

Chief of Comprehensive Planning Dean Mimms gave a presentation.

RECOMMENDATION

City Plan Board to City Commission -The City Commission approve Petition 109ZON-05 PB. Plan Board vote 5-0

Staff to Plan Board -Approve Petition 109ZON-05 PB.

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

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

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DEVELOPMENT REVIEW BOARD PETITIONS

050367

(Quasi-Judicial) Design Plat approval of Hampton Lane Subdivision, eight lots on 3.29 acres more or less. Located at 2502 Northwest 16th Avenue. Zoned: RSF-1 (single-family residential, 3.5 du/acre). Petition 99SUB-05DB. (B)

City Planner Gene Francis, Agent for the Petitioner Rory Causseaux and Developer Barry Rutenberg gave presentations.

Chair Pro Tem Chestnut recognized Amy Quillen, John Sansalone, Alan Agresti, Jacki Levine, Pat Bern, Albert Matheny, Doug Smith, Robert Saunders, Carolyn Austin, Alexandra Turull, Walter Willard and Jane Adair who spoke to the matter.

Community Development Director Tom Saunders made comments.

*MOTION: Commissioner Braddy moved and Commissioner Lowe seconded to Deny the Petition.
(NO VOTE)*

RECESS: 10:18 PM

RECONVENE: 10:20 PM

*AMENDMENT BY SUBSTITUTION MOTION: Commissioner Bryant moved and Commissioner Nielsen seconded to continue this item and bring it back within a maximum of six months.
(VOTE: 5-1, Commissioner Braddy - No, MOTION CARRIED)*

RECOMMENDATION *Development Review Board to City Commission - The City Commission approve Petition 99SUB-05DB, with staff conditions, and with the modification that a minimum of eight existing or planted shade trees be required per lot.*

Staff to Development Review Board - The Design Plat is approvable with conditions.

A motion was made by Commissioner Bryant, seconded by Commissioner Nielsen, that this matter be Continued (Petition) for March 12, 2006. The motion carried by the following vote:

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

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SCHEDULED EVENING AGENDA ITEMS

UNFINISHED BUSINESS

050386

Mayor Pegeen Hanrahan - Establishment of Arts Ambassador Program for the City of Gainesville (NB)

Dance Alive Representative Kim Tuttle gave a presentation.

RECOMMENDATION *The City Commission designate DANCE ALIVE! as an official Arts Ambassador of the city, and refer the development of standards of the "Arts Ambassador Program" to the Recreation and Cultural Affairs Committee so that other arts and/or civic groups and organizations may request this designation.*

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

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

050388

Mayor Pegeen Hanrahan - Land Conservation Board (B)

RECOMMENDATION *The City Commission consider authorizing the Mayor to write a letter of support for the Land Conservation Board's consideration of the Hartman Property for acquisition funding via Alachua County Forever.*

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

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

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COMMISSION COMMENT

Commissioner Ed Braddy

Welcome to Russ Blackburn, City Manager.

Commissioner Jack Donovan

- 1. Chrysalis Event - Related to File #050330.*
- 2. Letter of complaint regarding the changes in trash pickup (day of the week change).*

Commissioner Rick Bryant

Multi-Family Student Rentals outside the University Context Area.

Commissioner Craig Lowe

Expansion of the University Context Area.

City Manager Russ Blackburn

Chrysalis Event Co-Sponsorship - Related to File #050330 - City Manager to look into.

CITIZEN COMMENT (If time available)

ADJOURNMENT - 10:42 PM

Kurt M. Lannon, Clerk of the Commission