

# **City of Gainesville**

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



## **Meeting Minutes**

**Monday, July 9, 2007**

**1:00 PM**

**City Hall Auditorium**

## **City Commission**

*Mayor Pegeen Hanrahan (At Large)  
Mayor-Commissioner Pro Tem Rick Bryant (At Large)  
Commissioner Jeanna Mastrodicasa (At Large)  
Commissioner Scherwin Henry (District 1)  
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 Office of Equal Opportunity at 334-5051 or call the TDD phone line at 334-2069 at least two business days in advance.*

## CALL TO ORDER - 1:05 PM

## ROLL CALL

Present: Edward Braddy, Pegeen Hanrahan, Rick Bryant, Craig Lowe, Jack Donovan, Jeanna Mastrodicasa and Scherwin Henry

## INVOCATION

*The City Commission observed a moment of silence.*

## CONSENT AGENDA

*Mayor-Commissioner Pro Tem Bryant moved and Commissioner Lowe seconded to adopt the Consent Agenda, as presented.*

*(VOTE: 4-0, Commissioners Braddy, Donovan and Henry - Absent, MOTION CARRIED)*

## CITY MANAGER, CONSENT AGENDA ITEMS

### 070080.

#### **Cost Share Agreement for Paynes Prairie Treatment Wetland (B)**

**This item involves a request for the City Commission to authorize the City Manager to enter into a cost share agreement with St. Johns River Water Management District (SJRWMD) for the Paynes Prairie Treatment Wetland.**

**RECOMMENDATION**      *The City Commission to authorize the City Manager or designee to execute the cost share agreement between the City of Gainesville and St. Johns River Water Management District, 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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### 070158.

#### **Acceptance of Florida EMS County Grant Award (B)**

**This item requests approval to accept \$58,000 in reimbursement grant funding from the Florida Department of Health EMS Grant Program to be distributed to the City of Gainesville through Alachua County.**

**RECOMMENDATION**      *The City Commission authorize the City Manager to expend the funds for the items requested.*

*Alternate Recommendation A: The City Commission not authorize the City Manager to expend funds for the items.*

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

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**070160.**

**First Extension to the Contracts for Professional Civil Engineering Services for FY 2008 (B)**

**This item involves an extension to the Contracts for Professional Civil Engineering Services with Volkert & Associates, Inc., Causseaux, Hewett, and Walpole, Inc., Comprehensive Engineering Services, Inc. and Dyer, Riddle, Mills & Precourt, Inc.**

**RECOMMENDATION**

*Recommended Motion: The City Commission: 1) authorize the City Manager to execute the First Extensions to the contracts with Volkert & Associates, Inc., Causseaux, Hewett, and Walpole, Inc., Comprehensive Engineering Services, Inc. and Dyer, Riddle, Mills & Precourt, Inc., for Professional Civil Engineering Services, extending the term of the contract from October 1, 2007 to September 30, 2008, subject to final appropriation of funds for FY2008.*

*Alternative Recommendation: The City Commission deny the recommendation for the First Extensions and direct the City Manager to secure the services of individual firms on a project-by-project basis. This would result in project delays and additional administrative costs for both projects and routine tasks that require these services.*

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

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**070162.**

**Second Extension to the Contracts for Professional Surveying and Mapping Services for FY 2008 (B)**

**This item involves an extension to the Contracts for Professional Surveying and Mapping Services with Terrence Brannan Land Surveyor, Inc. and George F. Young, Inc.**

**RECOMMENDATION**

*Recommended Motion: The City Commission: 1) authorize the City Manager to execute the Second Extensions to the contracts with George F. Young, Inc., and Terrence Brannan Land Surveyor, Inc. for Professional Surveying and Mapping Services, extending the term of the contract from October 1, 2007 to September 30, 2008, subject to final appropriation of funds for FY2008.*

*Alternative Recommendation A: The City Commission deny the recommendation for the Second Extensions and direct the City Manager to secure the services of individual firms on a project-by-project basis. This would result in project delays and additional administrative costs for both projects and routine tasks that require these services.*

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

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**070163.**

**The Palms Parking Agreement (B)**

**This item recommends the City Commission approve a License Agreement to allow The Palms the use of 96 parking spaces in the Southwest Downtown Parking Garage.**

**RECOMMENDATION**

*Recommended Motion: The City Commission authorize the City Manager to execute the LICENSE AGREEMENT FOR USE OF PARKING GARAGE between The Palms and the City of Gainesville, subject to approval by the City Attorney as to form and legality.*

*Alternative Recommendation: The City Commission not approve the LICENSE AGREEMENT FOR USE OF PARKING GARAGE and forfeits the option to generate steady revenue for guaranteed usage of the 96 parking spaces.*

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

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**070182.**

**Acceptance of \$30,000 check from Wal-Mart Stores, Inc. for Cedar Grove Park Equipment (B)**

**This is a request that the City Commission accepts the \$30,000 donation from Wal-Mart Stores, Inc. for installation of park equipment in the Cedar Grove II subdivision.**

**RECOMMENDATION**

*The City Commission: 1) approve the acceptance of the \$30,000 donation from Wal-Mart Stores, Inc. for the Cedar Grove II Park equipment.*

*Alternative Recommendation: The City Commission refuse acceptance of the \$30,000 donation from Wal-Mart Stores, Inc.*

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

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**070193.****Grant Award - Florida Department of Environmental Protection Invasive Upland Plant Removal Program (NB)**

**This item requests that the City Commission permit the Parks, Recreation, and Cultural Affairs Department to accept a grant from the State of Florida for control of invasive weeds in Loblolly Woods Nature Park.**

**RECOMMENDATION**      *The City Commission: Authorize the City Manager to execute the contract and other grant-related documents, pending approval by the City Attorney as to form and legality.*

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

**GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS****070206.****Central Utility Plant to Support the New Shands Hospital Complex (NB)**

**Staff recommends increasing the General Manger's authorization level from \$35,000,000.00 to \$40,000,000.00 For the Central Utility Plant to support the new Shands hospital complex.**

**RECOMMENDATION**      *Authorize the General Manager or her designee to negotiate and execute final agreements with Shands and Burns & McDonnell, Inc. for the design, finance, construction, operation, maintenance and future expansion of the CUP required to serve the new medical complex at an initial cost not to exceed \$40,000,000.00 and for a term of 50 years, subject to approval by the City Attorney as to form and legality.*

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

**CITY ATTORNEY, CONSENT AGENDA ITEMS****CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS****070204.****Resignation of Gainesville Energy Advisory Committee Member Kathleen Cantwell, MD (B)**

**RECOMMENDATION**      *The City Commission accept the resignation of Kathleen Cantwell, MD from the Gainesville Energy Advisory Committee effective immediately.*

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

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## **Passed The Consent Agenda**

**A motion was made by Mayor-Commissioner Pro Tem Bryant, seconded by Commissioner Lowe, including all the preceding items marked as having been adopted on the Consent Agenda. The motion carried by the following vote:**

**Votes:** Aye: Jeanna Mastrodicasa, Craig Lowe, Rick Bryant and Pegeen Hanrahan  
Absent: Jack Donovan, Scherwin Henry and Edward Braddy

## **EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**

## **COMMITTEE REPORTS, CONSENT AGENDA ITEMS**

## **COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS**

## **END OF CONSENT AGENDA**

## **ADOPTION OF THE REGULAR AGENDA**

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

*(VOTE: 4-0, Commissioners Braddy, Donovan and Henry - Absent, MOTION CARRIED)*

- 1. File #070012 - CONSOLIDATED FIREFIGHTERS AND POLICE OFFICERS RETIREMENT PLAN - AMENDED ORDINANCE - (Page 15, line 4 - amount corrected from \$1,139,580 to \$1,139,280 per Finance Division) - The recommendation is revised to read: "The City Commission adopt the proposed ordinance as amended".*
- 2. File #061043 - PARKING SPACES FOR CORPORATE OFFICES AND CALL CENTERS ORDINANCE - The last sentence in the first paragraph of the explanation should read "Staff recommends that Section 30-332 be amended to provide one vehicle space per employee or one vehicle space per 300 square feet of gross floor area, whichever is greater, and bicycle spaces that equal 10% of the minimum vehicle spaces". (The back-up is correct).*
- 3. File #070195 - Clerk of the Commission Evaluation - Continued to the July 23, 2007 Regular City Commission Meeting.*

## CHARTER OFFICER UPDATES

## CLERK OF THE COMMISSION

## CITY MANAGER

### 070141.

#### **Report to the City Commission on the 2nd Annual Conference on Best Practices in Building University/City Relations (B)**

**This item is to provide a report on the 2nd Annual Conference on Best Practices in Building University/City Relations that was held in Gainesville on June 7-10, 2007.**

*University of Florida Assistant Dean of Students and Director of Off-Campus Life Ms. Nora Kilroy gave a presentation.*

*NOTE: Commissioner Braddy entered the meeting room at 1:14 PM.*

**RECOMMENDATION**      *The City Commission receive a report from the Conference Planning Committee*

#### **Heard**

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## GENERAL MANAGER FOR UTILITIES

### 070123.

#### **Public Utilities Regulatory Policy Act (PURPA) Requirements (B)**

**On June 25, 2007, staff presented the Staff Recommendation, the schedule and public participation procedure for consideration and determination of Standards 14 and 15 of the Public Utility Regulatory Policies Act of 1978 (as amended by the Energy Policy Act of 2005), 16 U.S.C. §2621(d)(14) and (15). The City Commission received public input and made comments. The Recommended Decision prepared by staff outlines considerations, findings and determinations recommended for the City Commission.**

*GRU Managing Utility Analyst Dr. Heidi Lannon gave a presentation.*

*AMENDMENT: Under - The Gainesville City Commission find as to Standard 15 of the public Utility Regulatory Polices Act of 1978 (as amended by the Energy Policy Act of 2005), the following:*

- 1. The interconnection of distributed generation is an efficient and effective way to support the electrical systems; and*
- 2. Standards will assist distributed resource owners or operators to determine requirements for electric system interconnection; and*

3. *Interconnection standards should be adopted to establish terms and conditions to facilitate the interconnection of distributed resources to the electric systems, effective October 1, 2007.*

**RECOMMENDATION**

*The Gainesville City Commission find as to Standard 14 of the Public Utility Regulatory Policies Act of 1978 (as amended by the Energy Policy Act of 2005), the following:*

- 1. Time based metering and communications promote conservation and the efficient use of utility resources; and,*
- 2. Standards implementing procedures for time based metering and communications should be adopted; and,*
- 3. Voluntary time differentiated rates for all classes should be developed for implementation October 1, 2008.*

*The Gainesville City Commission find as to Standard 15 of the Public Utility Regulatory Policies Act of 1978 (as amended by the Energy Policy Act of 2005), the following:*

- 1. Standards will assist customers in determining requirements for interconnection; and,*
- 2. The interconnection of distributed generation is an efficient and effective way to support the electrical systems; and,*
- 3. Standards implementing interconnection for distributed resources should be adopted to establish terms and conditions to facilitate the interconnection to the electric systems, effective October 1, 2007.*

*The Gainesville City Commission makes the following determinations:*

- a) Standard 14 of the Public Utility Regulatory Policies Act of 1978 (as amended by the Energy Policy Act of 2005), 16 U.S.C. §2621(d)(14) should be implemented through the adoption of voluntary time differentiated rates for all classes of customer by October 1, 2008; and,*
- b) Standard 15 of the Public Utility Regulatory Policies Act of 1978 (as amended by the Energy Policy Act of 2005), 16 U.S.C. §2621(d)(15) should be implemented through the adoption of interconnection standards to support distributed generation at any scale, by October 1, 2007.*

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

**Votes:** Aye: Jeanna Mastrodicasa, Craig Lowe, Edward Braddy, Rick Bryant and Pegeen Hanrahan  
Absent: Jack Donovan and Scherwin Henry



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## **CITY ATTORNEY**

## **CITY AUDITOR**

## **EQUAL OPPORTUNITY DIRECTOR**

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

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

## **OUTSIDE AGENCIES**

## **MEMBERS OF THE CITY COMMISSION**

### **070195.**

#### **Clerk of the Commission Evaluation (NB)**

*NOTE: This item was continued to July 23, 2007 by adoption of the Regular Agenda.*

#### **RECOMMENDATION**

*The City Commission review the performance of the Clerk of the Commission.*

**Continued**

### **060016.**

#### **Overlay Significant Ecological Communities District on Certain Property (Quasi-Judicial ) (B)**

**Petition 42ZON-06 PB. City of Gainesville. Amend the City of Gainesville Land**

**Development Code by overlaying the Significant Ecological Communities District on property zoned AGR (Agriculture district), I-1 (Limited industrial district) and I-2 (General industrial district) and RSF-1 (3.5 units/acre single-family residential district) on approximately 787 acres. Generally located at 1300 and 920 Northwest 53rd Avenue, 4555 Northwest 6th Street, 5300 North Main Street, and 3464 Northwest 21st Place.**

*FIRST MOTION (LAY ON THE TABLE MOTION): Mayor-Commissioner Pro Tem Bryant moved and Commissioner Lowe seconded to table this item by consensus.*

*SECOND MOTION (MAIN MOTION): Commissioner Lowe moved and Commissioner Mastrodicasa seconded to take this item from the table and continue to August 23, 2007 at 6:00 PM.*

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

**RECOMMENDATION**      *City Plan Board to City Commission - The City Commission approve Petition 42ZON-06 PB. Plan Board vote 4-0 and I abstain.*

*Staff to Plan Board - Approve*

**A motion was made by Commissioner Lowe, seconded by Commissioner Mastrodicasa, that this matter be Continued for August 23, 2007. The motion carried by the following vote:**

**Votes:** Aye: Jack Donovan, Jeanna Mastrodicasa, Scherwin Henry, Craig Lowe, Rick Bryant and Pegeen Hanrahan  
Absent: Edward Braddy

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

**RECESS - 1:39 PM**

**RECONVENE - 5:42 PM**

**PLEDGE OF ALLEGIANCE (5:30pm)**

**PROCLAMATIONS/SPECIAL RECOGNITIONS**

**070197.      Electric Lineworker Appreciation Day - July 9, 2007 (B)**

**RECOMMENDATION**      *GRU Electric Systems Ops Manager & Team Sponsor David Sparks, GRU Journeyman Lineworker Brad Thomas, and GRU Lineworker Apprentice Darren Briscoe to accept the proclamation.*

**Heard**

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**070198.**

**Americans with Disabilities Act Awareness Month - July 2007 (B)**

**RECOMMENDATION**      *City of Gainesville Equal Opportunity Director Jimmie Williams to accept the proclamation.*

**Heard**

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**070205.**

**Partnership for Working Toward Inclusive Communities (B)**

**RECOMMENDATION**      *Equal Opportunity Director Jimmie Williams to accept the proclamation.*

**Heard**

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**CITIZEN COMMENT (6:00pm) - Please sign on sign-up sheet**

**Jim Konish**

*GRU Bills - Late Fees.*

**Jerry Williamson**

*GPD Issue*

**Alan Hayes**

*Housing Issues for Convicted Felons*

**Clifford Ferguson**

- 1. Racism Issues*
- 2. Illegal Immigrant Workers*

**Pat Fitzpatrick**

*Homeless Issues***PUBLIC HEARINGS****ORDINANCES, 1ST READING- ROLL CALL REQUIRED****061043. PARKING SPACES FOR CORPORATE OFFICES AND CALL CENTERS (B)****Ordinance No. 0-07-29; Petition 22TCH-07PB**

**An ordinance of the City of Gainesville, Florida, amending Section 30-332 of the Land Development Code, relating to required number of parking spaces; adding parking space requirements for corporate offices and call centers to subsection 30-332(c); 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 22 TCH-07 PB; and (2) adopt the proposed ordinance.*

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

**Votes:** Aye: Jack Donovan, Jeanna Mastrodicasa, Scherwin Henry, Craig Lowe, Edward Braddy, Rick Bryant and Pegeen Hanrahan

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**050749. ROAM TOWING REGULATIONS (B)****Ordinance No.: 0-07-40**

**An ordinance of the City of Gainesville amending Chapter 14.5, Article III, consisting of Sections 14.5-25 thru 14.5-38 of the Gainesville Code of Ordinances relating to towing from certain private property; by providing definitions; by requiring owner, operator and vehicle registration for trespass towing; requiring wrecker operator permits; providing permit specifications; providing for permit revocation and appeal; clarifying requirement for agreement when property ownership changes; requiring the establishment of maximum rates for multiple classes of vehicles; requiring cash, major credit card and debit card payment options; prohibiting temporary storage of vehicles under tow; requiring photographs depicting violation and requiring telephone monitoring or staffing to provide specified information to owners or authorized drivers of vehicles; amending the Police section of Appendix A, Schedule of Fees, Rates and Charges by providing registration and permit fees; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*City Police Chief Norm Botsford and Lt. Sherry Scott gave presentations.*

Chair Hanrahan recognized Ryan Williams Manager of Watson Towing, Brian Finkle of UF Student Government, Stan Foron of Ultimate Towing, Mike Weber of Superior Towing and Pat Fitzpatrick who spoke to the matter.

*AMENDMENT: In addition to adopting the ordinance on first reading, authorize the City Attorney to draft a resolution setting the maximum fees for different classes of vehicles as provided in the TRA Identification Guide.*

**RECOMMENDATION**      *The City Commission: 1) adopt the proposed ordinance and 2) authorize the City Attorney to draft a resolution setting maximum fees for different classes of vehicles as provided for in the "TRAA Vehicle Identification Guide".*

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

**Votes:** Aye: Jack Donovan, Jeanna Mastrodicasa, Scherwin Henry, Craig Lowe, Edward Braddy, Rick Bryant and Pegeen Hanrahan

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#### **051224.**

#### **DOMESTIC PARTNERSHIP REGISTRY (B)**

##### **Ordinance No. 0-07-46**

**An ordinance of the City of Gainesville, Florida, amending the Code of Ordinances of the City of Gainesville, by creating and adding an Article VII, under Chapter 2 of the Code, entitled "Registered Domestic Partnerships," providing for registered domestic partnerships and setting forth the rights and legal effects of such partnerships; amending Appendix "A" by creating and adding a section entitled "Registered Domestic Partnerships," setting forth fees; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

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

*Chair Hanrahan recognized Terry Fleming, Pat Carnecio, Horatio Sierra, Susan Fairforest who spoke to the matter.*

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

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

**Votes:** Aye: Jack Donovan, Jeanna Mastrodicasa, Craig Lowe, Rick Bryant and Pegeen Hanrahan  
Nay: Scherwin Henry and Edward Braddy

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**070089****LAND DEVELOPMENT CODE AMENDMENT - NONCONFORMING USES  
(B)****Ordinance No. 0-07-45, Petition No. 51TCH-07PB**

**An ordinance of the City of Gainesville, Florida, amending the Land Development Code; amending Section 30-346(d) providing that the Standard Industrial Classification Manual categories are not used in residential districts for classification purposes; and providing that a non-conforming membership organization in a residential district may be changed to a place of religious assembly; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Chair Hanrahan recognized Dr. Jimmie Harnsberger, Mark Goldstein, Mac McEachern, Barbara Ruth, Pat Fitzpatrick and Susan Fairforest who spoke to the matter.*

*City Planning Manager Ralph Hilliard gave a presentation.*

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

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

**Votes:** Aye: Jack Donovan, Jeanna Mastrodicasa, Scherwin Henry, Craig Lowe, Edward Braddy, Rick Bryant and Pegeen Hanrahan

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**070088.****ADULT AND SEXUALLY ORIENTED BUSINESSES, NON-CONFORMING  
USE (B)****Ordinance No. 0-07-47; Petition 53TCH-07PB**

**An ordinance of the City of Gainesville, Florida, amending Section 30-90 of the Land Development Code, relating to adult and sexually oriented establishments; deleting the requirement in subsection 30-90(f) that a change of tenant or ownership terminates an existing nonconforming use; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*City Planning Manager Ralph Hilliard and Assistant City Attorney Nicole Smith gave presentations.*

*Chair Hanrahan recognized Dr. Jimmy Harnsberger who spoke to the matter.*

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

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

**Votes:** Aye: Jack Donovan, Jeanna Mastrodicasa, Scherwin Henry, Craig Lowe, Edward Braddy, Rick Bryant and Pegeen Hanrahan

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**061107.**

**PEDDLING, CANVASSING, SOLICITING AND PANHANDLING (B)**

**ORDINANCE NO.: 0-07-48**

**An ordinance of the City of Gainesville, Florida, amending Chapter 19 of the Code of Ordinances entitled Peddlers, Solicitors and Canvassers, consisting of Sections 19-15 thru 19-17, Section 19-20, Sections 19-79 thru 19-82, Section 19-96, and Sections 19-126 thru 19-127; repealing Sections 19-51 thru 19-55, Sections 19-110 thru 19-113, and Sections 19-122 thru 19-124 of the Code of Ordinances; providing for the purpose and intent to promote the public health, welfare and safety; providing definitions; providing restrictions and requirements; prohibiting peddlers from peddling from any operator or occupant of a vehicle that is on a portion of a public street that is in use by vehicular traffic; prohibiting operators or occupant of vehicles that are in traffic on a public street from buying goods, wares or merchandise from peddlers while vehicle is on portion of public street in use by vehicular traffic; prohibiting any person from standing on a traffic median, bicycle path or public street to peddle or canvass from an operator or occupant of any vehicle when in use by vehicular traffic; prohibiting beggars, panhandlers or solicitors from begging, panhandling or soliciting from any operator or occupant of a vehicle that is in traffic on a public street; prohibiting any operator or occupant of a vehicle that is in traffic on a public street from engaging in a transaction with a beggar, panhandler or solicitor while a vehicle is on a portion of a public street in use by vehicular traffic; prohibiting any person from standing on a traffic median, bicycle path or public street to beg, panhandle or solicit when in use by vehicular traffic; repealing Article III relating to fundraising by a nonprofit organization; amending restrictions and prohibitions on begging, panhandling or soliciting on private and public property; removing sign message requirements for vending booths and itinerant vendors; repealing Article V relating to street solicitation by a nonprofit organization; amending the definition of handbills; providing directions to the codifier; providing a severability clause; providing a repealing clause and providing an immediate effective date.**

*GPD Captain Ed Book, Chief Norm Botsford and Assistant City Attorney Stephanie Marchman gave presentations.*

*Chair Hanrahan recognized Dr. Chris Cogle of the University of Florida, Terry Fleming, Ann Hudson, Pat Fitzpatrick and Rob Brinkman who spoke to the matter.*

**RECOMMENDATION**      *The City Commission: 1) hear staff presentation; and 2) adopt the proposed ordinance.*

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

**Votes:** Aye: Jack Donovan, Jeanna Mastrodicasa, Scherwin Henry, Craig Lowe, Edward Braddy, Rick Bryant and Peegen Hanrahan

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

### **070025.                      SECONDHAND DEALER HOLD-ORDERS (B)**

**Ordinance No. 0-07-37**

**An ordinance of the City of Gainesville, Florida, amending section 22-22 of Article II of Chapter 22, Code of Ordinances, entitled Secondhand Dealers; increasing the number of days for hold-orders; providing for 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 Lowe, seconded by Commissioner Donovan, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:**

**Votes:** Aye: Jack Donovan, Jeanna Mastrodicasa, Scherwin Henry, Craig Lowe, Edward Braddy, Rick Bryant and Peegen Hanrahan

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### **070027.                      GENERAL EMPLOYEES PENSION PLAN AMENDMENT (B)**

**Ordinance No. 0-07-42**

**An ordinance of the City of Gainesville, Florida, amending the Code of Ordinances of the City of Gainesville, relating to The General Employees Pension Plan; amending section 2-526, Benefits, relating to maximum benefits and direct transfers of eligible rollover distributions; 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 Lowe, seconded by Mayor-Commissioner Pro Tem Bryant, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:**

**Votes:** Aye: Jack Donovan, Jeanna Mastrodicasa, Scherwin Henry, Craig Lowe, Edward Braddy, Rick Bryant and Pegeen Hanrahan

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## **070012.**

### **CONSOLIDATED POLICE OFFICERS AND FIREFIGHTERS RETIREMENT PLAN (B)**

#### **Ordinance No. 0-07-22**

**An ordinance of the City of Gainesville, Florida, amending provisions relating to the Consolidated Police Officers and Firefighters Retirement Plan, Article VII, Division 8 of Chapter 2 of the Code of Ordinances, by amending section 2-596, Definitions; 2-598, Eligibility and participation; section 2-599, Contributions; section 2-600, Retirement dates and benefits; section 2-601, Optional forms of retirement income; section 2-602, Administration of the plan, section 2-606, Miscellaneous relating to beneficiaries; section 2-607, Cost of living adjustment of benefits; and section 2-633(d) of Article XI, Retiree Health Insurance Program and Trust Fund, of Chapter 2 of the Code of Ordinances; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date, and limited retroactive effect.**

*City Finance Director Mark Benton gave a presentation.*

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

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

**Votes:** Aye: Jack Donovan, Jeanna Mastrodicasa, Scherwin Henry, Craig Lowe, Edward Braddy and Pegeen Hanrahan

Absent: Rick Bryant

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## **051019**

### **REZONING AND IMPOSING THE SIGNIFICANT ECOLOGICAL COMMUNITIES OVERLAY DISTRICT ON CERTAIN PROPERTIES IN SOUTHEAST GAINESVILLE (B)**

#### **Ordinance No. 0-06-58, Petition No. 23ZON-06PB(A)**

**An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning and imposing the Significant Ecological Communities Overlay District category on certain properties zoned RMF-5 (12 units/acre residential**

low density district), RMF-6 (8-15 units/acre multiple-family residential district), RSF-1 (3.5 units/acre single-family residential district), RSF-4 (8 units/acre single-family residential district), CON (Conservation district) and MU-1 (8-30 units/acre mixed use low intensity) consisting of Tax Parcels 11243-000-000, 11283-000-000, 11284-000-000, 11286-000-000, 11287-000-000, 11288-000-000, 11356-000,000 and 16073-000-000 (totaling approximately 47 acres in size), and generally located east of Southeast 24th Street between East University Avenue and Southeast Hawthorne Road, as more specifically described in this ordinance; making findings; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

**RECOMMENDATION**      *The City Commission: (1) hear a presentation from staff; and (2) adopt the proposed ordinance.*

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

**Votes:** Aye: Jack Donovan, Jeanna Mastrodicasa, Scherwin Henry, Craig Lowe, Edward Braddy and Pegeen Hanrahan  
Absent: Rick Bryant

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## RESOLUTIONS- ROLL CALL REQUIRED

### 070161.

**Resolution Concerning the City of Gainesville's Regional Transit System FY2007 Program of Projects (POP) and FY 2004-2005 Performance Measures (B)**

**This item involves a Resolution authorizing the filing of an application with the Federal Transit Administration (FTA) and Florida Department of Transportation (FDOT).**

**RECOMMENDATION**      *The City Commission: 1) adopt the Resolution; and 2) approve the Program of Projects for FY 2007.*

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

**Votes:** Aye: Jack Donovan, Jeanna Mastrodicasa, Scherwin Henry, Craig Lowe, Edward Braddy and Pegeen Hanrahan  
Absent: Rick Bryant

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## PLAN BOARD PETITIONS

## DEVELOPMENT REVIEW BOARD PETITIONS

## SCHEDULED EVENING AGENDA ITEMS

### 070196.

**Appeal of Denial by Historic Preservation Board of Certificate of Appropriateness for Demolition of 1102 Southwest 6th Avenue, 1116 Southwest 6th Avenue, and the garage behind 1101 Southwest 5th Avenue. The proposal includes replacing the historic structures with structures ranging in height from three to four stories. (B)**

*NOTE: This item was continued to the July 16, 2007 Special City Commission Meeting at 6:00 PM.*

**RECOMMENDATION**      *The City Commission continue the appeal.*

**A motion was made by Commissioner Lowe, seconded by Commissioner Henry, that this matter be Continued for July 16, 2007. The motion carried by the following vote:**

**Votes:** Aye: Jack Donovan, Jeanna Mastrodicasa, Scherwin Henry, Craig Lowe, Edward Braddy and Pegeen Hanrahan  
Absent: Rick Bryant

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## UNFINISHED BUSINESS

## COMMISSION COMMENT

### Commissioner Craig Lowe

*GEAC participating with the Regional Utilities Committee creating Gainesville's Energy Policy - See following referral item # 070084.*

**070084.****City of Gainesville Energy Policy - Gainesville Energy Advisory Committee (GEAC) (NB)****RECOMMENDATION**

*The City Commission invite the Gainesville Energy Advisory Committee to participate with the Regional Utilities Committee in creating an energy policy for the City of Gainesville.*

**A motion was made by Commissioner Lowe, seconded by Commissioner Donovan, that this matter be Referred to the Regional Utilities Committee, due back on January 9, 2008. The motion carried by the following vote:**

**Votes:** Aye: Jack Donovan, Jeanna Mastrodicasa, Scherwin Henry, Craig Lowe, Edward Braddy and Pegeen Hanrahan  
Absent: Rick Bryant

**Commissioner Jeanna Mastrodicasa**

*Commercial Solid Waste Collection Issues Downtown - See following Referral Item # 070226.*

**070226.****Solid Waste Collection in the Downtown Area (NB)****RECOMMENDATION**

*The City Commission refer the sufficiency of the process of commercial solid waste collection in the Downtown area and in the College Park/University Heights areas to the Recreation, Cultural Affairs and Public Works Committee.*

**A motion was made by Commissioner Mastrodicasa, seconded by Commissioner Lowe, that this matter be Referred to the Recreation, Cultural Affairs and Public Works Committee, due back on January 9, 2008. The motion carried by the following vote:**

**Votes:** Aye: Jack Donovan, Jeanna Mastrodicasa, Scherwin Henry, Craig Lowe, Edward Braddy and Pegeen Hanrahan  
Absent: Rick Bryant

**Commissioner Scherwin Henry**

- 1. Juneteenth Festival*
- 2. Southeast Gainesville Renaissance Initiative (SEGRI) Visioning Charrette*
- 3. Atlanta Trip - Special EDUCC Meeting to discuss what was learned during the Atlanta Trip "Download Session" - invite City Commission, participants and others - Visioning Charrette - Clerk and City Manager to schedule.*

**CITIZEN COMMENT**

**Kevin Daly**

1. *Audio Issues - Channel 12*
2. *Domestic Partner Registry - Heterosexuals Included*
3. *Bike Paths*

**Rob Brinkman**

*Coal Fired Power Plants*

**ADJOURNMENT - 9:28 PM**

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Kurt M. Lannon, Clerk of the Commission