

City of Gainesville

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



Meeting Minutes

Monday, October 9, 2006

1:00 PM

City Hall Auditorium

City Commission

*Mayor Pegeen Hanrahan (At Large)
Mayor-Commissioner Pro Tem Craig Lowe (District 4)
Commissioner Rick Bryant (At Large)
Commissioner Jeanna Mastrodicasa (At Large)
Commissioner Scherwin Henry (District 1)
Commissioner Ed Braddy (District 2)
Commissioner Jack Donovan (District 3)*

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 day

CALL TO ORDER - 1:02 PM

ROLL CALL

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

INVOCATION

CONSENT AGENDA

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

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

NOTE: Commissioners Bryant and Mastrodicasa entered the meeting room at 1:03 PM.

CITY MANAGER, CONSENT AGENDA ITEMS

060478.

Acquisition of Lot for the NE 19th Terrace Road Reconstruction Project (B)

This item involves a request to exchange City-owned property for a lot owned by Bartley Temple United Methodist Church, Inc., (Bartley Temple) for the NE 19th Terrace Road Reconstruction Project.

RECOMMENDATION

Recommended Motion: The City Commission: 1) approve the acquisition of Lot 74, the westerly half of Tax Parcel 10733-073-000, located at 1930 NE 19th Terrace, from Bartley Temple United Methodist Church, Inc., in exchange for the easterly halves of Lots 25, 36, 37, 48, 49, 60, 61 and 72 of the Pine Ridge Subdivision; 2) authorize the City Manager to execute any all necessary documents for the acquisition of this property, subject to approval by the City Attorney as to form and legality; and 3) authorize the Mayor to execute a deed for the easterly halves of Lots 25, 36, 37, 48, 49, 60, 61 and 72 of the Pine Ridge Subdivision, subject to approval by the City Attorney as to form and legality.

Alternative Recommendation A: The City Commission deny the request for the acquisition of Lot 74, the westerly half of Tax Parcel 10733-073-000 located at 1930 NE 19th Terrace, from Bartley Temple United Methodist Church, Inc., and abandon the NE 19th Terrace Road Reconstruction Project.

This Matter was Approved as Recommended on the Consent Agenda.

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060479.**Acquisition of Three Tax Parcels for Water Quality Improvement Project on NW 2nd Street (B)**

This item involves a request to acquire three tax parcels for use in a water quality improvement project for the surrounding neighborhood.

RECOMMENDATION

Recommended Motion: The City Commission: 1) approve the acquisition of tax parcels 9990-000-000 located at 2001 NW 2nd Street, 9990-001-000 located in the 2000 block of NW 2nd Street, and 9990-001-001 located in the 2100 block of NW 2nd Street from J. R. Office Furniture and Equipment Company, Inc., for the purchase price of \$50,000; and 2) authorize the City Manager to execute any and all necessary documents for the acquisition of these tax parcels, subject to approval by the City Attorney as to form and legality.

Alternative Recommendation A: The City Commission deny the request for the acquisition of tax parcels 9990-000-000 located at 2001 NW 2nd Street, 9990-001-000 located in the 2000 block of NW 2nd Street, and 9990-001-001 located in the 2100 block of NW 2nd Street from J. R. Office Furniture and Equipment Company, Inc., for the purchase price of \$50,000 and abandon the Water Quality Improvement Project on NW 2nd Street.

This Matter was Approved as Recommended on the Consent Agenda.

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060530.**Paul Coverdell Forensic Science Improvement Grants Program Award and Purchase (NB)**

This item involves the purchase of an AFIX Tracker automated fingerprint palm identification system and related components, at a cost of \$31,750, from grant funds awarded by the U.S. Department of Justice.

RECOMMENDATION

Recommended Motion: The City Commission authorize the issuance of a purchase order to AFIX Technologies, Inc., Pittsburg, Kansas in an amount not to exceed \$31,750 for an AFIX Tracker and components.

*Alternative Recommendation:
The City Commission decline the purchase request and decline \$31,750 on the total \$62,146 award from the*

Department of Justice Paul Coverdell Forensics Improvement grant program.

This Matter was Approved as Recommended on the Consent Agenda.

060531.

Concept/Master Planning of the RTS Maintenance Facility (B)

This item involves a request for the City Commission to authorize contract negotiations with Wendel Duchscherer Architects & Engineers for Professional Design Services for the Concept/Master Planning of the RTS Maintenance Facility Renovations/Expansion.

RECOMMENDATION

Recommended Motion: The City Commission: 1) accept the selection of the three most qualified design firms in the order of ranking; 2) authorize the City Manager to initiate contract negotiations with Wendel Duchscherer Architects & Engineers for Professional Design Services for the Concept/Master Planning of the RTS Maintenance Facility Project in accordance with the Consultants' Competitive Negotiations Act (CCNA); and 3) authorize the City Manager, upon successful contract negotiations, to execute the Contract and any related documents, subject to the approval of the City Attorney as to form and legality.

Alternative Recommendation A: The City Commission reject the recommended ranking and direct the City Manager to again Request Statements of Qualifications from design firms in accordance with CCNA. This would result in a project delay of approximately four months. The resulting fiscal impact will be the loss of invested time and resources in the current process, incurring additional costs to reopen the Request Statements of Qualifications process, and incurring additional project costs if material prices increase in the process.

This Matter was Approved as Recommended on the Consent Agenda.

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060553.

Proposed Amendment to Article VI, SEC 2-433, Annual Audit of Accounts - Report to Be Published (NB)

This item involves a request for the City Commission to authorize the City Attorney to prepare, and the Clerk of the Commission to advertise, an ordinance amending Article VI, SEC 2-433 of the City code.

RECOMMENDATION

The City Commission authorize the City Attorney to prepare, and the Clerk of the Commission to advertise, an ordinance

amending Article VI, SEC 2-433 of the City code.

This Matter was Approved as Recommended on the Consent Agenda.

060477.

Acquisition of Two Tax Parcels for the NE 19th Terrace Road Reconstruction Project (B)

This item involves a request to acquire two tax parcels for right-of-way needed for the NE 19th Terrace Road Reconstruction Project.

RECOMMENDATION

Recommended Motion: The City Commission: 1) approve the acquisition of tax parcel 10733-013-000 located at 917 NE 19th Terrace and tax parcel 10733-025-000 located at 907 NE 19th Terrace from Inez Smith for the purchase price of \$46,000; and 2) authorize the City Manager to execute any and all necessary documents for the acquisition of this property, subject to approval by the City Attorney as to form and legality.

Alternative Recommendation A: The City Commission deny the request for acquisition of tax parcel 10733-013-000 located at 917 NE 19th Terrace and tax parcel 10733-025-000 located at 907 NE 19th Terrace from Inez Smith for the purchase price of \$46,000 and abandon the NE 19th Terrace Road Reconstruction Project.

This Matter was Approved as Recommended on the Consent Agenda.

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GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

060565.

Grounds Maintenance for Lift Stations (NB)

Staff recommends extending the contract for grounds maintenance for lift stations through FY 2007.

RECOMMENDATION

The City Commission: 1) authorize the Interim General Manager, or her designee, to execute an amendment to the contract with Lawn Enforcement Agency, Inc. for ground maintenance of lift stations extending the term through FY 2007, subject to approval of the City Attorney as to form and legality, and 2) approve the issuance of a purchase order to Lawn Enforcement Agency, Inc. in amount not to exceed \$46,000 for FY 2007 for these services.

This Matter was Approved as Recommended on the Consent Agenda.

060566.**Environmental Consulting Services Agreement (NB)**

Staff recommends amending a contract for additional consulting services for the gas plant site remediation project.

RECOMMENDATION *The City Commission authorize the Interim General Manager or her designee to negotiate and execute an amendment to the agreement with Focus Environmental, Inc., as a specified source, for consulting services associated specifically with the thermal treatment unit (TTU) issues related to the Poole Roofing/CSXT Manufactured Gas Plant Site Remediation in an amount not to exceed \$100,000.*

This Matter was Approved as Recommended on the Consent Agenda.

060567.**Trailer Mounted Bull Wheel Tensioner (B)**

Staff recommends the purchase of a trailer mounted bull wheel tensioner from Sherman and Reilly Inc. to be used when installing electric transmission and distribution overhead conductor.

RECOMMENDATION *The City Commission approve the issuance of a purchase order to Sherman and Reilly Inc. for a trailer mounted bull wheel tensioner in the amount of \$33,600.*

This Matter was Approved as Recommended on the Consent Agenda.

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060568.**Fletcher Release of Easement (B)**

Staff is requesting approval of a Release of Easement to Fletcher & Sons Builders, I

RECOMMENDATION *The City Commission: 1) approve the release of a public utility easement located in the 2000 block of NW 107 Terrace north of Pine Hills Addition No. 3 subdivision; and 2) authorize the Mayor and Clerk of the Commission to execute the Release of Easement, substantially in the form on file, subject to approval by the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

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CITY ATTORNEY, CONSENT AGENDA ITEMS

060552.

FIRE OF GOD MINISTRIES, INC. v. CITY OF GAINESVILLE; U.S. DISTRICT COURT; CASE NO.: 1:06-CV-188-SPM-AK (B)

RECOMMENDATION *The City Commission authorize the City Attorney, and/or special counsel to represent the City in the case styled Fire of God Ministries, Inc. v. City of Gainesville, Case No: 1:06-cv-188-SPM-AK U.S. District Court*

This Matter was Approved as Recommended on the Consent Agenda.

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CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

060540.

Resignation of Advisory Board/Committee Member John Confer, Ph.D (B)

RECOMMENDATION *The City Commission accept the resignation of John Confer, Ph.D from the Public Recreation and Parks Board effective immediately.*

This Matter was Approved as Recommended on the Consent Agenda.

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060541.

Resignation of Advisory Board/Committee Member Shivjit Sidhu (B)

RECOMMENDATION *The City Commission accept the resignation of Shivjit Sidhu from the Art in Public Places Trust effective immediately.*

This Matter was Approved as Recommended on the Consent Agenda.

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060551.

City Commission Minutes (B)

RECOMMENDATION *The City Commission approve the minutes of September 25, 2006, 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****PERSONNEL & ORGANIZATIONAL STRUCTURE COMM, CONSENT****040183.****Increasing Citizen Access (NB)**

The item reports back on several items involving communications that resulted from the Mayor's Transition/Brainstorming meetings.

RECOMMENDATION *City Commission accept the update and approve the removal of this item from the Personnel & Organizational Structure Committee referral list.*

This Matter was Approved as Recommended on the Consent Agenda.

040832.**Addie Hill Status Report/Prospective Business Loan Program (NB)**

Economic Development staff has been working with various partners in the community to explore methods of providing greater financing startup opportunities for the purposes of small business development.

RECOMMENDATION *City Commission remove this item from the Personnel & Organizational Structure Committee referral list.*

This Matter was Approved as Recommended on the Consent Agenda.

PUBLIC SAFETY COMMITTEE, CONSENT**060353.****Legal Office Expenses from State Law Enforcement Contraband Forfeiture Trust Fund for FY 2006- 2007 (NB)**

This items requests City Commission approval for funding Gainesville Police Department's Legal Office operating expenses for FY 2006-2007.

RECOMMENDATION *The City Commission authorize the Gainesville Police Department to appropriate \$15,000 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.

Passed The Consent Agenda

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

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

Passed The Consent Agenda

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

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

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

MODIFICATIONS

- 1. File #060591 - Main Street Project - (New item added).*
- 2. File #060569 - Final Rate and Fuel Costs Comparisons - (Additional back-up submitted).*
- 3. File #060573 - Financing Item Related to Future Debt Issuance - (Additional back-up submitted).*
- 4. File #060581 - Proclamation - (New Item added to the agenda).*
- 5. File #060229 & 060231 - Adoption Readings for Land Use and Zoning changes for University Heights Neighborhood - (Additional back-up submitted).*
- 6. File #060433 - Ordinance - Chapter 27 and Appendix A - Utility Service - (Additional Back-up Submitted).*

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

CITY MANAGER**050747.****Interlocal Agreement with Alachua County and the Alachua County Housing Authority for Operation of the Local Office on Homelessness (B)**

The City Commission is requested to approve an interlocal agreement for operation of the local Office on Homelessness.

Community Development Block Grant Manager Jim Hencin gave a presentation.

NOTE: Commissioner Henry entered the meeting room at 1:09 PM.

RECOMMENDATION

The City Commission approve the interlocal agreement between the City of Gainesville, Alachua County, and the Alachua County Housing Authority for operation of the Office on Homelessness and authorize the Mayor to execute the agreement on behalf of the City, subject to review by the City Attorney as to form and legality.

Alternative Recommendation A: The City Commission defer action on the interlocal agreement.

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

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

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060452.**Fire Station Alerting Systems (NB)**

This item requests that the City Commission authorize the City Manager to negotiate a contract to replace the current Fire Station Alerting system.

Gainesville Fire Chief Bill Northcutt gave a presentation.

RECOMMENDATION

The City Commission authorize the City Manager or designee to enter into a contract with the awarded proposer subject to approval of the City Attorney as to form and legality.

Alternative Recommendation A: The City not enter into a contract to upgrade the station alerting system. The result would be the degradation of the Public Protection Classification rating of 3 to a rating of 4.

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

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

060547.**Fire Services Assistance Agreement (B)**

This item presents a Fire Services Agreement between the City of Gainesville and Alachua County that replaces the existing Designated Assistance Agreement.

City of Gainesville Administrative Services Director Becky Rountree and Fire Chief Bill Northcutt gave presentations.

RECOMMENDATION

The City Commission: 1) adopt the Fire Services Assistance Agreement effective October 1, 2006.

*Alternative Recommendation A:
The City Commission continue to operate under the current Designated Assistance Agreement.*

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

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

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060591.**Main Street Project (B)**

This item is to provide information on the Florida Department of Transportation's three options for the Main Street Project.

City of Gainesville Public Works Director Teresa Scott and Traffic Engineering Manager Brian Kanely gave presentations.

Chair Hanrahan recognized Mary Anderson and Walter Willard who spoke to the matter.

RECOMMENDATION *Recommended Motion: The City Commission: 1) hear a presentation; and 2) support staff recommendation of option 2.*

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

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

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GENERAL MANAGER FOR UTILITIES

060569.

Final Rate and Fuel Costs Comparisons (B)

Staff will present a presentation on the purchased gas and fuel adjustments, their relationship to base rates, and receive updated rate comparisons with other utilities.

Gainesville Regional Utilities (GRU) Managing Utility Analyst Dr. Heidi Lannon and Assistant General Manager for Energy Supply Chip Allen gave presentations.

RECOMMENDATION *The City Commission hear a presentation from staff on the purchased gas and fuel adjustments, their relationship to base rates, and receive updated rate comparisons with other utilities.*

Discussed

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060573.

Financing Item Related to Future Debt Issuance (NB)

The Utility will need to issue debt in the future to finance a portion of the capital improvement program. Long-term interest rates are currently close to their historic lows. There is an opportunity to enter into an interest rate swap to hedge future bond rates. The Utility staff and our Financial Advisor recommend that any of the interest rate swap transactions be accomplished through a competitive selection process. Capturing the current favorable interest rate environment will allow the Utility to issue future new money debt at low rates, which will help hold down future debt service costs.

GRU Senior Utility Analyst Kevin Crawford gave a presentation.

RECOMMENDATION *The City Commission: 1) Authorize the execution of one or more "floating-to-fixed" interest rate swap transactions, subject to the limitations set forth below (collectively, the "Swap"); 2) Authorize the Utility to work with its Financial*

Advisor, Public Financial Management ("PFM"), to utilize a competitive process that will select one or more counterparties to provide the Swap from among a group to include Goldman Sachs, Bear Stearns, and JP Morgan; 3) Approve the designation of the Swap as a "Qualified Hedging Contract" within the meaning of the City's Amended and Restated Utilities System Revenue Bond Resolution ("Utilities Bond Resolution"), and authorize the securing of the Swap under the Utilities Bond Resolution; and 4) Authorize the Clerk of the Commission, the Interim General Manager and other Authorized Officers to enter into such documents evidencing the Swap (including, without limitation, a Confirmation under (and as defined in) the International Swaps and Derivatives Association, Inc. ("ISDA") Master Agreement currently in effect between the Utility and each selected Swap counterparty) as they determine are necessary or appropriate, subject to approval of the Office of the City Attorney as to form and legality, and to take such other actions as may be necessary or advisable to proceed with this transaction in accordance with this City Commission authorization.

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

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

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE

050167.

City Commission Contingency Funding Allocation Policy (B)

This item recommends a policy and procedure for requesting funds from the City Commission Contingency.

City of Gainesville Administrative Services Director Becky Rountree and Police Chief

Norm Botsford gave presentations.

AMENDMENT: Page 1 of the policy under "Policy" instead of "based on the following criteria", insert, "include the following criteria".

RECOMMENDATION *The City Commission: 1) approve the City Commission Contingency Policy and the related request forms; and, 2) approve removing this item from the Personnel & Organizational Structure Committee referral list.*

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

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

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PRESENTATION FOR ORDINANCE #060433 - CHAPTER 27 AND APPENDIX A - TURN-ON OF UTILITY SERVICES BY BOB BERGDOLL

GRU Customer Operations Director Bob Bergdoll gave a presentation.

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

COMMISSION COMMENTS (if time available)

RECESS - 4:47 PM

RECONVENE - 5:39 PM

PLEDGE OF ALLEGIANCE (5:30pm)

PROCLAMATIONS/SPECIAL RECOGNITIONS

060542.

National DECA Week - October 8-14, 2006 (B)

RECOMMENDATION *Buchholz High School DECA Club President Julia Sander, Vice President Victoria Lauramoore, and Advisor Dianne Lauramoore to accept the proclamation.*

Heard

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060543. "Put the Brakes on Fatalities Day" - October 10, 2006 (B)

RECOMMENDATION *Bicycle/Pedestrian Advisory Board Community Traffic Safety Team Member Maxine Stallings to accept the proclamation.*

Heard

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060544. Conflict Resolution Day - October 19, 2006 (B)

RECOMMENDATION *Alternative Dispute Resolution Director for the Eighth Judicial Circuit Robin Davis, Esq. to accept the proclamation.*

Heard

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060574. United Nations Day in Gainesville - October 19, 2006 (B)

RECOMMENDATION *Gainesville Chapter of the UN Association UN Day Committee Chair Elizabeth Renner to accept the proclamation.*

Heard

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060581. Anne Voyles Day - October 19, 2006 (B)

RECOMMENDATION *City Businessperson and Community Volunteer Anne Voyles to accept the proclamation.*

Heard

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

Reverend Edward Earl Young

Various Issues

Mac McEachern

LED Lights at the Airport

See following File #060614.

060614. Mac McEachern - Citizen Comment - LED Lights at the Airport (B)**RECOMMENDATION**

The City Commission hear a presentation from Mac McEachern and place back-up submitted on file.

Placed on File

Michael Spiceman

Roam Towing Issues

Elizabeth McCullough

Homeless Issues/Downtown Plaza

Arupa Freeman

Homeless Issues/Downtown Plaza

Sister Elizabeth Hillman

Homeless Issues/Downtown Plaza

Pat Fitzpatrick

Homeless Issues/Downtown Plaza

Richard Selwach

- 1. School Board Issues*
- 2. Historic District - Non-Contributing Structures*

Bob Freeman

Parking Downtown Issues

Aneter Heard

GRU Noise Issues (Fifth Avenue)

See following file #060615.

060615. Aneter Heard - Citizen Comment - GRU Noise (Fifth Avenue) (B)

RECOMMENDATION *The City Commission hear a presentation from Aneter Heard and place back-up submitted on file.*

Placed on File

PUBLIC HEARINGS

060535. Resolution Authorizing an Exclusive Franchise for Solid Waste Services to Commercial Property (B)

A Resolution of the City Commission of the City of Gainesville, Florida, electing to authorize one or more exclusive franchises for the provision of solid waste services to commercial property or to provide such services itself or through another local government, to take effect on or about October 10, 2009; providing an effective date.

City of Gainesville Solid Waste Manager Paul Alcantar gave a presentation.

RECOMMENDATION *The City Commission adopt the proposed Resolution.*

Alternative Recommendation: The City Commission not adopt the proposed Resolution.

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

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

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ADOPTION READING-ROLL CALL REQUIRED

060229. LAND USE CHANGE - UNIVERSITY HEIGHTS NEIGHBORHOOD (B)

**Ordinance No. 0-06-81, Petition 91LUC-06PB
An Ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan;
by changing the land use category of certain properties, as more specifically**

described in this ordinance from "Residential High Density (8-100 units per acre)"; to "Urban Mixed-Use 2 (UMU-2: up to 100 units per acre)"; consisting of approximately five acres, located in the vicinity of the University Heights neighborhood, generally bounded on the north by Southwest 3rd Avenue, on the west by Southwest 13th Street, on the east by SW 12th Terrace and on the south by Southwest 5th Avenue; providing a severability clause; providing a repealing clause; and providing an effective date.

City of Gainesville Senior Planner Dom Nozzi and John Fleming of Tri-Mark Properties gave presentations.

Chair Hanrahan recognized Walter Willard who spoke to the matter.

RECOMMENDATION *The City Commission: 1) approve Petition 91LUC-06PB; and 2) adopt the proposed ordinance.*

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

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

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060231.

REZONING - UNIVERSITY HEIGHTS NEIGHBORHOOD (B)

Ordinance No. 0-06-82, Petition No. 92ZON-06PB

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property within the City from "RH-2: 8-100 units/acre residential high density district" to "Urban Mixed-Use District (UMU-2)"; consisting of approximately five acres, located in the vicinity of the University Heights neighborhood, generally bounded on the north by Southwest 3rd Avenue, on the west by Southwest 13th Street, on the east by SW 12th Terrace and on the south by Southwest 5th Avenue; providing a severability clause; providing a repealing clause; and providing an effective date.

City of Gainesville Senior Planner Dom Nozzi and John Fleming of Tri-Mark Properties gave presentations.

Chair Hanrahan recognized Walter Willard who spoke to the matter.

RECOMMENDATION *The City Commission: 1) approve Petition No. 92ZON-06PB; and 2) adopt the proposed ordinance.*

A motion was made by Mayor-Commissioner Pro Tem Lowe, seconded by Commissioner Donovan, that this matter be Approved (Petition) and Adopted on Adoption Reading. The motion carried by the following vote:

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

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ORDINANCES, 1ST READING- ROLL CALL REQUIRED

060104.

SOUTHWEST 13TH STREET SPECIAL AREA PLAN (B)

Ordinance No. 0-06-87; Petition 66TCH-06 PB

An ordinance of the City of Gainesville, Florida, amending Appendix A of the Land Development Code, relating to the 13th Street Special Area Plan, adding exceptions to development standards for development proposals processed as a Planned Development; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

City of Gainesville Planning Manager Ralph Hilliard gave a presentation.

Chair Hanrahan recognized Reverend Edward Earl Young 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: Rick Bryant, Edward Braddy, Jack Donovan, Pegeen Hanrahan, Craig Lowe, Scherwin Henry and Jeanna Mastrodicasa

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060563.

LANDLORD PERMITS (B)

Ordinance No. 0-06-104

An ordinance of the City of Gainesville, Florida, relating to landlord permits; amending section 14.5-2 of the Code of Ordinances, providing for an additional written warning to a landlord or agent when one point is assessed; providing a severability clause; providing a repealing clause; and providing an effective date of November 1, 2006.

Chair Hanrahan recognized Carol Daly, Kevin Daly, Walter Willard and Manuel Astera who spoke to the matter.

City of Gainesville Code Enforcement Manager Jim Garrett made comments.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

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060457.

WASTEWATER PRETREATMENT ORDINANCE (B)

ORDINANCE NO. 0-06-106

AN ORDINANCE OF THE CITY OF GAINESVILLE, FLORIDA, RELATING TO WASTEWATER PRETREATMENT AND CROSS CONNECTION CONTROL PROGRAMS; AMENDING CHAPTER 27 OF THE GAINESVILLE CODE OF ORDINANCES BY AMENDING SECTION 27-96, DEFINITIONS; AMENDING SECTION 27-180.1 PRETREATMENT PROGRAM - PROHIBITED SUBSTANCES; AMENDING SECTION 27-180.7 PRETREATMENT PROGRAMS - ENFORCEMENT AND APPENDIX A UTILITIES (4) SEWERAGE SUBSECTION d, RELATING TO RATES FOR EXCESS STRENGTH WASTEWATER DISCHARGED INTO THE CITY'S WASTEWATER SYSTEM; AMENDING SECTION 27-135 CROSS CONNECTION CONTROL PROGRAMS; PROVIDING A REPEALING CLAUSE, A SEVERABILITY CLAUSE AND AN IMMEDIATE EFFECTIVE DATE.

Chair Hanrahan recognized Walter Willard who spoke to the matter.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Utilities staff has conducted a legally required review of the industrial pretreatment program and has determined several changes are necessary to comply with applied state regulations. Staff is taking this opportunity to also correct a regulatory reference in the cross connection control ordinance.

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

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

Absent: Edward Braddy

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ORDINANCES, 2ND READING- ROLL CALL REQUIRED

060433.

CHAPTER 27 AND APPENDIX A – TURN-ON OF UTILITY SERVICES (B)

Ordinance No. 0-06-89

AN ORDINANCE AMENDING CHAPTER 27, ARTICLE 1, SUBSECTION 27-15(a) OF THE CODE OF ORDINANCES OF GAINESVILLE, FLORIDA RELATING TO SAME DAY AND AFTER HOURS INSTALLATION OR TURN-ON OF UTILITY SERVICES; AND AMENDING APPENDIX A, UTILITIES SECTION (7), SUBSECTION b. SERVICE CHARGES BY INCREASING CERTAIN ADDITIONAL CHARGES FOR SAME DAY OR AFTER HOURS INSTALLATION OR TURN-ON OF SERVICE; PROVIDING A REPEALING CLAUSE; PROVIDING DIRECTIONS TO THE CODIFIER; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Chair Hanrahan recognized Walter Willard who spoke to the matter.

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

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

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

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060113.

SOLICITATION ORDINANCE AND SETTLEMENT AGREEMENT (B)

Ordinance No. 0-06-94

An ordinance of the City of Gainesville, Florida, amending Chapter 19 of the Gainesville Code of Ordinances entitled “Peddlers, Solicitors and Canvassers”; amending Article II, Section 19-17 to prohibit solicitation, peddling and canvassing in streets and right-of-way; prohibiting the knowing obstruction of pedestrian or vehicular traffic; adding a new subsection (c) of Article II, Section 19-17 limiting the scope of right-of-way; clarifying limitations on soliciting, peddling and canvassing; amending Article III, Section 19-54 to prohibit the knowing obstruction or interference with vehicular or pedestrian traffic; adding new section (k) of Article III, Section 19-17 limiting the scope of right-of-way; amending Article IIIA, Section 19-80 by adding a new Section 4 making it unlawful to remain in a traffic lane when a traffic control signal allows traffic to flow in that lane; changing the title of Chapter 19, Article V; amending Article V, Section 19-112 clarifying permit requirement when fundraising activity on a street or right-of-way within the city is on behalf of a nonprofit agency and limiting the scope of right-of-way; amending Section 19-113 by providing alternative methods of complying with insurance requirement; providing for waiver of insurance under certain circumstances; providing directions to the codifier; providing a severability clause; providing a repealing clause and providing an immediate effective date.

Chair Hanrahan recognized Walter Willard who spoke to the matter.

RECOMMENDATION *The City Commission: (1) adopt the proposed ordinance, and (2) authorize the City Attorney to execute a Settlement Agreement in the case styled Judith Chase, Ollen Rogers and Joseph Nelson v. City of Gainesville and Alachua County Sheriff's Office; United States District Court Case No. 1:06cv44SPM/AK.*

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

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

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060428.

SEXUAL PREDATOR/OFFENDER RESIDENCY RESTRICTIONS (B)

ORDINANCE 0-06-88 (B)

An ordinance of the City of Gainesville relating to Section 17-32 by removing Wacahoota Archery Range and Park from and adding Spring Hill Park and Woodlawn Park to the list of parks within the city limits which prohibit child sexual offenders and predators from living within 2,500 feet of the park; providing directions to the codifier; providing a severability clause; providing a repealing clause and providing an immediate effective date.

Chair Hanrahan recognized Reverend Edward Earl Young who spoke to the matter.

RECOMMENDATION *The City Commission: (1) Authorize the City Attorney to draft, and the Clerk of the Commission to advertise an ordinance adding John Mahon Park to the list of parks; and (2) adopt the proposed ordinance.*

A motion was made by Commissioner Braddy, seconded by Commissioner Bryant, that this matter be Adopted on Final Reading (Ordinance) and Approved the Recommendation. The motion carried by the following vote:

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

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RESOLUTIONS- ROLL CALL REQUIRED

PLAN BOARD PETITIONS

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

UNFINISHED BUSINESS

CITIZEN COMMENT

Reverend Edward Earl Young

Santa Fe Community College Blount Building - Downtown Campus

Walter Willard

Various Issues

COMMISSION COMMENT

Commissioner Jack Donovan

Federal Issues

Commissioner Ed Braddy

Santa Fe Community College Blount Building - Downtown Campus

INTERIM GENERAL MANAGER FOR UTILITIES KAREN JOHNSON

See following Referral Item #060613.

060613. Gainesville Regional Utilities Billing and Collection Policies (NB)

RECOMMENDATION *The City Commission refer the issue of GRU's billing and collection policies to the Regional Utilities Committee (RUC).*

A motion was made by Mayor-Commissioner Pro Tem Lowe, seconded by Commissioner Bryant, that this matter be Referred to the Regional Utilities Committee, due back on April 6, 2007. The motion carried by the following vote:

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

ADJOURNMENT - 7:42 PM

Kurt M. Lannon, Clerk of the Commission