

City of Gainesville

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



Meeting Minutes

Monday, June 25, 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 - 1:04 PM

ROLL CALL

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

INVOCATION

The City Commission observed a moment of silence.

CONSENT AGENDA

*Commissioner Donovan moved and Commissioner Lowe seconded to adopt the Consent Agenda, as presented.
(VOTE: 5-0, Commissioners Braddy and Henry - Absent, MOTION CARRIED)*

CITY MANAGER, CONSENT AGENDA ITEMS

070079.

Purchase Traffic Signal equipment, software and installation services from Naztec, Inc. (B)

This item involves a purchase of Traffic Signal equipment, software and installation services from Naztec, Inc in the amount of \$ 1,304,547 for Phase I of the Traffic Management System.

RECOMMENDATION

Recommended Motion: The City Commission: 1) approve the purchase of the equipment, software upgrades and installation services from Naztec, Inc.; and 2) authorize the City Manager to issue a purchase order not to exceed \$1,304,547.

Alternative Recommendation A: The City Commission return this request for purchase to the Department and direct the Public Works Department to solicit bids.

This Matter was Approved as Recommended on the Consent Agenda.

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070128.

Annexation of Parcel Numbers 07872-003-001, 07872-014-002, and 07872-014-003 (B)

This is the submission of petition for voluntary annexation for the above referenced parcel numbers, which are located in the vicinity of NE 63rd Avenue,

Leveda Brown Environmental Park and Transfer Station, the Airport Industrial Park, and NE Waldo Road.

RECOMMENDATION

The City Commission: 1) receive the petition for annexation; and make findings that it contains the signature of the property owner or authorized agents; 2) direct the City Manager to analyze the area; and 3) authorize the City Attorney to prepare and the Clerk of the Commission to advertise ordinances relating to the annexation of the area, if appropriate.

Alternative Recommendation: The City Commission deny acceptance of the petition.

This Matter was Approved as Recommended on the Consent Agenda.

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070130.

Annexation of Parcel Numbers 06687-000-000, 06687-003-000, 06687-005-000, 06687-006-000, 06687-007-000 and 06686-000-000 (B)

This is the submission of a petition for voluntary annexation for the above referenced parcel numbers, which are located in the vicinity of SW 20th Avenue, SW 43rd Street, SW 24th Avenue and Interstate 75.

RECOMMENDATION

The City Commission: 1) receive the petition for annexation; and make findings that it contains the signature of the property owner or authorized agents; 2) direct the City Manager to analyze the area; and 3) authorize the City Attorney to prepare and the Clerk of the Commission to advertise ordinances relating to the annexation of the area, if appropriate.

Alternative Recommendation: The City Commission deny acceptance of the petition.

This Matter was Approved as Recommended on the Consent Agenda.

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070133.

Increase of Civil Citations Fines (B)

This item requests that the City Commission increase civil citation fines to \$250 for each offense, as directed on July 10, 2006.

RECOMMENDATION

The City Commission authorize the City Attorney to revise the

civil citation fees noted in Chapter 2, Division 6 Section 2-339, to reflect the recommendation of the joint Public Safety and Community Development Committees.

This Matter was Approved as Recommended on the Consent Agenda.

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070136.

Annexation of City-owned Property in the Vicinity of NE Waldo Road (B)

This is the submission of a petition for voluntary annexation of City-owned land in the area of NE Waldo Road, NE 63rd Avenue, and the Airport Industrial Park.

RECOMMENDATION

The City Commission: 1) authorize the Mayor, as agent for the City, to sign the petition for voluntary annexation; 2) receive the petition for annexation and make findings that it contains the signature of the property owner or authorized agent; 3) direct the City Manager to analyze the area; and 4) authorize the City Attorney to prepare and the Clerk of the Commission to advertise ordinances relating to the annexation of the area.

This Matter was Approved as Recommended on the Consent Agenda.

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070142.

Edward Byrne Memorial Justice Assistance Grant Application. (NB)

This item requests City Commission authorization to apply for and accept Edward Byrne Memorial Justice Assistance Grant funds in the amount of \$33,000 for the Tutorial Assistance for At-Risk Youth, \$26,054.90 for the Sexual Predator and Offender Tracking Program, and \$18,532.30 for the SAFE-T Kiosk.

RECOMMENDATION

The City Commission authorize the City Manager to: 1) apply to the Edward Byrne Memorial Justice Assistance Grant program for \$77,587.20 in grant funds; and 2) execute the grant application, grant award, and any other necessary documents, pending review by the City Attorney as to form and legality.

Alternative Recommendation

The City Commission decline the opportunity to apply for and receive grant funds from the Edward Byrne Memorial Justice Assistance Grant in the amount of \$77,587.20.

This Matter was Approved as Recommended on the Consent Agenda.

070132.**Amendment to FY 2006-07 CDBG and HOME Program Annual Action Plan (B)**

This amendment would create a new program activity, a Displaced Mobile Home Owner/Tenant Assistance Program, that would be funded through the HOME Program.

RECOMMENDATION

Recommended Motion: The City Commission: 1) approve the amendment to the FY 2006-07 CDBG and HOME Program Annual Action Plan; 2) approve the Displaced Mobile Home Owner/Tenant Assistance Program; and 3) authorize the transfer of \$100,000 within the Housing Division's FY 2006-07 budget from new housing construction and rental rehabilitation programs to the Displaced Mobile Home Owner/Tenant Assistance Program.

Alternative Recommendation A: The City Commission defer action on the proposed Annual Action Plan amendment and the Displaced Mobile Home Owner/Tenant Assistance Program.

Alternative Recommendation B: The City Commission disapprove the proposed Annual Action Plan amendment and the Displaced Mobile Home Owner/Tenant Assistance Program.

This Matter was Approved as Recommended on the Consent Agenda.

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GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS**CITY ATTORNEY, CONSENT AGENDA ITEMS****CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS****070166.****City Commission Minutes (B)****RECOMMENDATION**

The City Commission approve the minutes of June 4 and June 11, 2007; as circulated.

This Matter was Approved as Recommended on the Consent Agenda.

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070168. **City Commission Budget Meetings (NB)**

RECOMMENDATION *To implement the 2007 Master Calendar, the City Commission schedule Special Meetings on the 2007-2008 General Government and Gainesville Regional Utilities Budgets on:*
July 11 - 3:00 PM
July 16 - 6:00 PM
July 17 - 3:00 PM
July 19 - 3:00 PM
July 26 - 3:00 PM

This Matter was Approved as Recommended on the Consent Agenda.

070171. **Resignation of Development Review Board Member Russ Ingram (B)**

RECOMMENDATION *The City Commission accept the resignation of Russ Ingram from the Development Review Board effective immediately.*

This Matter was Approved as Recommended on the Consent Agenda.

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070172. **Resignation of Development Review Board Member J. T. Frankenberger (B)**

RECOMMENDATION *The City Commission accept the resignation of J.T. Frankenberger from the Development Review Board effective immediately.*

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****RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE,
CONSENT****PERSONNEL & ORGANIZATIONAL STRUCTURE COMM, CONSENT****PUBLIC SAFETY COMMITTEE, CONSENT**

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE, CONSENT

EQUAL OPPORTUNITY COMMITTEE, CONSENT

REGIONAL UTILITIES COMMITTEE, CONSENT

070169. Removal of Outstanding Regional Utilities Committee Referral items: #050457, #050850, and #060674 (NB)

RECOMMENDATION *The Regional Utilities Committee requests that the City Commission approve removing items #050457, #050850, and #060674 from the referral list.*

This Matter was Approved as Recommended on the Consent Agenda.

070170. Removal of Outstanding Regional Utilities Committee Referral Item #060627 (NB)

RECOMMENDATION *The Regional Utilities Committee requests that the City Commission approve removal of Item #060627 – Energy Efficiency Update from the RUC referral list.*

This Matter was Approved as Recommended on the Consent Agenda.

Passed The Consent Agenda

A motion was made by Commissioner Donovan, 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: Jack Donovan, Jeanna Mastrodicasa, Craig Lowe, Rick Bryant and Pegeen Hanrahan
Absent: Scherwin Henry and Edward Braddy

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

Commissioner Lowe moved and Commissioner Donovan seconded to adopt the Regular Agenda, as presented.

(VOTE: 5-0, Commissioners Braddy and Henry - Absent, MOTION CARRIED)

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

CITY MANAGER

GENERAL MANAGER FOR UTILITIES

CITY ATTORNEY

070180.

Attorney-Client Session (NB)

Request for attorney-client session.

MOTION: Schedule an attorney-client session for Tuesday, July 10, 2007 @ 5:00 PM in the City Commission Auditorium.

Chair Hanrahan recognized Pat Fitzpatrick who spoke to the matter.

RECOMMENDATION *The City Commission authorize the Clerk of the Commission to schedule an attorney-client session in the case styled Fire of God Ministries, Inc. v. City of Gainesville; Case No.1:06cv188-SPM-AK*

A motion was made by Commissioner Lowe, seconded by Commissioner Donovan, that this matter be Approved as shown above (See Motion). The motion carried by the following vote:

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

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE

PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE

PUBLIC SAFETY COMMITTEE

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE

REGIONAL UTILITIES COMMITTEE

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

COMMISSION COMMENTS (if time available)

Mayor-Commissioner Pro Tem Rick Bryant

South East Initiative/Kennedy Homes

RECESS - 1:16 PM

Note: The meeting is to reconvene at 5:45 PM.

RECONVENE - 5:49 PM

NOTE: Mayor-Commissioner Pro Tem Rick Bryant called the meeting back to order at 5:49 PM.

Commissioner Henry was present for the evening session.

PLEDGE OF ALLEGIANCE (5:30pm)

Gator Detachment of the Marine Corp League

PROCLAMATIONS/SPECIAL RECOGNITIONS

070179. Independence Day - July 4, 2007 (B)

RECOMMENDATION *Gator Detachment of the Marine Corp League to accept the proclamation.*

Heard

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WAIVER OF RULES

Commissioner Lowe moved and Commissioner Henry seconded to waive the rules to start Citizen Comment early.

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

CITIZEN COMMENT**Deidre Bryan**

Stephen Foster Neighborhood Protection Group

Barbara Ruth

Stephen Foster Neighborhood Protection Group

070189. Expansion of the City's Fleet Maintenance Facility - Citizen Comment (B)

RECOMMENDATION *The City Commission hear comments from concerned citizens regarding the expansion of the City's Fleet Maintenance Facility and place back-up submitted on file.*

Placed on File

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Alan Hayes

Eviction Issues

Jerry Williamson

GPD Issues - See following item #070190.

Theodore McLeod

GPD Issues - See following item #070190.

070190. GPD Investigation Issues - Citizen Comment (B)

RECOMMENDATION

The City Commission hear citizen comment from Theodore McCleod and place back-up submitted on file.

Placed on File

Pat Fitzpatrick

Homeless Issues - See following item #070191.

070191. Walk of Compassion - Homeless Issue - Citizen Comment (B)**RECOMMENDATION**

The City Commission hear comments from Pat Fitzpatrick and place back-up submitted on file.

Placed on File

Walter Willard

Various Issues

Dwight Adams

Energy Issues/Recycling Issues - See following file #070192.

070192. WTE vs. Recycling (Energy Issues) - Citizen Comment (B)**RECOMMENDATION**

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

Placed on File

Richard Selwach

Notification/Government in the Sunshine Laws

Mohammed Majboor

Issue coming up on the agenda.

Cleve Sharpe

*Night Time Golf - Ironwood Lighting - Referred to Interim Recreation and Parks
Director Steve Phillips*

PUBLIC HEARINGS

070123. Public Hearing on Public Utilities Regulatory Policy Act (PURPA) Standards 14 and 15 (B)

A public hearing on staff's findings and recommendations pursuant to 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) is required as part of the federally mandated adoption process for adoption of these standards. Staff's formal findings and recommendations to offer time of use rates, investigate advance metering technologies, and a standard interconnection contract for distributed generation will be made available to the general public by June 15, 2007. Having the first public hearing on June 25, 2007 is necessary in order in order to meet the August 8, 2007 deadline.

GRU Assistant General Manager for Energy Delivery Dave Beaulieu gave introductions.

GRU Managing Utility Analyst Dr. Heidi Lannon and GRU Attorney Skip Manasco gave presentations.

Chair Hanrahan recognized Richard Selwach who spoke to the matter.

MOTION: Accept the staff recommendation, including staff considerations, determinations, and citizen comments. The City Commission direct staff to prepare a recommended decision and recommended findings for final consideration at the July 9, 2007 meeting.

RECOMMENDATION *The City Commission receive staff's findings related to offering time differentiated rates, investigating advanced metering technologies, and providing a standard interconnection contract for distributed generation, and adopt the subsequent determinations and recommendations.*

**A motion was made by Commissioner Lowe, seconded by Mayor-Commissioner Pro Tem Bryant, that this matter be Approved as shown above (See Motion).
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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ORDINANCES, 1ST 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.

GPD Captain Edwin Book gave a presentation.

Chair Hanrahan recognized Richard Selwach who spoke to the matter.

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 First Reading (Ordinance). 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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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 First Reading (Ordinance). 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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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.

City Planning Manager Ralph Hilliard and Water and Air Research Ecologist Lynn Mosura-Bliss gave presentations.

Chair Hanrahan recognized Richard Selwach and Walter Willard who spoke to the matter.

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 Donovan, 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, Rick Bryant and Pegeen Hanrahan

Absent: Edward Braddy

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ORDINANCES, 2ND READING- ROLL CALL REQUIRED

050255.

AMENDMENT TO CLUSTER SUBDIVISION REQUIREMENTS (B)

An ordinance of the City of Gainesville, Florida, amending the Land Development Code relating to cluster subdivisions; amending section 30-190, establishing criteria for classifying cluster subdivisions as either environmental or infill, establishing lot sizes, clarifying the cluster open space requirement, and modifying the criteria for the review of cluster subdivisions; 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.

Chair Hanrahan recognized Walter Willard who spoke to the matter.

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 and Pegeen Hanrahan
Absent: Edward Braddy and Rick Bryant

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060501.

LAND DEVELOPMENT CODE AMENDMENT RELATING TO MULTIPLE-FAMILY MEDIUM DENSITY RESIDENTIAL ZONING DISTRICTS (B)

Ordinance No. 0-06-121; Petition 142TCH-06 PB

An ordinance of the City of Gainesville, Florida, amending the City of Gainesville Land Development Code, relating to height requirements for RMF-6, RMF-7, and RMF-8 multiple-family medium density residential zoning districts; amending section 30-53(d), Table 3, to list the maximum building height allowed

for MF buildings; 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.*

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

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060587.

LAND DEVELOPMENT CODE AMENDMENT - AMENDING USES IN PUBLIC SERVICES AND OPERATIONS DISTRICT (PS) (B)

Ordinance No. 0-07-04; Petition 160TCH-06 PB

An ordinance of the City of Gainesville, Florida, amending the City of Gainesville Land Development Code, amending Section 30-75 by adding Major Group 41. - Local and Suburban Transit and Interurban Highway Passenger Transportation as uses by right in the Public Services and Operations District (PS); 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.

Chair Hanrahan recognized Richard Selwach and Barbara Ruth 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 Final Reading (Ordinance). 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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060858.

LAND DEVELOPMENT CODE AMENDMENT - PARKING REQUIREMENTS FOR LIBRARIES (B)

Ordinance No. 0-07-17; Petition 201TCH-06 PB

An ordinance of the City of Gainesville, Florida, amending section 30-332(c), Land Development Code, changing the parking requirement for libraries to one vehicle space per 200 square feet of gross floor area; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Chair Hanrahan recognized Richard Selwach who spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

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060415.

PLANNED DEVELOPMENT AMENDMENT - METRO CORP- NW 39TH AVENUE AND 43RD STREET (B)

Ordinance No. 0-06-109, Petition No. 102PDA-06PB

An Ordinance of the City of Gainesville, Florida; amending Ordinance No. 030130, that amended Ordinance No. 3805 that amended the Planned Development commonly known as "Metro Corp" located in the vicinity of the southeast corner of N.W. 39th Avenue and N.W. 43rd Street; by allowing an additional financial institution on Lot 4; by extending the time for the development of Lots 3 and 4; by adopting revised development plan maps and a revised planned development report; amending and adopting additional conditions and restrictions as to Lot 4; providing for penalties; 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 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, Rick Bryant and Pegeen Hanrahan
Absent: Craig Lowe and Edward Braddy

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060584.

STREET VACATION - SOUTHEAST 23RD STREET (B)

Ordinance No. 0-06-134, Petition 155SVA-06PB

An ordinance of the City of Gainesville, Florida, to vacate, abandon and close a certain portion of the right-of-way of Southeast 23rd Street running north from the northern right-of-way line of Southeast 23rd Street extension to Southeast 8th Avenue, as more specifically described in this Ordinance; reserving a public and private 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 Mayor-Commissioner Pro Tem Bryant, seconded by Commissioner Henry, 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, Rick Bryant and Pegeen Hanrahan
Absent: Edward Braddy

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051236.

PROHIBITING THE OUTDOOR STORAGE OF FURNITURE, AND PROHIBITING THE PLACEMENT OF FURNITURE AND POOLS ON ROOFTOPS (B)

Ordinance No. 0-07-14

An ordinance of the City of Gainesville, Florida, amending Chapter 13, Housing and Commercial Building Code, by amending Article II, Division 10, Section 13-171, revising the title; prohibiting the outdoor placement or storage of household furniture, mattresses, or other materials not designed or intended for outdoor use with certain limited exceptions; prohibiting the placement of pools, furniture or furnishings on the roof of a building or structure except as approved by the City; amending Chapter 2, Administration, by amending Article V, Division 6, Section 2-339, revising the title description as to Section 13-171; 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 Mayor-Commissioner Pro Tem Bryant, seconded by Commissioner Lowe, 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, Rick Bryant and Pegeen Hanrahan
Absent: Edward Braddy

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070107.**LANDLORD PERMITS (B)****Ordinance No. 0-07-15**

An ordinance of the City of Gainesville, Florida, relating to landlord permits; amending section 14.5 of the Code of Ordinances; creating additional owner certifications; changing the period in which points for code violations accrue; providing for revocation of permit for failure to comply with owner certifications; clarifying the process for revocation of a permit and the process for denial of a permit; amending Appendix A by changing the due dates for payment of landlord permit fees; providing for a transition permit; providing for a prorated permit fee; providing a severability clause; providing a repealing clause; and providing an effective date.

Chair Hanrahan recognized Richard Selwach who spoke to the matter.

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, Rick Bryant and Pegeen Hanrahan
Absent: Edward Braddy

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070022.**LOCAL BUSINESS TAX RECEIPT - NAME CHANGE (B)****Ordinance No. 0-07-18**

An ordinance of the City of Gainesville, Florida, amending Sections 2-377, 2-379, 2-621, 6-176, 6-182, 6-193, 10-38, 10-40, 14.5-67, 14.5-96, 14.5-121, 16-98, 19-2, 19-3, 19-19, 19-54, 21-58, 21-60, 22-17, 23-57, 23-97, 25-41, 25-42, 25-43, 25-44, 25-45, 25-46, 25-47, 25-48, 25-49 25-50, 25-50.1, 25-51, 26-116, 28-1, 28-2, 28-4, 28-5, 28-14, 30-336, 30-346, 30-357, relating to Occupational License Tax; by replacing the term Occupational License Tax Act with the term Local Business Tax Act (LBTA); by changing the term "Occupational License" to "Business Tax Receipt" and defining the term "Receipt" as it relates to Business Taxes; amending Appendix A Schedule of Fees Rates and Charges; correcting scrivener's errors; 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 Donovan, seconded by Commissioner Lowe, 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, Rick Bryant and Pegeen Hanrahan
Absent: Edward Braddy

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070023.

COMMUNICATION SERVICES TAX RATE INCREASE (B)

Ordinance No. 0-07-38

An ordinance of the City of Gainesville, Florida, amending section 25-81 of the Code of Ordinances of the City of Gainesville relating to the communication services tax rate; increasing the local communication services tax rate in accordance with Chapter 202.20(2) Florida Statutes; 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 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, Rick Bryant and Pegeen Hanrahan
Absent: Edward Braddy

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RESOLUTIONS- ROLL CALL REQUIRED

070143.

Request for support for the Alachua County Fairgrounds - Agriculture Education and Promotion Facility Grant. (B)

Alachua County is requesting the City Commission adopt a Resolution supporting the new fairgrounds and its Agriculture Education and Promotion Facility Grant application.

RECOMMENDATION *The City Commission adopt the resolution as requested by Alachua County subject to approval by the City Attorney as to form and legality.*

A motion was made by Mayor-Commissioner Pro Tem Bryant, 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, Rick Bryant and Peegen Hanrahan
Absent: Edward Braddy

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070173.

Rules of the City Commission (B)

RECOMMENDATION

The City Commission adopt the Rules of the Commission to amend the procedure for workshop/informal meetings.

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

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

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PLAN BOARD PETITIONS

061125.

Clarify Building Height Regulations

Petition 35TCH-07PB. City of Gainesville. Amend the City of Gainesville Land Development Code to clarify the building height regulations.

City Planning Manager Ralph Hilliard, Attorney for the Petitioner David Coffey and Consultant Linda Portal gave presentations.

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition 35TCH-07 PB as revised by the Plan Board. Plan Board vote 6-0.

Staff to City Commission - The City Commission approve Petition 35TCH-07 PB as recommended by Staff.

Alternative Recommendation - The City Commission deny Petition 35TCH-07PB.

Staff to Plan Board -Approve Petition 35TCH-07 PB.

A motion was made by Commissioner Lowe, seconded by Commissioner Henry, that this matter be Continued (Petition) for August 13, 2007. The motion carried by the following vote:

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

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061124.**Amend UMU-1 to Change Height Limits (B)**

Petition 34TCH-07 PB. City of Gainesville. Amend the City of Gainesville Land Development Code, UMU-1 District (Urban Mixed-Use 1: up to 75 units per acre) to change the height limit to five stories by right and six stories by Planned Development.

City Planning Manager Ralph Hilliard, Attorney for the Petitioner David Coffey and Consultant Linda Portal gave presentations.

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition 34TCH-07 PB as modified by the Plan Board. Plan Board vote 6-0.

Staff to City Commission - Approve Petition 34TCH-07PB as recommended by staff.

Alternative Recommendation -Deny Petition 34TCH-07PB.

Staff to Plan Board - Approve Petition 34TCH-07 PB.

A motion was made by Commissioner Lowe, seconded by Mayor-Commissioner Pro Tem Bryant, that this matter be Continued (Petition) for August 13, 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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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.

QUASI-JUDICIAL HEARING:

STAFF INTRODUCTION: City Planning Manager Ralph Hilliard introduced the matter.

AFFECTED PARTY DETERMINATION:

- 1. Carl Salifrio representing Osteen & Roberts*
- 2. Steve Cullen, Engineer for Koogler & Associates representing the White & Wurn Families*
- 3. Patrice Boyes, Attorney for the White & Wurn Families*
- 4. Mohammed Majboor*

DISCLOSURE OF EX PARTE COMMUNICATION: Exparte communication of Commissioner Braddy and Commissioner Henry was disclosed by Mr. Wurn.

SWEARING IN OF THE WITNESSES: The Clerk of the Commission swore in the witnesses which included the affected parties, representatives of the affected parties, City staff, and representative of the City Ms. Lynn Mosura Bliss.

PRESENTATION OF THE PETITIONER (CITY): Planning Manager Ralph Hilliard introduced Consultant for the City of Gainesville Lynn Mosura-Bliss Ecologist for Water and Air Research who gave a presentation.

EXAMINATION OF THE WITNESS (CITY): Attorney for certain affected parties Patrice Boyes questioned Consultant for the City of Gainesville Lynn Mosura-Bliss Ecologist of Water and Air Research.

LAY ON TABLE MOTION: Commissioner Lowe moved to table this item to possibly take up later during the meeting. If this item is not taken up during this meeting, it would then be continued to the July 9, 2007 Regular City Commission Meeting in the afternoon between 1:00 and 4:30.

RECOMMENDATION *City Plan Board to City Commission - The City Commission approve Petition 42ZON-06 PB. Plan Board vote 4-0 and 1 abstain.*

Staff to Plan Board - Approve

A motion was made by Commissioner Lowe that this matter be Continued (Petition). 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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DEVELOPMENT REVIEW BOARD PETITIONS

070131.

Petition 192SUB-06DB, Eng, Denman & Associates Inc., agent for Edix Investments Inc. Design plat approval of Hidden Cove Subdivision, seventeen (17) lots on 10.6 acres more-or-less. Located in the vicinity of Northwest 35th Place and Northwest 15th Terrace. Zoned: RSF-4 (B)

This is a petition for a design plat approval of Hidden Cove Subdivision, seventeen lots on approximately 10.6 acres.

City Planner Gene Francis and Agent for the Petitioner Sergio Reyes of Eng Denman and Associates gave presentations.

Chair Hanrahan recognized Scott Davis, Ewen Thompson, and Rob Brinkman who spoke to the matter.

WAIVER OF RULES: Commissioner Henry moved and Mayor-Commissioner Pro Tem Bryant seconded to waive the rules to extend the meeting to 11:15 PM.

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

RECOMMENDATION *Development Review Board to City Commission - The City Commission approve Petition 192SUB-06DB, with staff conditions.*

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

A motion was made by Mayor-Commissioner Pro Tem Bryant, seconded by Commissioner Henry, that this matter be Approved (Petition) with Staff Conditions. The motion carried by the following vote:

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

Nay: Craig Lowe

Absent: Edward Braddy

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SCHEDULED EVENING AGENDA ITEMS**UNFINISHED BUSINESS****COMMISSION COMMENT****CITIZEN COMMENT****ADJOURNMENT - 11:11 PM**

Kurt M. Lannon, Clerk of the Commission