

City of Gainesville

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



Meeting Minutes

Monday, April 10, 2006

1:00 PM

City Hall Auditorium

City Commission

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

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

CALL TO ORDER

ROLL CALL

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

INVOCATION

The City Commission observed a moment of silence.

CONSENT AGENDA

MOTION: Commissioner Bryant moved and Commissioner Nielsen seconded to adopt the Consent Agenda with the following modifications.

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

NOTE: Chair Hanrahan recognized Jim Konish came before the City Commission and requested that File #051009 be removed from the Consent Agenda and placed on the Regular Agenda for discussion.

MODIFICATIONS:

- 1. File #051022 - Contracts for Supplemental Cold Weather Shelter and Services - (Additional Language Added).*
- 2. File #051112 - Acceptance of Property from the Phoenix Subdivision Owner Association Inc. (Additional back-up submitted).*
- 3. File #051009 Final Administrative Order in the Matter of James Konish, Appellant; Legislative Matter No. 051009.*

CITY MANAGER, CONSENT AGENDA ITEMS

040823

Amendment #1 to the Contract for State of Florida Lobbying & Advocacy Services (B)

This is a request to amend the price proposal section in the Lobbying Services Proposal to increase the annual fee from \$30,000 to \$48,000.

RECOMMENDATION

The City Commission approve the request to amend the contract for State of Florida Lobbying Services to increase the amount by \$18,000 for a total amount of \$48,000.

Alternative Recommendation

The City Commission deny the request.

This Matter was Approved as Recommended on the Consent Agenda.

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040823b_200604101300.pdf
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051001 Revise Floodplain Ordinance (B)

This item involves a request to revise the Floodplain Ordinance based on the completion of a new Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) has been completed for the City of Gainesville. In order to assure participation in the National Flood Insurance Program, Gainesville must adopt the FIS and FIRM in accordance with 44 Code of Federal Regulations Section 60.3.

RECOMMENDATION

Recommended Motion: The City Commission authorize staff to initiate a petition to the Plan Board to amend the Gainesville Flood Control Ordinance.

Alternative Recommendation A: The City Commission refer the proposed Flood Control Ordinance revision to the Public Works Committee for review and direction.

This Matter was Approved as Recommended on the Consent Agenda.

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051022 Contracts for Supplemental Cold Weather Shelter and Services (B)

On March 13, 2006, the City Commission heard a request to amend the contracts with the Alachua County Housing Authority for supplemental cold weather shelter and services. Staff has received an invoice for additional expenses related to providing cold weather shelter and services at Holy Trinity Episcopal Church.

RECOMMENDATION

Recommended Motion: The City Commission approve amendments to the contracts with the Alachua County Housing Authority to shift \$10,000 from the Housing Authority's hotel/motel voucher program to the cold weather shelter at Holy Trinity Episcopal Church program.

Alternative Recommendation A: The City Commission not approve amendments to the contracts with the Alachua County Housing Authority.

Alternative Recommendation B: The City Commission defer action on the request to amend the contracts.

This Matter was Approved as Recommended on the Consent Agenda.

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051106

319 Grant Program Application to the Florida Department of Environmental Protection for the Depot Park Project (B)

This item involves a request to submit a grant application to the Florida Department of Environmental Protection (FDEP) for the 319 Grant Program Funds in the amount of \$500,000 for the Depot Park Project.

RECOMMENDATION

Recommended Motion: The City Commission: 1) authorize the City Manager to submit the Grant Application to FDEP for the 319 Grant Program Funds; 2) authorize the City Manager to allocate \$500,000 to the Depot Park Project from the Stormwater Management Utility Fund fund balance to provide the matching funds; and 3) execute any and all related documents with this Grant, if awarded, subject to approval by the City Attorney as to form and legality.

Alternative Recommendation A: The City Commission decline applying for the FDEP 319 Grant Program Funds. The resulting fiscal impact is the forfeiture of \$500,000 in grant assistance.

This Matter was Approved as Recommended on the Consent Agenda.

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051108

Application for Disability Retirement for Larry J. O'Neal (B)

Retirement application for Larry J. O'Neal, Transit Operator with the City of Gainesville - Regional Transit System for 4.25 years who has been under the care of physicians for an on-the-job injury.

RECOMMENDATION

The City Commission approve the submitted application for disability retirement for Larry J. O'Neal, Transit Operator, RTS.

This Matter was Approved as Recommended on the Consent Agenda.

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051109

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

This item involves an acquisition of two parcels of property in the amount of

\$60,042 to be used as right-of-way needed for the NE 19th Terrace Reconstruction Project.

RECOMMENDATION

Recommended Motion: The City Commission: 1) approve the acquisition of Tax Parcel 10733-001-000 located at 927 NE 19th Terrace and Tax Parcel 10733-012-000 located at 921 NE 19th Terrace from Edmon Mack for the purchase price of \$60,042; and 2) authorize the City Manager to execute any and all related 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 10733-001-000 located at 927 NE 19th Terrace and Tax Parcel 10733-012-000 located at 921 NE 19th Terrace from Edmon Mack for the purchase price of \$60,042 and abandon the NE 19th Terrace Reconstruction Project. If this request is denied, the funds for this acquisition would remain available in the road reconstruction project account.

This Matter was Approved as Recommended on the Consent Agenda.

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051112

**Acceptance of Property from the Phoenix Subdivision Owner Association, Inc.
(B)**

This item involves the acceptance of a special warranty deed and a public ingress/egress easement in the Phoenix Subdivision for the purpose of installing playground equipment.

RECOMMENDATION

Recommended Motion: The City Commission: 1) approve the acceptance of the special warranty deed from the Phoenix Subdivision Association that conveys a portion of the common area to the City for the installation of playground equipment and a public ingress/egress easement to access that common area; and 2) authorize the recording of the special warranty deed and easement.

Alternative Recommendation A: The City Commission decline the acceptance of the special warranty deed and request staff to pursue other options for providing playground equipment in the Phoenix area.

This Matter was Approved as Recommended on the Consent Agenda.

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GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS**051142 Contract for Proctor Dirt (NB)**

Staff requests ratification of a contract with W.G. Johnson & Sons, Inc. for proctor dirt.

RECOMMENDATION *The City Commission 1) ratify a three year contract for proctor dirt with W.G. Johnson & Sons, Inc., and 2) approve the issuance of purchase orders to W.G. Johnson & Sons, Inc. in amounts not exceeding budgeted amounts through FY 08, subject to final approval of funds for FY 07 and FY 08.*

This Matter was Approved as Recommended on the Consent Agenda.

051143 Purchase of Track Excavator (B)

Staff recommends the purchase of a track excavator for Deerhaven Generating Station.

RECOMMENDATION *The City Commission approve the issuance of a purchase order to Ring Power Corporation for the purchase of a track excavator in the amount of \$192,764.*

This Matter was Approved as Recommended on the Consent Agenda.

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051144 Release of Easement at Newberry Square Shopping Center (B)

Staff is requesting that a portion of an easement granted to the City of Gainesville September 28, 1988 be released due to a building encroachment.

RECOMMENDATION *The City Commission: 1) Approve the partial release of an easement granted to the City of Gainesville in 1988 at Newberry square shopping center; and 2) authorize the Mayor to execute the Partial Release of Easement subject to the approval of the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

051144_20060410.pdf

CITY ATTORNEY, CONSENT AGENDA ITEMS

051151 BELL SOUTH TELECOMMUNICATIONS, INC., A GEORGIA CORPORATION, VS. THE CITY OF GAINESVILLE, A MUNICIPAL CORPORATION, D/B/A GAINESVILLE REGIONAL UTILITIES; ALACHUA COUNTY COURT; CASE NO.: 01-05-CC-3733 (B)

RECOMMENDATION *The City Commission authorize the City Attorney to represent the City in the case styled BellSouth Telecommunications, Inc., a Georgia corporation vs. The City of Gainesville, A Municipal Corporation, d/b/a Gainesville Regional Utilities; Alachua County Court; Case No.: 01-05-CC-3733.*

This Matter was Approved as Recommended on the Consent Agenda.

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CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

051132 City Commission Minutes (B)

RECOMMENDATION *The City Commission approve the minutes of March 20, 2006 and March 21, 2006 (Special Meetings); March 27, 2006 (Regular Meeting); and March 30, 2006 @ 3:00 PM and March 30, 2006 @ 6:00 PM; as circulated.*

This Matter was Approved as Recommended on the Consent Agenda.

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EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

PUBLIC SAFETY COMMITTEE, CONSENT

050749 Review of Roam Tow Rate Information (B)

RECOMMENDATION *The City Commission accept this interim report from the Public Safety Committee on the review of roam tow rate information referral and retain this item on the pending referral list.*

NOTE: This item is being forwarded as the recommendation of one member of the Committee.

This Matter was Approved as Recommended on the Consent Agenda.

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Passed The Consent Agenda

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

Votes: Aye: Pegeen Hanrahan, Warren Nielsen, Rick Bryant and Craig Lowe

Absent: Chuck Chestnut, Edward Braddy and Jack Donovan

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

*MOTION: Commissioner Nielsen moved and Commissioner Bryant seconded to adopt the Regular Agenda with the following modifications.
(VOTE: 4-0, Commissioners Braddy, Chestnut and Commissioner Donovan - Absent, MOTION CARRIED)*

MODIFICATIONS:

- 1. File #051157 - New Item - City of Gainesville Sports Arena - (Add to the Agenda under City Manager Category).*
- 2. File #051156 - New Item - Request for Support of the Cosmos Film Festival - (Add to the Consent Agenda under the City Manager Category).*
- 3. File #051093 - New Item - Contract for Purchase of Kennedy Homes Property by the City of Gainesville (Add to the agenda under City Attorney Category).*
- 4. File #051165 - New Item - Black Spring Break Event - Commissioner Chestnut - (Waive the rules to hear this item at 7:00 PM).*
- 5. File #040282 - Design Plan and Final Plat - Cottage Grove Cluster Subdivision Resolution - (Continue to the April 24, 2006 Meeting) - (Letter attached).*
- 6. File #051154 - Final Plat Resolution - Madera Phase III - (Additional back-up submitted)*
- 7. File #051120 - New Item - Qualified Target Industry (QTI) Refund Resolution - DayJet Corporation - (Add to the agenda under Resolutions).*
- 8. File #051009 Final Administrative Order in the Matter of James Konish, Appellant; Legislative Matter No. 051009.*

NOTE: City of Gainesville Community Development Director and Jim Konish made comments.

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

CITY MANAGER

051114 Redevelopment on Northwest 13th Street Corridor (NB)

A number of developments are planned for the Northwest 13th Street corridor,

leading to revitalization of this important urban corridor in the City.

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

Chair Hanrahan recognized Mark Goldstein who spoke to the matter.

RECOMMENDATION *Hear an overview from Community Development staff regarding revitalization activity on and near the Northwest 13th Street corridor.*

Heard

051117

Council for Economic Outreach (CEO) Request for Opportunity 2010 Financial Contribution (B)

This item involves a request from the Council for Economic Outreach (CEO) for the City of Gainesville to financially participate in its Opportunity 2010 five year community and economic development initiative through a pledge of \$50,000 a year for five years or \$250,000.

City of Gainesville Economic Development Director Erik Bredfeldt gave a presentation.

Chair Hanrahan recognized Marilyn Tubb, Brent Christensen, Mark Goldstein, Jim Konish and Walter Willard who spoke to the matter.

AMENDMENT TO MAIN MOTION: Commissioner Nielsen moved and Commissioner Bryant seconded to approve the recommendation adding the amendment that staff bring the contract between the City and CEO back to the City Commission for review.

(VOTE: 3-1, Commissioner Lowe - No, Commissioners Braddy, Chestnut and Donovan - Absent, MOTION CARRIED)

ADDITIONAL MOTION (REFERRAL): Commissioner Nielsen moved and Commissioner Bryant seconded to authorize staff to develop a resolution to initiate a Comprehensive Plan amendment for the inclusion of the Innovation Zone.

(VOTE: 4-0, MOTION CARRIED)

See following Referral #051212.

RECOMMENDATION *Recommended Motion: The City Commission: 1) direct staff to include an allocation of \$50,000 for the CEO Opportunity 2010 Campaign in the FY 2007 and FY 2008 Economic Development Department budget; and 2) direct staff to formulate performance objectives associated with this allocation tied to implementation of the Innovation Zone to include marketing of the Zone to development interests and capturing of innovative economy opportunities within the*

Zone.

Alternative Recommendation : The City Commission: 1) deny the Council for Economic Outreach (CEO) request for a funding allocation associated with the Opportunity 2010 Campaign.

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

Votes: Aye: Pegeen Hanrahan, Warren Nielsen and Rick Bryant
Nay: Craig Lowe
Absent: Chuck Chestnut, Edward Braddy and Jack Donovan
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051212 Comprehensive Plan Amendment for Inclusion of the Innovation Zone (NB)

RECOMMENDATION *The City Commission authorize staff to develop a resolution to initiate a Comprehensive Plan amendment for inclusion of the Innovation Zone.*

A motion was made by Commissioner Nielsen, seconded by Commissioner Bryant, that this matter be Referred to the City Manager, due back on October 10, 2006. The motion carried by the following vote:

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

051157 City of Gainesville Sports Arena (B)

This item recommends that the City Commission select one of two Sports Arena proposals and authorize its submission in a Request for Proposals requested by Alachua County for establishment of a Tourist Venue.

City of Gainesville Recreation and Parks Director David Flaherty gave a presentation.

NOTE: Commissioner Donovan entered the meeting room at 3:08 PM.

Chair Hanrahan recognized Gainesville Sports Organizing Authority Executive Director Jack Hughes, Martin Barge and Walter Willard who spoke to the matter.

MOTION (MAIN MOTION): Commissioner Bryant moved and Commissioner Nielsen seconded to authorize the City Manager to submit the Martin Luther King, Jr., site as the City's proposal for the new sports arena (Alternative Recommendation A).

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

ADDITIONAL MOTION (REFERRAL) - Commissioner Bryant and Commissioner Nielsen seconded to have staff review the Depot Park Program and report back to the City Commission.

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

See following referral #051170.

RECOMMENDATION

The City Commission authorizes the City Manager to submit the Depot site to Alachua County as the City's proposal.

Alternative Recommendation A: The City Commission authorizes the City manager to submit the Martin Luther King Jr. site as the City's proposal.

Alternative Recommendation B: The City Commission provide direction on an alternative venue for submission to Alachua County.

Alternative Recommendation C: The City Commission direct staff not to submit a proposal.

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

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

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051170

Depot Park Program Review (NB)

RECOMMENDATION

The City Commission direct staff to review the Depot Park Program and report back to the City Commission.

A motion was made by Commissioner Bryant, seconded by Commissioner Nielsen, that this matter be Referred to the City Manager, due back on October 10, 2006. The motion carried by the following vote:

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

File #040282 - Design Plan and Final Plat - Cottage Grove Cluster Subdivision

There was a discussion regarding File #040282 - Design Plan and Final Plat - Cottage Grove Cluster Subdivision.

City of Gainesville Planner Gene Francis and Attorney for the Petitioner Robert Lash made comments regarding continuing this item to the April 24, 2006 Regular City Commission Meeting.

051156 Request for Support of the Cosmos Film Festival (B)

This is a request for \$3,500 to support the Cosmos International Film and Video Game Festival.

City of Gainesville Recreation and Parks Director David Flaherty and Cultural Affairs Manager Coni Gesualdi gave presentations.

RECOMMENDATION *The City Commission deny this request for funding.*

Alternative Recommendation A: The City Commission match the \$1,000 contribution of the Visitors and Convention Bureau utilizing City Commission Contingency funds.

Alternative Recommendation B: The City Commission approve Ms. Rozier's request for \$3,500 to support the Film and Video Game Festival utilizing City Commission Contingency funds.

No Action Taken

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GENERAL MANAGER FOR UTILITIES

051153 Request for Proposal for Executive Search Services (B)

Staff requests approval of the draft Request for Proposal for executive search services for the position of General Manager.

Interim General Manager for Utilities Karen Johnson and Human Resources Director Tom Motes gave presentations.

MOTION: Commissioner Bryant moved and Commissioner Lowe seconded to: 1) Approve the draft RFP with the amendments stated; 2) approve authorization to make additional minor amendments; and 3) approve the weights provided (in the back-up).

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

Chair Hanrahan recognized Kali Blount who spoke to the matter.

NOTE: It was approved by consensus that a special City Commission meeting be held regarding the evaluation of proposals for executive search services for the

position of General Manager of Utilities be held June 19, 2006 at 6:00 PM in the City Hall Auditorium.

RECOMMENDATION *The City Commission: 1) approve the draft Request for Proposal (RFP) for executive search services for the General Manager selection process; and 2) authorize the Interim General Manager to issue the RFP in accordance with Purchasing Policies and Procedures.*

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

Votes: Aye: Pegeen Hanrahan, Warren Nielsen, Rick Bryant, Craig Lowe and Jack Donovan

Absent: Chuck Chestnut and Edward Braddy

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CITY ATTORNEY

051009 FINAL ADMINISTRATIVE ORDER IN THE MATTER OF JAMES KONISH, APPELLANT; LEGISLATIVE MATTER NO. 051009 (B)

Chair Hanrahan recognized Jim Konish who spoke to the matter.

NOTE: Commissioner Braddy entered the meeting room at 4:42 PM.

RECOMMENDATION *The City Commission authorize the Mayor to execute, and Clerk of the Commission to attest, the final Order.*

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

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

Absent: Chuck Chestnut

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File #051093 Contract for Purchase of Kennedy Homes Property by the City of Gainesville

NOTE: Discussion on this item began during the afternoon portion of the agenda and was continued to the evening portion of the agenda under Unfinished Business.

RECESS - 5:14 PM

RECONVENE - 5:48 PM

CITY AUDITOR**EQUAL OPPORTUNITY DIRECTOR****COMMITTEE REPORTS (PULLED FROM CONSENT)****ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)****OUTSIDE AGENCIES****MEMBERS OF THE CITY COMMISSION****COMMISSION COMMENTS (if time available)****PLEDGE OF ALLEGIANCE (5:30pm)****Girl Scout Troop 570****PROCLAMATIONS/SPECIAL RECOGNITIONS****051133 Administrative Professionals Week and Day - April 23-29, 2006 (B)**

RECOMMENDATION *Gainesville Chapter International Association of Administrative Professionals President Susan Jarzen, CPS and Seminar Chair Chris Ross CPS/CAP to accept the proclamation.*

Heard

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051134 Thirteenth Annual Bike, Hike and Bus Week - April 16-23, 2006 (B)

RECOMMENDATION *2006 Bicycle/Pedestrian Advisory Board Bike, Hike and Bus Week Chair Crystal Goodison to accept the proclamation.*

Heard

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051135 Child Abuse Prevention Month - April 2006 (B)

RECOMMENDATION *Alachua County Child Abuse Prevention Task Force UF/Child Abuse Prevention Project Representative Annie McPherson, UF/Child Protection Team Representative Michele Scavone-Stone, and Guardian Ad Litem Program Representative Michael Whiting to accept the proclamation.*

Heard

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051136 Creeks Week - April 16-22, 2006 (B)

RECOMMENDATION *Gainesville Clean Water Partnership Representative Sally Adkins to accept the proclamation.*

Heard

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051137 2006 Crime Victim's Rights Week (B)

RECOMMENDATION *Peaceful Paths Victim Advocate Molly McGowan to accept the proclamation.*

Heard

051138 150th Anniversary Year of Evergreen Cemetery (B)

RECOMMENDATION *Evergreen Cemetery Association of Gainesville, Inc. President Dr. Thomas Fay and City of Gainesville Cemetery Coordinator Pamela M. Ganley to accept the proclamation.*

Heard

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051139 Holocaust Remembrance Day - April 25, 2006 (B)

RECOMMENDATION *Jewish Council of North Central Florida Yom Hashoah Committee Publicity Chair Rachael Channing and Committee Representative Estelle Aden to accept the proclamation.*

Heard

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051140 Library Appreciation Month - April 2006 (B)**RECOMMENDATION**

*Alachua County Library District Governing Board Chair
Gainesville Commissioner Craig Lowe, Member Mayor
Pegeen Hanrahan and Alachua County Library District
Library Director Sol M. Hirsch to accept the proclamation.*

Heard

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051141 Evinston to Cross Creek Paint Out - April 14, 2006 (B)**RECOMMENDATION**

*Artists Alliance of North Florida Co-Directors Annie W. Pais
and Stewart Thomas and Conservation Trust for Florida, Inc.
Executive Director Busy Shires Byerly to accept the
proclamation.*

Heard

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CITIZEN COMMENT (6:00pm) - Please sign on sign-up sheet**JIM KONISH***Fence Issue***Walter Willard***Energy Issues***Jerry Williamson***GPD Issues***Kenneth Brown***Homeless Issues***Rosa B. Williams**

Issue of baggy pants on young men.

See following Referral Item #051174.

051174 Issue of Young Men Wearing Baggy Pants (NB)

This issue was brought before the City Commission by Rosa B. Williams under Citizen Comment.

NOTE: It was approved without objection to send this item to the Public Safety Committee, due back October 10, 2006.

RECOMMENDATION *The City Commission refer the issue of young men wearing baggy pants and revealing their underwear to the Public Safety Committee for their review.*

Referred to Public Safety Committee

PUBLIC HEARINGS

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

050768 UNIVERSITY HEIGHTS SPECIAL AREA PLAN AMENDMENT (B)

Ordinance No. 0-06-38; Petition 174TCH-05 PB

An ordinance of the City of Gainesville, Florida, amending Appendix A, Section 6 of the Land Development Code, University Heights Special Area Plan; amending prohibited uses in the University Heights Special Area Plan; providing for rehabilitation centers by a Special Use Permit; amending height limits to be consistent with those in the Urban Mixed Use-2 (UMU-2) zoning district; amending the land use and building type matrix to include Urban Mixed-Use (UMU-2); providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

City of Gainesville Chief of Comprehensive Planning Dean Mimms and Community Development Director Tom Saunders gave presentations.

RECOMMENDATION *The City Commission: (1) approve Petition 174TCH-05 PB, and (2) adopt the proposed ordinance.*

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

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

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050882 **URBAN SERVICES REPORT – ALAMAR GARDENS, LLC**

Ordinance No. 0-06-37

An Ordinance of the City of Gainesville, Florida; adopting an Urban Services Report which sets forth the plans to provide urban services to an area comprised of Tax Parcels 06680-001-000, 06745-002-000 and 06745-002-001, and generally located south of the City limits and Tax Parcel 06745-000-000, west of the vicinity of SW 42nd Avenue, north of SW 20th Avenue, and east of the City limits; the area is proposed for annexation by the City of Gainesville pursuant to Chapter 90-496, Special Acts, Laws of Florida, as amended, known as the Alachua County Boundary Adjustment Act; providing directions to the City Manager, the City Attorney and the Clerk of the Commission; providing a repealing clause; providing a severability clause; and providing an immediate effective date.

City of Gainesville Interim Office of Management and Budget (OMB) Director Karen Snyder 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 Bryant, seconded by Commissioner Nielsen, that this matter be Adopted on First Reading (Ordinance). The motion carried by the following vote:

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

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ORDINANCES, 2ND READING- ROLL CALL REQUIRED

050769 **SOUTHWEST 13th STREET SPECIAL AREA PLAN AMENDMENT (B)**

Ordinance No. 0-06-35; Petition 175TCH-05 PB

An ordinance of the City of Gainesville, Florida, amending Appendix A, Section 7, Exhibit A, of the Land Development Code, Southwest 13th Street Special Area Plan, relating to height limits in the Urban Mixed Use-1 (UMU-1) and Urban Mixed Use-2 (UMU-2) zoning districts; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

City of Community Development Director Tom Saunders gave a presentation.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

050769_20060410.pdf

TIME CERTAIN - 7:00 PM - Commissioner Chuck Chestnut

051165 Mayor-Commissioner Pro Tem Chestnut - End of Black Spring Break Event (NB)

City of Gainesville Police Chief and Recreation and Parks Director David Flaherty gave presentations.

Chair Hanrahan recognized Doris Edwards, Cedric Walker, Gladys Thompson, and Walter Willard who spoke to the matter.

MOTION (REFERRAL): Commissioner Nielsen moved and Mayor-Commissioner Pro Tem Chestnut seconded to direct staff to: 1) Develop a threshold for which a permit is required at any park; 2) develop a maximum occupancy for each park type; 3) bring back a report to the Recreation and Cultural Affairs Committee; and 4) direct staff to work with Mr. Walker to find an alternate venue for this event.

RECOMMENDATION *The City Commission discuss ending the Black Spring Break event held at the T.B. McPherson Center and take appropriate action.*

A motion was made by Commissioner Nielsen, seconded by Mayor-Commissioner Pro Tem Chestnut, that this matter be Referred to the City Manager, due back on October 10, 2006. The motion carried by the following vote:

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

Absent: Edward Braddy

RESOLUTIONS- ROLL CALL REQUIRED

040282 Design Plat and Final Plat -Cottage Grove Cluster Subdivision (B)

Petition 17SUB-04DB, Rick Hall, agent for Dixieland Enterprises, L.L.C.

Design plat and final plat approval of Cottage Grove Cluster Subdivision, 17 lots on 6.51 acres more or less. Located in the vicinity of Northwest 54th Lane and Northwest 34th Street, west side. Zoned: RSF-2.

NOTE: This item was continued to the April 24, 2006 Regular Meeting.

RECOMMENDATION

The City Commission: 1) reapprove the design plat of Petition 17SUB-04DB with City staff's amended recommendations, eliminating the requirement for a masonry wall along a portion of the south property line and allowing the removal of the existing live oak tree from the rear cul-de-sac; 2) approve the final plat of Petition 17SUB-04DB, with City staff's amended recommendations as stated above; and 3) adopt the following resolution: A Resolution approving the final plat of "Cottage Grove, A Cluster Subdivision", located in the vicinity of Northwest 54th Lane and Northwest 34th Street, west side; authorizing the City Manager or designee, to execute a Surety Agreement to secure the construction of public improvements; providing directions to the Clerk of the Commission; and providing an immediate effective date.

Alternative Recommendation A: 1) The City Commission approve the design plat and final plat without City staff's amended recommendations, by requiring that the masonry wall be installed, and if the existing live oak is removed, require that a replacement live oak be planted within the cul-de-sac; and 2) adopt the following resolution: A Resolution approving the final plat of "Cottage Grove, A Cluster Subdivision", located in the vicinity of Northwest 54th Lane and Northwest 34th Street, west side; authorizing the City Manager or designee, to execute a Surety Agreement to secure the construction of public improvements; providing directions to the Clerk of the Commission; and providing an immediate effective date.

A motion was made by Mayor-Commissioner Pro Tem Chestnut, seconded by Commissioner Lowe, that this matter be Continued for April 24, 2006. The motion carried by the following vote:

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

Absent: Edward Braddy

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051154

Final Plat - Madera Phase III (B)

Petition 82SUB-01DB Phase III, (Quasi-Judicial). Causseaux and Ellington, Inc., agent for Duncan Chesapeake, LLD. Final Plat review, Phase III of the Madera Subdivision, consisting of 28 lots on 11.015 acres more or less. Located in the vicinity of SR 331 (Williston Road) and Southwest 21st Street, North Side.

Zoned: RSF-1, Single-Family Residential.

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

RECOMMENDATION

Planning Staff to City Commission - The City Commission adopt the following resolution: A Resolution approving the final plat of "Madera Cluster Development, Phase III", located in the general vicinity of Williston Road (north side), a/k/a S.R. 331, between Southwest 21st Street and Southwest 23rd Terrace; authorizing the City Manager or designee, to execute a Subdivision Improvement Surety Agreement to secure the construction of improvements; providing directions to the Clerk of the Commission; and providing an immediate effective date.

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

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

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051110**Resolution for the Transfer of Property to the Florida Department of Transportation (B)**

This item involves adoption of a Resolution authorizing execution of a deed to convey a 930-square foot parcel of land to the Florida Department of Transportation (FDOT) for the installation of a traffic signal pole and mast arm. This is part of the FDOT plan to improve State Road 26 (Newberry Road).

RECOMMENDATION

Recommended Motion: The City Commission adopt the Resolution.

Alternative Recommendation A: The City Commission deny the motion to adopt the Resolution, which would result in no traffic signal control at the intersection of NW 48th Boulevard and State Road 26 (Newberry Road). There is no fiscal impact from this request.

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

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

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051120 Qualified Target Industry (QTI) Refund Resolution - DayJet Corporation (B)

The Gainesville Alachua County Regional Airport Authority (GACRAA), Gainesville Area Chamber of Commerce, City of Gainesville and Alachua County are partnering on this effort to attract DayJet Corporation to the City of Gainesville and Gainesville Regional Airport.

City of Gainesville Economic Development Director Erik Bredfeldt gave a presentation.

Chair Hanrahan recognized Brent Christensen who spoke to the matter.

RECOMMENDATION *The City Commission: 1) authorize the Mayor to execute the QTI Resolution regarding DayJet Corporation contingent upon approval and execution of a similar resolution by the Alachua County Board of County Commissioners; 2) direct the City Manager to submit the executed QTI Resolution to Enterprise Florida.*

Alternative Recommendation : The City Commission deny the QTI Resolution for DayJet Corporation.

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

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

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PLAN BOARD PETITIONS**DEVELOPMENT REVIEW BOARD PETITIONS****051092 Design Plat Approval - Ingleside Village Subdivision (B)**

(Formal Quasi-Judicial) Petition 22SUB-06DB. Brown & Cullen, Inc., agent for Andrew Kaplan. Design plat approval of Ingleside Village Subdivision, for 10 lots on 1.16 acres more or less, having a density of 8.6 dwelling units per acre. Located between Northwest 17th Avenue and Northwest 18th Avenue and between Northwest 9th Street and Northwest 10th Street.

QUASI-JUDICIAL (INFORMAL)

STAFF PRESENTATION: City of Gainesville Planner Bedez Massey gave a presentation.

PETITIONER PRESENTATION: Agent for the Petitioner Mike Castine and Developer Andrew Kaplan gave presentations.

AFFECTED PARTY PRESENTATION: Chair Hanrahan recognized Mr. Eric Smith who spoke to the matter.

STAFF COMMENTS: City of Gainesville Urban Forestry Inspector Earline Luhrman made comments.

RECOMMENDATION *Development Review Board to City Commission - The City Commission approve Petition 22SUB-06DB with staff conditions and with a recommendation to the City Commission to waive the sidewalk requirement. Vote 5-0 (Abstain: Ingram).*

Staff to Development Review Board - Approve the petition, subject to the adoption of staff conditions.

Alternative recommendation A: Approve Petition 22SUP-06DB with staff conditions and with a recommendation to the City Commission to waive the sidewalk requirement.

Alternative recommendation B: Approve Petition 22SUB-06DB with staff conditions.

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

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

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SCHEDULED EVENING AGENDA ITEMS

UNFINISHED BUSINESS

051093 Purchase of Kennedy Homes Property for the South East Gainesville Renaissance Initiative (SEGRI).

This item involves the acquisition of the Kennedy Homes property from Kennedy Homes Limited Partnership as part of the Southeast Gainesville Renaissance Initiative.

NOTE: Discussion on this item began during the afternoon portion of the agenda.

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

RECOMMENDATION *The City Commission: 1) approve the acquisition of Kennedy Homes; and 2) authorize the City Manager to execute a contract and all related closing documents to purchase Kennedy Homes, subject to approval as to form and legality by the City Attorney*

Discussed

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051152 Annual Performance, Salary, and Benefits Review for the City Attorney (NB)

MOTION: Authorize a 4.3% salary increase for the City Attorney retroactive to his anniversary date.

RECOMMENDATION *The City Commission review the performance, salary, and benefits of the City Attorney and make adjustments as deemed appropriate as provided in the City Attorney's Employment Agreement.*

A motion was made by Mayor-Commissioner Pro Tem Chestnut, seconded by Commissioner Braddy, that this matter be Approved as shown above (See Motion). The motion carried by the following vote:

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

051175 Charter Officer Review Process (NB)

RECOMMENDATION *The City Commission refer the issue of the Charter Officer Review Process to the P&O Committee.*

A motion was made by Commissioner Nielsen, seconded by Mayor-Commissioner Pro Tem Chestnut, that this matter be Referred to the Personnel and Organizational Structure Committee, due back on October 10, 2006. The motion carried by the following vote:

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

COMMISSION COMMENTS

Commissioner Rick Bryant

E-mail from regarding positive comments regarding Gainesville's Development Review Process from the City of Cape Coral.

Commissioner Jack Donovan

Request to the Interim General Manager for Utilities.

- 1. Standard & Poors Report from November, 2005, (Bond Rating) - GRU's perspective.*
- 2. Marginal cost of production of energy (peak demand) for the past three years or fuel costs as a substitute.*

Commissioner Chuck Chestnut

Unclear View of City Commission Meeting on TV Channel 12.

Mayor Pegeen Hanrahan

City/County concern regarding a bill in Tallahassee that's being advocated for by the League of Cities that would essentially wipe off the books any ordinances or Special Acts of the Legislature that are County-Wide regulations affecting both Cities and Counties. This could wipe out the Boundary Adjustment Act.

NOTE: This issue was referred to staff to review the bill and authorization was given to the City Manager to act in the Commission's interest.

See Following File # 051199.

051199 Florida League of Cities Bill Re: Boundary Adjustment Act (NB)

NOTE: This item was referred to the City Manager by Consensus.

RECOMMENDATION *The City Commission refer the above referenced bill to staff for review and authorize the City Manager to act on behalf of the City Commission.*

Referred to City Manager

CITIZEN COMMENT**Richard Selwach**

- 1. Apology to Marion Radson*
- 2. Airport Utility Bill - Information Request*

3. *Destroyed Wetlands by the Airport*
4. *Copy of New Airport Agreement Re: The Special Act - Information Request*
5. *CO2 Tax - Information Request*

ADJOURNMENT - 9:38 PM

Kurt M. Lannon, Clerk of the Commission