

# **City of Gainesville**

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



## **Meeting Minutes**

**Monday, April 11, 2005**

**1:00 PM**

**City Hall Auditorium**

## **City Commission**

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

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

## CALL TO ORDER - 1:02 PM

## ROLL CALL

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

## INVOCATION

## CONSENT AGENDA

*MOTION: Commissioner Nielsen moved and Commissioner Chestnut seconded to adopt the Consent Agenda with the following modifications:*

*MODIFICATIONS:*

*1. File #041134 - (New Item) Porter's Community Center - (Add to the City Manager's Consent Agenda with back-up).*

*2. File #041076 - (New Item) Clinton Portis Weekend - (backup submitted).*

*NOTE: Commissioner Bryant entered the meeting room at 1:06 PM.*

*AMENDMENT BY SUBSTITUTION MOTION:*

*Mayor-Commissioner Pro Tem Domenech moved to add the above items (Modifications) to the Regular Agenda for discussion without objection.*

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

## CITY MANAGER, CONSENT AGENDA ITEMS

### 041153 Reappointment of Bob Freeman to the East Gainesville SPROUT Project Task Force (B)

**RECOMMENDATION** *Reappoint Bob Freeman to the East Gainesville SPROUT Project Task Force for another three-year term ending April 14, 2008.*

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

### 041154 FEMA Hazard Mitigation Grant Applications (B)

**RECOMMENDATION** *The City Commission: 1) authorize the Interim City Manager to apply for FEMA Mitigation Grants for each of these mitigation projects; and if awarded, 2) authorize the encumbrance of the required matching funds; 3) execute the grant agreements, subject to approval by the City Attorney as*

*to form and legality; and 4) authorize the Interim City Manager to approve the required payments process for expending grant funds as needed.*

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

**041155 Special Area Plan for Southeast Gainesville Renaissance Initiative Area (B)**

**RECOMMENDATION** *The City Commission initiate a petition to the City Plan Board to create a special area plan with simple site design rules as an overlay zoning district for the Southeast Gainesville Renaissance Initiative area, to apply to all zoning districts and development types except industrial and single-family development.*

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

**041156 Request for Proposals for the Management and Operation of a Public Access Channel (B)**

**RECOMMENDATION** *The City Commission approve the dissemination of the Request for Proposals for the Management and Operation of a Public Access Channel.*

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

**041157 Approval to Purchase Pneumatic Traffic Roller (NB)**

**RECOMMENDATION** *The City Commission approve the purchase of a Pneumatic Traffic Roller at a cost not to exceed \$51,758 as bid to the City of Tampa by Ring Power Corporation and to authorize the Interim City Manager or designee to execute the agreement for the Pneumatic Traffic Roller.*

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

**041158 Surplus Property Sale (NB)**

**RECOMMENDATION** *The City Commission declare all materials, equipment and vehicles presently stored at the Surplus Lot as surplus property and authorize the sale of such property.*

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

**GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS**

**041168 Additional Expenditures-Infrared Inspection Services Contract (NB)**

**RECOMMENDATION** *The City Commission authorize additional expenditures under an existing contract with McCabe & Associates for infrared inspection services for FY 05, not exceeding budgeted amounts.*

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

**041169 Approval of Contract Amendment and Issuance of a Purchase Order for Wood Pole Inspection and Groundline Treatment (NB)**

**RECOMMENDATION** *The City Commission authorize the General Manager or his designee to execute an amendment to extend the contract with Osmose, Inc. for wood pole inspection and groundline treatment for a one-year period and approve the issuance of a purchase order to Osmose, Inc. in an amount not to exceed \$80,000.00.*

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

**041170 Wyngate Farms Release of Easement (B)**

**RECOMMENDATION** *The City Commission: 1) approve the release of a public utility easement located on Lot 13 in Wyngate Farms 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.**

**CITY ATTORNEY, CONSENT AGENDA ITEMS****041148 HOME OCCUPATIONAL PERMIT FEE, AMENDMENT TO APPENDIX A (B)**

**RECOMMENDATION** *The City Commission authorize the City Attorney to draft and advertise an ordinance amending Appendix A of the City of Gainesville Code of Ordinances, Home Occupational Permit Fee.*

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

**041151 COMMUNICATION TOWERS AND WIRELESS FACILITIES (PETITION NO. 170-TCH-03 PB) (B)**

**RECOMMENDATION** *The City Commission approve the temporary postponement of this ordinance/petition pending action in the State legislative regular session at the recommendation of the Interim City Manager and City Attorney.*

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

**041167 BELLSOUTH EASEMENT AT TUMBLIN' CREEK PARK (NB)**

**RECOMMENDATION** *The City Commission: 1) grant a fifteen-foot easement to BellSouth for their existing and future underground facilities that currently traverse Tumblin' Creek park; and 2) authorize the Interim City Manager to execute all necessary documents to grant and record the easement to BellSouth, subject to approval by the City Attorney as to form and legality.*

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

**CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS****041152 City Commission Minutes (B)**

**RECOMMENDATION** *The City Commission approve the minutes of March 28, 2005, as circulated.*

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

**041176 Resignation of Advisory Board/Committee Member Derek Turner (B)**

**RECOMMENDATION** *The City Commission accept the resignation of Derek Turner from the Citizens' Advisory Committee for Community Development effective immediately.*

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

**041177 Resignation of Advisory Board/Committee Member Joseph P. Michael (B)**

**RECOMMENDATION** *The City Commission accepts the resignation of Joseph P. Michael from the City Beautification Board effective March 22, 2005.*

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

**EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS****COMMITTEE REPORTS, CONSENT AGENDA ITEMS****PUBLIC SAFETY COMMITTEE, CONSENT****COMMUNITY DEVELOPMENT COMMITTEE, CONSENT****040829 Family and Large Family Child Care Homes (B)**

**RECOMMENDATION** *Community Development Committee to the City Commission: initiate a petition to amend the definition for family child care homes, adopt a definition for large family child care homes, and allow large family child care homes in all residential districts, provided the following conditions are met: 1) they are licensed and approved by the Alachua County Health Department; 2) they have a staff-approved parking/drop-off/pick-up plan; 3) all outdoor play areas are located between the building and the rear property line; 4) the operators have certified that their primary residence is onsite; 5) they have a minimum separation distance of 1,000 feet from other large family child care homes; 6) there are no existing code violations associated with the site; and 7) remove this item from the referral list.*

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

**DISABILITY REVIEW COMMITTEE, CONSENT****041159 Application for Disability Retirement (NB)**

**RECOMMENDATION** *The City Commission approve the submitted application for disability retirement for Henry L. Jenkins, Labor Crew Leader 1, Streets Division.*

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

**Passed The Consent Agenda**

**A motion was made by Commissioner Nielsen, seconded by Commissioner Chestnut, 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, Chuck Chestnut, Edward Braddy, Tony Domenech, Rick Bryant and Craig Lowe

## COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

### END OF CONSENT AGENDA

### ADOPTION OF THE REGULAR AGENDA

*MOTION: Mayor Commissioner Pro Tem Domenech moved and Commissioner Chestnut seconded to adopt the Regular Agenda with the following modifications: (VOTE: 7-0, MOTION CARRIED)*

*MODIFICATIONS:*

- 1. File #041134 - (New Item) Porter's Community Center - (Add to the Regular agenda with back-up).*
- 2. File #041076 - (New Item) Clinton Portis Weekend - (backup submitted).*

### CHARTER OFFICER UPDATES

### CLERK OF THE COMMISSION

### CITY MANAGER

#### 041160 Small Business Week - 2005 (B)

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

**RECOMMENDATION** *The City Commission: 1) hear a presentation from staff regarding the Small Business Week 2005 schedule of events.*

**Heard**

#### 041161 Move and Rehabilitation of Two Houses Owned by Santa Fe Community College (B)

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

*Chair Hanrahan recognized Citizens Edward Earl Young, Kali Blount and Guy York (representing Santa Fe Community College) who spoke to the matter.*

**RECOMMENDATION** *The City transfer parcel 14479 to the CRA, and authorize the*

*Interim City Manager to execute all appropriate documents, and request that the CRA handle the house moves and renovations, by bringing these properties into the Model Block program, and the CRA fund up to \$10,000 per house of any funding gap and Santa Fe fund up to \$10,000 per house of any funding gap, in equal amounts from the CRA and Santa Fe.*

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

**Votes:** Aye: Pegeen Hanrahan, Warren Nielsen, Chuck Chestnut, Edward Braddy, Rick Bryant and Craig Lowe  
Absent: Tony Domenech

**041162 Formal Notification from Alachua County for Updates to Municipal Urban Reserve Areas (B)**

*City of Gainesville Strategic Planner Karen Snyder gave a presentation.*

*MAIN MOTION: Authorize the Interim City Manager to submit the City's final desired changes to the Gainesville Urban Reserve Area to Alachua County indicating that all of the proposed City of Gainesville Extra Territorial Areas and all of the proposed City of Gainesville Urban Reserve Area (as shown on the map in the back-up) become the City of Gainesville's Urban Reserve Area.*

*Chair Hanrahan recognized Citizens Tom Gorman and Kali Blount who spoke to the matter.*

**RECOMMENDATION** *The City Commission: 1) Hear a brief presentation from staff on the modifications discussed at the January 13th Urban Reserve Area workshop including the impact and responses received from affected neighboring municipalities; and 2) authorize the Interim City Manager to submit the City's final desired changes to the Gainesville Urban Reserve Area to Alachua County.*

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

**Votes:** Aye: Pegeen Hanrahan, Warren Nielsen, Chuck Chestnut, Edward Braddy, Rick Bryant and Craig Lowe  
Absent: Tony Domenech

**041134 Porters Community Center (B)**

*MOTION (REFERRAL): Mayor-Commissioner Pro Tem Domenech moved and Commissioner Braddy seconded to: 1) Direct the City Auditor and the City Attorney to come back to the City Commission with a complete report of what transpired*



(regarding the Porter's Community Center) and if there were any violations of the law and if so, who is responsible; and 2) include any actionable items.  
(VOTE: 7-0, MOTION CARRIED)

*ADDITIONAL MOTION: Commissioner Chestnut moved and Commissioner Lowe seconded to: 1) Approve the recommendation; and 2) direct staff to look at different options of reimbursing the Recreation Department.  
(VOTE: 5-1 - Commissioners Chestnut, Lowe, Domenech, Nielsen, Chestnut and Mayor Hanrahan-Yes; Commissioner Braddy - No, Mayor-Commissioner Pro Tem Domenech - Absent; MOTION CARRIED)*

*City of Gainesville Revenue Recovery Specialist Audrey Lewis, Recreation and Parks Director David Flaherty, and Assistant City Attorney Dana Crosby gave presentations.*

*Chair Hanrahan recognized Citizen Kali Blount who spoke to the matter.*

**RECOMMENDATION** *The City Commission: 1) appropriate \$105,000 of Recreation Department General Fund monies recently reimbursed by grant revenues to pay the costs associated with satisfying the mortgage on the property and reimburse to the Recreation Department the portion of these expenditures that can subsequently be secured from HUD funding; 2) approve the payment for satisfaction of the mortgage; and 3) authorize the Interim City Manager to execute any documents necessary and to file the satisfaction of mortgage with the Clerk of the Court, subject to approval by the City Attorney as to form and legality.*

**Approved, as shown above**

**041034 Roam Towing Fee Reduction (NB)**

*Chair Hanrahan recognized Citizen Rick Peoples, David Idelman of Superior Towing and Kevin Whitesides of Elite Towing who spoke to the matter.*

*City of Gainesville Police Chief Norm Botsford made comments.*

**RECOMMENDATION** *The City Commission accept the Public Safety Committee's recommendation to take no action on this item and remove this from the pending referral list.*

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

**Votes:** Aye: Chuck Chestnut, Edward Braddy, Tony Domenech and Rick Bryant  
Nay: Pegeen Hanrahan, Warren Nielsen and Craig Lowe

**GENERAL MANAGER FOR UTILITIES**

**CITY ATTORNEY**

**CITY AUDITOR**

**EQUAL OPPORTUNITY DIRECTOR**

**COMMITTEE REPORTS (PULLED FROM CONSENT)**

**PUBLIC SAFETY COMMITTEE**

**EQUAL OPPORTUNITY COMMITTEE**

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

**OUTSIDE AGENCIES**

**041180 Tom Cunilio - Florida Renewable Resource Conservation and Development Council (B)**

*Chair Hanrahan recognized Tom Cunilio who gave a presentation.*

**RECOMMENDATION** *The City Commission hear remarks from Tom Cunilio and take action deemed appropriate.*

**Heard**

**MEMBERS OF THE CITY COMMISSION**

**COMMISSION COMMENTS (if time available)**

**RECESS - 5:07 PM**

**RECONVENE - 5:41 PM**

**CITIZEN COMMENT**

**Daniel Jones and Katharine Bucca**

*Santa Fe Community College Annexation*

*See following item #041214.*

**041214 City Intern Daniel Jones - Santa Fe Community College Annexation Referendum (B)**

**RECOMMENDATION** *The City Commission hear a presentation from Intern Daniel Jones and Santa Fe Student Senate President Katharine Bucca and place back-up submitted on file.*

**Placed on File**

**Gabe Kaimowitz**

*Art Project*

**040984 Gabriel (Gabe Kaimowitz) Citizen Comment (B)**

**RECOMMENDATION** *The City Commission hear citizen comment from Gabriel (Gabe Kaimowitz) and place documents submitted on file.*

**Placed on File**

**Harold Saive**

*Election Issues*

**John Carr**

*Identification Problem*

*City of Gainesville Police Chief Norm Botsford made comments.*

**Pat Fitzpatrick**

*Homeless Issues*

**COMMISSION COMMENTS (if time available)**

**PLEDGE OF ALLEGIANCE (6:00pm)**

**PROCLAMATIONS/SPECIAL RECOGNITIONS**

**041171 National Public Safety Telecommunications Week - April 10-16, 2005 (B)**

**RECOMMENDATION** *Alachua County Sheriff's Department Combined Communications Center Bureau Chief Eddie Williams to accept the proclamation.*

**Heard**

**041172 Jazz Appreciation Month - April 2005 (B)**

**RECOMMENDATION** *Gainesville Friends of Jazz and Blues President Scott R. Koons to accept the proclamation.*

**Heard**

**041173 Gainesville Academy of Electrical Technology Day - April 19, 2005 (B)**

**RECOMMENDATION** *Gainesville Academy of Electrical Technology Chairman Joe Suggs, Secretary Chad Preson, Training Director Shawn Graves and Trustee Letcher Worley to accept the proclamation.*

**Placed on File**

**041174 National Victims Rights Week - April 10-16, 2005 (B)**

**RECOMMENDATION** *Victim Rights Planning Committee Victim Advocate Molly McGowan to accept the proclamation.*

**Heard**

**041175 Water Conservation Month - April 2005 (B)**

**RECOMMENDATION** *Citizen Daniel Jones to accept the proclamation.*

**Heard**

**041179 Great American Cleanup Day - April 16, 2005 (B)**

**RECOMMENDATION** *Keep Alachua County Beautiful Affiliate Bob Gasche and Assistant Liz Carollo to accept the proclamation.*

**Heard**

**CITIZEN COMMENT - (CONTINUED)**

**Edward Earl Young**

*Santa Fe Community College Issues*

**Walter Willard**

*Government Issues*

**PUBLIC HEARINGS****ORDINANCES, 1ST READING- ROLL CALL REQUIRED****030753 STREET VACATION (B)****Ordinance No. 0-05-25, Petition 152-SVA-03PB**

**An ordinance of the City of Gainesville, Florida, to vacate, abandon and close that portion of right-of-way located East of North Main Street and adjacent to 3333 North Main Street; reserving utilities easements; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

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

**A motion was made by Commissioner Nielsen, seconded by Commissioner Bryant, 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, Tony Domenech, Rick Bryant and Craig Lowe

**030754 STREET VACATION (B)****Ordinance No. 0-05-26, Petition 153-ASVA-03PB**

**An ordinance of the City of Gainesville, Florida, to vacate, abandon and close that portion of right-of-way located East of North Main Street and adjacent to 3435 North Main Street; reserving utilities easements; 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 Chestnut, seconded by Mayor-Commissioner Pro Tem Domenech, that this matter be Adopted on First Reading (Ordinance). The motion carried by the following vote:**

**Votes:** Aye: Warren Nielsen, Chuck Chestnut, Edward Braddy, Tony Domenech and Rick Bryant  
Nay: Pegeen Hanrahan and Craig Lowe

**041149 STREET VACATION (B)****Ordinance No. 0-05-38, Petition 153-BSVA-03PB**

**An ordinance of the City of Gainesville, Florida, to vacate, abandon and close that portion of right-of-way located East of North Main Street and adjacent to 3345 North Main Street; reserving utilities easements; 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 Chestnut, seconded by Commissioner Nielsen, that this matter be Adopted on First Reading (Ordinance). The motion carried by the following vote:**

**Votes:** Aye: Warren Nielsen, Chuck Chestnut, Edward Braddy, Tony Domenech and Rick Bryant  
Nay: Pegeen Hanrahan and Craig Lowe

**031256 LAND USE CHANGE - OAK HAMMOCK (B)****Ordinance No. 0-05-19, Petition 24LUC-04PB**

**An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by changing the land use categories of certain properties annexed into the City from the Alachua County land use categories of "RES 2-4: Residential, 2-4 dwelling units per acre", "INST, Institutional", and "OFF/R 4-8: Office/Residential, 4-8 dwelling units per acre" to the City of Gainesville land use category of "Office", as more specifically described in this Ordinance, generally located in the vicinity of and including the Oak Hammock retirement community, and certain properties along Williston Road including 2521 Southwest Williston Road; providing a severability clause; providing a repealing clause; and providing an effective date.**

*City of Gainesville Planner Jason Simmons and Planning Manager Ralph Hilliard gave presentations.*

*Chair Hanrahan recognized Suzanne Gotro, Stephanie Pearce, Mona Cayce, Richard Steinmate, Joe Hartley, Willa Drummond, Bruce DeLaney, Don Emerson, Valerie Cannell and an unidentified male who spoke to the matter.*

**RECOMMENDATION** *The City Commission adopt the proposed ordinance on first reading.*

**A motion was made by Mayor-Commissioner Pro Tem Domenech, 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, Tony Domenech, Rick Bryant and Craig Lowe

**031257 REZONING - OAK HAMMOCK (B)**

**Ordinance No. 0-05-20, Petition 25ZON-04PB**

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain lands annexed into the City from the Alachua County zoning categories of "PD, planned development", "R1a, single-family, low density (one to four dwelling units per acre)", and "A, agricultural district" to the City of Gainesville zoning categories of "Planned Development District" and "OF: General office district", as more specifically described in this ordinance; generally located in the vicinity of and including the Oak Hammock retirement community, and certain properties along Williston Road including 2521 Southwest Williston Road; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

**RECOMMENDATION** *The City Commission adopt the proposed ordinance on first reading.*

**A motion was made by Commissioner Nielsen, seconded by Commissioner Chestnut, 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, Tony Domenech and Craig Lowe  
Absent: Rick Bryant

**040519 LAND USE CHANGE - BLUES CREEK (B)****Ordinance No. 0-05-05, Petition 167LUC-04PB**

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by changing the land use category of certain property from "Single-Family (up to 8 units per acre)" to "Residential Low-Density (up to 12 units per acre); located in the vicinity of west of Northwest 43rd Street and north of Northwest 73rd Avenue; providing a severability clause; providing a repealing clause; and providing an effective date.

*City of Gainesville Planning Manager Ralph Hilliard gave a presentation.*

**RECOMMENDATION** *The City Commission: 1) approve Petition No. 167LUC-04PB and; 2) adopt the proposed ordinance on first reading.*

**A motion was made by Commissioner Nielsen, seconded by Mayor-Commissioner Pro Tem Domenech, 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, Tony Domenech, Rick Bryant and Craig Lowe  
Nay: Edward Braddy

**040755 REZONING - 500 TO 600 BLOCKS BETWEEN NE 20th TERRACE AND NE 24th STREET (B)**

**Ordinance No. 0-05-22, Petition 192ZON-04PB**

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain lands within the City from the zoning categories of "RSF-1: 3.5 units/acre single-family residential district" and "RSF-2: 4.6 units/acre single-family residential district" to the zoning category of "PS: Public services and operations district"; allowing development of a stormwater park with a retention basin and recreational nature trails; without approval of a preliminary development plan; located in the vicinity of the 500 to 600 blocks between Northeast 20th Terrace and Northeast 24th Street; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

*City of Gainesville Planner Jason Simmons and Stormwater Services Manager Stewart Pearson gave presentations.*

**RECOMMENDATION** *The City Commission: 1) approve Petition No. 192ZON-04PB and; 2) adopt the proposed ordinance.*

**A motion was made by Commissioner Nielsen, seconded by Commissioner Bryant, 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 and Craig Lowe  
Absent: Tony Domenech

040919

**COMPREHENSIVE PLAN AMENDMENT - ANNUAL UPDATE OF THE 5-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS (B)****Ordinance No. 0-05-30; Petition 18CPA-05PB**

An ordinance of the City of Gainesville, Florida, amending the City of Gainesville Capital Improvements Element of the City of Gainesville 2000-2010 Comprehensive Plan; adopting the annual update of the 5-Year Schedule of Capital Improvements; amending the Potable Water, Recreation and Stormwater Management Elements; providing directions to the city manager; providing a severability clause; providing a repealing clause; and providing an effective date.

*City of Gainesville Senior Planner Onelia Lazzari gave a presentation.*

**RECOMMENDATION** *The City Commission (1) approve Petition 18CPA-05 PB and (2) adopt the proposed ordinance at the transmittal stage.*

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

**Votes:** Aye: Pegeen Hanrahan, Warren Nielsen, Chuck Chestnut, Edward Braddy, Rick Bryant and Craig Lowe  
Absent: Tony Domenech

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



**RESOLUTIONS- ROLL CALL REQUIRED**

**031202 Conversion of Conditional Plat approval to Final Plat approval of Madera Cluster Subdivision, Phase II of a three-phase project located in the vicinity of SR 331 (Williston Road) and Southwest 21st Street, north side. Petition 82SUB-01DB (B)**

**RECOMMENDATION** *Planning Staff to City Commission - The City Commission adopt the following resolution: A Resolution approving the final plat of "Madera Cluster Development, Phase II, located in the general vicinity of Williston Road (north side), a/k/a S.R. 331, between Southwest 20th Street and Southwest 21st Street; authorizing the City Manager of 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 Commissioner Chestnut, seconded by Commissioner Lowe, that this matter be Adopted (Resolution). The motion carried by the following vote:**

**Votes:** Aye: Peegen Hanrahan, Warren Nielsen, Chuck Chestnut, Edward Braddy, Rick Bryant and Craig Lowe  
Absent: Tony Domenech

**041150 RESOLUTION ACCEPTING THE REPORT OF THE BOARD OF CANVASSERS FOR ELECTION HELD ON MARCH 29, 2005(B)**

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

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

**Votes:** Aye: Peegen Hanrahan, Warren Nielsen, Chuck Chestnut, Edward Braddy, Rick Bryant and Craig Lowe  
Absent: Tony Domenech

**041163 Local Housing Assistance Plan - State Fiscal Years 2005-2007 (B)**

*Community Redevelopment Agency Director Tom Saunders, Housing Manager Jacqueline Richardson and Rehabilitation Specialist II Gail Jane gave presentations.*

*Chair Hanrahan recognized Citizen Kali Blount who spoke to the matter.*

**RECOMMENDATION** *The City Commission: 1) approve the Inter-local Agreement and Special Needs Housing Program Guidelines; 2) authorize*

*the Mayor to execute the Inter-local Agreement and all necessary documents pertinent to the agreement for the Special Needs Housing Program; 3) approve the Local Housing Assistance Plan for State Fiscal Years 2005-2007; 4) authorize the Mayor to execute all necessary documents and certifications pertinent to the Local Housing Assistance Plan; 5) adopt a resolution approving the Local Housing Assistance Plan, as required by the SHIP program; and 6) authorize the submission of the Local Housing Assistance Program for review and approval by the Florida Housing Finance Corporation.*

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

**Votes:** Aye: Pegeen Hanrahan, Warren Nielsen, Chuck Chestnut, Tony Domenech, Rick Bryant and Craig Lowe  
Absent: Edward Braddy

**041164                      Affordable Housing Incentive Plan (Amended) (B)**

**RECOMMENDATION**    *The City Commission adopt a Resolution approving the amended Affordable Housing Incentive Plan and incorporating it into the 2005-2007 Local Housing Assistance Plan.*

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

**Votes:** Aye: Pegeen Hanrahan, Warren Nielsen, Chuck Chestnut, Tony Domenech, Rick Bryant and Craig Lowe  
Absent: Edward Braddy

**041165                      A RESOLUTION WITH CITIBANK PERTAINING TO AN INTEREST RATE SWAP TRANSACTION RELATING TO THE CITY'S TAXABLE PENSION OBLIGATION REVENUE BONDS, SERIES 2003A (EMPLOYEES' PLAN) AND TAXABLE PENSION OBLIGATION REVENUE BONDS, SERIES 2003B (CONSOLIDATED PLAN). (B)**

*City of Gainesville Finance Director Mark Benton gave a presentation.*

**RECOMMENDATION**    *The City Commission adopt the resolution authorizing the execution and delivery of a master agreement, schedule, credit support annex, and confirmation with Citibank, N.A., New York, and delegating to the Interim City Manager, Administrative Services Director or Finance Director the authority to execute and deliver such documents.*

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

**Votes:** Aye: Pegeen Hanrahan, Warren Nielsen, Chuck Chestnut, Edward Braddy, Tony Domenech, Rick Bryant and Craig Lowe

## PLAN BOARD PETITIONS

**041166      A special use permit with development plan review for a convenience store/restaurant and a maximum of 12 gasoline fueling positions located at 1515 North Main Street. Petition 21SUP-05 PB (B)**

*City of Gainesville Planner Gene Francis, Agent for the Petitioner Robert Walpole of Causeaux and Ellington, Inc., Architect for the Petitioner Craig Salley of Craig Salley and Associates, Dave Newport of the US Green Building Council, Agent for the Petitioner Bob Cohen and Craig Selph of Terra-Com Environmental Consulting, Inc., gave presentations.*

*FIRST MOTION (MAIN MOTION): Commissioner Nielsen moved and Commissioner Chestnut seconded to approve Petition 21SUP-05PB with City Plan Board and staff conditions as provided in the back-up and adding a new Condition 12 (with the kangaroo weather vane).*

*(VOTE: 4-2 - Commissioners Nielsen, Chestnut, Domenech, Lowe - Yes; Commissioners Bryant and Braddy - No; and Mayor Hanrahan - Abstain, MOTION CARRIED)*

*FIRST AMENDMENT TO MAIN MOTION: Commissioner Lowe moved that the access to 2nd Street be for pedestrians and bicycles only.*

*(VOTE: 1-5 - Commissioner Braddy - Yes; and Commissioners Chestnut, Domenech, Nielsen, Bryant and Lowe - No; and Mayor Hanrahan - Abstain, MOTION FAILED)*

*SECOND AMENDMENT TO MAIN MOTION: Commissioner Bryant moved and Commissioner Braddy seconded that there be an exterior liner for the 3, (20,000 gallon) double walled (fuel) tanks.*

*(2-4, Commissioners Bryant and Braddy - Yes; Commissioners Lowe, Chestnut, Domenech and Nielsen, No; and Mayor Hanrahan - Abstain, MOTION FAILED)*

*Chair Hanrahan recognized Kim Popejoy and Randy Wells who spoke to the matter.*

*ADDITIONAL MOTION (REFERRAL): Commissioner Nielsen moved and Commissioner Lowe seconded to refer the issue of N.E. 2nd Street to the Public Works Committee for their review and report back to the City Commission.*

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

*NOTE: See following referral item #041216.*

**RECOMMENDATION**      *City Plan Board to City Commission - The City Commission approve Petition 21SUP-05 PB, with staff conditions and with modifications to staff Condition numbers 4, 5, 9, deleting*

*Condition 11, and adding a new Condition 11 under Section (E) Cross-access and Joint Driveway, reducing the width from 24-feet to 20-feet for that portion of the internal driveway located east of the entrance to the convenience/restaurant/gas station. Plan Board vote 5-0.*

*Staff to Plan Board - Approve the Special Use Permit and development plan, with conditions.*

**A motion was made by Commissioner Nielsen, seconded by Commissioner Chestnut, that this matter be Approved (Petition) with Staff and Plan Board Conditions, as modified. The motion carried by the following vote:**

**Votes:** Aye: Warren Nielsen, Chuck Chestnut, Tony Domenech and Craig Lowe  
Nay: Edward Braddy and Rick Bryant  
Abstain: Pegeen Hanrahan

**041216 North East 2nd Street in Relation to File # 041166 (NB)**

*NOTE: Commissioner Nielsen requested that Kim Popejoy and Randy Wells be invited to the Public Works Committee meeting when this issue is discussed.*

**RECOMMENDATION** *The City Commission refer the issue of N.E. 2nd Street to the Public Works Committee for their review and report back to the City Commission.*

**A motion was made by Commissioner Nielsen, seconded by Commissioner Lowe, that this matter be Referred to the Public Works Committee, due back on October 11, 2005. The motion carried by the following vote:**

**Votes:** Aye: Pegeen Hanrahan, Warren Nielsen, Chuck Chestnut, Edward Braddy, Tony Domenech, Rick Bryant and Craig Lowe

**DEVELOPMENT REVIEW BOARD PETITIONS**

**SCHEDULED EVENING AGENDA ITEMS**

**UNFINISHED BUSINESS**

**041076 Clinton Portis Weekend (B)**

*City of Gainesville Interim Assistant City Manager Teresa Scott gave a presentation.*

*MOTION: The City Commission reply back to the Clinton Portis Foundation that due to the recurring nature for funding of the Pop Warner Football Program, the City of Gainesville wishes use the proceeds from the Clinton Portis Weekend to fund recreation capital projects.  
(VOTE: 7-0, MOTION CARRIED)*

**RECOMMENDATION** *The City Commission provide conceptual approval of the Letter of Agreement with the Clinton Portis Foundation, Inc. and request the Interim City Manager to discuss a multi-year commitment for Pop Warner funding with the Foundation and report back to the City Commission.*

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

**Votes:** Aye: Pegeen Hanrahan, Warren Nielsen, Chuck Chestnut, Edward Braddy, Tony Domenech, Rick Bryant and Craig Lowe

**041147 Proactive Prevention Update (B)**

*City of Gainesville Equal Opportunity Director Jimmie Williams and Equal Opportunity Specialist Rodney Bickel gave presentations.*

**RECOMMENDATION** *City Commission hear a presentation on the proactive prevention activities of the Equal Opportunity Office since January 1, 2004.*

**Heard**

**040297 Amendment to Vehicles for Hire Ordinance, Chapter 28 Code of Ordinances (B)**

**RECOMMENDATION** *The City Commission 1) authorize the City Attorney to draft and the Clerk of the Commission to advertise an ordinance amending City of Gainesville Ordinance Chapter 28, in substantially the same form as the back-up, 2) direct staff to refine the permitting process to incorporate the recommendations, and 3) remove this item from the Public Safety Committee referral list.*

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

**Votes:** Aye: Pegeen Hanrahan, Warren Nielsen, Chuck Chestnut, Edward Braddy, Tony Domenech, Rick Bryant and Craig Lowe

**040162 Cultural Sensitivity Training (B)**

*City of Gainesville Equal Opportunity Director Jimmie Williams and Equal Opportunity Specialist Rodney Bickle gave presentations.*

*WAIVER OF RULES MOTION: Commissioner Lowe moved and Commissioner Chestnut seconded to waive the rules to extend the meeting to 11:15 PM.  
(VOTE: 7-0, MOTION CARRIED)*

*SECOND WAIVER OF RULES MOTION: Commissioner Lowe moved and Commissioner Chestnut seconded to waive the rules to extend the meeting to no later than 11:30.*

*(VOTE: 4-3, Commissioners Lowe, Chestnut, Nielsen and Mayor Hanrahan - Yes; and Commissioners Domenech, Braddy and Bryant - No, MOTION FAILED)  
(WAIVER OF RULES REQUIRES 2/3 VOTE)*

*MOVE THE PREVIOUS QUESTION MOTION (MAIN MOTION): Commissioner Lowe moved the previous question.*

*(VOTE: 4-3; Commissioners Lowe, Chestnut, Nielsen and Mayor Hanrahan - Yes; and Commissioners Domenech, Braddy and Bryant - No)*

*NOTE: Commissioner Domenech left the meeting room at 11:15 PM.*

*FIRST MOTION (MAIN MOTION): Commissioner Lowe moved and Commissioner Chestnut seconded to approve the recommendation.*

*(VOTE: 4-2, Commissioners Lowe, Chestnut, Nielsen and Mayor Hanrahan - Yes; Commissioners Braddy and Bryant - No; and Commissioner Domenech - Absent - MOTION CARRIED)*

**RECOMMENDATION** *City Commission direct staff to: 1) implement a plan to schedule diversity training for all regular City employees every three years, 2) update materials used in GPD's Human Diversity Training, 3) include gender identity and expression in diversity awareness training, 4) implement a plan for a City Commission supported dialogue on race and race relations, 5) schedule City Commissioners for diversity awareness training on an individual basis, and 6) remove this item from the Referral List.*

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

**Votes:** Aye: Pegeen Hanrahan, Warren Nielsen, Chuck Chestnut and Craig Lowe  
Nay: Edward Braddy and Rick Bryant  
Absent: Tony Domenech

## **COMMISSION COMMENT**

## **CITIZEN COMMENT (If time available)**

## **ADJOURNMENT - 11:16 PM**

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Kurt M. Lannon, Clerk of the Commission