

City of Gainesville

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



Meeting Minutes

Monday, July 26, 2004

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 - 1:03 PM

ROLL CALL

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

INVOCATION

Father John Gillespie, St. Augustine Church

CONSENT AGENDA

*Commissioner Nielsen moved and Commissioner Bryant seconded to adopt the Consent Agenda with the following modifications:
(VOTE: 5-0, Commissioners Braddy and Chestnut - Absent, MOTION CARRIED)*

- 1. File #040233- New Reichert House Building Project - (Remove from the Consent Agenda and place on the Regular agenda for discussion).*
- 2. File #040229 - Extension of Contract for Small Diameter Jack and Bore Directional Boring Services - (New language submitted).*
- 3. File #040127 - Request for Continuation of the Gainesville Police Department Comprehensive Drug Plan Program - (Remove from the Consent Agenda and place on the Regular Agenda for discussion).*

CITY MANAGER, CONSENT AGENDA ITEMS

040219 Amendment to Cable Consulting Contract (NB)

RECOMMENDATION *The City Commission authorize the City Manager to execute an amendment to the Cable Consulting Contract with Rice Williams & Associates and authorize a \$7,500 modification to the purchase order.*

This Matter was Approved as Recommended on the Consent Agenda.

040221 Group Rate Discounts at City Aquatic Facilities (B)

RECOMMENDATION *The City Commission authorize the Recreation & Parks Director to offer approved discount rates for large pre-scheduled organized swim groups at Northeast and Mickle Pools.*

This Matter was Approved as Recommended on the Consent Agenda.

040222 Authorization to Allow Adult Chaperones/Staff of Large Swimming Groups into City Pools for Free (NB)

RECOMMENDATION *The City Commission authorize the Recreation & Parks Department to allow adult chaperones of children's groups to enter City pools free of charge.*

This Matter was Approved as Recommended on the Consent Agenda.

031084 Sale of Parking Lot 19 to Savannah Grande (NB)

RECOMMENDATION *The City Commission: 1) authorize the City Manager to execute a Purchase and Sale Agreement for the sale of Parking Lot 19, located at 321 North Main Street and known as Tax Parcels 14764-000-000 and 14765-000-000 to the owner of Savannah Grande, Ms. Jeanel Coullias, for the appraised value of \$230,000 with a five year first right of refusal to purchase the property granted to the City; 2) authorize the City Manager to prepare a Special Warranty Deed to convey Parking Lot 19, located at 321 North Main Street and known as Tax Parcels 14764-000-000 and 14765-000-000 to the Savannah Grande owner, Ms. Jeanel Coullias; and 3) authorize the Mayor to execute, and the Clerk to attest, a Special Warranty Deed to convey Parking Lot 19, located at 321 North Main Street and known as Tax Parcels 14764-000-000 and 14765-000-000 to Ms. Jeanel Coullias, the Savannah Grande owner.*

This Matter was Approved as Recommended on the Consent Agenda.

040224 Transit Development Plan Final Approval (B)

RECOMMENDATION *The City Commission approve the plan for FY 2005-2009.*

This Matter was Approved as Recommended on the Consent Agenda.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

040226 Cleaning and Application of Protective Coating on Elevated Water Storage Tank No. 2 (B)

RECOMMENDATION *The City Commission approve the issuance of a purchase order to Utility Service Co., Inc. for the cleaning, surface*

preparation, replacement of communication cable attachments, and application of a protective coating on GRU's Elevated Water Storage Tank Number 2 in an amount not to exceed \$128,450.

This Matter was Approved as Recommended on the Consent Agenda.

040227 Data Imaging Services from Anacomp, Inc. (NB)

RECOMMENDATION *The City Commission approve a Change Order to a purchase order issued to Anacomp, Inc. for archiving data images to CD-ROM in the amount of \$16,600 (new Not-To-Exceed amount \$41,600).*

This Matter was Approved as Recommended on the Consent Agenda.

040228 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.*

This Matter was Approved as Recommended on the Consent Agenda.

040229 Extension of Contract for Small Diameter Jack and Bore and Directional Boring Services (NB)

RECOMMENDATION *The City Commission: 1) ratify the execution of Amendment No. Three to the Contract for small diameter jack and bore and directional boring services with D & D, Inc., extending the term through April 4, 2005 and 2) approve the issuance of a purchase order(s) to D & D, Inc. in amounts not exceeding budgeted amounts for the remainder of FY 2004 and FY2005, subject to the approval of the final appropriation of funds for FY 2005.*

This Matter was Approved as Recommended on the Consent Agenda.

040230 Miscellaneous Financing Items (NB)

RECOMMENDATION *The City Commission: 1) Authorize the General Manager to negotiate and enter into an agreement with Bear, Stearns &*

Co., Inc., subject to approval of the City Attorney as to form and legality for the purpose of providing the terms and conditions of certain potential interest rate swap transactions between the parties; 2) Authorize the General Manager to negotiate and enter into a Broker-Dealer agreement with A.G. Edwards & Sons, Inc., subject to approval of the City Attorney as to form and legality; and 3) Authorize the Clerk of the Commission, the General Manager and other Authorized Officers to execute such documents that may be necessary to consummate the agreements authorized in 1-2 above.

This Matter was Approved as Recommended on the Consent Agenda.

CITY ATTORNEY, CONSENT AGENDA ITEMS

040215 REPEAL OF CHAPTER 3, CODE OF ORDINANCES - AIRPORTS AND AVIATION (B)

RECOMMENDATION *Authorize the City Attorney to prepare, and the Clerk of the Commission to advertise an ordinance repealing Chapter 3 of the Code of Ordinances "Airports and Aviation".*

This Matter was Approved as Recommended on the Consent Agenda.

040236 PAUL G. RIEWALD, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF BRIAN D. RIEWALD, DECEASED, V. THE CITY OF GAINESVILLE, ALICE E. ALEXANDER, AS TRUSTEE FOR THE ALICE ALEXANDER LIVING TRUST, AND JOHN MERRILL, INC. ALACHUA COUNTY CIRCUIT CASE NO.: 01-03-CA-1521 (B)

RECOMMENDATION *The City Commission 1) approve the terms of the settlement; and 2) authorize the City Attorney to settle the claim of Riewald v. City of Gainesville; Alachua County Circuit Case No. 01-03-CA-1521 on behalf of the City.*

This Matter was Approved as Recommended on the Consent Agenda.

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

040203 City Commission Minutes (B)

RECOMMENDATION *The City Commission approve the minutes of June 21, 2004 (Special Meeting); June 28, 2004 (Regular Meeting); July 6, 2004 and July 8, 2004 (Special Meetings); and July 12, 2004 (Regular Meeting); as circulated.*

This Matter was Approved as Recommended on the Consent Agenda.

040231 Resignation of D. Ryan Koslosky from the City Beautification Board (B)

RECOMMENDATION *The City Commission accept the resignation of City Beautification Board member D. Ryan Koslosky effective immediately.*

This Matter was Approved as Recommended on the Consent Agenda.

040235 Special City Commission Meetings (NB)

RECOMMENDATION *The City Commission: 1) schedule a special meeting at the Reitz Union on the University of Florida campus for Tuesday, September 14, at 6:30p.m.; and 2) a special City Commission meeting (with the Alachua County Commission) on Friday September 24, at 10:00am regarding City/County issues.*

This Matter was Approved as Recommended on the Consent Agenda.

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

PERSONNEL & ORGANIZATIONAL STRUCTURE COMM, CONSENT

030540 Communities for a Lifetime Initiative (B)

RECOMMENDATION *The City Commission: 1) accept the staff responses to the Communities for a Lifetime Initiative report; 2) authorize the staff responses to be sent to the Alachua County Office of Senior Services; and 3) remove this item from the Personnel & Organizational Structure Committee referral list.*

This Matter was Approved as Recommended on the Consent Agenda.

040117 Reclassify a Management Analyst in the Finance Department to Treasury & Investment Coordinator (B)

RECOMMENDATION *The City Commission approve the reclassification of the Management Analyst to Treasury and Investment Coordinator with the pay grade EXJ.*

This Matter was Approved as Recommended on the Consent Agenda.

040123 Reclassify the Associate Corporate Communications Specialist Position in GRU Marketing and Communications to Marketing & Communications Specialist, Senior (B)

RECOMMENDATION *The City Commission approve reclassification of the Associate Corporate Communications Specialist to Marketing & Communications Specialist, Senior with a pay grade EXG.*

This Matter was Approved as Recommended on the Consent Agenda.

040124 Reclassify the Account Clerk Senior Position in the Finance Department to Financial Services Coordinator (B)

RECOMMENDATION *The City Commission approve the reclassification of the Account Clerk Senior position to Financial Services Coordinator with a CWA pay grade KK.*

This Matter was Approved as Recommended on the Consent Agenda.

PUBLIC SAFETY COMMITTEE, CONSENT

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

040212 Denial of FDOT Special Use Permit to Install Wayfinding Signs (B)

RECOMMENDATION *Request that the City Commission authorize the Mayor to send a letter.*

This Matter was Approved as Recommended on the Consent Agenda.

040213 Evaluation of Trial On Street Parking in College Park University Heights (B)

RECOMMENDATION *The City Commission: 1) Approve the trial on-street parking as permanent; and 2) authorize parking on both sides of the streets as previously identified in the July 2003 map provided by Public Works, which meet the criteria of having sidewalks on one side of the street.*

This Matter was Approved as Recommended on the Consent Agenda.

Passed The Consent Agenda

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

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

Commissioner Lowe moved and Commissioner Nielsen seconded to adopt the Regular Agenda with the following modification.

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

1. File #040116 - Cable Franchise Ordinance - (Waive the rules to conduct the Second Reading of Ordinance #040116 immediately before the Public Hearing regarding File #040225 Cox Com, Inc. Cable Franchise Agreement).

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

CITY MANAGER

030542 Discussion of Transportation Concurrency Issues/Solutions for the Southwest Archer Road Annexation Area (B)

City of Gainesville Sr. Planner Onelia Lazzari and Community Development Director Tom Saunders gave presentations.

NOTE: Commissioner Chestnut entered the meeting room at 1:09 PM and Commissioner Braddy entered the meeting room at 2:21 PM.

MOTION: Direct staff to continue developing this planning petition as proposed with special emphasis on: 1) Redevelopment incentives on North 13th Street; 2) stating that I-75 is the western boundary of the TCEA; and 3) endorsing the priorities listed for projects within this area.

Chair Hanrahan left the meeting room and passed the gavel to Chair Pro Tem Domenech.

Chair Pro Tem Domenech recognized Citizen Walter Willard who spoke to the matter.

Chair Hanrahan returned to the meeting room and assumed the gavel.

RECOMMENDATION *The City Commission hear a presentation regarding transportation concurrency issues/solutions in the Southwest Archer Road annexation area and provide staff with comments and recommendations.*

A motion was made by Mayor-Commissioner Pro Tem Domenech, seconded by Commissioner Bryant, 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

040109 Memorandum of Understanding (MOU) - Lowe's Home Centers, Inc. (B)

City of Gainesville Economic Development Director Erik Bredfeldt and Public Works Director Teresa Scott gave presentations.

Chair Hanrahan recognized Citizen Walter Willard who spoke to the matter.

RECOMMENDATION *The City Commission: 1) hear a presentation on the revised Memorandum of Understanding (MOU) between the City of Gainesville and Lowe's Home Center's, Inc. identifying estimated savings with respect to transportation, stormwater, building, and utility considerations; and 2) approve execution of the Memorandum Of Understanding on behalf of the City of Gainesville by the City Manager.*

A motion was made by Commissioner Bryant, 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, Edward Braddy, Tony Domenech, Rick Bryant and Craig Lowe

040220 Amendments to Article III, Division 2 and Division 3 of City Ordinances (B)

City of Gainesville Public Works Director Teresa Scott gave a presentation.

RECOMMENDATION *The City Commission authorize the City Attorney to amend Article III, Division 2 and Division 3, of the City Ordinances.*

A motion was made by Commissioner Chestnut, seconded by Commissioner Bryant, that this matter be Approved as Recommended. 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

040223 New Reichert House Building Project (B)

Chair Hanrahan recognized Citizens Gabe Kaimowitz and Walter Willard who spoke to the matter.

MOTION: Approve the recommendation and request a written opinion from the City Attorney regarding the issues that Mr. Kaimowitz has raised.

RECOMMENDATION *The City Commission: 1) approve the two funding agreements with the Black on Black Crime Task Force for construction of*

the new Reichert House; 2) authorize the Mayor to execute and the Clerk attest deeds conveying the properties located at 1714 and 1724 SE 2nd Avenue to the Black on Black Crime Task Force.

A motion was made by Mayor-Commissioner Pro Tem Domenech, seconded by Commissioner Bryant, that this matter be Approved as Recommended and Referred to the City Attorney, due back on January 26, 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

GENERAL MANAGER FOR UTILITIES

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

RECREATION AND CULTURAL AFFAIRS COMMITTEE

040151 Recreation Coordinating Committee-Recreation Recommendations and Report (B)

Commissioner Rick Bryant gave introductions.

Past Chair of the Recreation Coordinating Committee Jack Hughes, Mark Carlton of the County Manager's Office, and City of Gainesville Recreation and Parks Director Rodney Stokes gave presentations.

RECOMMENDATION *The City Commission hear a presentation.*

Heard

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

040232 City Commission appointment Kinnon Thomas, reappoint Marilyn L. Tubb and appoint a third member to the Gainesville/Alachua County Regional Airport Authority (B)

Chair Hanrahan recognized Robert L. Todd, Joe G. Dunlap and Peter L. Johnson who spoke to the matter.

FIRST MOTION: Commissioner Domenech moved and Commissioner Braddy seconded to appoint Kinnon Thomas, and reappoint Marilyn L. Tubb to serve on the Gainesville/Alachua County Regional Airport Authority for terms to expire August 1, 2007.

(VOTE: 7-0, MOTION CARRIED)

SECOND MOTION: Commissioner Domenech moved and Commissioner Braddy seconded to appoint Joe G. Dunlap to serve on the Gainesville/Alachua County Regional Airport Authority for a term to expire August 1, 2007.

(VOTE: 7-0, MOTION CARRIED)

NOTE: Mayor Hanrahan left the meeting room at Mayor-Commissioner Pro Tem Domenech assumed the gavel.

RECOMMENDATION *The City Commission appoint Kinnon Thomas, reappoint Marilyn L. Tubb and appoint a third member to serve on the Gainesville/Alachua County Regional Airport Authority for terms to expire August 1, 2007.*

Commissioner Braddy: Dunlap, Thomas and Tubb

Commissioner Bryant: Dunlap, Thomas and Tubb

Commissioner Chestnut: Thomas, Todd and Tubb

Commissioner Domenech: Dunlap, Thomas and Tubb

Commissioner Lowe: Thomas, Todd and Tubb

Commissioner Nielsen: Johnson, Thomas and Tubb

Mayor Hanrahan: Breeze, Johnson and Todd

Approved, as shown above

COMMITTEE REPORTS (PULLED FROM CONSENT)

040127 Request for Continuation of the Gainesville Police Department Comprehensive Drug Plan Program (B)

City of Gainesville Police Chief Norm Botsford gave a presentation.

MOTION: 1) Approve the recommendation; and 2) refer the issue of aspects of the Public Awareness Campaign to the Public Safety Committee.

RECOMMENDATION *The City Commission 1) hear a presentation by staff regarding the continuation of the Comprehensive Drug Plan Program, and 2) authorize the Gainesville Police Department to appropriate and expend an amount not to exceed \$367,520 from the Federal Law Enforcement Contraband Forfeiture Trust Fund for the Comprehensive Drug Plan as detailed in the explanation.*

A motion was made by Commissioner Braddy, seconded by Commissioner Bryant, that this matter be Approved as Recommended and Referred to the Public Safety Committee, due back on January 26, 2005. The motion carried by the following vote:

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

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

COMMISSION COMMENTS (if time available)

RECESS - 5:23 PM

RECONVENE - 5:41 PM

CITIZEN COMMENT

Harold Saive

Public Access TV

Harriett Ludwig - Representing the NAACP Education Committee

Public Access TV

Jorge Campos - Police Officer

Fifth Avenue Arts Festival

Michael Schibuola - Police Officer

Fifth Avenue Arts Festival

Jeff McAdams - FOP Representative

Fifth Avenue Arts Festival

Gabriel

Downtown Plaza

See following file #040161.

040161 Gabriel - Downtown Community Plaza (B)

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

Lordes Chu

Fifth Avenue Arts Festival

Jean Parker

Fifth Avenue Arts Festival

Maria T. Cadette

Fifth Avenue Arts Festival

COMMISSION COMMENTS (if time available)

PLEDGE OF ALLEGIANCE (6:00pm)

PROCLAMATIONS/SPECIAL RECOGNITIONS

040233 National Clown Week - August 1-7, 2004 (B)

RECOMMENDATION *Gainesville Sunshine Clown Jim "Rusty" Gorgans and Gainesville Firefighter Clown Nellie "Fidget" Otero are accepting the proclamation.*

Heard

040237 National Night Out - August 3, 2004 (B)

RECOMMENDATION *City of Gainesville Chief of Police Norman Botsford and Community Resource Officers Eric Bertsch, Monica Williams, and Brett Traywick are accepting the proclamation.*

Heard

WAIVER OF RULES

ORDINANCES, 2ND READING - ROLL CALL REQUIRED**040116 CABLE FRANCHISING ORDINANCE (B)****ORDINANCE NO.: 0-04-62**

An ordinance of the City of Gainesville, Florida relating to Cable Communications; creating a new Article VI of Chapter 14.5, Miscellaneous Business Regulations, to be entitled City of Gainesville Cable Television Ordinance; providing for legislative findings; providing definitions, franchise terms, use of public streets and ways, use of system facilities, and small system exclusion; providing for term of franchise, police and regulatory powers, right of condemnation, right to perform public works, emergency removal of system, removal, relocation, abandonment of the system; providing for fees, limitation on use of financial commitments, transfer of ownership or control, reserved rights, franchise renewal, taxes, fees, and payments; providing for forfeiture or revocation, equal opportunity policy, regulatory authority, supervision of the franchise, rates and charges, performance evaluation; providing for performance, construction and employee bonds, liability and insurance, liability and indemnification; providing authority to construct, construction and technical standards, extension of service, use of streets and poles, reporting requirements, tests and performance monitoring; providing, services to subscribers and institutions, installations, connections, and other grantee services, service calls and complaint procedures, operation after termination or expiration of franchise, protection of subscriber privacy, and required reports; providing for franchise applications, grant of franchise, and miscellaneous provisions; providing directions to the codifier; providing a severability clause; providing a repealing clause and providing an immediate effective date.

Chair Hanrahan recognized Citizens Raquel Garcia, Ron Hebert, Charles Willett, Kali Blount, Bobbie Jean Smith, Wayne Cope, Darrell Janson, Dave Bruderly and Vice President and General Manager of Cox Cable Mike Giampietro who spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

PUBLIC HEARINGS**040225 CoxCom, Inc. Cable Franchise Agreement (B)**

City of Gainesville Revenue Recovery Specialist Audrey Lewis gave a presentation.

*MOTION: Commissioner Domenech moved and Commissioner Braddy seconded to approve the franchise agreement between the City of Gainesville and CoxCom, Inc., effective August 1, 2004 and terminating July 31, 2004. as presented by staff with the following addition to Sec. 14: (c) GRANTEE shall maintain a full customer service facility located east of Waldo Road in the eastern portion of the GRANTEE's service area. The customer service facility shall be maintained throughout the term of this franchise agreement unless the CITY directs otherwise in writing.
(VOTE: 3-4, Commissioners Domenech, Braddy and Bryant - Yes; Commissioners Lowe, Nielsen, Chestnut and Mayor Hanrahan - No; MOTION FAILED)*

PUBLIC HEARING:

Chair Hanrahan recognized Citizens Nelson Robison, Maria Cadette, Charles Willett, Kali Blount, Ron Hebert, and Vice President and General Manager of Cox Cable Mike Giampietro who spoke to the matter.

SECOND MOTION (MAIN MOTION): Approve an extension of the current franchise agreement until August 31, 2004.

RECOMMENDATION *The City Commission:*

Alternative I - A) conduct a public hearing to receive comments on the franchise renewal; B) approve the franchise agreement between the City of Gainesville and CoxCom, Inc., effective August 1, 2004 and terminating July 31, 2014; or C) approve the franchise agreement between the City of Gainesville and CoxCom, Inc. effective August 1, 2004 and terminating July 31, 2014, as presented by staff with the following addition to Sec. 14: (c) GRANTEE shall maintain the additional customer service facility located in the eastern portion of GRANTEE's service area. This customer service facility shall be maintained throughout the term of this franchise agreement unless the CITY directs otherwise in writing; or

Alternative II - 4) approve an extension of the current franchise agreement for an additional three (3) months, through October 31, 2004.

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

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

040139

Public Hearing on Proposed Use of U. S. Department of Justice Local Law Enforcement Block Grant Funds (B)

City of Gainesville Police Chief Norm Botsford gave a presentation.

RECOMMENDATION *The City Commission: 1) hold a public hearing regarding the City's proposed use of funds awarded under the Local Law Enforcement Block Grants Program established within the Bureau of Justice Assistance under the Fiscal Year 1996 Omnibus Appropriations Act (Public Law 104-134); 2) hear a report from staff on the City's proposed use of these funds; 3) receive written and oral public input about the local government's entire budget and the relation of the grant to the entire budget; and 4) approve the corrected match amount of \$7,987.*

A motion was made by Commissioner Chestnut, 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 and Tony Domenech
Absent: Edward Braddy, Rick Bryant and Craig Lowe

ADOPTION READING-ROLL CALL REQUIRED

040057 LAND USE CHANGE - VICINITY OF 2001 NE 2ND ST (B)

Ordinance No. 0-04-63, Petition 101LUC-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 "Residential Medium-Density (8-30 units per acre)" to "Residential Low-Density (up to 12 units per acre)"; located at 2001 Northeast 2nd Street; providing a severability clause; providing a repealing clause; and providing an effective date.

City of Gainesville Planner Jason Simmons and Community Development Director Tom Saunders gave presentations.

RECOMMENDATION *The City Commission: 1) approve Petition No. 101LUC-04PB and, 2) adopt the proposed ordinance.*

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

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

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

040058 REZONING - VICINITY OF 2001 NE 2nd ST (B)

Ordinance No. 0-04-64, Petition No. 102ZON-04PB

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain properties within the City from the zoning category of "RMF-6: 8-15 units/acre multiple-family residential district" to "RMF-5: 12 units/acre single-family/multiple-family residential district"; located at 2001 Northeast 2nd Street; providing a severability clause; providing a repealing clause; and providing an effective date.

RECOMMENDATION *The City Commission: 1) approve Petition No. 102ZON-04PB; and 2) adopt the proposed ordinance.*

A motion was made by Commissioner Nielsen, 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, Tony Domenech and Craig Lowe
Absent: Edward Braddy and Rick Bryant

030916 LAND DEVELOPMENT CODE AMENDMENT - GENERAL BUSINESS DISTRICT (B)

Ordinance No. 0-04-46; Petition 30TCH-04 PB

An ordinance of the City of Gainesville, Florida, amending the Land Development Code, relating to requirements for the general business (BUS) district; amending section 30-61 by deleting an obsolete reference relating to hotels and motels; deleting the floor area ratio requirement and establishing a maximum building height limit; increasing some side and rear setbacks to 50 feet; adding a provision for placement of trash facilities and requirements for mechanical equipment; making certain other minor modifications for clarification; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

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

RECOMMENDATION *The City Commission (1) approve Petition 30TCH-04 PB and (2) adopt the proposed ordinance.*

A motion was made by Mayor-Commissioner Pro Tem Domenech, seconded by Commissioner Chestnut, that this matter be Approved (Petition) and Adopted on First Reading (Ordinance), as modified. The motion carried by the following vote:

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

030917 LAND DEVELOPMENT CODE AMENDMENT - AUTOMOTIVE-ORIENTED BUSINESS DISTRICT (B)

Ordinance No. 0-04-47; Petition 31TCH-04 PB

An ordinance of the City of Gainesville, Florida, amending the Land Development Code, relating to requirements for the automotive-oriented

business (BA) district; amending section 30-62; deleting the floor area ratio requirement and establishing a maximum building height limit; increasing some side and rear setbacks to 50 feet; adding a provision for placement of trash facilities and requirements for mechanical equipment; making certain other minor modifications for clarification; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

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

RECOMMENDATION *The City Commission (1) approve Petition 31TCH-04 PB and (2) adopt the proposed ordinance.*

A motion was made by Commissioner Chestnut, seconded by Mayor-Commissioner Pro Tem Domenech, that this matter be Approved (Petition) and Adopted on First Reading (Ordinance), as modified. The motion carried by the following vote:

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

031302

URBAN SERVICES REPORT - PORTION OF BLUES CREEK (B)

Ordinance No. 0-04-61

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 located generally south of Blues Creek subdivision and the City limits, west of NW 51st Terrace, north of the vicinity of NW 54th Drive and 52nd Terrace, and east of NW 52nd Drive; the area is proposed for annexation by the City of Gainesville pursuant to Chapter 90-496, as amended, Special Acts, Laws of Florida, 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 Strategic Planner Karen Snyder gave a presentation.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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, Tony Domenech and Craig Lowe
Absent: Edward Braddy and Rick Bryant

030905

REZONING - PLANNED DEVELOPMENT "SABAL PRESERVE" (B)

Ordinance No. 0-04-51, Petition No. 11PDV-04PB

An Ordinance of the City of Gainesville, Florida; rezoning certain lands within

the City and amending the Zoning Map Atlas from "RMF-5: 12 units/acre single-family/multiple family residential district "; to "Planned Development District"; located at 1609 Northwest 29th Road; adopting a development plan report and development plan maps; providing conditions and restrictions; providing for enforcement; providing a severability clause; and providing an immediate effective date.

City of Gainesville Senior Planner Carolyn Morgan gave a presentation.

Chair Hanrahan recognized Agents for the Petitioner Rory Causseaux and Billy Brame who spoke to the matter.

MOTION (MODIFICATION): Approve the Ordinance with the following modifications requested by the applicant: 1) Page 3 Section 4, Paragraph 1 should be as follows: "1. The Planned Development shows two densities within the development. Buildings within POD B, as shown on Sheet 4 "PD Layout Plan" of Exhibit "C" shall have no more than 8 dwelling units per building. The POD B building shall be limited to one-floor units or two-story townhouses. Buildings in the area to the west (POD A, as shown on Sheet 4 "PD Layout Plan" of Exhibit "C") shall have no more than 12 dwelling units per building. Dwelling units may be configured as one-floor units, two-story townhouses, a combination of a one-floor unit with a two-story townhouse above or as three-story town houses, subject to development plan approval. Within POD A, near the intersection of Northwest 31st Avenue and Northwest 29th Road, the twelve unit buildings shall be limited to two stories, as shown on Sheet 4 "PD Layout Plan" of Exhibit C. One-story units in POD A and POD B shall only be allowed as the end unit of a multi-unit building. The entire planned development shall not exceed 790 bedrooms"; and 2) modify the language of the overall density in the Planned Development Report from 12 units per acre to 7.5 units per acre.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

031134

LAND DEVELOPMENT CODE AMENDMENT - PARKING OF PUBLIC SERVICE VEHICLES (B)

Ordinance No. 0-04-56; Petition 66TCH-04 PB

An ordinance of the City of Gainesville, Florida, amending section 30-102 of the Land Development Code, relating to the parking of public service vehicles; increasing the time public service vehicles can be parked in a 30-day period from 6 hours to 9 hours; removing redundancies and inconsistencies; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

City of Gainesville Planner Jason Simmons gave a presentation.

RECOMMENDATION *The City Commission (1) approve Petition 66TCH-04 PB and (2) adopt the proposed ordinance.*

A motion was made by Mayor-Commissioner Pro Tem Domenech, seconded by Commissioner Chestnut, 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 and Craig Lowe
Absent: Edward Braddy and Rick Bryant

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

040084 BUDGET AMENDMENT FY 2003-2004 (B)

Ordinance No. 0-04-59

An ordinance of the City Commission of the City of Gainesville, Florida; relating to its general government budget for the fiscal year beginning October 1, 2003 and ending September 30, 2004; amending ordinance no. 030344 as amended by ordinance no. 031054 by making certain adjustments to the general operating and financial plan budget; and providing an immediate effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

040128 ASSESSMENT OF COSTS ON TRAFFIC INFRACTIONS (B)

Ordinance No. 0-04-67

An ordinance of the City of Gainesville amending the Traffic and Motor Vehicles section of Appendix A, Schedule of Fees, Rates and Charges of the Gainesville Code of Ordinances to specify additional court costs for each traffic infraction to fund the criminal justice education degree programs and training courses, including basic recruit training; 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 Domenech, seconded by Commissioner Chestnut, that this matter be Adopted on Final Reading (Ordinance). 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

030920 LAND DEVELOPMENT CODE AMENDMENT - WAREHOUSING AND WHOLESALING DISTRICT (B)

Ordinance No. 0-04-48; Petition 32TCH-04 PB

An ordinance of the City of Gainesville, Florida, amending the Land Development Code, relating to requirements for the warehousing and wholesaling (W) district; amending section 30-68; revising the residential density allowed; establishing a height limit for the W district; adding a provision for placement of trash facilities; making certain other minor modifications for clarification; 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 Domenech, seconded by Commissioner Chestnut, that this matter be Adopted on Final Reading (Ordinance). 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

030915 LAND DEVELOPMENT CODE AMENDMENT - TOURIST-ORIENTED BUSINESS DISTRICT (B)

Ordinance No. 0-04-45; Petition 29TCH-04 PB

An ordinance of the City of Gainesville, Florida, amending the Land Development Code, relating to requirements for the tourist-oriented business (BT) district; amending section 30-63; increasing some side and rear setbacks to 50 feet; establishing a height limit for the BT district; removing floor area ratios; making other clarifying amendments; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

RECOMMENDATION *The City Commission continue the proposed ordinance to August 9, 2004, to allow for readvertisement.*

A motion was made by Commissioner Nielsen, seconded by Commissioner Chestnut, that this matter be Continued for August 9, 2004. 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

040024 PARKING METERS AND PARKING LOTS (B)**Ordinance No. 0-04-60**

An ordinance of the City of Gainesville, Florida, amending Chapter 26, Article III, Division 2, by providing for establishment of parking garage flexible parking rates and parking meter technology operations; providing authorization to the City Manager to establish periods of operation of parking meters and pay stations, and to set the parking rates; providing for the establishment of maximum parking rates by resolution of the city commission; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

City of Gainesville Public Works Transportation Manager Brian Kanely gave a presentation.

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 Final Reading (Ordinance). 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

RESOLUTIONS- ROLL CALL REQUIRED**040218 PARKING RATES FOR METERED LOTS (B)**

A Resolution of the City Commission of the City of Gainesville, Florida, amending and establishing the maximum parking rates for parking meters, parking lots and parking garages in accordance with Chapter 26, Division 2 of the Code of Ordinances of the City of Gainesville, Florida; providing a repealing clause; and providing an immediate effective date.

City of Gainesville Public Works Transportation Manager Brian Kanely gave a presentation.

*FIRST MOTION (AMENDED MAIN MOTION): Approve the Resolution amending Section 1, to reflect that the short term metered zone remain at 50 cents instead 75 cents; and change the contract parking from \$60.00 to \$50.00 per month.
(VOTE: 7-0, MOTION CARRIED)*

GPD Corporal Daniel Stout made comments.

Chair Hanrahan recognized Citizens Rob Lash, Kyle Goodman and Bob Freeman who spoke to the matter.

SUBSTITUTE MOTION: Commissioner Domenech moved and Commissioner Braddy seconded to table this item until the August 9, 2004 City Commission meeting.

(WITHDRAWN)

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), as amended. The motion carried by the following vote:

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

040216 RESOLUTION TO ESTABLISH A PROPOSED MILLAGE RATE (B)

A Resolution of the City Commission of the City of Gainesville, Florida; relating to the levy of general municipal purpose ad valorem taxes for the 2004-2005 fiscal year; establishing a proposed millage rate; establishing a public hearing; providing for notice to the Alachua County Property Appraiser; providing an immediate effective date.

City of Gainesville Office of Management and Budget (OMB) Director Becky Rountree gave a presentation.

WAIVER OF RULES: Commissioner Lowe moved and Commissioner Domenech seconded to waive the rules to extend the meeting to 11:15 PM.

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

RECOMMENDATION *The City Commission adopt the proposed resolution.*

A motion was made by Commissioner Lowe, 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, Tony Domenech, Rick Bryant and Craig Lowe
Absent: Edward Braddy

040217 RESOLUTION TO APPROVE A PROPOSED TENTATIVE GENERAL GOVERNMENT FINANCIAL AND OPERATING PLAN (B)

A Resolution of the City Commission of the City of Gainesville, Florida; relating to its General Government Budget for the 2004-2005 Fiscal Year; approving a Proposed Tentative General Financial and Operating Plan budget; providing an immediate effective date.

City of Gainesville Office of Management and Budget (OMB) Director Becky Rountree gave a presentation.

RECOMMENDATION *The City Commission adopt the proposed resolution.*

A motion was made by Commissioner Nielsen, 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

PLAN BOARD PETITIONS

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

UNFINISHED BUSINESS

COMMISSION COMMENT

Commissioner Tony Domenech

MTPO - Maximum Road Widths

See following file #040261.

040261 Policy Regarding Road Widths (NB)

RECOMMENDATION *The City Commission refer the issue of the policy regarding road widths to the Public Works Committee.*

A motion was made by Mayor-Commissioner Pro Tem Domenech, seconded by Commissioner Nielsen, that this matter be Referred to the Public Works Committee, due back on January 26, 2005. 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

Commissioner Warren Nielsen

Surplus Property Land Use - 1233 SW 6th Street

See following file #040262.

040262 Surplus Property Land Use - 1233 SW 6th Street (NB)

City of Gainesville Administrative Services Director Glenda Currie made comments.

RECOMMENDATION *The City Commission request that staff cancel the bid process regarding the sale of this property.*

A motion was made by Commissioner Nielsen, 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, Tony Domenech and Craig Lowe
Nay: Rick Bryant
Absent: Edward Braddy

CITIZEN COMMENT

ADJOURNMENT - 11:14 PM

Kurt M. Lannon, Clerk of the Commission