

City of Gainesville

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



Meeting Minutes

Monday, October 23, 2006

1:00 PM

City Hall Auditorium

City Commission

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

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

CALL TO ORDER - 1:08 PM

ROLL CALL

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

INVOCATION

The City Commission observed a moment of silence and recognized the passing of John Mitdgard of Computer Services.

CONSENT AGENDA

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

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

CITY MANAGER, CONSENT AGENDA ITEMS

060468.

Bid Award - GPD Administrative Office Construction at 413 NW 8th Avenue (B)

This item involves a request for the City Commission to authorize the bid award to BBI Construction Management, for the construction of GPD's Administrative Offices at 413 NW 8th Avenue in the amount of \$1,390,278.00.

RECOMMENDATION

Recommended Motion: The City Commission 1) authorize the bid award to BBI Construction Management, Inc. for the construction of GPD's Administrative Offices at 413 NW 8th Avenue; and 2) authorize the City Manager to execute the contract subject to the approval by the City Attorney as to form and legality, and issue a purchase order not to exceed \$1,390,278.00.

Alternative Recommendation: The City Commission deny the request for the bid award to BBI Construction Management, Inc.

This Matter was Approved as Recommended on the Consent Agenda.

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060538.

Florida Department of Transportation DUI Enforcement Specialist Grant Award (NB)

This item requests City Commission approval to accept the third year grant award for the DUI Enforcement Specialist and authorize the matching funds from the Federal Law Enforcement Contraband Forfeiture Trust Fund.

RECOMMENDATION

Recommended Motion: The City Commission authorize the City Manager to 1) accept the award of \$32,080 in grant funds from the Florida Department of Transportation, 2) appropriate \$32,080 from the Federal Law Enforcement Contraband Fund Trust Fund for the match; and 3) execute the grant application, grant award, and any other necessary documents pending review by the City Attorney as to form and legality.

Alternative Recommendation A: The City Commission decline the Florida Department of Transportation DUI Enforcement Specialist Grant Award in the amount of \$32,080.

Alternative Recommendation B: None.

This Matter was Approved as Recommended on the Consent Agenda.

060570.

Authorization to Offer Due On Sale Loans to Address Lead Paint Hazards to Homeowner and Rental Rehabilitation Program Participants (NB)

This item proposes to offer separate awards to participants in the City's Homeowner and Rental Rehabilitation Programs to address lead paint hazards.

RECOMMENDATION

The City Commission: 1) approve a due on sale loan of up to \$5,000.00 for eligible homeowners and investors who participate in the City's homeowner and rental rehabilitation programs to mitigate lead paint hazards; and 2) authorize the use of the Housing Division's standard mortgage and promissory note documents to secure the loan award.

Alternative Recommendation A: The City Commission could choose to not approve the recommendation and continue to fund the elimination of lead paint hazard from the existing homeowner and rental rehabilitation program funding limits.

Alternative Recommendation B: The City Commission could choose to approve a different award amount than is recommended.

This Matter was Approved as Recommended on the Consent Agenda.

060571. Wireless Service for the Gainesville Police Department's Laptops- Request for Purchase Order to T-Mobile of Jacksonville, Florida (NB)

This item requests the City Commission authorize the issuance of a Purchase Order for recurring high speed wireless service.

RECOMMENDATION

Recommended Motion: The City Commission authorize the City Manager to execute a Purchase Order to T-Mobile, Inc., Jacksonville, Florida, a specified source, in an amount not to exceed \$108,721.80 for recurring wireless service expenses.

Alternative Recommendation: The City Commission authorize an amount less than \$108,721.80 for wireless service, with the understanding that this will drastically limit the police department's ability to communicate with the Records Management System.

This Matter was Approved as Recommended on the Consent Agenda.

060572.

Special Needs Housing Agreement with Arbor House Inc. (B)

This item proposes to award a \$9,000.00 Special Needs Housing Program due-on-sale loan to Arbor House Inc. to make exterior improvements to a residential structure used to shelter very low and low-income homeless young women with children. The building is located at 2618 Northwest 6th Street.

RECOMMENDATION

The City Commission: 1) approve the loan award of \$9,000 to Arbor House Inc. for exterior improvements to the residential structure located at 2618 Northwest 6th Street; 2) authorize the City Manager, or his designee, to execute the Agreement between the City and Arbor House Inc., subject to approval by the City Attorney; and 3) authorize the City Manager, or his designee, to issue a purchase order in the amount of \$9,000 to Arbor House Inc. Prior to October 23, 2006 a copy of the Agreement will be on file in the Clerk of the Commission's office. After October 23, 2006, a copy of the Agreement will be on file in the Community Development Department.)

Alternative Recommendation A: The City Commission could choose to not approve the recommendation and require Arbor House Inc. to locate funding from another source to undertake this project.

This Matter was Approved as Recommended on the Consent Agenda.

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060575. Request to Purchase Bunker gear (NB)

This item involves a request for the City Commission to approve the issuance of a purchase order to Municipal Equipment Company for 27 sets of bunker gear at a cost not to exceed \$38,070.

RECOMMENDATION *The City Commission authorize the City Manager to execute the purchase order to Municipal Equipment Company for 27 sets of bunker gear at a cost of \$38,070.*

Alternative Recommendation A: The City Commission not authorize the City Manager to execute the purchase order.

This Matter was Approved as Recommended on the Consent Agenda.

060577. Easement from the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (B)

This item involves a request to authorize the Mayor to execute an Easement for public utilities, public ingress/egress and aesthetic improvements to property owned by the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, which is know as SW 5th Avenue, just east of SW 13th Street

RECOMMENDATION *Recommended Motion: The City Commission: 1) authorize the Mayor to execute the Easement supplied by the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, subject to approval by the City Attorney as to form and legality; and 2) authorize the City Manager to record the Easement document in the Public Records of Alachua County.*

Alternative Recommendation A: The City Commission deny the request but continue the maintenance and management of public right-of-way on property owned by the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida.

This Matter was Approved as Recommended on the Consent Agenda.

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060582. Old Landfill at Sweetwater - Slope and Creek Stabilization (B)

This item involves a request for the City Commission to approve additional compensation for the project to Environmental Barrier Company, LLC (EBC). The changes in site condition required EBC to incur additional costs in order to accomplish repair work and complete the project in a satisfactory manner.

RECOMMENDATION

Recommended Motion: The City Commission: 1) approve \$1,336,000 as the contract cost for the completion contract, 2) authorize the City Manager to issue a revised purchase order to the completion contractor and 3) authorize all funding transfers in the Solid Waste Enterprise Fund necessary for the additional costs, subject to approval by the City Attorney as to form and legality.

Alternative Recommendation A: There are no alternate recommendations or fiscal notes.

This Matter was Approved as Recommended on the Consent Agenda.

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060583.

Thirteenth Amendment to the Contract for Professional Consulting Services for the East Gainesville Sprout Project (B)

This item involves a request for the City Commission to approve additional services and compensation for consulting services for the East Gainesville Sprout Project in the amount of \$263,196.00.

RECOMMENDATION

Recommended Motion: The City Commission: 1) accept the additional work described for the project; 2) authorize the City Manager to execute the Thirteenth Amendment to the contract for Professional Consulting Services for the East Gainesville Sprout Project, subject to approval by the City Attorney as to form and legality; and 3) authorize the City Manager to issue a modified purchase order in the amount not to exceed \$2,559,863.

This Matter was Approved as Recommended on the Consent Agenda.

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GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS**060626.**

Air Conditioning Unit for Computer Room (NB)

Staff recommends purchasing a redundant air conditioning unit for the computer room in the GRU Administration Building

RECOMMENDATION

The City Commission approve the issuance of a purchase order to Conditioned Air and Power, Inc., a specified source, for the provision, installation and start up of a Liebert air conditioning unit for the computer room in the GRU Administration Building in an amount not to exceed \$69,315.00.

This Matter was Approved as Recommended on the Consent Agenda.

CITY ATTORNEY, CONSENT AGENDA ITEMS

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

060616. City Commission Minutes (B)

RECOMMENDATION *The City Commission approve the minutes of October 2, 2006 (Special Meeting); and October 9, 2006 (Regular Meeting); as circulated.*

This Matter was Approved as Recommended on the Consent Agenda.

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060616A_20061023.pdf

060625. Joint City/County Commission Meeting (B)

RECOMMENDATION *The City and County Commission hold a joint meeting on October 30, 2006 at 6:00 PM to discuss: 1) The Florida National Guard Request and 2) Homelessness.*

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

030125 Public Safety Involvement in Site Plan and Land Review Process (NB)

RECOMMENDATION *The City Commission approve the Public Safety Committee's recommendation to remove this item from the pending referral list.*

This Matter was Approved as Recommended on the Consent Agenda.

030125_2005.pdf

060483. Single Family Neighborhood Issues - Yard Parking Enforcement (B)

This item is related to file #050635 and #060255, Over-Occupancy in Single Family Neighborhoods.

RECOMMENDATION *The City Commission 1) accept the Public Safety Committee's informational report on enforcement of yard parking by the police department, and 2) remove this item from the pending referral list.*

This Matter was Approved as Recommended on the Consent Agenda.

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Passed The Consent Agenda

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

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

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS**END OF CONSENT AGENDA**

DISCUSSION OF FILE # 060483 - Single Family Neighborhood Issues - Yard Parking Enforcement - Passed on the Consent Agenda.

Chair Hanrahan recognized Carol Daly who spoke to the matter.

City of Gainesville Police Chief Norm Botsford made comments.

ADOPTION OF THE REGULAR AGENDA

Mayor-Commissioner Pro Tem Lowe moved and Commissioner Henry seconded to adopt the Regular Agenda.

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

1. File #060655 - New Item Under "Special Recognitions" - FEMA Community Rating System Award.

2. File #060457 - Ordinance - Wastewater Pretreatment Ordinance - (Missing Page 11 added).

CHARTER OFFICER UPDATES

DISCUSSION OF ALACHUA COUNTY PRE-EMPTING THE CITY'S REGULAR MEETING ON CHANNEL 12 AT 6:00 PM.

City of Gainesville Public Information Officer Bob Woods gave a presentation.

CLERK OF THE COMMISSION

CITY MANAGER

060579.

Waldo Road Corridor Study (B)

This agenda item requests funding for a proposed corridor study by the University Of Florida College Of Design, Construction and Planning, for the Waldo Road corridor.

City of Gainesville Community Development Director Tom Saunders and University of Florida Professor Martin Gold gave presentations.

Chair Hanrahan recognized Walter Willard and Dian Deevey who spoke to the matter.

City of Gainesville Economic Development Director Erik Bredfeldt made comments.

RECOMMENDATION *The City Commission fund one-third of the study cost (\$35,000) from the City Commission contingency fund.*

Alternative Recommendation A: The City Commission not fund one-third of the study.

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

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

Nay: Rick Bryant

Absent: Edward Braddy

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GENERAL MANAGER FOR UTILITIES

060627.

Energy Efficiency Update (B)

Provide a status report regarding implementation of the FY07 Energy Efficiency Plan.

Gainesville Regional Utilities Interim Energy and Business Services Manager Bill Shepherd, Marketing and Communications Director Kathy Viehe, Sr. Marketing and Communications Specialist Josie Ghosal and GRU Assistant General Manager for Strategic Planning Ed Regan gave presentations.

Chair Hanrahan recognized Dian Deevey and Walter Willard who spoke to the matter.

FIRST MOTION (REFERRAL): Mayor-Commissioner Pro Tem Lowe moved and Commissioner Bryant seconded to refer the Appliance Saturation Survey results to the Regional Utility Committee for review.

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

SECOND MOTION (REFERRAL): Mayor -Commissioner Pro Tem Lowe moved and Commissioner Donovan seconded to refer the Vision Statement and Goals for the Conservation Plan to the Regional Utilities Committee.

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

RECOMMENDATION *The City Commission: 1) Hear a presentation by Utility staff regarding the FY07 Conservation Plan; and 2) Refer the appliance saturation survey results to the Regional Utility Committee for review.*

A motion was made by Mayor-Commissioner Pro Tem Lowe, seconded by Commissioner Donovan, that this matter be Referred to the Regional Utilities Committee, due back on April 23, 2007. The motion carried by the following vote:

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

Absent: Edward Braddy

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Appliance Survey.pdf

060628.

Engineer, Procurement and Construction (EPC) Services for Deerhaven Unit 2 Retrofit Project (B)

Staff recommends approval of the final ranking of the EPC firms and requests authorization to negotiate a contract in accordance with the Consultants' Competitive Negotiations Act (CCNA) for EPC Services for the DH2 Retrofit.

Gainesville Regional Utilities (GRU) Managing Utility Analyst Jill Womble, Sargent & Lundy Consulting Engineer Eric Berkstrom, Environmental Resource Coordinator Yolanta Jonynas, GRU Assistant General Manager for Energy Delivery Chip Allen, GRU Assistant General Manager for Strategic Planning Ed Regan and Chief Financial Officer Jennifer Hunt gave presentations.

MOTION (AS MODIFIED): Mayor-Commissioner Pro Tem Lowe moved and Commissioner Henry seconded to approve the staff's recommendation with the modification of leaving open the option that the utility would act as a general contractor in pursuing a multi-contract approach if the negotiations don't yield a

satisfactory result.

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

Chair Hanrahan recognized Dian Deevey, Walter Willard and Ray Bennett who spoke to the matter.

RECOMMENDATION

The City Commission: 1) approve the final ranking of the Engineer, Procurement, Construction (EPC) firms; 2) authorize the Interim General Manager for Utilities, or her designee, to initiate contract negotiations in accordance with the Consultants' Competitive Negotiations Act (CCNA) for EPC Services for the DH2 Retrofit; 3) authorize the Interim General Manager or her designee, upon successful negotiations, to execute a contract subject to approval of the City Attorney as to form and legality, in an amount not to exceed \$ 123,207,869 and 4) authorize staff to procure other services, equipment and materials, as required, to complete the project as budgeted.

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

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

Absent: Edward Braddy

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060659. Downtown Wastewater Study (NB)

RECOMMENDATION

The City Commission refer the issue of the Downtown Wastewater Study to the Community Redevelopment Agency for discussion and a recommendation.

A motion was made by Commissioner Bryant, seconded by Commissioner Donovan, that this matter be Referred to the Community Redevelopment Agency, due back on April 23, 2007. The motion carried by the following vote:

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

Absent: Edward Braddy

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

COMMUNITY DEVELOPMENT COMMITTEE

060378.

Enterprise Zone and Green Building Program Discounts (B)

This issue was discussed by the Community Development Committee and Gainesville Enterprise Zone Development Agency (GEZDA), who are making recommendations back to the City Commission.

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

MOTION (AS MODIFIED): Mayor-Commissioner Pro Tem Lowe moved and Commissioner Donovan seconded to: 1) Accept the City Manager's recommendation; and 2) that the staff of GRU and General Government review the Green Building discounts in terms of effectiveness, along with other conservation strategies and report back to the City Commission during the next budget cycle to see if modifications are needed.

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

Chair Hanrahan recognized Walter Willard who spoke to the matter.

RECOMMENDATION

Community Development Committee to the City Commission: 1) shift the green building discount to site plan fees for nonresidential and multi-family buildings, since these discounts would be within planning and would not have to be compensated from another fund; 2) continue the green building discount for single-family residences, since no site plan fee is charged by planning for individual single-family residences, but reduce the discount to 25% for residences, 3) discontinue permanently the 50% building permit discount in the Enterprise Zone effective October 1, 2006 due to funding constraints, and 4) refer to the CRA, to refer to the Eastside Redevelopment Advisory Board and the Downtown Redevelopment Advisory Board, to consider whether to develop new incentives targeted to smaller scale developments that might be negatively impacted as the City removes the Enterprise Zone discounts.

GEZDA to the City Commission: The City Commission direct staff to pursue a scaled-back discount based upon the menu of options in the September 18, 2006 memorandum and report back at the next meeting as to a recommended course of action anticipated fiscal impact and potential funding source.

City Manager to the City Commission: 1) Accept the recommendation of the Community Development Committee, 2) authorize the City Attorney to draft and the Clerk to advertise an ordinance, and 3) direct the Economic Development staff to continue to coordinate with GEZDA on any possible impacts and alternatives as the building permit discounts are eliminated for projects in the Enterprise Zone and as discounts are provided via planning fees only.

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

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

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

COMMISSION COMMENTS (if time available)

RECESS - 4:51 PM

RECONVENE - 5:33 PM

PLEDGE OF ALLEGIANCE (5:30pm)

PROCLAMATIONS/SPECIAL RECOGNITIONS

060621.

Delta Sigma Theta Sorority, Inc. Weekend - November 3-5, 2006 (B)

RECOMMENDATION

Delta Sigma Theta Sorority, Inc. Gainesville Alumnae Chapter President Diana McPherson and Co-Chair Gwendolyn Saffo, and Lambda Psi Chapter President Chaundra Gipson and Co-Chair Nailah Tillman to accept the

proclamation.

Heard

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060622.

White Cane Safety Month - October 2006 (B)

RECOMMENDATION

Alachua County Council of the Blind President Maxine Stallings and Vice President Nimia Iturraspe to accept the proclamation.

Heard

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060624.

Veterans Day - November 11, 2006 (B)

RECOMMENDATION

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

Heard

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060655.

FEMA Community Rating System Award (NB)

RECOMMENDATION

The City Commission hear a presentation from FEMA and take appropriate action.

Heard

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

Mark Goldstein

Plan Board - Zoning Issues - Land Development Code

See following referral item #060666.

NOTE: Commissioner Lowe requested that staff research the Plan Board rules regarding reconsideration of an action taken on an item.

060666.

Building Height, Number of Stories and Special Use Permits (B)

This item was brought forward during Citizen Comment regarding an action taken by the Plan Board.

NOTE: Commissioner Braddy entered the meeting room at 5:55 PM.

Community Development Director Tom Saunders made comments.

RECOMMENDATION *The City Commission refer the issue of: 1) Building Height and number of stories in the Code of Ordinances; 2) Special Use Permit criteria; and 3) having a legal advisor present at Plan Board Meetings to the Community Development Committee for their review and report back to the City Commission.*

A motion was made by Mayor-Commissioner Pro Tem Lowe, seconded by Commissioner Mastrodicasa, that this matter be Referred to the Community Development Committee, due back on April 23, 2007. The motion carried by the following vote:

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

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Dr. Jimmy Harnsberger

Electronic Signs

060667. Electronic Signs (NB)

This item was brought forward during Citizen Comment.

Community Development Director Tom Saunders made comments.

RECOMMENDATION *The City Commission communicate their desire to the Plan Board to speed up their deliberations regarding electronic signs and come to the City Commission with a recommendation.*

A motion was made by Mayor-Commissioner Pro Tem Lowe, seconded by Commissioner Donovan, that this matter be Referred to the City Plan Board, due back on April 23, 2007. The motion carried by the following vote:

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

Pat Fitzpatrick

Homeless/Plaza Issues

Alison Law

Eastside High School Clean-Up

Walter Willard

Various Issues

Unidentified Female

Eastside Super Wal-Mart

PUBLIC HEARINGS**ADOPTION READING-ROLL CALL REQUIRED****060014.****LAND USE CHANGE - 837 SOUTHEAST 7TH AVENUE (B)****Ordinance No. 0-06-83, Petition 40LUC-06PB**

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by changing the land use category of certain property, as more specifically described in this ordinance, from “Residential Low-Density (up to 12 units per acre)” to “Recreation”; located in the vicinity of 837 Southeast 7th Avenue; providing a severability clause; providing a repealing clause; and providing an effective date.

Chair Hanrahan recognized Vivian Filer, Ray Bennett and Donna Isaacs who spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

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060015.**REZONING - 837 SOUTHEAST 7TH AVENUE (B)****Ordinance No. 0-06-84, Petition No. 41ZON-06PB**

An ordinance of the City of Gainesville, Florida, amending the Zoning Map

Atlas and rezoning certain property within the City from "RSF-4: 8 units/acre single-family residential district" to "PS: Public services and operations district"; to allow for a museum and cultural center, without approval of a preliminary site plan; located in the vicinity of 837 Southeast 7th Avenue; providing a severability clause; providing a repealing clause; and providing an effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

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ORDINANCES, 2ND READINGS - ROLL CALL REQUIRED

050766

LAND USE CHANGE - 900 BLOCK OF SW 34 STREET (WEST SIDE) (B)

Ordinance No. 0-06-56, Petition 172LUC-05PB

An Ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan; by changing the land use category of certain property annexed into the City from the Alachua County land use category of "LOW, Low Density Residential" to the City of Gainesville land use category of "Conservation"; consisting of approximately 13 acres, located in the vicinity of the 900 block of Southwest 34th Street, west side, as more specifically described in this Ordinance; 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) receive the report of the Department of Community Affairs; and 2) adopt the proposed ordinance.*

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

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

Absent: Jack Donovan

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ORDINANCES, 1ST READING - ROLL CALL REQUIRED

050767.**REZONING - 900 BLOCK OF SW 34 STREET (WEST SIDE) (B)**

Ordinance No. 0-06-57, Petition No. 173ZON-05PB

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property annexed into the City from the Alachua County zoning category of "A, agricultural district" to the City of Gainesville zoning category of "CON: Conservation district"; located in the vicinity of the 900 block of Southwest 34th Street, west side, as more specifically described in this Ordinance; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

City of Gainesville Senior Planner Onelia Lazzari gave a presentation.

RECOMMENDATION *The City Commission: 1) approve Petition No. 173ZON-05PB; and 2) adopt the proposed ordinance.*

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

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060109.**BOARD OF ADJUSTMENT RULES, PROCEDURES AND APPEALS (B)**

Ordinance No. 0-06-53; Petition 18TCH-06 PB

An ordinance of the City of Gainesville, Florida, relating to the establishment and jurisdiction of the Board of Adjustment; amending section 30-354; establishing term limits for members, establishing minimum preferred requirements for members, amending the appeals process; amending subsection 30-346(d), removing the allowance that the board of adjustment may permit the reestablishment of a nonconforming use after the use has been discontinued or abandoned for nine consecutive months; deleting and repealing in its entirety obsolete board of adjustment appeals processes stated at sections 6-242 and 13-211, relating to the commercial building code; repealing obsolete board of adjustment appeals processes and criminal ordinance violations processes stated at section 30-327, relating to the sign regulations as stated in the Land Development Code; 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 gave a presentation.

Chair Hanrahan recognized Dr. Jimmy Harnsberger who spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

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060278.

URBAN SERVICES REPORT - DEERHAVEN AND PLUM CREEK (B)

Ordinance 0-06-105

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 05864-001-000, 05868-001-000, 05868-099-000, 05869-002-000, 05869-001-000, 05882-000-000, 05882-004-000, 05883-000-000, 05884-000-000, 05943-000-000, 05943-001-000, 05946-000-000, 05946-003-000, 05946-004-000, 05973-000-000, 05973-001-000, 05974-000-000, a portion of 07777-000-000, a portion of 07781-000-000, and a portion of 07813-000-000, generally located south of the vicinity of NW 142nd Avenue, west of the GRU well field, north of the City limits, and east of the City limits, the Deerhaven Power Plant, and NW 59th Drive, as more specifically described in this report; 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 Strategic Planning Manager Karen Snyder gave a presentation.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

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060385.

URBAN SERVICES REPORT - SCHROEDER - TAX PARCELS 06706-044-000 and 06706-045-000 (B)

Ordinance 0-06-98

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 06706-044-000 and 06706-045-000, generally located south of the

City Limits and SW 17th Place, west of the vicinity of SW 34th Street, north of the vicinity of SW 20th Avenue and east of SW 38th Terrace; 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 Strategic Planning Manager Karen Snyder gave a presentation.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

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060345.

LANDLORD PERMIT FEES (B)

Ordinance No. 0-06-93

An ordinance of the City of Gainesville, Florida, amending the City of Gainesville Code of Ordinances, relating to fees; amending the Land Development Code section of Appendix A by increasing the landlord permit fees; eliminating fee reduction; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date in accordance with the schedule provided herein.

City of Gainesville Community Development Director Tom Saunders and Code Enforcement Manager Jim Garrett gave presentations.

Chair Hanrahan recognized Harold Saive, Mark Goldstein and Kevin Daly who spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

Nay: Scherwin Henry

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060608.

SEXUAL PREDATOR/OFFENDER RESIDENCY REQUIREMENTS (B)

Ordinance 0-06-122

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

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

Absent: Craig Lowe

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ORDINANCES, 2ND READING- ROLL CALL REQUIRED

050635

AMENDMENT OF SECTION 15-6 RELATING TO NOISE (B)

Ordinance No. 0-06-75 (B)

An ordinance of the City of Gainesville, Florida, relating to noise; amending section 15-6 of the Code of Ordinances increasing the duration of warnings for all prohibited sounds; providing directions to the codifier; providing a severability clause; providing a repealing clause; providing for penalties; and providing an effective date of November 1, 2006.

Chair Hanrahan recognized Harold Saive, Larry Schnell, Carol Daly, Dr. Jimmy Harnsberger, Kevin Daly and Mark Goldstein who spoke to the matter.

City of Gainesville Community Development Director Tom Saunders made comments.

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

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

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

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060563.

LANDLORD PERMITS (B)

Ordinance No. 0-06-104

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

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

Chair Hanrahan recognized Carol Daly who spoke to the matter.

REVISION: Page 1, Line 22 of the Ordinance should be 14.5-2 (scrivener's error).

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

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060104.**SOUTHWEST 13TH STREET SPECIAL AREA PLAN (B)****Ordinance No. 0-06-87; Petition 66TCH-06 PB**

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

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

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060457.**WASTEWATER PRETREATMENT ORDINANCE (B)**

ORDINANCE NO. 0-06-106
AN ORDINANCE OF THE CITY OF GAINESVILLE, FLORIDA, RELATING TO WASTEWATER PRETREATMENT AND CROSS CONNECTION CONTROL PROGRAMS; AMENDING CHAPTER 27 OF THE GAINESVILLE CODE OF ORDINANCES BY AMENDING SECTION 27-96, DEFINITIONS; AMENDING SECTION 27-180.1 PRETREATMENT PROGRAM - PROHIBITED SUBSTANCES; AMENDING SECTION 27-180.7 PRETREATMENT PROGRAMS - ENFORCEMENT AND APPENDIX A UTILITIES (4) SEWERAGE SUBSECTION d, RELATING TO RATES FOR EXCESS STRENGTH WASTEWATER DISCHARGED INTO THE CITY'S WASTEWATER SYSTEM; AMENDING SECTION 27-135 CROSS CONNECTION CONTROL PROGRAMS; PROVIDING A REPEALING CLAUSE, A SEVERABILITY CLAUSE AND AN IMMEDIATE EFFECTIVE DATE.

Chair Hanrahan recognized Mark Goldstein and Walter Willard who spoke to the matter.

GRU Supervising Design Engineer Jason Sparks made comments.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

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

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RESOLUTIONS- ROLL CALL REQUIRED

PLAN BOARD PETITIONS

060422.

Text Amendment to Add Commercial Uses and New Construction to Existing Planned Development (B)

Petition 104PDA-06 PB. Quasi-Judicial. Brown & Cullen, Inc., agent for Green Market Properties, LLC. Planned Development text amendment to add

commercial uses and allow future construction on an existing Planned Development. Located at 5402 Northwest 8th Avenue.

City of Gainesville Sr. Planner Shenley Neely, Planning Manager Ralph Hilliard Community Development Director, and Agent for the Petitioner Mike Castine gave presentations.

MOTION (AS AMENDED): Approve the Petition with Staff's original Conditions (leaving Condition 10 as it originally was); and amending Condition 20 (should be MG-59).

Chair Hanrahan recognized Walter Willard and Harmony Gardens (at Greenery Square) Owner Teresa Estok who spoke to the matter.

RECOMMENDATION *City Plan Board to City Commission - The City Commission approve Petition 104PDA-06 PB, with modified conditions. Plan Board vote 4-0.*

Staff to Plan Board - Approve

Alternative Recommendation A: Approve Petition 104 PDA with staff's original conditions.

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

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

Absent: Edward Braddy

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060493.

Street Vacation for Wal-Mart Stores East (B)

Petition 127SVA-06 PB. Quasi-Judicial. CPH Engineers, Agent for Wal-Mart Stores East LP. Pursuant to Section 30-192(b), City of Gainesville Land Development Code, to vacate, abandon, and close that portion of Northeast 12th Avenue, located between the east right-of-way line of Waldo Road and the west boundary of the Cedar Grove residential subdivision.

City of Gainesville Sr. Planner Shenley Neely, Attorney for the Developer Ron Carpenter and Wal-Mart Community Relations Representative Quinta Vettel gave presentations.

MOTION (AS MODIFIED): Approve the Petition with conditions, subject to a right of way vacation agreement between the City and the Developer prior to the adoption of the ordinance.

Chair Hanrahan recognized Sharon Baur and Walter Willard who spoke to the matter.

RECOMMENDATION *City Plan Board to City Commission - The City Commission approve Petition 127SVA-06 PB, with conditions. Plan Board vote 3-1.*

Alternative recommendation A: The City Commission deny Petition 127SVA-06 PB.

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

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

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060494.

Proportionate Fair-Share Ordinance (B)

Petition 136TCH-06PB, City Plan Board. Amend the City of Gainesville Land Development Code to adopt a Proportionate Fair-Share Ordinance for transportation concurrency to meet the new State requirements.

City of Gainesville Sr. Planner Onelia Lazzari gave a presentation.

RECOMMENDATION *City Plan Board to City Commission - The City Commission approve Petition 136TCH-06 PB. Plan Board vote 4-0.*

Staff to Plan Board - Approve

Alternative Recommendation A: The City Commission deny Petition 136TCH-06 PB.

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

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

Absent: Rick Bryant

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DEVELOPMENT REVIEW BOARD PETITIONS

060578.

Design Plat for Ingleside Village Subdivision (B)

Petition 22SUB-06DB. Quasi-Judicial. Brown & Cullen, Inc., agent for Andrew Kaplan. Design plat approval of Ingleside Village Subdivision, for nine lots on .89 acres more or less, having a density of 10 dwelling units per acre. Located between Northwest 17th Avenue and Northwest 18th Avenue and between Northwest 9th Street and Northwest 10th Street.

City of Gainesville Planner Bedez Massey, Agent for the Petitioner Mike Castine and Owner/Architect Andrew Kaplan gave presentations.

RECOMMENDATION

Development Review Board to City Commission - The City Commission approve Petition 22SUB-06DB with staff conditions, which include obtaining City Commission approval to waive the City's sidewalk requirements. Vote 5-0 (Abstain: Ingram).

Staff to Development Review Board - Approve the petition, with staff conditions.

Alternative Recommendation A: The City Commission approve Petition 22SUB-06DB with staff conditions and require the provision of sidewalks meeting all applicable standards.

Alternative Recommendation B: The City Commission approve Petition 22SUB-06DB with staff conditions and waive the City's sidewalk requirements.

Alternative Recommendation C: The City Commission deny Petition 22SUB-06DB.

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

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

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SCHEDULED EVENING AGENDA ITEMS

UNFINISHED BUSINESS

COMMISSION COMMENT

Commissioner Scherwin Henry

Florida League of Cities - Municipal Services Council - Affordable Housing

See following referral item #060669.

060669. Affordable Housing Resolution (NB)

RECOMMENDATION *The City Commission refer the issue the of Affordable Housing resolution to staff to draft a resolution.*

A motion was made by Commissioner Henry, seconded by Mayor-Commissioner Pro Tem Lowe, that this matter be Referred to the City Attorney, due back on April 23, 2007. The motion carried by the following vote:

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

MAYOR-COMMISSIONER PRO TEM CRAIG LOWE

Plan Board Reconsideration Issue

Commissioner Scherwin Henry

Designation of a Special District for Energy Conservation Program Funding

See following item #060671.

060671. Special Assessment District for Energy Conservation Programs (NB)

RECOMMENDATION *The City Commission refer the issue of creating a special assessment district or other options for funding energy conservation programs to the Regional Utilities Committee (RUC) for review and a report back to the City Commission.*

A motion was made by Commissioner Braddy, seconded by Commissioner Bryant, that this matter be Referred to the Regional Utilities Committee, due back on April 23, 2007. The motion carried by the following vote:

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

Commissioner Jack Donovan

Federal Issues/Black Ribbon

Commissioner Ed Braddy

Federal Issues

Mayor Pegeen Hanrahan

School District Issues, Graduation Rates, FCAT scores, etc.

NOTE: The City Manager to bring this issue to the November 13, 2006 City Commission Meeting.

Commissioner Rick Bryant

School District Issues

Commissioner Scherwin Henry

- 1. City Commission mentoring for school children.*
- 2. Domestic Abuse Seminar, thanks to GPD for information.*

CITIZEN COMMENT (If time available)

There were no citizens who wished to speak during Citizen Comment.

ADJOURNMENT - 9:55 PM

Kurt M. Lannon, Clerk of the Commission