

City of Gainesville

City Hall  
200 East University Avenue  
Gainesville, Florida 32601



**Meeting Minutes**

**Monday, August 22, 2005**

**1:00 PM**

**City Hall Auditorium**

**City Commission**

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

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

**CALL TO ORDER - 1:09 PM****ROLL CALL**

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

**INVOCATION****CONSENT AGENDA**

*Commissioner Nielsen moved and Mayor-Commissioner Pro Tem Chestnut seconded to adopt the Consent Agenda.*

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

**CITY MANAGER, CONSENT AGENDA ITEMS****040197 Reinvesting in East Gainesville (B)**

**RECOMMENDATION** *The City Commission: 1) approve implementation of suggestions designed to help grow the technology and entrepreneurial economy in Gainesville.*

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

**040397 First Extension to the Contract for Sidewalk Construction/Replacement Services for FY 2006 (B)**

**RECOMMENDATION** *The City Commission authorize the Interim City Manager or designee to execute the First Extension to the contract with JoyTech Construction, Inc., for Sidewalk Construction/Replacement Services, extending the term of the contract from October 1, 2005 to September 30, 2006, subject to final appropriation of funds for FY2006.*

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

**050287 Grant Award - State of Florida Department of Community Affairs (DCA) Residential Construction Mitigation Program (NB)**

**RECOMMENDATION** *The City Commission: 1) accept the \$185,831.00 RCMP grant award; 2) authorize the Mayor to execute the RCMP contract and any other certifications and documents associated with the RCMP grant to consummate the award; and 3) authorize*

*the Housing Division to use its standard housing program documents for each eligible approved project.*

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

**050288**

**First Extension to the Contract for Paper Recycling Services FY 2006 (B)**

**RECOMMENDATION** *The City Commission: 1) authorize the Interim City Manager or designee to execute the First Extension to the contract with Recycling Services of America, Inc. for Paper Recycling Services, extending the term of the contract from October 1, 2005 to September 30, 2007; and 2) authorize the issuance of a purchase order in a not to exceed amount of \$45,000 for continuation of paper recycling services for Fiscal Years 2006 through 2007, subject to final appropriation of funds.*

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

**050289**

**Second Extension to the Contract for Professional Water Resource Engineering Services for FY 2006 (B)**

**RECOMMENDATION** *The City Commission authorize the Interim City Manager or designee to execute the Second Extension to the contracts with Johnson, Mirmiran & Thompson, Inc. and Jones, Edmunds & Associates, Inc. for Professional Water Resource Engineering Services, extending the term of the contracts from October 1, 2005 to September 30, 2006.*

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

**050290**

**Second Extension to the Contract for Limerock for FY 2006 (B)**

**RECOMMENDATION** *The City Commission authorize the Interim City Manager or designee to execute the Second Extension to the contract with Limestone Products, Inc. for Limerock, extending the term of the contract from October 1, 2005 to September 30, 2006, subject to final appropriation of funds for FY 2006.*

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

**050291**

**Fifth Extension for Professional Civil Engineering Services for FY 2006 (B)**

**RECOMMENDATION** *The City Commission authorize the Interim City Manager or designee to execute the Fifth Extensions to the contracts with Brown & Cullen, Inc. and Causseaux & Ellington, Inc. for Professional Civil Engineering Services, extending the term of*

*the contracts from October 1, 2005 to September 30, 2006, subject to final appropriation of funds for FY 2006.*

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

**050292 State Roads 26/26A Lighting Plans (NB)**

**RECOMMENDATION** *The City Commission authorize expenditure of up to \$250,000 from retained interest earnings from transportation bonds for the lighting system on State Road 26/26A.*

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

**050293 Wireless Service for the Gainesville Police Department's Laptops (NB)**

**RECOMMENDATION** *The City Commission authorize the Interim 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.*

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

**050294 Agreement Between the School Board of Alachua County and the City of Gainesville for the School Resource Officer Program for the 2005/2006 School Year (B)**

**RECOMMENDATION** *The City Commission authorize the City Manager to execute the Agreement between the School Board of Alachua County, Florida and the City of Gainesville, Florida for the School Resource Officer Program, for the period of October 1, 2005 to September 30, 2006, subject to approval by the City Attorney as to form and legality.*

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

**050295 Release of Reverter Clause to Edwin Dix (B)**

**RECOMMENDATION** *The City Commission authorize a quitclaim deed to Edwin Dix for tax parcel number 15800-000-000, including a release of the reverter language in the original deed, and authorize the Mayor to execute the quitclaim deed and any other required documents.*

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

**050296 Enterprise Zone Program Re-Designation (B)**

**RECOMMENDATION** *The City Commission: 1) direct staff to work with the GEZDA Board on the application for re-designation, amendment of existing boundaries, continuation of local incentives, and the institution of SMART goals; and 2) direct staff to prepare the required submission materials for Enterprise Zone re-designation for future presentation to the City Commission.*

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

**050297 Annexation of Beville and King (B)**

**RECOMMENDATION** *The City Commission: 1) Review the petitions for annexation; and make findings that it contains the signatures of the property owners or authorized agents; 2) direct the Interim City Manager to analyze the area; and 3) authorize the City Attorney to prepare and the Clerk of the Commission to advertise ordinances relating to the annexation of the area.*

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

**050313 Settlement of Worker's Compensation Claim - John Mason (NB)**

**RECOMMENDATION** *The City Commission authorize Special Counsel to prepare and execute the appropriate documents for a lump-sum settlement of the Worker's Compensation claim of John Mason in the amount of \$111,500.*

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

**050314 Non-Ad Valorem Assessment for Waste Alternatives, Environmental Protection programs, and 25% of the Rural Collection Centers Program (NB)**

**RECOMMENDATION** *The City Commission direct the City Attorney to draft and the Clerk of the Commission to advertise an ordinance allowing the Board of County Commissioners to assess property owners within the City of Gainesville for the costs of Alachua County's hazardous waste program, waste alternatives office, and partial cost of the rural collections centers, effective October 1, 2005 through September 30, 2006.*

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

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

**050300 Environmental Consulting Services Agreement (NB)**

**RECOMMENDATION** *The City Commission authorize the General Manager or his designee to negotiate and execute an agreement with Focus Environmental, Inc., as a specified source, for consulting services associated specifically with thermal treatment unit (TTU) issues related to the Poole Roofing/CSXT manufactured gas plant site remediation in an amount not to exceed \$70,000.00.*

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

**050301 Replacement of HVAC Unit at Main Street Water Reclamation Facility (B)**

**RECOMMENDATION** *The City Commission approve the issuance of a Purchase Order to Crystal Air & Water, Inc. for removing and replacing the existing 30 ton roof top HVAC unit at the Main Street Water Reclamation Facility in the amount of \$52,207.00.*

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

**050302 Replacement of Laser Check Printers and Software (B)**

**RECOMMENDATION** *The City Commission approve the issuance of a Purchase Order to Standard Register for replacing the two existing laser check printers utilized in the Customer Billing and Accounting departments in the amount of \$41,475.80.*

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

**050303 Expansion of Security Camera Project at J.R. Kelly Generating Station (NB)**

**RECOMMENDATION** *The City Commission approve the issuance of a change order for additional security cameras for J.R. Kelly Generating Station in the amount of \$18,427 (new not to exceed amount of \$76,262).*

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

**050304 Partial Release of Easement (B)**

**RECOMMENDATION** *The City Commission: 1) approve the partial release of a blanket public utility easement located at 5314 NW 88th Street; and 2) authorize the Mayor and Clerk of the Commission to execute the Partial Release of Easement,*

*substantially in the form on file, subject to approval by the City Attorney as to form and legality.*

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

## **CITY ATTORNEY, CONSENT AGENDA ITEMS**

**050306 CEM ENTERPRISES, INC. V. CITY OF GAINESVILLE; ALACHUA COUNTY CIRCUIT COURT; CASE NO.: 01-05-CA-3143 (B)**

**RECOMMENDATION** *The City Commission authorize the City Attorney and special counsel to represent the City in the case styled CEM Enterprises, Inc. vs. City of Gainesville; Alachua County Circuit Court; Case No.: 01-05-CA-3143.*

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

**050307 ROBERT A. NEVILLE, M.D. VS. CITY OF GAINESVILLE AND GAINESVILLE POLICE K-9 OFFICER; ALACHUA COUNTY CIRCUIT COURT; CASE NO.: 01-05-CA-3093 (B)**

**RECOMMENDATION** *The City Commission authorize the City Attorney and/or special counsel if insurance coverage is available, to represent the City and an unnamed Gainesville Police K-9 Officer in the case styled Robert A. Neville, M.D. vs. City of Gainesville and Gainesville Police K-9 Officer; Alachua County Circuit Court; Case No.: 01-05-CA-3093.*

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

**050317 CITY MANAGER EMPLOYMENT CONTRACT (B)**

**RECOMMENDATION** *The City Commission (1) approve the employment of Mr. Russ Blackburn as City Manager pursuant to the terms and conditions set forth in the attached Employment Agreement, and (2) authorize the Mayor to execute the Agreement on behalf of the City and the Clerk to attest thereto.*

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

## **CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS**

## **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 (B)

**RECOMMENDATION** *The City Commission amend this referral to the Public Safety Committee to include a review of recommendations by the Gainesville Police Department Site Plan Reviewer and staff on possible ordinance/code changes, as addressed in the back up.*

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

### Passed The Consent Agenda

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

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

## COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

### END OF CONSENT AGENDA



## ADOPTION OF THE REGULAR AGENDA

*Commissioner Nielsen moved and Mayor-Commissioner Pro Tem Chestnut seconded to adopt the Regular Agenda with the following modifications:  
(VOTE: 5-0, Commissioners Braddy and Donovan - Absent, MOTION CARRIED)*

### MODIFICATIONS:

1. *File #050298 Update on Informal Negotiations for Modification of Urban Reserve Area - (Pull from agenda - Postpone to the September 12, 2005 meeting).*
2. *File #050318 - Resolution - Downtown Expansion District Redevelopment Plan - (Add to the agenda with the following language in the recommendation: "The City Commission hold a public hearing and adopt the proposed resolution".*
3. *File #050319 - Resolution - Eastside District Redevelopment Plan - (Add to the agenda with the following language in the recommendation: "The City Commission hold a public hearing and adopt the proposed resolution".*

## CHARTER OFFICER UPDATES

## CLERK OF THE COMMISSION

## CITY MANAGER

### 050298 Update on Informal Negotiations for Modification of Urban Reserve Area (NB)

**RECOMMENDATION** *The City Commission: 1) hear an update from staff on the informal negotiations with the affected municipalities and the County; and 2) if determined, take any action deemed necessary.*

**Withdrawn**

### 050155 Gainesville-Alachua County Regional Airport Authority (GACRAA) - Request to Transfer Title of Properties (B)

*Gainesville Alachua County Regional Airport Authority (GACRAA) Chair Jim Stringfellow and Gainesville Regional Airport CEO Rick Crider gave presentations.*

*MOTION: Commissioner Bryant moved and Mayor-Commissioner Pro Tem Chestnut seconded to refer the issue regarding the proposed request to transfer title of properties to the Community Development Committee and the Audit and Finance Committee for a joint meeting.  
(VOTE: 6-0, Commissioner Braddy - Absent, MOTION CARRIED)*

*NOTE: This item was placed on the Community Development Committee Referral List and the Audit and Finance Committee Referral List.*

*Chair Hanrahan recognized Gainesville Area Chamber of Commerce Representative Ann Walsh Collett, Mark Goldstein and Walter Willard who spoke to the matter.*

**RECOMMENDATION** *The City Commission: 1) hear a presentation from Gainesville-Alachua County Regional Airport Authority staff, GACRAA Board members, and City staff regarding the proposed request to transfer title of properties; 2) direct staff regarding the proposed request to transfer title of properties; and 3) refer to the Community Development Committee.*

**A motion was made by Commissioner Bryant, seconded by Mayor-Commissioner Pro Tem Chestnut, that this matter be Referred to the Community Development Committee, due back on February 22, 2006. The motion carried by the following vote:**

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

## **GENERAL MANAGER FOR UTILITIES**

### **050305 Customer Information System (CIS) Replacement Project (B)**

*GRU Energy and Business Services Manager Steve Stagliano gave a presentation.*

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

**RECOMMENDATION** *The City Commission: 1) authorize the General Manager, or his designee, to negotiate and execute contracts with Deloitte Consulting LLP, a Customer Information System (CIS) software implementer and its proposed software firm, SAP, for implementing a new GRU CIS, subject to the approval of the City Attorney as to form and legality, 2) approve the issuance of a purchase order to Deloitte Consulting LLP in an amount not to exceed \$5,100,000, and 3) authorize staff to procure various services, equipment and materials and negotiate and establish software license and maintenance agreements in conjunction with the project, as required, to implement the CIS replacement project as budgeted, subject to the appropriation of funds in each fiscal year.*

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

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

## CITY ATTORNEY

## CITY AUDITOR

## EQUAL OPPORTUNITY DIRECTOR

## COMMITTEE REPORTS (PULLED FROM CONSENT)

## RECREATION & CULTURAL AFFAIRS COMMITTEE

### 050196 Request for Exchange of Property between the City of Gainesville and the State of Florida Division of Forestry (B)

*City Recreation and Parks Director David Flaherty and State of Florida Division of Forestry Representative Don West gave presentations.*

*MOTION (REFERRAL): Commissioner Lowe moved and Commissioner Nielsen seconded to: Direct staff to bring back additional information regarding the following: 1) The amount of land to be transferred to the Division of Forestry (DOF) under this agreement; 2) the location of the DOF facility on that land; 3) options for conservation easements, deed restrictions or other enforceable protections on the property; 4) that Alachua County Forever have an opportunity to express their interest in the property and to evaluate the property; and 5) a report be brought back to the City Commission with this information.*

*Chair Hanrahan recognized Citizens Lisa Gearen, Rob Brinkman, Debra Duffer, Freddie Johnson, David Auth, Walter Willard, Jack Hughes and Vincent Lipsio who spoke to the matter.*

**RECOMMENDATION** *The City Commission: 1) hear a presentation on this matter from Recreation and Parks staff and the Department of Forestry; 2) direct staff to proceed with the requested property exchanges and authorize the Interim City Manager to execute all necessary documents to complete the exchange; and 3) remove this item from the Recreation and Cultural Affairs Committee referral listing.*

**A motion was made by Commissioner Lowe, seconded by Commissioner Nielsen, that this matter be Referred to the City Manager, due back on February 22, 2006. The motion carried by the following vote:**

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

## WAIVER OF RULES

*Commissioner Chestnut moved and Commissioner Lowe seconded to waive the rules to hear File #050312 - Mayor Pegeen Hanrahan - Sister Hazel's Community Care Center before File #050311 - Great American Park.  
(VOTE: 5-0, Commissioners Nielsen and Braddy - Absent, MOTION CARRIED)*

## MEMBERS OF THE CITY COMMISSION

### 050312 Mayor Pegeen Hanrahan - Sister Hazel's Community Care Center (B)

*Chair Hanrahan recognized Sister Hazel who gave a presentation.*

*Chair Hanrahan recognized Randy Stacy, Phil Emmer and Brendan Shortley, who spoke to the matter.*

*City Community Development Director Tom Saunders made comments.*

*MOTION: 1) Authorize the allocation of \$5,000 from the City Commission Contingency Fund for the Sister Hazel's Community Care Center at 302-308 NW 5th Avenue; 2) request that the Community Development staff work with the Center on zoning issues; and 3) request a report back on how the \$5,000 was spent.*

**RECOMMENDATION** *The City Commission hear a presentation regarding Sister Hazel's Community Care Center and consider making an appropriation in an amount up to \$5,000.*

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

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

## ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

## OUTSIDE AGENCIES

### 050311 Great American Park (NB)

*Gainesville Sports Organizing Authority Executive Director Jack Hughes and Developer Phil Emmer gave presentations.*

*School Superintendent Dan Boyd, Walter Willard, Ralph Lowenstein, Marilyn Tubb, Mark McGriff, Perry McGriff, Keith Dvorchik, Jeffrey Meldon, Gary Hauck, Rob Brinkman, Dr. David Auth, Dink Henderson, Dr. Jake Taylor, Lori McGriff, Craig Stone, Professor Russell Robinson and Chamber of Commerce President and CEO Brent Christensen.*

*MOTION: Refer the proposal of the Great American Park to the Recreation and Cultural Affairs Committee for their analysis with a report back to the City Commission.*

**RECOMMENDATION** *The City Commission hear a presentation from Jack Hughes, Gainesville Sports Organizing Committee, regarding a proposal for a Great American Park.*

**A motion was made by Commissioner Bryant, seconded by Commissioner Nielsen, that this matter be Referred to the Recreation and Cultural Affairs Committee, due back on February 22, 2006. The motion carried by the following vote:**

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

## **COMMISSION COMMENTS (if time available)**

**RECESS - 5:04 PM**

**RECONVENE - 5:41 PM**

## **CITIZEN COMMENT**

**Mark Goldstein**

*Board of Adjustment Decision*

**Mary Bryant**

*Board of Adjustment Decision*

**050282 Board of Adjustment Process (NB)**

*NOTE: This was a dual referral to the City Attorney and the P & O Committee. (Related to File #050329).*

**RECOMMENDATION** *The City Commission refer to the City Attorney a request for analysis for options for perhaps changing the Board of*

*Adjustment process and options in terms of handling this type of conflict (Re: BOA Meeting, August 4, 2005).*

**A motion was made by Commissioner Lowe, seconded by Commissioner Bryant, that this matter be Referred to the City Attorney, due back on February 22, 2006. The motion carried by the following vote:**

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

**050329**

**Board of Adjustment Process (NB)**

*NOTE: This was a dual referral to the City Attorney and the P & O Committee. (Related to File #050282)*

**RECOMMENDATION** *The City Commission refer to the Personnel and Organizational (P & O) Structure Committee the Board of Adjustment's overall structure, rules, and including means for appeal.*

**A motion was made by Commissioner Lowe, seconded by Commissioner Bryant, that this matter be Referred to the Personnel and Organizational Structure Committee, due back on February 22, 2006. The motion carried by the following vote:**

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

**Laurie Reisman**

*Chrysalis Community Inc. - See following file # 050330.*

**050330**

**Chrysalis Community Inc., Co-Sponsorship (NB)**

**RECOMMENDATION** *The City Commission co-sponsor the Chrysalis Community Inc., fundraiser (October, 2005) at the Thomas Center and waive up to \$500.00 in fees allocated from the City Commission Contingency.*

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

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

**Paul Brophy**

*Irish Pub in the Downtown Parking Garage - Request to extend the Happy Hour from 4-7 PM to 4-10 PM. This item was referred to the City Manager without objection.*

**Tom Cunilio**

*RC & D Council (Resource Conservation and Development).*

**COMMISSION COMMENTS (if time available)**

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

**PROCLAMATIONS/SPECIAL RECOGNITIONS**

**050309 John Mahon Nature Park - August 22, 2005 (B)**

RECOMMENDATION *John Mahon III to accept the proclamation.*

**Heard**

**050315 100 Million Minutes of Service - September 2005-April 2006 (B)**

RECOMMENDATION *The Volunteer Center of Alachua County, Executive Director Jennifer Glymph and University of Florida Associate Director of the Center for Leadership and Service Colette Taylor to accept the proclamation.*

**Heard**

**050316 Gainesville Fire-Rescue Appreciation Month - August 2005 (B)**

RECOMMENDATION *Representatives from the Gainesville Fire-Rescue Department, International Association of Firefighters Local 2157 and Gainesville Chapter of the Muscular Dystrophy Association to accept the proclamation.*

**Heard**

**050299 Junior Fire Academy Program (NB)**

RECOMMENDATION *The City Commission: 1) recognize accomplishments of the Junior Fire Academy graduates; and 2) present graduates with their Junior Firefighter badges.*

**Heard**

**CITIZEN COMMENT - CONTINUED**

**Sara Poll**

*GRU Rate Increases*

**Vanessa Henry**

*Kennedy Homes Celebration*

**050331 Kennedy Homes Annual Celebration for Former Tennants (B)**

*NOTE: This item is scheduled to be heard at the September 12, 2005 regular meeting.*

**RECOMMENDATION** *The City Commission hear a presentation from Vanessa Henry requesting co-sponsorship of this event and place back-up submitted on file.*

**Placed on File**

**Walter Willard**

*Homeless Meeting*

**Pat Fitzpatrick**

*Homeless Issues*

**Alison Law**

*Recreation Issues*

**Dennis Shuman**

*Agenda questions*

**Charles Grapski**

*College Park Communities - University Glades*

**Angela Mott**

*College Park Communities - University Glades*

**Jessica Purdy**



*College Park Communities - University Glades***Thomas Mott***College Park Communities - University Glades***PUBLIC HEARINGS****ORDINANCES, 1ST READING- ROLL CALL REQUIRED****031014 LAND DEVELOPMENT CODE AMENDMENT - ESTABLISHING THE SPECIAL ENVIRONMENTAL CONCERN AREA REGULATIONS (B)****Ordinance No. 0-04-44; Petition 56TCH-04 PB**

An ordinance of the City of Gainesville, Florida, amending the City of Gainesville Land Development Code, Chapter 30; creating a new section 30-207, entitled Special Environmental Concern Area; establishing overlay district regulations for a Special Environmental Concern Area; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

*City Planning Manager Ralph Hilliard gave a presentation.*

*Chair Hanrahan recognized Citizens Sara Poll, Quinta Vettel and Linda Pollini who spoke to the matter.*

**RECOMMENDATION** *The City Commission (1) approve Petition 56TCH-04 PB, and (2) adopt the proposed ordinance.*

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

**050308 ZONING MAP ATLAS AMENDMENT - IMPOSING THE SPECIAL ENVIRONMENTAL CONCERN AREA OVERLAY ON CERTAIN PROPERTY SURROUNDING THE CABOT CARBON/KOPPER'S SITE (B)****Ordinance No. 0-05-70**

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and imposing the Special Environmental Concern Area overlay on certain property commonly known as the Cabot Carbon/Kopper's site, and that certain area around this site located in the vicinity of NE 9th Street on the east, NW 35th Avenue on the north, NW 6th Street on the west, and NE 21st Avenue on the

south, as more specifically described in this ordinance; providing directions to the City Manager; 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 Chestnut, seconded by Commissioner Lowe, that this matter be Adopted on First Reading (Ordinance). The motion carried by the following vote:**

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

**050076**

**LAND DEVELOPMENT CODE AMENDMENT - STORMWATER MANAGEMENT REGULATIONS (B)**

**Ordinance No. 0-05-75; Petition 82TCH-05 PB**

**An ordinance of the City of Gainesville, Florida, amending subsection (a) of section 30-311 of the Land Development Code, relating to violations, enforcement and penalties pertaining to stormwater management regulations; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*City Chief of Comprehensive Planning Dean Mimms gave a presentation.*

**RECOMMENDATION** *The City Commission (1) approve the Petition No. 82TCH-05 PB and (2) adopt the proposed ordinance.*

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

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

**030759**

**LAND DEVELOPMENT CODE AMENDMENT - COMMUNICATION TOWERS AND WIRELESS FACILITIES (B)**

**Ordinance No. 0-04-93; Petition No. 170TCH-03 PB**

**An ordinance of the City of Gainesville, Florida; amending section 30-98, City of Gainesville Land Development Code, relating to wireless communications facilities and antenna regulations; extensively updating the regulations for compliance with the Telecommunications Act of 1996 and state law; adding definitions; adding provisions for collocation and the modification of existing wireless communications facilities for consistency with state law; adding provisions for construction of new camouflaged towers and monopole towers;**

adding provisions for wireless communication facilities in historic districts; providing for unused or abandoned towers; describing the land development or zoning related submittal requirements for new wireless communications facilities; providing for applicability of these provisions to applications filed on or after July 1, 2005; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

*City Planner Jason Simmons, Community Development Director Tom Saunders and Planning Manager Ralph Hilliard gave presentations.*

*Chair Hanrahan recognized Citizen Beverly Hill, Attorney for Nextel and Verizon Wireless Laura B. Belflower, P.A., T-Mobile Representative Christopher Torres and Walter Willard who spoke to the matter.*

*MODIFICATION: Page 8, Line 7 after the word "zone.", insert "In no instance shall the height of a camouflaged tower exceed 80 feet height in a single - family, residential - low zoning category, and shall be subject to a special use permit.*

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

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

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

041268

**LAND DEVELOPMENT CODE AMENDMENT - FAMILY CHILD CARE HOMES (B)**

**Ordinance No. 0-05-68; Petition 66TCH-05 PB**

**An ordinance of the City of Gainesville, Florida, amending the Land Development Code, relating to family child care homes and land use regulations; updating for consistency with state and county regulations; creating a use called large family child care homes; providing land use regulations for large family child care homes; 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 Chestnut, 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 and Rick Bryant  
Absent: Craig Lowe and Jack Donovan

050151

**URBAN SERVICES REPORT (B)**

**Ordinance No. 0-05-78**

An Ordinance of the City of Gainesville, Florida, adopting an Urban Services Report which sets forth the plans to provide urban services to certain properties owned by the City of Gainesville generally described as follows: south of the city limits, west of SW 34th Street and tax parcel 06688-000-000, and east of tax parcel number 06715-000-000; 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.

RECOMMENDATION    *The City Commission adopt the proposed ordinance.*

A motion was made by Mayor-Commissioner Pro Tem Chestnut, 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 and Rick Bryant  
Absent: Craig Lowe and Jack Donovan

**040025****HOUSING CODE UPDATE (B)****Ordinance No. 0-05-24**

An ordinance of the City of Gainesville, Florida, relating to Article II, Chapter 13, of the Code of Ordinances, relating to the Housing Code; deleting and repealing its entirety sec. 13-16.1, regarding residential smoke detectors; amending sec. 13-17, deleting obsolete provisions; amending sec. 13-18, deleting obsolete provisions and adding provision for quality of work; amending sec. 13-19, updating specific definitions; amending sec. 13-40, allowing for less than 15 days for repair in some cases where there exists an immediate threat to the safety and well-being of the occupants; amending sec. 13-76, exempting requirement for screens if dwelling unit has central heat and air; amending sec. 13-94, clarifying provisions for smoke detectors for compatibility with the Florida Building Code; amending sec. 13-113, updating and expanding provisions relating to materials used in a sewer system; amending sec. 13-127, updating and expanding provisions relating to hazardous conditions with artificial lighting; amending sec. 13-128, updating and expanding provisions relating to lighting and receptacles; amending sec. 13-141, deleting obsolete provisions and adding a provision for quality of work; amending sec. 13-156, adding an exception clause; amending sec. 13-171, providing inadequate garbage storage is a major violation; creating a new Division 12, Article II, Chapter 13, Code of Ordinances, entitled Pools, Wading Pools and Hot Tubs; creating sec. 13-191, providing for alleviation of hazardous conditions relating to all pools and hot tubs; creating sec. 13-192, relating to electrical receptacles and connections; creating sec. 13-193, requiring maintenance of bonding connections; creating sec. 13-194, providing for maintenance of enclosures around pools and hot tubs; repealing language establishing Board of Adjustment as an appeals board for housing violations; providing directions to the codifier; providing a severability

clause; providing a repealing clause; and providing an immediate effective date.

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

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

**A motion was made by Mayor-Commissioner Pro Tem Chestnut, seconded by Commissioner Nielsen, 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, Craig Lowe and Jack Donovan  
Absent: Rick Bryant

**031256**

**LAND USE CHANGE - OAK HAMMOCK (B)**

**Ordinance No. 0-05-19, Petition 24LUC-04PB**

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

*City Chief of Comprehensive Planning Dean Mimms 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 Commissioner Nielsen, seconded by Mayor-Commissioner Pro Tem 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, Edward Braddy, Rick Bryant, Craig Lowe and Jack Donovan

**031257**

**REZONING - OAK HAMMOCK (B)**

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

**An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain lands annexed into the City from the Alachua County zoning categories of "PD, planned development", "R1a, single-family, low density (one to four dwelling units per acre)", and "A, agricultural district" to the City of Gainesville zoning categories of "Planned Development District" and "OF: General office district", as more specifically described in this ordinance;**

generally located in the vicinity of and including the Oak Hammock retirement community, and certain properties along Williston Road including 2521 Southwest Williston Road; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

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

**A motion was made by Commissioner Nielsen, seconded by Mayor-Commissioner Pro Tem 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, Edward Braddy, Rick Bryant, Craig Lowe and Jack Donovan

**040519**

**LAND USE CHANGE - BLUES CREEK (B)**

**Ordinance No. 0-05-05, Petition 167LUC-04PB**

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

**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 Commissioner Nielsen, seconded by Mayor-Commissioner Pro Tem 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, Edward Braddy, Rick Bryant, Craig Lowe and Jack Donovan

**040373**

**COMPREHENSIVE PLAN AMENDMENT - HEIGHT LIMITATIONS IN THE OFFICE AND COMMERCIAL LAND USE CATEGORIES (B)**

**Ordinance No. 0-04-103; Petition 148CPA-04 PB**

**An ordinance of the City of Gainesville, Florida, amending the Future Land Use Element of the City of Gainesville 2000-2010 Comprehensive Plan, Policy 4.1.1, in the Mixed-Use Low Intensity, Mixed-Use Medium Intensity, Office and Commercial land use categories to allow a height of more than 5 stories by Special Use Permit; providing directions to the city manager; providing a severability clause; providing a repealing clause; and providing an effective date.**

**RECOMMENDATION** *The City Commission (1) receive the Objections, Recommendations and Comments Report; (2) hear a presentation from staff and receive comments from the public; and (3) adopt the proposed ordinance, as amended.*

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

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

040919

**COMPREHENSIVE PLAN AMENDMENT - ANNUAL UPDATE OF THE 5-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS (B)**

**Ordinance No. 0-05-30; Petition 18CPA-05PB**

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

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

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

**RESOLUTIONS- ROLL CALL REQUIRED**

050310

**GACRAA - AUTHORIZING AND ACCEPTING GRANT OFFER FROM USDOT, FAA (B)**

**A resolution of the City of Gainesville, Florida, authorizing acceptance of a grant offer from Department of Transportation, Federal Aviation Administration, and authorizing execution by the Mayor and Clerk of the Commission on behalf of the City of Gainesville; and providing an immediate effective date.**

**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, Edward Braddy, Craig Lowe and Jack Donovan  
Absent: Rick Bryant

- 050318**      **A resolution of the City of Gainesville, Florida, approving a modification of the Downtown Expansion District Redevelopment Plan, relating to community policing innovations and providing housing for persons and families of low-income; and providing an immediate effective date. (B)**

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

*Chair Hanrahan recognized Bob Freeman who requested a copy of the Downtown Redevelopment Plan.*

**RECOMMENDATION**    *The City Commission hold a public hearing and adopt the proposed resolution.*

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

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

- 050319**      **A resolution of the City of Gainesville, Florida, approving a modification of the Eastside District Redevelopment Plan, relating to community policing innovations and providing housing for persons and families of low-income; and providing an immediate effective date. (B)**

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

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

**RECOMMENDATION**    *The City Commission hold a public hearing and adopt the proposed resolution.*

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

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

## **PLAN BOARD PETITIONS**

## **DEVELOPMENT REVIEW BOARD PETITIONS**

## **SCHEDULED EVENING AGENDA ITEMS**

- 050216**      **Northside Park (B)**

*TAKE FROM THE TABLE MOTION: Commissioner Bryant moved and Commissioner Chestnut seconded to take this item from the table.*



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

*City Attorney Marion Radson gave an overview of Northside Park.*

*Attorney for Wal-Mart Ron Carpenter gave a presentation.*

*Chair Hanrahan recognized the following citizens who spoke to the matter:*

- 1. Francine Robinson*
- 2. James Beuner*
- 3. Dwight Adams*
- 4. Ronald Hodill*
- 5. Dennis Shuman*
- 6. Harald Kegelmann*
- 7. Linda Pollini*
- 8. Carol McCoy*
- 9. Sara Fazenbaker*
- 10. Matthew McDonnell*
- 11. Lauren McDonald*
- 12. David Gold*
- 13. Renee Hoffinger*
- 14. Mark Venzke*
- 15. Charles Grapski*
- 16. Billy Staff*
- 17. Mary Helen Wheeler*
- 18. Eddie Davis*
- 19. Vincent Lipsio*
- 20. Joe Richard*
- 21. Matt Blake*
- 22. Karen Arrington*
- 23. Rob Brinkman*
- 24. Sara Poll*
- 25. Sandra Greenwood*
- 26. Susan Poulin*
- 27. Karen Kratina*
- 28. Michael Adler*
- 29. Janet Woods*
- 30. Rodney Long*
- 31. Ann Walsh Collett*
- 32. Dyonne McGraw*
- 33. Dick Mahaffey*
- 34. Jeffrey Meldon*
- 35. Ruth Steiner*
- 36. Liddy Freeman*
- 37. Rodney Jones*
- 38. Glenn Smearge*
- 39. Tom Bussing*
- 40. Richard Selwach*
- 41. Laura Bresko*
- 42. Christine Shurtleff*

43. Elizabeth Howard
44. Gladys Thompson
45. Marilyn Brenner

*WAIVER OF RULES: Commissioner Lowe moved and Commissioner Nielsen seconded to waive the rules to extend the meeting to 11:30 PM.  
(VOTE: 7-0, MOTION CARRIED)*

*MOTION: Commissioner Lowe moved and Commissioner Donovan seconded that the City Commission respond to the letter dated July 18, 2005 to Marion Radson, City Attorney from Ron Carpenter representing Wal-Mart, expressing that the City Commission wishes to retain Northside Park as a Park.  
(VOTE: 4-3; Commissioners Lowe, Nielsen, Donovan and Mayor Hanrahan - Yes; and Commissioners Bryant, Chestnut and Braddy - No, MOTION CARRIED)*

*WAIVER OF RULES: Mayor Commissioner Pro Tem Chestnut moved and Commissioner Bryant seconded to waive the rules to extend the meeting to 11:45 PM.  
(VOTE: 7-0, MOTION CARRIED)*

*ADDITIONAL MOTION:  
Commissioner Bryant moved and Commissioner Braddy seconded that the City Commission support a Wal-Mart Super Center at the Camp Property on the East side of Gainesville.  
(VOTE: 7-0, MOTION CARRIED)*

**RECOMMENDATION** *The City Commission hear an update from staff.*

**Approved, as shown above**

## **UNFINISHED BUSINESS**

## **COMMISSION COMMENT**

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

## **ADJOURNMENT - 11:43 PM**

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Kurt M. Lannon, Clerk of the Commission