

City of Gainesville

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



Meeting Minutes

Monday, August 12, 2002

1:00 PM

City Hall Auditorium

City Commission

*Mayor Tom Bussing (At-Large)
Mayor-Commissioner Pro Tem Warren Nielsen (At-Large)
Commissioner Chuck Chestnut (District 1)
Commissioner Edward Braddy (District 2)
Commissioner Tony Domenech (District 3)*

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 48 hours in advance.

CALL TO ORDER - 1:01 PM**ROLL CALL**

Present: Tony Domenech, Edward Braddy, Chuck Chestnut, Warren Nielsen and Tom Bussing

INVOCATION**Minister Jane Huffman, Trinity United Methodist Church****CONSENT AGENDA**

MAIN MOTION: Commissioner Domenech moved and Commissioner Nielsen seconded to adopt the Consent Agenda, as amended.

(VOTE: 5-0, MOTION CARRIED)

Chair Bussing recognized Citizen Sarah Poll who spoke to the matter.

AMENDMENT TO MAIN MOTION: Commissioner Chestnut moved and Commissioner Braddy seconded to pull File # 020267 - 2003 Wastewater Ordinance and File # 020268 - 2003 Gas Ordinance from the Consent Agenda.

(VOTE: 5-0, MOTION CARRIED)

CITY MANAGER, CONSENT AGENDA ITEMS**020180 Amendment to Fire-Rescue Designated Assistance Agreement (B)**

RECOMMENDATION *The City Commission approve the Second Amendment to the Designated Assistance Agreement between Alachua County and the City of Gainesville for Fire-Rescue Services and authorize the Mayor to sign the amendment.*

This Matter was Approved as Recommended on the Consent Agenda.

020249 Contract Extension for Professional Federal Lobbying Services (B)

RECOMMENDATION *The City Commission: 1) authorize the City Manager to exercise the option to extend the current agreement for professional federal lobbying services for both General Government (\$90,000) and Gainesville Regional Utilities (\$30,000) with Marilyn Berry Thompson for an additional one-year period from October 1, 2002 through September 20, 2003, and 2) authorize the City Manager and General Manager to execute the appropriate contractual documents*

for professional lobbying services.

This Matter was Approved as Recommended on the Consent Agenda.

020250 Third Extension for Group 5 Advertising - Commercial Recycling and Waste Reduction Education (B)

RECOMMENDATION *The City Commission: 1) authorize the City Manager or designee to execute the Third Extension of the agreement with Group 5 Advertising for the period October 1, 2002 through September 30, 2003; and 2) approve the issuance of a purchase order to Group 5 Advertising in an amount not to exceed \$30,000 for FY 02-03.*

This Matter was Approved as Recommended on the Consent Agenda.

020251 Extension of the City of Gainesville Contract for Armored Car Services (B)

RECOMMENDATION *The City Commission: 1) approve the initial one year extension to Certified Armored Services, Inc., of Gainesville, Florida for Armored Car Services and subsequent second and third extensions dependent upon the City's desire to extend and continued satisfactory performance of the vendor; and 2) authorize the City Manager or his designee to execute the extension(s).*

This Matter was Approved as Recommended on the Consent Agenda.

020252 Extension of Medium Duty Truck Contract (B)

RECOMMENDATION *The City Commission: 1) approve the extension of the current contract with Fountain Motors d.b.a King Truck Center for a one year term; 2) authorize the City Manager or his designee to execute the contract extension; and 3) authorize the City Manager to approve purchases made under this agreement.*

This Matter was Approved as Recommended on the Consent Agenda.

020273 First Extension to the Cellular Telephone Contract (B)

RECOMMENDATION *The City Commission: 1) approve the First Extension to U.S. Cellular; and 2) authorize the City Manager or designee to execute the contract extension.*

This Matter was Approved as Recommended on the Consent Agenda.

020253 Second Purchase Order for Continuation of Paper Recycling Services Contract (B)

RECOMMENDATION *The City Commission approve the issuance of a second purchase order to Recycling Services of America, Inc., in an amount not to exceed \$18,000 for continuation of paper recycling services in FY 02-03.*

This Matter was Approved as Recommended on the Consent Agenda.

020254 Purchase of Sediment Trap Units for the Duck Pond Restoration Project (NB)

RECOMMENDATION *The City Commission authorize the City Manager or designee to issue a purchase order for two sediment trap units to CDS Technologies, Inc., not to exceed the amount of \$103,700 for the Duck Pond Restoration Project.*

This Matter was Approved as Recommended on the Consent Agenda.

020255 Grant Application - Florida Exotic Pest Plant Council (B)

RECOMMENDATION *The City Commission: 1) authorize the City Manager or his designee to submit a grant application to the Florida Exotic Pest Plant Council; and 2) to execute the application, contract and other grant-related documents, if awarded.*

This Matter was Approved as Recommended on the Consent Agenda.

020256 Settlement of Worker's Compensation Claim - Ronald Days (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 Ronald Days, in the amount of \$56,150.*

This Matter was Approved as Recommended on the Consent Agenda.

020257 Annexation Policies Update (B)

RECOMMENDATION *The City Commission adopt the updated Annexation Policies.*

This Matter was Approved as Recommended on the Consent Agenda.

020258 Ratification of Agreement with the North Central Florida Police Benevolent

Association, Inc. for October 1, 2002 through September 30, 2005 (NB)

RECOMMENDATION *The City Commission ratify the Agreement between the North Central Florida Police Benevolent Association, Inc. and the City of Gainesville covering the period through September 30, 2005. (A copy of this agreement is on file with the Clerk of the Commission. After August 12, 2002, the Agreement will be on file in the Human Resources Department.)*

This Matter was Approved as Recommended on the Consent Agenda.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS**020265 Contract and Purchase Orders for Grounds Maintenance (B)**

RECOMMENDATION *The City Commission authorize the General Manager, or his designee, to execute a three year contract with Florida Green Keepers, Inc. for grounds maintenance for the Main Street and Kanapaha Water Reclamation Facilities, the electric substations and the Murphree Water Plant and its remote facilities in an amount not to exceed \$61,000 per year.*

This Matter was Approved as Recommended on the Consent Agenda.

CITY ATTORNEY, CONSENT AGENDA ITEMS**020261 JOSEPH LACEY VS. THE CITY OF GAINESVILLE, ALACHUA COUNTY COURT CASE NO. 01-02-CC-3196 (B)**

RECOMMENDATION *The City Commission authorize the City Attorney, and /or Special Counsel if insurance coverage is available, to represent the City in the case styled Joseph Lacey vs. the City of Gainesville; Alachua County Court; Case No.: 01-02-CC-3196.*

This Matter was Approved as Recommended on the Consent Agenda.

020262 STEVE MALU VS. THE CITY OF GAINESVILLE EEOC CHARGE NO. 150A202726 (B)

RECOMMENDATION *The City Commission authorize the City Attorney's Office and/or special counsel to represent the City in the case styled Steve Malu vs. City of Gainesville; EEOC/FCHR Charge No. 150A202726.*

This Matter was Approved as Recommended on the Consent Agenda.

020263 INEZ ALSTON VS. THE CITY OF GAINESVILLE, ALACHUA COUNTY CIRCUIT COURT; CASE NO. 01-01-CA-4379 (B)

RECOMMENDATION *The City Commission authorize the City Attorney, and/or Special Counsel if insurance coverage is available, to represent the City in the case styled Inez Alston vs. the City of Gainesville; Alachua County Circuit Court; Case No.: 01-01-CA-4379.*

This Matter was Approved as Recommended on the Consent Agenda.

020264 MARY RACHEL ROBINETTE VS. THE CITY OF GAINESVILLE, ALACHUA COUNTY COURT; CASE NO. 01-02-CC-754 (B)

RECOMMENDATION *The City Commission authorize the City Attorney, and/or Special Counsel if insurance coverage is available, to represent the City in the case styled Mary Rachel Robinette vs. the City of Gainesville; Alachua County Court; Case No.: 01-02-CC-754.*

This Matter was Approved as Recommended on the Consent Agenda.

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

PUBLIC SAFETY COMMITTEE, CONSENT

020211 Federal Law Enforcement Contraband Forfeiture Trust Fund Funding for Joint Aviation Unit (B)

RECOMMENDATION *The City Commission approve the appropriation of \$61,238.00 from the Federal Law Enforcement Contraband Forfeiture Trust Fund for the operation of the Joint Aviation Unit.*

This Matter was Approved as Recommended on the Consent Agenda.

COMMUNITY DEVELOPMENT COMMITTEE, CONSENT

002196 Historic Overlay District University Heights Historic District - South - Referral (NB)

RECOMMENDATION *The Community Development Committee to the City Commission: remove this item from the referral list.*

This Matter was Approved as Recommended on the Consent Agenda.

DISABILITY REVIEW COMMITTEE, CONSENT

020260 Applications for Disability Retirement -- Jerome Williams, Gas Crew Leader and Ronald Days, Motor Equipment Operator (B)

RECOMMENDATION *The City Commission approve the submitted applications for disability retirement for : 1) Jerome Williams, Gas Crew Leader, GRU-Gas Distribution; 2) Ronald Days, Motor Equipment Operator, Public Works Streets Division*

This Matter was Approved as Recommended on the Consent Agenda.

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

020239 Resignation - Gainesville Enterprise Zone Development Agency (B)

RECOMMENDATION *The City Commission accept the resignation of member Michael A. King from the Gainesville Enterprise Zone Development Agency effective immediately.*

This Matter was Approved as Recommended on the Consent Agenda.

020246 City Commission Minutes (B)

RECOMMENDATION *The City Commission approve the minutes of two regular meetings (July 8 & 22, 2002) and six special meetings (June 20, 25 & 27; and July 9, 11 & 15), as circulated.*

This Matter was Approved as Recommended on the Consent Agenda.

Passed The Consent Agenda

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

Votes: Aye: Tony Domenech, Edward Braddy, Chuck Chestnut, Warren Nielsen and Tom Bussing

END OF THE CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

Commissioner Domenech moved and Commissioner Chestnut seconded to adopt the Regular Agenda with the following modifications:

- 1. File # 020277 - Clerk of Commission Category - General Government Budget add "schedule any ordinance readings related to Charter Amendments".*
- 2. File # 001117 & 020125 - Walnut Creek - Schedule a Special Meeting and continue Resolutions to that date. Continued Items from Thursday, August 7, 2002 at 6:00 PM.*
- 3. File # 020247 - Charter Review Committee - Continued Item From Thursday, August 7, 2002 @ 5:00 PM.*
- 4. New Proclamation - "National Clown Week" - Added*
- 5. Resolution # 020269 - City of Gainesville Emergency Operations Plan - Withdrawn from the agenda.*

(VOTE: 5-0, MOTION CARRIED)

CLERK OF THE COMMISSION

020277 **General Government Budget (NB)**

RECOMMENDATION *The City Commission reschedule the General Government Budget Special Meeting to August 27, 2002 at 6:00 PM and schedule any ordinance readings related to Charter amendments.*

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

Votes: Aye: Tony Domenech, Edward Braddy, Chuck Chestnut, Warren Nielsen and Tom Bussing

002570 **Report of the Safe Space Task Force (NB)**

RECOMMENDATION *The City Commission schedule a Special Meeting to discuss the Report of the Safe Space Task Force on September 30, 2002 at 6:00 PM.*

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

Votes: Aye: Tony Domenech, Edward Braddy, Chuck Chestnut, Warren Nielsen and Tom Bussing

001117 **Petition 142SUB-00PB (Phase I), (Formal Quasi-Judicial Hearing). Jerome Kelly, agent for Luther E. Blake, Jr. and Irene Blake Caudle, final plat of Walnut Creek, a Planned Development, Phase I 73-lot, single-family residential subdivision. Located in the 2600 Block of Northwest 39th Avenue. (B)**

This item was continued to August 28, 2002 at 7:00 PM.

Chair Bussing recognized Citizen Paula Stahmer who spoke to the matter.

RECOMMENDATION *Staff to the City Commission - City Commission approve with condition: "A Resolution approving the final plat of "Walnut Creek, A Planned Development, Phase I", located in the vicinity of the south side of Northwest 39th Avenue between Northwest 25th Court and Northwest 27th Court; authorizing the Mayor and Clerk of the Commission to execute a Tri-Party Agreement and accepting a Letter of Credit for the construction of improvements; and providing an immediate effective date."*

A motion was made by Commissioner Braddy, seconded by Mayor-Commissioner Pro Tem Nielsen, that this matter be Continued for August 28, 2002. The motion carried by the following vote:

Votes: Aye: Tony Domenech, Edward Braddy, Chuck Chestnut, Warren Nielsen and Tom Bussing

020125 **Petition 142SUB-00PB (Phase II) (Formal Quasi-Judicial Hearing). Jerome Kelly, agent for Luther E. Blake, Jr. and Irene Blake Caudle, conditional plat of Walnut Creek, a Planned Development, Phase II, a 62-lot, single-family residential subdivision. Located in the 2600 Block of Northwest 39th Avenue. (B)**

This item was continued to August 28, 2002 at 7:00 PM.

Chair Bussing recognized Citizen Paula Stahmer who spoke to the matter.

RECOMMENDATION *Staff to the City Commission - City Commission approve with condition: "A Resolution approving the conditional final plat of "Walnut Creek, A Planned Development, Phase II", located in the vicinity of the north side of Northwest 31st Avenue between Northwest 25th Court and Northwest 26th Drive; and providing an immediate effective date."*

A motion was made by Commissioner Braddy, seconded by Mayor-Commissioner Pro Tem Nielsen, that this matter be Continued for August 28, 2002. The motion carried by the following vote:

Votes: Aye: Tony Domenech, Edward Braddy, Chuck Chestnut, Warren Nielsen and Tom Bussing

CITY MANAGER

020274 Closure of Ashton Neighborhood NW 53rd Avenue Entrance (B)

City of Gainesville Public Works Traffic Engineering Manager Brian Kanely and Public Works Director Teresa Scott gave presentations.

Chair Bussing recognized Ashton Neighborhood Homeowners Association Representative Marcus Trobaugh and Citizen Michael Tanner who spoke to the matter.

MOTION: Direct staff and the City Attorney to work with the Ashton Neighborhood Association to develop a proposal for temporary closure of a street for approximately one hour during school hours.

RECOMMENDATION *The City Commission hear a presentation from members of the Ashton Homeowners Association concerning the closure of Ashton's NW 53rd Avenue entrance.*

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

Votes: Aye: Tony Domenech, Edward Braddy, Chuck Chestnut, Warren Nielsen and Tom Bussing

GENERAL MANAGER FOR UTILITIES**020266 An Ordinance amending Appendix A, Section UTILITIES (1) ELECTRICITY, of the Gainesville Code of Ordinances (B)**

Gainesville Regional Utilities (GRU) Marketing Manager Rosemary Fagler gave a presentation.

Chair Bussing passed the gavel to Mayor-Commissioner Pro Tem Nielsen.

FIRST MOTION: Mayor Bussing moved to postpone the item indefinitely. (NO SECOND, MOTION FAILED)

Chair Pro Tem Nielsen recognized Citizens Sarah Poll and Michael Tanner who spoke to the matter.

RECOMMENDATION *The City Commission authorize the City Attorney to prepare and the Clerk of the Commission to advertise an ordinance amending Appendix A, Section UTILITIES (1) ELECTRICITY, reducing residential electric rates; providing for a repealing clause; providing for a severability clause; and, providing an effective date in accordance with the schedule provided herein.*

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

Votes: Aye: Tony Domenech, Edward Braddy, Chuck Chestnut and Warren Nielsen
Nay: Tom Bussing

020267 An Ordinance amending Appendix A, Section UTILITIES (4) SEWERAGE, of the Gainesville Code of Ordinances (B)

GRU Water/Wastewater Senior Engineer David Richardson gave a presentation.

Chair Bussing recognized Citizen Sarah Poll who spoke to the matter.

RECOMMENDATION *The City Commission authorize the City Attorney to prepare and the Clerk of the Commission to advertise an ordinance amending Appendix A, Section UTILITIES (4) SEWERAGE, increasing wastewater rates; providing for a repealing clause; providing for a severability clause; and, providing an effective date in accordance with the schedule provided herein.*

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

Votes: Aye: Tony Domenech, Edward Braddy, Chuck Chestnut, Warren Nielsen and Tom Bussing

020268 An Ordinance amending Chapter 27, Article VI. Natural Gas and Appendix A, Section UTILITIES (5) Natural Gas, of the Gainesville Code of Ordinances (NB)

GRU Water/Wastewater Senior Engineer David Richardson gave a presentation.

Chair Bussing recognized Citizen Sarah Poll who spoke to the matter.

RECOMMENDATION *The City Commission authorize the City Attorney to prepare and the Clerk of the Commission to advertise an Ordinance amending Chapter 27, Article VI. Natural Gas and Appendix A, Section UTILITIES (5) Natural Gas, creating a manufactured gas plant cost recovery factor; providing for a repealing clause; providing for a severability clause; and, providing an effective date in accordance with the schedule provided herein.*

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

Votes: Aye: Tony Domenech, Edward Braddy, Chuck Chestnut, Warren Nielsen and Tom Bussing

CITY ATTORNEY

CITY AUDITOR**COMMITTEE REPORTS (PULLED FROM CONSENT)****PUBLIC SAFETY COMMITTEE****ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)****020110 Nature Centers Commission Sign Policy Update (B)**

Nature Center Commission Chair Charlie Peterson, Nature Operations Manager Steve Phillips and Public Recreation Board Chair Jack Hughes gave presentations.

RECOMMENDATION *City Commission hear a report by the Nature Centers Commission and take appropriate action.*

Heard

020259 Application for Disability Retirement - Tuesday Harris, Transit Operator (B)

Human Resources Director Tom Motes, Finance Director Mark Benton, Risk Management Director Steve Varvel and Regional Transit System Director (RTS) Jeff Logan gave presentations.

*FIRST MOTION: Commissioner Chestnut moved and Commissioner Braddy seconded to approve the recommendation.
(NO VOTE)*

*SUBSTITUTION BY AMENDMENT (SECOND) MOTION: Commissioner Domenech moved and Commissioner Braddy seconded to delay until staff can look at the issues.
(VOTE: 5-0, MOTION CARRIED)*

Chair Bussing recognized Citizen Jack Harris who spoke to the matter.

RECOMMENDATION *It is the recommendation of the Disability Review Committee that the City Commission disapprove the submitted application for disability retirement for Tuesday Harris, due to the applicant's off the job injury occurring on February 2, 2001; and since February 3, 2001, she has been totally disabled and unable to perform her duties as a Transit Operator or any other position with the City. The City employed her on February 14, 2000 and at the time of the injury causing the disability, she had less than one year of creditable service with the City, thus making her ineligible for disability benefits under the plan.*

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

Votes: Aye: Tony Domenech, Edward Braddy, Chuck Chestnut, Warren Nielsen and Tom Bussing

OUTSIDE AGENCIES

020247 Charter Review Committee (B)

City Attorney Marion Radson gave a presentation.

MOTION: Authorize the City Attorney to draft and the Clerk of the Commission to advertise an ordinance (02-46) - Charter amendment regarding terms of office of added City Commissioner seats.

Chair Bussing recognized Citizens Dr. Bob Casey, Sarah Poll and Harold Saive who spoke to the matter.

RECOMMENDATION *The City Commission hear a presentation regarding amendments to the City Charter relating to: 1) Keeping the number of Commissioner at 5; and 2) changing the initial terms of office of the 2 added Commissioners when the Commission expands to 7 members.*

A motion was made by Commissioner Braddy, seconded by Commissioner Domenech, that this matter be Approved, as shown above. The motion carried by the following vote:

Votes: Aye: Tony Domenech, Edward Braddy, Warren Nielsen and Tom Bussing
Nay: Chuck Chestnut

020242 Supervisor of Elections - Beverly Hill (NB)

Supervisor of Elections Beverly Hill gave a presentation.

RECOMMENDATION *Hear a report on new precincts and districts.*

Heard

RECESS - 5:10 PM

COMMUNITY REDEVELOPMENT AGENCY

MEMBERS OF THE CITY COMMISSION

COMMISSION COMMENTS (if time available)

RECONVENE - 5:40 PM**CITIZEN COMMENT (5:30pm)****Gabe Kaimowitz**

Equal Opportunity Charter Officer

Debbie Martinez

Parking Meters in front of "The Maternity Shop" on University Avenue and NW Second Street.

See following item # 020301.

020301 The Maternity Shop (B)

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

Placed on File

Tom Cunilio

- 1. Women on City Commission*
- 2. Gainesville Energy Advisory Committee Issues*

See following item # 020302.

020302 Thomas Cunilio (B)

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

Placed on File

Frederick Peterkin

City Creek Survey on Private Property

Robert Brinkman

- 1. GPD Patrol Car Accident on August 1, 2002*
- 2. Sunshine Law Issues*

COMMISSION COMMENTS (if time available)**PLEDGE OF ALLEGIANCE (6:00pm)****Boy Scout Troop #307****PROCLAMATIONS/SPECIAL RECOGNITIONS****020284 National Clown Week (B)**

RECOMMENDATION *Tish "Sunshine" Benton, President representing Gainesville Sunshine Clowns to accept the Proclamation.*

Heard

PUBLIC HEARINGS**ORDINANCES, 1ST READING- ROLL CALL REQUIRED****020091 AMENDMENT TO CHAPTER 9, ELECTIONS (B)****ORDINANCE NO. 0-02-36**

An ordinance of the City of Gainesville, Florida, Chapter 9, Elections; amending Section 9-2 (a) of the Code of Ordinances providing that runoff elections shall be held on the third Tuesday following the first election; amending Section 9-5 of the Code of Ordinances, providing that the proclamation calling the election shall be published once; amending Section 9-8 of the Code of Ordinances, providing for the use of paper ballots in certain annexation elections; 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 Nielsen, seconded by Commissioner Chestnut, that this matter be Adopted on First Reading (Ordinance). The motion carried by the following vote:

Votes: Aye: Tony Domenech, Edward Braddy, Chuck Chestnut, Warren Nielsen and Tom Bussing

020096 GENERAL EMPLOYEES PENSION PLAN (B)

ORDINANCE NO. 0-02-38

An ordinance of the City of Gainesville, Florida, amending section 2-523 of the Code of Ordinances of the City of Gainesville relating to the General Employees Pension Plan; relating to eligibility and limited participants and purchase of prior service; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

City of Gainesville Finance Director Mark Benton gave a presentation.

FIRST MOTION: Mayor-Commissioner Pro Tem Nielsen moved and Commissioner Chestnut seconded to approve this ordinance by title only.

(NO VOTE)

NOTE: Mayor Bussing passed the gavel in order to second the following substitute motion.

AMENDMENT BY SUBSTITUTE MOTION: Commissioner Domenech moved and Mayor Bussing seconded to continue this item until September when the City Commission can hear a report from Administrative Services Director Glenda Currie and Actuarial Consultant Mike Tierney.

(VOTE: 4-1, Commissioner Chestnut - No, MOTION CARRIED)

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

Votes: Aye: Tony Domenech, Edward Braddy, Warren Nielsen and Tom Bussing
Nay: Chuck Chestnut

020154**COMMUNICATIONS SERVICES TAX RATE (B)****ORDINANCE NO. 0-02-31**

An ordinance of the City of Gainesville, Florida, amending Chapter 25, Article V, Section 25-81 of the Code of Ordinances of the City of Gainesville, relating to the communications services tax rate; by adjusting the rate of the local communications service tax for specific time periods as more specifically provided in this ordinance; providing directions to the codifier; 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 Commissioner Chestnut, seconded by Commissioner Domenech, that this matter be Adopted on First Reading (Ordinance). The motion carried by the following vote:

Votes: Aye: Tony Domenech, Edward Braddy, Chuck Chestnut, Warren Nielsen and Tom Bussing

020244 STORMWATER MANAGEMENT UTILITY FEE INCREASE (B)**ORDINANCE NO. 0-02-34**

An ordinance of the City of Gainesville, Florida, amending Appendix A, "Schedule of Fees, Rates and Charges," Utilities, (6) Stormwater Management, of the Code of Ordinances by increasing the stormwater management utility fee to \$6.25/ERU (Equivalent Residential Unit) for the period commencing October 1, 2002 through September 30, 2003, and to \$6.50/ERU for the period commencing October 1, 2003 and thereafter; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

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

Chair Bussing recognized Tom Cunilio who spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

Votes: Aye: Tony Domenech, Chuck Chestnut, Warren Nielsen and Tom Bussing
Nay: Edward Braddy

020245 NATURAL GAS AND MECHANICAL TIME CERTAIN INSPECTIONS SURCHARGE FEE (B)**ORDINANCE NO. 0-02-35**

An ordinance of the City of Gainesville, Florida, amending Appendix A, "Schedule of Rates, Fees and Charges," BUILDINGS AND BUILDING REGULATIONS, of the Code of Ordinances; creating a surcharge fee for natural gas and mechanical time certain inspections; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

City of Gainesville Building Inspector Doug Murdock and Becky Rountree gave a presentation.

*FIRST MOTION: Commissioner Chestnut moved and Mayor-Commissioner Pro Tem Nielsen seconded to adopt the ordinance on first reading by title only.
(NO VOTE)*

SUBSTITUTE MOTION: Use Alternative 1 and bring back ordinance at a future date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

A motion was made by Commissioner Chestnut, seconded by Mayor-Commissioner Pro Tem Nielsen, that this matter be Continued (1st Reading). The motion carried by the following vote:

Votes: Aye: Tony Domenech, Chuck Chestnut and Warren Nielsen
Nay: Edward Braddy and Tom Bussing

020270 OCCUPATIONAL LICENSE RATE INCREASE (B)

ORDINANCE NO. 0-02-33

An ordinance of the City of Gainesville, Florida, amending in total, section 25-51 of the Code of Ordinances, by increasing the rates for occupational licenses; providing a severability clause; providing a repealing clause; providing an implementation date; and providing an immediate effective date.

Chair Bussing recognized Citizen Tom Cunilio who spoke to the matter.

Chair Bussing passed the gavel to Mayor-Commissioner Pro Tem Nielsen.

NOTE: Section 205.0535, F.S., requires the vote for adoption of this ordinance to be at least a majority plus one of the City Commission.

*FIRST MOTION: Commissioner Chestnut moved and Mayor-Commissioner Pro Tem Nielsen seconded to adopt the ordinance on first reading.
(3-2, Commissioner Braddy, Commissioner Domenech-No, MOTION FAILED)
(SEE ABOVE NOTE)*

Mayor Bussing moved and Commissioner Chestnut moved to reconsider the previous motion.

(VOTE: 2-3, Commissioner Braddy, Commissioner Domenech, and Commissioner Chestnut -No MOTION FAILED)

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

This matter was Adopted on First Reading (Ordinance). The motion failed.

ORDINANCES 2ND READING- ROLL CALL REQUIRED

002027 REZONING - YMCA PROPERTY (B)

ORDINANCE NO. 0-01-75, PETITION NO. 117PSZ-01PB

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain lands within the City from "RSF-2: 4.6 units/acre single-family residential district" to "PS: Public services and operations district"; to allow redevelopment of the existing recreation facility; approving a minor development plan; located in the vicinity of 1303 Northeast 23rd 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 Commissioner Chestnut, seconded by Commissioner Domenech, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:

Votes: Aye: Tony Domenech, Edward Braddy, Chuck Chestnut, Warren Nielsen and Tom Bussing

000515

COMPREHENSIVE PLAN AMENDMENT - TRANSPORTATION MOBILITY ELEMENT (B)

ORDINANCE NO. 0-01-19; PETITION NO. 146CPA-00 PB

An ordinance of the City of Gainesville, Florida, amending the Transportation Mobility Element of the City of Gainesville 1991-2001 Comprehensive Plan; adding a goal and related objectives and policies to promote transportation choices, compact development, and a livable city; adding a goal and related objectives and policies to promote walking; adding a goal and related objectives and policies to promote an accessible and comfortable community transit system; adding a goal and related objectives and policies to promote bicycling; making minor amendments throughout; adding a goal and related objectives and policies to develop a trails network; adding goals and related objectives and policies to create livable streets that promote safety and quality of life and minimize single-occupant vehicle travel; adding a goal and related objectives and policies to promote accessibility to people with disabilities; making minor amendments throughout; providing directions to the city manager; stating intent to adopt the amended element as part of the City of Gainesville 2000-2010 Comprehensive Plan; providing a severability clause; providing a repealing clause; and providing an effective date.

FIRST MOTION: Commissioner Domenech and Commissioner Braddy moved to strike Policy 1.1.8 from the Transportation Mobility Element.

(NO VOTE)

SUBSTITUTE MOTION: Mayor-Commissioner Pro Tem Nielsen moved and Commissioner Chestnut seconded to eliminate the words from "such" through "deteriorate" in Policy 1.1.8.

AMENDMENT TO THE SUBSTITUTE MOTION: Commissioner Domenech moved and Mayor-Commissioner Pro Tem Nielsen seconded to place a period after the word "terminology" in Policy 1.1.8, and eliminate the rest of the words in that policy.

(VOTE: 4-1, Commissioner Braddy - No, MOTION CARRIED)

SECOND AMENDMENT TO MOTION: Commissioner Domenech moved and Commissioner Braddy seconded to delete Policy 7.1.1.

(2-3, Mayor-Commissioner Pro Tem Nielsen, Commissioner Chestnut, Mayor Bussing - No, MOTION FAILED)

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

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

Votes: Aye: Tony Domenech, Edward Braddy, Chuck Chestnut, Warren Nielsen and Tom Bussing

RESOLUTIONS- ROLL CALL REQUIRED

020269 City of Gainesville Emergency Operations Plan (B)

RECOMMENDATION *The City Commission: 1) receive the report from staff on the progress and direction that emergency management is taking within the City; 2) adopt by resolution the new City of Gainesville Emergency Operations Plan; and 3) authorize the City Manager to make annual updates to the adopted EOP as necessary. A copy of the Plan is on file in the Clerk of the Commission's Office. After August 12, 2002, the Plan will be on file in the Gainesville Fire Rescue Department and the City Manager's Office.*

Withdrawn

PLAN BOARD PETITIONS

020187 Petition 53WSU-02CC. (Quasi-Judicial) Eng, Denman & Associates, Inc., agent for Southeast Car Agency. Requesting a wellfield special use permit with development plan review for an automobile dealership. Zoned: BA (automotive-oriented business district). Located at 310 Northeast 39th Avenue. (B)

City of Gainesville Planner Bedez Massey gave a presentation.

Agent for the Petitioner Ralph Eng gave a presentation.

MOTION: Approve the recommendation with staff conditions, including fencing other than chain-link on the western perimeter, extensive landscaping with staff recommendations regarding access easements to the property to the east.

RECOMMENDATION *City Plan Board to City Commission - The City Commission approve Petition 53WSU-02 PB with staff conditions and allowing fencing to be optional. Plan Board vote 3-1.*

Staff to Plan Board - Approve, with conditions and the recommendation that the aluminum picket fence be used along

both right-of-ways with landscape material on both sides of the fence.

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

Votes: Aye: Tony Domenech, Edward Braddy, Chuck Chestnut, Warren Nielsen and Tom Bussing

020188

Petition 54WSU-02 CC. (Quasi-Judicial) Brown & Cullen, Inc., agent for Thomas Oil Company. Requesting a wellfield special use permit with development plan review for construction of a Convenience Store/Gas Station, Office, Restaurant and Automatic Car Wash facility. Zoned: BA (automotive-oriented business district). Located at 3838 North Main Street. (B)

City of Gainesville Chief of Current Planning Lawrence Calderon and Planning Manager Ralph Hilliard gave presentations.

Agent for the Petitioner Jay Brown gave a presentation.

RECOMMENDATION *City Plan Board to City Commission - The City Commission approve Petition 54WSU-02 PB, with conditions. Plan Board vote 4-0.*

Staff to Plan Board - Approve, with conditions.

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

Votes: Aye: Tony Domenech, Edward Braddy, Chuck Chestnut, Warren Nielsen and Tom Bussing

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

UNFINISHED BUSINESS

COMMUNITY REDEVELOPMENT AGENCY (Continued)

020192

Increase in Parking Meter Fees Downtown (NB)

MOTION: Postpone until the City Manager comes back with some budget information at the budget wrap-up August 27, 2002.

Chair Bussing recognized Citizens Debbie Martinez and Sarah Poll who spoke to the

matter.

RECOMMENDATION *CRA to the City Commission: Recommend to the City Commission that parking meter fees in the downtown area not be increased from fifty cents an hour to one dollar an hour in light of the parking pressures being created by the loss of several City lots and the impending Main Street project.*

A motion was made by Commissioner Braddy, seconded by Commissioner Domenech, that this matter be Postponed for August 27, 2002. The motion carried by the following vote:

Votes: Aye: Tony Domenech, Edward Braddy, Chuck Chestnut, Warren Nielsen and Tom Bussing

MEMBERS OF THE CITY COMMISSION (Continued)

020271 Commissioner Warren Nielsen (B)

MAIN MOTION: Ask the Clerk of the Commission to work with the City Manager and the City Attorney to: 1) review the recommendations of Commissioner Chestnut and Commissioner Nielsen; 2) to critique and make constructive criticisms; 3) put in resolution form; 4) and to schedule a Special Meeting as soon as possible to debate these issues and make a decision.

(VOTE: 3-2, Mayor Bussing and Commissioner Domenech - No - MOTION CARRIED)

WAIVER OF RULES: Mayor-Commissioner Pro Tem Nielsen moved and Commissioner Domenech seconded to extend the meeting for 10 additional minutes (11:10 PM).

(VOTE: 5-0, MOTION CARRIED)

Chair Bussing recognized Citizens Debbie Martinez and Sara Poll who spoke to the matter.

WAIVER OF RULES: Commissioner Domenech moved and Commissioner Chestnut seconded to extend the meeting for an additional 10 minutes (11:20 PM).

(VOTE: 5-0, MOTION CARRIED)

Commissioner Chestnut moved the previous question.

(THERE WERE NO OBJECTIONS)

RECOMMENDATION *Hear recommendations to the Rules of the City Commission.*

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

Votes: Aye: Edward Braddy, Chuck Chestnut and Warren Nielsen
Nay: Tony Domenech and Tom Bussing

020272

Commissioner Chuck Chestnut (B)

MAIN MOTION: Ask the Clerk of the Commission to work with the City Manager and the City Attorney to: 1) review the recommendations of Commissioner Chestnut and Commissioner Nielsen; 2) to critique and make constructive criticisms; 3) put in resolution form; and 4) to schedule a Special Meeting as soon as possible to debate these issues and make a decision.

(VOTE: 3-2, Mayor Bussing and Commissioner Domenech - No - MOTION CARRIED)

WAIVER OF RULES: Mayor-Commissioner Pro Tem Nielsen moved and Commissioner Domenech seconded to extend the meeting for 10 additional minutes (11:10 PM).

(VOTE: 5-0, MOTION CARRIED)

Chair Bussing recognized Citizens Debbie Martinez and Sara Poll who spoke to the matter.

WAIVER OF RULES: Commissioner Domenech moved and Commissioner Chestnut seconded to extend the meeting for an additional 10 minutes (11:20 PM).

(VOTE: 5-0, MOTION CARRIED)

Commissioner Chestnut moved to call previous question.

(There were no objections)

RECOMMENDATION *Hear recommendations to the Rules of the City Commission.*

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

Votes: Aye: Edward Braddy, Chuck Chestnut and Warren Nielsen

Nay: Tony Domenech and Tom Bussing

COMMISSION COMMENT**CITIZEN COMMENT (If time available)****ADJOURNMENT - 11:20 PM**

Kurt M. Lannon, Clerk of the Commission