

# **City of Gainesville**

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



## **Meeting Minutes**

**Monday, March 29, 2004**

**1:00 PM**

**City Hall Auditorium**

## **City Commission**

*Mayor Tom Bussing (At-Large)  
Commissioner Warren Nielsen (At Large)  
Commissioner Rick Bryant (At Large)  
Mayor-Commissioner Pro Tem Chuck Chestnut (District 1)  
Commissioner Ed Braddy (District 2)  
Commissioner Tony Domenech (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 48 hours in advance.*

**CALL TO ORDER - 1:02 PM**

*NOTE: Mayor-Commissioner Pro Tem Chestnut called the meeting to order.*

**ROLL CALL**

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

**INVOCATION**

**Reverend Kenneth Babin, First Lutheran Church of Gainesville**

**CONSENT AGENDA**

*Commissioner Braddy moved and and Commissioner Lowe seconded to adopt the Consent Agenda with the following modification:*

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

*MODIFICATION:*

*File # 031074 - Classification Changes resulting from the Job Audits Identified during the Pay Study Update - (Remove from the Consent Agenda and place on the regular agenda for discussion, and additional back-up submitted).*

**CITY MANAGER, CONSENT AGENDA ITEMS****031066            Extension of the Cox Communications Franchise Agreement (NB)**

**RECOMMENDATION**    *The City Commission extend the current Cox Communications Franchise Agreement for 30 days.*

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

**031067            Amendment to Personnel Policy: Policy 12 - Military Training (B)**

**RECOMMENDATION**    *The City Commission approve the amendment to City of Gainesville Policy 12, Military Training.*

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

**031069            Award of Financial Advisory Services Contract (B)**

**RECOMMENDATION**    *The City Commission authorize the City Manager or his*

*designee to negotiate a contract for Financial Advisory Services with Public Financial Management, Inc. for a period of three years with the option of an additional three-year extension.*

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

**031070 Change Order - SE 7th Avenue Reconstruction (B)**

**RECOMMENDATION** *The City Commission: 1) approve the issuance of a Change Order to the purchase order for the John C. Hipp Construction Company in the amount of \$12,111.33, thereby increasing the total amount of the purchase order to \$101,940.68; and 2) authorize the City Manager or designee to execute the Change Order.*

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

**031071 North Central Florida Disaster Task Force Interlocal Agreement (B)**

**RECOMMENDATION** *The City Commission authorize the Mayor and Clerk of the Commission to execute the Interlocal Agreement for and on behalf of the City of Gainesville.*

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

**031072 House Bill 1477 (B)**

**RECOMMENDATION** *The City Commission authorize the Mayor to send a letter to legislative delegation to oppose HB 1477 as drafted.*

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

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

**CITY ATTORNEY, CONSENT AGENDA ITEMS**

**031083 HOUSING DISCRIMINATION COMPLAINTS HUD CASE NO. 04-04-0531-8/6 GEORGEANNA GAINES V. KENNEDY HOMES; HUD CASE NO. 04-04-0532-8/6 LAKESHA M. GRANT V. KENNEDY HOMES; HUD CASE NO. 04-04-0527-8/6 CORNELIA JONES V. KENNEDY HOMES; HUD CASE NO. 04-04-0529-8/6 LAURA L. MCCOOK V. KENNEDY HOMES; HUD CASE NO. 04-04-0525-8/6 MILTONIA MOORE V. KENNEDY HOMES; HUD CASE NO. 04-04-0535-8/6 ARLENE DANIELS V. KENNEDY HOMES; HUD**

**CASE NO. 04-04-0538-8/6 ABRON DEMPS, SR. V. KENNEDY HOMES; HUD CASE NO. 04-04-0537-8/6 CARLOS DEMPS V. KENNEDY HOMES; HUD CASE NO. 04-04-0534-8/6 TASHAMA DOUGLAS V. KENNEDY HOMES; HUD CASE NO. 04-04-0539-8/6 NICHOLE D. FERGUSON V. KENNEDY HOMES; HUD CASE NO. 04-04-0536-8/6 GAIL JENKINS V. KENNEDY HOMES; HUD CASE NO. 04-04-0533-8/6 VALINE AYLOR V. KENNEDY HOMES; HUD CASE NO. 04-04-0544-8/6 SHAWN A. BRYANT V. KENNEDY HOMES; HUD CASE NO. 04-04-0543-8/6 MARY S. MOORE V. KENNEDY HOMES AND HUD CASE NO. 04-04-0545-8/6 FREDDIE MARIE WOODS V. KENNEDY HOMES (B)**

**RECOMMENDATION** *The City Commission authorize the City Attorney, and/or special counsel if insurance coverage is available, to represent the City in Housing Discrimination Complaints HUD Case No. 04-04-0531-8/6 Georgeanna Gaines v. Kennedy Homes; HUD Case No. 04-04-0532-8/6 Lakesha M. Grant v. Kennedy Homes; HUD Case No. 04-04-0527-8/6 Cornelia Jones v. Kennedy Homes; HUD Case No. 04-04-0529-8/6 Laura L. McCook v. Kennedy Homes; HUD Case No. 04-04-0525-8/6 Miltonia Moore v. Kennedy Homes; HUD Case No. 04-04-0535-8/6 Arlene Daniels v. Kennedy Homes; HUD Case No. 04-04-0538-8/6 Abron Demps, Sr. v. Kennedy Homes; HUD Case No. 04-04-0537-8/6 Carlos Demps v. Kennedy Homes; HUD Case No. 04-04-0534-8/6 Tashama Douglas v. Kennedy Homes; HUD Case No. 04-04-0539-8/6 Nichole D. Ferguson v. Kennedy Homes; HUD Case No. 04-04-0536-8/6 Gail Jenkins v. Kennedy Homes; HUD Case No. 04-04-0533-8/6 Valine Taylor v. Kennedy Homes; HUD Case No. 04-04-0544-8/6 Shawn A. Bryant v. Kennedy Homes; HUD Case No. 04-04-0543-8/6 Mary S. Moore v. Kennedy Homes and HUD Case No. 04-04-0545-8/6 Freddie Marie Woods v. Kennedy Homes.*

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

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

### **031025 City Commission Minutes (B)**

**RECOMMENDATION** *The City Commission approve the minutes of March 10, 2004 (Workshop), March 15, 2004 (Regular Meeting) and March 18, 2004 (Special Meeting); as circulated.*

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

### **031078 Appointment Bruce M. Williams to Gainesville Housing Authority (NB)**

**RECOMMENDATION** *The City Commission confirm the Mayor's appointment of*

*Bruce M. Williams as Tenant Member to the Gainesville Housing Authority.*

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

**EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**

**COMMITTEE REPORTS, CONSENT AGENDA ITEMS**

**PUBLIC WORKS COMMITTEE, CONSENT**

**031075 Removal of Referrals from Public Works Committee (NB)**

**RECOMMENDATION** *The City Commission remove the referrals listed above from the Public Works Committee Active Referrals List.*

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

**PERSONNEL & ORGANIZATIONAL STRUCTURE COMM, CONSENT**

**PUBLIC SAFETY COMMITTEE, CONSENT**

**030986 Reichert House Building Construction Funding from Federal LECFTF (NB)**

**RECOMMENDATION** *The City Commission approve the appropriation and expenditure of \$150,000 from the Federal Law Enforcement Contraband Forfeiture Trust Fund to the Black on Black Crime Task Force for construction of the new Reichert House facility.*

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

**COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS**

**031028 Contract with Housing Division for Model Block Services (B)**

**RECOMMENDATION** *The City Commission: 1) Authorize the Housing Division to enter into an agreement with the CRA and appropriate officials to execute the documents to provide services for the Model Block Program; 2) approve the CRA agreement with the Housing Division; and 3) authorize the Executive Director to execute the necessary documents.*

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

**031033            Return of the Fifth Avenue Arts Festival to Northwest 5th Avenue (NB)**

**RECOMMENDATION**    *The City Commission support the Cultural Arts Coalition and the Advisory Board by allowing the Fifth Avenue Arts Festival to expand eastward on Northwest 5th Avenue, from 6th Street to 3rd Street.*

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

**Passed The Consent Agenda**

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

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

**END OF CONSENT AGENDA**

## ADOPTION OF THE REGULAR AGENDA

*NOTE: Mayor Bussing entered the meeting room at 1:03 PM and assumed the gavel.*

*Commissioner Nielsen moved and Commissioner Lowe seconded to adopt the Regular Agenda with the following modifications:*

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

### *REGULAR AGENDA - MODIFICATIONS:*

*1. File # 031008 - Commissioner Edward Braddy - Level of Service Discussion - (Remove from the agenda).*

*2. File # 030622 - Street Vacation - (Change the recommendation to "adopt the proposed ordinance" only).*

### *REGULAR AGENDA - ADDITIONAL BACK-UP*

*File #030913 - Development Review Process - Affordable Housing Concept Review and Approval - (Additional back-up submitted).*

## CHARTER OFFICER UPDATES

## CLERK OF THE COMMISSION

## CITY MANAGER

### **031077 Residential Conservation (RC) Zoning Issues (B)**

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

*MOTION: Amend the RC Zoning regulations to allow for 4 non-related residents instead of 3, and initiate a petition to amend the Land Development Code.*

*Chair Bussing recognized Citizens Larry Hamilton, Kathy Meece and Robert Pearce who spoke to the matter.*

**RECOMMENDATION** *The City Commission hear a brief presentation from staff and take appropriate action.*

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

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

**031076 Request by Neighborhood Housing Development Corporation for Certification Letters for Ironwood North Subdivision (B)**

*NOTE: This item was moved until representatives from NHDC arrived.*

*Neighborhood Housing Development Corporation (NHDC) Director David Herkalo gave a presentation.*

**RECOMMENDATION** *Hear a presentation from NHDC about Ironwood North and authorize execution of the requested certifications.*

**No Action Taken**

**GENERAL MANAGER FOR UTILITIES**

**CITY ATTORNEY**

**CITY AUDITOR**

**EQUAL OPPORTUNITY DIRECTOR**

**COMMITTEE REPORTS (PULLED FROM CONSENT)**

**PUBLIC WORKS COMMITTEE**

**031084 Savannah Grande Parking Issues (B)**

*Attorney for Savannah Grande Ron Carpenter gave a presentation.*

*AMENDMENT: Commissioner Bryant moved and Commissioner Nielsen seconded to instruct the City Manager to include in the negotiations with Savannah Grande that the City have a first right of refusal, or option to purchase, if Savannah Grande relocates from downtown.*

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

**RECOMMENDATION** *The City Commission: 1) approve the City of Gainesville Employee parking relocation to Lot 2; and 2) approve the sale process for Lot 19 to the owner of Savannah Grande.*



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

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

## **PERSONNEL & ORGANIZATIONAL STRUCTURE COMMITTEE**

### **031074 Classification changes resulting from the job audits identified during the pay study update (B)**

*City of Gainesville Human Resources Director Tom Motes gave a presentation.*

*ORIGINAL MOTION: Commissioner Chestnut moved and Commissioner Nielsen seconded to approve the changes to the Occupational Index, effective January 5, 2004.*

*NOTE: Chair Bussing passed the gavel to Mayor-Commissioner Pro Tem Chestnut in order to make the following motion.*

*DIVIDE THE QUESTION MOTION: Mayor Bussing moved and Commissioner Lowe seconded to divide the previous question by separating the CWA represented positions and the Engineering series.  
(4-2, Commissioner Domenech and Bryant - No; Commissioner Braddy - Absent, MOTION CARRIED)*

*NOTE: Chair Bussing re-assumed the gavel.*

*FIRST PART OF THE DIVIDED QUESTION: Approve the changes to the Occupational Index for the Clerk, Account Clerk and the Customer Services Representative I and II, effective January 5, 2004.  
(VOTE: 6-0, Commissioner Braddy - Absent, MOTION CARRIED)*

*NOTE: Chair Bussing passed the gavel to Mayor-Commissioner Pro Tem Chestnut in order to make the following substitute motion.*

*SUBSTITUTE TO THE SECOND PART OF THE DIVIDED QUESTION: Mayor Bussing moved and Commissioner Lowe seconded that the motion to approve the changes in the Engineering series be continued to the next regular City Commission meeting.  
(VOTE: 2-5, Mayor Bussing and Commissioner Lowe - Yes; Commissioner Bryant, Commissioner Braddy, Commissioner Nielsen, Commissioner Domenech and Mayor-Commissioner Pro Tem Chestnut - No, MOTION FAILED)*

*City of Gainesville Human Resources Director Tom Motes and Public Works Director Teresa Scott made comments.*

*NOTE: Commissioner Braddy re-entered the meeting room at 4:03 PM.*

*SECOND PART OF THE DIVIDED QUESTION: Approve the changes to the Occupational Index for the Engineering series, effective January 5, 2004.  
(VOTE: 7-0, MOTION CARRIED)*

**RECOMMENDATION** *Staff is asking the Personnel & Organizational Structure Committee to recommend to the City Commission to approve these changes to the Occupational Index, effective January 5, 2004.*

**Approved, as shown above**

## **PUBLIC SAFETY COMMITTEE**

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

## **OUTSIDE AGENCIES**

### **031037 Request for Expanded Codes Enforcement within the Eastside CRA District (NB)**

**RECOMMENDATION** *CRA to the City Commission: Recommend the City Commission explore greater code enforcement coverage for evening and weekend hours to address street vending and other code violations.*

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

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

## **MEMBERS OF THE CITY COMMISSION**

### **031008 Commissioner Edward Braddy - Level of Service Discussion (NB)**

**RECOMMENDATION** *The City Commission hear a presentation and take appropriate action.*

**Withdrawn**

### **031085 Mayor Thomas Bussing - North Central Florida Regional Coalition (B)**

*NOTE: Commissioner Domenech volunteered to take the position on the North Central Florida Regional Coalition.*

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

**Discussed**

## CLERK OF THE COMMISSION

*Update regarding the Canvassing Board meeting being held simultaneously.*

### 031086 Mayor Tom Bussing - Utility Policies to Promote Residential Grid-Connected Solar Electric Systems (NB)

*REFERRAL: Commissioner Braddy moved and Commissioner Bryant seconded to refer to the Regional Utilities Committee for their consideration, the issue of developing residential photovoltaic policies including: 1) Inspection charges; 2) payment for electricity that is run back into the grid system; 3) utility policies that actually promote the installation of these residential grid connected photovoltaic systems that would reduce the fees for inspecting the system and take on more of those costs onto the utility as a research project.*  
*(VOTE: 7-0, MOTION CARRIED)*

*NOTE: Chair Bussing passed the gavel to Mayor-Commissioner Pro Tem Chestnut in order to make the following referral. See following item #031090.*

**RECOMMENDATION** *The City Commission hear remarks from Mayor Tom Bussing.*

**A motion was made by Commissioner Braddy, seconded by Commissioner Bryant, that this matter be Referred to the Regional Utilities Committee, due back on September 29, 2004. The motion carried by the following vote:**

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

### 031090 Airport Solar Project (NB)

**RECOMMENDATION** *The City Commission refer to the Regional Utilities Committee the issue of developing an increased implementation of a photovoltaic rooftop system on the Gainesville Regional Airport Terminal.*

**A motion was made by Mayor Bussing, seconded by Commissioner Domenech, that this matter be Referred to the Regional Utilities Committee, due back on September 29, 2004. The motion carried by the following vote:**

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

## COMMISSION COMMENTS (if time available)

**RECESS - 4:51 PM**

**RECONVENE - 5:33 PM**

**CITIZEN COMMENT (5:30pm)**

**Stacy Truesdale**

1. *Paratransit Service*
2. *Handicapped Accessible Sidewalks*

*See following file # 031093.*

**031093            On-Time Paratransit and Handicapped Accessible Sidewalk Issues (NB)**

**RECOMMENDATION**    *The City Commission refer the issue of on-time paratransit service and handicapped accessible sidewalks to the Public Works Committee.*

**A motion was made by Commissioner Domenech, seconded by Commissioner Bryant, that this matter be Referred to the Public Works Committee, due back on September 29, 2004. The motion carried by the following vote:**

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

**Richard Selwach**

*Stormwater Issues at the Airport*

*See following file #031019.*

**031019            Airport Stormwater Problems on Selwach Property (B)**

**RECOMMENDATION**    *The City Commission hear a presentation from Richard Selwach and place the documents submitted on file.*

**Placed on File**

**Shanna Dorresteyn**

*CAMPUS TALK - Inappropriate pictures in the publication.*

*See following File #031097.*

**031097 Campus Talk Free Publication (B)**

*NOTE: Police Chief Norm Botsford stated that these publications have been taken off the streets and a sworn complaint was sent to the State Attorney's Office.*

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

**Placed on File**

**Vincent Mallet**

*Goodbye to Mayor Bussing.*

**Doris Bardon - Women for Wise Growth**

*Study of the Hogtown Creek, Saturday, May 1, 2004 - Request for Bus Service.*

*See following File #031098.*

**031098 Field Trip to Study Sites Along the Hogtown Creek Watershed/Bus Service Request (B)**

**RECOMMENDATION** *The City Commission refer this issue to the City Manager.*

**Referred to City Manager**

**Gabe Kaimowitz**

*Equal Opportunity Charter Office*

*See following file #031094.*

**031094 Equal Opportunity Issues (B)**

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

**Placed on File**

**Ron Nichols**

*Stephen Foster Neighborhood - Speed Tables*

**031095 Stephen Foster Neighborhood Speed Tables (NB)**

**RECOMMENDATION** *The City Commission refer the issue of speed tables in the Stephen Foster Neighborhood to the Public Works Committee.*

**A motion was made by Commissioner Braddy, seconded by Commissioner Bryant, that this matter be Referred to the Public Works Committee, due back on September 29, 2004. The motion carried by the following vote:**

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

**Greg Norman**

*Ironwood Village - NHDC Development*

**Keven Claney**

*Ironwood Villages - NHDC Development*

**Earl Young**

*Fifth Avenue Arts Festival*

**COMMISSION COMMENTS (if time available)****PLEDGE OF ALLEGIANCE (6:00pm)****Brownie Troop #364****PROCLAMATIONS/SPECIAL RECOGNITIONS****031079 Bike Florida 'Springs Fever' Week 2004 - April 3-9, 2004 (B)**

**RECOMMENDATION** *Bike Florida Executive Director Greg Wilson to accept the proclamation.*

**Placed on File**

**031080 National Fair Housing Month - April 2004 (B)**

**RECOMMENDATION** *City of Gainesville Equal Opportunity Director Jimmie Williams to accept the proclamation.*

**Heard**

**031081 Jazz Appreciation Month - April 2004 (B)**

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

**Heard**

**031082 Mu Epsilon Chapter Day - April 3, 2004 (B)**

**RECOMMENDATION** *Mu Epsilon Chapter of Zeta Phi Beta Sorority Member Melvena Wilson to accept the proclamation.*

**Heard**

**PUBLIC HEARINGS****ADOPTION READING-ROLL CALL REQUIRED****030757 LAND USE CHANGE - NORTH FLORIDA REGIONAL DOCTOR'S OFFICE PARK (B)****Ordinance No. 0-04-22, Petition 168LUC-03PB**

**An Ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan; by changing the land use category of certain properties recently annexed into the City from the Alachua County land use category of "Office/Medical" to the City of Gainesville land use category of "Office", located in the vicinity of NW 64th Terrace and NW 9th Boulevard and NW 11th Place, North Florida Regional Doctor's Office Park; providing a severability clause; providing a repealing clause; and providing an effective date.**

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

**RECOMMENDATION** *The City Commission: 1) approve Petition 168LUC-03PB; and 2) adopt the proposed ordinance.*

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

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

**ORDINANCES, 1ST READING- ROLL CALL REQUIRED****030758 (QUASI-JUDICIAL) REZONING - NORTH FLORIDA REGIONAL**

**DOCTOR'S OFFICE PARK (B)****Ordinance No. 0-04-23, Petition No. 169ZON-03PB**

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property recently annexed into the City from the Alachua County zoning category of "AP, Administrative/ Professional" to the City of Gainesville zoning category of "MD: Medical services district"; located in the vicinity of NW 64th Terrace between NW 9th Boulevard and NW 11th Place, North Florida Regional Doctor's Office Park; providing a severability clause; providing a repealing clause; and providing an effective date.

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

**RECOMMENDATION** *The City Commission: 1) approve Petition No. 169ZON-03PB; and 2) adopt the proposed ordinance.*

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

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

020461

**LAND DEVELOPMENT CODE AMENDMENT FOR STREET TREES, WETLANDS AND SURFACE WATER REQUIREMENTS (B)****Ordinance No. 0-03-70; Petition No. 95TCH-02PB**

An ordinance of the City of Gainesville, Florida; amending the Land Development Code, Chapter 30, relating to requirements for street trees, wetlands and surface waters; amending section 30-23, Land Development Code, deleting the definition of wetlands designated, providing a definition for wetland function, and amending the definition of wetlands; amending section 30-251, Land Development Code, clarifying street plantings should be uniform, clarifying approval may be by a board; amending section 30-300, Land Development Code, repealing obsolete definitions; amending section 30-301, Land Development Code, clarifying regulated surface waters and wetlands; amending section 30-302, Land Development Code, amending, clarifying and updating general requirements and procedures regarding surface waters, wetlands and buffers; creating section 30-302.1, Land Development Code, specifying criteria and conditions for the avoidance of loss or degradation of wetlands; amending section 30-303, Land Development Code, amending criteria and requirements for special permits for certain single family lots; amending section 30-304, Land Development Code, amending, conforming, and updating exemptions of the provisions of the surface waters and wetlands sections of the Code; amending section 30-311, Land Development Code, amending penalties for violations of the provisions of the surface waters and wetlands section of this Code to include City Manager authority to revoke a permit or issue a cease and desist order under certain conditions; amending the Gainesville Tree List, Land Development Code, conforming change to clarify street plantings should be uniform; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.



*Chair Bussing recognized Citizens Mark Goldstein, Dian Deevey, Marilyn Walker, Gladys Lane, Doris Bardon, Carol Higman, Francine Robinson and Monica Cooper who spoke to the matter.*

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

**A motion was made by Mayor-Commissioner Pro Tem Chestnut, seconded by Commissioner Braddy, 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 Rick Bryant  
Nay: Tom Bussing and Craig Lowe

**030760**

**COLLEGE PARK SPECIAL AREA PLAN (B)**

**Ordinance No. 0-04-24; Petition 171TCH-03 PB**

**An ordinance of the City of Gainesville, Florida, amending Appendix A of the Land Development Code, relating to the College Park Master Plan; increasing the building height from 4 stories to 5 stories for Type I buildings; establishing a maximum numerical height limit for each building type; providing a provision for row house lots; prohibiting specified encroachments into the right-of-way; incorporating required compliance for expansions, renovations, and repairs; removing inconsistencies in the Plan; making minor changes to the Plan for clarification; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*City of Gainesville Sr. Planner Dom Nozzi, Community Development Director Tom Saunders and Planning Manager Ralph Hilliard gave presentations.*

*REVISION: An Encroachment Table should be inserted at Line 16, page 24.*

*Chair Bussing recognized Citizen Mark Goldstein who spoke to the matter.*

*NOTE: Chair Bussing passed the gavel in order to make the following amendment to the main motion:*

*AMENDMENT MOTION: Mayor Bussing moved and Commissioner Lowe seconded to change the building height to 4 stories by right, and 5 stories by special use permit. (VOTE: 3-4, Mayor Bussing, Mayor-Commissioner Pro Tem Chestnut and Commissioner Lowe - Yes; Commissioner Braddy, Commissioner Nielsen, Commissioner Domenech and Commissioner Bryant - No; MOTION FAILED)*

**RECOMMENDATION** *The City Commission (1) approve Petition 171TCH-03 PB and (2) adopt the proposed ordinance.*

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

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

**030913 DEVELOPMENT REVIEW PROCESS - AFFORDABLE HOUSING  
CONCEPT REVIEW AND APPROVAL (B)**

**Ordinance No. 0-04-28; Petition 26TCH-04 PB**

**An Ordinance of the City of Gainesville, Florida; amending subsection 30-160(b) of Article VII, Chapter 30, the Land Development Code, regarding the development review process; providing for conceptual review approval for affordable housing developments; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

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

*Chair Bussing recognized Agent for Heritage Davis Limited Mr. Stefan Davis who spoke to the matter.*

*NOTE: Scrivener's error Page 2, line 14, the letters "lo" from the word "location" missing.*

**RECOMMENDATION** *The City Commission (1) approve Petition 26TCH-04 PB and (2) adopt the proposed ordinance.*

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

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

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

**001261 LOCAL PREFERENCE POLICY (B)**

**Ordinance No. 0-04-26**

**An ordinance of the City of Gainesville, Florida, creating Article X of Chapter 2 of the Code of Ordinances of the City of Gainesville relating to local preference in purchasing, making findings, providing for definitions, preference and exceptions, providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing a prospective effective date and sunset provisions.**

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

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

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

**030622 STREET VACATION (B)**

**Ordinance No. 0-04-21, Petition 127SVA-03PB**

An ordinance of the City of Gainesville, Florida, to vacate, abandon and close a certain portion of the right-of-way known as S.W. 7th Terrace located south of S.W. 5th Avenue, adjacent to and east of tax parcel no. 13432-000-000 and starting at a point on the south right-of-way line of S.W. 5th Avenue, extending south to the southeast corner of tax parcel no. 13432-000-000; reserving a public utilities easement; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

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

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

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

**RESOLUTIONS- ROLL CALL REQUIRED**

**PLAN BOARD PETITIONS**

**DEVELOPMENT REVIEW BOARD PETITIONS**

**SCHEDULED EVENING AGENDA ITEMS**

**031073 Appeal of Historic Preservation Board action regarding petition for approval of a six-foot aluminum fence in the front yard at 206 N.E. 2nd Avenue. (B)**

**RECOMMENDATION** *The City Commission continue the item until the April 12, 2004 meeting due to the unavailability of the petitioner on March 29, 2004.*

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

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

**UNFINISHED BUSINESS**

## COMMISSION COMMENT

### Commissioner Chuck Chestnut

1. *Reconsideration of Ordinance #030624 - Rezoning of North Main Street - See following file # 031099.*

2. *Kennedy Homes - 19 Displaced Tenants - Meeting with Gainesville Housing Authority.*

### 031099 Reconsider Ordinance #030624 - Rezoning of North Main Street (B)

**RECOMMENDATION** *The City Commission reconsider Ordinance #030624 - Rezoning of North Main Street.*

**A motion was made by Mayor-Commissioner Pro Tem Chestnut, seconded by Commissioner Domenech, 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 Rick Bryant  
Nay: Tom Bussing  
Absent: Craig Lowe

### Commissioner Tony Domenech

1. *Zoning Compliance Permit - See following file # 031100.*

*NOTE: Mayor Bussing left the meeting room at 9:01 PM.*

2. *Retail/Office Space in Parking Garages - See following file #031101.*

### 031100 Zoning Compliance Permits (B)

**RECOMMENDATION** *The City Commission refer the issue of simplifying the Zoning Compliance Permit to staff.*

**A motion was made by Commissioner Domenech, seconded by Commissioner Nielsen, that this matter be Referred to the City Manager, due back on September 29, 2004. The motion carried by the following vote:**

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

### 031101 Retail/Office Space in Parking Garages (NB)

*NOTE: Commissioner Nielsen requested that the Community Development*

*Committee be included in this discussion.*

**RECOMMENDATION** *The City Commission refer the issue of requiring retail and office space on the ground floor of parking garages to the Public Works Committee.*

**A motion was made by Commissioner Domenech, seconded by Commissioner Braddy, that this matter be Referred to the Public Works Committee, due back on September 29, 2004. The motion carried by the following vote:**

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

## **Commissioner Edward Braddy**

*Great American Cook Off - Westwood Middle School - See following File # 031102.*

### **031102 Oversight Committee for Middle School After School Programs (NB)**

*NOTE: Item was approved on the Consent Agenda, 5/24/2004.*

**RECOMMENDATION** *The City Commission refer the issue of appointing an Oversight Committee for Middle School After School Programs to the Recreation and Cultural Affairs Committee.*

**A motion was made by Commissioner Braddy, seconded by Commissioner Nielsen, that this matter be Referred to the Recreation and Cultural Affairs Committee, due back on September 29, 2004. The motion carried by the following vote:**

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

## **CITIZEN COMMENT**

### **Earl Young**

*Fifth Avenue Arts Festival Complaint*

### **031096 Fifth Avenue Arts Festival Complaint (B)**

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

**Placed on File**

## **ADJOURNMENT - 9:15 PM**

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Kurt M. Lannon, Clerk of the Commission