

991137

**Bo Gustafson, et al. v. City of Gainesville; Alachua County Circuit Court; Case No. 01-00-CA-108**

*Chair Paula M. DeLaney recognized Citizens Bo Gustafson, Mary Helen Wheeler and Nina Postlewaite-Saive who spoke to the matter.*

**MOTION:**

*Authorize the City Attorney to:*

- 1) contact all the parties' to have the discussion about whether or not we might have a special meeting to discuss the possibility of mediation;*
- 2) if that is not successful, then we will authorize the City attorney to represent the City in the case as in the recommendation.*

??

**RECOMMENDATION** *The City Commission authorize the City Attorney to represent the city in the case styled Bo Gustafson, et al. v. City of Gainesville; Alachua County Circuit Court; Case No. 01-00-CA-108*

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

**Votes:** Aye: Pegeen Hanrahan, Edward L. Jennings, Sr., Bruce L. Delaney, John R. Barrow and Paula M. DeLaney

**City Auditor**

**Committee Reports (Pulled from Consent)**

**Public Works Committee**

**Personnel & Organizational Structure Committee**

**Public Safety Committee**

OK

*Austafson V. COG*

991137 Verbatim Motion:

PH: Move that we authorize the City Attorney to contact the plaintiff's in this case and also any other individuals that seek to, I don't know what the right thing to say, everyone who is a party to the case to ask if they would like to have a discussion with the City Commission as to whether a continuance should be requested to have a mediation process and if all parties agree to that, that a special meeting be scheduled to meet all appropriate timelines.

Mayor: And if not, do you want to go ahead and approve this?

PH: And if that is not successful, then we will authorize the City Attorney to represent the City in the Case as in the recommendation.

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1  
Mayor: I have a motion and second and the first part of the motion is to authorize the City Attorney to contact all of the parties. To have the discussion about whether or not we might have the special meeting to discuss the possibility of mediation, moving forward to authorize that to happen and I guess that would include an extension:

Marion: Well, what I would take this motion to mean is as follows:

1. I can only contact the attorney representing all of the petitioners and hopefully he can get it organized for a unified position on that party, on that end, when you say others, I'll assume that's going to mean the real party and interest of the developer/owner of the property and we'll be contacting their attorney he's represented and if those parties are interested in going forward, then we would also

Mayor: Ask for a continuance.

Marion: Ask that the parties to stipulate to a continuance to ask the court for more time to file a response, if that's a problem, we could still independently ask for more time, and let the court determine whether or not they would grant that time. But I would implore the Commission to understand that we're going to ask for meeting in the next probably 7 to 14 days.

Mayor: And if that cannot be organized, through the parties, that you would move forward to meet the deadlines.

Marion: Yes ma'am.

Mayor: Does the Commission need to some sort of, since the next City Commission meeting is the 13<sup>th</sup>, which is right on top of this date, are we interested in having some sort of report back at any special meetings that we already have, or just let the City Attorney's office move forward with this best effort.

PH: I think that would be fine.

Mayor: OK. Are there any other comments, from the Commission, audience.

PH  
BD  
(5-0)

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*Authorize the City Attorney to contact the plaintiffs' attorney in this case to see if they are interested in mediation with the City Commission . (Will listen again)*

*Yaple  
8/16*

**RECOMMENDATION** *The City Commission authorize the City Attorney to represent the city in the case styled Bo Gustafson, et al. v. City of Gainesville; Alachua County Circuit Court; Case No. 01-00-CA-108*

**A motion was made by Commissioner Hanrahan, seconded by Mayor-Commissioner Pro Tem B. Delaney, that this matter be Continued. The motion carried by the following vote:**

**Votes:** Aye: Pegeen Hanrahan, Edward L. Jennings, Sr., Bruce L. Delaney, John R. Barrow and Paula M. DeLaney

**City Auditor**

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**MOTION:**

*Authorize the City Attorney to:*

- 1) contact <sup>all the</sup> appropriate parties' attorney <sup>to have the discussion about</sup> and ask if they would like to have a special meeting with the City Commission to discuss the possibility of a continuation and a mediation process;*
- 2) if the parties do not agree, approve the City Attorney's recommendation as submitted.*

**RECOMMENDATION** *The City Commission authorize the City Attorney to represent the city in the case styled Bo Gustafson, et al. v. City of Gainesville; Alachua County Circuit Court; Case No. 01-00-CA-108*

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

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*\* MOTION: Authorize the City Attorney to contact the plaintiff's attorney and any other individuals who are involved in this case and ask if they would like to have a special meeting with the City Commission and possibly file a continuance in order to allow for a mediation process. If the parties do not agree, authorize the City Attorney to represent the City of Gainesville in this case.*

**RECOMMENDATION** The City Commission authorize the City Attorney to represent the city in the case styled Bo Gustafson, et al. v. City of Gainesville; Alachua County Circuit Court; Case No. 01-00-CA-108

**A motion was made by Commissioner Hanrahan, seconded by Mayor-Commissioner Pro Tem B. Delaney, that this matter be Continued. The motion carried by the following vote:**

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*To discuss the possibility of a continuance and a mediation process;*

*the appropriate parties*

*submitted; and 3) provide the CEO with an update a 3/13/00.*