

# **City of Gainesville**

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



## **Meeting Minutes**

**Monday, February 10, 2003**

**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 - 1:10 PM****ROLL CALL**

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

**INVOCATION****Reverend Thomas A. Wright, Mount Carmel Baptist Church****CONSENT AGENDA**

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

*(VOTE: 5-0, MOTION CARRIED)*

**CITY MANAGER, CONSENT AGENDA ITEMS****020846 Award of Bid for Resurfacing of the Andrew Mickle Pool (B)**

**RECOMMENDATION** *The City Commission award the contract for the resurfacing of the Andrew Mickle Pool, to Chester Pool Systems, Inc.*

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

**020847 Award Bid for the Purchase of Six Motorcycles (NB)**

**RECOMMENDATION** *The City Commission approve the purchase of six motorcycles from Gainesville Harley Davidson for a total price of \$80,798.76 and authorize the City Manager or his designee to execute the necessary documents pending approval from the City Attorney as to form and legality.*

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

**GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS****020856 Reimbursement for Oversizing of Water and Wastewater Facilities at Sorrento (NB)**

**RECOMMENDATION** *The City Commission authorize reimbursement to the Developer of Sorrento, Emmer Development for the*

*oversizing of the water and wastewater facilities in an amount not to exceed \$30,000.00.*

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

**020857 Approval of Contract and Issuance of a Purchase Order for Wood Pole Inspection and Groundline Treatment (B)**

**RECOMMENDATION** *The City Commission authorize the General Manager or his designee to execute a contract with Osmose, Inc. for wood pole inspection and groundline treatment and approve the issuance of a purchase order to Osmose, Inc. in an amount not to exceed \$75,000.00.*

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

**CITY ATTORNEY, CONSENT AGENDA ITEMS**

**COMMITTEE REPORTS, CONSENT AGENDA ITEMS**

**AUDIT & FINANCE COMMITTEE, CONSENT**

**020819 Review of General Fund Forecasted Revenues and Other Sources of Funds for the Fiscal Year Ending September 30, 2003 (B)**

**RECOMMENDATION** *The Audit and Finance Committee recommends that the City Commission accept the City Auditor's report.*

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

**020821 Review of Internal Controls of GFR Controlled Substance Program (B)**

**RECOMMENDATION** *The Audit and Finance Committee recommends that the City Commission:*  
*1) Accept the City Auditor's report and the City Manager's response; and*  
*2) Instruct the City Auditor to follow-up on recommendations made and report the results to the Audit and Finance Committee.*

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

**020822 Review of Neighborhood Housing and Development Corporation (B)**

**RECOMMENDATION** *The Audit and Finance Committee recommends that the City Commission:*

- 1) Accept the City Auditor's report and the NHDC Executive Director's response; and*
- 2) Instruct the City Auditor to follow-up on recommendations made and report the results to the Audit and Finance Committee.*

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

**020823      Semi-Annual Report on the Status of Outstanding Audit Recommendations for January 2003 (B)**

**RECOMMENDATION** *The Audit and Finance Committee recommends the City Commission accept the City Auditor's report with the following:*

- 1) Audit Number 227, Review of Nature Operations Revision, will remain an Outstanding Recommendation, and*
- 2) Refer Audit Number 149, Employee Compensation, to the Personnel and Organizational Committee.*

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

**020824      FY 2002 Annual Report (B)**

**RECOMMENDATION** *The Audit and Finance Committee recommends that the City Commission accept the City Auditor's FY 2002 Annual Report.*

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

**RECREATION AND CULTURAL AFFAIRS COMMITTEE, CONSENT**

**001911      Summer Playground Fees (B)**

**RECOMMENDATION** *The City Commission: 1) approve adoption of the proposed sliding scale fee for the Summer Playground Program, to be implemented beginning in the summer of 2003; and 2) remove this item from the Public Recreation Board and Recreation and Cultural Affairs Committee referral lists.*

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

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

**020853 Resignation - Bicycle/Pedestrian Advisory Board (B)**

**RECOMMENDATION** *The City Commission accept the resignation of member Larry Schwandes from the Bicycle/Pedestrian Advisory Board effective immediately.*

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

**020862 North Port Resolution (B)**

**RECOMMENDATION** *The City Commissioners read the resolution and authorize the Clerk of the Commission to sign form and return to North Port, Florida.*

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

**020843 City Commission Minutes (B)**

**RECOMMENDATION** *The City Commission approve the minutes of the special meetings from January 21, 2003 (2 sets); January 23, 2003; January 24, 2003; January 30, 2003; February 3, 2003; and the regular meeting of January 27, 2003, as circulated.*

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

**Passed The Consent Agenda**

**A motion was made by Commissioner Chestnut, 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

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

## ADOPTION OF THE REGULAR AGENDA

*Commissioner Braddy moved and Mayor-Commissioner Pro Tem Nielsen seconded to adopt the Regular Agenda.*

*(VOTE: 5-0, MOTION CARRIED)*

## CLERK OF THE COMMISSION

### 020835 Regular City Commission Meeting Dates in March (NB)

*NOTE: March 10, 2003 - cancelled; March 17, 2003 - 5:30pm - Citizen Comment; 6:00pm - Evening Agenda*

**RECOMMENDATION** *The City Commission announce changes to the public.*

**Heard**

### 020860 Follow-up Retreat (NB)

**RECOMMENDATION** *The City Commission schedule a follow-up retreat at Ironwood Golf Course on February 27, 2003, at 2:00pm.*

**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

### 020864 County Commission Joint Retreat (NB)

**RECOMMENDATION** *The City Commission schedule a retreat on March 31, from 9:00am to 5:00pm at Ironwood Golf Course.*

**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

## CITY MANAGER

### 020848 Taxable Pension Obligation Bond Issue (B)

*City of Gainesville Administrative Services Director Glenda Currie, Finance Director Mark Benton, Public Finance Advisor David Moore and Senior Assistant City*

*Attorney Charles Hauck gave presentations.*

*Chair Bussing recognized Citizens Bill Howard, Frank Tillman and Ken McGurn who spoke to the matter.*

**RECOMMENDATION** *The City Commission receive a presentation from the City's actuary, Michael J. Tierney, and financial advisor, David Moore of Public Financial Management, Inc., and staff on the proposed issuance of taxable pension obligation bonds.*

**No Action Taken**

**020482 Downtown Parking Garage (B)**

*City of Gainesville Public Works Manager Emery Swearingen gave a presentation.*

*Chair Bussing recognized Citizen Ray Bennett who spoke to the matter.*

**RECOMMENDATION** *Based on the potential savings of \$1,952,803, the potential to produce a greater number of public parking spaces (583 compared to 508), and the ability to retain Lot 10 for future use, staff recommends that the City Commission approve the Option Agreement Related to Purchase of Real Property and the Agreement to Build with Kenneth R. McGurn and Linda C. McGurn, as revised.*

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

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

**020849 Duval Regional Stormwater Park Concept Plan (B)**

*City of Gainesville Public Works Engineer Alice Rankeillor gave a presentation.*

*Chair Bussing recognized Juanita Miles Hamilton, James Higman and Frank Tillman who spoke to the matter.*

**RECOMMENDATION** *The City Commission: 1) accept the Duval Regional Stormwater Park Concept Plan; 2) authorize the City Manager or designee to expend \$60,000 toward acquisition of the Duval Regional Stormwater Park site; 3) authorize the City Manager to submit a 2003 FCT grant application, if necessary; and 4) authorize the City Manager to execute all other documents related to the FCT grant, if a grant offer is made to the City.*

**A motion was made by Mayor-Commissioner Pro Tem Nielsen, 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

**020850            Review of City's Policies on Infill and Redevelopment (B)**

*City of Gainesville Community Development Director Tom Saunders and Chief of Comprehensive Planning Dean Mimms gave presentations.*

*REFERRAL: Refer to the Community Development Committee and ask Chair Nielsen to propose a special meeting to explore these issues.*

**A motion was made by Commissioner Braddy, seconded by Commissioner Chestnut, that this matter be Referred to the Community Development Committee, due back on August 10, 2003. The motion carried by the following vote:**

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

**WAIVER OF RULES**

*Mayor-Commissioner Pro Tem Nielsen moved and Commissioner Domenech seconded to waive the rules to take the Mayor's item File # 020865 next and then following that the City Beautification Board; and the Ad Hoc Charter Officer and EO Committee issue and the Legislative Agenda can go on the end of this evening's agenda.*

*(VOTE: 3-0, Commissioners Braddy and Nielsen - Absent, MOTION CARRIED)*

**020865            Mayor Tom Bussing (NB)**

*FIRST MOTION: Commissioner Domenech moved that the City Commission repeal Ordinance #020789 and set an annexation election date of April 29, 2004. (No second, MOTION FAILED)*

*Chair Bussing recognized University of Florida Student Government President Nicole Fried who spoke to the matter.*

*NEW FIRST MOTION: Commissioner Domenech moved and Mayor-Commissioner Pro Tem Nielsen seconded to authorize the City Attorney to draft and the Clerk of the Commission to advertise an ordinance to repeal Ordinance #020789. (VOTE: 4-1, Commissioner Chestnut - No, MOTION CARRIED)*

*Chair Bussing recognized Alachua County Commissioner Lee Pinkoson and Citizen Debbie Martinez who spoke to the matter.*

*ADDITIONAL MOTION: Mayor-Commissioner Pro Tem Nielsen moved and Commissioner Braddy seconded to: 1) Authorize the City Attorney to draft, and the*



*Clerk of the Commission to advertise an ordinance repealing Ordinance No. 020789 adopted on January 27, 2003, that proposed the annexation of the SW 20th Avenue Area subject to a referendum election to be held on April 29, 2003; 2) authorize the City Manager and the City Attorney to draft and the Clerk of the Commission to advertise an ordinance amending Ordinance No. 020730 adopted on January 21, 2003, that adopted the Urban Services Report for the SW 20th Avenue Area; and 3) authorize the City Attorney to draft and the Clerk to advertise an ordinance proposing the annexation of the 20th Avenue Area, subject to a referendum election to be held on or before November 4, 2003, with an effective date of the annexation to occur on September 1, 2004.*

*DIVIDED THE PREVIOUS QUESTION*

*FIRST PART OF PREVIOUS QUESTION: Commissioner Domenech moved and Commissioner Nielsen seconded to direct staff to revise the Urban Services Report with a view toward an election in November 2003 and an annexation effective date of September 1, 2004.*

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

*SECOND PART OF THE PREVIOUS QUESTION: Authorize the City Attorney to draft and the Clerk of the Commission to advertise ordinances setting an election date no later than November 4, 2003 and with an effective annexation date of September 1, 2004.*

*(VOTE: 2-3, Commissioners Nielsen and Braddy - Yes, Mayor Bussing, Commissioner Chestnut, Commissioner Domenech - No, MOTION FAILED)*

**RECOMMENDATION** *The City Commission consider repealing ordinance 020789, setting an annexation election date of April 29, 2003.*

**Approved, as shown above**

**020852**

**City Beautification Board Highway Beautification Grant Update & Median Design Study & Proposal (B)**

*City Beautification Board Chair Anita Spring gave a presentation.*

**RECOMMENDATION** *The City Commission: 1) accept and support the report from the City Beautification Board; and 2) approve the transfer of \$2,500 from Service Contract RECP0008005 for the Median Design Study that will include a report back to the City Commission with the CBB's draft recommendations on the Median Design Study as well as the Gateway Corridor Study.*

**A motion was made by Commissioner Braddy, 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

**020866 Metropolitan Transportation Planning Organization (MTPO) (NB)**

**RECOMMENDATION** *The City Commission hear a report from staff regarding the February 13, 2003 meeting of the Metropolitan Transportation Planning Organization (MTPO).*

**Not Heard**

**GENERAL MANAGER FOR UTILITIES**

**CITY ATTORNEY**

**CITY AUDITOR**

**COMMITTEE REPORTS (PULLED FROM CONSENT)**

**PUBLIC WORKS COMMITTEE**

**PUBLIC SAFETY COMMITTEE**

**REGIONAL UTILITIES COMMITTEE**

**RECREATION AND CULTURAL AFFAIRS COMMITTEE**

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

**OUTSIDE AGENCIES**

**MEMBERS OF THE CITY COMMISSION**

**COMMISSION COMMENTS (if time available)**

**RECESS - 5:20 PM**

**RECONVENE - 5:43 PM**

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

**Debbie Martinez**

*Incident Near Checker's Downtown - Dance Hall Ordinance Amendments*

**Jeff McAdams**

*EO Charter Officer Committee*

**Jerry Coughlin**

*Pension Issues*

**Anita Heard**

*Local Deployment of Troops*

**Ray Bennett**

*Iraq Proclamation Question*

**Gabe Kaimowitz**

*Hearing Awareness Month/Hearing Complaint*

**PROCLAMATIONS/SPECIAL RECOGNITIONS**

**020858      Presidents Day - February 17, 2003 (B)**

**RECOMMENDATION**    *Gator Detachment Marine Corps League Commandant Bob Gasche, Senior Vice Commandant Gary Powers and Junior Vice Commandant Dick Lester to accept the proclamation.*

**Heard**

**020859      Library Appreciation Month 2003 - February 2003 (B)**

**RECOMMENDATION**    *Alachua County Library District Board of Trustees Chair Martha Jeanne Weismantel to accept the proclamation.*

**Heard**

**COMMISSION COMMENTS (if time available)**

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

## Gator Detachment of the Marine Corps League

### 020827 Resolution on the War in Iraq (B)

*FIRST MOTION: Commissioner Domenech moved and Commissioner Braddy seconded that the City Commission offer each side of the issue equal time (15 minutes per side) and take no formal action on this item.  
(NO VOTE)*

*DIVIDED THE PREVIOUS QUESTION: Mayor-Commissioner Pro Tem Nielsen moved and Commissioner Chestnut seconded to divide the previous question.  
(NO OBJECTION)*

*FIRST PART OF THE DIVIDED QUESTION: Mayor-Commissioner Pro Tem Nielsen moved and Commissioner Chestnut seconded to allow each side of the issue 15 minutes.  
(VOTE: 5-0, MOTION CARRIED)*

*WAIVER OF RULES: Commissioner Domenech moved and Commissioner Chestnut seconded to waive the rules to extend this item to 7:00 PM.  
(VOTE: 5-0, MOTION CARRIED)*

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

1. Jean Chalmers
2. Jay Welch
3. Students submitting petitions
4. Ray Bennett
5. Patricia Hilliard - Nunn
6. Mike Martinez
7. Allisun Donovan
8. Elizabeth Duran
9. Reverend Jack Donovan
10. Don Marsh
11. Dr. Bill Warwick
12. Brad Van Riper
13. Reverend Milford Lewis Griner
14. Roger Austin
15. Charles Grapski
16. Reverend Tim Keyes
17. Nancy Parkinson
18. Adrienne Pickett
19. Ted McFetridge
20. Frederick Peterkin
21. Glenn Dixon
22. Pete Enwall
23. Ron Chandler
24. Charles Vocelle

*WAIVER OF RULES: Commissioner Braddy moved and Mayor-Commissioner Pro Tem Nielsen seconded to extend this item to 7:15 PM.  
(NO OBJECTION)*

25. Gabe Kaimowitz
26. Darlene Pifalo
27. Adam Tecler
28. Travis Horn

*NEW MOTION: Mayor-Commissioner Pro Tem Nielsen moved and Commissioner Chestnut seconded that the City Commission approve the proclamation as submitted by Commissioner Nielsen.  
(VOTE: 3-2, Commissioners Domenech and Braddy - No, MOTION CARRIED)*

*WAIVER OF RULES: Commissioner Braddy moved and Mayor-Commissioner Pro Tem Nielsen seconded to extend this item to 7:30 PM.  
(VOTE: 4-1, No Commissioner Domenech, MOTION CARRIED)*

*SUBSTITUTE MOTION: Commissioner Braddy moved and Commissioner Domenech seconded that the City Commission vote not to approve the proffered proclamation.  
(VOTE: 2-3, Commissioner's Braddy & Domenech - Yes; Mayor-Commissioner Pro Tem Nielsen, Mayor Bussing, and Commissioner Chestnut - No, MOTION FAILED)*

**RECOMMENDATION** *The City Commission place this (Resolution) on the agenda for the next regular City Commission Meeting, immediately following the Pledge of Allegiance with a time limit of thirty minutes.*

**Approved, as shown above**

**RECESS - 7:33 PM**

**RECONVENE - 7:43 PM**

**PUBLIC HEARINGS**

**ORDINANCES, 1ST READING- ROLL CALL REQUIRED**

**020581            SOUTHWEST 13th STREET SPECIAL AREA PLAN (B)**

**ORDINANCE NO. 0-03-12; PETITION NO. 97TCH-02PB**

**An ordinance of the City of Gainesville, Florida, imposing the Special Area Plan overlay zoning district for the SW 13th Street Corridor on certain property, generally described as those lands abutting SW 13th Street and bounded on the**

north by Archer Road/Depot Avenue and on the south by the city limits, and as more specifically described in this ordinance; adopting a Special Area Plan for this property; providing specific regulations; providing for administration and enforcement of these regulations; 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.

*City of Gainesville Planner John Wachtel and Planning Manager Ralph Hilliard gave a presentation.*

*Chair Bussing recognized Jane Burman-Holtom, Peter McMann, Brad Guy, Ray Bennett and Penny Wheat who spoke to the matter.*

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

**A motion was made by Mayor-Commissioner Pro Tem Nielsen, 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

**020586 PLANNED DEVELOPMENT AMENDMENT - HILLEL JEWISH STUDENT CENTER (B)**

**ORDINANCE NO. 0-03-16, PETITION NO. 110PDA-02PB**

**An Ordinance of the City of Gainesville, Florida; amending the Planned Development commonly known as "Hillel Jewish Student Center" located in the vicinity of 2026 and 2038 West University Avenue; by amending City of Gainesville Ordinance No. 991266 by extending the time for obtaining a final development order; 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 Domenech, 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

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

**020131 PLANNED DEVELOPMENT AMENDMENT - DESTINY APARTMENTS (B)**

**ORDINANCE NO. 0-02-41, PETITION NO. 3PDA-02PB (QUASI-JUDICIAL)**

**An Ordinance of the City of Gainesville, Florida; amending Ordinance No. 3213 that adopted a planned development for use as a parking lot; amending the**

Planned Development to be commonly known as "Destiny Apartments, A Planned Development" located in the vicinity of 1220 and 1224 Southwest 1st Avenue; adopting revised development plan maps and a revised planned development report to allow for a 24 unit apartment complex; amending and adopting additional conditions and restrictions; 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 Domenech, seconded by Mayor-Commissioner Pro Tem Nielsen, 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

**020746 REPORTING OF CAMPAIGN CONTRIBUTIONS (B)**

**ORDINANCE NO. 0-03-10**

An ordinance of the City of Gainesville, Florida, Chapter 9, Elections; amending Section 9-11 (b) of the Code of Ordinances providing that a candidate or political committee shall file reports on funding; providing directions to the Codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

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

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

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

**020749 CHARTER AMENDMENT - VOTES NECESSARY TO ADOPT AN ORDINANCE OR RESOLUTION (B)**

**ORDINANCE NO. 0-03-08**

An ordinance of the City of Gainesville, Florida; approving an amendment to the Charter Laws of the City of Gainesville; amending Article II of the Charter Laws, entitled "City Commission", by changing the number of votes required to adopt an ordinance or resolution from three to four; providing for submission of the charter amendment to the voters for approval or disapproval at the April 8, 2003 regular municipal election; approving the question to be placed on the ballot; providing that this charter amendment shall become effective at the first meeting of the seven-member commission in May, 2003 if approved by the voters; providing directions to the codifier; providing directions to the Clerk of the Commission; 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 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

**020815 ST. ELIZABETH GREEK ORTHODOX CHURCH ANNEXATION (B)**

**ORDINANCE NO. 0-03-05**

**An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area Pursuant to Chapter 90-496, as amended by Chapter 91-382 and Chapter 93-347, Special Acts, Laws of Florida, known as the Alachua County Boundary Adjustment Act; making certain findings; including within the corporate limits of the City of Gainesville, Florida, that certain compact and contiguous area known as St. Elizabeth's Greek Orthodox Church, generally located north of Hunters Glen Subdivision, west of the city limits, south of NW 53rd Avenue, and east of Hunters Glen Subdivision; providing for inclusion of the area in Appendix I of the City Charter; providing for land use and zoning regulations; providing for persons engaged in any occupation, business trade or profession within the area; providing directions to the City Manager and Clerk of the Commission; 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 Nielsen, 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

**RESOLUTIONS- ROLL CALL REQUIRED**

**020803 CHARTER AMENDMENT - POLITICAL COMMITTEE INITIATIVE RE: WETLANDS (B)**

**A resolution of the City of Gainesville, Florida, calling a special election to be held April 8, 2003; placing the city charter amendment contained in the initiative petition of the political committee known as "Save Our Wetlands Coalition" on the ballot; reciting the proposed Charter Amendment; specifying the ballot title and summary; providing directions to the codifier and the Clerk of the Commission; and providing an immediate effective date.**

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



*NOTE: Mayor Bussing passed the gavel to Mayor-Commissioner Pro Tem Nielsen in order to second the motion to approve the resolution.*

*Chair Pro Tem Nielsen recognized Citizens Stuart Cullen, Doris Bardon, Phil Emmer, Carol Higman, James Higman, Francine Robinson and Mark Goldstein who spoke to the matter.*

*AMENDMENT: Commissioner Braddy moved and Commissioner Domenech seconded to change the ballot language in the second sentence (line 11) of the ballot language to "The pending Comprehensive Plan increases acreage of wetlands through mitigation".*

*(VOTE: 4-1, Mayor Bussing - No, MOTION CARRIED)*

*Chair Pro Tem Nielsen recognized Citizens Mark Goldstein, Stuart Cullen, Francine Robinson, Jane Burman-Holtom and Fred Henderson who spoke to the matter.*

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

**A motion was made by Commissioner Chestnut, seconded by Mayor Bussing, that this matter be Adopted (Resolution), as amended. The motion carried by the following vote:**

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

**002389**

**Approving the final plat of Sorrento Phase I, generally located in the vicinity of Northwest 21st Drive and Northwest 53rd Avenue, south side. (B)**

*City of Gainesville Planner Gene Francis gave a presentation.*

*Chair Bussing recognized Phil Emmer who spoke to the matter.*

**RECOMMENDATION** *Planning staff to City Commission - The City Commission adopt the following resolution: A Resolution approving the final plat of "Sorrento Phase, I" located in the vicinity of Northwest 21st Drive and Northwest 53rd Avenue, south side; accepting an irrevocable letter of credit, and providing an immediate effective date.*

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

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

## **PLAN BOARD PETITIONS**

**020716**

**Petition 130LUC-02 PB. Amend the City of Gainesville Future Land Use Map from Alachua County land use designations to City of Gainesville land use**

**designations in annexed areas known as Ironwood, Southwest Conservation Area, Archer Road Area, North Central Florida Regional Office Park, Blues Creek, Buckridge, and UF Foundation. Related to Petition 131ZON-02 PB. (B)**

*City of Gainesville Planning Manager Ralph Hilliard and Planner John Wachtel gave presentations.*

*Chair Bussing recognized Ironwood Village Homeowner Kevin Claney who spoke to the matter.*

**IRONWOOD LAND USE MAP MODIFICATIONS:**

*MOTION: Commissioner Chestnut moved and Commissioner Domenech seconded to approve the proposed land use as modified in the Plan Board to put a future land use of RL on the Ironwood Village segment and for the lots directly adjacent to 39th Avenue that were formerly MUL have been modified to single family. (as indicated on Map 4)*

*(VOTE: 5-0, MOTION CARRIED)*

**ARCHER ROAD ANNEXATION AREA LAND USE MAP MODIFICATION:**

*Chair Bussing recognized Billy Beltz, Charles Allen, John Fallon, Wink Fickett and Fred Henderson who spoke to the matter.*

*WAIVER OF RULES: Commissioner Chestnut moved and Commissioner Domenech seconded to waive the rules to extend the meeting until 12:00 Midnight.*

*(VOTE: 5-0, MOTION CARRIED)*

*MOTION: Commissioner Domenech moved and Commissioner Nielsen seconded to change tax parcel 7240-13-1 (5,3) shall be designated MUL; and the parcel as Mr. Henderson designated BW on the County Zoning map (the parcel west of 34th Street, South of the Post Office Entry Road) shall be identified as Commercial land use. (map 14)*

*(VOTE: 5-0, MOTION CARRIED)*

**UNIVERSITY OF FLORIDA FOUNDATION LAND USE:**

*Commissioner Domenech moved and Commissioner Chestnut seconded to designate the land use on Map 2 as Conservation Area.*

*(VOTE: 5-0)*

**LAND USE MAPS 5-12:**

*Commissioner Domenech moved and Commissioner Chestnut seconded to approve Land Use Maps 5-12 as prepared by staff.*

*(VOTE: 5-0, MOTION CARRIED)*

**RECOMMENDATION**

*City Plan Board to City Commission - The City Commission approve Petition 130LUC-02 PB as proposed by staff with the following modifications: 1) Modify the Archer Road area map to apply the MUL land use designation to the Robinswood Subdivision (Southwest 36th Street/Southwest 37th Street/South of Archer Road, West of Southwest 37th Boulevard); 2) Modify the Ironwood area map to apply the SF land use designation to parcels 08160-004-001,*

08160-004-002, 08160-004-000; and 3) Modify the Ironwood area map to apply the RL land use designation to the Ironwood Village subdivision. Plan Board vote 3-1.

Staff to City Commission - Approve.

**Approved as shown above (Petition)**

**020717**

**(Formal Quasi-Judicial Hearing) Petition 131ZON-02 PB. Rezone property from Alachua County zoning designations to City of Gainesville zoning designations in annexed areas known as Ironwood, Southwest Conservation Area, Archer Road Area, North Central Florida Regional Office Park, Blues Creek, Buckridge, and UF Foundation. Related to Petition 130LUC-02 PB. (B)**

*City of Gainesville Planning Manager Ralph Hilliard and Planner John Wachtel gave presentations.*

**IRONWOOD ZONING MODIFICATIONS:**

*MOTION: Commissioner Chestnut moved and Commissioner Domenech seconded to: 1) Include the corrections of PD for the lot where Lewis Place is located; 2) approve the zoning of RMF-5 for Ironwood Village, this is the designation pending the recovery of PD documents from the County designation, in which case the Commission is approving staff to substitute for PD zoning if the documents are located and approved; and 3) the three MU-1 lots leading up to the Airport entrance would become RSF-4 as the modification from the map in the back-up indicates. (VOTE: 5-0, MOTION CARRIED)*

**ARCHER ROAD ZONING MODIFICATIONS:**

*MOTION: Commissioner Domenech and Commissioner Nielsen moved to adopt Map 14 proposed zoning proposed zoning designations in this area with the modifications that the parcel on the County map labeled BW west of 34th Street at the south end shall be zoned BUS and the Beltz parcel 7240-13 1 (5,3) shall be zoned MU-1. (VOTE: 5-0, MOTION CARRIED)*

**UNIVERSITY OF FLORIDA FOUNDATION ZONING:**

*Commissioner Chestnut moved and Commissioner Domenech seconded to designate the zoning on Map 2 as Conservation Area. (VOTE: 5-0)*

**ZONING MAPS 5-12:**

*Commissioner Domenech moved and Commissioner Chestnut seconded to approve Zoning Maps 5-12 as prepared by staff. (VOTE: 5-0, MOTION CARRIED)*

**RECOMMENDATION**

*City Plan Board to City Commission - The City Commission approve Petition 131ZON-02 PB as proposed by staff with the following modifications: 1) Modify the Archer Road area map to apply MU-1 zoning to the Robinswood Subdivision (Southwest 36th Street/Southwest 37th Street/South of Archer Road, West of Southwest 37th Boulevard); 2) Modify the*

*Ironwood area map to apply the RSF-4 zoning to parcels 08160-004-001, 08160-004-002, 08160-004-000; 3) Modify the Ironwood area map to apply PD zoning to parcel 08160-002-001; and 4) Modify the Ironwood area map to apply the RMF-5 zoning to the Ironwood Village subdivision (pending information from Alachua County on a previous PUD). Plan Board vote 3-1.*

*Staff to City Commission - Approve.*

**Approved as shown above (Petition)**

**020719**

**Petition 121PDA-02PB. (Quasi-Judicial) Brown & Cullen, Inc., agent for N. Central Florida YMCA. Planned Development Amendment for expansion of existing recreational facility. Located at 5201 Northwest 34th Street. (B)**

*City of Gainesville Planner Bedez Massey and Agent for the Petitioner Stuart Cullen of Brown & Cullen, Inc. gave presentations.*

**RECOMMENDATION** *City Plan Board to City Commission - The City Commission approve Petition 121PDA-02 PB, subject to conditions. Plan Board vote 4-0.*

*Staff to Plan Board - Approve, subject to conditions.*

**A motion was made by Commissioner Domenech, seconded by Mayor-Commissioner Pro Tem Nielsen, 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**

**020854**

**(Formal Quasi-Judicial Hearing) Petition 122SUB-02DB. Design plat review for 418 lots on 215 acres more or less. Krystle Pines Cluster Subdivision. Located in the 8100 block of Northwest 43rd Street (west side). (B)**

*City of Gainesville Senior Planner Carolyn Morgan and Agent for the Petitioner Rory Causseaux of Causseaux and Ellington, Inc. gave presentations.*

*Chair Bussing recognized Peter Rebmann who spoke to the matter.*

*WAIVER OF RULES: Commissioner Chestnut moved and Commissioner Domenech seconded to waive the rules to extend the meeting until 12:15 PM.*

*(VOTE: 5-0, MOTION CARRIED)*

**RECOMMENDATION** *Development Review Board to City Commission - The City Commission approve Petition 83SUB-02DB, with staff*

conditions. DRB vote 2-1.

*Staff to Development Review Board - The Design Plat is approvable with conditions as recommended by the Technical Review Committee.*

**A motion was made by Commissioner Domenech, 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

**020855**

**Petition 101SUB-02 DB. Vacation of existing plat, Lincoln Terrace Plat, consisting of twenty lots, including right-of-way, Northwest 12th Court and Northwest 7th Place. Zoned: RMF-8 (8-30 units/acre multi-family medium density district). Located at the northwest corner of Northwest 7th Avenue and Northwest 12th Street. (B)**

*City of Gainesville Chief of Current Planning Lawrence Calderon and Agent for the Petitioner David Coffey gave a presentation.*

*AMENDMENT: Commissioner Domenech moved and Commissioner Chestnut seconded to direct the City Attorney to prepare a resolution to bring back to the City Commission at a special meeting on February 17, 2003 at 2:30 PM*

*WAIVER OF RULES: Commissioner Chestnut moved and Commissioner Domenech seconded to waived the rules to extend the meeting to 12:30 PM.  
(VOTE: 5-0, MOTION CARRIED)*

**RECOMMENDATION** *Development Review Board to City Commission - The City Commission approve Petition 101SUB-02DB, with the condition that the petitioner be responsible for providing the City Current Planning Division with four sets of recorded copies of the adopted resolution, land descriptions and sketches for vacating the portion of the Lincoln Terrace Plat.*

*Planning Staff to Development Review Board - Approve Petition 101SUB-02DB with staff conditions. After approval, the appropriate number of signed and sealed copies of maps must be submitted to Planning staff. The map must illustrate that the requested vacation was recorded with the proper authorities of Alachua County.*

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

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

## **SCHEDULED EVENING AGENDA ITEMS**

**020851 Federal Legislative Agenda for 2004 (B)**

*NOTE: This item was continued to a Special Meeting to be held on February 17, 2003.*

**RECOMMENDATION** *The City Commission: 1) hear a report from staff; and 2) approve the recommended federal agenda.*

**Continued**

**020871 Interim Charter Officer position of Equal Opportunity Director (B)**

**RECOMMENDATION** *The City Commission appoint Jimmie Williams as Interim Equal Opportunity Director under certain terms and conditions.*

**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

**020863 Ad Hoc Charter Officer Equal Opportunity Advisory Committee (B)**

*NOTE: Clerk of the Commission to staff the Ad Hoc Charter Officer Equal Opportunity Advisory Committee.*

*The City Commission made the following appointments to the committee.*

*Mayor Bussing - D. J. Williams*

*Mayor-Commissioner Pro Tem Nielsen - Professor Kenneth Nunn*

*Commissioner Chestnut - Pegeen Hanrahan*

*Commissioner Braddy - Robert Woody*

*Commissioner Domenech - Al Alsobrook*

**RECOMMENDATION** *The City Commission make appointments to the Ad Hoc Charter Office Equal Opportunity Advisory Committee and provide information to complete the "Request for New Committee Form".*

**A motion was made by Commissioner Domenech, 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

**UNFINISHED BUSINESS**

**COMMISSION COMMENT**

**CITIZEN COMMENT (If time available)**

**ADJOURNMENT - 12:30 AM**

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Kurt M. Lannon, Clerk of the Commission