

City of Gainesville

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



Meeting Minutes

Monday, January 12, 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 - 1:04 PM**ROLL CALL**

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

INVOCATION**George Dix, Jr., Pastor, Passage Family Church****CONSENT AGENDA**

*Commissioner Domenech moved and Commissioner Bryant seconded to adopt the Consent Agenda with the following modification:
(VOTE: 7-0, MOTION CARRIED)*

1. File #030796 - Continuation of Employee Bus Pass Program for Downtown City, County and UF - (Replacement back-up submitted).

CITY MANAGER, CONSENT AGENDA ITEMS**030792 Cable Television Franchise Fee Settlement Agreement (B)**

RECOMMENDATION *The City Commission: 1) approve the mediation settlement agreement for the franchise fee audit in the amount of \$117,000; 2) authorize the City Manager or designee to execute the mediation settlement agreement; and 3) appropriate \$10,000 of the settlement to cover legal and mediation expenses.*

This Matter was Approved as Recommended on the Consent Agenda.

030793 Special Warranty Deed Between the City of Gainesville and Alachua County Historic Trust: Matheson Museum, Inc. (B)

RECOMMENDATION *The City Commission authorize the Mayor to sign the Special Warranty Deed on behalf of the City of Gainesville, conveying the property to the Alachua County Historic Trust: Matheson Museum, Inc.*

This Matter was Approved as Recommended on the Consent Agenda.

030794 Request Purchase Approval of Tax Parcels 11114-000-000, 11115-000-000 and 11116-000-000 Located at 520 and 505 NE 21st Street and 500 Block of NE 23rd Street for Duval Stormwater Park (B)

RECOMMENDATION *The City Commission: 1) authorize staff to offer an amount to the owners that exceeds the appraised value for the acquisition of property located at 520 NE 21st Street (Tax Parcel 11114-000-000), 505 NE 21st Street (Tax Parcel 11115-000-000), and in the 500 block of NE 23rd Street (Tax Parcel 11116-000-000); and 2) authorize the City Manager to prepare and have executed a Purchase and Sale Agreement and perform all stipulations of the Agreement related to the purchase of the property located at 520 NE 21st Street (Tax Parcel 11114-000-000), 505 NE 21st Street (Tax Parcel 11115-000-000), and in the 500 block of NE 23rd Street (Tax Parcel 11116-000-000).*

This Matter was Approved as Recommended on the Consent Agenda.

030795 Acceptance of North Florida Regional Doctor's Office Park Roadways for Maintenance by City (B)

RECOMMENDATION *The City Commission authorize the acceptance of the Alachua County Deed which conveys to the City all of NW 64th Terrace and NW 9th Boulevard (50.0 foot right-of-ways) beginning at the north right-of-way line of NW 10th Place and continuing northwesterly and southwesterly to an intersection with the northerly prolongation of the west line of Lot 20 of the North Florida Regional Doctor's Office Park, as per plat recorded in Plat Book H, Page 81 of the Public Records of Alachua County, Florida, for a point of termination.*

This Matter was Approved as Recommended on the Consent Agenda.

030796 Continuation of Employee Bus Pass Program for Downtown City, County and UF Employees (B)

RECOMMENDATION *The City Commission: 1) approve the continuation of the Employee Bus Pass Program for Downtown City Employees; and 2) authorize the City Manager or his designee to execute interlocal agreements with the University of Florida and Alachua County for continuation of the Employee Pass Program.*

This Matter was Approved as Recommended on the Consent Agenda.

030797 Grant Application - Environmental Protection Agency Educational Program

(NB)

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

This Matter was Approved as Recommended on the Consent Agenda.

030798 Grant Application - Florida Department of State for Guide to Wildflowers at Morningside Nature Center (NB)

RECOMMENDATION *The City Commission: 1) authorize the City Manager or his designee to submit a grant application to the Florida Department of State, Cultural Affairs Division; and 2) to execute the application, contract and other grant-related documents, if awarded.*

This Matter was Approved as Recommended on the Consent Agenda.

030799 Grant Application - Florida Department of State for the Farm and Forest Festival (NB)

RECOMMENDATION *The City Commission: 1) authorize the City Manager or his designee to submit a grant application to the Florida Department of State, Cultural Affairs Division; and 2) to execute the application, contract and other grant-related documents, if awarded.*

This Matter was Approved as Recommended on the Consent Agenda.

001112 Amendment 1 to the Intergovernmental Management Agreement Between Alachua County and the City of Gainesville (B)

RECOMMENDATION *The City Commission authorize: 1) the City Manager to execute the Amendment; and 2) disbursement of funds in the amount of \$129,921.23 as the City's portion to purchase the Beville Creek property.*

This Matter was Approved as Recommended on the Consent Agenda.

030800 Contract Award for Architectural Design and Engineering of Regional Transit System Multi-Modal Transfer Center (B)

RECOMMENDATION *The City Commission: 1) approve the ranking of the architects/engineers as recommended by the selection*

committee; 2) authorize the City Manager or his designee to negotiate and execute a contract and any other related documents with the top ranked firm; and 3) if unable to agree on a contract with the top ranked firm, authorize the City Manager or his designee to negotiate and execute a contract and any other related documents with the other architects/engineers in rank order.

This Matter was Approved as Recommended on the Consent Agenda.

030801 Contract Award for Architectural Design of Regional Transit System Rehabilitation and Addition to Administrative Offices (B)

RECOMMENDATION *The City Commission: 1) approve the ranking of the architects as recommended by the selection committee; 2) authorize the City Manager or his designee to negotiate and execute a contract and any related documents with the top ranked firm; and 3) if unable to agree on a contract with the top ranked firm, authorize the City Manager or his designee to negotiate and execute a contract and any related documents with the second ranked architect.*

This Matter was Approved as Recommended on the Consent Agenda.

030802 Contract Award for Liability and Worker's Compensation Claims Adjusting Services to Employer's Mutual, Inc. (B)

RECOMMENDATION *The City Commission: 1) approve the selection of Employer's Mutual Inc. as the City's Third Party Administrator for Liability and Worker's Compensation claims adjusting services; 2) authorize the City Manager, or his designee to negotiate and enter into an agreement ending September 30, 2005, with the possibility for two (2) one year extensions; and, 3) authorize the issuance of annual purchase orders in amounts sufficient to cover the estimated annual claims administration costs.*

This Matter was Approved as Recommended on the Consent Agenda.

030803 Settlement of Worker's Compensation Claim - Larry Snyder (NB)

RECOMMENDATION *The City Commission authorize Special Counsel to prepare and the City Manager/designee to execute the appropriate documents for a lump-sum settlement of the Worker's Compensation indemnity claim of Larry Snyder, in the amount of \$72,000.*

This Matter was Approved as Recommended on the Consent Agenda.

030804 Settlement of Worker's Compensation Claim - Henry Wilson (NB)

RECOMMENDATION *The City Commission authorize Special Counsel to prepare and the City Manager/designee to execute the appropriate documents for a lump-sum settlement of the Worker's Compensation claim of Henry Wilson in the amount of \$88,750.*

This Matter was Approved as Recommended on the Consent Agenda.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

030807 Approval of Contract Amendment for Grounds Maintenance (NB)

RECOMMENDATION *The City Commission authorize the General Manager, or his designee, to execute an amendment to the contract with Ragin Lawn Services for grounds maintenance, subject to the approval of the City Attorney as to form and legality, and approve the issuance of a purchase order in the amount of \$39,443.85 for the remainder of FY 2004 [total for 12 months is \$52,208.85].*

This Matter was Approved as Recommended on the Consent Agenda.

030808 Annual City-wide Contract for Temporary Personnel Services (B)

RECOMMENDATION *The City Commission: 1) authorize the General Manager and City Manager, or their designees, to execute a three year contract with Career Center Inc., d/b/a Temp Force for temporary personnel services for City departments, subject to the approval of the City Attorney as to form and legality; and 2) approve the issuance of purchase orders in amounts not to exceed budgeted amounts for these services on an as needed basis through December 2006.*

This Matter was Approved as Recommended on the Consent Agenda.

030809 Change Order to Murphree Water Treatment Plant North Wellfield Expansion-Phase II (NB)

RECOMMENDATION *The City Commission authorize the General Manager, or his designee, to execute a change order to the purchase order with Diversified Drilling Corporation for an extension of two*

(2) well pumps and diesel engines lease in an amount not to exceed \$50,000 (new not to exceed \$401,440).

This Matter was Approved as Recommended on the Consent Agenda.

030810 Water Main at Magnolia Place (B)

RECOMMENDATION *The City Commission approve a purchase order to Peters Utilities LLC for construction of a 36-inch water main crossing at Magnolia Place in the amount of \$199,184.00.*

This Matter was Approved as Recommended on the Consent Agenda.

030811 Water Main Crossings along NW 53rd Avenue by Jack and Bore (B)

RECOMMENDATION *The City Commission approve a purchase order to Utility Service of Gainesville, Inc. for construction of two (2) 36-Inch water main crossings along NW 53rd Avenue in the amount of \$97,300.*

This Matter was Approved as Recommended on the Consent Agenda.

030812 Purchase of Locate Ticket Software for System Control (B)

RECOMMENDATION *The City Commission 1) Authorize the General Manager or his designee to execute a contract with AGT International, Inc. for software/hardware as required to meet changes in Chapter 556 Underground Facility Damage Prevention and Safety regulations of the Florida Statutes; and 2) Approve the issuance of a purchase order in amount of \$30,000 to AGT International, Inc. for the software purchase; and 3) Approve additional funds, as budgeted, for the purchase of a server and seven radio modems with an estimated cost of \$18,060. The total not to exceed amount for this project will be \$48,060.*

This Matter was Approved as Recommended on the Consent Agenda.

030813 Release of Easement at 1023 SE 4th Avenue (B)

RECOMMENDATION *The City Commission: 1) approve the release of a public utilities easement to Edix Investments, Inc.; and 2) authorize the Mayor and Clerk of the Commission to execute the Release of Easement, subject to approval by the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

CITY ATTORNEY, CONSENT AGENDA ITEMS

030785 REGULATION OF UNWANTED ADVERTISEMENTS, HANDBILLS, AND CIRCULARS ON PRIVATE PROPERTY (NB)

RECOMMENDATION *Refer the matter to the Public Safety Committee for review and recommendation.*

This Matter was Approved as Recommended on the Consent Agenda.

030814 DIRECT GENERAL INSURANCE COMPANY, AS SUBROGEE OF WILLIE BRYANT VS. CITY OF GAINESVILLE AND MYRTIS FERGUSON; ALACHUA COUNTY CIRCUIT COURT; CASE NO.: 01-03-CA-4669 (B)

RECOMMENDATION *The City Commission authorize the City Attorney to represent the City in the case styled Direct General Insurance Company, as Subrogee of Willie Bryant vs. City of Gainesville and Myrtis Ferguson; Alachua County Circuit Court; Case No.: 01-03-CA-4669.*

This Matter was Approved as Recommended on the Consent Agenda.

030815 EEOC CHARGE NO. 151-2004-00294 DENISE BURNS VS. THE CITY OF GAINESVILLE (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 Denise Burns vs. the City of Gainesville; EEOC Charge No.: 151-2004-00294.*

This Matter was Approved as Recommended on the Consent Agenda.

030717 HEALTH BENEFIT COMPONENT OF LIVING WAGE ORDINANCE; CITY COMMISSION REFERRAL OF DECEMBER 8, 2003 (B)

RECOMMENDATION *The City Commission receive the opinion of the City Attorney.*

This Matter was Approved as Recommended on the Consent Agenda.

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

030768 City Commission Minutes (B)

RECOMMENDATION *The City Commission approve the minutes of December 1, 2003 (Special Meeting); December 8, 2003 (Regular Meeting); December 15, 2003 (Special Meeting); and December 18, 2003 (Special Meeting); as circulated.*

This Matter was Approved as Recommended on the Consent Agenda.

030790 Resignation of Public Recreation Board Members Gary Paulauskas and Stephen Anderson (B)

RECOMMENDATION *The City Commission accept the resignations of Public Recreation Board members Gary Paulauskas and Stephen Anderson effective immediately.*

This Matter was Approved as Recommended on the Consent Agenda.

COMMITTEE REPORTS, CONSENT AGENDA ITEMS**PUBLIC SAFETY COMMITTEE, CONSENT****030686 Special Investigations Division Drug Buy Money from Contraband Forfeiture Trust Funds (NB)**

RECOMMENDATION *The City Commission approve the appropriation and expenditure of \$75,000 from the Federal Law Enforcement Contraband Forfeiture Trust Fund for undercover drug buy money.*

This Matter was Approved as Recommended on the Consent Agenda.

Passed The Consent Agenda

A motion was made by Commissioner Domenech, seconded by Commissioner Bryant, 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

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

ADOPTION OF THE REGULAR AGENDA

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

(VOTE: 7-0, MOTION CARRIED)

REGULAR AGENDA MODIFICATIONS:

Mayor Tom Bussing - New Item - Waive the rules to change the March, 2004 meetings from March 8 & 22 to March 15 & March 29.

REGULAR AGENDA - ADDITIONAL BACK-UP:

1. File #030820 Ad-Hoc Charter Officer Equal Opportunity Advisory Committee - Additional back-up submitted.

2. File #030788 Special Meetings - Additional back-up submitted.

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

CITY MANAGER

030791 Community Housing Partners (CHP) Presentation on Proposed Development for the Kennedy Homes Site (NB)

Community Housing Partner's representatives Fran James and Jed Baumwell; and Community Development Director Tom Saunders gave presentations.

Chair Bussing recognized Citizen Doris Edwards who spoke to the matter.

MOTION: Approve the extension of the \$150,000 HOME Rental Rehabilitation loan and authorize the Housing Division to use the standard Rental Rehabilitation Program loan documents to consummate this particular extension from January 31, 2004 to January 31, 2005.

(VOTE: 7-0, MOTION CARRIED)

RECOMMENDATION *The City Commission: 1) hear a presentation from representatives of Community Housing Partners; and 2) take the action deemed appropriate.*

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

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

GENERAL MANAGER FOR UTILITIES

CITY ATTORNEY

CITY AUDITOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

COMMUNITY DEVELOPMENT COMMITTEE

030390 Residential Conservation (RC) Zoning Issues (B)

Community Development Director Tom Saunders gave a presentation.

Chair Bussing recognized Citizens Robert Pearce, Mark Goldstein and Larry Hamilton who spoke to the matter.

NOTE: Staff indicated that this item could come back in about 4 meetings.

RECOMMENDATION *Community Development Committee to the City Commission: The City Commission consider the issues of the fee and occupancy limits for RC and the possibility of rezoning properties zoned RC and remove from referral list.*

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

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

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

030788 Special Meetings (NB)

RECOMMENDATION *The City Commission schedule two special meetings (Thursday, February 5, 2004 at 6:00pm and Friday, February 6, 2004 at 6:00pm)*

No Action Taken

OUTSIDE AGENCIES

030738 East Gainesville Development Corporation (B)

RECOMMENDATION *The City Commission hear a presentation regarding a request for funding and take appropriate action.*

No Action Taken

MEMBERS OF THE CITY COMMISSION**030789 Commissioner Edward Braddy - Being Business Friendly (NB)**

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

No Action Taken

030805 Mayor Thomas D. Bussing - School Concurrency Appointment (NB)

RECOMMENDATION *The City Commission make an appointment to the School Concurrency Steering Committee.*

No Action Taken

030806 Mayor Thomas Bussing - Wood Energy Workshop (NB)

RECOMMENDATION *The City Commission consider scheduling a Wood Energy Workshop.*

No Action Taken

030822 Mayor Tom Bussing - Meeting Changes for March (NB)

RECOMMENDATION *Waive the rules to change the March 2004 City Commission meetings from March 8 & 22 to March 15 & 29.*

No Action Taken

030713 ANNUAL PERFORMANCE, SALARY AND BENEFITS REVIEW - CITY ATTORNEY (NB)

RECOMMENDATION *As required by the City Attorney's Employment Agreement, the City Commission conduct the annual performance, salary,*

and benefits review.

No Action Taken

030818 ANNUAL PERFORMANCE, SALARY AND BENEFITS REVIEW - CITY AUDITOR (NB)

RECOMMENDATION *As required by the City Auditor's Employment Agreement, the City Commission conduct the annual performance, salary, and benefits review.*

No Action Taken

RECESS - 4:32 PM

RECONVENE - 5:32 PM

NOTE: Mayor Bussing entered the meeting room at 5:35 PM and Commissioner Braddy entered the meeting room at 5:36 PM.

CITIZEN COMMENT

Ernest W. Bridges

Ironwood Neighborhood - City Manager to return with report.

Keven Claney

Ironwood Neighborhood - City Manager to return with report.

Bob Reller

Trash cart size discrepancy - City Manager to return with report.

Ted Nichols

See file # 030823.

Don-Carius Demps

Kennedy Homes - City Manager to return with report.

Novella Holmes

Kennedy Homes - City Manager to return with report.

Moya Chinn

University/Gainesville Health Fair - February 28, 2004.

Please see following file #030825.

030825 University of Florida Sixth Annual Health Fair (B)

RECOMMENDATION *The City Commission hear a presentation from Health Fair Director Moya A. Chin, and place back-up submitted on file.*

Placed on File

COMMISSION COMMENTS (if time available)**PLEDGE OF ALLEGIANCE (6:00pm)****Boy Scout Troop #307****PROCLAMATIONS/SPECIAL RECOGNITIONS****030786 Arbor Day 2004 - January 16, 2004 (B)**

RECOMMENDATION *City of Gainesville Arborist Meg Niederhofer to accept the proclamation.*

Heard

030787 Richard "Dick" Lester Day - January 12, 2004 (B)

RECOMMENDATION *City of Gainesville Fleet Management Department retiree Dick Lester to accept the proclamation.*

Heard

WAIVER OF RULES

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

Mayor Bussing moved and Commissioner Domenech seconded to waive the rules to allow 15 minutes to hear a presentation from Attorney Ted Nichols regarding the Cedar Grove Homeowner's Association election.

(VOTE: 7-0, MOTION CARRIED)

See following file # 030823.

030823 Cedar Grove Homeowner's Association Election (NB)

Chair Bussing recognized Attorney Ted Nichols who spoke to the matter.

Community Development Director Tom Saunders gave a presentation.

PREVIOUS QUESTION MOTION: Commissioner Domenech moved Commissioner Braddy seconded to move the previous question.

(VOTE: 6-1, Mayor Bussing - No, MOTION CARRIED)

RECOMMENDATION *At the meeting of the Cedar Grove Homeowners Association on Wednesday, January 7, 2004, actions taken by several individuals were presented as the position of the City of Gainesville. These actions include putting names in nomination for election to the Board and casting of a block of votes by proxy for vacant lots owned by the City. Those actions did not represent the position of the City of Gainesville. The election is null and void. Therefore, the improperly elected board should not meet or take action as the Board for the Cedar Grove Homeowner's Association. The previously elected Board should stay in place until a new election is held.*

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

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

CITY MANAGER

PUBLIC HEARINGS

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

030033 Street Vacation - Veitch's Addition (B)

ORDINANCE NO. 0-03-75, PETITION NO. 32SVA-03PB (Quasi-Judicial)

An ordinance of the City of Gainesville, Florida, to vacate, abandon and close a certain portion of right-of-way of Southeast 2nd Street lying south of Southeast 11th Avenue and north of the abandoned railroad ROW, and a portion of Lot 29

of Veitch's Addition and a portion of Southeast 11th Avenue lying north of the abandoned railroad ROW and west of Southeast 2nd Street and north of Lot 40 of Veitch's Addition; reserving a utilities easement; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

City of Gainesville Senior Planner Carolyn Morgan, Agent for the Petitioner Stuart Cullen and L. W. Calton, of Calton Dental Laboratories gave presentations.

RECOMMENDATION *The City Commission: 1) approve Petition No. 32SVA-03PB; and 2) adopt the proposed ordinance.*

A motion was made by Mayor-Commissioner Pro Tem Chestnut, seconded by Commissioner Bryant, 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

030697 EVERGREEN CEMETERY (B)

ORDINANCE NO. 0-04-13

An ordinance of the City of Gainesville, Florida; amending section 7-1, City of Gainesville Code of Ordinances; including "trust" in the definition of the term "owner"; amending section 7-5, City of Gainesville Code of Ordinances; changing the method of conveying interment rights at Evergreen Cemetery from a "deed" signed by the Mayor and the Clerk of the Commission to a "certificate" of interment signed by the City Manager or designee; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

A motion was made by Mayor-Commissioner Pro Tem Chestnut, seconded by Commissioner Bryant, that this matter be Adopted on First Reading (Ordinance). 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

ORDINANCES 2ND READING- ROLL CALL REQUIRED

RESOLUTIONS- ROLL CALL REQUIRED

030816 GACRAA - AUTHORIZING AND ACCEPTING AMENDMENT NUMBER 1 TO GRANT FROM DOT, FAA (B)

A resolution of the City of Gainesville, Florida, accepting amendment number 1

to grant from Department of Transportation, Federal Aviation Administration, and authorizing execution by the Mayor and Clerk of the Commission on behalf of the City of Gainesville; and providing an immediate effective date.

RECOMMENDATION *The City Commission adopt the proposed resolution, subject to the approval of the City Attorney as to form and legality.*

A motion was made by Mayor-Commissioner Pro Tem Chestnut, seconded by Commissioner Bryant, that this matter be Adopted (Resolution). 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

PLAN BOARD PETITIONS

030035 **Petition 53TCH-03PB Parking Storing or Keeping of Recreation Vehicles in Residential Districts (B)**

City of Gainesville Neighborhood Planning Coordinator John Wachtel and Planning Manager Ralph Hilliard gave presentations.

*MOTION: Commissioner Lowe moved and Commissioner Nielsen seconded to: 1) Prohibit the parking of recreational vehicles over 16 feet in the front yard; 2) allow guests to park an RV for up to 14 days (if rear and side yards are not available); 3) provide alternative for enforcement mechanisms; and 4) allow 24 hours for maintenance or loading.
(NO VOTE)*

*SUBSTITUTE MOTION: Commissioner Braddy moved and Commissioner Domenech seconded to deny the petition.
(VOTE: 6-1, Commissioner Lowe - No, MOTION CARRIED)*

Chair Bussing recognized Citizens Patricia Rowe, Clayton Anderson, Elmo Beville, Dwight Edgar, Joyce Knox, Robert Honeycutt, Ben Techler, Sandy Schuster, Suzanne Schwertley and Gene Watson who spoke to the matter.

RECOMMENDATION *The City Commission approve the petition as amended and authorize the City Attorney to draft the ordinance.*

A motion was made by Commissioner Braddy, seconded by Commissioner Domenech, that this matter be Denied (Petition). The motion carried by the following vote:

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

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS**030819 Approval of Denial by Historic Preservation Board of Certificate of Appropriateness for a Chain-Link Gate at 518 Northeast 4th Avenue (B)**

City of Gainesville Historic Preservation Planner Dee Henrichs gave a presentation.

Chair Bussing recognized Mary Lee Chapman who spoke to the matter.

MOTION: Commissioner Bryant moved and Commissioner Braddy seconded to approve the petitioner's request to keep the chain link fence and deny the Historic Preservation Board's decision.

(VOTE: 4-3, Mayor Bussing, Commissioner Lowe and Commissioner Nielsen - No, MOTION CARRIED)

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

SUBSTITUTE MOTION: Mayor Bussing moved and Commissioner Lowe seconded that the City Commission wishes: 1) To amend the Historic Preservation's Board decision, finding that the changing of the gate was of the nature of an ordinary maintenance of a fence system; and 2) that the appellate shall be given reasonable time to change the coloring of the gate so as to minimize the visual impact.

(VOTE: 2-5, Commissioner Braddy, Commissioner Bryant, Chair Pro Tem Chestnut, Commissioner Domenech, Commissioner Nielsen - No, MOTION FAILED)

Chair Pro Tem Chestnut recognized Historic Preservation Board Member Joan Gowen.

CALL THE QUESTION MOTION: Commissioner Braddy moved and Commissioner Domenech seconded to move the previous question.

(VOTE: 5-2, Mayor Bussing and Commissioner Lowe - No, MOTION CARRIED)

Chair Pro Tem Chestnut recognized Citizen Carol Perrine, Monica Cooper and Robert Honeycutt who spoke to the matter.

RECOMMENDATION *The City Commission: 1) hear a presentation from staff; and 2) support the Historic Preservation Board's denial of the Certificate of Appropriateness for the gate.*

Approved, as shown above

UNFINISHED BUSINESS**030820 Ad-Hoc Charter Officer Equal Opportunity Advisory Committee (B)**

Ad-Hoc Charter Officer Equal Opportunity Advisory Committee Chair Pegeen Hanrahan, Human Resources Director Tom Motes, and Committee Member Al Alsobrook gave presentations.

*ORIGINAL MOTION: Commissioner Domenech moved and Commissioner Nielsen seconded to receive and approve information on the candidates currently undergoing reference checks; and approve the recommendations on the remaining steps of the hiring process, using Jan Stillman's memo from January 9, 2004.
(QUESTION DIVIDED)*

Chair Bussing recognized Alachua County Commissioner Rodney Long and Darrell Elmore who spoke to the matter.

*SUBSTITUTE MOTION: Commissioner Bryant moved and Commissioner Chestnut seconded to receive and approve the information, follow through with the same process, but limit it to four candidates.
(VOTE: 1-6, Commissioner Bryant -Yes; Mayor Bussing, Commissioner Braddy, Commissioner Lowe, Mayor-Commissioner Pro Tem Chestnut, Commissioner Domenech, Commissioner Nielsen - No, MOTION FAILED)*

MAYOR BUSSING DIVIDED THE ORIGINAL MOTION

*FIRST PART OF THE DIVIDED QUESTION: Commissioner Domenech moved and Commissioner Nielsen seconded to receive and approve information on the candidates currently undergoing reference checks.
(VOTE: 7-0, MOTION CARRIED)*

*AMENDMENT TO THE FIRST PART OF THE DIVIDED QUESTION: Commissioner Nielsen moved and Commissioner Lowe seconded to include the eighth applicant (Darrell Elmore) in the pool of applicants.
(VOTE: 2-5, Commissioner Lowe and Commissioner Nielsen - Yes; Commissioner Domenech, Commissioner Chestnut, Commissioner Braddy, Commissioner Bryant and Mayor Bussing - No, MOTION FAILED)*

*MOVE THE PREVIOUS QUESTION OF THE FIRST PART OF THE DIVIDED QUESTION: Mayor-Commissioner Pro Tem Chestnut moved and Commissioner Lowe seconded to move the previous question.
(VOTE: 6-1, Mayor Bussing - No, MOTION CARRIED)*

*SECOND PART OF DIVIDED QUESTION: Commissioner Domenech moved and Commissioner Nielsen seconded to approve the recommendations on the remaining steps of the hiring process using Mrs. Stillman's Memo from January 9, 2004.
(VOTE: 6-1, Mayor Bussing - No, MOTION CARRIED)*

Chair Bussing recognized Committee Member Jeff McAdams, Human Resources Director Tom Motes and Pegeen Hanrahan who spoke to the matter.

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

SUBSTITUTE MOTION TO THE SECOND PART OF THE DIVIDED QUESTION: Mayor Bussing moved that the City approve in principle the remaining steps of the hiring process, but ask that the Ad Hoc Charter Officer Equal Opportunity Advisory Committee review that and make recommendations before we finalize the process. (NO SECOND, MOTION FAILED)

WAIVER OF RULES: Commissioner Domenech moved and Commissioner Lowe seconded to waive the rules to extend the meeting until 11:30 PM. (VOTE: 6-1, Mayor Bussing - No, MOTION CARRIED)

NOTE: This item was discussed in the afternoon before the recess and again in the evening portion of the agenda.

RECOMMENDATION *The City Commission: 1) Receive and approve information on the candidates currently undergoing reference checks; and 2) approve the recommendations on the remaining steps of the hiring process.*

Approved, as shown above

COMMISSION COMMENT

CITIZEN COMMENT (If time available)

ADJOURNMENT - 11:30 PM

Kurt M. Lannon, Clerk of the Commission