

# **City of Gainesville**

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



## **Meeting Minutes**

**Monday, August 25, 2003**

**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 - 1:05 PM

## ROLL CALL

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

## INVOCATION

### Father John Gillespie, St. Augustine Church

## CONSENT AGENDA

*Commissioner Domenech moved and Commissioner Bryant seconded to adopt the Consent Agenda with the following modifications:  
(VOTE: 5-0, Commissioner Braddy & Mayor-Commissioner Pro Tem Chestnut - Absent, MOTION CARRIED)*

- 1. File# 030323 - Pension Review Committee - Pull from the Consent Agenda and place on the Regular Agenda for discussion.*
- 2. File# 030325 - The Gainesville Housing Authority - Pull from the Consent Agenda and place on the Regular Agenda for discussion.*

## CITY MANAGER, CONSENT AGENDA ITEMS

### 030293 Permanent Borders for Yard Parking Areas (NB)

**RECOMMENDATION** *The City Commission initiate a petition to the Plan Board to amend the yard parking ordinance to require permanent borders for yard parking areas.*

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

### 030295 Agreement Renewal - Keep Alachua County Beautiful (B)

**RECOMMENDATION** *The City Commission authorize the City Manager to renew the contract with Keep Alachua County Beautiful for the period of October 1, 2003 through September 30, 2004, and execute all necessary documents.*

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

**030296 Agreement with Florida Department of Juvenile Justice for Gainesville Regional Juvenile Assessment Center (B)**

**RECOMMENDATION** *The City Commission: 1) authorize the City Manager to execute the agreement with the Florida Department of Juvenile Justice; and 2) authorize the issuance of a purchase order in an amount not to exceed \$70,000 for this agreement.*

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

**030297 Contract for Professional Federal Lobbying Services (B)**

**RECOMMENDATION** *The City Commission waive the Purchasing Policies and authorize the City Manager and the General Manager for Utilities to enter into a one-year agreement with Marilyn Berry Thompson through the law firm of Jorden, Burt, Boros, Cicchetti, Berenson & Johnson.*

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

**030298 Eighth Amendment to the Contract for Professional Consulting Services for the East Gainesville Sprout Project (B)**

**RECOMMENDATION** *The City Commission: 1) authorize issuance of the eighth amendment in the amount of \$495,451 to the Environmental Consulting Technology, Inc. contract; and 2) approve amending the purchase order to Environmental Consulting Technology, Inc. to an amount not to exceed \$1,679,639.*

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

**030299 Extension of Contract for Demolitions by Code Enforcement (B)**

**RECOMMENDATION** *The City Commission: 1) approve the second contract extension for one additional year for house demolitions to Florida Concrete Recycling; and 2) authorize the City Manager or his designee to execute the contract.*

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

**030300 Selection of Firms to Provide Professional Water Resource Engineering Services (B)**

**RECOMMENDATION** *The City Commission: 1) authorize the City Manager or designee to enter into negotiation with the two selected firms; and 2) authorize the City Manager or designee to execute*

*contracts for professional water resource engineering services.*

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

**030301 Bid Award - Provision of Limerock for FY 2004 (B)**

**RECOMMENDATION** *The City Commission: 1) award a contract to Limestone Products, Inc. to provide limerock materials for use in roadway base construction and stabilization; and 2) authorize the City Manager or designee to execute the contract for Fiscal Year 2003/2004.*

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

**030302 Award Bid for Contract for Paper Recycling Services (B)**

**RECOMMENDATION** *The City Commission: 1) award the bid to Recycling Services of America, Inc.; 2) issue a purchase order in a not to exceed amount of \$45,000 for continuation of paper recycling services for Fiscal Years 2004 through 2005; and 3) authorize the City Manager or designee to execute any other necessary documents.*

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

**030303 Lease for Office Space at 201 NW 10th Avenue (B)**

**RECOMMENDATION** *The City Commission: 1) approve the lease; 2) issue a purchase order in the amount of \$3,900 a month for a total of \$46,800 annually for the five year lease; and 3) authorize the City Manager or designee to execute all necessary documents.*

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

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

**030309 Extension of Agreement with State of Florida Department of Environmental Protection (B)**

**RECOMMENDATION** *The City Commission authorize the Mayor-Commissioner and Clerk of the Commission to execute an amendment to the agreement between the City of Gainesville and the State of Florida Department of Environmental Protection for air monitoring services, substantially in the form attached subject*

*to the approval of the City Attorney as to form and legality.*

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

**030310 Deerhaven Rail Spur Property (B)**

**RECOMMENDATION** *The City Commission: 1) Approve the agreement negotiated between staff and Doyal and Wanda Godwin; 2) Authorize the Mayor to execute a Quit-Claim Deed from the City to Doyal and Wanda Godwin, subject to approval as to form and legality by the City Attorney; and 3) Authorize the General Manager, or his designee, to execute all remaining documents to facilitate the agreement, subject to approval as to form and legality by the City Attorney.*

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

**030311 Purchase Order for one 42' Aerial Device (B)**

**RECOMMENDATION** *The City Commission approve the issuance of a purchase order to Altec Industries, Inc. for the purchase of one 42' aerial device for the Electric Transmission and Distribution Department in the amount of \$65,612.00.*

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

**030312 Partial Release of Easement at Haile Village Center (B)**

**RECOMMENDATION** *The City Commission: 1) approve the partial release of an easement to Haile Village Owner's Association, Inc., located at the corner of SW 48th Place and SW 91st Terrace; and 2) authorize the Mayor and Clerk of the Commission to execute the Partial 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**

**030244 FINAL ADMINISTRATIVE ORDER IN THE MATTER OF GIOVANNA HOLBROOK, APPELLANT, APPEAL HEARD PURSUANT TO 30-112(D)(7)i., GAINESVILLE CODE OF ORDINANCES (B)**

**RECOMMENDATION** *The City Commission authorize the Mayor and Clerk of the Commission to execute the Order as prepared by the City*

*Attorney.*

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

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

### **030261 City Commission Minutes (B)**

**RECOMMENDATION** *The City Commission approve the minutes of July 17, 2003 and August 11, 2003; as circulated.*

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

### **030315 Citizens' Advisory Committee for Community Development (NB)**

**RECOMMENDATION** *Helen C. McCune, term to expire November 01, 2005 is appointed to the Citizens' Advisory Committee for Community Development.*

*Commissioner Braddy: McCune*

*Commissioner Bryant: McCune*

*Commissioner Chestnut: McCune*

*Commissioner Domenech: McCune*

*Commissioner Lowe: McCune*

*Commissioner Nielsen: McCune*

*Mayor Bussing: McCune*

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

### **030316 Gainesville Code Enforcement Board/Nuisance Abatement Board (NB)**

**RECOMMENDATION** *Hugh D. Rhea, term to expire August 1, 2006 is appointed to Gainesville Code Enforcement Board.*

*Commissioner Braddy: Rhea*

*Commissioner Bryant:*

*Commissioner Chestnut: Rhea*

*Commissioner Domenech: Rhea*

*Commissioner Lowe: Rhea*

*Commissioner Nielsen: Rhea*

*Mayor Bussing: Rhea*

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

### **030317 Historic Preservation Board (NB)**

**RECOMMENDATION** *Jeanna M. Mastrodicasa, term to expire June 1, 2005; and*

*Antonio A. Prieto, term to expire June 1, 2006 are appointed to the Historic Preservation Board.*

*Commissioner Braddy: Mastrodicasa and Prieto*

*Commissioner Bryant: Mastrodicasa and Prieto*

*Commissioner Chestnut: Mastrodicasa and Prieto*

*Commissioner Domenech: Mastrodicasa and Prieto*

*Commissioner Lowe: Mastrodicasa and Prieto*

*Commissioner Nielsen: Mastrodicasa and Prieto*

*Mayor Bussing: Mastrodicasa and Prieto*

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

**030318**

**Gainesville/Alachua County Cultural Affairs Board (NB)**

**RECOMMENDATION** *Folasade O. Apena, term to expire November 30, 2004 is appointed to Gainesville/Alachua County Cultural Affairs Board.*

*Commissioner Braddy: Apena*

*Commissioner Bryant: Apena*

*Commissioner Chestnut: Apena*

*Commissioner Domenech: Apena*

*Commissioner Lowe: Apena*

*Commissioner Nielsen: Apena*

*Mayor Bussing: Readvertise*

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

**030319**

**Gainesville Enterprise Zone Development Agency (NB)**

**RECOMMENDATION** *Peter W. Alcorn, term to expire March 31, 2005 is appointed to Gainesville Enterprise Zone Development Agency.*

*Commissioner Braddy: Alcorn*

*Commissioner Bryant: Alcorn*

*Commissioner Chestnut: Alcorn*

*Commissioner Domenech: Alcorn*

*Commissioner Lowe: Alcorn*

*Commissioner Nielsen: Alcorn*

*Mayor Bussing: Alcorn*

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

**COMMITTEE REPORTS, CONSENT AGENDA ITEMS**

**PUBLIC WORKS COMMITTEE, CONSENT**

**030260 Public Works Committee Referral List (NB)**

**RECOMMENDATION** *The City Commission remove the following items from the Public Works Committee Referral List: 1) File # 020698 Report on Gainesville Creeks Summit; 2) File # 002756 Southwest 2nd Avenue from Downtown to Waldo Road; 3) File # 002114 Traffic Calming in University Neighborhoods; 4) File # 990082 Brownfield Sprout Project; 5) File # 981035 Stormwater Improvement Plan; and 6) File # 970580 Hogtown Creek Sediment Control Project.*

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

**PERSONNEL & ORGANIZATIONAL STRUCTURE COMM, CONSENT****PUBLIC SAFETY COMMITTEE, CONSENT****COMMUNITY DEVELOPMENT COMMITTEE, CONSENT****021104 Codes and Civil Infractions by Residents (NB)**

**RECOMMENDATION** *Community Development Committee to City Commission: 1) recommend that the City Commission increase the fines for violations related to property conditions to \$125; 2) authorize the City Attorney to draft and the Clerk of Commission to advertise an ordinance; and 3) remove this item from the referral list.*

**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, Warren Nielsen, Rick Bryant and Craig Lowe  
Absent: Edward Braddy and Chuck Chestnut

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



**ADOPTION OF THE REGULAR AGENDA**

*Commissioner Domenech moved and Commissioner Bryant seconded to adopt the Regular Agenda with the following modifications:  
(VOTE: 6-0, Mayor-Commissioner Pro Tem Chestnut - Absent, MOTION CARRIED)*

*NOTE: Commissioner Braddy entered the meeting room at 1:08 PM.*

- 1. File# 030304 - Amended and Restated Option for Acquisition of Downtown Parking Garage Site - Remove from the agenda.*
- 2. File# 030307 - Resolution to Dual-Name a Section of Southeast 1st Street to "Spc. Jeffrey Mattison Wershow Way" - Waive the rules to hear immediately after the Pledge of Allegiance.*

*REGULAR AGENDA - ADDITIONAL BACK-UP SUBMITTED:*

- 1. File# 030329 - Resolution added to the agenda. "GACRAA - Authorizing and Accepting Grant Offer from DOT, FAA".*

**CHARTER OFFICER UPDATES**

**CLERK OF THE COMMISSION**

**CITY MANAGER**

**030304 Amended and Restated Option for Acquisition of Downtown Parking Garage Site (B)**

**RECOMMENDATION** *The City Commission approve the amended and restated Option Agreement Related to Transfer of Interests in Real Property and authorize the City Manager to execute the agreement on behalf of the City.*

**Withdrawn**

**030305 Amendment to Option and Agreement Related to Transfer of Interests in Real Property (B)**

**RECOMMENDATION** *The City Commission approve the Amendment to Option and Agreement Related to Transfer of Interests in Real Property and authorize the City Manager to execute the agreement on behalf of the City.*

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

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

## **INTRODUCTION OF NEW RECREATION DIRECTOR RODNEY STOKES**

*Assistant City Manager Carl Harness introduced new Recreation Director Rodney Stokes to the City Commission.*

*NOTE: Mayor-Commissioner Pro Tem Chestnut entered the meeting room during the introduction.*

## **GENERAL MANAGER FOR UTILITIES**

## **CITY ATTORNEY**

## **CITY AUDITOR**

## **EQUAL OPPORTUNITY DIRECTOR**

### **030313 Interlocal Agreement for Administration of the County's Human Rights Ordinance within the Gainesville City Limits (B)**

*Equal Opportunity Director Jimmie Williams gave a presentation.*

*MOTION: Commissioner Domenech moved and Commissioner Bryant seconded to amend the City's Ordinance regarding the definition of "employer" to reflect the characteristics of the State of Florida's Statute # 2-715.  
(NO VOTE)*

*SUBSTITUTE MOTION: Commissioner Domenech moved and Commissioner Braddy seconded to hear a report on the ramifications of changing the definition of "employer" and have the report submitted in writing.  
(VOTE: 6-0, Mayor-Commissioner Pro Tem - Absent, MOTION CARRIED)*

*REFERRAL - See following item #030336.*

**RECOMMENDATION** *The City Commission hear a presentation from staff on the Interlocal Agreement for Administration of the County's Human Rights Ordinance within the Gainesville City Limits and take appropriate action.*

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

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

Absent: Chuck Chestnut

**030336 Interlocal Agreement for Administration of the County's Human Rights Ordinance within the Gainesville City Limits - Referral (NB)**

*NOTE: THIS REFERRAL WAS ADDRESSED AND CLOSED WITH ORDINANCE #030313.*

**RECOMMENDATION** *The City Commission refer the Interlocal Agreement and other issues to the Equal Opportunity Committee.*

**A motion was made by Commissioner Lowe, seconded by Commissioner Braddy, that this matter be Referred to the Equal Opportunity Committee, due back on February 25, 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

**COMMITTEE REPORTS (PULLED FROM CONSENT)**

**030325 The Gainesville Housing Authority (NB)**

*Mayor Bussing recognized Andrew Mickle who spoke to the matter.*

**RECOMMENDATION** *The City Commission confirm the re-appointment of Andrew R. Mickle, term to expire August 1, 2007 to the Gainesville Housing Authority.*

**A motion was made by Commissioner Braddy, seconded by Commissioner Nielsen, 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

**030323 Pension Review Committee (NB)**

*AMENDMENT: Appoint Mr. Rosin and Mr. Ashley to the Pension Review Committee.*

**RECOMMENDATION** *Joe Belgrade and Neil H. Rosin, terms to expire July 2006 are appointed to the Pension Review Committee.  
Commissioner Braddy: Ashley and Belgrade  
Commissioner Bryant: Belgrade and Rosin*

*Commissioner Chestnut: Ashley and Rosin  
Commissioner Domenech: Ashley and Rosin  
Commissioner Lowe: Belgrade and Rosin  
Commissioner Nielsen: Belgrade and Rosin  
Mayor Bussing: Ashley and Belgrade*

**A motion was made by Commissioner Domenech, seconded by Mayor-Commissioner Pro Tem Chestnut, that this matter be Approved as Amended. 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

## **PUBLIC WORKS COMMITTEE**

## **PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE**

## **PUBLIC SAFETY COMMITTEE**

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

## **OUTSIDE AGENCIES**

*The Airport Authority requested to add Resolution #030329 GACRAA - Authorizing and Accepting Grant Offer from DOT, FAA (under Resolutions).*

## **MEMBERS OF THE CITY COMMISSION**

## **COMMISSION COMMENTS (if time available)**

### **Mayor Tom Bussing**

*Schedule Executive Session - See following File #030332.*

### **030332 Executive Session (NB)**

**RECOMMENDATION** *The City Commission schedule an Executive Session between the afternoon and evening regular meeting sessions on September 8, 2003.*

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

### **Mayor-Commissioner Pro Tem Chestnut**

*Florida A & M and University of Florida Football Game Event on the Plaza Co-Sponsorship - See following File # 030330.*

#### **030330 Florida A & M and University of Florida Football Game Event on the Plaza Co-Sponsorship (NB)**

*Assistant City Manager Carl Harness, Cultural Affairs Director Lemuel Moore, Police Chief Norm Botsford and Alachua County Tourist Development Council Representative Roland Loog gave presentations.*

**RECOMMENDATION** *The City Commission support the FAMU event and authorize the City Manager to use his judgement with up to a \$10,000 allocation from the City Commission Contingency fund and a potential \$10,000 loan to Alachua County with repayment in a very short time.*

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

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

#### **Bill Gallagher**

*Human Rights Board Funding*

#### **Terry Fleming**

*Human Rights Board Funding*

#### **Doris Bardon**

*Women for Wise Growth - Water Issues*

#### **030334 Water Wars (B)**

**RECOMMENDATION** *The City Commission hear a presentation from Women for Wise Growth Representative Doris Bardon and place back-up submitted on file.*

**Placed on File**

**Susan Eichner**

*Human Rights Board Funding*

**Abby Goldsmith**

*Human Rights Board Funding*

**Beverly Thomas**

*Human Rights Board Funding*

**Gina Mastrodicasa**

*Human Rights Board Funding*

**Phyllis Meek**

*Human Rights Board Funding*

**Phillip Perry**

*Human Rights Board Funding*

**Bob Karp**

*Human Rights Board Funding*

**Scott Feldman**

*Human Rights Board Funding*

**Michael Malecki**

*Human Rights Board Funding*

**Rob Brinkman**

1. *Wal-Mart*
2. *Human Rights Board Funding*

**030333**

**Human Rights Board Funding (B)**

**RECOMMENDATION** *The City Commission hear citizen's comments and place any materials submitted on file.*

**Placed on File**

## **COMMISSION COMMENTS (if time available)**

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

*Crew 376*

## **WAIVER OF RULES - RESOLUTION**

### **030307 Resolution to Dual-Name a Section of Southeast 1st Street to "Spc. Jeffrey Mattison Wershow Way" (B)**

**RECOMMENDATION** *The City Commission: 1) adopt the Resolution authorizing Southeast 1st Street from Southeast 2nd Avenue to Southeast 3rd Avenue to be designated and dual-named as "Spc. Jeffrey Mattison Wershow Way"; and 2) authorize the City Manager or designee to carry out all necessary actions to fulfill the Resolution.*

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

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

## **PROCLAMATIONS/SPECIAL RECOGNITIONS**

### **030306 Junior Fire Academy Program (NB)**

*Gainesville Fire Rescue Public Education Specialist Michael Heeder and Lieutenant Steven Mueller gave presentations.*

**RECOMMENDATION** *The City Commission: 1) hear a short presentation from staff; 2) recognize accomplishments of the Junior Fire Academy graduates; and 3) present graduates with their Junior Firefighter badges.*

**Heard**

### **030314 Firefighter Appreciation Week - August 25-31, 2003 (B)**

**RECOMMENDATION** *City of Gainesville Fire/Rescue Deputy Fire Chief Bill Northcutt and IAFF President Jeff Lane to accept the proclamation.*

**Heard**

## **CITIZEN COMMENT - (CONTINUED)**

**Nkwanda Jah**

*Human Rights Board Funding*

**Staci Fox**

*Human Rights Board Funding*

**Emily Browne**

*Human Rights Board Funding*

## **PUBLIC HEARINGS**

## **ADOPTION READING-ROLL CALL REQUIRED**

**030040 REZONING - 2306 SW 13TH STREET (B)**

**Ordinance No. 0-03-74, Petition No. 69ZON-03PB**

**An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain properties within the City from the zoning category of "RH-1: 8-43 units/acre residential high density district" to "MU-2: 12-30 units/acre mixed use medium intensity"; located in the vicinity of 2306 Southwest 13th Street; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

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

**RECOMMENDATION** *The City Commission: 1) approve Petition No. 69ZON-03PB; 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 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****030278 CHAPTER 27 AMENDMENTS - UTILITIES (B)****ORDINANCE NO. 0-03-78**

**AN ORDINANCE AMENDING ARTICLE I OF CHAPTER 27 OF THE GAINESVILLE CODE OF ORDINANCES BY AMENDING SECTION 27-1 RELATING TO PERMITS FOR USE OF THE GAS AND TELECOMMUNICATIONS SYSTEMS OF THE CITY; AMENDING SECTION 27-3 TO PROHIBIT THE USE OF THE CITY'S OR GAINESVILLE REGIONAL UTILITIES' LOGOS, SERVICE MARKS OR TRADEMARKS; AMENDING SECTION 27-5 RELATING TO THE AUTHORITY OF THE GENERAL MANAGER FOR UTILITIES TO PROMULGATE ENERGY CONSERVATION INCENTIVES; AMENDING SECTION 27-6 RELATING TO THE APPLICATION FOR SERVICE; AMENDING SECTION 27-7 RELATING TO CUSTOMER DEPOSITS; AMENDING SECTION 27-8 RELATING TO ACCESS TO PREMISES BY CITY EMPLOYEES, AGENTS AND CONTRACTORS OF THE CITY; AMENDING SECTION 27-11 RELATING TO THE CONSUMER INDEMNIFYING THE CITY FOR CERTAIN LOSSES; AMENDING SECTION 27-14 RELATING TO COMBINED STATEMENTS FOR UTILITY SERVICES; AMENDING SECTION 27-14.2 RELATING TO METERED SERVICES AND TO PROVIDE FOR BILLINGS FOR OTHER SERVICES; AMENDING SECTION 27-14.3 RELATING TO DISHONORED PAYMENTS AND PENALTIES THEREFOR; AMENDING SECTION 27-15 RELATING TO SERVICE CHARGES AND CREATING NEW SUBSECTION (d) THEREOF RELATING TO FIELD VISITS; AMENDING ARTICLE II OF CHAPTER 27 OF THE GAINESVILLE CODE OF ORDINANCES BY AMENDING SECTION 27-21 RELATING TO THE DEFINITION OF GENERAL SERVICE; AMENDING SECTION 27-22 DELETING REFERENCE TO TRANSMISSION ELECTRIC SERVICE; AMENDING SECTION 27-26.1 RELATING TO TESTS OF ELECTRIC METERS; AMENDING SECTION 27-96 BY ADDING DEFINITIONS; AMENDING SECTION 27-126.2 RELATING TO TESTS OF WATER METERS; AMENDING SECTION 27-135 RELATING TO CROSS CONNECTION CONTROL; CREATING SECTION 27-169.1 RELATING TO THE CALCULATION OF WINTER MAXIMUM FOR WASTEWATER CHARGES; AMENDING SECTION 27-178 RELATING TO THE RESPONSIBILITY FOR MAINTENANCE OF WASTEWATER LATERALS; AMENDING SECTION 27-180.2 RELATING TO THE DISCHARGE OF FATS, OILS AND GREASE INTO THE WASTEWATER SYSTEM; AMENDING SECTION 27-271, DEFINITIONS RELATING TO NATURAL GAS; AMENDING APPENDIX A, UTILITIES (1) ELECTRICITY, SUBSECTIONS j., k., AND l., RELATING TO RETAINED, EXPANDED AND ATTRACTED LOAD RIDER AND BUSINESS PARTNERS RATE DISCOUNT RIDER; AMENDING APPENDIX A, UTILITIES (4)c TO DELETE THE CALCULATION OF WINTER MAXIMUM; AMENDING APPENDIX A UTILITIES (7)b RELATING TO CERTAIN SERVICE CHARGES;**

**PROVIDING RENUMBERING INSTRUCTIONS TO THE CODIFIER;  
PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY  
CLAUSE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE (B)**

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

**A motion was made by Mayor-Commissioner Pro Tem Chestnut, seconded by Commissioner Nielsen, that this matter be 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

**030279 WATER BASE RATES AND CONNECTION CHARGES (B)**

**Ordinance No. 0-03-79**

**An Ordinance amending Appendix A, Section UTILITIES (3) Water, By Increasing Water Base Rates and Adjusting Water Connection Charges; Providing for a Repealing Clause; Providing for a Severability Clause; and, Providing an Effective Date in Accordance with the Schedule Provided Herein.**

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

**A motion was made by Commissioner Domenech, seconded by Commissioner Nielsen, that this matter be 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

**030280 NATURAL GAS BASE RATES AND MANUFACTURED GAS PLANT COST RECOVERY FACTOR (B)**

**ORDINANCE NO. 0-03-80**

**An Ordinance amending Appendix A, Section UTILITIES (5) Natural Gas, Increasing Natural Gas Base Rates and Adjusting the Manufactured Gas Plant Cost Recovery Factor; Providing for a Repealing Clause; Providing for a Severability Clause; and, Providing an Effective Date in Accordance with the Schedule Provided Herein.**

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

**A motion was made by Mayor-Commissioner Pro Tem Chestnut, seconded by Commissioner Nielsen, that this matter be 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

**030281 WASTEWATER BASE RATES AND CONNECTION CHARGES (B)****ORDINANCE NO. 0-03-81**

**An ordinance amending Appendix A, Section UTILITIES (4) Sewerage, by increasing wastewater base rates and adjusting wastewater connection charges; providing for a repealing clause; providing for a severability clause; and, providing an effective date in accordance with the schedule provided herein.**

**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 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

**030168 LIVING WAGE (B)****ORDINANCE NO. 0-03-77**

**An ordinance of the City of Gainesville, Florida, correcting a scrivener's error in subsection 2-616(c) of Article IX of Chapter 2 of the City of Gainesville Code of Ordinances, by changing a reference to the appropriate living wage rate, providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.**

*FIRST MOTION: Commissioner Braddy moved and Commissioner Domenech seconded to table this item.*

*(Motion not recognized by the Mayor)*

*Chair Bussing recognized Living Wage Coalition Representatives Elsie Allen and Mary Jo Hoffmeyer; Citizens Nkwanda Jah and Rob Brinkman who spoke to the matter.*

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

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

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

**ORDINANCES 2ND READING- ROLL CALL REQUIRED****030034 REZONING - 3401 NW 34TH STREET (B)**

**(QUASI-JUDICIAL) ORDINANCE NO. 0-03-71, PETITION NO. 52ZON-03PB**

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property within the City from "OF: general office district" to "OR: 20 units/acre office residential district" located in the vicinity of 3401 Northwest 34th Street; 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 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

**030250****OAK HAMMOCK AREA ANNEXATION (B)****ORDINANCE NO. 0-03-67**

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 generally west of SW 17th Terrace, north of SW 56th Avenue, east of Rocky Point Road, and south of Williston Road and the City limits; providing for inclusion of the area in Appendix I of the City Charter; providing for land use and zoning regulations; 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 Commissioner Domenech, seconded by Mayor-Commissioner Pro Tem Chestnut, 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

**030165****USER FEES INCREASE (B)****ORDINANCE NO. 0- 03-76**

An ordinance of the City of Gainesville, Florida; by amending Appendix A of the Code of Ordinances by increasing certain user fees, as more specifically set forth in the ordinance, and generally related to alcoholic beverages; buildings and

building regulations; cemeteries; controlled vehicular parking decals/permits; land development code; peddlers; solicitors and canvassers; police; secondhand goods; streets; sidewalks and other public places; taxation; and traffic and motor vehicles; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

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

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

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

**030308 Resolution Increasing Rates for Spaces and Services for Evergreen Cemetery (B)**

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

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

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

**030329 GACRAA - AUTHORIZING AND ACCEPTING GRANT OFFER FROM DOT, FAA (B)**

**A resolution of the City of Gainesville, Florida, authorizing acceptance of a grant offer 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.**

*Gainesville/Alachua County Regional Airport Director Rick Crider gave a presentation.*

**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 Domenech, that this matter be Adopted (Resolution). The motion carried by the following vote:**

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

## **PLAN BOARD PETITIONS**

## **DEVELOPMENT REVIEW BOARD PETITIONS**

## SCHEDULED EVENING AGENDA ITEMS

### UNFINISHED BUSINESS

### COMMISSION COMMENT

#### Commissioner Tony Domenech

*Commissioner Domenech asked staff to provide a report regarding City personnel who have been away on active duty in the military, and then return to work, what happens with regard to their pension.*

#### Commissioner Edward Braddy

- 1. County Wide Visioning and Planning*
- 2. Black on Black Crime Task Force*
- 3. Comprehensive Drug Plan Program See following referral item # 030331.*

#### 030331 Comprehensive Drug Plan Program (B)

**RECOMMENDATION** *The City Commission direct the City Manager to: 1) Schedule a 10 to 15 minute presentation regarding the Comprehensive Drug Plan Program to come before the full City Commission; and 2) that this presentation be made available to the public via the City's TV Channel 12.*

**A motion was made by Commissioner Braddy, seconded by Commissioner Domenech, that this matter be Referred to the City Manager, due back on February 25, 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

#### Mayor Tom Bussing

- 1. Florida League of Cities - Mayor Commissioner Pro Tem Chestnut and Commissioner Lowe gave brief summaries.*
- 2. North Florida Regional Planning Council - Update*
- 3. Community Workshops - Gainesville Energy Advisory Committee - Re: Making Plans For Our Next Source of Energy.*

*September 2, 2003 - Millhopper Library- 5:30 PM to 7:30 PM  
September 9, 2003 - Williams Elementary - 5:30 to 7:30 PM  
September 18, 2003-Tower Road Library - 5:30 to 7:30 PM*

**CITIZEN COMMENT**

*There were no citizens who wished to speak at this Citizen Comment time.*

**ADJOURNMENT - 7:46 PM**

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Kurt M. Lannon, Clerk of the Commission