

# **City of Gainesville**

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



## **Meeting Minutes**

**Monday, September 22, 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 - 1:03 PM**

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

**ROLL CALL**

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

**INVOCATION****Reverend Jane Hoffman, Trinity United Methodist Church****CONSENT AGENDA**

*Mayor Bussing moved and Commissioner Nielsen seconded to adopt the Consent Agenda with the following modification.*

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

*File # 030427 - Bid Award for RTS Creative Services Management Contract - Move from the Consent Agenda to the Regular Agenda for discussion.*

**CITY MANAGER, CONSENT AGENDA ITEMS****030414 Property Donation from Elizabeth S. Dell - Tax Parcel 06467-000-000 Located at 2509 NW 8th Avenue (B)**

**RECOMMENDATION** *The City Commission: 1) authorize the acceptance of the property donation with use restrictions; and 2) authorize the Clerk of the Commission to record the Special Warranty Deed.*

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

**030415 Change of use for the National Endowment for the Arts (NEA) match account (NB)**

**RECOMMENDATION** *The City Commission approve the transfer of the National Endowment for the Arts match account of \$45,479 into the 2003 Jazz Festival account.*

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

**030416 Settlement of Worker's Compensation Claim - Kirk Riley (NB)**

**RECOMMENDATION** *The City Commission authorize Special Counsel to prepare and execute the appropriate documents for a lump-sum settlement in the amount of \$113,000 for the Worker's Compensation claim of Kirk Riley.*

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

**030417 Evergreen Cemetery Trust Fund Investment Guidelines (B)**

**RECOMMENDATION** *The City Commission approve the revised Evergreen Cemetery Trust Fund Investment Guidelines and authorize City Staff to implement the necessary changes.*

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

**030418 Transfer of City-Owned Lot (South Half, Tax Parcel 13307; Lot 18) (B)**

**RECOMMENDATION** *The City Commission: 1) authorize the City to obtain an appraisal on the properties located at 515 Northwest 41st Avenue (parcel 07992-001-000), the Welch property, and 314 Southwest 8th Avenue (south half of parcel 13307, lot 18); 2) accept from Ms. Welch title to the property located at 515 Northwest 41st Avenue (parcel 07992-001-000); 3) authorize demolition of the structure located at 515 Northwest 41st Avenue (parcel 07992-001-000); 4) authorize the transfer of the City-owned lot, located at the south half of Tax Parcel #13307 (Lot 18) to Ms. Joetta Welch; 5) authorize the Housing Division to execute the required construction contract, purchase and sale agreement, subsidy agreements and any other documents, certifications or assurances required to consummate the transaction; and 5) authorize the Mayor and Clerk of the Commission to execute the warranty deed required to transfer title to the south half of parcel 13307 (lot 18) to Joetta Welch.*

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

**030419 Ratification of Contract for the International Fire Fighters Association Local No. 2157 (B)**

**RECOMMENDATION** *The City Commission ratify the Agreement between the International Association of Fire Fighters, Local No. 2157, and the City of Gainesville, covering the period from October 1, 2003, through September 30, 2006.*

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

**030420            Extension of Franchise Agreement with CoxCom, Inc. (B)**

**RECOMMENDATION**    *The City Commission authorize the Mayor and City Clerk to execute an extension of the Cable Television Franchise Agreement with CoxCom, Inc. for an additional six-month period, ending March 31, 2004.*

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

**030421            Amendment to Agreement with Gainesville-Alachua County Regional Airport Authority (B)**

**RECOMMENDATION**    *The City Commission approve the Third Amendment To Agreement between the City and GACRAA and authorize the Mayor to sign the Amendment on behalf of the City.*

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

**030422            Extension of the Cultural Arts Coalition Contract (B)**

**RECOMMENDATION**    *The City Commission approve a one-year extension from October 1, 2003 through September 30, 2004 with the Cultural Arts Coalition to operate and program the Wilhelmina Johnson Resource Center.*

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

**030423            Contract Extension for Professional Diet/Nutrition Services with Kathryn Parker, Inc. (B)**

**RECOMMENDATION**    *The City Commission authorize the City Manager or designee to execute a one-year extension from October 1, 2003 through September 30, 2004 with Kathryn Parker, Inc. for diet/nutritional services.*

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

**030424            Purchase of Central Recording Station for RTS Talking Bus System (NB)**

**RECOMMENDATION**    *The City Commission: 1) approve Digital Recorders as a specialized vendor; and 2) authorize the City Manager to issue a purchase order to Digital Recorders, in a not to exceed amount of \$34,000.*

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

**030425 Agreement with MV Transportation for ADA Services (B)**

**RECOMMENDATION** *The City Commission authorize the City Manager or designee to execute the agreement with MV Transportation as the Community Transportation Coordinator for transportation services in Alachua County for the period of October 1, 2003 through September 30, 2004, and any other necessary documents.*

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

**030426 Bid Award for Construction of RTS Parking Lot Expansion and Stormwater Management Facility (B)**

**RECOMMENDATION** *The City Commission: 1) approve the bid award to WCC Site Development, Inc.; and 2) authorize the City Manager or designee to execute a contract with WCC Site Development, Inc., in a not to exceed amount of \$107,040.*

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

**030428 Award of Actuarial Services Contract (B)**

**RECOMMENDATION** *The City Commission authorize the City Manager or his designee to negotiate and execute a contract for actuarial services with Actuarial Concepts, Inc.*

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

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

**030436 Trunked Radio System Service Agreements (NB)**

**RECOMMENDATION** *The City Commission authorize the General Manager or his designee to execute Technical Support and Software Subscription Agreements with Motorola Inc. to support the maintenance and service needs of the Trunked Radio System during FY 2004, subject to the approval of the City Attorney as to form and legality and approve the issuance of purchase orders to Motorola, Inc. for these services in amounts not to exceed budgeted amounts for FY04.*

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

**030437 Partial Release of Easement to Badcock Corporation (B)**

**RECOMMENDATION** *The City Commission: 1) approve the partial release of a platted public utility easement; and 2) authorize the Mayor and Clerk of the Commission to execute the Partial Release of Easement, substantially in the form on file, 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****CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS****030413 City Commission Minutes (B)**

**RECOMMENDATION** *The City Commission approve the minutes of September 8, 2003, as circulated.*

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

**COMMITTEE REPORTS, CONSENT AGENDA ITEMS****COMMUNITY DEVELOPMENT COMMITTEE, CONSENT****030230 Landlord Licensing Ordinance (NB)**

**RECOMMENDATION** *Community Development Committee to the City Commission: 1) the City continue requiring that landlords provide all tenants with copies of the state law controlling residential tenancies, the City ordinance on landlord permits, and the City pamphlet on guidelines for rentals in residential neighborhoods; and 2 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 Mayor Bussing, seconded by Commissioner Nielsen, 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, Chuck Chestnut, Warren Nielsen, Rick Bryant and Craig Lowe  
Absent: Edward Braddy

**COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS**

**END OF CONSENT AGENDA**

## ADOPTION OF THE REGULAR AGENDA

*NOTE: Mayor Bussing assumed the gavel before this motion.*

*Commissioner Domenech moved and Commissioner Nielsen seconded to adopt the Regular Agenda with the following modification:*

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

*File #030435 - Water Protection - (Additional back-up submitted).*

## CHARTER OFFICER UPDATES

## CLERK OF THE COMMISSION

## CITY MANAGER

### 030429 ARTSREACH Exhibits (NB)

*ARTSREACH Coordinator Donna Born Drake gave a presentation.*

*NOTE: Commissioner Braddy entered the meeting room at 1:14 PM.*

**RECOMMENDATION** *The City Commission hear a brief presentation by Donna Born Drake, ARTSREACH Coordinator for the Department of Cultural Affairs, introducing the exhibitions of Art in City Hall, Art in the Alachua County Administration Building and Art in the Airport.*

**Heard**

### 030430 Renewal of Gainesville Technology Enterprise Center (GTEC) Management and Operating Agreement (B)

*City of Gainesville Economic Development Director Erik Bredfeldt gave a presentation.*

**RECOMMENDATION** *The City Commission: 1) hear a brief presentation from staff on proposed modifications to the Technology Enterprise Center Operating and Management Agreement; 2) authorize the City Manager to execute the modified Agreement with an effective date of October 1, 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

**030431 Presentation of Gainesville Police Department's Comprehensive Drug Plan (B)**

*City of Gainesville Police Chief Norm Botsford, Lieutenant Edward Van Winkle and Lieutenant Edwin Book gave presentations.*

**RECOMMENDATION** *The City Commission hear a brief presentation by the Gainesville Police Department on the Comprehensive Drug Plan.*

**Heard**

**030432 Summer Playground Update (B)**

*Recreation Manager Sheryl M. Ryan and Recreation Manager Jeff Moffitt gave presentations.*

*MOTION: Commissioner Domenech moved and Commissioner Bryant seconded to authorize the Mayor to prepare a letter from the City Commission to the School Board of Alachua County stating that the City Commission of Gainesville strongly supports the idea or concept of extensive utilization of school board facilities for various recreation endeavors.*

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

*REFERRAL: Commissioner Nielsen moved and Commissioner Domenech seconded to refer staff's recommendations to the Recreation and Cultural Affairs Committee.*

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

*NOTE: The above referral was added to the referral list.*

**RECOMMENDATION** *The City Commission: 1) hear the presentation from staff on the Summer Playground program; and 2) take appropriate action on staff's recommendations for the Fiscal Year 2004 Summer Playground Program.*

**Approved, as shown above**

**030444 Roper Park Historic Marker (NB)**

*Historic Preservation Planner Dee Henrichs, Parks Manager Pat Byrne and Roper Park Committee Representative Melanie Barr gave presentations.*

*MOTION: Approve the co-sponsorship of the Roper Historic Marker in the amount of \$360.00 from the City Commission Contingency Fund.*

**RECOMMENDATION** *The City Commission hear a report from staff and take action*

*deemed appropriate.*

**A motion was made by Commissioner Lowe, seconded by Commissioner Nielsen, that this matter be Approved, as shown above. 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

**030427 Bid Award for RTS Creative Services Management Contract (B)**

*Regional Transit System (RTS) Director Jeff Logan gave a presentation.*

**RECOMMENDATION** *The City Commission: 1) approve the bid award to The Zimmerman Agency; and 2) authorize the City Manager or designee to execute a contract with The Zimmerman Agency for the period of October 1, 2003 through September 30, 2004, and any other necessary documents.*

**A motion was made by Commissioner Lowe, 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

## **GENERAL MANAGER FOR UTILITIES**

**030391 City Commission Referral Item #030391: Wastewater System Review (NB)**

*Assistant General Manager for Water/Wastewater Utilities Bob McVay gave a presentation.*

*Chair Bussing recognized Citizen Walter Willard who spoke to the matter.*

**RECOMMENDATION** *The City Commission hear a presentation from GRU Staff concerning the Wastewater System Review Referral Item # 030391 and remove this Item from the General Manager Referral List.*

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

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

## **CITY ATTORNEY**

**CITY AUDITOR****COMMITTEE REPORTS (PULLED FROM CONSENT)**

*NOTE: Equal Opportunity Committee Item # 030313 - Interlocal Agreement for Administration of the County's Human Rights Ordinance within the Gainesville City Limits and Recreation and Cultural Affairs Committee Item # 030328 - Recommendation to Rename the Westside Tennis Facility to the Joyce Oransky Tennis Facility were continued to the evening portion of the agenda.*

**ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)****OUTSIDE AGENCIES****COMMISSION COMMENTS (if time available)****RECESS - 4:37 PM****RECONVENE - 5:35 PM****CITIZEN COMMENT****Joe Jackson**

*Homeless Issues*

**COMMISSION COMMENTS****Commissioner Tony Domenech**

*Need for alternate member of the Alachua County Transportation Coordinating Committee - Commissioner Warren Nielsen volunteered to be the alternate member.*

**WAIVER OF RULES**

*Commissioner Chestnut moved and Commissioner Nielsen seconded to waive the rules to continue File # 030313 "Interlocal Agreement for Administration of the County's Human Rights Ordinance within the Gainesville City Limits" to the end of this evening's agenda; and to take up File # 030328 - Recommendation to Rename the Westside Tennis Facility to the Joyce Oransky Tennis Facility.  
(VOTE: 7-0, MOTION CARRIED)*

**RECREATIONAL and CULTURAL AFFAIRS COMMITTEE**

**030328 Recommendation to Rename the Westside Tennis Facility to the Joyce Oransky Tennis Facility (NB)**

**RECOMMENDATION** *The City Commission: 1) hear the request by staff to rename the Westside Tennis Facility to the Joyce Oransky Tennis Facility; and 2) take the appropriate action on the request.*

**A motion was made by Commissioner Bryant, 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, Warren Nielsen, Rick Bryant and Craig Lowe

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

**Boy Scout Troop 307**

**PROCLAMATIONS/SPECIAL RECOGNITIONS**

**030438 Seventeenth Annual Public Power Week - October 5-11, 2003 (B)**

**RECOMMENDATION** *General Manager for Gainesville Regional Utilities Mike Kurtz to accept the proclamation.*

**Heard**

**PUBLIC HEARINGS**

**030439 FINAL MILLAGE RATE RESOLUTION (B)**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA; RELATING TO THE LEVY OF GENERAL MUNICIPAL PURPOSE AD VALOREM TAXES FOR THE 2003-2004 FISCAL YEAR; ADOPTING THE FINAL MILLAGE RATE; DIRECTING THE TRANSMITTAL OF CERTIFIED COPIES; AUTHORIZING A SPECIFIED ADJUSTMENT TO THE FINAL MILLAGE RATE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.**

*City of Gainesville Office of Management and Budget (OMB) Director Becky Rountree gave a presentation.*

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

**A motion was made by Commissioner Nielsen, 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

040

**GENERAL GOVERNMENT BUDGET (B)****ORDINANCE NO. 0-03-86**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA; RELATING TO ITS GENERAL GOVERNMENT BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2003 AND ENDING SEPTEMBER 30, 2004; ADOPTING THE GENERAL OPERATING AND FINANCIAL PLAN BUDGET; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.**

*OMB Director Becky Rountree gave a presentation.*

*Chair Bussing recognized East Gainesville Development Corporation Vice Chair Odetta MacCleish-White and East Gainesville Development Corporation Chair Scherwin Henry who spoke to the matter.*

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

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

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

030345

**GAINESVILLE REGIONAL UTILITIES BUDGET (B)****ORDINANCE NO. 0-03-87**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA; RELATING TO THE BUDGET FOR THE CITY OF GAINESVILLE REGIONAL UTILITIES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2003 AND ENDING SEPTEMBER 30, 2004; PROJECTING REVENUES AND ADOPTING A BUDGET TO PAY FOR PERSONAL SERVICES EXPENSES, OPERATING AND MAINTENANCE EXPENSES AND OTHER EXPENSES, FOR CAPITAL OUTLAY, AND FOR DEBT SERVICE REQUIREMENTS; 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

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

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

### **030131 EXERCISE STUDIO - LAND DEVELOPMENT CODE (B)**

#### **ORDINANCE NO. 0-03-82; PETITION 85TCH-03 PB**

**An Ordinance of the City of Gainesville, Florida; amending section 30-23, adding the definition of Exercise Studio, amending subsection 30-59(e), Land Development Code, adding Exercise Studio as a permitted use in the OF (General Office) district; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

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

**RECOMMENDATION** *The City Commission: (1) approve Petition 85TCH-03 and (2) adopt the proposed ordinance.*

**A motion was made by Mayor-Commissioner Pro Tem Chestnut, seconded by Commissioner Lowe, 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, Chuck Chestnut, Warren Nielsen, Rick Bryant and Craig Lowe  
Absent: Edward Braddy

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

### **030289 THIRD BUDGET AMENDMENT - FY 2003 (B)**

#### **ORDINANCE NO. 0-03-88**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA; RELATING TO ITS GENERAL GOVERNMENT BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2002 AND ENDING SEPTEMBER 30, 2003; AMENDING ORDINANCE NO. 020351 AS AMENDED BY ORDINANCE NO. 020900 AND 030011, BY MAKING CERTAIN ADJUSTMENTS TO THE GENERAL FINANCIAL AND OPERATING PLAN BUDGET; AND PROVIDING AN IMMEDIATE**

**EFFECTIVE DATE.**

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

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

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

**021035 (Quasi-Judicial) PLANNED DEVELOPMENT - VILLAS AT GREENBRIAR (B)**

**ORDINANCE NO. 0-03-65, PETITION NO. 30PDV-03PB**

**An Ordinance of the City of Gainesville, Florida; amending the Zoning Map Atlas and rezoning certain property within the City from "RSF-1 (3.5 units/acre single-family residential district" to "Planned Development District"; located in the vicinity of 1804 N.W. 34th Street; commonly known as "Villas at Greenbriar"; adopting a development plan report and development plan maps; providing conditions and restrictions; providing for enforcement; 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 Commissioner Nielsen, 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

**020588 LAND USE CHANGE - UNIVERSITY HEIGHTS NEIGHBORHOOD (B)**

**ORDINANCE NO. 0-03-35, PETITION 114LUC-02PB**

**An Ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by changing the land use categories of certain properties within the City from "Office" to "Mixed Use Low Intensity (10-30 units per acre) and "Residential High Density (8-100 units per acre)"; in the area generally bounded on the North by West University Avenue, bounded on the South by S.W. 3rd Avenue, bounded on the East by S.W. 6th Street and bounded on the West by S.W. 10th Street, as more specifically described in the ordinance; providing a severability clause; providing a repealing clause; and providing an effective date.**

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

**RECOMMENDATION** *The City Commission (1) receive the preliminary review of the Department of Community Affairs; and (2) adopt the proposed ordinance.*

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

**021176 LAND USE CHANGE - SW CONSERVATION AREA (B)**

**ORDINANCE NO. 0-03-49, PETITION 130LUC-02PB**

**An Ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Plan; by changing the land use categories of certain properties annexed into the City from the Alachua County land use categories of "LOW, Low Density Residential" and "CON, Conservation" to the City of Gainesville land use category of "Conservation", as more specifically shown on the maps attached to this ordinance; generally located West of I-75, South and East of SW 30th Avenue and north of the existing City Limits; providing a severability clause; providing a repealing clause; and providing an effective date.**

**RECOMMENDATION** *The City Commission (1) receive the preliminary review of the Department of Community Affairs; and (2) adopt the proposed ordinance.*

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

**021177 LAND USE CHANGE - BUCKRIDGE ANNEXATION (B)**

**ORDINANCE NO. 0-03-51, PETITION 130LUC-02PB**

**An Ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by changing the land use categories of certain properties annexed into the City from the Alachua County land use categories of "LOW, Low Density Residential", "INST, Institutional", "OFF, Office", and "COMM, Commercial" to the City of Gainesville land use categories of "Single Family (up to 8 units per acre)", "Office", and "Commercial"; as more specifically shown on the maps attached to this ordinance; generally located West of N.W. 43rd Street, North of N.W. 23rd Avenue, South of N.W. 29th Avenue and East of N.W. 49th Terrace; providing a severability clause; providing a repealing clause; and providing an effective date.**



**RECOMMENDATION** *The City Commission (1) receive the preliminary review of the Department of Community Affairs; and (2) 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, Tony Domenech, Edward Braddy, Chuck Chestnut, Warren Nielsen, Rick Bryant and Craig Lowe

**021178**

**LAND USE CHANGE - BLUES CREEK ANNEXATION (B)**

**ORDINANCE NO. 0-03-47, PETITION 130LUC-02PB**

**An Ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by changing the land use categories of certain properties annexed into the City from the Alachua County land use categories of "LOW, Low Density Residential" and "CON, Conservation" to "Single Family (up to 8 units per acre)", as more specifically shown on the maps attached to this ordinance; generally located west of N.W. 43rd Street, south of the existing City limits, north of N.W. 69th Lane and NW 73rd Avenue and east of the existing City limits; providing a severability clause; providing a repealing clause; and providing an effective date.**

**RECOMMENDATION** *The City Commission (1) receive the preliminary review of the Department of Community Affairs; and (2) 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: Tony Domenech, Edward Braddy, Chuck Chestnut, Warren Nielsen and Rick Bryant  
Nay: Tom Bussing and Craig Lowe

**021179**

**LAND USE CHANGE - IRONWOOD ANNEXATION (B)**

**ORDINANCE NO. 0-03-39, PETITION 130LUC-02PB**

**An Ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by changing the land use categories of certain properties annexed into the City from various Alachua County land use categories to various City of Gainesville land use categories, as more specifically shown on the maps attached to this ordinance; generally located North of N.E. 39th Avenue, South of N.E. 53rd Avenue, East of N.E. 15th Street, and West of Waldo Road; providing a severability clause; providing a repealing clause; and providing an effective date.**

**RECOMMENDATION** *The City Commission (1) receive the preliminary review of the Department of Community Affairs; and (2) 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

**021190**

**LAND USE CHANGE - SOUTHWEST AREA ANNEXATION (B)**

**ORDINANCE NO. 0-03-43, PETITION 130LUC-02PB**

**An Ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by changing the land use categories of certain properties annexed into the City from various Alachua County land use categories to various City of Gainesville land use categories, as more specifically shown on the maps attached to this ordinance; located generally north of Williston Road, east of Interstate 75, and the vicinity of Archer Road and S.W. 23rd Street; providing a severability clause; providing a repealing clause; and providing an effective date.**

**RECOMMENDATION** *The City Commission (1) receive the preliminary review of the Department of Community Affairs; and (2) adopt the proposed ordinance.*

**A motion was made by Commissioner Nielsen, 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

**020720**

**COMPREHENSIVE PLAN AMENDMENT - CAPITAL IMPROVEMENTS ELEMENT (B)**

**ORDINANCE NO. 0-03-20; PETITION NO. 126CPA-02 PB**

**An ordinance of the City of Gainesville, Florida, amending the City of Gainesville Capital Improvements Element of the City of Gainesville 2000-2010 Comprehensive Plan; adopting the annual update of the 5-Year Schedule of Capital Improvements; amending Policy 1.8.1, relating to Gainesville Regional Utilities debt management policy, providing directions to the city manager; providing a severability clause; providing a repealing clause; and providing an effective date.**

**RECOMMENDATION** *The City Commission (1) receive the preliminary review of the*

*Department of Community Affairs; and (2) adopt the proposed ordinance.*

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

**020721            COMPREHENSIVE PLAN AMENDMENT - POTABLE WATER AND WASTEWATER ELEMENT (B)**

**ORDINANCE NO. 0-03-21; PETITION NO. 127CPA-02 PB**

**An ordinance of the City of Gainesville, Florida, amending the City of Gainesville Potable Water and Wastewater Element of the City of Gainesville 2000-2010 Comprehensive Plan; amending Policy 1.1.1 changing the LOS standard for potable water storage capacity; amending Policy 1.2.1 changing the completion date and upgrade size for the Kanapaha Water Reclamation Facility; deleting Policies 1.2.2 and 1.2.3 to reflect completion of projects listed in the 5-Year Schedule of Capital Improvements; providing directions to the city manager; providing a severability clause; providing a repealing clause; and providing an effective date.**

**RECOMMENDATION**    *The City Commission (1) receive the preliminary review of the Department of Community Affairs; and (2) 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

**RESOLUTIONS- ROLL CALL REQUIRED**

**030433            Resolution for Granting Property on Southeast Corner of South Main Street and Depot Avenue to FDOT (B)**

**RECOMMENDATION**    *The City Commission: 1) adopt the Resolution; and 2) authorize the Mayor to execute a City Deed to FDOT for right-of-way on the southeast corner of South Main Street and Depot Avenue.*

**A motion was made by Commissioner Nielsen, 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, Chuck Chestnut, Warren Nielsen, Rick Bryant and Craig Lowe  
Nay: Edward Braddy

## PLAN BOARD PETITIONS

**030130**      **A Planned Development Amendment to extend the expiration date to 5 years beyond the approval date of the proposed PD amendment (2008) for property located at 3701 Northwest 40th Terrace. (B)**

*City of Gainesville Chief of Current Planning Lawrence Calderon gave a presentation.*

**RECOMMENDATION**      *City Plan Board to City Commission - The City Commission approve Petition 76PDA-03 PB, with staff conditions. Plan Board vote 4-0*

*Staff to Plan Board - Approve, with staff conditions, including existing conditions.*

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

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

## DEVELOPMENT REVIEW BOARD PETITIONS

**030434**      **Design Plat approval of Creek View Cluster Subdivision, located in the vicinity of Northwest 29th Avenue and Northwest 22nd Drive. (B)**

*City of Gainesville Planner Gene Francis and Jay Brown of Brown and Cullen gave presentations.*

**RECOMMENDATION**      *Development Review Board to City Commission - The City Commission approve Petition 89SUB-03DB, with staff conditions.*

*Staff to Development Review Board -The Design Plat is approvable with conditions.*

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

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

**SCHEDULED EVENING AGENDA ITEMS****UNFINISHED BUSINESS****EQUAL OPPORTUNITY COMMITTEE****030313 Interlocal Agreement for Administration of the County's Human Rights Ordinance within the Gainesville City Limits (NB)**

*City of Gainesville Equal Opportunity Director Jimmie Williams gave a presentation.*

*ORIGINAL MOTION: Commissioner Lowe moved and Commissioner Bryant seconded to approve the recommendation.*

*ROLL CALL VOTE:*

*Commissioner Bryant - Yes*

*Commissioner Braddy - No*

*Commissioner Nielsen - Yes*

*Commissioner Domenech - No*

*Commissioner Chestnut - Yes*

*Commissioner Lowe - Yes*

*Mayor Bussing - Yes*

*(VOTE: 5-2, MOTION CARRIED)*

*AMENDMENT TO MOTION: Commissioner Domenech moved and Commissioner Braddy seconded to approve the recommendation inserting an item 3) changing the definition of employer in the ordinance from 2 to 15.*

*ROLL CALL VOTE:*

*Commissioner Lowe - No*

*Commissioner Chestnut - No*

*Commissioner Domenech - Yes*

*Commissioner Nielsen - No*

*Commissioner Braddy - Yes*

*Commissioner Bryant - Yes*

*Mayor Bussing - No*

*(VOTE: 3-4, MOTION FAILED)*

*Chair Bussing recognized Bob Karp who spoke to the matter.*

**RECOMMENDATION** *The City Commission: 1) let the Interlocal Agreement lapse; 2) change the City's Ordinance to add protective classes that were included prior to the Interlocal Agreement; 3) compensate the County to continue investigations to January 1, 2004.*

**A motion was made by Commissioner Lowe, seconded by Commissioner Bryant, that this matter be Approved, as shown above (First Motion). 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

## MEMBERS OF THE CITY COMMISSION

### 030435 Commissioner Edward Braddy - Water Protection (B)

*MOTION: The City Commission authorize: 1) The development of an Ad Hoc Committee on issues of potential state wide water redistribution; 2) that the committee be composed of Commissioner Braddy and Commissioner Lowe; 3) that Commissioner Penny Wheat be invited to the meeting, as well as any other interested parties (including the City Attorney and the General Manager for Utilities); and 4) to notice this meeting as soon as possible for purposes of reporting back at the Joint/City County meeting scheduled for September 29, 2003.  
(VOTE: 7-0, MOTION CARRIED)*

**RECOMMENDATION** *The City Commission hear a presentation from Commissioner Edward Braddy regarding a water protection resolution.*

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

## COMMISSION COMMENT

### Mayor Tom Bussing

- 1. Alachua County Commissioner Rodney Long - Letter Regarding Occupational License Fees - See following referral item # 030456.*
- 2. Recognition of Mayor-Commissioner Pro Tem Chuck Chestnut for being appointed to the the Advocacy Committee of the Florida League of Cities and also for being appointed as Chair of the Municipal Finance Taxation Policy Committee of the Florida League of Cities.*

### 030456 Occupational License Fees (B)

**RECOMMENDATION** *The City Commission direct the City Manager to work with the County Manager regarding Occupational License Fees.*

**A motion was made by Commissioner Nielsen, seconded by Mayor-Commissioner Pro Tem Chestnut, that this matter be Referred to the City Manager, due back on March 22, 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

**Commissioner Chestnut**

1. *GPD Incident*
2. *Kennedy Homes Task Force Update*

**Commissioner Domenech**

1. *Transportation Coordinating Committee Update - 1/2 cent levy for roads.*
2. *Alachua County League of Cities - Commissioner Braddy -Representative and Commissioner Lowe - Alternate.*

**Commissioner Warren Nielsen**

*East Gainesville Development Corporation - Funding Request*

**Commissioner Rick Bryant**

*East Gainesville Development Corporation - Funding Request*

**General Manager for Utilities Mike Kurtz**

*Staff Presentation Re: Contamination from the Koppers site, next City Commission meeting (October 13, 2003).*

**CITIZEN COMMENT - There were no citizens who wished to speak at this time.**

**ADJOURNMENT - 9:29 PM**

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Kurt M. Lannon, Clerk of the Commission