

# **City of Gainesville**

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



## **Meeting Minutes**

**Monday, September 8, 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 - 1:04 PM****ROLL CALL**

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

**INVOCATION****Rabbi David Kaiman, B'nai Israel Congregation****CONSENT AGENDA**

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

*File #030352 - Contract for Recurring Costs for Wireless Data Service with T-Mobile of Jacksonville, Florida - (Correct figure should be \$145,200).*

**CITY MANAGER, CONSENT AGENDA ITEMS****030350 Grant Application - Home Depot Community Giving (B)**

**RECOMMENDATION** *The City Commission: 1) authorize the City Manager, or his designee to apply for a Home Depot Community Giving Grant; and 2) to execute the application, contract and other grant-related documents, if awarded.*

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

**030351 Florida Recreation Development Assistant Program (FRDAP) Grant Application for Hogtown Creek Greenway Phase 1B Development (NB)**

**RECOMMENDATION** *The City Commission: 1) approve the grant application to the State of Florida, Department of Environmental Protection Florida Recreation Development Assistant Program; 2) authorize the City Manager to execute the application; and 3) authorize the City Manager to execute the grant agreement and other grant-related documents, if awarded.*

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

**030362 Florida Recreation Development Assistance Program (FRDAP) Grant Application for Depot Park (B)**

**RECOMMENDATION** *The City Commission: 1) approve the grant application to the State of Florida, Department of Environmental Protection, Florida Recreation Development Assistance Program; 2) authorize the City Manager to execute the application; and 3) authorize the City Manager to execute the grant agreement and other related documents, if awarded.*

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

**030352 Contract for Recurring Costs for Wireless Data Service with T-Mobile of Jacksonville, Florida (NB)**

**RECOMMENDATION** *The City Commission: 1) approve the appropriation and expenditure of an amount not to exceed \$145,200 from the Federal Law Enforcement Contraband Forfeiture Trust fund for high speed wireless data service; 2) authorize the issuance of a Purchase Order in an amount not to exceed \$145,200 to T-Mobile of Jacksonville, Florida, as a specified source; and 3) authorize the City Manager or his designee to execute the contract and necessary documents.*

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

**020661 Asplundh Tree Expert Contract Extension (NB)**

**RECOMMENDATION** *The City Commission: approve the issuance of a Purchase Order to Asplundh Tree Expert Company in an amount not to exceed \$37,000 for services required by the Recreation and Parks Department for FY 2004.*

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

**030354 Extension of the Armored Car Services Contract (B)**

**RECOMMENDATION** *The City Commission: 1) approve the second extension to the contract with Certified Armored Services, Inc. of Gainesville, Florida for armored car services; and 2) authorize the City Manager or his designee to execute the extension.*

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

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

**030338 Approval of an Amendment to Contract for Janitorial Services (NB)**

**RECOMMENDATION** *The City Commission: 1) authorize the General Manager, or his designee to execute a contract with the Florida Association of Rehabilitative Facilities, Inc. d/b/a RESPECT of Florida for janitorial services for FY 2004, subject to the approval of the City Attorney as to form and legality; and 2) approve the issuance of a purchase order to RESPECT of Florida in an amount not to exceed \$165,714.84, subject to the final appropriation of funds for FY 2004.*

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

**030339 Gainesville Regional Utilities' Security System at the Deerhaven Generating Station (NB)**

**RECOMMENDATION** *The City Commission: 1) authorize the General Manager or his designee to execute a contract with Crime Prevention Security Systems, Inc., for the purchase and installation of a system of security cameras at the Deerhaven Generating Station subject to the approval of the City Attorney as to form and legality; and 2) approve the issuance of a purchase order to Crime Prevention Security Systems, Inc., in the amount of \$44,235.*

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

**030348 Approval of Purchase Orders for Directional Boring for Water/Wastewater Department (NB)**

**RECOMMENDATION** *The City Commission approve the issuance of additional purchase orders to D&D, Inc. for directional boring for the Water and Wastewater (W/WW) Departments, in amounts not to exceed \$300,000, subject to approval of the final appropriation of funds for FY 04.*

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

**CITY ATTORNEY, CONSENT AGENDA ITEMS****030340 EDDIE JONES VS. CITY OF GAINESVILLE and OFFICER FREDERICK E. CUMMINGS; CASE NO.: 01-03-CA-2971K (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 Eddie Jones vs. City of Gainesville and Officer Frederick E. Cummings; Alachua*

*County Circuit Court; Case No.: 01-03-CA-2971.*

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

**030341 EEOC CHARGE NO. 150-2003-03595 KIRK RILEY 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 Kirk Riley vs. the City of Gainesville; EEOC Charge No.: 150-2003-03595.*

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

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

**030346 City Commission Minutes (B)**

**RECOMMENDATION** *The City Commission approve the minutes from August 18, 2003 (Special Mtg.); and August 25, 2003 (Regular Mtg.); as circulated.*

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

**030347 Resignation - Gainesville Energy Advisory Committee (B)**

**RECOMMENDATION** *The City Commission accept the resignation of Gainesville Energy Advisory Committee member Jon Heise effective immediately.*

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

**030360 Special City Commission Meetings (B)**

**RECOMMENDATION** *The City Commission schedule two special meetings on September 29, 2003.*

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

**COMMITTEE REPORTS, CONSENT AGENDA ITEMS**

**AUDIT & FINANCE COMMITTEE, CONSENT**

**030288 GRU Quarterly Monitoring Report ended June 30, 2003 (B)**

**RECOMMENDATION** *The Audit and Finance Committee recommends that the City Commission receive the GRU Quarterly Monitoring Report for the quarter ended June 30, 2003.*

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

**030290 FY 2003 Operating Funds Quarterly Monitoring Report - Quarter Ending June 30, 2003 (B)****...Explanation**

The City's General Government Budget Policy requires staff to prepare and submit a quarterly budget compliance report in substantially the same form as the final budget document, for all major operating funds, including the status of General Fund fund balances, to the Audit and Finance Committee.

**...Recommendation**

The Audit and Finance Committee recommends that the City Commission receive the quarterly budget monitoring report for the quarter ended June 30, 2003.

**RECOMMENDATION** *The Audit and Finance Committee recommends that the City Commission receive the quarterly budget monitoring report for the quarter ended June 30, 2003.*

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

**030291 Semi-Annual Report on the Status of Outstanding Audit Recommendations for August 2003 (B)**

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

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

**Passed The Consent Agenda**

**A motion was made by Commissioner Domenech, 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, 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 Nielsen seconded to approve the Regular Agenda with the following modifications:*

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

### *REGULAR AGENDA - MODIFICATIONS:*

*File #030292 - Combined Communication Center Expenditures and Call Data Statistics - (Withdraw from the agenda).*

*File #030359 - Annual Performance, Salary and Benefits Review for the City Manager - (Withdraw from the agenda).*

*File #030384 - New Item - City of Gainesville, Florida v. State of Florida and the Florida Department of Transportation Case No. SC02-1696 ( Re: Stormwater Ordinance).*

### *REGULAR AGENDA - ADDITIONAL BACK-UP SUBMITTED:*

*File #030355 - Amended & Restated Option for Acquisition of Downtown Parking Garage Site - (Back up material submitted).*

*File #030356 - SW Quadrant Parking Garage - Response to City Request for Proposal for Design/Build Contract - (Back-up material submitted).*

*File #030344 - General Government Budget Ordinance - (Additional Back-up Submitted).*

*File #030289 - Third Budget Amendment - (Additional Back-up submitted - Exhibit A).*

## CHARTER OFFICER UPDATES

## CLERK OF THE COMMISSION

## CITY MANAGER

### **030361 Earned Income Tax Credit (B)**

*Chair Bussing recognized United Gainesville Community Development Corporation Representative Appie Graham who gave a presentation.*

*MOTION: Continue the direction as presented by the City Manager as expeditiously as possible and the City Commission fully endorse the program.*

**RECOMMENDATION** *The City Commission hear a presentation from the Internal Revenue Service.*

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

**030355 Amended and Restated Option for Acquisition of Downtown Parking Garage Site (B)**

*City Manager Wayne Bowers and Senior Assistant City Attorney Charles Hauck gave presentations.*

*MOTION: Approve the City Manager's recommendation to schedule a Special City Commission Meeting for Monday, September 15, 2003, at 4:00 PM for presentation of the final documents regarding File #'s 030355 and 030356 (Downtown Parking Garage).*

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

**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.*

**A motion was made by Commissioner Domenech, 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

**030356 SW Quadrant Parking Garage - Response to City Request for Proposal for Design/Build Contract (B)**

*City Manager Wayne Bowers and Traffic Engineering Manager Brian Kanely gave presentations.*

**RECOMMENDATION** *The City Commission hear an update from staff and approve the design elements to be included in the design-build contract with Finfrock.*

**Discussed**

**030357 Residential Solid Waste Collection Services Contract (B)**

*City of Gainesville Public Works Director Teresa Scott gave a presentation.*

*Chair Bussing recognized Waste Management Marketing Director Carl (Bubba) Bussard spoke to the matter.*



**RECOMMENDATION** *The City Commission: 1) approve the contract for Residential Solid Waste Collection Services with Waste Management, Inc.; and 2) authorize the City Manager to execute the contract and any necessary related documents.*

**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

**030358            Portable Ice Skating Rink (B)**

*City of Gainesville Cultural Affairs Director Dr. Lemuel Moore, Assistant City Manager Carl Harness and Events Coordinator Laurel DeWild gave presentations.*

**RECOMMENDATION** *The City Commission hear a report from Cultural Affairs and approve the use of the department fund balance.*

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

## **GENERAL MANAGER FOR UTILITIES**

## **CITY ATTORNEY**

**030384            City of Gainesville, Florida v. State of Florida and the Florida Department of Transportation Case No. SC02-1696 - Amici include James R. English, Linda R. Hurst, Harry Morrison, Jr., Rebecca A. O'Hara, Alan S. Zimmet, Elita D. Cobbs, Erin L. Deady, C. Allen Watts and Ty Harris (B)**

*City Attorney Marion Radson and Litigation Attorney Elizabeth Waratuke gave presentations.*

**Heard**

## **CITY AUDITOR**

## **COMMITTEE REPORTS (PULLED FROM CONSENT)**

## **PUBLIC WORKS COMMITTEE**

**PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE**

**PUBLIC SAFETY COMMITTEE**

**AUDIT & FINANCE COMMITTEE**

**030292            Review of Combined Communication Center Expenditures and Call Data Statistics (B)**

**RECOMMENDATION**    *The Audit and Finance Committee recommends the City Commission: 1) Direct the City Auditor to suspend the Review of Combined Communication Center Expenditures and Call Data Statistics, and 2) hear a report and take action deemed appropriate.*

**Withdrawn**

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

**OUTSIDE AGENCIES**

**MEMBERS OF THE CITY COMMISSION**

**030335            Mayor-Commissioner Pro Tem Chuck Chestnut - Florida League of Cities Conference (B)**

**RECOMMENDATION**    *The City Commission hear an update from Mayor-Commissioner Pro Tem Chuck Chestnut on the Florida League of Cities Conference.*

**Heard**

**030359            Annual Performance, Salary, and Benefits Review for the City Manager (NB)**

**RECOMMENDATION**    *The City Commission review the salary and benefits of the City Manager and make any changes deemed appropriate.*

**Withdrawn**

**COMMISSION COMMENTS (if time available)**

**Commissioner Tony Domenech**

1. *Commissioner Domenech asked for an update on the status of the Towing Advisory Board.*

*The City Manager reported that the first meeting of that board will be held October 9, 2003, 3:00 PM, at GPD.*

2) *Towing Company Practices - See following referral item # 030386.*

**030386 Towing Company Practices (NB)**

**RECOMMENDATION** *The City Commission request staff provide a very thorough report to the City Commission regarding what the City can do to impact these increasingly predatory practices involving roam towing.*

**A motion was made by Commissioner Domenech, seconded by Commissioner Braddy, that this matter be Referred to the City Manager, due back on March 8, 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 Ed Braddy**

*Homeless Activities Downtown - deferred to the end of the meeting.*

**RECESS - 3:55 PM**

**RECONVENE - 5:31 PM**

**CITIZEN COMMENT (5:30pm) - Please fill out card and hand to the Clerk**

**Mike Gamble**

*Speed Table - NW 7th Place - opposed*

**Mark Goldstein**

*Speed Table - NW 7th Place - support*

**Pvt. First Class Eric McCormick**

*Iraq War - Thanks for City's support.*

**Melanie Barr - Roper Park Committee**

*Roper Park Monument - City Co Sponsorship for \$360.00.*

*City Manager to report back at the next regular City Commission Meeting.*

**COMMISSION COMMENTS (if time available)****PLEDGE OF ALLEGIANCE (6:00pm)****PROCLAMATIONS/SPECIAL RECOGNITIONS****030349 POW/MIA Recognition Day (B)**

**RECOMMENDATION** *Gator Detachment Marine Corp League Commandant Bob Gasche, Sr. Vice Commandant Gary Powers, and Jr. Vice Commandant Dick Lester to accept the proclamation.*

**Heard**

**PUBLIC HEARINGS****030342 PROPOSED 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; ESTABLISHING A PROPOSED MILLAGE RATE; SETTING A PUBLIC HEARING; PROVIDING FOR THE PUBLICATION OF NOTICE; 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

**030343 TENTATIVE GENERAL GOVERNMENT BUDGET RESOLUTION (B)**

**A resolution 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 an Amended Tentative General Operating and Financial Plan Budget; Providing an Immediate Effective Date.**

*OMB Director Becky Rountree a gave a presentation.*

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

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

*City of Gainesville Recreation Manager Jeff Moffat gave a presentation.*

**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, 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 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

**ADOPTION READING-ROLL CALL REQUIRED**

**030113 REZONING 1205 AND 1215 NW 23RD AVENUE (B)**

**ORDINANCE NO. 0-03-68; PETITION 14ZON-03 PB**

**An ordinance of the City of Gainesville, Florida, amending Ordinance No. 020844 to correct a legal description; rezoning certain lands within the City from "OR: 20 units/acre office residential district" to "OF: General office district" located in the vicinity of 1205 and 1215 NW 23rd Avenue; providing a severability clause; providing a repealing clause; and providing an effective date.**

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

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

**A motion was made by Commissioner Domenech, seconded by Commissioner Braddy, that this matter be Approved and Adopted on Adoption 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

**021034 LAND USE CHANGE - VILLAS AT GREENBRIAR (B)**

**ORDINANCE NO. 0-03-64, PETITION 29LUC-03PB**

**An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by re-establishing the overlay Planned Use District Category over certain property with the underlying reversionary future land use category of "Single-Family (up to 8 units per acre)"; located in the vicinity of 1804 Northwest 34th Street; repealing obsolete Ordinance No. 990875; 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 Commissioner Nielsen, seconded by Commissioner Domenech, that this matter be Approved and Adopted on Adoption 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

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

### **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 First Reading (Ordinance). 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

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

## **ORDINANCES 2ND 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 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

**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 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

**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 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

**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 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

**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.**

**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 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

**RESOLUTIONS- ROLL CALL REQUIRED**

**PLAN BOARD PETITIONS**

**DEVELOPMENT REVIEW BOARD PETITIONS****SCHEDULED EVENING AGENDA ITEMS****UNFINISHED BUSINESS****COMMISSION COMMENT****Commissioner Warren Nielsen**

*1. NW 13th Street Bridge over 8th Avenue - Routine Maintenance and Painting - City Manager to research and bring back a report.*

*2. Tallahassee City Commission - Recreation Program in Tallahassee - City Manager to research and come back with a proposal.*

**Commissioner Chuck Chestnut**

*Gifts received from Tallahassee/ Gifts for visitors to the City of Gainesville.*

**Mayor Tom Bussing**

*NW 13th Street & 8th Avenue - Overgrown vines.*

**Commissioner Edward Braddy**

*Downtown Plaza - Complaint regarding homeless people hanging their clothes to dry on the railings at the Downtown Community Plaza.*

*Assistant City Manager Carl Harness gave a presentation regarding the Downtown Homeless Activities Committee, formed early in July.*

*See following referral item #030389.*

**030389 Homeless Issues - Downtown Community Plaza (NB)**

**RECOMMENDATION** *The City Commission direct staff to provide a comprehensive report detailing various downtown activities by the transient/homeless population and offer proposals to address these issues.*

**A motion was made by Commissioner Braddy, seconded by Commissioner Domenech, that this matter be Referred to the City Manager, due back on March 8, 2004. 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

## Commissioner Chuck Chestnut

*RC Zoning Issues - See following referral item #030390.*

### 030390 RC Zoning Issues (NB)

**RECOMMENDATION** *The City Commission refer RC rezoning issues to the Community Development Committee.*

**A motion was made by Mayor-Commissioner Pro Tem Chestnut, seconded by Commissioner Nielsen, that this matter be Referred to the Community Development Committee, due back on March 8, 2004. The motion carried by the following vote:**

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

## Commissioner Craig Lowe

*Wastewater System Review - See following referral item #030391.*

### 030391 Wastewater System Review (NB)

**RECOMMENDATION** *The City Commission requested that the General Manager of Utilities provide the City Commission with a report regarding: 1) The feasibility of conducting a comprehensive creekside survey of wastewater collection and transport systems to identify pipes and other equipment that needs to be replaced; and 2) the feasibility of additional monitoring techniques and changes in procedures to more quickly identify leaks as they occur.*

**A motion was made by Commissioner Lowe, seconded by Commissioner Nielsen, that this matter be Referred to the General Manager for Utilities, due back on March 8, 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

## CITIZEN COMMENT

### Scherwin Henry - East Gainesville Development Corporation

*Requested that the City Commission continue funding the East Gainesville*

*Development Corporation from the General Fund.*

**Robert Pearce**

*RC Zoning Issue*

**ADJOURNMENT - 8:28 PM**

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Kurt M. Lannon, Clerk of the Commission