

# **City of Gainesville**

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



## **Meeting Minutes**

**Monday, December 9, 2002**

**1:00 PM**

**City Hall Auditorium**

## **City Commission**

*Mayor Tom Bussing (At-Large)  
Mayor-Commissioner Pro Tem Warren Nielsen (At-Large)  
Commissioner Chuck Chestnut (District 1)  
Commissioner Edward Braddy (District 2)  
Commissioner Tony Domenech (District 3)*

*Persons with disabilities who require assistance to participate in this meeting are requested to notify the Equal Opportunity Department at 334-5051 or call the TDD phone line at 334-2069 at least 48 hours in advance.*

**CALL TO ORDER - 1:08 PM****ROLL CALL**

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

**INVOCATION****Elder Donnie Hampton, Jesus People Life Changing Church****CONSENT AGENDA**

*Commissioner Braddy moved and Commissioner Chestnut seconded to adopt the Consent Agenda with the following modification:*

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

*MODIFICATION:*

*1. File # 020632 - GRU Wastewater Lateral Policy - Pull from the Consent Agenda and place on the Regular Agenda for discussion.*

**CITY MANAGER, CONSENT AGENDA ITEMS****020691 Issue a Specified Source Purchase Order to Broward County Transit for Surplus Buses (NB)**

**RECOMMENDATION** *The City Commission: 1) approve Broward County Transit as a Specified Source for this purchase; and 2) authorize the issuance of a purchase order to Broward County Transit in the amount of \$54,000.*

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

**020693 Renovations to the Half Moon School House (B)**

**RECOMMENDATION** *The City Commission: 1) approve the bid award to M. T. Flanagan Construction in an amount not to exceed \$51,350 for the renovation to the Half Moon School House, and 2) authorize the transfer of funds not to exceed \$10,000 from Nature Operations general operating fund to the General Capital Projects Fund.*

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

**020694 Addition of Two (2) FTE Police Officers to Staff the Gainesville Regional Airport (NB)**

**RECOMMENDATION** *The City Commission approve the increase of two (2) FTE police officers in the Gainesville Police Department for assignment to the Gainesville Regional Airport*

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

**020695 Residential Traffic Calming - Use of Speed Tables (B)**

**RECOMMENDATION** *The City Commission approve the speed table as the preferred traffic-calming device for use on residential (local) streets.*

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

**020715 Airline Ticket Trust to Attract Continental Airlines (B)**

**RECOMMENDATION** *The City Commission approve a contribution of \$10,000 to the Continental Airlines Ticket Trust, approve the appropriation of \$5,000 from the City Commission Contingency and approve a \$5,000 appropriation from the Gainesville Regional Utilities Operating and Maintenance budget.*

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

**GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS****020707 Claim of Margaret Bednar (NB)**

**RECOMMENDATION** *The City Commission approve the terms of the settlement; and authorize the General Manager to settle the claim of Margaret Bednar for injuries sustained in an accident which occurred on December 20, 2001.*

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

**020708 Replacement Communication Tower at the Gainesville Police Department Site (NB)**

**RECOMMENDATION** *The City Commission authorize the General Manager or his designee to negotiate and execute a Tower and Ground Space Lease Agreement with a personal wireless communications services (PWCS) company to be determined for the*

*construction of a new communication tower replacing the existing communication tower at the Gainesville Police Department (GPD) site, and to negotiate and execute Tower and Ground Space Lease Agreements for the placement of communications equipment on the GPD tower and site, subject to obtaining site plan approval from City Planning Staff and the approval of the City Attorney as to form and legality.*

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

**020709 First Amendment to Agreement for Site Rehabilitation Funding Allocation for a Petroleum Contaminated Site with Both Eligible and Non-Eligible Contamination (B)**

**RECOMMENDATION** *The City Commission authorize the General Manager or his designee to execute the First Amendment to Agreement for Site Rehabilitation Funding Allocation for a Petroleum Contaminated Site with Both Eligible and Non-Eligible Contamination substantially in the form as that which is on file in the office of the Clerk of the Commission, subject to approval of the City Attorney as to form and legality.*

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

**020710 Extension of Contract for Security Services (NB)**

**RECOMMENDATION** *The City Commission: 1) authorize the General Manager or his designee to execute an amendment to the contract with Barkley Security Agency, Inc., extending the term of the contract for security services through November 30, 2004, subject to the approval of the City Attorney as to form and legality, and 2) approve the issuance of purchase orders to Barkley Security in amounts not to exceed the budgeted amounts for these services, subject to the appropriation of funds for the final 12 months.*

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

**020711 Utilization of GTEC Space (B)**

**RECOMMENDATION** *The City Commission: 1) approve the utilization of space at the Technology Enterprise Center of Gainesville/Alachua County (GTEC); and 2) authorize the General Manager and City Manager to negotiate and execute a Memorandum of Understanding outlining the terms and conditions for the utilization of space, including the expenditure of funds.*

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

## **CITY ATTORNEY, CONSENT AGENDA ITEMS**

**020686**            **VENITA HOWELL AND WILLIE LEE JOHNSON VS. THE GAINESVILLE SUN, AND CITY OF GAINESVILLE; ALACHUA COUNTY CIRCUIT COURT; CASE NO.: 01-02-CA-4428 (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 Venita Howell and Willie Lee Johnson vs. the Gainesville Sun, and City of Gainesville; Alachua County Circuit Court; Case No.: 01-02-CA-4428.*

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

**020687**            **WOODLAND TERRACE OF GAINESVILLE, INC. VS. GAINESVILLE REGIONAL UTILITIES; ALACHUA COUNTY CIRCUIT COURT; CASE NO: 01-02-CA-3947 (B)**

**RECOMMENDATION**    *The City Commission authorize the City Attorney to represent the City in the case styled Woodland Terrace of Gainesville, Inc. vs. Gainesville Regional Utilities; Alachua County Circuit Court; Case No.: 01-02-CA-3947.*

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

## **COMMITTEE REPORTS, CONSENT AGENDA ITEMS**

### **AUDIT & FINANCE COMMITTEE, CONSENT**

**020676**            **City Auditor Advisory and Assistance Report - FY 2003 Affirmative Action Plan (B)**

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

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

**020677**            **Review of Utility Revenues (B)**

**RECOMMENDATION**    *The Audit and Finance Committee recommends that the City Commission:*  
*1) Accept the City Auditor's report and the General*

*Manager's response; and  
2) Instruct the City Auditor to conduct a follow-up review on recommendations made and report the results to the Audit and Finance Committee.*

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

**020678 City Auditor External Quality Review for the period October 1, 1999 through September 30, 2002 (B)**

**RECOMMENDATION** *The Audit and Finance Committee recommends that the City Commission accept the External Quality Review report prepared by the N.A.L.G.A. Review Team and the City Auditor's Response.*

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

**REGIONAL UTILITIES COMMITTEE, CONSENT**

**CHARTER REVIEW COMMITTEE, CONSENT**

**020685 Report of the Charter Review Committee (NB)**

**RECOMMENDATION** *The City Commission: 1) at this time take no further action to amend the city charter; and 2) allow the Charter Review Committee to reconvene after the April City Elections to discuss any additional amendments to the city charter.*

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

**COMMUNITY DEVELOPMENT COMMITTEE, CONSENT**

**002570 Report of the Safe Space Task Force (NB)**

**RECOMMENDATION** *Community Development Committee to City Commission. Remove this item from the referral list.*

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

**ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS),  
CONSENT AGENDA ITEMS**

**020703 Application for Disability Retirement (B)**

**RECOMMENDATION** *The City Commission approve the submitted application for disability retirement for the listed employee: Wei Wang, Power Plant Operator II, GRU - Deerhaven Plant*

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

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

**020688 City Commission Minutes (B)**

**RECOMMENDATION** *The City Commission approve the minutes of November 25, 2002, as circulated.*

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

**020692 Resignation - City Beautification Board (B)**

**RECOMMENDATION** *The City Commission accept the resignation of member Claire Ellis from the City Beautification Board effective immediately.*

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

**Passed The Consent Agenda**

**A motion was made by Commissioner Braddy, seconded by Commissioner Chestnut, including all the preceding items marked as having been adopted on the Consent Agenda. The motion carried by the following vote:**

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

**COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS**

**END OF THE CONSENT AGENDA**

## ADOPTION OF THE REGULAR AGENDA

*Commissioner Domenech moved and Commissioner Chestnut seconded to adopt the Regular Agenda with the following modifications; and waive the rules to hear City Attorney File # 020722 (New Item) after the General Manager for Utilities items. (VOTE: 5-0, MOTION CARRIED)*

### *MODIFICATIONS:*

- 1. File # 020580 - CITY MANAGER CATEGORY - Landlord Permit Point System - Withdrawn from the agenda.*
- 2. File # 020722 - CITY ATTORNEY CATEGORY - Commission Voting/New 7-Member Commission - New Item.*

## CLERK OF THE COMMISSION

## CITY MANAGER

### **020696 Alachua County Solid Waste System Interfund Transfer (B)**

*City Attorney Marion Radson gave a presentation.*

*MOTION: Authorize staff to present the City's position to the County Commission on Tuesday, December 10, 2002.*

### *CITY'S POSITION:*

- 1) Alachua County reimburse the Solid Waste System Enterprise Fund in the amount of \$2,250,000 - Loan is acceptable at an appropriate rate of interest.*
- 2) The City of Gainesville and Alachua County amend the 1998 Interlocal Agreement to restrict the use of all solid waste funds to be used only for solid waste purposes.*
- 3) Alachua County agree to restrict the use of the balance of retained earnings in the solid waste enterprise fund for solid waste purposes only.*

**RECOMMENDATION** *The City Commission hear a report from City staff.*

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

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

### **020482 Downtown Parking Garage (NB)**



*City Manager Wayne Bowers gave a presentation.*

*MOTION: Commissioner Braddy moved and Commissioner Nielsen seconded to finalize conditions for building the parking garage on the alternative site, allowing for a competitive process to be factored in and completing extrication costs with our current obligations.*

*(NO VOTE)*

*Mayor Bussing passed the gavel to Mayor-Commissioner Pro Tem Nielsen, in order to make the following substitute motion:*

*SUBSTITUTE MOTION: Mayor Bussing moved and Commissioner Domenech seconded to direct staff to continue to develop the concept of the alternative site and to bring back a draft agreement as soon as feasible.*

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

*Chair Pro Tem Nielsen recognized Citizens Harold Saive, Ray Bennett, Kinnon Thomas, Debbie Martinez, and Ken McGurn who spoke to the matter.*

**RECOMMENDATION** *The City Commission receive a status report.*

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

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

**020697**

**Significant Ecological Communities Overlay District (B)**

*City of Gainesville Community Development Director Tom Saunders, Nature Operations Naturalist Michelle Palmer and Planning Manager Ralph Hilliard gave presentations.*

*Chair Bussing recognized David Coffey, Ron Weiss, Dale Thompson, Robert Brinkman, Marilyn Walker, Charles Gadd and Mike Ryals who spoke to the matter.*

*MOTION: The City Commission asked the Plan Board to: 1) base their recommendations on the City staff's proposals; and 2) review, consider and critique the written comments that were presented by Mr. Coffey, Mr. Thomas, Mr. Brinkman and all others.*

**RECOMMENDATION** *The City Commission hear a presentation from staff and provide direction to the staff and the Plan Board on whether to move forward with the proposed regulations.*

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

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

**020698 Report on Gainesville Creeks Summit (B)**

*City of Gainesville Public Works Department NPDES Coordinator Sally Adkins gave a presentation.*

*REFERRAL: Refer to the Public Works Committee to further develop formal partnerships, strategies and address other issues ancillary to Gainesville's watersheds.*

*Chair Bussing recognized Water Management Committee Chair James Higman and Carol Higman who spoke to the matter.*

*NOTE: Mayor-Commissioner Pro Tem Nielsen requested that all Commissioners be notified when this item comes up on the Public Works Committee Agenda.*

**RECOMMENDATION** *The City Commission: 1) hear a presentation from staff; and 2) make a referral to the Public Works Committee to further develop formal partnerships, strategies and address other issues ancillary to Gainesville's watersheds.*

**A motion was made by Mayor-Commissioner Pro Tem Nielsen, seconded by Commissioner Domenech, that this matter be Referred to the Public Works Committee, due back on June 9, 2003. The motion carried by the following vote:**

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

**WAIVER OF RULES**

*Commissioner Domenech moved and Commissioner Braddy seconded to take up File #020712 - Refunding of Utilities System Revenue Bonds before the afternoon recess. (VOTE: 5-0, MOTION CARRIED)*

**GENERAL MANAGER FOR UTILITIES****020712 Refunding of Utilities System Revenue Bonds, Series 1993 A & B, Other Financing Items (NB)**

*Gainesville Regional Utilities (GRU) Finance Director Kim Simpson gave a presentation.*

**RECOMMENDATION** *The City Commission: 1) Authorize the refunding of the Utilities System Revenue Bonds, Series 1993A and Series 1993B either on a fixed-rate or synthetic fixed-rate basis; 2) Approve the selection of Goldman Sachs as Senior Underwriter for the Bonds referenced in 1. above with AG Edwards, JP Morgan and UBS Painewebber as the balance of the team if a fixed-rate refunding is deemed to be most beneficial; 3) Authorize competitive bidding of an*

*interest-rate swap with Goldman Sachs as the Sole Manager on the underlying securities if a synthetic fixed-rate refunding referenced in 1. above is deemed to be most beneficial; 4) Authorize the issuance of up to \$100 million of new money revenue bonds for payment of Costs of Acquisition and Construction (capital projects); 5) Authorize the selection of Goldman Sachs as Senior Underwriter for the Bonds referenced in 4. above with AG Edwards, JP Morgan and UBS Painewebber as the balance of the team; 7) Authorize the General Manager to negotiate and execute an swap master agreement with UBS Painewebber subject to the approval of the City Attorney as to form and legality; 8) Authorize the staff to work with the Utility's Financial Advisor, Bond Counsel, Underwriter's Counsel, and the rating agencies to develop proposed amendments to our current Bond Resolutions; and 9) Authorize the Clerk of the Commission, the General Manager and other Authorized Officers to execute such documents as may be necessary to proceed with the transactions authorized in 1-7 above and take such other actions as may be necessary or advisable to proceed with the issuance of these Bonds and revision of the Bond Resolutions in accordance with this City Commission authorization.*

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

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

## **AGENDA NOTE**

*The remainder of the afternoon agenda items were heard during the evening portion of the agenda under the Unfinished Business category.*

## **CITY ATTORNEY**

## **CITY AUDITOR**

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

## **REGIONAL UTILITIES COMMITTEE**

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

## **OUTSIDE AGENCIES**

**MEMBERS OF THE CITY COMMISSION****020714 Commissioner Edward Braddy (NB)**

**RECOMMENDATION** *The City Commission hear an update from John Cherry, Executive Director, Gainesville Housing Authority.*

**Postponed**

**COMMISSION COMMENTS (if time available)****RECESS - 4:57 PM****CITIZEN COMMENT (5:30pm)****RECONVENE - 5:39 PM****Nicole Fried - UF Student Body President**

*SW 20th Avenue Annexation Issues*

*FIRST MOTION: Commissioner Nielsen moved and Commissioner Chestnut seconded to direct the City Manager to move forward with expediting the annexation process of the Southwest 20th Avenue Area, as outlined.*

*TABLE MOTION: Commissioner Braddy moved and Commissioner Domenech seconded to table this motion and proceed with the Time Certain items; and also included directing the City Manager to proceed with working with the "Big Steps for Kids" and putting them into the process at Cultural Affairs.*

*(VOTE: 3-2, Commissioner Chestnut and Mayor-Commissioner Pro Tem Nielsen - No, MOTION CARRIED)*

**Ilene Silverman-Budd**

*Request Co-Sponsorship of the Big Steps for Kids Walk in February  
(Note: Co-Sponsorship request was for the City to waive the fee for the Gainesville Police Department to organize the walk)*

**020729 Big Steps for Kids Co-Sponsorship Request (B)**

*Note: Action was taken on this item above during the SW 20th Avenue Annexation discussion.*

**RECOMMENDATION** *The City Commission hear a presentation and place back-up submitted on file.*

**Placed on File**

## **Gabe Kaimowitz**

*EO Charter Officer Process - Public Records Request*

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

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

## **PROCLAMATIONS/SPECIAL RECOGNITIONS**

### **020690 French Week 2002 - December 9-14, 2002 (B)**

**RECOMMENDATION** *École Française and P.K.Yonge Blue Wave A.S.P. Director/French Teacher Madame Judy Charudattan; University of Florida French Department Professor Dr. Bernadette César-Lee; Eastside High School French Teacher Madame Pat Killian; and Oak Hall High School French Teacher Madame Elisabeth Ziffer to accept the proclamations.*

**Heard**

## **PUBLIC HEARINGS**

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

### **020680 FOURTH BUDGET AMENDMENT - FY 2001-2002 (B)**

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

**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, 2001 and Ending September 30, 2002; Amending Ordinance No. 001784 As Amended by Ordinance Nos. 002404, 020011, and 020345 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 Mayor-Commissioner Pro Tem Nielsen, seconded by Commissioner Chestnut, that this matter be Adopted on First Reading (Ordinance). The motion carried by the following vote:**

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

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

### **002471           SIDEWALK REQUIREMENTS AMENDMENT (B)**

**Ordinance No. 0-02-23; Petition No. 23TCH-02PB**

**An ordinance of the City of Gainesville, Florida, amending the Land Development Code, relating to sidewalk requirements along public and private streets; amending Section. 30-23, adding a definition; amending Section 30-160(d)(34) and Section 30-160(e)(18), providing that sidewalks meet the requirements of the Land Development Code; amending Sec. 30-188(e)(1), requiring new subdivisions in the Industrial, Agriculture, Airport Services, Conservation and Public Services districts to provide sidewalk only on arterial and collector streets; amending Sec. 30-188(e)(5), clarifying the effective date; amending Section 30-338, by requiring sidewalks for all lots and buildings except as provided or modified; providing for the dedication of property for sidewalks, and the criteria for modifications; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

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

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

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

### **002561           SIGN REGULATIONS (B)**

**ORDINANCE NO. 0-02-30; PETITION NO. 30TCH-02 PB**

**An ordinance of the City of Gainesville, Florida, amending Article IX , Division 1, of the Land Development Code of the City of Gainesville, relating to sign regulations; eliminating redundancies and providing consistencies within the Land Development Code; amending sec. 30-23, adding a definition; amending sec. 30-315, providing clarification; amending sec. 30-316, providing that an application be filed with the city for banners; prohibiting banner signs; providing clarification; allowing signs for specific uses; providing for additional exemptions; amending sec. 30-317, allowing one on-site, non-illuminated wall or ground mounted sign at main entrance; amending sec. 30-318, providing for monument signs in and for single and multiple occupancy developments;**

amending sec. 30-319 relating to political signs by eliminating numerical restrictions on signs per lot; providing additional restrictions; amending sec. 30-322, providing that a permit is not required to erect a political sign; amending sec. 30-323, providing for clarification; amending sec. 30-324, adding limitations and removal of nonconforming signs; amending sec. 30-325, providing for clarification; amending sec. 30-326, providing for clarification; amending sec. 30-327, extending the time period for filing appeals; 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.*

*AMENDMENT: Page 11, Section 30-317, Change sub-section (2) to read: "It shall be permitted as long as there are active building permits for single-family residential buildings within the subdivision"; and strike sub-section (3).*

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

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

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

## **020628 ELECTION DISTRICTS (B)**

### **ORDINANCE NO. 0-02-68**

**An ordinance of the City of Gainesville, Florida, Chapter 9, Elections; amending Section 9-1.1 of the Code of Ordinances by apportioning the City into four consecutively numbered election districts; by creating a fourth election district and amending the current election districts; making the districts ratably or equally proportioned as required by law; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Chair Bussing recognized Gabe Kaimowitz who spoke to the matter.*

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

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

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

## **020655 RESCHEDULING OF RUNOFF ELECTION DATE (B)**

### **ORDINANCE NO. 0-03-02**

**An ordinance of the City of Gainesville, Florida, relating to city elections;**

amending Ordinance No. 002644 by rescheduling the runoff election date for the 2003 city election to April 29, 2003; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

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

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

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

## 020658 HISTORIC TAX EXEMPTION (B)

### ORDINANCE NO. 0-03-01

**An ordinance of the City of Gainesville, Florida, finding that property at 221 S.E. 7th Street, Gainesville, Florida, qualifies for an ad valorem tax exemption for historic properties; granting an exemption from ad valorem tax on certain improvements beginning January 1, 2003, and continuing for 10 years; authorizing the Mayor and Clerk of the Commission to sign the Historic Preservation Property Tax Exemption Covenant between the applicant and the City; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

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

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

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

## RESOLUTIONS- ROLL CALL REQUIRED

### 000939 **Petition 183SUB-00PB. (Quasi-Judicial) Eng, Denman and Associates, Inc., agent for Townsend TND LLC. Final plat review for Townsend, A Planned Development, Phase One, 31 lots on 21.13 acres more or less. Located in the 2300 block of Northwest 31st Avenue (north side). Zoned: PD**

*City of Gainesville Senior Planner Carolyn Morgan and Traffic Engineering Manager Brian Kanely gave presentations.*

**RECOMMENDATION** *Planning Staff to City Commission-The City Commission adopt the following resolution: A Resolution approving the final plat of "Townsend, A Planned Development, Phase One", located in the vicinity of Northwest 23rd Terrace between Northwest 31st Avenue and Northwest 34th Avenue; authorizing the Mayor and Clerk of the Commission to*



*execute a Tri-Party Agreement for the construction of improvements; and providing an immediate effective date.*

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

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

**020679**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA RELATING TO APPROVING AND ADOPTING THE ANNUAL AUDIT PLAN FOR THE OFFICE OF THE CITY AUDITOR FOR THE PERIOD OCTOBER 1, 2002 THROUGH SEPTEMBER 30, 2003 (B)**

**RECOMMENDATION** *The City Commission approve the Resolution.*

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

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

**020654**

**ANNEXATION OF INTERSECTION OF ARCHER ROAD AND SW 34TH STREET (B)**

**ORDINANCE NO. 0-02-67**

**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 located north of the city limits, west of the city limits, south of the SW 34th Street right-of-way, and east of the city limits, more particularly the intersection of Archer Road and SW 34th Street; 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 Chestnut, seconded by Commissioner Domenech, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:**

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

**020705 Resolution - RTS FY 2003 Program of Projects (POP) and FY 2001-2002 Performance Measures (B)**

*City of Gainesville Regional Transit System Director Jeff Logan gave a presentation.*

**RECOMMENDATION** *The City Commission: 1) approve the Program of Projects for FY 2003; and 2) approve the Resolution authorizing the filing of an application with the Department of Transportation.*

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

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

**020706 Resolution Amending the Retiree Health Savings Program (B)**

**RECOMMENDATION** *The City Commission adopt the proposed resolution which amends the original agreement with ICMA Retirement Corporation.*

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

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

**PLAN BOARD PETITIONS****002562 Petition 31TCH-02 PB. City Plan Board. Amend the Land Development Code to add special review criteria for certain industrial uses to be allowed by Special Use Permit. (B)**

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

*MOTION: Continue this item to the January 13, 2003 City Commission Meeting.*

*Chair Bussing recognized Clariant Site Director Helen Miyasaki who spoke to the matter.*

**RECOMMENDATION** *Staff recommends the City Commission approve the City Plan Board's recommendation without adding the ISO series environmental management guideline to the submittal requirements.*

**A motion was made by Commissioner Domenech, seconded by Commissioner Braddy, that this matter be Continued (Petition) for January 13, 2003. The motion carried by the following vote:**

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

- 020460**      **Petition 94TCH-02 PB. Amend the City of Gainesville Land Development Code, Section 30-353 and the City Plan Board Rules and Procedures for the addition of a School Board Representative as a voting member of the City Plan Board for proposed comprehensive plan amendments or rezonings that would increase the residential density of any property within the City limits. (B)**

**RECOMMENDATION**      *City Plan Board to City Commission - Approve the City Plan Board's recommendation to add a non-voting School Board representative to the City Plan Board to provide comments on all comprehensive plan amendments or re-zonings that would increase the residential density of any property within the City limits.*

*Planning Staff to Plan Board -Approve.*

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

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

## **DEVELOPMENT REVIEW BOARD PETITIONS**

- 020704**      **Petition 83SUB-02DB, Causseaux & Ellington, Inc., agent for AA Mouktara, Inc. Design plat review for 31 lots on 10.3 acres more or less. Abbington Oaks Cluster Subdivision. Located in the 2500 block of NW 39th Avenue (north side). Zoned: RSF-1 (B)**

*City of Gainesville Senior Planner Carolyn Morgan gave a presentation.*

**RECOMMENDATION**      *Development Review Board to City Commission - The City Commission approve Petition 83SUB-02DB with staff conditions. DRB vote 4-0.*

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

**A motion was made by Commissioner Chestnut, seconded by Commissioner Domenech, that this matter be Approved, as Recommended, with Conditions (Petition - Design Plat). The motion carried by the following vote:**

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

## **SCHEDULED EVENING AGENDA ITEMS**

## **UNFINISHED BUSINESS**

**CITY MANAGER - (CONTINUED)****020699 Metropolitan Transportation Planning Organization (MTPO) (NB)**

*Public Works Transportation Manager Brian Kanely gave a presentation.*

**RECOMMENDATION** *The City Commission hear a report from staff regarding the December 12, 2002 meeting of the Metropolitan Transportation Planning Organization (MTPO).*

**Heard**

**020700 Designated Assistance Agreement Response Adjustments (B)**

*City of Gainesville Deputy Fire Chief Bill Northcutt gave a presentation.*

*MOTION: The City Commission authorize the City Manager to write a letter to Alachua County changing the response order as recommended by the Gainesville Fire-Rescue staff.*

**RECOMMENDATION** *The City Commission hear a report from staff regarding the Designated Assistance Agreement and take appropriate action to change the response order if recommended.*

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

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

**020701 2003 State Legislative Statement (B)**

*Gainesville Police Chief Norm Botsford gave a presentation.*

*Chair Bussing passed the gavel to Mayor-Commissioner Pro Tem Nielsen in order to make the following motions:*

*FIRST MOTION: Mayor Bussing moved and Commissioner Chestnut seconded to direct staff to add a proposal to the Legislative Statement to increase the penalty for repeat offenders of excessive noise coming from moving vehicles (boom boxes).  
(VOTE: 5-0, MOTION CARRIED)*

*SECOND MOTION: Mayor Bussing moved and Commissioner Domenech seconded to adopt the 2003 Legislative Statement with the modifications on page 4, Key Points, Section 2, striking the first sentence (3 lines); and striking the word "further" from the 4th line; then putting a period after prizes (6th line) and then striking the remainder of that sentence; and in addition include the previously added item.*

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

*THIRD MOTION: Commissioner Braddy moved and Commissioner Nielsen seconded to direct staff to look into grant sources to upgrade and repair certain roadways in need.*

*(VOTE: 4-0, Commissioner Domenech - Absent - MOTION CARRIED)*

**RECOMMENDATION** *The City Commission review and adopt the proposed 2003 State Legislative Statement after making any changes, additions, or deletions, as deemed appropriate.*

**Approved, as shown above**

**020702**

**Community Assessment Task Force for Renegotiations with Cox Communications (B)**

*FIRST MOTION: Commissioner Braddy moved and Commissioner Domenech seconded to offer the Commission appointed citizen-at-large position of the Community Assessment Task Force to Wesley Watson, and if he declines, offer it to Dr. Mark Goldstein, if he is still interested.*

*(NO VOTE)*

*Mayor Bussing passed the gavel to Mayor-Commissioner Pro Tem Nielsen in order to make the following substitute motion:*

*SUBSTITUTE MOTION: Mayor Bussing moved and Commissioner Chestnut seconded that the City Commission: 1) Make known to the community that the City Commission is interested in applicants to serve on the proposed Community Assessment Task Force for re-negotiations with Cox Communications and that the City Commission wishes to bring this forward at the next City Commission Meeting for a decision (January 13, 2003); and 2) encourage all persons interested in this position to attend the meeting of the Community Assessment Task Force this coming Friday.*

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

**RECOMMENDATION** *The City Commission endorse the Community Assessment Task Force to assess community needs as part of the franchise renegotiation process with Cox Communications and make suggestions for one member-at-large.*

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

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

**REGIONAL UTILITIES COMMITTEE - (CONTINUED)**

**020017 Referral Item #020017 - Utility Connection Charges for Affordable Housing (B)**

*GRU Strategic Planning Engineer David Richardson gave a presentation.*

**RECOMMENDATION** *The City Commission: 1) Hear a presentation from Staff; 2) Remove referral from the RUC; and 3) Consider whether to refer this issue to another committee, other than the existing referral to the Audit and Finance Committee, to continue consideration of source of funding to waive or reduce connection charges for affordable housing.*

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

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

**GENERAL MANAGER FOR UTILITIES - (MOVED FROM CONSENT - CONTINUED)****020632 Wastewater Lateral Policy, RUC Referral #020632 (B)**

*GRU Strategic Planning Engineer David Richardson gave a presentation.*

*Chair Bussing recognized Citizen Robert Pearce who spoke to the matter.*

*Chair Bussing passed the gavel to Mayor-Commissioner Pro Tem Nielsen in order to second the following motion:*

*FIRST MOTION: Commissioner Domenech moved and Mayor Bussing seconded to approve the recommendation.  
(NO VOTE)*

*SUBSTITUTE MOTION: Commissioner Braddy moved and Commissioner Chestnut seconded to approve recommendations 1 & 2, but not recommendation 3 (this item to remain on the referral list at the committee level).  
(VOTE: 5-0, MOTION CARRIED)*

**RECOMMENDATION** *The City Commission: 1) retain existing ordinances and policies for responding to blockages in wastewater laterals serving homes or businesses; 2) direct GRU Staff to develop an information piece to provide to wastewater customers who request GRU assistance with a wastewater blockage at their home or business. The information piece shall describe GRU procedures and customer responsibilities for restoring wastewater service; and 3) remove this item from the referral list.*

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

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

**RECOMMENDATION** *The City Commission: 1) retain existing ordinances and policies for responding to blockages in wastewater laterals serving homes or businesses; 2) direct GRU Staff to develop an information piece to provide to wastewater customers who request GRU assistance with a wastewater blockage at their home or business. The information piece shall describe GRU procedures and customer responsibilities for restoring wastewater service; and 3) remove this item from the referral list.*

**A motion was made by Commissioner Braddy, seconded by Commissioner Chestnut, that this matter be Referred to the Regional Utilities Committee, due back on June 9, 2003. The motion carried by the following vote:**

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

## WAIVER OF RULES

*Commissioner Domenech moved and Commissioner Chestnut seconded to waive the rules to extend the meeting to 11:30 PM.  
(VOTE: 5-0, MOTION CARRIED)*

## NEW ITEM

**020722**

### **COMMISSION VOTING/NEW 7-MEMBER COMMISSION (B)**

*MOTION: Approve #2 of the recommendation which is to refer the matter to the Charter Review Committee for a recommendation at the January 13, 2003, City Commission Meeting.*

**RECOMMENDATION** *The City Commission (1) authorize the City Attorney to draft, and the Clerk of the Commission to advertise, an ordinance amending the City Charter subject to voter approval on April 8; or (2) refer the matter to the Charter Review Committee for a recommendation at the January 13 Commission meeting; or (3) take no action at this time.*

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

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

## MEMBERS OF THE CITY COMMISSION - (CONTINUED)

**020684**

### **ANNUAL PERFORMANCE, SALARY, AND BENEFITS REVIEW - CITY**

**ATTORNEY (NB)**

*MOTION: Approve a 4.5 % salary increase for City Attorney Marion Radson retroactive to his anniversary date.*

**RECOMMENDATION** *As required by the City Attorney's employment agreement, the City Commission conduct the annual performance, salary, and benefits review and take action deemed appropriate.*

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

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

**CITIZEN COMMENT ITEM (TABLED)****020730 Southwest 20th Avenue Annexation (NB)**

*Commissioner Domenech moved and Commissioner Chestnut seconded to take this item from the table.*

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

*Chair Bussing recognized UF Student Senator Michael Schuster who spoke to the matter.*

*ORIGINAL MOTION: Commissioner Nielsen moved and Commissioner Chestnut seconded to direct the City Manager to move forward with expediting the annexation process of the Southwest 20th Avenue area, as outlined.*

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

**RECOMMENDATION** *The City Commission discuss the possibility of annexating the Southwest 20th Avenue Area into the City.*

**Approved, as shown above**

**COMMISSION COMMENT****WAIVER OF RULES**

*Commissioner Domenech moved and Commissioner Braddy seconded to waive the rules to extend the meeting to 11:45 PM.*

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

**Mayor Tom Bussing**

*NOTE: Mayor Bussing passed the gavel to Mayor-Commissioner Pro Tem Nielsen in order to make the following referral.*



**020731            Disability Review Committee - P & O Committee Referral (NB)**

**RECOMMENDATION**    *The City Commission referre the issue of the make-up of the Disability Review Committee with respect to the Mayor's membership to the Personnel and Organizational Structure Committee (P & O) for review.*

**A motion was made by Mayor Bussing, seconded by Commissioner Domenech, that this matter be Referred to the Personnel and Organizational Structure Committee, due back on June 9, 2003. The motion carried by the following vote:**

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

**CITIZEN COMMENT**

**Norissa Young**

- 1. Citizen Comment*
- 2. Disability Committee*

**ADJOURNMENT - 11:30 PM**

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Kurt M. Lannon, Clerk of the Commission