

City of Gainesville

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



Meeting Minutes

Monday, July 8, 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 - 1:05 PM**ROLL CALL**

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

INVOCATION

Reverend Donnie Hampton

CONSENT AGENDA

Commissioner Domenech moved and Commissioner Chestnut seconded to adopt the Consent Agenda.

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

CITY MANAGER, CONSENT AGENDA ITEMS**020104 Annexation of North Florida Regional Doctors Office Park, Lot 2 (B)**

RECOMMENDATION *The City Commission: 1) receive the petition for annexation and make findings that it contains the signature of the property owner; 2) direct the City Manager to analyze the area; and 3) authorize the City Attorney to prepare and the Clerk of the Commission to advertise ordinances relating to the annexation of the area.*

This Matter was Approved as Recommended on the Consent Agenda.

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

020143 Establish Transit Operator Trainee Job Title (B)

RECOMMENDATION *The City Manager recommend the City Commission approve establishment of Transit Operator Trainee in the Occupational Index and compensate employees designated as trainee 10% below the minimum rate of Transit Operator.*

This Matter was Approved as Recommended on the Consent Agenda.

020116 Award of Bid for Reconstruction of NW 19th Street and 29th Road (B)

RECOMMENDATION *The City Commission: 1) award the bid for reconstruction of NW 19 Street and 29 Road to O'Steen Brothers, Inc.; 2) authorize the City Manager or designee to execute the*

contract; and 3) authorize the issuance of a purchase order to O'Steen Brothers, Inc., in the amount of \$1915,000.00.

This Matter was Approved as Recommended on the Consent Agenda.

020145 First Extension for Provision of Storm Sewer Pipe and Appurtenances for FY 2003 (B)

RECOMMENDATION *The City Commission authorize the City Manager or designee to execute the First Extensions to the contracts with Hydro Conduit and US Filter Distribution for Provision of Storm Sewer Pipe and Appurtenances, extending the term of the contracts from October 1, 2002 to September 30, 2003, subject to final appropriation of funds for FY 2003.*

This Matter was Approved as Recommended on the Consent Agenda.

020146 Second Extension for Professional Civil Engineering Services for FY 2003 (B)

RECOMMENDATION *The City Commission authorize the City Manager or designee to execute the Second Extensions to the contracts with Brown & Cullen, Inc. and Causseaux & Ellington, Inc. for Professional Civil Engineering Services, extending the term of the contracts from October 1, 2002 to September 30, 2003, subject to final appropriation of funds for FY 2003.*

This Matter was Approved as Recommended on the Consent Agenda.

020147 Third Extension for Professional Surveying and Mapping Services for FY 2003 (B)

RECOMMENDATION *The City Commission authorize the City Manager or designee to execute the Third Extensions to the contracts with John W. Myers and Associates, P.A. Surveyors & Mappers and Terrence Brannan Land Surveyor, Inc. for Professional Surveying and Mapping Services, extending the term of the contracts from October 1, 2002 to September 30, 2003, subject to final appropriation of funds for FY 2003.*

This Matter was Approved as Recommended on the Consent Agenda.

020148 Second Extension for Provision of Limerock for FY 2003 (B)

RECOMMENDATION *The City Commission authorize the City Manager or designee to execute the Second Extension to the contract with Limestone Products, Inc. for Provision of Limerock, extending*

the term of the contract from October 1, 2002 to September 30, 2003, subject to final appropriation of funds for FY 2003.

This Matter was Approved as Recommended on the Consent Agenda.

020149 Third Extension for Computer Network Database Application Development and Maintenance Services for FY 2003 (B)

RECOMMENDATION *The City Commission authorize the City Manager or designee to execute the Third Extension to the contract with Virtual Engineering Solutions, Inc. for Computer Network Database Application Development and Maintenance Services, extending the term of the contract from October 1, 2002 to September 30, 2003, subject to final appropriation of funds for FY 2003.*

This Matter was Approved as Recommended on the Consent Agenda.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

020162 Florida Municipal Natural Gas Association Mutual Aid Agreement (NB)

RECOMMENDATION *The City Commission authorize the General Manager for Utilities or his designee to execute the Florida Municipal Natural Gas Association Mutual Aid Agreement.*

This Matter was Approved as Recommended on the Consent Agenda.

CITY ATTORNEY, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

COMMUNITY DEVELOPMENT COMMITTEE, CONSENT

020150 Removal of Referral from the Community Development Committee (NB)

RECOMMENDATION *Community Development Committee to the City Commission - Remove these items from the referral list.*

This Matter was Approved as Recommended on the Consent Agenda.

PLAN BOARD, CONSENT

020151 Removal of Referrals from the City Plan Board (NB)

RECOMMENDATION *The City Commission remove these referrals from the City Plan Board referral list.*

This Matter was Approved as Recommended on the Consent Agenda.

HISTORIC PRESERVATION BOARD, CONSENT**020152 Removal of Design Element Referral from Historic Preservation Board (NB)**

RECOMMENDATION *The City Commission remove item #000003 from the Historic Preservation Board referral list.*

This Matter was Approved as Recommended on the Consent Agenda.

PUBLIC SAFETY COMMITTEE, CONSENT**001688 Proposed Legislative Language to Curtail Binge Drinking (B)**

RECOMMENDATION *The City Commission refer the proposed legislative language to the City's Legislative Committee or present to our local legislative delegation.*

This Matter was Approved as Recommended on the Consent Agenda.

020142 Public Safety Committee Referral (NB)

RECOMMENDATION *The City Commission approve removal of File # 001502 - Ad Hoc Committee on University Neighborhoods from the Public Safety Committee Referral List.*

This Matter was Approved as Recommended on the Consent Agenda.

020084 Federal LECFTF Funding for the Alachua County School Board's 2002-2003 Safe and Drug-Free Calendar (B)

RECOMMENDATION *The City Commission approve the appropriation and expenditure of \$5,000 from the Federal Law Enforcement Contraband Forfeiture Trust Fund to the School Board of Alachua County for the printing and issuance of the 2002-2003 Safe and Drug-Free Calendar.*

This Matter was Approved as Recommended on the Consent Agenda.

REGIONAL UTILITIES COMMITTEE, CONSENT**002495 School Power Discount Rate - Referral Item #002495 (B)**

RECOMMENDATION *The City Commission remove this item from the Regional Utilities Committee referral list.*

This Matter was Approved as Recommended on the Consent Agenda.

002513 Natural Gas Inverted Block Rate - Referral #002513 (B)

RECOMMENDATION *The City Commission not pursue an inverted block rate for the natural gas system; and remove this item from the Regional Utilities Committee referral list.*

This Matter was Approved as Recommended on the Consent Agenda.

RECREATION AND CULTURAL AFFAIRS COMMITTEE, CONSENT**002580 Recreation & Parks Facility Rental Manual (B)**

RECOMMENDATION *The City Commission approve adoption of the revised Recreation and Parks Facility Rental Manual.*

This Matter was Approved as Recommended on the Consent Agenda.

020159 Recreation and Cultural Affairs Committee Referrals (NB)

RECOMMENDATION *The City Commission approve removing the following items from the Referral List:*
File # 990581 - Possum Creek Boy's Club
File # 001075 - Signage in Public Parks & Athletic Fields
File # 001470 - BMX Track Request
File # 002492 - Co-Sponsorship of Hoops Galore
File # 960901 - Recreation and Parks Center Rental Manual

This Matter was Approved as Recommended on the Consent Agenda.

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS**020135 Resignation - Gainesville Code Enforcement Board (B)**

RECOMMENDATION *The City Commission accept the resignation of member Karl E. Hackenbrack from the Gainesville Code Enforcement Board effective July 11, 2002.*

This Matter was Approved as Recommended on the Consent Agenda.

020136 Resignation - Water Management Committee (B)

RECOMMENDATION *The City Commission accept the resignation of member Gladys M. Lane from the Water Management Advisory Committee effective immediately.*

This Matter was Approved as Recommended on the Consent Agenda.

020141 City Commission Minutes (B)

RECOMMENDATION *The City Commission approve the minutes of June 17, 2002 (Special Meeting); and June 24, 2002 (Regular Meeting); as circulated.*

This Matter was Approved as Recommended on the Consent Agenda.

Passed The Consent Agenda

A motion was made by Commissioner Domenech, 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, Chuck Chestnut, Warren Nielsen and Tom Bussing
Absent: Edward Braddy

END OF THE CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

Commissioner Chestnut moved and Mayor-Commissioner Pro Tem Nielsen seconded to adopt the Regular Agenda with the following modifications:

- 1. File # 020110 - Nature Centers Commission Sign Policy Update - Remove from the agenda.*
- 2. File # 020226 - Interlocal Agreement with Alachua County for Building Permits/Inspections in the Southwest Gainesville Annexation Area - New Item added to the agenda.*

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

UNFINISHED BUSINESS

Commissioner Chestnut moved and Commissioner Domenech seconded to waive the rules to discuss an Unfinished Business Item first. - File # 020163 - Rules of the City Commission.

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

020163 Rules of the City Commission (NB)

Mayor Bussing passed the gavel to Mayor-Commissioner Pro Tem Nielsen.

SUBSTITUTE MOTION: Mayor Bussing moved to direct the Clerk of the Commission to schedule a workshop regarding rules and procedures of the City Commission.

(NO SECOND/WITHDRAWN)

MOTION: Commissioner Chestnut moved and Commissioner Domenech seconded direct the Clerk of the Commission and the City Manager to engage a professional parliamentarian to look at the City Commission's meetings and procedures and to make suggestions; and to meet individually with Commissioners in developing these concepts.

(VOTE: 2-2, Mayor Bussing and Tony Domenech - NO - MOTION FAILED)

RECOMMENDATION *The City Commission take up the motion "to amend the rules to move to every Monday night for City Commission meetings; and to also amend our rules to indicate that our time to adjourn is at 12:00."*

Discussed

CLERK OF THE COMMISSION

CITY MANAGER

020109 Presentation of Alachua County's Phase I Master Plan for Recreation (NB)

Alachua County Parks Superintendent Robert Avery and Recreation Open Space Advisory Board Chair Alison Law gave presentations.

Chair Bussing recognized Citizen Paula DeLaney and Gainesville Sports Organizing Committee Chair Jack Hughes who spoke to the matter.

RECOMMENDATION *The City Commission view a Power Point presentation by Robert Avery, Alachua County Parks Superintendent, and Alison Law of the Recreation Open Space Advisory Board, on the Phase I Master Plan for Recreation in Alachua County.*

Heard

020154 Communications Services Tax Revenues and Rates (NB)

City Revenue Recovery Specialist Audrey Lewis gave a presentation.

RECOMMENDATION *The City Commission hear a report from staff and authorize the City Attorney to draft and the Clerk to advertise an ordinance adjusting the Communications Services' Tax rates.*

A motion was made by Commissioner Chestnut, 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, Chuck Chestnut, Warren Nielsen and Tom Bussing
Absent: Edward Braddy

020180 Fire Rescue Designated Assistance Agreement (B)

Assistant City Attorney Ronald Combs gave a presentation.

NOTE: Commissioner Braddy entered the meeting room at 2:11 PM.

Chair Bussing recognized Citizens Mark Goldstein, Paula DeLaney and Bruce DeLaney who spoke to the matter.

MOTION: Commissioner Domenech moved and Commissioner Chestnut seconded to move the recommendation.

(VOTE: 3-2, Commissioner Braddy and Mayor Bussing - No - MOTION CARRIED)

Commissioner Domenech moved and Commissioner Chestnut seconded to move the previous question.

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

Mayor Bussing passed the gavel to Mayor-Commissioner Pro Tem Nielsen in order to

make the following motion:

See File # 020227, following this item.

RECOMMENDATION *The City Commission instruct the City Manager and the City Attorney to draft the amendment and authorize them to work with the County Manager and County Attorney if the County Commission approves this approach.*

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, Chuck Chestnut and Warren Nielsen
Nay: Edward Braddy and Tom Bussing

020227**Street Light/Fire Hydrant Maintenance Agreement (NB)**

Chair Pro Tem Nielsen recognized Citizens Paula DeLaney and Bob Casey who spoke to the matter.

RECOMMENDATION *The City Commission: 1) Direct the City Manager along with the City Attorney to prepare an amendment to the Street Light/Fire Hydrant Agreement inserting a sunset clause or a clause allowing for withdrawal from the agreement by either party; and 2) ask the County Commission to consider amending the agreement.*

A motion was made by Mayor Bussing, seconded by Commissioner Domenech, that this matter be Referred to the City Manager, due back on January 8, 2003. The motion carried by the following vote:

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

Chair Pro Tem Nielsen recognized Citizens Paula DeLaney and Bob Casey who spoke to the matter.

RECOMMENDATION *The City Commission: 1) Direct the City Manager along with the City Attorney to prepare an amendment to the Street Light/Fire Hydrant Agreement inserting a sunset clause or a clause allowing for withdrawal from the agreement by either party; and 2) ask the County Commission to consider amending the agreement.*

A motion was made by Mayor Bussing, seconded by Commissioner Domenech, that this matter be Referred to the City Attorney, due back on January 8, 2003. The motion carried by the following vote:

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

020155 Metropolitan Transportation Planning Organization (MTPO) (NB)

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

RECOMMENDATION *The City Commission hear a report from staff regarding the July 18, 2002 meeting of the Metropolitan Transportation Planning Organization (MTPO).*

Heard

020226 Interlocal Agreement with Alachua County for Building Permits/ Inspections in the Southwest Gainesville Annexation Area (B)

Chair Bussing recognized Alachua County Commissioner Robert Hutchinson spoke to the matter.

RECOMMENDATION *The City Commission approve the Interlocal Agreement between Alachua County and the City of Gainesville for Building Permits/Inspections in the Southwest Gainesville Annexation Area.*

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**CITY ATTORNEY****CITY AUDITOR****COMMITTEE REPORTS (PULLED FROM CONSENT)****PUBLIC SAFETY COMMITTEE****REGIONAL UTILITIES COMMITTEE****RECREATION AND CULTURAL AFFAIRS COMMITTEE****ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)****020158 ANALYSIS OF ISSUES REGARDING STUDENT HOUSING NEAR THE**

UNIVERSITY OF FLORIDA (B)

Duncan Associates Consultant Eric Kelly gave a presentation.

Chair Bussing recognized Citizens Bruce DeLaney, Gladys Perkins, Mark Goldstein, Glen Smerage and Karl Hackenbrack who spoke to the matter.

RECOMMENDATION *The City Commission hear a report from Eric Kelly, Duncan Associates, Consultant, and take action deemed appropriate.*

Heard

001317**Ad Hoc Committee on University Neighborhoods (NB)**

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

RECOMMENDATION *Schedule a workshop for presentation and discussion of issues affecting the University neighborhoods, prior to conclusion of budget discussions.*

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

020110**Nature Centers Commission Sign Policy Update (B)**

RECOMMENDATION *City Commission hear a report by the Nature Centers Commission and take appropriate action.*

Withdrawn

WAIVER OF RULES

*Commissioner Domenech moved and Mayor-Commissioner Pro Tem Nielsen seconded to waive the rules to hear File # 020023 "Students with Alachua County Working Against Tobacco" (SWAT) next.
(VOTE: 5-0, MOTION CARRIED)*

020023**SWAT Proposals**

Alachua County SWAT President Stephanie Shumate, SWAT Member Abby Walsh, SWAT Vice-President Alexandra Ellison-Barnes, and the SWAT Parliamentarian gave presentations.

MOTION: Refer the SWAT proposals as listed to the Community Development Committee for potential action. SWAT proposes that a multi-component ordinance be

passed by: 1) regulating tobacco advertising placements in sales; 2) enforcing the law through Codes and Law Enforcement; 3) educating retailers about adolescent tobacco use and to the tobacco laws; 4) seeking broad-based community support for prevention efforts; and 5) educating judges to impose significant consequences for violators of the tobacco laws.

Chair Bussing recognized Citizen Bob Casey and SWAT Coordinator Lynn Loewenthal who spoke to the matter.

RECOMMENDATION Hear a presentation from Lynn Loewenthal, SWAT Coordinator and Students with Alachua County Students Working Against Tobacco.

A motion was made by Mayor-Commissioner Pro Tem Nielsen, seconded by Commissioner Chestnut, that this matter be Referred to the Community Development Committee, due back on January 8, 2003. The motion carried by the following vote:

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

OUTSIDE AGENCIES

020111 Community Coalition Against Poverty (B)

Community Coalition Against Poverty Representative Elizabeth McCulloch gave a presentation.

Chair Bussing recognized Citizens Carol Thomas and Gladys Perkins who spoke to the matter.

MOTION: Authorize the Mayor to write a letter to Congressional representatives in support of the "Leave No Child Behind Act".

RECOMMENDATION The City Commission hear a fifteen minute presentation from Elizabeth McCulloch of the Community Coalition Against Poverty and take action deemed necessary.

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

RECESS - 5:02 PM

RECONVENE - 5:41 PM

MAYOR TOM BUSSING

1. *Gainesville Youth Chorus*
2. *American Public Power Association (APPA) Alex Raddon Distinguished Service Award - Awarded to General Manager for Utilities Mike Kurtz*

CITIZEN COMMENT (5:30pm)

Robert Pearce

1. *Adjournment time for City Commission Meetings*
2. *Plan Board Petition on tonight's agenda (File # 002469)*

Jenny Browne

GPD - Police Review Board

Debbie Martinez

Second Annual Drug Summit Applications

Bob Casey

Expansion of City Commission - Population Increase

See following File # 020228.

020228 Official Census 2000 Population Count (B)

RECOMMENDATION *The City Commission hear a presentation from Bob Casey and place document submitted on file.*

Placed on File

PLEDGE OF ALLEGIANCE (6:00pm)

Boy Scout Troop #84

Assistant Scout Master Rene' Bacall, First United Methodist Church

CITIZEN COMMENT - (Continued)

Saul Silber Properties - Jeff Braswell Attorney

NOTE: Mayor Bussing asked to continue Citizen Comment in order hear the Time Certain Pledge of Allegiance.

*Landlord Permits - Exemptions for certain properties.
See following item # 020229.*

020229 Landlord Permits - Certain Property Exemptions (B)

RECOMMENDATION *The City Commission refer the issue of initiating a petition to exempt legal non-conforming apartments from the landlord permit requirements or at least the fee (changing Gainesville Code of Ordinances Section 14.5-1) to the City Manager.*

A motion was made by Commissioner Chestnut, seconded by Commissioner Braddy, that this matter be Referred to the City Manager, due back on January 8, 2003. The motion carried by the following vote:

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

Jeff Henderson - Business Manager with International Brotherhood Electrical Works Local Union 1205 of Gainesville

See following item # 020230

Paul Donnelly - Attorney for International Brotherhood Electrical Works Local Union 1205 of Gainesville

See following item # 020230

020230 Electrical and Alarm Installations Licensing Enforcement (B)

NOTE: Related to File # 020230.

RECOMMENDATION *Refer the issue of local enforcement of State of Florida Statute Chapter 489 Part II regarding licensing and regulation of individuals performing electrical and alarm duties to the Community Development Committee.*

A motion was made by Commissioner Chestnut, seconded by Commissioner Braddy, that this matter be Referred to the Community Development Committee, due back on January 8, 2003. The motion carried by the following vote:

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

Rory Goodwin - Former President of the Theta Sigma Chapter of Alpha Phi Alpha Fraternity, Inc.

Voter Registration Drive Co-Sponsorship

See following item # 020231

020231 A Voteless People is a Hopeless People - Voter Registration Drive (B)

RECOMMENDATION *The City Commission co-sponsor the Voter Registration Drive at the Martin Luther King Center, Saturday, July 13, 2002, by allocating \$462.00 from the City Commission Contingency Fund to pay the GPD Officers.*

A motion was made by Commissioner Chestnut, 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

Andrea Costello - Gainesville Area National Organization for Women (NOW)

See following item # 020232

020232 Gainesville Area National Organization for Women (NOW) (B)

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

Placed on File

Jennifer Cookjoy - Co-President of UF/SFCC Campus NOW

Crimes against women.

Mac McEachern

- 1. Length of City Commission meetings.*
- 2. Sheriff's Department - Communication Center Services*

April Flanders

NOW Supporter

Edward Berry

Bus Service

Candi Churchill

NOW - Police Review Board Issues

James Callahan

Citizens Police Review Board

Tarren Hill

Prosecution of Rapists

Mark Piotrowski

Citizen Review Board - Issues of Sexual Assault

PROCLAMATIONS/SPECIAL RECOGNITIONS**020115 Jeanne Rochford Day - June 30, 2002 (B)**

RECOMMENDATION *Keep Alachua County Beautiful Executive Director and Member Jeanne Rochford to receive the Proclamation.*

Heard

WAIVER OF RULES

Commissioner Braddy moved and Commissioner Domenech seconded to waive the rules to hear File # 020178 Combined Transition Board item next and File # 001081 Citizens Review Board immediately following.

Chair Bussing recognized Citizens Charles Grapski, Ernesto Longa, Nicole Hardin, Officer Jeff McAdams, Andrea Costello, Fred Peterkin and Jenny Brown who spoke to the matter.

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

OUTSIDE AGENCIES - CONTINUED**020178 Combined Emergency System Transition Board (NB)**

Combined Emergency Services System Transition Board Chair Rodney Long and Fire Chief Richard Williams gave presentations.

MOTION: Support the public education program for the Combined Emergency System Transition Board and have/or refer to the Transition Board to address issues or concerns.

Chair Bussing recognized Citizens Mac McEachern, Paula DeLaney, Metro Firefighters President Jeff Lane and and Metro Firefighters of Gainesville/Alachua

County Representative Jason Van Camp who spoke to the matter.

RECOMMENDATION *The City Commission discuss the education program and take action deemed appropriate.*

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

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

MEMBERS OF THE CITY COMMISSION

001081 Commissioner Edward Braddy - Citizens Review Board (B)

Mayor Bussing passed the gavel to Mayor-Commissioner Pro Tem Nielsen.

FIRST MOTION: Mayor Bussing moved and Commissioner Chestnut seconded to continue the Police Review Board referral.

(VOTE: 2-3, Commissioners Braddy, Domenech and Chestnut - No - MOTION FAILED)

Chair Pro Tem Nielsen recognized Citizen Charles Grapski, Officer Jeff McAdams, Ron Carpenter and Sam Mutch who spoke to the matter.

SECOND MOTION: Commissioner Chestnut moved and Commissioner Domenech seconded to move the previous question.

(VOTE: 5-0 - MOTION CARRIED)

THIRD MOTION - (MAIN MOTION): Commissioner Braddy moved and Commissioner Domenech seconded to end further discussion of and participation in the creation of a Citizens Review Board for the Police Department and remove this item from Public Safety Referral List. (VOTE: 4-1, Mayor Bussing - No - MOTION CARRIED)

Chair Pro Tem Nielsen recognized Citizens April Flanders, Joe Courter, Alexandra Leader, Ruth Brown, Candi Churchill, Mark Piotrowski, Monica Reedy, Charles Willet, Bruce Gagnon, Charles Grapski, Ernesto Longa, Jenny Brown, Shawn Engel, Carol Thomas, Debbie Martinez, James Callahan, Frederick Peterkin, Tom Almquist, Nicole Hardin and Officer Jeff McAdams who spoke to the matter.

SUBSTITUTE MOTION: Commissioner Chestnut moved and Mayor Bussing seconded to continue the meeting to tomorrow (June 9, 2002) after 6:00 PM, after the issue of the Police Review Board has been resolved. (NO VOTE/WITHDRAWN)

SECOND SUBSTITUTE MOTION: Mayor Bussing moved to waive the rules, suspend the discussion of the current item, deal with the block grant hearing, the ordinances first reading, ordinances second reading and then return to this item after having discharged that business.

(NO SECOND/WITHDRAWN)

THIRD SUBSTITUTE MOTION: Commissioner Braddy moved and Commissioner Domenech seconded to amend the rules to hold regular City Commission Meetings every Monday from 4:00 PM to 11:00 PM.

(VOTE: 1-4, Commissioner Braddy - Yes - Mayor Bussing, Mayor-Commissioner Pro Tem Nielsen, Commissioner Chestnut and Commissioner Domenech - No - MOTION FAILED)

MOTION: Mayor Bussing and Commissioner Domenech moved to continue Petition 142SUB-00PB to a time certain after 6:00 PM on July 22, 2002.

(NO VOTE/WITHDRAWN)

Chair Pro Tem Nielsen recognized Ron Carpenter and Sam Mutch who spoke to the matter.

SUBSTITUTE MOTION: Commissioner Domenech moved and Commissioner Chestnut seconded to waive the rules and continue the meeting until 12:00 PM.

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

CONTINUED CITIZEN COMMENT REGARDING CITIZENS REVIEW BOARD: Chair Pro Tem Nielsen recognized Citizens Gabe Kaimowitz, Andrea Costello, Chris Ott, Kevin Gould and Paula Stahmer who spoke to the matter.

Mayor-Commissioner Pro Tem Nielsen passed the gavel back to Mayor Bussing.

ADDITIONAL MOTION: Commissioner Nielsen moved and Commissioner Domenech seconded to refer to the City Manager that when a citizen makes a complaint to EEO or GPD, he or she be given the option of the giving the complaint at the next District Council meeting or after completion of the Internal Affairs process, if the citizen is still dissatisfied, he or she will be able to bring up that issue at the next appropriate District Council meeting.

(WITHDRAWN)

Chair Bussing recognized Citizens Alexandra Leader and Charles Grapski who spoke to the matter.

City Police Chief Norm Botsford and Officer Jeff McAdams gave presentations.

RECOMMENDATION *The City Commission take up the referral regarding the Citizens Review Board for the Police Department.*

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

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

PUBLIC HEARINGS

020156 Proposed Use of U. S. Department of Justice Local Law Enforcement Block Grant Funds (B)

Gainesville Police Chief Norm Botsford gave a presentation.

RECOMMENDATION *The City Commission: 1) hold a public hearing regarding the City's proposed use of funds awarded under the Local Law Enforcement Block Grants Program, established within the Bureau of Justice Assistance under the Fiscal Year 1996 Omnibus Appropriations Act (Public Law 104-134); 2) hear a report from staff on the City's proposed use of these funds; and 3) receive written and oral public input about the local government's entire budget and the relation of the grant to the entire budget.*

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

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

001763 LAND DEVELOPMENT CODE AMENDMENT TO ALLOW "INDIVIDUAL AND FAMILY SOCIAL SERVICES" IN I-1 AND I-2 ZONING DISTRICTS (B)

ORDINANCE NO. 0-02-12; PETITION NO. 93TCH-01PB

An ordinance of the City of Gainesville, Florida, amending Section 30-69(c)(2) and Section 30-70(c)(2) of the Land Development Code by adding "Individual and Family Social Services" to the list of uses permitted by adding certain conditions and limitations on the special use permits in the "I-1: Limited industrial district" and "I-2: General industrial district"; 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 Chestnut, seconded by Mayor-Commissioner Pro Tem Nielsen, 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

002675 PLANNED DEVELOPMENT AMENDMENT - NORTH FLA REGIONAL MEDICAL CENTER (B)

ORDINANCE NO. 0-02-28, PETITION NO. 34PDA-02PB

An Ordinance of the City of Gainesville, Florida; amending the Planned Development commonly known as "North Florida Regional Medical Center" located in the vicinity of 6440 Newberry Road; by amending City of Gainesville Ordinance No. 950702 by amending the square footage allowed in the three phases of the planned development; 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 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**020021 DISORDERLY CONDUCT WHICH THREATENS PUBLIC SAFETY OR BREACH OF THE PEACE (B)****ORDINANCE NO. 0-02-27**

An ordinance of the City of Gainesville, Florida, amending sections 17-4(a)(9) and 17-4(a)(10) of the Code of Ordinances by proscribing the conduct that threatens the public safety or breach of the peace; 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 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

WAIVER OF RULES

*FIRST MOTION: Commissioner Braddy moved and Commissioner Domenech seconded to waive the rules to extend the meeting until 12:10 PM.
(VOTE: 5-0, MOTION CARRIED)*

*SECOND MOTION: Commissioner Domenech moved and Commissioner Chestnut seconded to waive the rules and extend the meeting until 12:30 PM.
(VOTE: 5-0, MOTION CARRIED)*

020024

CITY OF GAINESVILLE CHARTER AMENDMENT; EQUAL OPPORTUNITY DIRECTOR (B)**ORDINANCE NO. 0-02-26**

An ordinance of the City of Gainesville, Florida; approving certain amendments to the Charter Laws of the City of Gainesville; providing for additional duties of the City internal auditor; providing for creation of the charter officer position entitled "equal opportunity director" to be appointed by the city commission; providing powers and duties of such officer; making the charter officers responsible for implementing the equal opportunity and human relations ordinances and programs in their respective departments; providing for application to persons covered under collective bargaining agreements; providing for submission of the charter amendments to the voters for approval or rejection at the November 5, 2002 special municipal election; approving the question to be placed on the ballot; providing directions to the codifier; providing for transition; providing directions to the clerk of the commission; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

MOTION: Commissioner Domenech moved and Commissioner Braddy seconded to change the language in 3.08 to be consistent with (for example 3.05 under City Auditor) that it should read under Equal Opportunity Director: The Commission may appoint an Equal Opportunity Director who shall serve at the will of the City Manager.

(NO VOTE/WITHDRAWN)

Chair Bussing recognized Gabe Kaimowitz and Blue Ribbon Task Force for Equal Opportunity Charter Officer Chair Rodney Long who spoke to the matter.

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

RESOLUTIONS- ROLL CALL REQUIRED

020157

Amended Local Housing Assistance Plan - Fiscal Year 2002/03-2004/05 (B)

City of Gainesville Community Development Director Tom Saunders and Gainesville Housing Manager Andra Davis gave presentations.

AMENDMENT: Page 17, Strategy 2B, of the Local Housing Assistance Plan, add fiscal years 2002/2003.

RECOMMENDATION *The City Commission: 1) approve the amended Local Housing Assistance Plan for State Fiscal Years 2002/03-2004/05; 2)*

authorize the City Manager or his designee to execute all necessary documents and certifications pertinent to the amended Local Housing Assistance Plan; 3) authorize the submission of the amended Local Housing Assistance Plan for approval by the Florida Housing Finance Corporation; and 4) adopt a resolution.

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

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

020160 REPORT OF THE BOARD OF CANVASSERS - BUCKRIDGE II (B)

A resolution of the City Commission of the City of Gainesville, Florida, accepting the report of the Board of Canvassers for the City of Gainesville, Florida, annexation referendum held June 25, 2002, and providing an immediate effective date.

RECOMMENDATION *The City Commission adopt the proposed resolution.*

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

020161 REPORT OF THE BOARD OF CANVASSERS - BLUES CREEK (B)

A resolution of the City Commission of the City of Gainesville, Florida, accepting the report of the Board of Canvassers for the City of Gainesville, Florida, annexation referendum held June 25, 2002, and providing an immediate effective date.

RECOMMENDATION *The City Commission adopt the proposed resolution.*

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

001117 Petition 142SUB-00PB (Phase I), (Formal Quasi-Judicial Hearing). Jerome Kelly, agent for Luther E. Blake, Jr. and Irene Blake Caudle, final plat of Walnut Creek, a Planned Development, Phase I 73-lot, single-family residential subdivision. Located in the 2600 Block of Northwest 39th Avenue. (B)

Continued to 6:00 PM, Tuesday, July 23, 2002.

Chair Bussing recognized Attorney's Ron Carpenter and Sam Mutch; and Citizen Chris Ott who spoke to the matter.

RECOMMENDATION *Staff to the City Commission - City Commission approve with condition: "A Resolution approving the final plat of "Walnut Creek, A Planned Development, Phase I", located in the vicinity of the south side of Northwest 39th Avenue between Northwest 25th Court and Northwest 27th Court; authorizing the Mayor and Clerk of the Commission to execute a Tri-Party Agreement and accepting a Letter of Credit for the construction of improvements; and providing an immediate effective date."*

A motion was made by Mayor-Commissioner Pro Tem Nielsen, seconded by Commissioner Domenech, that this matter be Continued for July 23, 2002. The motion carried by the following vote:

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

020125

Petition 142SUB-00PB (Phase II) (Formal Quasi-Judicial Hearing). Jerome Kelly, agent for Luther E. Blake, Jr. and Irene Blake Caudle, conditional plat of Walnut Creek, a Planned Development, Phase II, a 62-lot, single-family residential subdivision. Located in the 2600 Block of Northwest 39th Avenue. (B)

Continued to 6:00 PM, Tuesday, July 23, 2002.

Chair Bussing recognized Attorney's Ron Carpenter and Sam Mutch; and Citizen Chris Ott who spoke to the matter.

RECOMMENDATION *Staff to the City Commission - City Commission approve with condition: "A Resolution approving the conditional final plat of "Walnut Creek, A Planned Development, Phase II", located in the vicinity of the north side of Northwest 31st Avenue between Northwest 25th Court and Northwest 26th Drive; and providing an immediate effective date."*

A motion was made by Mayor-Commissioner Pro Tem Nielsen, seconded by Commissioner Domenech, that this matter be Continued for July 23, 2002. The motion carried by the following vote:

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

PLAN BOARD PETITIONS

002469

Petition 21TCH-02PB - An amendment to the City of Gainesville Land Development Code to add compatibility regulations for new medium and high density multi-family development when abutting properties are designated

single-family on the Future Land Use map (B)

RECOMMENDATION *City Plan Board to City Commission -The City Commission approve Petition 21TCH-02 PB with the following two amendments: 1) Amend Sec. 30-56(4) to add a provision to remove the requirement for a masonry wall if buildings are 200 or more feet from abutting single-family properties; and 2) amend Sec. 30-55(9) to read, "These buildings shall have architecturally interesting roof types, including gabled, hipped, shed, mansard, arched or flat, as appropriate." Plan Board vote 4-1.*

Staff to Plan Board - Approve

A motion was made by Commissioner Braddy, seconded by Commissioner Chestnut, that this matter be Continued (Petition) for July 22, 2002. The motion carried by the following vote:

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

DEVELOPMENT REVIEW BOARD PETITIONS**SCHEDULED EVENING AGENDA ITEMS****UNFINISHED BUSINESS****020056 MTPO Citizen's Advisory Committee (B)**

RECOMMENDATION *The City Commission refer the request of the MTPO Citizen's Advisory Committee to the Personnel and Organizational Structure Committee for consideration.*

Continued

COMMISSION COMMENT**CITIZEN COMMENT (If time available)****ADJOURNMENT - 12:29 PM**

Kurt M. Lannon, Clerk of the Commission