

# **City of Gainesville**

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



## **Meeting Minutes**

**Monday, February 9, 2004**

**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**

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

**ROLL CALL**

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

**INVOCATION****Father Gordon Tremaine, Holy Trinity Episcopal Church****CONSENT AGENDA**

*Commissioner Nielsen moved and Commissioner Lowe seconded to adopt the Consent Agenda with the following modifications:*

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

*1. File #030793 - Matheson Museum, Inc. - (Remove from the Consent Agenda and place on the Regular Agenda for discussion).*

*2. File #030056 - Noise Ordinance-Boom Box Issues - (Modified Page in the Legislative Statement).*

**CITY MANAGER, CONSENT AGENDA ITEMS****030869            Donation of Land to Neighborhood Housing and Development Corporation (B)**

**RECOMMENDATION**    *The City Commission: 1) authorize a donation of Tax Parcels 11339-008-000 located at 720 SE 21st Street and Tax Parcel 16090-008-000 located at 2406 SE 11th Avenue to the Neighborhood Housing and Development Corporation for the public purpose of providing home-ownership opportunities to very-low and low-income families; and 2) authorize the Mayor and Clerk of Commission to execute all necessary documents to complete the transaction.*

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

**030870            Request for Reallocation of Recreation Funds for Cone Park Project (NB)**

**RECOMMENDATION**    *The City Commission: 1) reallocate the \$63,000 designated*

*for soccer field upgrades to the Cone Park Project; and 2) reallocate the \$8,400 street tree well funds to the Cone Park Project.*

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

**030871 Bid Award for Police Department Office and Supply Renovations (B)**

**RECOMMENDATION** *The City Commission: 1) Award the bid for the renovation of the Police Department office and supply renovations to LNCC, Inc.; 2) Authorize the City Manager or designee to execute all contract documents and issue a purchase order not to exceed amount of \$203,586.*

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

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

**030873 Murphree Water Treatment Plant Chlorination, Thickening, and Auxiliary Power Project (B)**

**RECOMMENDATION** *The City Commission 1) authorize the General Manager, or his designee, to execute a contract with Adams Robinson Enterprises, Inc. for construction of the Chlorination, Thickening, and Auxiliary Power Project at the Murphree Water Treatment Plant (WTP), and 2) approve the issuance of a purchase order to Adams Robinson Enterprises, Inc. in an amount not to exceed \$3,591,000.*

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

**030874 Approval of Purchase Orders to W.G. Johnson & Sons, Inc. for Proctor Dirt (NB)**

**RECOMMENDATION** *The City Commission authorize the General Manager, or his designee, to issue purchase orders totaling in excess of \$25,000 to W.G. Johnson & Sons, Inc. for delivered proctor dirt for FY 2004 in accordance with the contract.*

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

**CITY ATTORNEY, CONSENT AGENDA ITEMS**

**030868 SETTLEMENT OF CLAIM OF BOBBY AND JULIA DUNNELL (NB)**

**RECOMMENDATION** *The City Commission 1) approve the terms of the settlement; and 2) authorize the City Attorney to settle the claim of Bobby and Julia Dunnell on behalf of the City.*

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

**030877**

**HOUSING DISCRIMINATION COMPLAINTS HUD CASE NO. 04-04-0380-8 AND 6 PATRICIA A. JOHNSON V. KENNEDY HOMES; HUD CASE NO. 04-04-0376-8 AND 6 KAREN WILKES V. KENNEDY HOMES; HUD CASE NO. 04-04-0372-8 AND 6 CASSANDRA AKINS V. KENNEDY HOMES; HUD CASE NO. 04-04-0362-8 ODETTA THOMPSON V. KENNEDY HOMES; HUD CASE NO. 04-04-0366-8 AND 6 PAMELA FAIRLEY V. KENNEDY HOMES; HUD CASE NO. 04-04-0368-8 AND 6 GINA DAVIS V. KENNEDY HOMES; HUD CASE NO. 04-04-0371-8 AND 6 KEIRA C. FRISBEY V. KENNEDY HOMES; HUD CASE NO. 04-04-0370-8 AND 6 CARLETTA A. SMITH V. KENNEDY HOMES (B)**

**RECOMMENDATION** *The City Commission authorize the City Attorney, and/or special counsel if insurance coverage is available, to represent the City in the cases styled Patricia A. Johnson v. Kennedy Homes, HUD Case No.: 04-04-0380-8 and 6; Karen Wilkes v. Kennedy Homes, HUD Case No. 04-04-0376-8 and 6; Cassandra Akins v. Kennedy Homes, HUD Case No. 04-04-0372-8 and 6; Odetta Thompson v. Kennedy Homes, HUD Case No. 04-04-0362-8; Pamela Fairley v. Kennedy Homes, HUD Case No. 04-04-0366-8 and 6; Gina Davis v. Kennedy Homes, HUD Case No. 04-04-0368-8 and 6; Keira C. Frisbey v. Kennedy Homes, HUD Case No. 04-04-0371-8 and 6; Carletta A. Smith v. Kennedy Homes, HUD Case No. 04-04-0370-8 and 6.*

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

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

**030867**

**City Commission Minutes (B)**

**RECOMMENDATION** *The City Commission approve the minutes of January 26, 2004, as circulated.*

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

**030882**

**Special Meetings (NB)**

**RECOMMENDATION** *The City Commission: 1) schedule a workshop on February*

*16 at 6:00pm in Room 016 regarding the City Commission Planning Retreat; and 2) schedule a workshop on March 1 at 5:30pm in the City Commission Auditorium regarding Entrepreneurship Magnet School.*

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

## **EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**

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

## **PERSONNEL & ORGANIZATIONAL STRUCTURE COMM, CONSENT**

### **001261 Local Labor Use (B)**

**RECOMMENDATION** *The Personnel & Organizational Structure Committee recommends that the City Commission: 1) direct the City Attorney to draft a local preference ordinance; the Clerk of the Commission to advertise; and 3) to remove this item from the Personnel & Organizational Structure Committee referral list.*

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

### **030836 Reclassification of Positions Within the Public Works Department (B)**

**RECOMMENDATION** *Personnel & Organizational Structure Committee recommend the City Commission approve the reclassifications.*

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

### **030837 Establish the New Title, Community Relations Coordinator in the Occupational Index (B)**

**RECOMMENDATION** *Personnel & Organizational Structure Committee recommends that the City Commission approve the creation of the new job title, Community Relations Coordinator, in the Management and Professional Occupational Index.*

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

### **030838 Increase in Hours to the Cultural Affair Department's Program Assistant Position (B)**

**RECOMMENDATION** *Personnel & Organizational Structure Committee recommend the City Commission approve increasing the Cultural Affairs Department's Program Assistant position from 20 hours to 35 hours per week.*

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

## **PUBLIC SAFETY COMMITTEE, CONSENT**

### **030056 Noise Ordinance-Boom Box Issues (B)**

**RECOMMENDATION** *The Public Safety Committee recommends the City Commission 1) direct the City Attorney to draft a resolution that the City support the state enabling local governments to increase the provisions of the boom box initiatives, supporting increased penalties, through the State Legislative Delegation and/or Florida League of Cities sponsoring the boom box initiative presented by the City for the past two years, and 2) support the importance of funding Party Patrol during the upcoming City Commission budget sessions.*

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

## **Passed The Consent Agenda**

**A motion was made by Commissioner Nielsen, seconded by Commissioner Lowe, 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 Nielsen moved and Commissioner Lowe seconded to adopt the Regular Agenda with the following modification:  
(VOTE: 7-0, MOTION CARRIED)*

*1. File # 030876 Ad-Hoc Charter Officer E.O. Advisory Committee - New Recommendation: 1) Postpone making the final decision of the selection process until the February 23rd City Commission Meeting to be heard at the early 6:00 PM portion of the agenda; or 2) have a special meeting for the selection process*

## CHARTER OFFICER UPDATES

### CLERK OF THE COMMISSION

#### 030864 City Commission Referral List (B)

*MOTION: Approve the recommendations made to the City Commission Referral List including removing all referrals as recommended and taking the following additional action: 1) Add File #030785 "Regulation of Unwanted Advertisements, Handbills, and Circulars on Private Property" to the Public Safety Committee's referral list; 2) remove File # 030068 "Report of the Downtown Homeless Activities Committee" from the Recreation and Cultural Affairs Committee's referral list; 3) add a referral # 939824 "Fees Charged for use of the City's Athletic Fields" to the Recreation and Cultural Affairs Committee's referral list; and 4) add File #030977 SNG (Street Sweeper) Noise to the Public Safety Committee's referral list.*

**RECOMMENDATION** *The City Commission review the attached referral list, and take appropriate action.*

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

### CITY MANAGER

#### 030872 Federal Legislative Agenda for 2005 (B)

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

**RECOMMENDATION** *The City Commission: 1) hear a report from staff; 2) prioritize the projects, and 3) approve the recommended federal agenda.*

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

#### 030853 Update on Gainesville Police Department's Comprehensive Drug Plan (B)

*City of Gainesville Police Chief Norm Botsford and Lieutenant Bart Knowles gave*

*presentations.*

**RECOMMENDATION** *The City Commission hear an update by the Gainesville Police Department on the Comprehensive Drug Plan Program.*

**Heard**

**030884 School Board of Alachua County Courtesy Bussing (B)**

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

*AMENDMENT: 1) Request that the Mayor draft a letter to the Alachua County School Board expressing the City Commission's concern.*

*Chair Bussing recognized Barbara Gallant who spoke to the matter.*

**RECOMMENDATION** *The City Commission: 1) request the SBAC and the BCC to establish a Courtesy Bussing Committee to review the policy issues related to Courtesy Bussing; and 2) appoint a member of the City Commission to the Courtesy Bussing Committee.*

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

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

**030793 Amendment 1 to Purchase and Sale Agreement to the Alachua County Historic Trust: Matheson Museum, Inc. for the Acquisition of the Lofton Property (B)**

*Chair Bussing recognized Dr. Mark Barrow who gave a presentation.*

*AMENDMENTS: 1) Change the loan from a 10 year loan to a 20 year loan; and 2) change the interest rate from 4.27% to 4.61%.*

**RECOMMENDATION** *The City Commission: 1) approve Amendment 1 to Purchase and Sale Agreement; and 2) authorize the City Manager, or his designee, to execute all appropriate documents.*

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

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

**GENERAL MANAGER FOR UTILITIES**



**030410 Preliminary Integrated Resource Plan Results Update and Modifications (NB)**

*Gainesville Regional Utilities Assistant General Manager for Strategic Planning Ed Regan gave a presentation.*

*Chair Bussing recognized Citizens Marilyn Walker, Dian Deevey, Ken McGurn and Dr. David Harlos who spoke to the matter.*

*NOTE: Chair Bussing passed the gavel to Mayor-Commissioner Pro Tem Chestnut in order to make the following motion.*

*ADDITIONAL MOTION: Direct the utility to prepare a time line where the decision point is moved from the current schedule to six months additional time built in for these public workshops and public input.*

*(VOTE: 2-5, Mayor Bussing and Commissioner Lowe - Yes; Commissioners Domenech, Chestnut, Nielsen, Bryant, and Braddy - No, MOTION FAILED)*

*NOTE: The Clerk of the Commission to schedule 3 workshops to be held in the month of March, in the evening.*

*Chair Pro Tem Chestnut recognized Citizens Dian Deevey and Dr. David Harlos who spoke to the matter.*

**RECOMMENDATION** *The City Commission: 1) receive a brief presentation on the timing and process needed to develop a final Integrated Resource Plan (IRP) to meet Gainesville's electrical needs through 2022; 2) remove the 557 and 425 Megawatt base load capacity options from the solid fuel element of the Preliminary Integrated Resource Plan (IRP) previously approved on December 15, 2003; and 3) authorize Gainesville Regional Utilities withdrawal from the Public Power Solid-Fuel Power Plant Joint Development Project.*

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

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

**CITY ATTORNEY**

**CITY AUDITOR**

**EQUAL OPPORTUNITY DIRECTOR**

**COMMITTEE REPORTS (PULLED FROM CONSENT)**

## WAIVER OF RULES

*Commissioner Chestnut moved and Commissioner Nielsen seconded to waive the rules in order to take File # 030878 before File # 030584.  
(VOTE: 6-0, Commissioner Domenech - Absent, MOTION CARRIED)*

## OUTSIDE AGENCIES

### 030878      **Nomination - Library District Board of Trustees (B)**

*MOTION: The City Commission nominated Barbara Gallant, Carol Higman and Cathleen Mook for consideration for appointment to the Library District Governing Board.*

**RECOMMENDATION**    *The City Commission nominate three Board of Trustees applicants for consideration for appointment by the Library District Governing Board.*

**A motion was made by Commissioner Nielsen, 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, Rick Bryant and Craig Lowe  
Nay: Tom Bussing

## **FILE #030584 - REQUEST TO AMEND CITY OF GAINESVILLE ORDINANCE SECTION 19-80, PANHANDLING**

*The City Commission scheduled discussion on this item after 6:00 PM.*

## ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

## MEMBERS OF THE CITY COMMISSION

### 030880      **Commissioner Edward Braddy - Benchmarks and Baselines (NB)**

**RECOMMENDATION**    *The City Commission hear remarks from Commissioner Braddy regarding benchmarks and baselines.*

**Withdrawn**

### 030881      **Commissioner Warren Nielsen - Transportation (B)**

**RECOMMENDATION**    *The City Commission hear a presentation regarding transportation from Commissioner Warren Nielsen and take*

*action deemed appropriate.*

**No Action Taken**

**COMMISSION COMMENTS (if time available)**

**RECESS - 4:34 PM**

**RECONVENE - Approximately 5:35 PM**

**CITIZEN COMMENT**

**Steve Malu**

*Discrimination Issues*

**Gabe Kaimowitz**

- 1. EO Charter Officer Positions*
- 2. Kennedy Homes*

**Tom Cunilio**

*Renewable Energy/Waste Wood Energy*

**Mark Goldstein**

*GPD Response Issues/Combined Communication Center*

**Greg Norman**

*Ironwood Village - Low Income Housing*

**Kevin Claney**

*Ironwood Village - Low Income Housing*

**James Davis**

*Ironwood Village - Low Income Housing*

**Alana Rush**

*UF Students Voting in Upcoming Election*

**COMMISSION COMMENTS (if time available)****PLEDGE OF ALLEGIANCE (6:00pm)**

*Boy Scout Troop #307  
Ronald Spitznagel, Troop Leader*

**PROCLAMATIONS/SPECIAL RECOGNITIONS****030875 School Crossing Guard Appreciation Day - February 9, 2004 (B)**

**RECOMMENDATION** *Gainesville Police Department Chief of Police Norman B. Botsford and Police Service Technician Supervisory Trish Everitt to accept the proclamation.*

**Heard**

**WAIVER OF RULES**

*Commissioner Braddy moved and Mayor-Commissioner Chestnut seconded to waive the rules to take up File #030584 - "Panhandling" at this time. (Continued from the afternoon portion of the agenda).  
(VOTE: 6-1, Mayor Bussing - No, MOTION CARRIED)*

**PUBLIC SAFETY COMMITTEE****030584 Request to Amend City of Gainesville Ordinance Section 19-80, Panhandling (B)**

*City of Gainesville Police Sergeant Keith Kameg and Chief Norm Botsford gave presentations.*

*Chair Bussing recognized the following citizens who spoke to the matter:*

- 1. Alison Painter*
- 2. Rodney Long*
- 3. Nelson Robison*
- 4. Arupa Freeman*
- 5. Jay Anneaux*
- 6. Richard Ashbrook*
- 7. Todd Cooper*
- 8. Alison Cooper*
- 9. Bret Bostock*
- 10. Mark Sexton*
- 11. Bob Freeman*

12. Arthur Klein
13. Ken McGurn
14. Pat Fitzpatrick
15. Joe Jackson
17. Judith Chase
18. Roman Schultz
19. John Skelly
20. Harry Saxton
21. Rob Brinkman
22. Donald Hardman

*ORIGINAL MOTION: Commissioner Braddy moved and Commissioner Domenech seconded to approve the recommendation.  
(NO VOTE)*

*SUBSTITUTE MOTION: Commissioner Bryant moved and Commissioner Nielsen seconded to accept the City Attorney's draft.  
(VOTE: 7-0, MOTION CARRIED)*

*AMENDMENT TO SUBSTITUTE MOTION: Commissioner Lowe moved and Commissioner Nielsen seconded to strike (3) C (lines 41 & 42) on page 4, from the City Attorney's draft ordinance.  
(VOTE: 7-0, MOTION CARRIED)*

**RECOMMENDATION** *The City Commission 1) authorize the City Attorney to draft and the Clerk of the Commission to advertise an ordinance amending City of Gainesville Ordinance Section 19-80, in substantially the same form as attached, and 2) remove this item from the Public Safety Committee referral list.*

**Approved, as shown above**

## **PUBLIC HEARINGS**

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

**020719 PLANNED DEVELOPMENT AMENDMENT - YMCA NORTHWOOD BRANCH (B)**

**ORDINANCE NO. 0-03-27, PETITION NO. 121PDA-02PB**

**AN ORDINANCE OF THE CITY OF GAINESVILLE, FLORIDA;  
AMENDING THE PLANNED DEVELOPMENT COMMONLY KNOWN AS  
"YMCA NORTHWOOD BRANCH PLANNED DEVELOPMENT" LOCATED  
IN THE VICINITY OF 5200 N. W. 34TH STREET; BY AMENDING CITY OF  
GAINESVILLE ORDINANCE NOS. 4058 AND 3124 BY ADOPTING  
REVISED DEVELOPMENT PLAN MAPS AND A REVISED PLANNED**

**DEVELOPMENT REPORT; AMENDING AND ADOPTING ADDITIONAL CONDITIONS AND RESTRICTIONS; PROVIDING FOR PENALTIES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.**

*City of Gainesville Planner Bedez Massey and Agent for the Petitioner Stuart Cullen gave presentations.*

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

**A motion was made by Commissioner Domenech, seconded by Commissioner Bryant, 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  
Absent: Edward Braddy

**030464**

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

**Ordinance No. 0-04-01; Petition No. 128CPA-03 PB**

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

*City of Gainesville Senior Planner Onelia Lazzari gave a presentation.*

*Chair Bussing recognized Citizen Sarah Poll who spoke to the matter.*

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

**A motion was made by Commissioner Nielsen, seconded by Mayor-Commissioner Pro Tem Chestnut, that this matter be Approved (Petition) and 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

**030466**

**COMPREHENSIVE PLAN AMENDMENT TO IMPLEMENT PLAN EAST GAINESVILLE (B)**

**ORDINANCE NO. 0-04-20; PETITION 130 CPA-03 PB**

**AN ORDINANCE OF THE CITY OF GAINESVILLE, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT AND TRANSPORTATION ELEMENT**

**OF THE CITY OF GAINESVILLE 2000-2010 COMPREHENSIVE PLAN, TO IMPLEMENT CERTAIN LAND USE AND TRANSPORTATION-RELATED ASPECTS OF PLAN EAST GAINESVILLE; AMENDING GOAL 2 OF THE FUTURE LAND USE ELEMENT TO ADD A POLICY STATING SPECIFIC ELEMENTS THE CITY SHALL STRIVE TO IMPLEMENT FOR PLAN EAST GAINESVILLE; AMENDING GOAL 1 OF THE TRANSPORTATION MOBILITY ELEMENT TO ADD A POLICY STATING SPECIFIC ELEMENTS THE CITY SHALL STRIVE TO IMPLEMENT FOR PLAN EAST GAINESVILLE; PROVIDING DIRECTIONS TO THE CITY MANAGER; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

*City of Gainesville Chief of Comprehensive Planning Dean Mimms and Planning Manager Ralph Hilliard gave presentations.*

*Chair Bussing recognized Alachua County Commissioner Rodney Long who spoke to the matter.*

**RECOMMENDATION** *The City Commission: 1) approve Petition No. 130 CPA-03 PB; and 2) adopt the proposed ordinance.*

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

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

**030627**

**COMPREHENSIVE PLAN AMENDMENT - EXPANSION OF TCEA TO INCLUDE CERTAIN ANNEXED AREAS (B)**

**ORDINANCE NO. 0-04-18; PETITION 156LUC-03 PB**

**AN ORDINANCE AMENDING THE CITY OF GAINESVILLE 2000-2010 COMPREHENSIVE PLAN; CHANGING THE CITY OF GAINESVILLE FUTURE LAND USE, TRANSPORTATION MOBILITY AND CONCURRENCY ELEMENTS' MAP SERIES AND LEGAL DESCRIPTIONS TO EXPAND THE TRANSPORTATION CONCURRENCY EXCEPTION AREA (TCEA) TO INCLUDE CERTAIN ANNEXED AREAS; PROVIDING DIRECTIONS TO THE CITY MANAGER; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

*City of Gainesville Planner Onelia Lazzari gave a presentation.*

*NOTE: Chair Bussing left the meeting room at Mayor-Commissioner Pro Tem Chestnut assumed the gavel.*

*Chair Pro Tem Chestnut recognized Citizen Sarah Poll who spoke to the matter.*

**RECOMMENDATION**

*PB; and 2) Adopt the proposed ordinance.*

**A motion was made by Commissioner Bryant, seconded by Commissioner Lowe, that this matter be Approved (Petition) and Adopted on First Reading (Ordinance). The motion carried by the following vote:**

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

**030626 COLLEGE PARK SPECIAL AREA PLAN (B)**

**ORDINANCE NO. 0-04-19 PETITION 155TCH-03 PB**

**AN ORDINANCE OF THE CITY OF GAINESVILLE, FLORIDA, AMENDING APPENDIX A OF THE LAND DEVELOPMENT CODE, RELATING TO THE COLLEGE PARK MASTER PLAN AND REGULATING PLAN FOR NEW CONSTRUCTION; AMENDING PARAGRAPH (2) OF THE SUBSECTION ON BUILDING HEIGHT FOR NEW CONSTRUCTION, DECREASING THE DISTANCE BETWEEN FLOOR AND CEILING HEIGHT FROM 16 TO 10 FEET; PROVIDING A MAXIMUM HEIGHT OF 65 FEET; AMENDING APPENDIX A, SECTION 3 OF THE LAND DEVELOPMENT CODE INCORPORATING A SPECIFIC CHANGE FROM TYPE IV (CIVIC) TO TYPE I (SHOPFRONT/OFFICE/APARTMENT) FOR TAX PARCEL 14907-000-000 IN THE MAP OF THE COLLEGE PARK SPECIAL AREA PLAN; PROVIDING DIRECTIONS TO THE CODIFIER; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.**

*City of Gainesville Chief of Comprehensive Planning Dean Mimms gave a presentation.*

*NOTE: Mayor Bussing returned to the meeting room and assumed the gavel.*

**RECOMMENDATION** *The City Commission (1) approve Petition 155TCH-03 PB and (2) adopt the proposed ordinance.*

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

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

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

**030451 (QUASI-JUDICIAL) PLANNED DEVELOPMENT - NEWBERRY ROAD MEDICAL PLAZA (B)**

**ORDINANCE NO. 0-04-09, PETITION NO. 103PDV-03PB**



**AN ORDINANCE OF THE CITY OF GAINESVILLE, FLORIDA; REZONING CERTAIN LANDS WITHIN THE CITY AND AMENDING THE ZONING MAP ATLAS FROM "RSF-1: 3.5 UNITS/ACRE SINGLE-FAMILY RESIDENTIAL DISTRICT" TO "PLANNED DEVELOPMENT DISTRICT"; LOCATED IN THE VICINITY OF THE 4300 BLOCK OF NEWBERRY ROAD (SR26), SOUTH SIDE; COMMONLY KNOWN AS "NEWBERRY ROAD MEDICAL PLAZA"; 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.**

*Attorney for the Petitioner Ron Carpenter gave a presentation.*

*Chair Bussing recognized Citizen Jan Blackmore and Sarah Poll who spoke to the matter.*

*AMENDMENT TO RECONSIDERED MOTION: Amend the ordinance on Page 5, Line 40, that weekdays include Saturdays.*

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

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

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

**030462**

**(QUASI-JUDICIAL) PLANNED DEVELOPMENT - NAYLOR PUBLICATIONS (B)**

**ORDINANCE NO. 0-04-10, PETITION NO. 116PDA-03PB**

**AN ORDINANCE OF THE CITY OF GAINESVILLE, FLORIDA; AMENDING ORDINANCE NO. 980213 THAT AMENDED THE PLANNED DEVELOPMENT COMMONLY KNOWN AS "NAYLOR PUBLICATIONS, INC. " LOCATED IN THE VICINITY OF 5900 BLOCK OF NW 1ST PLACE; BY ADOPTING AN AMENDED DEVELOPMENT PLAN REPORT AND DEVELOPMENT PLAN MAPS; AMENDING CONDITIONS TO ALLOW LIGHTING IN THE VEHICULAR USE AREA UNDER CERTAIN CONDITIONS; 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 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

**030824            FOURTH BUDGET AMENDMENT - FY 2003 (B)**

**ORDINANCE NO. 0-04-07**

**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, AND 030289 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 Domenech, seconded by Mayor-Commissioner Pro Tem Chestnut, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:**

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

**RESOLUTIONS- ROLL CALL REQUIRED**

**PLAN BOARD PETITIONS**

**030755            PD Amendment with A Planned Development Layout Plan For Construction of a 150-foot Transmitter Tower Located at 6500 Newberry Road (Petition 160PDA-03 PB) (B)**

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

**RECOMMENDATION**    *City Plan Board to City Commission - The City Commission approve Petition 160PDA-03 PB, with conditions, as modified by the City Plan Board on January 15, 2004. Plan Board vote 5-0*

*Staff to Plan Board - Approve, with conditions.*

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

## DEVELOPMENT REVIEW BOARD PETITIONS

## SCHEDULED EVENING AGENDA ITEMS

### 030876 Ad Hoc Charter Officer Equal Opportunity Advisory Committee (B)

*NEW RECOMMENDATION: The City Commission: 1) Postpone making the final decision of the selection process until the February 23rd City Commission Meeting to be heard at the early 6:00 PM portion of the agenda; or 2) have a special meeting for the selection process.*

*Ad Hoc Charter Officer Equal Opportunity Advisory Committee Chair Pegeen Hanrahan gave a presentation.*

*MOTION: Commissioner Domenech moved and Commissioner Bryant seconded to go through the process as planned.  
(NO VOTE)*

*SECOND MOTION: Commissioner Lowe moved and Commissioner Nielsen seconded to hear public comment before the ranking.  
(VOTE: 7-0, MOTION CARRIED)*

*Chair Bussing recognized Dr. Kenneth Nunn who spoke to the matter.*

*WAIVER OF RULES: Mayor-Commissioner Pro Tem Chestnut moved and Commissioner Domenech seconded to waive the rules to extend the meeting until 11:15 PM.  
(NO VOTE)*

*NOTE: The Mayor continued the meeting to Wednesday, February 11, 2003 at 7:00 PM.*

*RECESS: February 9, 2004, 10:59 PM*

*RECONVENE: February 11, 2004, 7:04 PM*

*WAIVER OF RULES: Commissioner Domenech moved and Commissioner Chestnut seconded to waive the rules to take up Commissioner Braddy's item #030879 - Application Procedure -Affordable Housing.  
(VOTE: 6-0, Commissioner Bryant - Absent, MOTION CARRIED)*

*CITIZEN COMMENT: Chair Bussing recognized Citizens Reverend Milford Lewis Griner, Gabe Kaimowitz, Emily Browne, Rodney Long, Larry McDaniel, Charles*

*Chestnut, III, Steve Malu, Dr. Michael Bowie, Nkwanda Jah, Pegeen Hanrahan, Dr. Kenneth Nunn, Jeff McAdams, Al Alsobrook, D.J. Ferguson and Germaine Ferguson who spoke to the matter.*

*MOTION: Commissioner Domenech moved and Commissioner Braddy seconded that: 1) The Commissioners turn in their ranking of the candidates; 2) any Commissioners who wish to modify their previously submitted ranking, be permitted to do so; and 3) the Commission be provided with the combined ranking according to the consultant's process.*

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

*Chair Bussing recognized Al Alsobrook and Vivian Filer who spoke to the matter.*

*RECESS: 8:35 PM*

*RECONVENE: 8:53 PM*

*MAIN MOTION: Commissioner Domenech moved and Commissioner Braddy seconded that the Commission take the top 3 candidates Jimmie Williams, James Packwood and Carol Crawley, as originally ranked; and begin negotiations with Mr. Jimmie Williams as the new Charter Officer.*

*(VOTE: 4-3, Commissioner Domenech, Mayor Bussing, Commissioner Braddy, Commissioner Bryant - Yes; Commissioner Nielsen, Commissioner Lowe, and Mayor-Commissioner Pro Tem Chestnut - No, MOTION CARRIED)*

*SUBSTITUTE MOTION: Commissioner Lowe moved and Commissioner Nielsen seconded that the Commission re-vote between Mr. Jimmie Williams and Mr. James Packwood as the two highest candidates.*

*(VOTE: 1-6, Mayor Bussing - Yes; Commissioner Lowe, Commissioner Domenech, Mayor Commissioner Pro Tem Chestnut, Commissioner Nielsen, Commissioner Braddy, Commissioner Bryant - No, MOTION FAILED)*

*Mayor Bussing passed the gavel to Mayor-Commissioner Pro Tem Chestnut in order to make the following secondary substitute motion.*

*SECONDARY SUBSTITUTE MOTION: Chair Bussing moved and Commissioner Lowe seconded that the City Commission recognize James Packwood as the first choice for the Charter Officer position, Jimmie Williams as the second choice and Carol Crawley as the third choice*

*(VOTE: 1-6, Mayor Bussing - Yes; Commissioner Lowe, Commissioner Domenech, Mayor Commissioner Pro Tem Chestnut, Commissioner Nielsen, Commissioner Braddy, Commissioner Bryant- No; MOTION FAILED)*

*RECESS: 9:45 PM*

*RECONVENE: 9:53 PM*

*CITIZEN COMMENT TO THE PREVIOUS THREE MOTIONS: Chair Pro Tem Chestnut recognized Citizens Dr. Kenneth Nunn, Larry McDaniel, Emily Browne, Representative Ed Jennings, Rob Brinkman, Steve Malu, Germaine Ferguson, Rodney*

*Long, Joshua Dickinson, Pegeen Hanrahan, Jeff McAdams and D.J. Ferguson who spoke to the matter.*

*MOTION: Commissioner Bryant moved and Commissioner Domenech seconded to instruct Mayor-Commissioner Pro Tem Chestnut to negotiate terms and conditions of a contract with the first choice or the second choice of the ranking.  
(VOTE: 7-0, MOTION CARRIED)*

**RECOMMENDATION** *The City Commission: 1) Discuss ranking of candidates; 2) deliberate; 3) take public comments; and 4) vote.*

**Approved, as shown above**

## UNFINISHED BUSINESS

### **030879 Commissioner Edward Braddy - Application Procedure - Affordable Housing (NB)**

*Chair Bussing recognized Mr. Howard Wallace who gave a presentation.*

**RECOMMENDATION** *The City Commission hear remarks from Commissioner Braddy regarding the application procedure - affordable housing.*

**Heard**

## COMMISSION COMMENT

### **Commissioner Edward Braddy**

*Commissioner Braddy asked to withdraw File # 030880 "Benchmarks and Baselines" from the agenda.*

### **Mayor Tom Bussing**

*Saturn National Blood Donor Day*

## WAIVER OF RULES

*Commissioner Braddy moved and Commissioner Chestnut seconded to waive the rules to extend the time of adjournment to 11:10 PM.  
(VOTE: 6-0, Commissioner Domenech - Absent, MOTION CARRIED)*

### **Commissioner Warren Nielsen**

*Referral to the Public Works Committee, see following file #030945.*

**030945      Trash Collection Practices at Aparment Complexes (NB)**

**RECOMMENDATION**    *The City Commission refer the issue of trash collection practices at apartment complexes to the Public Works Committee.*

**A motion was made by Commissioner Nielsen, seconded by Commissioner Lowe, that this matter be Referred to the Public Works Committee. 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****Rodney Long**

*Support for new EO Charter Officer*

**Al Alsobrook**

*Support for new EO Charter Officer*

**Pegeen Hanrahan**

*Support for new EO Charter Officer*

**Michael Bowie**

*Support for new EO Charter Officer*

**Aneter Heard**

*Support for new EO Charter Officer*

**WAIVER OF RULES**

*Commissioner Nielsen moved and Commissioner Domenech seconded to waive the rules to extend the meeting for three more minutes and waive the rules in order for the Commission to make additional comments.*

*(VOTE: 6-1, Commissioner Chestnut - No, MOTION CARRIED)*

**ADDITIONAL COMMISSION COMMENT**

*Commissioner Nielsen moved and Commissioner Braddy seconded that the City Commission express unanimous support for the first Charter Officer for Equal Opportunity.*

*(MOTION WITHDRAWN)*

**ADJOURNMENT: 11:11 PM; February 11, 2004**

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Kurt M. Lannon, Clerk of the Commission